

**BEFORE THE MINNESOTA
BOARD OF PODIATRIC MEDICINE**

In the Matter of
Jonathon J. Dormish, D.P.M.
Applicant for Licensure

**STIPULATION AND
CONSENT ORDER**

IT IS HEREBY STIPULATED AND AGREED by Jonathon J. Dormish, D.P.M. ("Applicant"), and the Minnesota Board of Podiatric Medicine ("Board") as follows:

1. Applicant is subject to the jurisdiction of the Board under Minnesota Statutes sections 153.16, subd. 2(c) and 153.19, subd. 1.

FACTS

2. For the purposes of this stipulation, the Board finds the following:
- a. On July 6, 2009, while practicing as a licensed podiatrist in the State of Kansas, Applicant performed surgery on the wrong foot of a patient ("Patient #1").
 - b. On March 30, 2011, Applicant settled a legal claim brought on behalf of Patient #1. Applicant bore 50% of the responsibility for the incident. The facility bore the other 50% of the responsibility. Applicant paid Patient #1 \$67,500 to settle the claim.
 - c. On June 30, 1999 Applicant was licensed by the Colorado Board of Podiatry ("Colorado Board") to practice podiatric medicine in Colorado.
 - d. On June 7, 2013, the Colorado Board reprimanded Applicant for the incident described in Paragraph 2.a. above.
 - e. On June 26, 2014, Applicant applied for a license to practice podiatric medicine in the State of Minnesota.

REGULATIONS

3. The Board views Applicant's conduct as described in Paragraph 2. above to be in violation of statutes and rules enforced by the Board. Applicant agrees that the conduct cited above constitutes a violation of Minn. Stat. § 153.19, subd. 1(4) (disciplinary action in another state or jurisdiction); Minn. Stat. § 153.19, subd. 1 (7) (willful or careless disregard for the health, welfare, or safety of a patient); and Minn. Stat. § 153.19, subd. 1 (11) (failure to conform to the minimal standards of acceptable and prevailing practice) and constitutes a reasonable basis in law and fact to justify the disciplinary action provided for in the order.

REMEDY

4. Upon this stipulation and without any further notice or proceedings, the Board hereby **GRANTS** Applicant's application to practice podiatric medicine in the State of Minnesota under the following **CONDITIONS**:

a. Reprimand. Applicant is hereby **REPRIMANDED** for the conduct described in Paragraph 2. above.

b. Continuing Education. Within 30 days of the date this Stipulation and Consent Order is adopted by the Board, Applicant shall arrange to enroll in a course of continuing education dealing with the standards of acceptable and prevailing practice in podiatric medicine. Licensee shall complete the course within six (6) months from the date this Stipulation and Consent Order is adopted by the Board. All fees for the course shall be paid by Licensee. Successful completion of the continuing education course shall be determined by the Committee.

c. Additional Information. Applicant shall provide any additional relevant information reasonably requested by the Board.

5. The conditions upon Applicant's license shall be administratively removed upon Applicant's notification to the Board of his completion of the continuing education course as determined by the Committee. The removal is effective upon written notification to Applicant by the Board of the removal of the conditions.

6. It is Applicant's responsibility to ensure all payments, reports, evaluations, and documentation required to be filed with the Board pursuant to this Stipulation and Consent Order are timely filed by those preparing the report, evaluation, or documentation. Failure to file payments, reports, evaluations, and documentation on or before their due date is a violation of this Stipulation and Consent Order.

7. If Applicant fails to comply with or violates this Stipulation and Consent Order the Committee may, in its discretion, seek additional discipline either by initiating a contested case proceeding pursuant to Minnesota Statutes chapter 14 or by bringing the matter directly to the Board pursuant to the following procedure:

a. The Committee shall schedule a hearing before the Board. At least 20 days before the hearing, the Committee shall mail Applicant a notice of the violation(s) alleged by the Committee. In addition, the notice shall designate the time and place of the hearing. Within ten days after the notice is mailed, Applicant shall submit a written response to the allegations. If Applicant does not submit a timely response to the Board, the allegations may be deemed admitted.

b. The Committee, in its discretion, may schedule a conference with Applicant prior to the hearing before the Board to discuss the allegations and to attempt to resolve the allegations through agreement.

c. Prior to the hearing before the Board, the Committee and Applicant may submit affidavits and written argument in support of their positions. At the hearing, the Committee and Applicant may present oral argument. Argument shall not refer to matters outside the record. The evidentiary record shall be limited to the affidavits submitted prior to the hearing and this Stipulation and Consent Order. Unless stated otherwise in this Stipulation and Consent Order, the Committee shall have the burden of proving by a preponderance of the evidence that a violation has occurred. If Applicant has failed to submit a timely response to the allegations, Applicant may not contest the allegations, but may present argument concerning the appropriateness of additional discipline. Applicant waives a hearing before an administrative law judge, discovery, cross-examination of adverse witnesses, and other procedures governing hearings pursuant to Minnesota Statutes chapter 14.

d. Applicant's correction of a violation prior to the conference, hearing, or meeting of the Board may be taken into account by the Board but shall not limit the Board's authority to impose discipline for the violation. A decision by the Committee not to seek discipline when it first learns of a violation will not waive the Committee's right to later seek discipline for that violation, either alone or in combination with other violations, at any time while Applicant's license is suspended or the suspension is stayed.

e. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board will dismiss the allegations. If a violation is proved, the Board may impose additional discipline, including additional requirements for the stayed suspension, removal of the stayed suspension, an additional period of suspension, or revocation of Applicant's license.

8. Nothing herein shall limit the Committee's or the Board's right to temporarily suspend Applicant's license pursuant to Minnesota Statutes section 153.22, subdivision 2, based on a violation of this Stipulation and Consent Order or based on conduct of Applicant not specifically referred to herein. Similarly, nothing herein shall limit the Committee's or the Board's right to automatically suspend Applicant's license pursuant to Minnesota Statutes section 153.22, subdivision 4.

9. Within ten days of execution of this Stipulation and Consent Order, Applicant shall provide the Board with the addresses and telephone numbers of Applicant's residence and all agencies or facilities and locations at which Applicant has become employed or performs volunteer podiatric medicine. Applicant shall inform the Board within ten days if Applicant becomes employed at any additional agencies or facilities or moves and shall provide the new or additional address and telephone number.

10. Within ten days of execution of this Stipulation and Consent Order, Applicant shall provide the Board with the names of all states in which Applicant is licensed to practice podiatric medicine or has applied for licensure as a podiatrist.

11. Applicant waives the contested case hearing and all other procedures before the Board to which Applicant may be entitled under the Minnesota and United States constitutions, statutes, or rules.

12. Applicant waives any claims against the Board, the Minnesota Attorney General, the State of Minnesota, and their agents, employees, and representatives related to the investigation of the conduct herein, or the negotiation or execution of this Stipulation and Consent Order, which may otherwise be available to Applicant.

13. This Stipulation and Consent Order, the files, records, and proceedings associated with this matter shall constitute the entire record and may be reviewed by the Board in its consideration of this matter.

14. Either party may seek enforcement of this Stipulation and Consent Order in any appropriate civil court.

15. Applicant has read, understands, and agrees to this Stipulation and Consent Order and has voluntarily signed the Stipulation and Consent Order. Applicant is aware this Stipulation and Consent Order must be approved by the Board before it goes into effect. The Board may either approve the Stipulation and Consent Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Applicant, the Stipulation and Consent Order will take effect and the order as modified will be issued. If the changes are unacceptable to Applicant or the Board rejects the Stipulation and Consent Order, it will be of no effect except as specified in the following paragraph.

16. Applicant agrees that if the Board rejects this Stipulation and Consent Order or a lesser remedy than indicated in this settlement, and this case comes again before the Board, Applicant will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation and Consent Order or of any records relating to it.

17. This Stipulation and Consent Order shall not limit the Board's authority to proceed against Applicant by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of Applicant which constitutes grounds for disciplinary action and which is not directly related to the specific facts and circumstances set forth herein.

18. This Stipulation and Consent Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5. Data regarding this action will be provided to data banks as required by Federal law or consistent with Board policy. While this Stipulation and Consent Order is in effect, information obtained by the Board pursuant to this Order is considered active investigative data on a licensed health professional, and as such, is classified as confidential data pursuant to Minnesota Statutes section 13.41, subdivision 4.

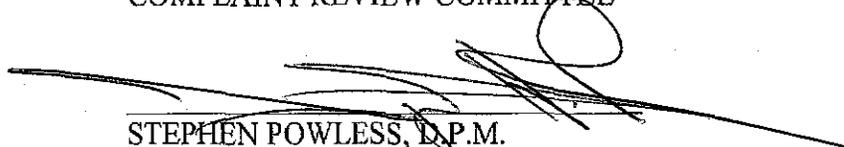
19. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation.

APPLICANT



JONATHON J. DORMISH, D.P.M.
Dated: 9/8/2014

COMPLAINT REVIEW COMMITTEE



STEPHEN POWLESS, D.P.M.
Dated: 11-11-14



MARGARET SCHREINER
Dated: 11-3-14

ORDER

Upon consideration of this stipulation and all the files, records, and proceedings herein

IT IS HEREBY ORDERED that Applicant is REPRIMANDED and that Applicant's application for licensure is GRANTED in a CONDITIONAL status and that all other terms of this stipulation are adopted and implemented by the Board this 20th day of December, 2014.

**MINNESOTA BOARD OF
PODIATRIC MEDICINE**



RUTH GREND AHL
Executive Director