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FILE COPY

State of Wisconsin
Before the Medical Examining Board

In the Matter of Disciplinary Proceedings Against

William Chalos, M.D.
Respondent
Case No. 91 MED 012

Final Decision and Order

The parties to this proceeding for purposes of s. 227.53, Stats., are:

William Chalos, M.D.
13270 Greymoor Road
Elm Grove WI 53122

Wisconsin Medical Examining Board
Department of Regulation and Licensing
P.O. Box 8935
Madison WI 53708

Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison WI 53708

The parties in this matter agree to the terms and conditions of the attached stipulation as the final decision of this matter. Accordingly, the Board adopts the Stipulation and makes the following:

FINDINGS OF FACT

1. Dr. William Chalos, born October 16, 1930, is licensed to practice medicine and surgery in the state of Wisconsin pursuant to a license granted on July 31, 1957. While Dr. Chalos was in active practice, he specialized in surgery.
2. On April 3, 1989, Dr. Chalos performed surgery on Patient R.C. to alleviate a herniated disk at level L4-5, and during the operation Dr. Chalos extended the incision to alleviate a herniated disk at level T11-12.

3. Dr. Chalos used a posterior approach in the operation, requiring him to retract the spinal cord to reach the disk at T11-12. During the operation, Dr. Chalos tore the dural sheath at T11-12, and inadvertently caused additional nerve injury at that level.
4. Patient R.C. sustained substantial paralysis, loss of bladder and bowel control, loss of abdominal reflexes, and constant burning pain in both legs as a result of the operation. Subsequent corrective surgery by another surgeon several days later was unsuccessful.
5. There have been no previous actions against Dr. Chalos during his career.

CONCLUSIONS OF LAW

1. The Medical Examining Board has jurisdiction in this matter pursuant to s. 448.02(3), Stats.
2. By performing the operation on Patient R.C. using an approach which required him to retract the spinal cord, Dr. Chalos engaged in a practice which tends to constitute a danger to the health, welfare and safety of a patient, in violation of s. MED 10.02(2)(h), Wis Admin. Code.

ORDER

Now, therefore, the license previously granted to William Chalos, M.D., is **LIMITED**, effective on the date of this Order, by the condition that Dr. Chalos may not perform any surgery on any patient above the level of the lumbar spine.

It is further ordered that pursuant to s. 448.02(4), Stats., if the Board determines that there is probable cause to believe that respondent has violated any term of this Final Decision and Order, the Board may order that the license and registration of respondent be summarily suspended pending investigation of the alleged violation.

Dated this 27th day of July, 1995.

Wisconsin Medical Examining Board


A Member of the Board

State of Wisconsin
Before the Medical Examining Board

In the Matter of Disciplinary Proceedings Against

William Chalos, M.D.
Respondent
Case No. 91 MED 012


Stipulation

It is hereby stipulated between William Chalos, M.D., personally and on his own behalf and James E. Polewski, Attorney for the Division of Enforcement, Department of Regulation and Licensing, as follows:


1. This stipulation is entered in resolution of the pending proceedings concerning Dr. Chalos' license. The Stipulation and the proposed Final Decision and Order shall be presented directly to the Medical Examining Board for its consideration and adoption.
2. In resolution of these proceedings, Dr. Chalos consents to the entry of the attached Final Decision and Order.
3. Dr. Chalos is aware of and understands each of his rights, including:
 - the right to a hearing on the allegations against him, at which the state would have the burden of proving the allegations by a preponderance of the evidence,
 - the right to confront and cross-examine the witnesses against him,
 - the right to call witnesses on his own behalf and to compel their attendance by subpoena,
 - the right to testify himself,
 - the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision,
 - the right to petition for rehearing,
 - the right to be represented at every stage of the proceeding, including the making of any stipulation, by an attorney of his choosing, at his own expense,
 - all other rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes and the Wisconsin Administrative Code.
4. Dr. Chalos is aware and understands that by signing this stipulation he voluntarily and knowingly waives the rights set forth in paragraph 3 above, and does voluntarily and knowingly waive those rights.

5. If the terms of this stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Medical Examining Board assigned as an advisor in this investigation may appear before the Board for the purpose of speaking in favor of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.


William Chalos, M.D.

7/20/95
Date


James E Polewski
Attorney
Division of Enforcement

July 17 1995
Date

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

THE STATE OF WISCONSIN MEDICAL EXAMINING BOARD.

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

JULY 31, 1995.

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)