

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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**FILE COPY**

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY :  
PROCEEDINGS AGAINST :

DANIEL F. CICHON, D.O. :  
RESPONDENT. :

FINAL DECISION AND ORDER  
95 MED 063

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The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Daniel F. Cichon, D.O.  
12231 West Whiteoak Drive  
Greenfield, WI 53228

Wisconsin Medical Examining Board  
P.O. Box 8935  
Madison, WI 53708-8935

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

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Daniel F. Cichon, D.O., date of birth August 7, 1949, is a physician duly licensed and currently registered to practice medicine and surgery in the state of Wisconsin, pursuant to license #22934, which was first issued July 1, 1980.

2. That on August 22, 1991, Respondent was disciplined pursuant to a Final Decision and Order issued by the Wisconsin Medical Examining Board.

3. That among other things, the August 22, 1991 discipline was based upon Respondent having been convicted of fourth degree sexual assault for having had sexual contact with a patient on August 24, 1989, without the patient's consent.

4. That the August 22, 1991 Order suspended Dr. Cichon's license to practice for a period of five years, but stayed all but the first 60 days of the suspension. The Order also

imposed the following conditions upon Dr. Cichon's license to practice medicine, for the remainder of the stayed suspension:

- a. He was required to have a female assistant (who was not his spouse) present in the room during the entire time of any physical examination or treatment of female patients.
- b. He was required to continue in and participate in all components of his psychotherapy, with his psychologist.
- c. He was required to have his medical practice be reviewed by another physician who would submit formal written reports to the Medical Examining Board every 90 days.
- d. He was required to continue in treatment for his alcohol and chemical dependency.

5. On September 2, 1992, at Respondent's request, and with the support of Respondent's psychologist, the Medical Examining Board modified the limited license by eliminating the requirement for continued psychotherapy and by decreasing the frequency of required drug screens to twice per month.

6. On September 2, 1993, at Respondent's request and with the support of Respondent's supervising physician, the Medical Examining Board, modified the limitations on Respondent's license by removing the requirement for review of Respondent's medical charts by another physician.

7. On May 26, 1994, at Respondent's request, the Medical Examining Board removed all limitations and restrictions on Respondent's license, which were to have remained in effect until September 21, 1996. Respondent represented to the Medical Examining Board that he was seeking employment with the United States Department of Veterans Affairs and they would not employ him unless he had a full unrestricted license.

8. On March 6, 1995, the Department of Regulation and Licensing, Division of Enforcement, was notified that there was a criminal investigation of Respondent in the city of Milwaukee regarding an alleged sexual assault of a patient.

9. On March 7, 1995, a criminal complaint was filed against Respondent in Milwaukee County Circuit Court charging Respondent with third degree sexual assault, a class D felony, for conduct in violation of sec. 940.225(3), Stats.

10. The criminal complaint alleges that on February 28, 1995, at 1308 West Lincoln Avenue, Milwaukee, Wisconsin, Respondent fondled a person's vagina and that Respondent inserted his finger into that person's vagina without her consent. The criminal complaint further alleges that Respondent stated to a police officer that he got carried away and inserted his finger into the person's vagina; that he knew what he did was wrong and that he knew he needs help. The February 28, 1995 incident took place at Respondent's office; the adult citizen described in the criminal complaint was a patient of Respondent; and, there was no medical purpose for Respondent to have touched her vagina or inserted his finger in her vagina.

### CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to sec. 448.02(3), Stats.
2. The Wisconsin Medical Examining Board has authority to enter into the stipulated resolution of this matter pursuant to secs. 227.44(5) and 448.02(5), Stats.
3. That Respondent's conduct on February 28, 1995, as described above, is unprofessional conduct as defined by sec. 448.02(3), Stats., and Wis. Adm. Code sec. MED 10.02(2)(h).

### ORDER

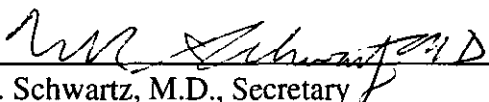
NOW, THEREFORE, IT IS HEREBY ORDERED that the surrender by Daniel F. Cichon, D.O. of his license to practice medicine and surgery in the state of Wisconsin, is hereby accepted effective immediately.

IT IS FURTHER ORDERED, that Respondent is prohibited from reapplying for a license to practice medicine and surgery for five years from the date of this Order.

IT IS FURTHER ORDERED, that if after five years Respondent applies for a license to practice medicine and surgery in the state of Wisconsin, it shall be solely in the discretion of the Wisconsin Medical Examining Board whether to grant Respondent any license, and if the Board determines to grant Respondent a license, the Board may impose whatever limitations the Board deems reasonable and appropriate. The Respondent shall not have any right to be relicensed after five years and any denial, in whole or in part, shall not be considered a denial for which Respondent is entitled to a hearing pursuant to sec. 227.01(3)(a) or 227.51, Stats.

The rights of a party aggrieved by this Decision to petition the Board for rehearing and to petition for judicial review are set forth on the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin this 23rd day of March, 1995.

  
W.R. Schwartz, M.D., Secretary  
Wisconsin Medical Examining Board

JRZ:lmf  
DOE-BLG1330

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
DANIEL F. CICHON, D.O.,	:	95 MED 063
RESPONDENT.	:	

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It is hereby stipulated and agreed, by and between, Daniel F. Cichon, D.O., Respondent; Paul J. Gossens of Gossens & George, S.C.; as attorneys for Respondent; and, John R. Zwieg, as attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending investigation of Respondent by the Department of Regulation and Licensing, Division of Enforcement on behalf of the Wisconsin Medical Examining Board (file 95 MED 063).

2. Respondent understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those 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 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; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.

3. Respondent is aware of his right to legal representation, and has obtained such representation, prior to signing this stipulation.

4. Respondent agrees to surrender his license to practice medicine and surgery in the state of Wisconsin, with the terms set out in the attached Final Decision and Order.

5. The Division of Enforcement agrees not to seek the summary suspension of Respondent's license to practice medicine and surgery in the state of Wisconsin, and in return the Respondent agrees not to practice medicine or surgery until the Medical Examining Board has the opportunity to consider and accept the surrender of Respondent's license at the Board's meeting of March 23, 1995.


6. Respondent agrees to the adoption of the attached Final Decision and Order by the Medical Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

7. 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.

8. The parties to this stipulation agree that the Respondent, his attorney, and the attorney for the Division of Enforcement may appear before the Board for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

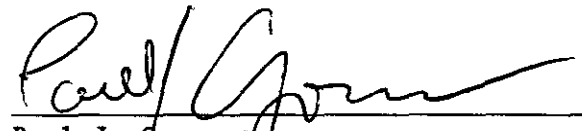
9. The parties to this stipulation agree that the member of the Board appointed as the investigative advisor in this matter may appear before the Board in open or closed session for the purposes of speaking in support of this agreement and answering questions that the members of the Board may have in connection with their deliberations on the stipulation.

Dated this 14 day of March, 1995.



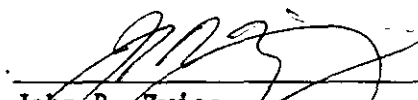
Daniel F. Cichon, D.O.  
Respondent

Dated this 14 day of March, 1995.



Paul J. Gossens  
Gossen & George, S.C.  
Attorneys for Respondent

Dated this 20 day of March, 1995.

  
John R. Zwieg  
Attorney for Complainant  
Department of Regulation & Licensing  
Division of Enforcement

WPPJRZ-191

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## NOTICE OF APPEAL INFORMATION

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**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:**

MARCH 28, 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.)