

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



## **Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions**

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

### **Please read this agreement prior to viewing the Decision:**

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>.
- Records not open to public inspection by statute are not contained on this website.

**By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.**

**Correcting information on the DRL website:** An individual who believes that information on the website is inaccurate may contact the webmaster at [web@drl.state.wi.gov](mailto:web@drl.state.wi.gov)

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

FILE COPY

IN THE MATTER OF  
DISCIPLINARY PROCEEDINGS AGAINST

ANTHONY P. DALTON, M.D.

Respondent

ORDER DENYING PETITION

On December 14, 1995, the Medical Examining Board issued its Final Decision and Order in the above-captioned matter. By the terms of the board's order, respondent's license to practice medicine and surgery in Wisconsin was suspended for a period of not less than four years, with provision for successive three-month stays of the suspension conditioned upon compliance with certain conditions and limitations on the license. Among these were that respondent participate in a recognized program for the treatment of chemical dependency, that he participate in individual and/or group therapy a minimum of once each month, that he submit to random urine screens for the presence of alcohol and controlled substances, and that he provide for quarterly written reports from his supervising physician or therapist and the monitoring program. The effective date of the board's Order was December 14, 1995.

On January 24, 1996, the board found probable cause to believe that on December 30, 1995, respondent was arrested in La Crosse, Wisconsin for operating a motor vehicle while intoxicated; and that he had thereby violated the terms of the Final Decision and Order of the December 14, 1995, Order. It was therefore ordered that the stay of suspension of the license be terminated, and his license was suspended, effective January 30, 1996.

By letter dated February 8, 1996, respondent petitioned the board for reinstatement of the stay of suspension of his license. Respondent appeared before the board in support of the petition on February 22, 1996, and the board denied the petition by its Order dated March 1, 1996.

By letter dated January 9, 1997, respondent again requested reinstatement of the stay of suspension of his license, and he appeared before the board at its meeting of January 23, 1997, in support of his request. The board considered the matter on that date, and denied the request by its Order dated February 3, 1997.

By letter dated March 3, 1997, Dr. Dalton once more petitioned for stay of the suspension of his license, and he once more appeared before the board in support of the petition at the board's meeting of April 23, 1997. The board considered the petition on that date and denied the petition by its Order dated May 5, 1997.

Dr. Dalton next appeared before the board seeking reinstatement of his license on July 24, 1997; this time represented by Attorney Jeff Scott Olson. Also appearing in support of Dr. Dalton was Dean E. Whiteway, M.D., Dr. Dalton's therapist. The board considered the petition for reinstatement of the stay on that date, and orders as follows:

### ORDER

NOW, THEREFORE, IT IS ORDERED that the petition of Anthony P. Dalton, M.D., for a stay of the suspension of his license be, and hereby is, denied

### DISCUSSION

Dr. Dalton finally appears to be in compliance with the limitations established by the board's December 14, 1995, Final Decision and Order. He has not, however, been in compliance a sufficient period of time to meet the requirement iterated and reiterated in the board's previous three Orders that "Dr. Dalton must demonstrate some significant period of compliance with the program required by the board's December 14, 1995, Final Decision and Order before the board will be comfortable in reissuing a stay of suspension."

There is another significant obstacle to a conclusion by the board that reinstatement of the stay of Dr. Dalton's license is appropriate. At his appearance before the board, Dr. Dalton alleged that at the time of his last previous arrest for operating a vehicle while intoxicated on December 29, 1995, that incident was the first instance of drinking since 1993. The report of an assessment done at Franciscan Behavioral Health following Dr. Dalton's admission on January 9, 1996, states as follows:

Client reports that he had been in treatment for alcoholism in 1988 and then remained sober for approximately 5 years before suffering a 2 day relapse in 1993 shortly after being divorced from his second wife. Client states that after that brief relapse he was then sober again until one month ago when he began drinking 2-4 drinks on a daily basis before finally going out and getting very intoxicated on the night of his O.W.I. arrest.

Dr. Dalton had no satisfactory explanation as to this discrepancy in the two accounts.

Moreover, Dr. Dalton represented to the board on July 24, 1997, that he had not driven while intoxicated on the night of December 29, 1995, but was merely sitting in his vehicle preparatory to walking to a hotel. The police report of the incident includes the following:

I then contacted the driver, and it should be noted that the car was running with the keys in the ignition, and the driver was sleeping. . . . I then asked Mr. Dalton why he was sleeping in his car, and he said it was because he was going home, and I asked how he got to where he was and he said he came from Viroqua and was driving around and just stopped there. . . . Mr. Dalton throughout this time would repeatedly ask myself and Officer Korn if there was something we could do to help him go because we were ruining his life. He then said "I pulled over because I didn't want to see anybody get hurt." He repeated this phrase several times throughout our contact.

In a letter to the board dated February 21, 1996, from Jean Strobel, Chemical Dependency Counselor with Hazelden treatment center, Ms. Strobel commented on Dr. Dalton's treatment at Hazelden in 1996 as follows:

Anthony Dalton participated fully in the Residential Continued Care Program at Hazelden from February 12, 1996 to February 21, 1996. He completed his treatment plan addressing his lack of surrender and lack of acceptance. He participated on a men's unit and

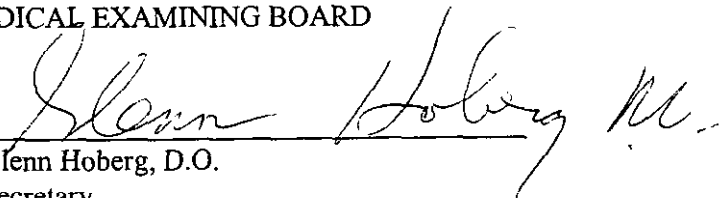
confronted some of his denial He will need to continue to address issues of powerlessness and surrender.

Based upon Dr. Dalton's appearance before the board, the board would certainly concur in that assessment, and concludes that the public health and safety require that Dr. Dalton not yet be permitted to resume his practice

Dated this 31 day of July, 1997.

STATE OF WISCONSIN  
MEDICAL EXAMINING BOARD

by

  
Glenn Hoberg, D.O.  
Secretary

STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING  
BEFORE THE MEDICAL EXAMINING BOARD

In the Matter of the Disciplinary Proceedings Against

Anthony P. Dalton, M.D.,

AFFIDAVIT OF MAILING

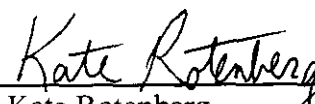
Respondent.

STATE OF WISCONSIN    )  
                                  )  
COUNTY OF DANE        )

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:


1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On August 5, 1997, I served the Order Denying Petition dated July 31, 1997 upon the Respondent Anthony P. Dalton's attorney by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent's attorney and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 221 157 416.

Jeff Scott Olson, Attorney  
44 E. Mifflin Street, Suite 403  
Madison WI 53701-2206

  
\_\_\_\_\_  
Kate Rotenberg  
Department of Regulation and Licensing  
Office of Legal Counsel

Subscribed and sworn to before me

this 5<sup>th</sup> day of August, 1997.

  
\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission is permanent

---

---

## 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:**

STATE OF WISCONSIN MEDICAL EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

**The Date of Mailing this Decision is:**

August 5, 1997

### 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.)