

# WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF THE DISCIPLINARY  
PROCEEDINGS AGAINST:

ALLAN D. BELDEN, M.D.,  
RESPONDENT

FINAL DECISION AND ORDER  
LS0102212MED

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The parties to this action for the purposes of § 227.53, Stats., are:

Allan D. Belden, M.D.  
2700 W. College Avenue #9  
P.O. Box 344  
Appleton, WI 54914

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 Medical Examining 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. Allan D. Belden, M.D., Respondent, date of birth November 11, 1936, is licensed and currently registered by the Medical Examining Board to practice medicine and surgery in the state of Wisconsin, pursuant to license number 15998, which was first granted July 12, 1967.
2. Respondent's last address reported to the Department of Regulation and Licensing is 2700 W. College Avenue #9, P.O. Box 344, Appleton, Wisconsin 54914.
3. Respondent specializes in psychiatry.
4. On March 23, 1999, a federal grand jury in the United States District Court-Eastern District of Wisconsin indicted Respondent, in Case No. 99-CR-54, on 16 counts of mail fraud based upon Respondent having "devised and executed a scheme to defraud, whereby he enriched himself by maximizing reimbursements from private insurance programs by submitting false claims for services he did not perform."
5. A court trial was held on the criminal charges and on August 29, 2000, the honorable Rudolph T. Randa, U.S. District Judge, found Respondent guilty on all counts of the indictment.

6. Sentencing in the criminal matter was originally scheduled to be held on December 1, 2000, but was subsequently rescheduled to December 21, 2000 and then to February 8, 2001.

7. In early February 2001, Respondent's attorney, Thomas M. Dawson, filed motions in the criminal matter. One motion sought a hearing to determine Respondent's mental competency. Another sought an order postponing the sentencing beyond February 8, 2000 so that an initial hearing on Respondent's competency could be held. In the motions, Respondent's attorneys contended that Respondent is "presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense."

8. Attorney Dawson filed his own affidavit of February 2, 2001 in support of the motions in the criminal matter. Attorney Dawson's affidavit says, among other things:

- a. "Dr. Belden told me during the week of Jan. 24, 2001 that he feared he suffered dementia."
- b. "I am certain that these medications and mental health problems are making it impossible for Dr. Belden to properly assist in his own defense. Nor does Dr. Belden seem to understand the consequences of the proceedings. At times, he does not appear to understand sentencing."
- c. "From my contacts with Dr. Belden I have serious concern about his competence to go forward at this time."

9. Attorney Dawson also filed a February 1, 2001 affidavit of Dr. Edward S. Orman in support of the motions in the criminal matter. Dr. Orman's affidavit says, among other things:

- a. "I am Dr. Allan 'Luke' Beldens (sic.) psychiatrist and have seen him as a patient since 1994."
- b. "He continues to be anxious and depressed and I believe that his higher executive functions are impaired."
- c. "Therefore, I feel at the present time his ability to assist with counsel in his own defense is seriously impaired and, in fact, he is unable to assist his counsel in self-defense at the present time."

10. The court rescheduled proceedings to February 15, 2001 to hear Respondent's motions. On February 15, the court set the matter over to a later date so that a full mental health assessment of Respondent could be conducted.

11. Because of his mental health condition, Respondent is not currently able to practice under his license with reasonable skill and safety to patients and is not practicing medicine and surgery.

12. Respondent agrees to surrender his license to practice medicine and surgery, under the conditions set out in the Order, below.

CONCLUSIONS OF LAW

1. The Medical Examining Board has jurisdiction over this matter pursuant to

§ 448.02(3), Stats.

2. The Wisconsin Medical Examining Board has authority to enter into this stipulated resolution of this matter pursuant to § 227.44(5), Stats.

3. Respondent, by obtaining professional fees by fraud, has committed unprofessional conduct as defined by § 448.02(3), Stats., and Wis. Adm. Code § MED 10.02(2)(m).

4. Respondent, by violating a law the circumstances of which substantially relate to the circumstances of the practice of medicine, has committed unprofessional conduct as defined by § 448.02(3), Stats., and Wis. Adm. Code § MED 10.02(2)(z).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The surrender by Allan D. Belden, M.D., Respondent, of his license to practice medicine and surgery in the state of Wisconsin is hereby accepted, effective immediately.

2. If Respondent ever petitions the Board for a license to practice medicine and surgery:

Mental Health Status

- a. Respondent shall, at Respondent's own expense, have undergone an assessment by a mental health care practitioner, who has not treated Respondent.
- b. The practitioner performing the assessment must have been approved by the Board, with an opportunity for the Division of Enforcement (Division) to make its recommendation, prior to the evaluation being performed.
- c. Prior to the completion of the evaluation, the Division shall have had the opportunity to provide the practitioner with any information the practitioner shall request or that the Division believes will be helpful to the practitioner in performing the evaluation.
- d. Respondent shall consent that the Division and the Board have access to the evaluation report, and all information from which the practitioner prepared the report and the opportunity to discuss the evaluation and the report with the practitioner.
- e. The Board must be satisfied that Respondent can practice with reasonable skill and safety of patients and public.

Fraud

- f. Prior to the Board acting on Respondent's petition, Respondent shall notify the Division of the request and the Division shall have the opportunity to disclose to the Board all available information regarding the alleged fraud and make a recommendation to the Board regarding Respondent's petition.

Board Action on Petition

- g. Following receipt of the mental health evaluation and the Division's recommendation, it shall be in the sole discretion of the Board whether to elect to license Respondent, with or without limitations, or to deny Respondent's petition.
- h. If Respondent believes that the Board's denial of license is inappropriate or that any limitation imposed by the Board is inappropriate, Respondent may seek a class 1 hearing pursuant to § 227.01(3)(a), Stats., in which the burden shall be on Respondent to show that the Board's decision is arbitrary or capricious. The Board's denial of license or limitations placed on Respondent's license shall remain in effect until there is a final decision in Respondent's favor on the issue.

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 21st day of FebruaryOctober, 2001.

Sidney Johnson, M.D. Wanda Roever

Secretary

Medical Examining Board