

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
CAROLYN G. NEWTON, M.D.,	:	ORDER 0000255
RESPONDENT.	:	

[Division of Enforcement Case No. 10 MED 117]

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Carolyn G. Newton, M.D.
6415 203rd Avenue
Bristol, WI 53104

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Wisconsin Medical Examining Board
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

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 adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Carolyn G. Newton, M.D., Respondent, date of birth July 22, 1940, is duly licensed and currently registered to practice medicine and surgery in the state of Wisconsin under license number 28035-20. This license was first granted on December 24, 1986.
2. Respondent's last address reported to the Department of Regulation and Licensing is 6415 203rd Avenue, Bristol, Wisconsin 53104.

3. Dr. M. is a physician licensed to practice medicine in Wisconsin, and her specialty is neurology. Dr. M. reports that she saw Respondent as a patient between April 2009 and April 2010, after Respondent suffered a left frontal lobe ischemic infarction and several subsequent strokes. According to Dr. M., Respondent's present condition meets diagnostic criteria for vascular dementia, and Respondent is not competent to practice medicine at this time. Neuropsychiatric examinations indicate that Respondent has impaired executive functioning, and "significant deficits in short-term memory for verbal and visual information." Between March and April, 2010, Respondent was hospitalized due to symptoms of severe depression and suicidal ideation, which remain.

4. Respondent has a medical condition which renders her unable to safely and reliably practice medicine at this time.

5. Respondent has, for medical reasons, entrusted her brother, Howard Newton, to act on her behalf in legal matters. Both Respondent and Mr. Howard Newton, have agreed to the terms and conditions of the attached Stipulation.

CONCLUSIONS OF LAW

The Wisconsin Medical Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. § 448.02(3), and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. § 227.44(5).

ORDER

1. The SURRENDER by Carolyn G. Newton, M.D., Respondent, of her registration to practice as a physician in the state of Wisconsin and her right to renew that registration is hereby ACCEPTED.

2. If Respondent ever makes application to the Board for registration:

a. Whether to grant registration and whether to impose any limitations or restrictions on any license or registration shall be in the discretion of the Board.

3. The Division Administrator has waived the costs of this proceeding.


4. This Order is effective on the date of its signing.

Wisconsin Medical Examining Board

By:


A Member of the Board

Date


6/16/10

STATE OF WISCONSIN
BEFORE MEDICAL EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

CAROLYN G. NEWTON, M.D.,
RESPONDENT.

STIPULATION

ORDER 0000 255

Division of Enforcement Case No. 10 MED 117

It is hereby stipulated and agreed, by and between Howard Newton, on behalf of Carolyn G. Newton, M.D., Respondent; and Sandra L. Nowack, 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's licensure by the Division of Enforcement (case No. 10 MED 117).
2. Respondent suffers from vascular dementia, which has left her unable to manage her own legal affairs. Respondent's brother, Howard Newton, holds Respondent's power of attorney. Respondent has, verbally and in writing, personally stated her intent to surrender registration of her license to practice medicine. Respondent has indicated that she understands that surrender of her registration means that she can no longer practice medicine in Wisconsin. Respondent has further instructed her brother, Howard Newton, to execute this Stipulation on her behalf.
3. Respondent, through and with Howard Newton, understands that by signing this Stipulation Respondent voluntarily and knowingly waives her rights, including: the right to a hearing on the allegations against her, 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 her; the right to call witnesses on her behalf and to compel their attendance by subpoena; the right to testify herself; 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 her under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.
4. Respondent, through and with Howard Newton, has been provided an opportunity to obtain the advice of legal counsel prior to signing this stipulation.
5. Respondent, through and with Howard Newton, 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.

6. 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 consideration of this attempted resolution.

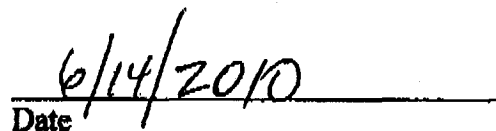
7. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Medical Examining Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of the Respondent or her attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such Board advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

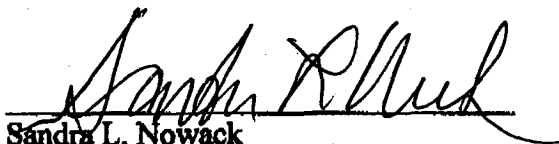
8. Respondent and Howard Newton are informed that should the Board adopt this Stipulation, the Board's final decision and order is a public record and will be published in accordance with standard Department procedure.

9. The Division of Enforcement joins Howard Newton and Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

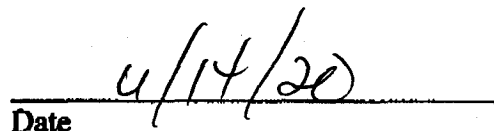
 POA

Mr. Howard Newton
1850 80th Street East
Inver Grove Heights, WI 55077
Personal representative of
Carolyn G. Newton, M.D.
Respondent
6415 203rd Avenue
Bristol, WI 53104

 6/14/2010
Date



Sandra L. Nowack
Prosecuting Attorney
State Bar No. 1025643
Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708

 6/14/2010
Date