

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
ROLANDO M. TONG, M.D., :  
RESPONDENT. :

**0005520**

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Division of Legal Services and Compliance Case No. 17 MED 186

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

Rolando M. Tong, M.D.  
2215 State Road 17  
P.O. Box 668  
Chama, NM 87520-0668

Wisconsin Medical Examining Board  
P.O. Box 8366  
Madison, WI 53708-8366

Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190  
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Medical Examining Board (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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Rolando M. Tong, M.D. (DOB March 15, 1949), is licensed by the State of Wisconsin to practice medicine and surgery, having license number 36529-20, first issued on April 28, 1995, with registration current through October 31, 2017. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 2215 State Road 17, P.O. Box 668, Chama, New Mexico 87520-0668.

2. Respondent was also licensed (license no. 89-109) by the New Mexico Medical Board (NM Board) to practice medicine and surgery.

3. At all times pertinent to this matter Respondent engaged in the general practice of medicine.

4. In October 1997, Respondent was disciplined by the Board in matter 96 MED 285 based on evidence that he provided controlled substances to former patients in the context of engaging in, or offering to engage in, sexual activity.

5. In January 2017, the NM Board revoked Respondent's license to practice medicine based, in part, on the following:

- a. Respondent's previous discipline with the Wisconsin Medical Examining Board;
- b. Respondent's inappropriate (boundary) interactions with a patient;
- c. Respondent's failure to maintain accurate and complete medical records;
- d. Respondent's disclosure of confidential patient health information without the patient's consent or legal authority ; and
- e. Respondent's videotaping of a patient in a health care setting without obtaining the patient's authorization or consent.

6. Respondent failed to report to the Board the disciplinary action taken against him by the NM Board.

7. Respondent elects to surrender his Wisconsin license to practice medicine and surgery because he has no plans to relocate or return to practice in the State of Wisconsin.

8. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

#### CONCLUSIONS OF LAW

1. 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 pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent Rolando M. Tong, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(3)(a) by failing, within 30 days, to report to the board any final adverse action taken against the licensee's authority to practice medicine and surgery by another licensing jurisdiction concerned with the practice of medicine and surgery.

3. By the conduct described in the Findings of Fact, Respondent Rolando M. Tong, M.D., engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(3)(c) by having any credential pertaining to the practice of medicine and surgery or any act constituting

the practice of medicine and surgery become subject to adverse determination by any agency of this or another state, or by any federal agency or authority.

4. As a result of the above conduct, Rolando M. Tong, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.

2. The PERMANENT SURRENDER by Rolando M. Tong, M.D., of his license to practice medicine and surgery in the State of Wisconsin (license no. 36529-20) and any appurtenant right to renew that license, is hereby accepted, effective the date of this Order.

3. This surrender constitutes Respondent's permanent relinquishment of his right to practice medicine and surgery in the State of Wisconsin. The Board will not, at any time in the future, process or otherwise consider an application or attempt at renewal by Respondent of credentials necessary to practice medicine and surgery in the state of Wisconsin.

4. If Respondent ever seeks any other license under Wis. Stat. chs. 440-480, Rolando M. Tong, M.D., shall, as a prerequisite to application, pay COSTS of this matter in the amount of \$276.00. If Respondent never again seeks licensure in Wisconsin, the Department waives the above-stated costs.

5. If applicable, payment of costs would be made payable to the Wisconsin Department of Safety and Professional Services and sent to the Department Monitor at the address below:

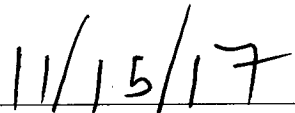
Department Monitor  
Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190, Madison, WI 53707-7190  
Telephone (608) 267-3817; Fax (608) 266-2264  
DSPSMonitoring@wisconsin.gov

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

WISCONSIN MEDICAL EXAMINING BOARD

by:

 MD  
\_\_\_\_\_  
A Member of the Board

  
\_\_\_\_\_  
Date

STATE OF WISCONSIN  
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
ROLANDO M. TONG, M.D.,	:	
RESPONDENT.	:	<b>0005520</b>

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Division of Legal Services and Compliance Case No. 17 MED 186

Respondent Rolando M. Tong, M.D., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, 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 Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- 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 Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (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.

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 then be returned to the Division

Stipulation  
In the matter of disciplinary proceedings against  
Rolando M. Tong, M.D., Case No. 17 MED 186

of Legal Services and Compliance for further proceedings. In the event that the 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 or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is 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.

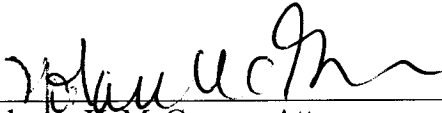
8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



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Rolando M. Tong, M.D., Respondent  
2215 State Road 17  
P.O. Box 668  
Chama, NM 87520-0668  
License no. 36529-20

10/11/17

\_\_\_\_\_  
Date



\_\_\_\_\_  
Yolanda Y. McGowan, Attorney  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison, WI 53707-7190

10/18/17

\_\_\_\_\_  
Date