COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS. BOARD OF REGISTRATION

 IN MEDICINE

 ADJUDICATORY NO. 2020-001

 )

In the Matter of )

 )

DALE J. WALLINGTON, M.D. )

 )

# CONSENT ORDER

Dale J. Wallington, M.D. (Respondent) and the Complaint Counsel agree that the Board of Registration in Medicine (Board) may issue this Consent Order with all the force and effect of a Final Decision within the meaning of 801 C.M.R. 1.01(11)(d). The Respondent admits to the findings of fact described below and agrees the Board may make conclusions of law and impose a sanction in resolution of Docket No. 19-245.

# BIOGRAPHICAL INFORMATION

1. The Respondent was born on October 14, 1959. He is a 1989 graduate of the University of Connecticut School of Medicine. The Respondent has been licensed to practice medicine in Massachusetts since October 14, 1992 under certificate number 76818. His license in Massachusetts is currently inactive and has been in inactive status since 2003.

### FINDINGS OF FACT

1. The Respondent holds an active license in the State of Connecticut.
2. On May 21, 2019, the Connecticut Medical Examining Board (CT Board) took disciplinary action against the Respondent’s license due to his care and treatment of one patient (Patient 1).
3. The Respondent treated Patient 1 at various times between October 2008 and August 2017. The CT Board determined that the care he rendered to Patient 1 failed to meet the standard of care in several ways: he performed an inadequate and/or incomplete diagnostic evaluation upon intake and/or upon interim re-assessment; during the entire course of care, he failed to devise and/or implement strategies to prevent abuse of the prescribed medications; he initially and/or continuously prescribed an excessive dose and/or duration of Alprazolam and/or other benzodiazepine medications; and he failed to discern and/or mitigate Patient 1’s substance abuse. See CT Board Order attached as Exhibit A and incorporated herein by reference.

**CONCLUSIONS OF LAW**

1. The Respondent has violated 243 CMR 1.03(5)(a)12, by having been disciplined in another jurisdiction in any way by the proper licensing authority for reasons substantially the same as those set forth in M.G.L. c. 112, § 5 or 243 CMR 1.03(5), specifically:

1. The Respondent has engaged in conduct that undermines the public confidence in the integrity of the medical profession, in violation of the standards set forth in Levy v. Board of Registration in Medicine, 378 Mass. 519 (1979) and Raymond v. Board of Registration in Medicine, 387 Mass. 708 (1982).

1. The Respondent has engaged in conduct which would violate M.G.L. c. 94C, § 19(a), which requires that physicians issue prescriptions for controlled substances for a legitimate purpose and in the usual course of the physician’s medical practice; and
2. The Respondent has engaged in conduct which would violate M.G.L. c. 112, §5, eighth par. (c) and 243 CMR 1.03(5)(a)3, which provide that the Board may discipline a physician upon proof satisfactory to a majority of the Board, that said physician engaged in conduct that places into question the physician's competence to practice medicine, including but not limited to gross misconduct in the practice of medicine, or practicing medicine fraudulently, or beyond its authorized scope, or with gross incompetence, or with gross negligence on a particular occasion or negligence on repeated occasions.

**SANCTION**

The Respondent’s license is hereby Reprimanded, and the Respondent is hereby ordered to enter into a Probation Agreement requiring compliance with the terms and conditions of the Connecticut Probation Agreement.

**EXECUTION OF THIS CONSENT ORDER**

Complaint Counsel, the Respondent, and the Respondent’s counsel agree that the approval of this Consent Order is left to the discretion of the Board. The signature of Complaint Counsel, the Respondent, and the Respondent’s counsel are expressly conditioned on the Board accepting this Consent Order. If the Board rejects this Consent Order in whole or in part, then the entire document shall be null and void; thereafter, neither of the parties nor anyone else may rely on these stipulations in this proceeding.

As to any matter in this Consent Order left to the discretion of the Board, neither the Respondent, nor anyone acting on his behalf, has received any promises or representations regarding the same.

The Respondent waives any right of appeal that he may have resulting from the Board’s acceptance of this Consent Order.

The Respondent shall provide a complete copy of this Consent Order with all exhibits and attachments within ten (10) days by certified mail, return receipt requested, or by hand delivery to the following designated entities: any in- or out-of-state hospital, nursing home, clinic, other licensed facility, or municipal, state, or federal facility at which he practices medicine; any in- or out-of-state health maintenance organization with whom he has privileges or any other kind of association; any state agency, in- or out-of-state, with which he has a provider contract; any in- or out-of-state medical employer, whether or not he practices medicine there; the state licensing boards of all states in which he has any kind of license to practice medicine; the Drug Enforcement Administration Boston Diversion Group; and the Massachusetts Department of Public Health Drug Control Unit. The Respondent shall also provide this notification to any such designated entities with which he becomes associated within one year of the imposition of the reprimand. The Respondent is further directed to certify to the Board within ten (10) days that he has complied with this directive.

The Board expressly reserves the authority to independently notify, at any time, any of the entities designated above, or any other affected entity, of any action it has taken.

Signed by Dale J. Wallington, M.D. 1/9/20

Dale J. Wallington, M. D. Date

Respondent

Signed by Jeffrey W. Colman 1/9/20

Jeffrey W. Colman, Esq. Date

Attorney for Respondent

Signed by Stephen C. Hoctor 1/9/20

Stephen C. Hoctor Date

Complaint Counsel

So ordered by the Board of Registration in Medicine this 9th day of January, 2020.

 Signed by Candace Lapidus Sloane, M.D.

 Candace Lapidus Sloane, M.D.

 Board Chair

To obtain a copy of the out-of-state disciplinary order, please contact the appropriate state’s medical licensing board directly. A list of state medical boards and contact information is available at <https://www.fsmb.org/contact-a-state-medica-board/>. You may also obtain a copy of the out-of-state disciplinary order by submitting a public records request (PRR) with the Massachusetts Board of Registration in Medicine. PRR forms and additional information can be found at <https://www.mass.gov/board-of-registration-in-medicine-public-records>.