COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS. Board of Registration in Medicine

Adjudicatory Case No. 2020-001

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In the Matter of )

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DALE J. WALLINGTON, M.D. )

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**STATEMENT OF ALLEGATIONS**

The Board of Registration in Medicine (Board) has determined that good cause exists to believe the following acts occurred and constitute a violation for which a licensee may be sanctioned by the Board. The Board therefore alleges that Dale J. Wallington, M.D. (Respondent) has practiced medicine in violation of law, regulations, or good and accepted medical practice as set forth herein. The investigative docket number associated with this order to show cause isDocket 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 American Board of Preventive Medicine has certified him in Addiction Medicine and the American Board of Psychiatry and Neurology has certified him in Psychiatry. 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.

Factual Allegations

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.

Legal Basis for Proposed Relief

1. Pursuant to 243 CMR 1.03(5)(a)12, the Board may discipline a physician upon proof satisfactory to a majority of the Board, that said physician has 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)—to wit:
   1. Pursuant to Levy v. Board of Registration in Medicine, 378 Mass. 519 (1979) and Raymond v. Board of Registration in Medicine, 387 Mass. 708 (1982), the Board may discipline a physician upon proof satisfactory to a majority of the Board, that said physician lacks good moral character and has engaged in conduct that undermines the public confidence in the integrity of the medical profession;
   2. M.G.L. c. 94C, § 19(a), which requires that physicians issue prescriptions for controlled substances for legitimate purpose and in the usual course of the physician’s medical practice; and
   3. Pursuant to M.G.L. c. 112, §5, eighth par. (c) and 243 CMR 1.03(5)(a)3, 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.

The Board has jurisdiction over this matter pursuant to G.L. c. 112, §§ 5, 61 and 62. This adjudicatory proceeding will be conducted in accordance with the provisions of G.L. c. 30A and 801 CMR 1.01.

Nature of Relief Sought

The Board is authorized and empowered to order appropriate disciplinary action, which may include revocation or suspension of the Respondent's license to practice medicine. The Board may also order, in addition to or instead of revocation or suspension, one or more of the following: admonishment, censure, reprimand, fine, the performance of uncompensated public service, a course of education or training or other restrictions upon the Respondent's practice of medicine.

# Order

Wherefore, it is hereby **ORDERED** that the Respondent show cause why the Board should not discipline the Respondent for the conduct described herein.

By the Board of Registration in Medicine,

Signed by Candace Lapidus Sloane, M.D.

Candace Lapidus Sloane, M.D.

Board Chair

Date: January 9, 2020

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>.