



***New York State Board for Professional Medical Conduct***

433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

Antonia C. Novello, M.D., M.P.H., Dr. P.H.  
Commissioner  
NYS Department of Health

Dennis P. Whalen  
Executive Deputy Commissioner  
NYS Department of Health

Dennis J. Graziano, Director  
Office of Professional Medical Conduct

Kendrick A. Sears, M.D.  
Chair

Michael A. Gonzalez, R.P.A.  
Vice Chair

Ansel R. Marks, M.D., J.D.  
Executive Secretary

*Public*

October 31, 2006

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Edward P. Dalton, M.D.  
57 Greenfield Street  
Manchester, NH 03104

Re: License No. 119815

Dear Dr. Dalton:

Enclosed is a copy of Modification Order #BPMC 06-106 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect November 7, 2006.

**If the penalty imposed by this Order is a surrender, revocation or suspension, you are required to deliver your license and registration within five (5) days of receipt of this Order to the Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.**

Sincerely,

Ansel R. Marks, M.D., J.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

NEW YORK STATE DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER  
OF  
EDWARD P. DALTON, M.D.

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MODIFICATION  
ORDER

BPMC No. #06-106

Upon the proposed Application for a Modification Order of **EDWARD P. DALTON, M.D.**, (Respondent) for Consent Order, that is made a part of this Modification Order, it is agreed to and

ORDERED, that the attached Application, and its terms, are adopted SO ORDERED, and it is further

ORDERED, that this Modification Order shall be effective upon issuance by the Board, either by mailing of a copy of this Modification Order, by either first class mail, to Respondent at the address in the attached Application or certified mail to Respondent's attorney, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 10-30-2006



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KENDRICK A. SEARS, M.D.  
Chair  
State Board for Professional  
Medical Conduct

STATE OF NEW YORK : DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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**IN THE MATTER**  
**OF**  
**EDWARD P. DALTON, M.D.**

**APPLICATION TO**  
**MODIFY CONSENT ORDER**  
**BMPC No. 06-106**

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**EDWARD P. DALTON, M.D.**, (Respondent) deposes and says:

That on or about April 14, 1974, I was licensed to practice as a physician in the State of New York, having been issued License No. 119815 by the New York State Education Department.

My current address is 57 Greenfield Street, Manchester, NH 03104.

I am currently subject to CONSENT ORDER BMPC No. 06-106, dated May 9, 2006, annexed hereto, made a part hereof, and marked as Exhibit I (hereinafter "Original Order"), that was issued upon a Consent Agreement and Order signed by me on May 1, 2006, (hereinafter "May 1, 2006, Agreement"), adopted by the Original Order.

I apply, hereby, to the State Board for Professional Medical Conduct for a Modification Order (hereinafter "Modification Order"), modifying the Original Order, as follows: to delete the language in the Original Order that states:

" Respondent shall comply fully with the January 10, 2006, Agreement of the New Hampshire Board and any extension or modification thereof."

" Respondent shall provide a written authorization for the New Hampshire Board to provide the Director of OPMC with any/all information or documentation as requested by OPMC to enable OPMC to determine whether Respondent is in compliance with the New Hampshire Order."

" Respondent shall submit semi-annually a signed Compliance Declaration to the Director of OPMC, which truthfully attests whether Respondent has been in compliance with the New Hampshire Order during the declaration period specified."

“ Should I return to the practice of medicine in New York state or in any other jurisdiction where that practice is predicated on my New York state medical license to practice prior to my license being fully restored by the State of New Hampshire, I shall provide ninety (90) days notice in writing, to the Director, OPMC. The Director in his sole discretion, may impose whatever limitations, or further conditions, he deems reasonable.”

“ That Respondent shall maintain active registration of Respondent’s license with the New York State Education Department, Division of Professional Licensing Services (except during periods of actual suspension), and shall pay all registration fees. This condition shall take effect thirty (30) days after the Consent Order’s effective date and will continue so long as Respondent remains licensed in New York State; and”

substituting therefore:

“I shall never activate my registration to practice medicine in New York state or seek to reapply for a license to practice medicine in New York state.”

The Modification Order to be issued will not constitute a new disciplinary action against me, but will substitute the proposed language for the above described language in the Original Order.

I make this Application of my own free will and accord and not under duress, compulsion or restraint, and seek the anticipated benefit of the requested Modification. In consideration of the value to me of the acceptance by the Board of this Application, I knowingly waive my right to contest the Original Order or the Modification Order for which I apply, whether administratively or judicially, and ask that the Board grant this Application.

I understand and agree that the attorney for the Department, the Director of the Office of Professional Medical Conduct, and the Chair of the State Board for Professional Medical Conduct each retain complete discretion either to enter into the proposed Agreement and Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

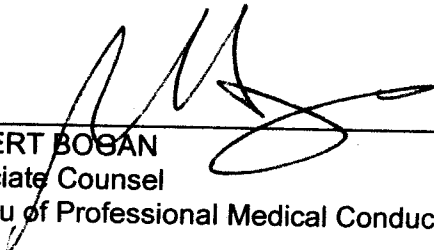
AFFIRMED:

DATED: 10.22.06

  
EDWARD P. DALTON, M.D.  
Respondent

The undersigned agree to the attached application of Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 24 October 2006

  
ROBERT BOSAN  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 27 October 2006

  
DENNIS G. GRAZIANO  
Director  
Office of Professional Medical Conduct



***New York State Board for Professional Medical Conduct***

*433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863*

Antonia C. Novello, M.D., M.P.H., Dr. P.H.  
*Commissioner  
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*Executive Deputy Commissioner  
NYS Department of Health*

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Kendrick A. Sears, M.D.  
*Chairman*

Michael A. Gonzalez, R.P.A.  
*Vice Chair*

Ansel R. Marks, M.D., J.D.  
*Executive Secretary*

May 10, 2006

***CERTIFIED MAIL-RETURN RECEIPT REQUESTED***

Edward P. Dalton, M.D.  
57 Greenfield Street  
Manchester, NH 03104

RE: License No. 119815

Dear Dr. Dalton:

Enclosed is a copy of Order #BPMC 06-106 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect May 17, 2006.

**If the penalty imposed by this Order is a surrender, revocation or suspension, you are required to deliver your license and registration within five (5) days of receipt of this Order to:**

Board for Professional Medical Conduct  
New York State Department of Health  
Hedley Park Place, Suite 303  
433 River Street  
Troy, New York 12180

If the penalty imposed by the Order is a fine, please write the check payable to the New York State Department of Health. Noting the BPMC Order number on your remittance will assist in proper crediting. Payments should be directed to the following address:

**Bureau of Accounts Management  
New York State Department of Health  
Corning Tower, Room 1258  
Empire State Plaza  
Albany, New York 12237**

Sincerely,

A handwritten signature in black ink, appearing to read "A. Marks", written in a cursive style.

**Ansel R. Marks, M.D., J.D.  
Executive Secretary  
Board for Professional Medical Conduct**

STATE OF NEW YORK : DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER  
OF  
EDWARD P. DALTON, M.D.  
CO-06-02-0844-A

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CONSENT  
AGREEMENT  
AND ORDER

**EDWARD P. DALTON, M.D.**, (Respondent) representing that all of the following statements are true, deposes and says:

That on or about April 14, 1974, I was licensed to practice as a physician in the State of New York, and issued License No. 119815 by the New York State Education Department.

My current address is 57 Greenfield Street, Manchester, NH 03104, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address thirty (30) days, thereof.

I understand that the New York State Board for Professional Medical Conduct has charged me with two (2) specifications of professional misconduct.

A copy of the Statement of Charges, marked as Exhibit "A", is attached to and part of this Consent Agreement.

I do not contest the two (2) specifications, in full satisfaction of the charges against me, and agree to the following penalty:

Censure and Reprimand; and  
a \$1,000.00 fine.

The fine is to be paid within thirty (30) days of the effective date of this Order to The NYS Department of Health, Bureau of Accounts Management, Revenue Unit, Empire State Plaza, Corning Tower, Room 1258, Albany, NY 12237-0016.

Respondent shall comply fully with the January 10, 2006, Agreement of the New Hampshire Board and any extension or modification thereof.



Respondent shall provide a written authorization for the New Hampshire Board to provide the Director of OPMC with any/all information or documentation as requested by OPMC to enable OPMC to determine whether Respondent is in compliance with the New Hampshire Order.

Respondent shall submit semi-annually a signed Compliance Declaration to the Director of OPMC, which truthfully attests whether Respondent has been in compliance with the New Hampshire Order during the declaration period specified.

Should I return to the practice of medicine in New York state or in any other jurisdiction where that practice is predicated on my New York state medical license to practice prior to my license being fully restored by the State of New Hampshire, I shall provide ninety (90) days notice in writing, to the Director, OPMC. The Director in his sole discretion, may impose whatever limitations, or further conditions, he deems reasonable.

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall maintain active registration of Respondent's license with the New York State Education, Department Division of Professional Licensing Services (except during periods of actual suspension), and shall pay all registration fees. This condition shall take effect thirty (30) days after the Consent Order's effective date and will continue so long as Respondent remains licensed in New York State; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigations of all matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Order shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that if I am charged with professional misconduct in the future, this Consent Agreement and Order shall be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.


I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the Public Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first. The Order, this agreement, and all attached Exhibits shall be public documents, with only patients identities, if any, redacted.

I stipulate that the proposed sanction and Order are authorized by Public Health Law Sections 230 and 230-a and that the Board for Professional Medical Conduct and the Office of Professional Medical Conduct have the requisite powers to carry out all included terms. I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and ask that the Board adopt this Consent Agreement.

AFFIRMED:

DATED: 5-1-06

  
EDWARD P. DALTON, M.D.  
Respondent

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions thereof.

DATE: 2 May 2006

  
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**ROBERT BOGAN**  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: DB May 2006

  
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**DENNIS J. GRAZIANO**  
Director  
Office of Professional Medical Conduct

STATE OF NEW YORK : DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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**IN THE MATTER**  
**OF**  
**EDWARD P. DALTON, M.D.**  
**CO-06-02-0844-A**

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**STATEMENT**  
**OF**  
**CHARGES**

**EDWARD P. DALTON, M.D.**, Respondent, was authorized to practice medicine in New York state on April 14, 1974, by the issuance of license number 119815 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about January 10, 2006, the State of New Hampshire, Board of Medicine (hereinafter "New Hampshire Board"), by a Settlement Agreement (hereinafter "New Hampshire Agreement"), REPRIMANDED Respondent, required him to meaningfully participate in 12 hours of CME in the areas of pain management, maintenance of medical records, prescribing Schedule II narcotics, and treatment of medical colleagues, and imposed a \$1,000.00 administrative fine, based on prescribing the Schedule II drug, Hydrocodone, for a patient between January 1998 and March 1999 and failing to maintain a patient treatment record for the patient or otherwise document the rational for such prescriptions.

B. The conduct resulting in the New Hampshire Board disciplinary action against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York State law:

1. New York Education Law §6530(3) (negligence on more than one occasion);  
and/or
2. New York Education Law §6530(32) (failure to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient).

**SPECIFICATIONS**  
**FIRST SPECIFICATION**

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state, where the conduct upon which the finding was based, would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:


1. The facts in Paragraphs A and/or B.

**SECOND SPECIFICATION**

Respondent violated New York Education Law §6530(9)(d) by having disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action, would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

2. The facts in Paragraphs A and/or B.

DATED: *April 11*, 2006  
Albany, New York

  
PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional Medical Conduct

NEW YORK STATE DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER  
OF  
EDWARD P. DALTON, M.D.

CONSENT  
ORDER

BPMC No. #06-106

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Upon the application of EDWARD P. DALTON, M.D., (Respondent) in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and it is further

ORDERED, that this Order shall be effective upon issuance by the Board, either by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR upon facsimile transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATED: 5-9-06



KENDRICK A. SEARS, M.D.  
Chair  
State Board for Professional  
Medical Conduct