

Professional Health Program which required Respondent to abstain from the use of any illegal drugs, alcohol, or other potentially addicting drugs or medications. On September 6, 2022, the Board received a letter, dated September 1, 2022 from the ND Professional Health Program stating Respondent was a potentially impaired physician due to relapse. As a result of receiving the above information, on October 11, 2022, Respondent entered into a non-practice agreement with the Board.

V.

The facts described above constitute grounds for discipline because those facts establish Respondent is subject to disciplinary action pursuant to the provisions of N.D.C.C. § 43-17-30.1 based upon Respondent's violations of the North Dakota Medical Practice Act, for: (1) having a physical or mental disability materially affecting his ability to perform the duties of a physician in a competent manner as delineated in N.D.C.C. § 43-17-31(1)(e), and (2) for failing to comply with the physician health program as described by N.D.C.C. § 43-17-31(1)(dd).

VI.

WHEREFORE, Complainant respectfully requests Respondent, Michael J. Dallolio, M.D., be disciplined for his violations of N.D.C.C. § 43-17-31 and seeks an appropriate sanction(s) for those violations as authorized by N.D.C.C. § 43-17-30.1. Complainant also respectfully requests that the Board be awarded its costs and attorney's fees in having to bring this action pursuant to N.D.C.C. § 43-17-31.1.

NOTICE: Respondent must answer this Complaint within twenty days after service of the complaint or the allegations may be deemed admitted and may result in a default order revoking the subject's license. Such answer must be served in the manner allowed for service under the North Dakota Rules of Civil Procedure.

Dated this 28th day of October, 2022.

By

Stacy M. Moldenhauer

Stacy M. Moldenhauer (ID #06293)
Special Assistant Attorney General
smoldenhauer@smithporsborg.com
122 E. Broadway Avenue
P.O. Box 460
Bismarck, ND 58502-0460
Phone: (701) 258-0630
Facsimile: (701) 258-6498

Attorney for: North Dakota Board of
Medicine – Investigative Panel A

BEFORE THE BOARD OF MEDICINE

STATE OF NORTH DAKOTA

North Dakota Board of Medicine –)
Investigative Panel A,)
)
Complainant,)
)
vs.)
)
Michael J. Dallolio, M.D.)
)
Respondent.)

STIPULATION

WHEREAS, the Panel A of the North Dakota Board of Medicine (hereinafter “the Board”) issued a Complaint requesting Respondent be disciplined for his violations of the North Dakota Medical Practice Act pursuant to N.D.C.C. § 43-17-31(1). In addition, the Board requested it be awarded its costs and attorney’s fees in accordance with N.D.C.C. § 43-17-31.1.

WHEREAS, the Respondent admits service of the Summons and Complaint and agrees the allegations in the Complaint are true and are grounds for disciplinary action by the North Dakota Board of Medicine.

WHEREAS, Respondent also agrees the terms of this Stipulation are appropriate;

THEREFORE, IT IS HEREBY agreed by and between the parties to this action and the North Dakota State Board of Medicine:

1. The Respondent hereby waives any procedural irregularity herein and his right to a hearing on the Complaint now pending in this action;
2. The Respondent agrees his license to practice medicine in the State of North Dakota should be indefinitely suspended. However, Respondent has the ability to re-apply for licensure with the North Dakota Board of Medicine. Any application for licensure will be subject to the sole discretion of the Board.

3. Respondent shall be responsible for paying the costs and attorney's fees incurred by the Board in the investigation and prosecution of this action in an amount not to exceed \$4,000. The Board will notify Respondent of any such costs within a reasonable time after the Stipulation is approved by the Board and Respondent shall make full payment or set up a payment plan with the Board within (30) days from receiving such notification.

4. If Respondent shall fail, neglect, or refuse to comply with any of the terms, provisions, or conditions herein, the Board shall take action against the Respondent that is in accordance with the law.

5. In the event the Board, in its discretion, does not approve this settlement, this Stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any disciplinary action by either party hereto except that Respondent agrees that should the Board reject this Stipulation, and if this case proceeds to hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation or of any records relating hereto.

6. This agreement for the disposition of the above-entitled contested case is a matter of public record and the obligations of the Board with respect thereto shall be governed by the laws of North Dakota and current Board policy.

7. All parties hereto recognize that the Board representatives who have engaged in discussions relative to an agreed disposition of this matter can only make recommendations to the North Dakota Board of Medicine, which recommendations can in no way be considered as binding upon the full membership of the Board who would ultimately decide the pending contested case, and this agreement is subject to acceptance by the full membership of the Board.

8. Respondent understands he has the right and has been afforded the opportunity to

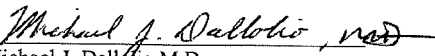
have this agreement reviewed by an attorney and has hired Briana L. Rummel to represent him in this matter.

9. Respondent specifically waives any claim that any disclosures made to the full membership of the Board for the purposes of consideration of this agreement have prejudiced his right to a fair and impartial hearing in the event that this agreement is not accepted by the full Board and if further proceedings ensue.


10. Respondent further agrees there have been no inducements, threats or promises made in order to obtain his entry into this agreement.

11. The parties further agree that all statements contained herein are based upon the facts known to the Board on the date of execution of this agreement.

Date this 10 day of November, 2022.


Michael J. D'Alloio M.D.

Dated this 18 day of November, 2022.

By 
Stacy M. Moldenhauer (ID #06293)
Special Assistant Attorney General
smoldenhauer@smithporsborg.com
122 East Broadway Avenue
P.O. Box 460
Bismarck, ND 58502-0460
Phone: (701) 258-0630
Facsimile: (701) 258-6498

BEFORE THE BOARD OF MEDICINE
STATE OF NORTH DAKOTA

North Dakota Board of Medicine –)
Investigative Panel A,)
)
Complainant,)
)
vs.)
)
)
Michael J. Dallolio, M.D,)
)
)
Respondent.)

ORDER

WHEREAS, Investigative Panel A of the North Dakota Board of Medicine issued a Complaint requesting Respondent be disciplined for his violations of the North Dakota Medical Practice Act pursuant to N.D.C.C. § 43-17-31(1) for having a physical or mental disability materially affecting his ability to perform the duties of a physician in a competent manner as delineated in N.D.C.C. § 43-17-31(1)(e), and for failing to comply with the physician health program as described by N.D.C.C. § 43-17-31(1)(dd). In addition, the Board requested it be awarded its costs and attorney’s fees in accordance with N.D.C.C. § 43-17-31.1.

WHEREAS, Respondent and Investigative Panel A entered into a voluntary Stipulation dated November 18, 2022, wherein Respondent admitted the allegations in the Complaint were true and were grounds for discipline.

WHEREAS, the North Dakota Board of Medicine finds that the terms of that Stipulation are an appropriate disposition of this case.

IT IS HEREBY ORDERED THAT:

1. Respondent's license to practice medicine in the State of North Dakota is indefinitely suspended.

2. Respondent has the ability to re-apply for licensure with the North Dakota Board of Medicine. Any application for licensure will be subject to the sole discretion of the Board.

3. Respondent is required to pay the costs of the prosecution of this action not to exceed \$4,000.00. Within thirty (30) days from the date Respondent is notified of the exact amount of the fees and expenses, Respondent shall make full payment or set up a payment plan with the Board.

This Order is effective January 27, 2023.

NORTH DAKOTA BOARD OF MEDICINE

A handwritten signature in black ink, reading "Robert P. Sticca, M.D.", written in a cursive style.

Robert Sticca, M.D.
Chairman