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In The Matter Of Disciplinary Proceedings Against

DAVID C. NADEN, M.D.,

FINAL DECISION AND ORDER

Respondent

LS0111144MED

Division of Enforcement Case #98 MED 389

The parties to this action for the purposes of Wis. Stats. § 227.53 are:

David C. Naden, M.D.

1515 Highland Farm Drive

Suwanee, GA 30024

Wisconsin Medical Examining Board

P. O. Box 8935

Madison, WI 53708-8935

Department of Regulation and Licensing

Division of Enforcement

P. O. Box 8935

Madison, WI 53708-8935

The Wisconsin Medical Examining Board received a Stipulation submitted by the parties to the above-captioned matter. The Stipulation, a copy of which is attached hereto, was executed by David C. Naden, M.D., personally on own behalf, and by Claudia Berry Miran, attorney for the Department of Regulation and Licensing, Division of Enforcement. Based upon the Stipulation of the parties, the Wisconsin Medical Examining Board makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. David C. Naden, M.D., was born October 16, 1929. Dr. Naden's latest address on file with the Department of Regulation and Licensing is 1515 Highland Farm Drive, Suwanee, GA 30024.
2. Dr. Naden is licensed to practice in the state of Wisconsin as a physician and surgeon pursuant to license #16588. This license was first granted on October 25, 1968. Dr. Naden practices orthopedic surgery.
3. There is a formal investigation of Dr. Naden pending before the Wisconsin Medical Examining Board as 98 MED 389. The pending investigation concerns Dr. Naden's treatment of TS for an unstable left shoulder.
4. Dr. Naden retired from the practice of medicine and surgery in the state of Wisconsin as of December 1995.
5. Dr. Naden, in consideration of his retirement from the practice of medicine and surgery in the state of Wisconsin, tenders the voluntary surrender of his current registration, and agrees that he will not register or attempt to register at any time after that date.
6. Dr. Naden also holds licenses to practice medicine in Illinois, Michigan and Minnesota. His license is not active in Illinois. The Minnesota license expires in 2002, and the Michigan license expires in 2004. He holds no active license to practice medicine and surgery from any other licensing authority.

CONCLUSIONS OF LAW

1. The Medical Examining Board has jurisdiction in this matter pursuant to § 448.02 (3) (c), Stats.
2. The Medical Examining Board has authority to enter into this stipulated resolution without an evidentiary hearing pursuant to § 227.44 (5), Stats.

ORDER

NOW, THEREFORE, IT IS ORDERED that the stipulation of the parties is approved.

IT IS FURTHER ORDERED that the voluntary surrender of Dr. Naden's current registration is accepted.

IT IS FURTHER ORDERED that Dr. Naden shall not register or attempt to register at any time after that date.

IT IS FURTHER ORDERED that Dr. Naden shall not practice or attempt to practice medicine or surgery in the state of Wisconsin when not registered.

IT IS FURTHER ORDERED that the pending investigation, 98 MED 389, shall be, and hereby is, closed without further proceedings.

IT IS FURTHER ORDERED that pursuant to § 448.02 (4), Stats., if the Wisconsin Medical Examining Board determines that there is probable cause to believe that Dr. Naden has violated the terms of this Final Decision and Order of the Wisconsin Medical Examining Board, the Board may order that the license of Dr. Naden to practice medicine and surgery in the state of Wisconsin be summarily suspended pending investigation of the alleged violation.

The rights of a party aggrieved by this Final Decision and Order to petition the Wisconsin Medical Examining Board for rehearing and to petition for judicial review are set forth in the attached "Notice of Appeal Information."

This Order shall become effective on the date of its signing.

Sidney Johnson, M.D., 11-14-01

Secretary Date