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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : ORDER OF SUMMARY SUSPENSION
 :
 DAVID R. NAHIN, M.D., :
 RESPONDENT. :
 :

The Petition for Summary Suspension of March 15, 1993, in the above referenced matter, came on for hearing on March 25, 1993 at 8:30 a.m., as duly noticed in the Notice of Presentation of Petition for Summary Suspension, which notice is dated March 15, 1993. Attorney John R. Zwieg appeared for the Complainant, Department of Regulation and Licensing, Division of Enforcement. Neither the Respondent nor anyone on his behalf appeared.

The Wisconsin Medical Examining Board having considered: the sworn Petition for Summary Suspension; the Affidavit of Service of Dennie Petersen, which is dated March 16, 1993; and, having heard the arguments of counsel, hereby makes, the following:

FINDINGS OF FACT

1. David R. Nahin, M.D., Respondent herein, (D.O.B. 11/03/48) is duly licensed and registered to practice medicine and surgery in the State of Wisconsin, pursuant to license number 20828, which license was first granted on 7/01/77.
2. Respondent's latest address on file with the Department of Regulation and Licensing is 1175 Gray Fox Hollow, Waukesha, WI 53186.
3. That oxycodone (brand names Percodan, Percocet and Roxicet, among others) is a Schedule II controlled substance pursuant to sec. 161.16(2)(a)11, Wis. Stats.
4. Sec. 161.43(1)(b), Wis. Stats., makes it a felony criminal offense for any person to acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge.
5. That from October, 1992 through March, 1993, Respondent forged the signature of Gary Shepherdson, M.D. to prescriptions for oxycodone, which prescriptions were made out to Respondent. Respondent then presented the forged prescriptions to pharmacies in Waukesha County and had them filled, as follows:

	DATE	UNITS	PHARMACY
1.	10/19/92	30	F & M Pharmacy #41, Brookfield
2.	10/24/92	30	Drug Emporium #5, Waukesha

3.	10/26/92	30	Phillips Westbrook Pharmacy, Waukesha
4.	10/30/92	30	F & M Pharmacy #41, Brookfield
5.	11/02/92	30	Phillips Westbrook Pharmacy, Waukesha
6.	11/10/92	30	Drug Emporium #5, Waukesha
7.	11/19/92	30	F & M Pharmacy #41, Brookfield
8.	11/20/92	30	Drug Emporium #5, Waukesha
9.	11/23/92	30	Phillips Westbrook Pharmacy, Waukesha
10.	11/28/92	30	Wal Mart Pharmacy, Waukesha
11.	12/01/92	30	F & M Pharmacy #41, Brookfield
12.	12/03/92	30	Drug Emporium #5, Waukesha
13.	12/06/92	30	Wal Mart Pharmacy, Waukesha
14.	12/11/92	30	Phillips Westbrook Pharmacy, Waukesha
15.	12/22/92	30	F & M Pharmacy #41, Brookfield
16.	12/26/92	30	Drug Emporium #5, Waukesha
17.	12/30/92	30	Phillips Westbrook Pharmacy, Waukesha
18.	01/03/93	30	F & M Pharmacy #41, Brookfield
19.	01/06/93	30	Drug Emporium #5, Waukesha
20.	01/10/93	30	Phillips Westbrook Pharmacy, Waukesha
21.	01/13/93	30	F & M Pharmacy #41, Brookfield
22.	01/20/93	30	Drug Emporium #5, Waukesha
23.	01/24/93	30	Phillips Westbrook Pharmacy, Waukesha
24.	01/25/93	30	F & M Pharmacy #41, Brookfield
25.	01/31/93	30	Drug Emporium #5, Waukesha
26.	02/02/93	30	F & M Pharmacy #41, Brookfield
27.	02/03/93	30	Phillips Westbrook Pharmacy, Waukesha
28.	02/09/93	30	F & M Pharmacy #41, Brookfield
29.	02/12/93	30	Drug Emporium #5, Waukesha
30.	02/16/93	30	Phillips Westbrook Pharmacy, Waukesha
31.	02/18/93	30	F & M Pharmacy #41, Brookfield
32.	02/23/93	30	Drug Emporium #5, Waukesha
33.	02/25/93	30	F & M Pharmacy #41, Brookfield
34.	02/26/93	30	Phillips Westbrook Pharmacy, Waukesha
35.	03/02/93	30	Wal Mart Pharmacy, Waukesha

6. That on 2/27/93, Respondent presented another forged prescription to the pharmacist at the F & M Pharmacy. That pharmacist had been in contact with Dr. Shepherdson and the Division of Enforcement a few days earlier. At the request of the Division, the pharmacist asked Respondent to show his drivers license, which Respondent did. The pharmacist determined that the photograph on the Wisconsin Drivers license for David R. Nahin, which was provided at that time, was of the person presenting the prescription.

7. The pharmacist, who had been advised by Dr. Shepherdson that Dr. Shepherdson was not writing any prescriptions for Respondent, refused to fill the prescription. The pharmacist told Respondent that he had been contacted by authorities in Madison and the Respondent replied that this was probably a good thing and that he needed to get off the stuff anyway.

8. That the evidence presented and used as the basis for this Summary Suspension Order, is: the sworn Petition for Summary Suspension; and the Affidavit of Service of Dennie Petersen, which is dated March 16, 1993.

CONCLUSIONS OF LAW

1. That the Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to sec. 448.02(3), Wis. Stats.

2. That the Wisconsin Medical Examining Board has authority to summarily suspend a license to practice medicine and surgery pursuant to sections 227.53(3) and 448.02(4), Wis. Stats. and Wis. Adm. Code chapter RL6.

3. That Respondent's conduct in obtaining Schedule II controlled substances by presenting forged prescriptions to pharmacists is the obtaining of controlled substances as prohibited by law in violation of Wis. Adm. Code MED 10.02(2)(p).

4. That Respondent's intentional violation of the controlled substances laws, in the circumstances set out above, necessitates the suspension of Respondent's license to practice medicine and surgery immediately to protect the public health, safety and welfare.

5. That there is probable cause to believe that Respondent has violated the provisions of chapter 448, Wis. Stats.

6. That it is necessary to suspend Respondent's license to practice medicine and surgery immediately to protect the public health, safety and welfare.

ORDER

NOW THEREFORE, IT IS HEREBY ORDERED, that the license to practice medicine and surgery in the State of Wisconsin of David R. Nahin, M.D. be and is hereby summarily suspended, effective immediately.

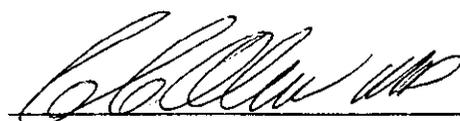
IT IS FURTHER ORDERED, that this Order continues to be in effect for 30 days pending hearing, and, while the hearing is in progress, can be extended for an additional 30 days.

IT IS FURTHER ORDERED, that if the Respondent causes a delay in the hearing process of the disciplinary proceeding against Respondent, the Administrative Law Judge assigned to the matter may continue the suspension from the time the hearing is commenced until a final decision is issued by the Board.

IT IS FURTHER ORDERED, that Respondent is hereby notified of his right, pursuant to Wis. Adm. Code sec. RL 6.09, to request a hearing to show cause why this summary suspension order should not be continued and is further notified that any request for a hearing to show cause should be filed with the Wisconsin Medical Examining Board, 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53708.

IT IS FURTHER ORDERED, that in the event that Respondent requests a hearing to show cause why the summary suspension order should not be continued, that hearing shall be scheduled to be heard on a date within 20 days of receipt by the Board of Respondent's request for hearing, unless Respondent requests or agrees to a later time for the hearing.

Dated at Madison, Wisconsin this 25th day of March, 1993.



Clark O. Olson. M.D.
Secretary
Wisconsin Medical Examining Board