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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

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IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

DAVID R. NAHIN, M.D.,

Respondent

ORDER DENYING PETITION

On April 28, 1993, the Medical Examining Board issued its Final Decision and Order in the above-captioned matter, by which the board accepted the voluntary surrender of Dr. Nahin's license to practice medicine and surgery. By letter dated October 20, 1993, addressed to John R. Zwieg, attorney for the Division of Enforcement, Dr. Nahin, by Attorney Daniel P. Fay, requested reinstatement of a limited license. Dr. Nahin and Mr. Fay appeared before the board at its meeting of November 18, 1993, in support of the petition, and the board considered the matter on that date. The board denied the petition by its Order dated November 29, 1993.

Dr. Nahin, by Attorney Fay, renewed his petition by letter dated December 14, 1993. Dr. Nahin requested that he be granted a limited license to permit him employment exclusively as a Medical Review Officer at Examination Management Services, Inc., Milwaukee. The petition included a letter of support from Dr. David G. Benzer, Director of the McBride Center at Milwaukee Psychiatric Hospital, describing Dr. Nahin's current treatment plan. Dr. Nahin and Mr. Fay appeared before the board in support of the petition on January 20, 1994. The board considered the matter on that date, and granted the petition by its Order dated January 29, 1994.

Pursuant to the board's Order, Dr. Nahin appeared before the board on July 21, 1994, in support of renewal of the limited license. At that time, Dr. Nahin requested that the board reduce the frequency of required urine screens, and requested as well that he be permitted to practice as a medical review officer at sites other than Substance Abuse Management, Inc. The board considered the request on July 21, and granted the request by its Order dated August 9, 1994.

Pursuant to the board's Order, Dr. Nahin again appeared before the board on January 26, 1995, for oral interview. At that time, Dr. Nahin orally requested that the board drop all limitations on the license. The board considered the matter on that date, and denied the petition by its order dated February 3, 1995.

Dr. Nahin's next appearance before the board was on July 27, 1995. At that time, Dr. Nahin requested that the limited license be modified to decrease the number of urine screens and therapy sessions to four and two per month, respectively, and to permit him to do internal medicine consultations or histories and physicals. That request was supported by Dr. Benzer by his letter dated June 1, 1995. The board granted the requests by its Order dated August 3, 1995.

Pursuant to the August, 1995, Order, Dr. Nahin again appeared on January 25, 1996. This time, Dr. Nahin requested that the limitations on his license be terminated and that the matter be referred to the Impaired Professionals Procedure. The board considered the request on that date.

Based upon Dr. Nahin's request, and all other information of record herein, the board orders as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that the limited license of David R. Nahin, M.D. is renewed for a period of six months. Dr. Nahin shall appear before the board in six months in support of any petition for renewal of the license.

IT IS FURTHER ORDERED that Dr. Nahin's request that the limitations on his license be terminated and that this matter be referred to the Impaired Professionals Procedure be, and hereby is, denied, all the terms and conditions of the board's Order dated January 29, 1994, as modified by the board's Orders dated August 9, 1994, and August 3, 1995, shall remain in full force and effect.

DISCUSSION

Sec. RL 7.01(2), Code, sets forth the intent of the department in creating the Impaired Professionals Procedure. That section states in part as follows:

The intent of the department in adopting rules in this chapter is to protect the public from licensees who are impaired by reason of their abuse of alcohol or other drugs. This goal will be advanced by providing an option to the formal disciplinary process for qualified licensees committed to their own recovery. . . . The procedure may be . . . utilized in selected cases to promote early identification of chemically dependent professionals and encourage their rehabilitation.

The IPP program is thus a pre-disciplinary diversion alternative, offered to those whose cases are not already a matter of public knowledge, who have demonstrated a commitment to their recovery, and who otherwise are deemed appropriate risks for full licensure during early recovery. Those factors are not present in the case of Dr. Nahin, and no disciplinary objective will be furthered by transferring his recovery program to the Impaired Professionals Procedure.

Dated this 30th day of January, 1996.

STATE OF WISCONSIN MEDICAL EXAMINING BOARD

by B. Ann Nevaizer
B. Ann Nevaizer, Chair