

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST

DAVID R. NAHIN, M.D.,

Respondent

ORDER GRANTING 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, and denied that request by its Order dated January 30, 1996.

By letter dated June 11, 1996, David G. Benzer, DO, recommended to the board that Dr. Nahin's urine screens be reduced to two per month, and that restrictions on Dr. Nahin's practice setting be eliminated. The board considered that request at its meeting of July 24, 1996, and granted the request by its Order dated August 7, 1996.

Pursuant to board order, Dr. Nahin appeared before the board on July 24, 1997, in support of his petition to renew the license for an additional period of six months. At that time, Dr. Nahin requested that the number of required urine screens be decreased from two per month to one per month. That request was supported by Dr. Benzer. The board considered the matter 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 license of David R. Nahin, M.D., is hereby renewed until January, 1998. Dr. Nahin shall appear before the board at that time in support of any petition for renewal.

IT IS FURTHER ORDERED that the number of required urine screens mandated by the board's Order Granting Limited License in this matter dated January 29, 1994, as modified by the board's orders dated August 9, 1994, August 3, 1995, and August 7, 1996, is hereby reduced from two screens per month to one screen per month.

IT IS FURTHER ORDERED that all other terms of the board's Order Granting Limited License in this matter dated January 29, 1994, as modified by the board's orders dated August 9, 1994, August 3, 1995, and August 7, 1996, shall remain in full force and effect.

Dated this 31 day of July, 1997.

STATE OF WISCONSIN MEDICAL EXAMINING BOARD

by Glenn Hoberg, D.O.
Glenn Hoberg, D.O., Secretary

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE MEDICAL EXAMINING BOARD

In the Matter of the Disciplinary Proceedings Against

David R. Nahin, M.D.,

AFFIDAVIT OF MAILING


Respondent.

STATE OF WISCONSIN)
)
COUNTY OF DANE)

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On August 5, 1997, I served the Order Granting Petition dated July 31, 1997 upon the Respondent David R. Nahin, M.D. by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Respondent and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 221 157 415.
3. The address used for mailing the Decision is the address that appears in the records of the Department as the Respondent's last-known address and is:


David R. Nahin, M.D.
1175 Gray Fox
Brookfield WI 53045



Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 5th day of August, 1997.



Notary Public, State of Wisconsin
My commission is permanent.

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review, The Times Allowed For Each, And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN MEDICAL EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

August 5, 1997

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)