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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
W. SCOTT NEKROSIUS, M.D., : LS0403295MED
RESPONDENT. :

Division of Enforcement Case No. 02 MED 161

The parties to this action for the purposes of section 227.53 of the Wisconsin statutes are:

W. Scott Nekrosius, M.D.
6514 Cedar Crest Trail
Dayton, OH 45459

Medical Examining Board
PO Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
PO Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter subject to the approval of the Wisconsin Medical Examining Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. W. Scott Nekrosius, M.D. (DOB 01/19/45) is duly licensed to practice medicine and surgery in the state of Wisconsin (license #20-18206). This license was first granted on January 22, 1973. The Respondent is a psychiatrist.
2. Dr. Nekrosius' most recent address on file with the Wisconsin Medical Examining Board is 6514 Cedar Crest Trail Dayton, OH 45459.
3. On March 14, 2002, Respondent entered into a Consent Agreement with the State Medical Board of Ohio which suspends his license to practice medicine in the State of Ohio for an indefinite period of time. The factual basis for the imposition of discipline against Respondent in Ohio involved: 1) improper prescribing of controlled substances; 2) failure to conform to minimal standards of care in the course of treatment of 14 specified psychiatric patients; and 3) violating board rules pertaining to controlled substances. A true and correct copy of the Ohio Board's Consent Agreement, including attachments, is attached to this document as Exhibit A. Exhibit A is incorporated into this document by reference.
4. In resolution of this matter, Dr. Nekrosius consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction to act in this matter, pursuant to sec. 448.02(3), Stats. and is authorized to enter into the attached Stipulation and Order, pursuant to sec. 227.44(5), Stats.
2. The conduct described in paragraph 3, above, constitutes a violation of Wisconsin Administrative Code § Med 10.02(2)(q)

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The license of W. Scott Nekrosius (license #20-18206) to practice medicine and surgery in the State of Wisconsin is **SUSPENDED** for an INDEFINITE PERIOD OF TIME.

IT IS FURTHER ORDERED that:

2. Dr. Nekrosius may petition the Board for the end of the suspension when he can demonstrate that he possesses an unlimited license in the State of Ohio.

- a. In conjunction with a petition by Dr. Nekrosius, the Board shall require documentation of Dr. Nekrosius' compliance with the terms and conditions imposed against his license to practice medicine in Ohio.

- b. In the exercise of its discretion, the Board in addition may require a personal appearance by Dr. Nekrosius to answer questions in conjunction with his petition. The Board may in addition require the Respondent to undergo and may consider the results of one or more physical, mental or professional competency examinations if the Board believes that the results of any such examinations may be useful to the Board.

- c. Denial in whole or in part of a petition under this paragraph shall not constitute denial of a license and shall not give rise to a contested case within the meaning of Wis. Stats. §§227.01(3) and 227.42. Upon its completion of review of a petition under this Order, the Board may in its discretion impose such terms and conditions upon Dr. Nekrosius' license as the Board finds appropriate to protect patient and public health, safety and welfare.

3. Dr. Nekrosius shall, within thirty (30) days from the date of this Order, pay partial costs of this proceeding in the amount of one thousand (\$1,000.00) dollars. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P. O. Box 8935
Madison, WI 53708-8935
Tel. (608) 267-3817
Fax (608) 266-2264

4. Violation of any of the terms of this Order or the conditions imposed as a result of this Order shall be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Dr. Nekrosius' license. The Board in its discretion may in the alternative impose additional conditions, terms and limitation or other additional discipline for a violation of any of the terms of this order.

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

MEDICAL EXAMINING BOARD

A Member of the Board

Date