

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF APPLICATION OF

NIPA H. SINH, M.D.
APPLICANT

:
:
:
:
:

ORDER GRANTING LIMITED LICENSE

0003073

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Nipa H. Sinh, M.D., Applicant
4474 MacArthur Blvd.
Oakland, CA 94619

Wisconsin Medical Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

Upon consideration of the application record of Nipa H. Sinh, M.D. (Applicant), the results of the oral examinations of Applicant, the testimony and exhibits presented at the hearing on the application denial, the Final Decision and Order issued on February 19, 2014 as a result of the hearing on the application denial, the oral presentation of counsel for the parties on February 19, 2014, and the terms and conditions for grant of licensure, the Wisconsin Medical Examining Board (Board) makes the following:

FINDINGS OF FACT

1. On February 28, 2013, Applicant (DOB: August 14, 1967) filed an application for a license by endorsement to practice medicine and surgery in the State of Wisconsin.
2. Upon review of the application, it was determined that, while Applicant met all other requirements for licensure, she should participate in a two- person oral examination pursuant to Wis. Admin. Code Med §1.06 (1) based on her failure of a required examination 4 or more times and the fact that she had not engaged in the practice of medicine for a period of three years prior to the filing of the application.
3. The two- person oral examination was held on July 17, 2013, at which time Applicant failed the examination and was asked to participate in an oral examination conducted by the entire Board pursuant to Wis. Admin Code MED §1.0.

4. The oral examination before the Board was held on August 14, 2013 and Applicant received notification by letter dated August 22, 2013, that she had failed the examination. Applicant was further advised that her application was denied because, in the Board's opinion, she would be unable to practice with reasonable skill and safety based upon her lack of adequate clinical experience for the past three years.

5. On September 10, 2013, Applicant requested a hearing on the denial pursuant to Wis. Admin. Code § 1.07.

6. The request for hearing on the denial was granted and a hearing was held on November 21, 2013.

7. As a result of the hearing, the Administrative Law Judge issued a proposed decision finding, in part, that a significant amount of additional information was offered at hearing which was not available to the Board at the time of the oral examinations and denial. The Administrative Law Judge issued a proposed decision and order which recommended that the Board reconsider the application under the authority of Wis. Admin. Code § SPS 1.09 (5).

8. On February 19, 2014, the Board adopted the Administrative Law Judge's proposed decision and order as its Final Decision and Order, reconsidered its original denial of the application and, based upon the additional information provided and the fact that Applicant had met all other licensure requirements, rescinded that denial, and determined that a non-disciplinary limited license to practice medicine and surgery would be granted to the Applicant.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction in this matter pursuant to Wis. Stats. § 448.06 (1) (m).

ORDER

NOW THEREFORE IT IS ORDERED that the previous denial of the application of NIPA H. SINH, M.D. to practice medicine and surgery in the State of Wisconsin is rescinded.

IT IS FURTHER ORDERED that NIPA H. SINH, M.D. is GRANTED a non-disciplinary LIMITED license to practice medicine and surgery in the State of Wisconsin subject to the following terms and conditions:

1. Within six (6) months of the date of this Order, Applicant shall successfully complete 50 hours of Category 1 education in primary care, including taking and passing any examinations offered for the courses.

a. The courses shall be preapproved by a designated member of the Board or an alternate prior to participating in the education.

b. Applicant shall submit proof of successful completion of the ordered education in the form of verification from the institution providing the education to the Department Monitor at the address stated below. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that have been or may be instituted by the Board or Department.

c. This limitation shall be removed from Applicant's license and Applicant will be granted a full unrestricted license after satisfying the Board or its designee that Applicant has successfully completed all of the ordered education.

d. Request of approval of courses and proof of successful course completion shall be sent by the Applicant to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

2. This Order is effective on the date of its signing.

Dated this 27th day of February, 2014.

WISCONSIN MEDICAL EXAMINING BOARD

by: Kenneth Simons, MD
A Member of the Board

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NOTICE OF RIGHTS OF APPEAL

TO: NIPA H. SINH, M.D.

You have been issued an Order Granting a Limited License. For purposes of service the date of mailing of this Order is March 4, 2014. Your rights to request a hearing on the denial of a full and unencumbered license and/or judicial review are summarized below.

A. HEARING ON DENIAL OF FULL LICENSURE

You have a right to a hearing on the denial of your application for full licensure if you file a request for hearing in accordance with the provisions of Ch. SPS 1 of the Wisconsin Administrative Code. You may request a hearing within 45 calendar days after the date of mailing of this Order Granting a Limited License. Your request must be submitted in writing to the Medical Examining Board at: Department of Safety and Processional Services, 1400 East Washington Avenue, P.O. Box 8935, Madison, WI 53709-8935. The request must contain your name and address, the type of credential for which you have applied, a specific description of the mistake in fact or law that you assert was made in the denial of full licensure, and a concise statement of the essential facts which you intend to prove at the hearing. You will be notified in writing of the Medical Examining Board's decision. Under s. SPS 1.08 of the Wisconsin Administrative Code, a request for hearing is denied if a response to a request for hearing is not issued within 45 days of its receipt by the Medical Examining Board. Time periods for a petition for review begin to run 45 days after the Medical Examining Board has received a request for a hearing and has not responded.

B. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in section 227.53, Wisconsin Statutes (copy on reverse side). The petition for judicial review must be filed in circuit court where the petitioner resides, except if the petitioner is a non-resident, the proceedings shall be in the county where the dispute arose. The petition should name as the respondent the Department, Board, Examining Board, or Affiliated Credentialing Board which issued the Final Decision and Order. A copy of the petition for judicial review must also be served upon the respondent at the address listed below.

A petition for judicial review must be served personally or by certified mail on the respondent and filed with the court within 30 days after service of the final Decision and Order 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. Courts have held that the right to judicial review of administrative agency decisions is dependent upon strict compliance with the requirements of sec. 227.53(1)(a), Stats. This statute requires, among other things, that a petition for review be served upon the agency and be filed with the clerk of the circuit court within the applicable 30 day period.

The 30 day period for serving and filing a petition for judicial review commences on the day after personal service or mailing of the Final Decision and Order by the agency, or, if a petition for rehearing has been timely filed, the day after personal service or mailing of a final decision or disposition by the agency of the petition for rehearing, or the day after the final disposition by operation of the law of a petition for rehearing. The date of mailing of this Final Decision and Order is shown above.

The petition shall state the nature of the petitioner's interest, the facts showing that the petitioner is a person aggrieved by the decision, and the grounds specified in section 227.57, Wisconsin statutes, upon which the petitioner contends that the decision should be reversed or modified. The petition shall be entitled in the name of the person serving it as Petitioner and the Respondent as described below.

SERVE PETITION FOR HEARING ON DENIAL OF FULL LICENSURE OR JUDICIAL REVIEW ON:

WISCONSIN MEDICAL EXAMINING BOARD
1400 East Washington Avenue
P.O. Box 8366
Madison, WI 53708-8366