

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
NARINDER KUMAR SAINI, M.B.B.S., : FINAL DECISION
RESPONDENT. : AND ORDER
 :

The parties to this proceeding for the purpose of Wis. Stats. sec. 227.53 are:

Narinder Kumar Saini, M.B.B.S.
531 Northport Drive, Apt. #1
Madison, WI 53704

Wisconsin Medical Examining Board
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708

Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708

The Wisconsin Medical Examining Board received a Stipulation submitted by the parties to the above-captioned matter. The Stipulation, a copy of which is attached hereto, was executed by Narinder Kumar Saini, M.B.B.S., Respondent; Richard L. Bolton, attorney for Respondent; and Gilbert C. Lubcke, attorney for Complainant. Based upon the Stipulation of the parties, the Wisconsin Medical Examining Board makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Narinder Kumar Saini, M.B.B.S., Respondent herein, of 531 Northport Drive, Apt. #1, Madison, Wisconsin 53704, is a physician duly licensed and currently registered to practice medicine and surgery in the State of Wisconsin, license #24251, said license having been granted on October 23, 1981.
2. Respondent was duly licensed as a physician and surgeon in the State of Iowa, license #22456.
3. On 8/7/90, the Board of Medical Examiners of the State of Iowa, and the Director of the Iowa Department of Public Health entered an Order finding that Respondent was unable to practice medicine with reasonable skill and safety as a result of a mental or physical condition and that his practice of

psychiatry had been harmful or detrimental to the public in violation of Iowa Code sec. 148.6(1)(h) and 653 Iowa Adm. Code secs. 12.4(3), 12.4(3)(c) and 12.4(14). Respondent's license to practice medicine and surgery in the State of Iowa was suspended indefinitely.

4. Respondent suffers from a bipolar disorder--a manic-depressive illness. This disorder had not been diagnosed and, therefore, was not being treated, at the time of the disciplinary action in Iowa. Respondent's illness was found in the Iowa proceedings to have impaired his ability to practice medicine and surgery with reasonable skill and safety to patients at the time of the occurrences giving rise to the disciplinary proceeding.

5. Respondent is presently under the care and treatment of Ronald Diamond, M.D., a psychiatrist, and John Fleming, M.D., a neurologist, at the University of Wisconsin Hospital and Clinics. Respondent has been under the care of these physicians since April, 1990. Respondent's primary treatment modality is lithium carbonate. At various times, he has also been on low doses of Haldol. At the present time, Respondent's illness is being controlled by the medications he is taking and his ability to practice medicine and surgery with reasonable skill and safety to patients is not impaired by his illness, however, it is possible that Respondent may experience manic-depressive episodes in the future even though he continues to comply with his treatment regimen.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction in this disciplinary proceeding pursuant to Wis. Stats. sec. 448.02.

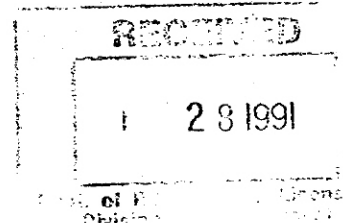
2. The Wisconsin Medical Examining Board has the authority to resolve this disciplinary proceeding by Stipulation without an evidentiary hearing pursuant to Wis. Stats. sec. 227.44(5).

3. Narinder Kumar Saini, M.B.B.S., having been subject to disciplinary action in Iowa and having had his license to practice medicine and surgery in the State of Iowa indefinitely suspended is in violation of Wis. Stats. sec. 448.02(3) and Wis. Adm. Code sec. MED 10.02(2)(q).

4. Respondent's illness is reasonably related to his ability to practice medicine and surgery. Respondent's illness, at its present level of severity, may be reasonably accommodated by appropriate conditions placed upon Respondent's license to practice medicine and surgery in the state of Wisconsin.

ORDER

NOW, THEREFORE, IT IS ORDERED that the Stipulation of the parties is approved.



IT IS FURTHER ORDERED that Respondent's license to practice medicine and surgery in the State of Wisconsin shall be, and hereby is, limited as follows:

- a. Respondent shall not practice or attempt to practice medicine or surgery in the State of Wisconsin as a sole practitioner.
- b. Respondent shall not practice or attempt to practice medicine or surgery in the State of Wisconsin when unable to practice with reasonable skill and safety to patients.
- c. Respondent shall remain in treatment with Ronald Diamond, M.D., at the University of Wisconsin Hospital and Clinics and shall comply with all of Dr. Diamond's recommendations for diagnostic testing, evaluation and treatment. If, at any time, Dr. Diamond is unable or unwilling to serve as Respondent's treating physician, a successor treating physician shall be engaged with the approval of the Wisconsin Medical Examining Board.
- d. Dr. Diamond or his successor treating physician shall submit written reports to the Wisconsin Medical Examining Board every 90 days commencing 90 days after the date of this Final Decision and Order. The reports shall assess the Respondent's progress in his treatment program. Respondent shall be responsible for the timely filing of these reports. Dr. Diamond or his successor treating physician shall report immediately to the Wisconsin Medical Examining Board any change in Respondent's condition which impairs Respondent's ability to practice medicine or surgery with reasonable skill and safety to patients or any failure of Respondent to comply with his recommendations for diagnostic testing, evaluation or treatment.
- e. Respondent shall notify the Wisconsin Medical Examining Board prior to commencing any practice of medicine or surgery in the State of Wisconsin and shall identify an individual satisfactory to the Board who will supervise Respondent's practice of medicine or surgery and who will report promptly to the Wisconsin Medical Examining Board and Respondent's treating physician any conduct which may impact upon patient health, safety or welfare, or Respondent's ability to practice medicine or surgery with reasonable skill and safety to patients. The term "supervise" is not intended to limit Respondent's ability to exercise independent medical judgment, but rather refers to a relationship whereby there is a higher authority who is responsible to oversee Respondent and who will report to the Wisconsin Medical Examining Board and the treating physician any conduct which may impact upon patient health, safety or welfare, or upon Respondent's ability to practice medicine or surgery. If at any time the individual who is supervising Respondent is unable or unwilling to serve in this capacity, the Wisconsin Medical Examining Board will appoint a successor.

- f. Respondent shall keep on file with the Wisconsin Medical Examining Board current releases which comply with state and federal law authorizing release of all of his medical records and reports, including mental health records, and his employment records to the Wisconsin Medical Examining Board or its authorized agents and representatives, and permitting his treating physicians and therapists and the supervisor of his practice of medicine or surgery to discuss his medical status, including his mental health, and his employment status with the Wisconsin Medical Examining Board or its authorized agents and representatives.

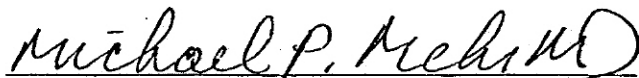
IT IS FURTHER ORDERED that Respondent shall appear before the Wisconsin Medical Examining Board at least annually to review his current status. Respondent may at these appearances petition the Wisconsin Medical Examining Board for modification of the terms of this limited license. Denial in whole or in part of Respondent's petition shall not constitute denial of a license and shall not give rise to a contested case within the meaning of Wis. Stats. secs. 227.01(3) and 227.42.

IT IS FURTHER ORDERED that, pursuant to the authority of Wis. Stats. sec. 448.02(4), should the Wisconsin Medical Examining Board determine that there is probable cause to believe that Respondent has violated the terms of this Final Decision and Order of the Wisconsin Medical Examining Board, the Board may order that the license of Respondent to practice medicine and surgery in the State of Wisconsin be summarily suspended pending investigation of the alleged violation.

The rights of a party aggrieved by this Final Decision and Order to petition the Wisconsin Medical Examining Board for rehearing and to petition for judicial review are set forth in the attached "Notice of Appeal Information".

Dated at Madison, Wisconsin, this 21 day of February, 1991.

WISCONSIN MEDICAL EXAMINING BOARD



Michael P. Mehr, M.D., Secretary

GCL:kcb
ATY-1377

9. If any term of this Stipulation is not accepted by the Wisconsin Medical Examining Board, then no term of this Stipulation will be binding in any manner on any party, and the matter will be remanded to the Administrative Law Judge for further proceedings.

Dated: 1/28/91

Narinder Kumar Saini
Narinder Kumar Saini, M.B.B.S.
Respondent

Dated: 1/28/91

Richard L. Bolton
Richard L. Bolton
Attorney for Respondent

Dated: 1/25/91

Gilbert C. Lubcke
Gilbert C. Lubcke
Attorney for Complainant

GCL:kcb
ATY-1376