



STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza Albany, New York 12237

Mark R. Chassin, M.D., M.P.P., M.P.H.
Commissioner

Paula Wilson
Executive Deputy Commissioner

OFFICE OF PUBLIC HEALTH

Lloyd F. Novick, M.D., M.P.H.
Director

Diana Jones Ritter
Executive Deputy Director

June 2, 1994

CERTIFIED MAIL - RETURN RECEIPT

Ira Ramins Nadler, M.D.
104 N. Grant, No. B
Medical Lake, WA 99022

Marcia E. Kaplan, Esq.
NYS Department of Health
5 Penn Plaza - Sixth Floor
New York, New York 10001

Re: In the Matter of Ira Ramins Nadler, M.D.

Dear Dr. Nadler and Ms. Kaplan:

Enclosed please find the Determination and Order (No. BPMC 94-74) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate. Delivery shall be by either **certified mail or in person to:**

New York State Department of Health
Office of Professional Medical Conduct
Corning Tower - Fourth Floor (Room 438)
Empire State Plaza
Albany, New York 12237

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law, §230, subdivision 10, paragraph (p), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "(t)he determination of a committee on professional medical conduct may be reviewed by the

administrative review board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays all action until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by **certified mail**, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Corning Tower - Room 2503
Empire State Plaza
Albany, New York 12237-0030

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Tyrone T. Butler", followed by a slanted line and the initials "T.T.B.".

Tyrone T. Butler, Director
Bureau of Adjudication

TTB:mmn

Enclosure

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

**IN THE MATTER
OF
IRA RAMINS NADLER, M.D.**

**DETERMINATION
AND
ORDER OF THE
HEARING COMMITTEE
ORDER NO. BPMC-94-74**

A Notice of Hearing and Statement of Charges dated April 19, 1994 were served upon **IRA RAMINS NADLER, M.D.** (hereinafter referred to as "Respondent"). The undersigned Hearing Committee consisting of **JOSEPH E. GEARY, M.D.**, Chairperson, **ROBERT J. O'CONNOR, M.D.** and **MATTHEW M. CAMMEN**, was duly designated and appointed by the State Board for Professional Medical Conduct. **JONATHAN M. BRANDES, ESQ.**, Administrative Law Judge, served as Administrative Officer.

A hearing was conducted on May 25, 1994 pursuant to §230 (10)(e) of the Public Health Law and §301-307 and §401 of the New York State Administrative Procedure Act to receive evidence concerning alleged violations of Section 6530 of the New York Education Law by Respondent. The hearing was held at the offices of the New York State Board For Professional Medical Conduct (Hereinafter referred to as the "Board") 5 Penn Plaza, New York, New York 10001-1830.

The Board appeared by **MARCIA E. KAPLAN, ESQ.**, of counsel to Peter J. Millock, Esq., General Counsel. Respondent neither appeared in person nor by counsel. Evidence was received and a transcript of this proceeding was made.

STATEMENT OF CASE

The proceeding was brought pursuant to Public Health Law §230(10)(p). This statute provides for an expedited hearing where a licensee is charged solely with a violation of New York Education Law, §6530(9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in New York or another jurisdiction, or upon a prior administrative adjudication regarding conduct which would amount to professional misconduct if committed in New York. The scope of the expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon a licensee.

In the instant case, Respondent is charged with professional misconduct pursuant to New York Education Law §6530(9)(d) based upon the fact that she has had her license suspended after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state of another state, where the conduct upon which the suspension was based would, if committed in New York State, constitute professional misconduct under New York State Law. The charges are more particularly set forth in the Notice of Referral Proceeding and Statement of Charges which is attached to and made a part of this Determination and Order (Appendix I).

SIGNIFICANT LEGAL RULINGS

The Administrative Law Judge found that the State had made service upon Respondent pursuant to statute and that therefore, jurisdiction of Respondent had been established.

FINDINGS OF FACT

The Committee adopts the factual statement set forth under the First Specification on Pages 1 and 2 of the Statement of Charges (Appendix I) as its findings of fact and incorporates them herein.

In addition, the Committee finds one further fact which is deemed relevant: Respondent is not currently registered with the New York State Education Department to practice medicine.

CONCLUSIONS

The State has satisfied its burden of proof. Respondent has had her license to practice medicine summarily suspended by her home state due to an inability to practice based upon alcoholism and other maladies. The initial suspension took place on March 5, 1992. Hence, she has been unable or unwilling to re-establish her practice in two years. Clearly, a person with this array of problems is not one who can be tolerated as a practitioner in this state. Consequently, there can be no other sanction but revocation.

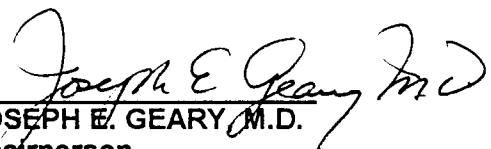
ORDER

Based upon the foregoing it is hereby **ORDERED** that,

1. The specifications of professional misconduct contained in the Statement of Charges in this matter be **SUSTAINED**; and
2. The license of Respondent to practice medicine in this state be **REVOKED**.

DATED: Rochester, New York

May 31, 1993


JOSEPH E. GEARY M.D.
Chairperson

ROBERT J. O'CONNOR, M.D.
MATTHEW M. CAMMEN,

TO:

Marcia E. Kaplan, Esq.
Deputy Counsel,
Bureau of Professional Medical Conduct

Ira Ramins Nadler, M.D.
104 N. Grant, No. B.
Medical Lake, Wa.

APPENDIX I

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

-----X
IN THE MATTER : NOTICE OF
OF : REFERRAL
IRA RAMINS NADLER, M.D. : PROCEEDING
:.
-----X

TO: IRA RAMINS NADLER, M.D.
P.O. Box 1707
Medical Lake, WA 99022

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) (McKinney Supp. 1994) and N.Y. State Admin. Proc. Act Sections 301-307 and 401 (McKinney 1984 and Supp. 1994). The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 25th day of May, 1994 at 3:00 o'clock in the afternoon of that day at 5 Penn Plaza, 6th Floor, New York, New York 10001.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Corning Tower Building, 25th Floor, Empire State Plaza, Albany, New York 12237, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before May 16, 1994 .

You may file a written answer, brief, and affidavits with the Committee. Six copies of all papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before May 16, 1994 and a copy of all

papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to Section 301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

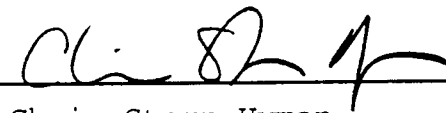
The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A
DETERMINATION THAT SUSPENDS OR REVOKES YOUR
LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE

AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED,
YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT
YOU IN THIS MATTER.

DATED: New York, New York

April 19, 1994

A handwritten signature in black ink, appearing to read "Chris Stern Hyman", written over a horizontal line.

Chris Stern Hyman
Counsel
Bureau of Professional
Medical Conduct

Inquiries should be addressed to:

Marcia E. Kaplan
Associate Counsel
212-613-2615

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

-----X
IN THE MATTER : STATEMENT
OF : OF
IRA RAMINS NADLER, M.D. : CHARGES
-----X

IRA RAMINS NADLER, M.D., the Respondent, was authorized to practice medicine in New York State on September 22, 1964 by the issuance of license number 093010 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine during the period January 1, 1993 through December 31, 1994.

FIRST SPECIFICATION

HAVING A MEDICAL LICENSE SUSPENDED
AFTER DISCIPLINARY ACTION WAS
INSTITUTED BY ANOTHER STATE


1. Respondent is charged with professional misconduct within the meaning of New York Educ. Law Sec. 6530(9)(d) (McKinney Supp. 1994), in that she had her license to practice

medicine suspended after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the suspension would, if committed in New York State, constitute professional misconduct under the laws of New York State, specifically:

On or about March 5, 1992, the Washington State Medical Disciplinary Board (WA Board) summarily suspended Respondent's license to practice medicine in Washington State indefinitely, pending further disciplinary proceedings on the Statement of Allegations, upon finding that the public health, safety and welfare imperatively require emergency action pending further proceedings due to the nature of the allegations pursuant to RCW 18.13.170 (1992) as set forth in the Statement of Charges which indicate the inability of Respondent to practice with reasonable skill and safety to consumers due to depression, alcoholism, and significant neuropsychological deficits. The WA Board issued the Order of Summary Suspension after disciplinary action was instituted on March 5, 1992.

The conduct resulting in the suspension of Respondent's Washington medical license, if committed in New York State, would have constituted professional misconduct under New York Educ. Law Section 6530, (McKinney Supp. 1994), as follows: Sec. 6530(8), i.e. being a habitual user of alcohol, or having a psychiatric condition which impairs the licensee's ability to practice.

DATED: New York, New York
April 19, 1994


CHRIS STERN HYMAN
Counsel
Bureau of Professional Medical
Conduct