FILED

January 29, 2002
NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

5025

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION OR REVOCATION OF THE LICENSE OF FREDERICK L. NIN, M.D. License No. MA 26856 TO PRACTICE MEDICINE AND SURGERY IN THE STATE OF NEW JERSEY	Administrative Action FINAL ORDER OF DISCIPLINE

This matter was opened to the New Jersey State Board of Medical Examiners upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made;

FINDINGS OF FACT

1. Respondent, Frederick L. Nin, M.D., License No. MA 26856, is a physician licensed in the State of New Jersey and has been a licensee at all times relevant hereto. As a consequence of Respondent's failure to submit his biennial renewal in 1991, Respondent's license to practice medicine in the State of New Jersey was automatically suspended pursuant to N.J.S.A. 45:9-6.1, but could be restored pursuant to that statute upon payment of a fee.

2. On July 15, 1998 a Final Order incorporating the allegations of fact and conclusions of law set forth in the Administrative Complaint (collectively referred to herein as "Order") was entered by the Florida Board of Medicine ("Board"). A copy of the Final Order and Administrative Complaint is attached as Exhibit A. The Board found that Respondent had violated the Florida statutes by failing to practice medicine with the level of care, skill and treatment which is recognized by a reasonably prudent physician as being acceptable under similar conditions and circumstances.

3. More particularly, the Order states that Respondent misdiagnosed a patient, who was admitted to the emergency room on February 27, 1993, after taking an x-ray as having a fractured acetabulum as well as some medial protusio of the head of the femur. After additional x-rays were taken, Respondent gave a diagnosis of comminuted acetabular fracture seen with elevation of the right femoral head into the acetabulum. Thus, Respondent misread x-rays on two occasions over several days. After four days under Respondent's care, the patient was transferred. The new physician then diagnosed the patient with a dislocated, posteriorly dislocated hip with a comminuted acetabular fracture. Several months later, the patient underwent a total hip replacement and

will continue to have surgical revisions throughout the remainder of his life.

4. As a result of the foregoing, the Board found that Respondent's reading of the patient's hip x-ray was entirely inaccurate and far below the adequate standard of care. Further, the Board determined that a reasonably prudent physician in a similar situation would have recognized that the patient's hip was dislocated and immediately referred him to a physician who could administer the proper standard of care. Thus, Respondent's diagnosis was considered to be inadequate, inaccurate and untimely. Accordingly, the Final Order provided that the Respondent receive a letter of concern by the Board.

CONCLUSIONS OF LAW

1. The above action provides grounds for a reprimand in that it is based on findings which would give rise to discipline in this State pursuant to N.J.S.A. 45:1-21(d) since Respondent's acts conclusively establish that he has engaged in repeated acts of negligence, malpractice and incompetence.

DISUCSSION ON FINALIZATION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline revoking respondent's license to practice medicine and surgery in the State of New Jersey was entered on September 19, 2001 and a copy was forwarded to respondent at his

last known address, in Coral Gable, Florida, on file with the Board. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

The Provisional Orders sent by means of certified mail and regular mail were returned as "not deliverable as addressed - unable to forward". Because the Order was forwarded to respondent's address of record, the Board deems service to have been effected. Accordingly, it determined that further proceedings were not necessary and that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 29th day of January, 2002 ORDERED that:

1. Respondent shall be and hereby is reprimanded.

2. Prior to resuming active practice in New Jersey respondent shall be required to appear before the Board (or a committee thereof) to demonstrate fitness to resume practice, and any practice in this State prior to said appearance shall

constitute grounds for the a charge of unlicensed practice. In addition, the Board reserves the right to place restrictions on respondent's practice should his license be reinstated.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

By: William Harrer MD
William Harrer, M.D., B.L.D.
Board President

STATE OF FLORIDA
BOARD OF MEDICINE

Final Order No. DOH-98-0834 Date 7-21-98
FILED
Department of Health
Angela Hall, AGENCY CLERK
By: Stephanie J. Dias
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

CASE NO.: 96-03250
LICENSE NO.: ME0019966

FREDERICK L. NIN, M.D.,

Respondent.

_____/

FINAL ORDER

THIS CAUSE came before the Board of Medicine (Board) pursuant to Sections 120.569 and 120.57(2), Florida Statutes, on June 6, 1998, in Miami, Florida, for consideration of the Administrative Complaint (attached hereto as Exhibit A) in the above-styled cause. At the hearing, Petitioner was represented by Carol Lanfri, Senior Attorney. Respondent was present but was not represented by counsel. The facts are not in dispute.

Upon consideration, it is ORDERED:

1. The allegations of fact set forth in the Administrative Complaint are approved and adopted and incorporated herein by reference as the findings of fact by the Board.

2. The conclusions of law alleged and set forth in the Administrative Complaint are approved and adopted and incorporated herein by reference as the conclusions of law by the Board.

EXHIBIT A

3. The violations set forth warrant disciplinary action by the Board. THEREFORE,

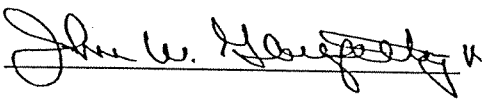
IT IS HEREBY ORDERED AND ADJUDGED:

Respondent shall receive a letter of concern by the Board.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 15th day of July, 1998.

BOARD OF MEDICINE



JOHN W. GLOTFELTY, M.D.
CHAIRMAN

NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE AGENCY FOR HEALTH CARE ADMINISTRATION AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to Frederick L. Lin, M.D., 16750 South West 160th Street, Miami, Florida 33187-1305; to Gary M. Paige, Esquire, P.O. Box 40-2688, Miami Beach, Florida 33140; and by interoffice delivery to Larry G. McPherson, Jr., Chief Attorney, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308-5403, on or before 5:00 p.m., this _____ day of _____, 1998.

_____

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH, PETITIONER, v. FREDERICK L. NIN, M.D., RESPONDENT.	)	CASE NO. 96-03250

ADMINISTRATIVE COMPLAINT

COMES NOW the Petitioner, Department of Health, hereinafter referred to as "Petitioner," and files this Administrative Complaint before the Board of Medicine against Frederick L. Nin, M.D., hereinafter referred to as "Respondent," and alleges:

1. Effective July 1, 1997, Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes; Chapter 455, Florida Statutes, and Chapter 458, Florida Statutes. Pursuant to the provisions of Section 20.43(3), Florida Statutes, the Petitioner has contracted with the Agency for Health Care Administration to provide consumer complaint, investigative, and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate.

2. Respondent is and has been at all times material hereto a licensed physician in the state of Florida, having been issued license number ME 0019966. Respondent's last known address is 10405 S.W. 89th Place, Miami, Florida 33176.

3. Respondent is a board certified physician and specializes in orthopedic surgery.

4. On or about February 27, 1993, Patient A.B., a twenty-two (22) year old male, injured his right hip playing soccer. He was admitted to an ER, where he came under the care of Respondent.

5. An x-ray of Patient A.B.'s hip was taken, and Respondent diagnosed him as having a fractured acetabulum, as well as some medial protusio of the head of the femur. Patient A.B. was consequently hospitalized and placed in traction.

6. More x-rays were taken and were read by a radiologist and Respondent. Again there was a diagnosis of a comminuted acetabular fracture seen with elevation of the right femoral head into the acetabulum. There was no change in the position of the right hip following traction.

7. Respondent alleges that he wanted to transfer Patient A.B. to another hospital because if surgery were necessary, Patient A.B. should be under the care of a physician who specializes in that type of surgery. This request was denied by Patient A.B.'s HMO. A reasonably prudent physician in a similar situation would have vehemently contested the HMO's denial and insisted on an immediate transfer.

8. Patient A.B. remained in the hospital, under Respondent's care, for four (4) days, after which Respondent's request for Patient A.B.'s transfer was finally honored.

9. Patient A.B. came under the care of a physician who treated him and diagnosed a dislocated, posteriorly dislocated, hip with a comminuted acetabular fracture. Physician reduced the hip dislocation and fragments were removed from the hip.

10. Several months later, due to continued pain and complications, Patient A.B. underwent a total hip replacement and will continue to have further surgical revisions throughout the remainder of his life.

11. Respondent's reading of Patient A.B.'s hip x-ray was entirely inaccurate and far below the adequate standard of care. Such a reading indicates that Respondent lacks an understanding of the biomechanics and architecture of the hip. A reasonably prudent physician in a similar situation would have recognized that Patient A.B.'s hip was dislocated, and would have immediately referred him to a physician who could administer the proper standard of care.

12. Respondent's diagnosis of Patient A.B. was inadequate, inaccurate, and not timely.

13. Based on the foregoing, Respondent violated Section 458.331(1)(t), Florida statutes, by failing to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent physician as being acceptable under similar conditions and circumstances.

WHEREFORE, the Petitioner respectfully requests the Board of Medicine enter an order imposing one or more of the following penalties: permanent revocation or suspension of the Respondent's license, restriction of the Respondent's practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, the assessment of costs related to the investigation and prosecution of this case, other than costs associated with an attorney's time, as provided for in Section 455.624(3), Florida Statutes, and/or any other relief that the Board deems appropriate.

SIGNED this 31 day of March, 1998.

James T. Howell, M.D., Secretary

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Kelly J Highsmith
DATE March 31, 98

Larry G. McPherson, Jr.
Chief Medical Attorney

COUNSEL FOR DEPARTMENT:

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RPC/rgp
PCP: March 27, 1998
PCP Members: Winchester, Cerda, Pardue