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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST : FINAL DECISION
: AND ORDER
JOHN S. POSER, M.D., : LS0409153MED
RESPONDENT. :

Division of Enforcement Case No. 03 MED 581

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

John S. Poser, M.D.
720 S. W. 2nd Ave. Ste. 452
Gainseville, FL 32601

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 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. John S. Poser, M.D. (DOB May 25, 1946) is duly licensed in the state of Wisconsin to practice as a physician and surgeon (license #20-20494). This license was first granted on October 26, 1976. Dr. Poser's specialty is plastic surgery.
2. Dr. Poser's latest address on file with the Department of Regulation and Licensing is 720 S. W. 2nd Avenue, Suite 452, Gainseville, FL 32601.
3. On April 9, 2003 Respondent was reprimanded and fined by the State of Florida Board of Medicine in connection with a 1997 incident in which he failed to take appropriate action when a patient, upon whom he was performing liposuction, went into respiratory arrest and failing cardiac function. After the patient's vital signs were stabilized, Respondent resumed the liposuction procedure without obtaining a competent medical evaluation of patient's physical status. The patient did not regain consciousness. As of the date of the Florida Board of Medicine Order, the patient remained in a persistent unconscious state due to anoxic brain injury. A true and correct copy of the Florida Board's Final Order and Consent Agreement is attached to this document as Exhibit A and is incorporated into this document by reference.
4. Respondent consents to the issuance of the following Conclusions of Law and Order in resolution of this matter.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over 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 above constitutes a violation of Wisconsin Administrative Code § Med 10.02 (2)(q).

ORDER

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

IT IS FURTHER ORDERED that:

1. John S. Poser, M.D. (license #20-20494) is REPRIMANDED.

2. Dr. Poser is to maintain full and complete compliance with all terms, limitations, and conditions imposed against his medical license in the State of Florida.

3. Dr. Poser shall submit quarterly affidavits describing the status of his Florida medical licensure and his compliance with the terms of his probation in Florida. Within six months of the date of this Order and once a year thereafter, Dr. Poser shall also cause the Florida Board of Medicine to submit a statement noting any conditions or limitations on his license and his standing to practice medicine in that state.

4. Dr. Poser may petition the Board to end the limitations on his Wisconsin medical license when he can demonstrate that he possesses unlimited licensure in the State of Florida. If requested by the Board, Dr. Poser shall appear in person before the Board to answer any questions that the Board may have regarding his practice. The Board may impose additional terms, limitations and conditions on any Wisconsin practice of Dr. Poser as it sees fit.

5. Dr. Poser shall pay COSTS of this proceeding in the amount of \$300 within 30 days of the date of this Order.

6. The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order, including receiving and coordinating all reports, costs, petitions and requests for appearances before the Board. The Department Monitor can be reached as follows:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
Post Office Box 8935
Madison, WI 53708-8935
FAX 608-266-2264
TEL. 608-267-3817.

7. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's certification or licensure pursuant to the procedures set forth in Wis. Admin. Code Ch. RL 6. The Board in its discretion may in the alternative impose additional conditions, terms, and limitations or other additional discipline for a violation of any of the terms of this Order.

8. This Order shall become effective upon the date of its signing.

MEDICAL EXAMINING BOARD

Alfred Franger 9-15-04
A Member of the Board Date