

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 : **FINAL DECISION AND ORDER**
JOHN S. POSER, M.D., :
RESPONDENT. : **0003565**

Division of Legal Services and Compliance Case No. 14 MED 167

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

John S. Poser, M.D.
12921 S.W. 1st Road, Suite 219
Tioga, FL 32669-5709

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

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

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Medical Examining Board (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, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent John S. Poser, M.D., (dob May 25, 1946), is licensed in the State of Wisconsin to practice medicine and surgery, having license number 20494-20, first issued on October 26, 1976, with registration current through October 31, 2015. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 12921 S.W. 1st Road, Suite 219, Tioga, Florida 32669-5709. Respondent is certified by the American Board of Plastic Surgery. Respondent is also licensed in Florida.

2. On August 15, 2003, the State of Florida Board of Medicine (Florida Board) adopted a Consent Agreement reprimanding Respondent and placing certain terms and conditions on his license to practice medicine in the state of Florida. The basis for this action was

Respondent's failure 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.

3. On September 15, 2004, based on the aforementioned discipline, this Board imposed reciprocal discipline by reprimanding Respondent and limiting Respondent's license by ordering him to comply with the Florida Board's Order. On March 17, 2005, Respondent was granted a full reinstatement of his Wisconsin license based on his compliance with the requirements of the Florida Board's Order.

4. On April 16, 2014, the Florida Board again disciplined Respondent for pre-signing blank prescriptions for Adipex-P (phentermine), a controlled substance. Also, Respondent was the supervising physician for an RN/electrologist providing laser and light based hair removal or reduction treatment. The Florida Board found that Respondent and the electrologist failed to have a written protocol on file with the Florida Department of Health. The Florida Board Order reprimands Respondent, requires Respondent to take continuing medical education in the area of legal and ethical implications in medicine, and to pay costs and an administrative fine of \$10,000.

5. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 448.02(3), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent John S. Poser, M.D., engaged in unprofessional conduct pursuant to Wis. Admin. Code § Med 10.03(3)(c) by having adverse action taken by another jurisdiction against his license to practice medicine and surgery.

3. As a result of the above conduct, John S. Poser, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.
2. Respondent John S. Poser, M.D., is REPRIMANDED.
3. The medicine and surgery license issued to John S. Poser, M.D., (license number 20494-20) is LIMITED as follows:
 - a. Respondent shall comply fully with all conditions and limitations placed on his Florida medical license (no. ME41976).

- b. Respondent shall notify the Department Monitor of any changes to his Florida Board Order within 10 days of the change.
- c. In the event Respondent plans to practice medicine and surgery in the state of Wisconsin, he shall notify the Board of his intentions and practice address at least ninety (90) days prior to his return.
- d. Upon Respondent providing proof sufficient to the Board, or its designee, that he has successfully complied with all terms and conditions of the Florida Board Order, the Board or its designee shall issue an Order removing this limitation of Respondent's medicine and surgery license.

4. Within 90 days from the date of this Order, John S. Poser, M.D., shall pay COSTS of this matter in the amount of \$250.

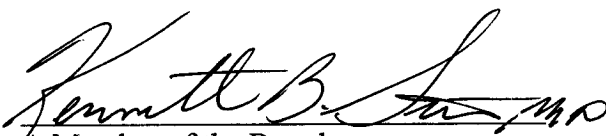
5. Proof of compliance and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

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

6. 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 license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of costs as set forth above, Respondent's license (no. 20494-20) may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.

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

WISCONSIN MEDICAL EXAMINING BOARD

by: 
A Member of the Board

November 19, 2014
Date

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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

JOHN S. POSER, M.D.,
RESPONDENT.

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:
:
:
:

STIPULATION

0003565

Division of Legal Services and Compliance Case No. 14 MED 167

Respondent John S. Poser, M.D., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.


5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.


7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



John S. Poser, M.D., Respondent
12921 S.W. 1st Road, Suite 219
Tioga, FL 32669-5709
License no. 20494-20

10/20/14
Date



Arthur Thexton, Prosecuting Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

10/27/14
Date