



**Board for Professional Medical Conduct**

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

C. Maynard Guest, M.D.  
Executive Secretary

January 30, 1995

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Martin Posner, M.D.  
180 Lakebridge Drive North  
Kings Park, New York 11754

RE: License No. 079836  
Effective Date: 2/6/95

Dear Dr. Posner:

Enclosed please find Order #BPMC 95-21 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct  
New York State Department of Health  
Empire State Plaza  
Tower Building-Room 438  
Albany, New York 12237-0756

Sincerely,

C. Maynard Guest, M.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

cc: Silvia Finkelstein, Esq.

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

IN THE MATTER  
OF  
MARTIN POSNER, M.D.

CONSENT  
ORDER  
BPMC #95-21

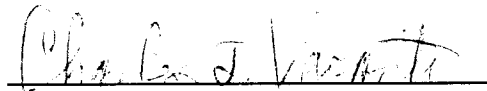
Upon the application of MARTIN POSNER, M.D., for Consent Order, which application is made a part hereof, it is

ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and it is further

ORDERED, that this order shall take effect as of the date of the personal service of this order upon Respondent, upon receipt by Respondent of this order via certified mail, or seven days after mailing of this order by certified mail, whichever is earliest.

SO ORDERED,

DATED: 23 January 1995



Charles J. Vacanti, M.D.  
Chairperson  
State Board for Professional  
Medical Conduct



I admit guilt to the specification in full satisfaction of the charges against me.

I hereby agree to the penalty five years probation. The terms of my probation shall be dictated by the "Probation Terms" attached hereto as Exhibit "B".

I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such Application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

*Martin Posner, M.D.*

MARTIN POSNER, M.D.  
RESPONDENT

Sworn to before me this  
13 day of December, 1995.

*[Signature]*

NOTARY PUBLIC

Notary Public for the State of  
California  
My Commission Expires on 12/31/99

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

-----X  
: APPLICATION  
IN THE MATTER :  
: FOR  
OF :  
: CONSENT  
MARTIN POSNER, M.D. :  
: ORDER  
-----X

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

Date: 12/1/11 [Signature]  
MARTIN POSNER, M.D.  
RESPONDENT

Date: 12/1/11 [Signature]  
SILVIA P. FINKELSTEIN  
ASSOCIATE COUNSEL  
BUREAU OF PROFESSIONAL  
MEDICAL CONDUCT

Date:

Jan. 19, 1995

Kathleen M. Tanner

KATHLEEN M. TANNER  
DIRECTOR  
OFFICE OF PROFESSIONAL  
MEDICAL CONDUCT

Date:

20 January 1995

Charles J. Vacanti

CHARLES J. VACANTI, M.D.  
CHAIRPERSON  
STATE BOARD FOR  
PROFESSIONAL MEDICAL CONDUCT

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

-----X

IN THE MATTER : STATEMENT  
OF : OF  
MARTIN POSNER, M.D. : CHARGES

-----X

MARTIN POSNER, M.D., the Respondent, was authorized to practice medicine in New York State on September 18, 1957 by the issuance of license number 079836 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1993 through December 31, 1994, from 180 Lakebridge Drive North, Kings Park, New York 11754.

FIRST SPECIFICATION

HAVING BEEN CONVICTED OF AN ACT  
CONSTITUTING A CRIME UNDER FEDERAL LAW

1. Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Sec. 6530(9)(a)(ii) (McKinney Supp. 1994) in that he has been convicted of committing an act constituting a crime under federal law, specifically:



On or about January 30, 1989, Respondent was convicted after a plea of guilty in the United States District Court, Eastern District of New York, United States Courthouse, Hauppauge, New York, of Acquiring Possession of a Controlled Substance, a felony, in violation of 21 USC 843(a)(3), in that on or about June 16, 1987, the Respondent knowingly and intentionally obtained and acquired possession of a substantial quantity of Demerol, a Schedule II narcotic drug controlled substance, through misrepresentation, fraud, deception and subterfuge, in that he wrote multiple prescriptions and presented them to pharmacies in the name of Mae Hochman and thereby obtained and acquired the drug for his own use.

On or about April 21, 1989, the Respondent was sentenced as follows: three years probation and a special assessment fine of \$50.00. Special conditions of probation required that he participate in drug and mental health treatment as directed by the Probation Department; that he not self prescribe drugs; and to perform 300 hours of Community Service as directed by the Probation Department.

DATED: NEW YORK, NEW YORK  
July , 1994

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CHRIS STERN HYMAN  
Counsel  
Bureau of Professional  
Medical Conduct

EXHIBIT "B"  
TERMS OF PROBATION

1. MARTIN POSNER, M.D., during the period of probation, shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his profession;
2. That Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Health Department, Corning Tower Building, 4th Floor, Empire State Plaza Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, of any change in Respondent's employment, practice, residence, or telephone number within or without the State of New York;
3. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation;
4. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct (OPMC), as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;
5. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board, and shall bear all costs of said compliance.
6. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. This includes but is

not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non renewal of permits or licenses (Tax Law section 171(27); State Finance Law section 18; CPLR section 5001; Executive Law section 32).

7. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his or her aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.
8. Respondent shall remain drug and alcohol free.
9. Respondent shall submit semi-annual declarations to the OPMC attesting that he remains drug and alcohol free.
10. Respondent's continued recovery shall be monitored by a health care professional ("monitor") designated or approved by the Director of OPMC or a successor monitor who must be similarly designated or approved by the Director of OPMC.
11. At the request of the monitor, Respondent shall submit to random, unannounced, observed urine screens for the presence of alcohol or drugs. The monitor shall submit in writing to the Director of OPMC the results of those screens. The minimum frequency of the screens shall be monthly for the first six months and thereafter at the discretion of the monitor with the approval of OPMC.
12. Respondent shall meet in person with a staff member of the OPMC at least once a year.
13. The Office of Professional Medical Conduct reserves the right to require that Respondent submit to an independent chemical dependency evaluation every six months, or as necessary, to be performed by a licensed health care professional designated or approved by the Director of OPMC.