



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

Antonia C. Novello, M.D., M.P.H., Dr.P.H.
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Executive Deputy Commissioner
NYS Department of Health
Anne F. Saile, Director
Office of Professional Medical Conduct

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Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

November 1, 2000

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Kurt Pulver, P.A.
9 Maple Lane
Ft. Oglethorpe, GA 30741

RE: License No. 001351

Dear Mr. Pulver:

Enclosed please find Order #BPMC 00-293 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect November 1, 2000.

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 to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Ronald Nerke, Esq.
Berke, Berke nd Berke
832 Georgia Ave., Suite 1230
Chattanooga, Tenn 37402

Robert Bogan, Esq.

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

IN THE MATTER
OF
KURT PULVER, P.A.

CONSENT
AGREEMENT
AND ORDER
BPMC No. 00-293

Kurt Pulver, P.A., (Respondent) being duly sworn deposes and says:

That on or about April 4, 1980, I was licensed to practice as a physician's assistant in the State of New York, having been issued License No. 001351 by the New York State Education Department.

My current address is 9 MAPLE LAKE
FT. OGLETHORPE GEORGIA 30742, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I have not practiced in New York State as a physician's assistant since on or about 1982.

I understand that the New York State Board of Professional Medical Conduct has charged me with two (2) specifications of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A."

I agree not to contest the two (2) specifications, in full satisfaction of the charges against me, and hereby agree to the following penalty:

Censure and Reprimand; and

To comply with probation imposed by the Tennessee Board of Medical Examiners pursuant to the Agreed Order of January 18, 2000, and provide written evidence of such compliance to the Office of Professional Medical Conduct of the New York State Department of Health.

I further agree that the Consent Order for which I hereby apply shall impose the following conditions:

That, except during periods of actual suspension, Respondent shall maintain current registration of Respondent's license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of The Consent Order and will continue while the licensee possess his/her license; and

That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent. Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of the Consent Order and will continue while the licensee possesses his/her license.

I hereby stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that in the event that I am charged with professional misconduct in the future, the agreement and order shall be admitted into evidence in that proceeding.

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

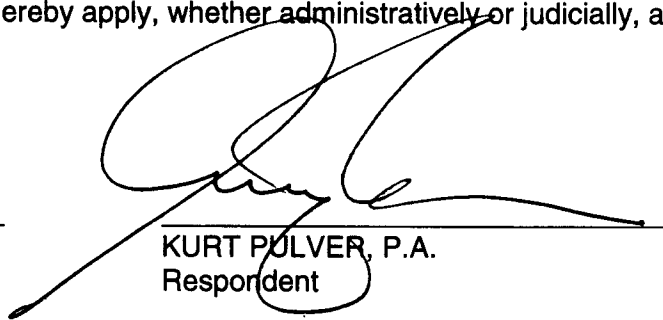
prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

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 agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits. I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

AFFIRMED:

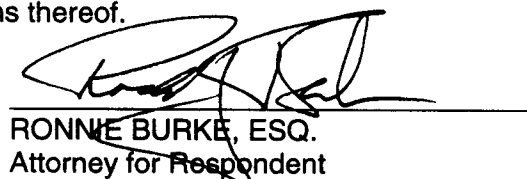
DATED: 10-17-00



KURT PULVER, P.A.
Respondent

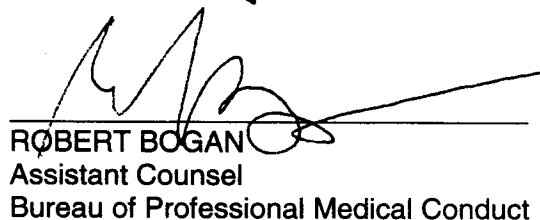
The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 10-17-00



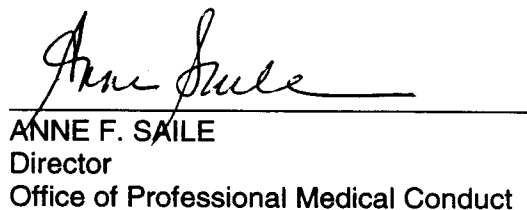
RONNIE BURKE, ESQ.
Attorney for Respondent

DATE: 10/25/00



ROBERT BOGAN
Assistant Counsel
Bureau of Professional Medical Conduct

DATE: 10/26/00



ANNE F. SAILE
Director
Office of Professional Medical Conduct

"Exhibit A"

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

IN THE MATTER
OF
KURT PULVER, P.A.

STATEMENT
OF
CHARGES

KURT PULVER, P.A., the Respondent, was authorized to practice medicine in New York state on April 4, 1980, by the issuance of license number 001351 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about January 18, 2000, the Tennessee Board of Medical Examiners, Committee on Physicians Assistants (hereinafter "Tennessee Board"), by an Agreed Order (hereinafter "Tennessee Order"), placed Respondent's license on PROBATION for eight (8) months, required him to submit for approval his protocol and formulary for services to be rendered and pay a \$1000.00 civil penalty, based on his being found guilty of unprofessional, dishonorable, or unethical conduct and having violated directly or indirectly the Physician Assistant Act or a lawful order of the Tennessee Board issued pursuant thereto, in that he dispensed, prescribed or distributed controlled substances or any other drug to any person in violation of a law of Tennessee or of the United States or any rule of the Tennessee Board.

B. The conduct resulting in the Tennessee Board's disciplinary action against Respondent would constitute misconduct under the laws of New York state pursuant to the following sections of New York state law:

1. New York Education Law §6530(2) (practicing the profession beyond its authorized scope);

2. New York Education Law §6530(16) (failure to comply with federal, state, or local laws, rules or regulations governing the practice of medicine); and/or

3. New York Education Law §6530(24) (practicing beyond the scope permitted by law).

SPECIFICATIONS

FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state, where the conduct upon which the finding was based, would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

1, The facts in paragraphs A and/or B.

SECOND SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by reason of having had disciplinary action taken, after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action, would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

2. The facts in paragraphs A and/or B.

DATED: *Aug 11*, 2000
Albany, New York

Peter D. Van Buren
PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional Medical
Conduct

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

IN THE MATTER

CONSENT

OF

ORDER

KURT PULVER, P.A.

Upon the proposed agreement of **Kurt Pulver, P.A.**, (Respondent) for Consent Order, which application is made a part hereof, it is agreed and

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

ORDERED, that this order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 10/26/00



WILLIAM P. DILLON, M.D.
Chair
State Board for Professional
Medical Conduct