



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.
*Commissioner
NYS Department of Health*

Dennis P. Whalen
*Executive Deputy Commissioner
NYS Department of Health*

Dennis J. Graziano, Director
Office of Professional Medical Conduct

Michael A. Gonzalez, R.P.A.
Vice Chair

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

PUBLIC

June 15, 2004

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Michael J. Poss, P.A.
24245 Wilderness Oak #804
San Antonio, TX 78285

Re: License No. 007241

Dear Mr. Poss:

Enclosed please find Order #BPMC 04-128 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect June 22, 2004.

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 the 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

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

IN THE MATTER

SURRENDER

OF

ORDER

**MICHAEL J. POSS, P.A.
CO-04-03-1595-A**

BPMC No. 04-128

MICHAEL J. POSS, P.A., says:

On or about January 3, 2000, I was licensed to practice medicine as a physician assistant in the State of New York having been issued License No. 007241 by the New York State Education Department. I currently reside at 24245 Wilderness Oak, #804, San Antonio, TX 78285.

I am currently registered with the New York State Education Department to practice as a physician assistant in the State of New York.

I understand that the New York State Board for Professional Medical Conduct has charged me with one (1) specification of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

I am applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license as a physician assistant in the State of New York and request that the Board issue this Surrender Order.

I, hereby, agree not to contest the one (1) specification set forth in the Statement of Charges (Exhibit A).

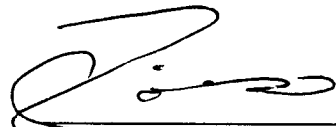
I understand that in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such

proposed agreement 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 State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct 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 upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above or to my attorney or upon transmission via facsimile to me or my attorney, whichever is first.

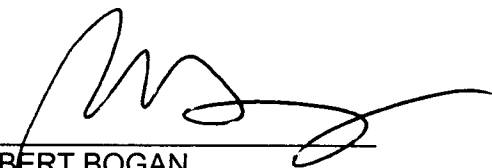
I am making this agreement of my own free will and accord and not under duress, compulsion or restraint of any kind of manner.

Date: 01 June, 2004

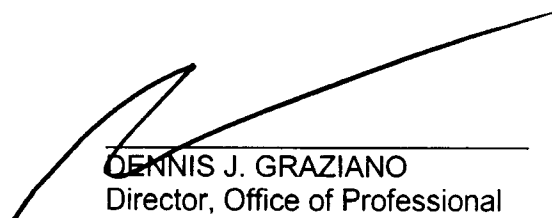

MICHAEL J. POSS, P.A.
Respondent

AGREED TO:

Date: 09 June, 2004


ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

Date: 09 June, 2004


DENNIS J. GRAZIANO
Director, Office of Professional
Medical Conduct

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

IN THE MATTER
OF
MICHAEL J. POSS, P.A.
CO-04-03-1595-A

STATEMENT
OF
CHARGES

MICHAEL J. POSS, P.A., Respondent, was authorized to practice medicine in New York state, as a Physician Assistant, on January 3, 2000, by the issuance of license number 007241 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about the year 2001, Respondent used benzodiazapines without authorization.

SPECIFICATION

Respondent violated New York Education Law §6530(8) by being dependent on or being a habitual user of narcotics, barbiturates, amphetamines, hallucinogens, or other drugs having similar effects, in that Petitioner charges:

1. The facts in Paragraph A.

DATED: *June 3*, 2004
Albany, New York

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

ORDER


Upon the proposed agreement of **MICHAEL J. POSS, P.A.**, to Surrender his license as a physician assistant in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of the Respondent be stricken from the roster of physician assistants in the State of New York; 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 to Respondent at the addresses set forth in this agreement or to Respondent's attorney or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 14 June, 2004


MICHAEL A. GONZALEZ, R.D.A.
Vice Chair
State Board for Professional
Medical Conduct