

IN THE MATTER OF

LAURIE POSS, M.D.

Respondent

License Number: D32567

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BEFORE THE

MARYLAND STATE

BOARD OF PHYSICIANS

Case Number: 7713-0117

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**ORDER AFTER SHOW CAUSE HEARING**

On June 26, 2013, Laurie Poss, M.D. entered into a consent order (the "Consent Order"), that, among other conditions, mandated that she enter into the Maryland Professional Rehabilitation Program (the "MPRP") and comply with all of the MPRP's recommendations. Dr. Poss did not comply with the MPRP's recommendations because she failed to sit for a physician re-entry examination, and on April 22, 2015, the Maryland State Board of Physicians (the "Board") issued a Violation of Consent Order and Notice to Show Cause why additional sanctions should not be imposed against her license, based on her violation of the Consent Order. Dr. Poss appeared at a Show Cause hearing on August 12, 2015, before Board Disciplinary Panel A ("Panel A"). The State presented evidence of Dr. Poss's violation and Dr. Poss did not deny that she violated the Consent Order, but argued against further sanction.

**FINDINGS OF FACT**

**UNDERLYING ACTION**

In 2011 and 2012, the Board received four complaints against Dr. Poss alleging that she: (1) prescribed to family members; (2) improperly prescribed to patients; (3) operated a general practice and addictions center with an expired license; and (4) abused Valium. The Board opened investigations. On June 29, 2012, the Board investigators along with investigators from the Drug Enforcement Administration,

Maryland Division of Drug Control, and staff from the Maryland Board of Professional Counselors visited the general and addictions medicine center that Dr. Poss owned and operated. The Board notified Dr. Poss about its investigation and ordered her to submit urine and hair samples for toxicology screenings. The Board conducted two interviews with Dr. Poss, interviewed an employee of hers, and received a written response to the allegations from Dr. Poss. The Board also ordered Dr. Poss to undergo a neuropsychological evaluation by a board-approved neuropsychologist. On October 31, 2012, based on the investigation, Dr. Poss's license was summarily suspended.

On June 26, 2013, Dr. Poss entered into a consent order with the Board. As found in the Consent Order, Dr. Poss was treating 70 patients with buprenorphine (Suboxone) even though she was only authorized to treat 30 patients. Dr. Poss failed to conduct a biennial inventory and 1000 tablets of Valium were missing. In an interview with Board investigators, Dr. Poss admitted that that she took Valium home from the office. She initially stated that she only took Valium intermittently before sleep but later admitted that she had been taking Valium every night since 2009. Dr. Poss's toxicology screenings yielded positive results for three benzodiazepines. Dr. Poss also allowed an addictions counselor to dispense controlled dangerous substances to patients, and to "call in" prescriptions for patients when Dr. Poss was not physically present.

Dr. Poss also failed to disclose on her Board license renewal application, filed on September 28, 2011, that she was arrested for driving while impaired. On January 26, 2012, Dr. Poss pled guilty to three counts: (1) an unsafe or defective vehicle; (2) driving under the influence; and (3) driving while impaired. She was sentenced to community

service. The Board's renewal application specifically asks whether an applicant has any pending criminal charges, and Dr. Poss incorrectly answered "no."

Dr. Poss was evaluated by Dr. W<sup>1</sup> a neuropsychologist. The findings from the evaluation Dr. Poss underwent were also of grave concern to the Board. Dr. W met with Dr. Poss on three occasions and drafted his findings in a report dated October 10, 2012. The report stated that Dr. Poss was 75 minutes late to the first meeting and then 30 minutes late from a lunch break during that meeting. Dr. Poss bumped into a wall when leaving. She slurred her speech. She made several statements that could be contradicted with easily obtainable information. Dr. W noted that Dr. Poss was poor at managing herself and poor at inhibiting impulsive behaviors. Dr. Poss's verbal memory was "dysregulated" and her performance in the tower test (sensitive to sequential planning) was poor, leaving Dr. Poss unable to do anything but the simplest tasks. The bulk of her scores fell below what would have been expected from an individual of her academic accomplishments. Dr. W found that Dr. Poss had the most difficulty in areas of frontal-executive attention functions and that she had extremely impaired visual-spatial memory. In sum, Dr. W found that Dr. Poss was impaired and that it would be unlikely that she could safely practice medicine with her attention and memory so compromised.

Dr. Poss entered into a Consent Order which concluded as a matter of law that she acted unprofessionally in the practice of medicine, was mentally, physically, or professionally impaired, practiced medicine with an unauthorized person, and willfully made false representations when seeking or making application for licensure, in violation of Health Occ. § 14-404(a) (3)(ii), (4), (18), and (36), respectively.

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<sup>1</sup> For confidentiality purposes, the name of the evaluating physician will not be identified in this Order.



Under the terms of the Consent Order, Dr. Poss agreed that her medical license would remain suspended and that she would fully and satisfactorily comply with the enumerated conditions, including those regarding her mandatory participation in the MPRP. Condition “c” stated in part that “[t]he Respondent shall fully cooperate with the evaluation, including complying with all of MPRP recommendations.” The Consent Order further:

**ORDERED** that if the Respondent fails to comply with any terms and conditions of the suspension or this Consent Order, the Board or Board panel, after notice and an opportunity for a show cause hearing before the Board or Board Panel, may further suspend or revoke the Respondent’s medical license and impose any further terms and conditions it deems reasonable; and it is further

**ORDERED** that the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order[.]

Dr. Poss agreed to each of these conditions, and signed the Consent Order.

#### VIOLATION OF THE CONSENT ORDER

In November 2013, Dr. Poss entered into a five-year Participant Rehabilitation Agreement (“Agreement”) with the MPRP. In March 2014, Dr. W conducted a neuropsychological reevaluation of Dr. Poss and issued a report, dated April 30, 2014. In May 2014, the MPRP recommended that Dr. Poss successfully complete an approved physician re-entry evaluation, at her own expense, in order to resume her clinical practice.

In a letter dated June 30, 2014, the MPRP gave Dr. Poss information regarding two programs that conduct physician re-entry evaluations. Dr. Poss responded that she intended to take the Pennsylvania State Medical Society re-entry examination and that she “underst[oo]d this is a requirement stipulated by the MPRP as part of [her]

rehabilitation program.” She stated that she intended to take the exam by December 31, 2014, to give her time to raise the funds for the exam fee. The MPRP agreed to allow her to complete the re-entry examination by December 31, 2014.

On January 5, 2015, the MPRP notified the Board that Dr. Poss failed to take the physician re-entry evaluation examination by the agreed upon deadline, and as a result, the MPRP discharged Dr. Poss for cause. The Board sent Dr. Poss a letter notifying her of the alleged violation and requesting a response. Dr. Poss responded to the Board and did not dispute her failure to complete the re-entry examination, but explained that she did not complete the re-entry examination because she was unable to afford the fee.

#### SHOW CAUSE HEARING

On April 22, 2015, the Attorney General’s Office issued a Violation of Consent Order and Notice to Show Cause. Dr. Poss submitted a response memorandum with eight physician endorsements and information regarding the Special Purpose Examination (“SPEX”).

On August 12, 2015, Panel A held a Show Cause hearing. At the hearing, Dr. Poss conceded that she had not completed the re-entry examination as required by the MPRP. Dr. Poss explained that due to financial difficulties, including a bankruptcy and other unrelated litigation, she could not afford the exam.

At the show cause hearing, Dr. Poss noted that she had successfully complied with all other conditions of the Agreement with the MPRP. She also summarized several endorsements by physicians with whom she has interacted. Dr. Poss recommended four alternatives to revoking her license due to her violation: (1) waiving

the re-entry examination; (2) using a competency evaluation rendered by Dr. Poss's colleagues; (3) permitting a substitution of the SPEX; or (4) leaving her license suspended indefinitely.

The State advocated for the revocation of Dr. Poss's license. The State noted that Dr. Poss does not deny that she violated the Consent Order. The State described Dr. Poss's long history of violations and emphasized the Board's finding in the Consent Order that Dr. Poss was professionally and mentally incompetent. The State summarized Dr. W's reevaluation in April 2014 concluding that Dr. Poss's "cognitive abilities fall in a gray area" between overtly impaired and fully recovered. Dr. W stated that "whether any diminution of her abilities is such that she cannot practice cannot be confidently determined." The State explained that the MPRP, therefore, recommended that Dr. Poss be evaluated by a physician re-entry program. The State argued that her failure to enter into the re-entry program merited a revocation of her license.

### **CONCLUSIONS OF LAW**

Panel A concludes that Dr. Poss violated Condition "c" of the Consent Order.

### **SANCTION**

Panel A has considered Dr. Poss's memorandum and her oral presentation at the Show Cause hearing. Panel A rejects Dr. Poss's recommended alternative sanctions such as waiving the re-entry examination or permitting competency evaluations by her peers. Panel A finds that these sanctions are insufficient to protect the public and to determine whether Dr. Poss can safely return to practice. Further, the Board generally requires the SPEX for reinstatement of physicians after some period of professional inactivity. The Board finds the SPEX to be an inappropriate vehicle for



determining whether Dr. Poss is competent for reinstatement. The MPRP's conclusion that a re-entry examination is necessary to determine Dr. Poss's competency was based on Dr. W's evaluation of her competency. Panel A finds that a determination of Dr. Poss's professional and mental competency prior to reinstating her license is important to further the Board's mission to protect the public.

By signing the Consent Order, Dr. Poss agreed to be responsible for all costs incurred in fulfilling the terms and conditions of the Consent Order. Nevertheless, Panel A will allow Dr. Poss six additional months from the date of this Order to complete the required re-entry exam and any other requirements that will be recommended by the MPRP. Panel A will revoke Dr. Poss's license if she does not complete the re-entry program within these six months.

### **ORDER**

On an affirmative vote of a majority of a quorum of Disciplinary Panel A, it is hereby

**ORDERED** that Laurie Poss, M.D. shall complete a re-entry examination recommended by the MPRP within Six (6) Months of this Order and if she fails to do so she shall be discharged from the MPRP and her medical license shall be **REVOKED**; and it is further

**ORDERED** that Laurie Poss, M.D.'s license shall remain **SUSPENDED**; and it is further

**ORDERED** that Dr. Poss shall re-enroll in the MPRP within 10 days of this Order. Dr. Poss shall enter into a Participant Rehabilitation Agreement for a length of time as recommended by the MPRP. Dr. Poss shall fully, timely, and satisfactorily cooperate

and comply with all MPRP recommendations and requirements, including, but not limited to, the terms and conditions of all Participant Rehabilitation Agreement(s) and Participant Rehabilitation Plan(s) entered into with the MPRP; and it is further

**ORDERED** that Dr. Poss shall undergo any further evaluations required by the MPRP; it is further

**ORDERED** that within 10 days of the date this Board executes this Order, Dr. Poss shall sign any written release/consent forms, and update them as required by the Board and the MPRP. Specifically, Dr. Poss shall sign any written release/consent forms required by the Board to authorize the MPRP to make verbal and written disclosures to the Board. Dr. Poss shall also sign any written release /consent forms required by the MPRP to ensure that the MPRP is able to obtain all records and information, including medical, psychiatric, and substance abuse records and information as agreed to by the prior June 26, 2013 Consent Order; and it is further

**ORDERED** that upon the completion of and passing a re-entry examination and any other evaluations required by the MPRP, Dr. Poss may petition the Board for the termination of the suspension; and it is further

**ORDERED** that, upon Dr. Poss's application for termination of suspension, a Board panel will review Dr. W's 2014 evaluation of Dr. Poss, any subsequent evaluations recommended or ordered by the MPRP, the results of the re-entry examination, and any other information relevant to Dr. Poss's reinstatement and will hold a meeting with her. At that meeting, the Board panel will determine the appropriate licensure status of Dr. Poss and if the termination of her suspension is warranted, the



Board panel will impose appropriate probationary terms and conditions, if any are necessary; and it is further

**ORDERED** that if Dr. Poss fails to comply with any terms or conditions of the suspension or this Order, the Board or Board panel, after notice and an opportunity for a show cause hearing before the Board or Board panel, may further suspend or revoke Dr. Poss's medical license and impose any further terms and conditions it deems reasonable; and it is further

**ORDERED** that Dr. Poss is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

**ORDERED** that this Order is a public document.

11/12/2015  
Date

Christine A. Farrelly  
Christine Farrelly, Executive Director  
Maryland State Board of Physicians