



New York State Board for Professional Medical Conduct

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

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Patrick F. Carone, M.D., M.P.H.
Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

August 7, 1998

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Robert A. Moss, M.D.
11100 Warner Avenue, Suite 200
Fountain Valley, California 92708

RE: License No. 122564

Dear Dr. Moss:

Enclosed please find Order #BPMC 98-167 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **August 7, 1998.**

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
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: Timothy J. Stafford, Esq.
1851 E. First Street
Suite 1010
Santa Ana, California 92705

Denise Lepicier, Esq.

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

**IN THE MATTER
OF
ROBERT ALAN MOSS, M.D.**

**SURRENDER
OF
LICENSE**

BPMC #98-167

STATE OF CALIFORNIA)

ss.:

COUNTY OF ORANGE)

ROBERT ALAN MOSS, M.D., under penalties of perjury, affirms and states:

On or about November 26, 1974, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 122564 by the New York State Education Department.

My current address is 11100 Warner Avenue, Suite 200, Fountain Valley, California, 92708, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that I have been charged with one 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 permission to surrender my license as a physician in the State of New York on the grounds that I agree not to contest the allegations against me in full satisfaction of the Statement of Charges.

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

I understand that, in the event that the application 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 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 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 State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me. 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 Surrender 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 Surrender Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.


AFFIRMED:

DATED 7-21-1998



ROBERT ALAN MOSS, M.D.
RESPONDENT

The undersigned agree to the attached application of the Respondent to surrender his license.

Date: 7. 21. 98


TIMOTHY J. STAFFORD, Esq.
Attorney for Respondent

Date: 7/27/98


DENISE LEPICIER
Associate Counsel
Bureau of Professional
Medical Conduct

Date: July 30, 1998


ANNE F. SAILE
Director
Office of Professional Medical Conduct

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

IN THE MATTER
OF
ROBERT ALAN MOSS, M.D.

SURRENDER
ORDER

Upon the proposed agreement of ROBERT ALAN MOSS, M.D. (Respondent) to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is agreed to and

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


ORDERED, that the name of Respondent be stricken from the roster of physicians 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 of the Surrender 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:

August 4, 1998


THEA GRAVES PELLMAN
Vice-Chairperson
State Board for Professional
Medical Conduct

**IN THE MATTER
OF
ROBERT ALAN MOSS, M.D.**

**STATEMENT
OF
CHARGES**

ROBERT ALAN MOSS, M.D., the Respondent, was authorized to practice medicine in New York State on or about November 26, 1974, by the issuance of license number 122564 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about December 20, 1996, Respondent was charged before the Medical Board of California with medical misconduct in that he violated statutes, among others, making it unprofessional conduct to engage in "gross negligence" and to "[prescribe, dispense, or furnish] dangerous drugs without a good faith prior examination and medical indication therefor." (Cal. Bus. & Prof. Code Sections 2234(b) and 2242) On or about November 14, 1997, Respondent entered into a Stipulation agreeing to a stayed revocation with three years of probation, not to prescribe Schedule II through V controlled substances except as required in his practice of oncology and hematology, to enroll in a course in prescribing practices, to maintain a record of all substances prescribed, dispensed or administered, to take and pass an oral clinical exam in oncology and hematology within 90 days of the decision, to obey all federal, state and local laws governing the practice of medicine, to submit quarterly sworn statements concerning his compliance with the order, to comply with the State's probation surveillance program and to pay the costs

associated with such probation monitoring, to appear personally for interviews as requested, and to reimburse the State for its investigative and prosecutorial costs in the amount of \$8000. It was further agreed that if Respondent violates probation in any respect, the State may revoke probation and enforce the "disciplinary order that was stayed," and that if Respondent successfully completes the terms of probation, Respondent's "certificate shall be fully restored." More specifically, the conduct upon which Respondent's sanction was based involved:

1. Failing to supervise a nurse practitioner, whom he had agreed to supervise in her practice, and who used Respondent's certificate and DEA registration to buy controlled substances in bulk and who distributed the controlled substances in her practice.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

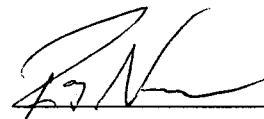
HAVING HAD DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(d)(McKinney Supp.1998) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action

involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law Section 6530 [3], [4] and [33]) as alleged in the facts of the following:

1. Paragraphs A and A1.

DATED: July 20, 1998
New York, New York



ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct