

**PROBATIONARY CONSENT AGREEMENT
BETWEEN
FRED ROBERT MOSS, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO**

This Consent Agreement is entered into by and between Fred Robert Moss, M.D., [Dr. Moss], and the State Medical Board of Ohio [Board], a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

Dr. Moss enters into this Consent Agreement being fully informed of his rights under Chapter 119., Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudicative hearing on the issues considered herein.

BASIS FOR ACTION

This Consent Agreement is entered into on the basis of the following stipulations, admissions and understandings:

- A. The Board is empowered by Section 4731.22(B), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for any of the enumerated violations.
- B. The Board and Dr. Moss enter into this Consent Agreement in lieu of formal proceedings based upon the violation of Section 4731.22(B)(22), Ohio Revised Code, as set forth in the Notice of Opportunity for Hearing issued on or about September 13, 2006 [September 2006 Notice], a copy of which is attached hereto and incorporated herein. The Board and Dr. Moss further agree that the alleged violation of Section 4731.22(B)(26), Ohio Revised Code, as set forth in the September 2006 Notice, shall be dismissed upon the instant Probationary Consent Agreement becoming effective. The Board expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731. of the Revised Code, whether occurring before or after the effective date of this Consent Agreement.
- C. Dr. Moss is licensed to practice medicine and surgery in the State of Ohio, License #35.059484.
- D. Dr. Moss states that he is also currently licensed to practice medicine and surgery in the state of Indiana, and that he previously held a license to practice medicine and surgery that is now inactive in the state of Kentucky.

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- E. Dr. Moss admits that on or about April 22, 2004, through October 11, 2005, the Medical Licensing Board of Indiana [Indiana Board] subjected his license to practice medicine and surgery in that state to certain probationary conditions and requirements, including that he participate in the Indianapolis Physician's Twelve-Step Program on a weekly basis for at least six months, and that he make quarterly appearances before the Indiana Board. Copies of the Indiana Board Notice of Hearing, Order Issuing Probationary License, Administrative Law Judge's Order, and Board's Final Order on Removal of Probation are attached hereto and fully incorporated herein.

- F. Dr. Moss and the Board agree to fully resolve all allegations contained in the September 2006 Notice by entering into this Consent Agreement. Dr. Moss admits all of the legal and factual allegations in the September 2006 Notice related to the action against his license by the Medical Licensing Board of Indiana, which constitutes a violation of Section 4731.22(B)(22), Ohio Revised Code. Dr. Moss further admits that he has been diagnosed with alcohol dependence, in remission since at least the year 2002, and cannabis abuse, in remission since at least the year 2000.

AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, Dr. Moss knowingly and voluntarily agrees with the Board to the following PROBATIONARY terms, conditions and limitations:

- 1. Dr. Moss shall obey all federal, state, and local laws, and all rules governing the practice of medicine in Ohio.

- 2. Dr. Moss shall submit quarterly declarations under penalty of Board disciplinary action or criminal prosecution, stating whether there has been compliance with all the conditions of this Consent Agreement. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the month in which this Consent Agreement becomes effective. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

- 3. Dr. Moss shall appear in person for an interview before the full Board or its designated representative during the third month following the effective date of this Consent Agreement. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.

- 4. Dr. Moss shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the probationary term, unless

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otherwise determined by motion of the Board for absences of three months or longer, or by the Secretary or the Supervising Member of the Board for absences of less than three months, in instances where the Board can be assured that probationary monitoring is otherwise being performed.

5. In the event Dr. Moss is found by the Secretary of the Board to have failed to comply with any provision of this Consent Agreement, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Consent Agreement.

MONITORING OF REHABILITATION AND TREATMENT

Drug Associated Restrictions

6. Dr. Moss shall keep a log of all controlled substances prescribed. Such log shall be submitted, in the format approved by the Board, thirty days prior to Dr. Moss' personal appearance before the Board or its designated representative, or as otherwise directed by the Board. Further, Dr. Moss shall make his patient records with regard to such prescribing available for review by an agent of the Board upon request.
7. Dr. Moss shall not, without prior Board approval, administer, personally furnish, or possess (except as allowed under Paragraph 8 below) any controlled substances as defined by state or federal law. In the event that the Board agrees at a future date to modify this Consent Agreement to allow Dr. Moss to administer or personally furnish controlled substances, Dr. Moss shall keep a log of all controlled substances prescribed, administered or personally furnished. Such log shall be submitted in the format approved by the Board thirty days prior to Dr. Moss' personal appearance before the Board or its designated representative, or as otherwise directed by the Board. Further, Dr. Moss shall make his patient records with regard to such prescribing, administering, or personally furnishing available for review by an agent of the Board upon request.

Sobriety

8. Dr. Moss shall abstain completely from the personal use or possession of drugs, except those prescribed, dispensed or administered to him by another so authorized by law who has full knowledge of Dr. Moss' previous diagnosis of chemical dependency.
9. Dr. Moss shall abstain completely from the use of alcohol.

Drug and Alcohol Screens/Supervising Physician

10. Dr. Moss shall submit to random urine screenings for drugs and alcohol on a weekly basis or as otherwise directed by the Board. Dr. Moss shall ensure that all screening

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reports are forwarded directly to the Board on a quarterly basis. The drug testing panel utilized must be acceptable to the Secretary of the Board.

Dr. Moss shall abstain from consumption of poppy seeds or any other food or liquid that may produce false results in a toxicology screen.

Within thirty days of the effective date of this Consent Agreement, Dr. Moss shall submit to the Board for its prior approval the name and curriculum vitae of a supervising physician to whom Dr. Moss shall submit the required urine specimens. In approving an individual to serve in this capacity, the Board will give preference to a physician who practices in the same locale as Dr. Moss. Dr. Moss and the supervising physician shall ensure that the urine specimens are obtained on a random basis and that the giving of the specimen is witnessed by a reliable person. In addition, the supervising physician shall assure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.

The Board expressly reserves the right to disapprove any person or entity proposed to serve as Dr. Moss' designated supervising physician, or to withdraw approval of any person or entity previously approved to serve as Dr. Moss' designated supervising physician, in the event that the Secretary and Supervising Member of the Board determine that any such supervising physician has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

Dr. Moss shall ensure that the supervising physician provides quarterly reports to the Board, in a format acceptable to the Board, as set forth in the materials provided by the Board to the supervising physician, verifying whether all urine screens have been conducted in compliance with this Consent Agreement, whether all urine screens have been negative, and whether the supervising physician remains willing and able to continue in his or her responsibilities.

In the event that the designated supervising physician becomes unable or unwilling to so serve, Dr. Moss must immediately notify the Board in writing, and make arrangements acceptable to the Board for another supervising physician as soon as practicable. Dr. Moss shall further ensure that the previously designated supervising physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

All screening reports and supervising physician reports required under this paragraph must be received in the Board's offices no later than the due date for Dr. Moss' quarterly declaration. It is Dr. Moss' responsibility to ensure that reports are timely submitted.

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11. The Board retains the right to require, and Dr. Moss agrees to submit, blood or urine specimens for analysis at Dr. Moss' expense upon the Board's request and without prior notice. Dr. Moss' refusal to submit a blood or urine specimen upon request of the Board shall result in a minimum of one year of actual license suspension.

Monitoring Physician

12. Within thirty days of the effective date of this Consent Agreement, Dr. Moss shall submit the name and curriculum vitae of a monitoring physician for prior written approval by the Secretary or Supervising Member of the Board. In approving an individual to serve in this capacity, the Secretary and Supervising Member will give preference to a physician who practices in the same locale as Dr. Moss and who is engaged in the same or similar practice specialty.

The monitoring physician shall monitor Dr. Moss and his medical practice, and shall review Dr. Moss' patient charts. The chart review may be done on a random basis, with the frequency and number of charts reviewed to be determined by the Board.

Further, the monitoring physician shall provide the Board with reports on the monitoring of Dr. Moss and his medical practice, and on the review of Dr. Moss' patient charts. Dr. Moss shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Dr. Moss' quarterly declaration.

In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. Moss must immediately so notify the Board in writing. In addition, Dr. Moss shall make arrangements acceptable to the Board for another monitoring physician within thirty days after the previously designated monitoring physician becomes unable or unwilling to serve, unless otherwise determined by the Board. Furthermore, Dr. Moss shall ensure that the previously designated monitoring physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

Rehabilitation Program

13. Within thirty days of the effective date of this Consent Agreement, Dr. Moss shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., C.A., or Caduceus, no less than three times per week. Substitution of any other specific program must receive prior Board approval.

Dr. Moss shall submit acceptable documentary evidence of continuing compliance with this program which must be received in the Board's offices no later than the due date for Dr. Moss' quarterly declarations.

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Releases

14. Dr. Moss shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for Dr. Moss' alcohol dependency, in remission, cannabis abuse, in remission, or related conditions; or for purposes of complying with this Consent Agreement, whether such treatment or evaluation occurred before or after the effective date of this Consent Agreement. The above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute. Dr. Moss further agrees to provide the Board written consent permitting any treatment provider from whom he obtains treatment to notify the Board in the event he fails to agree to or comply with any treatment contract or aftercare contract. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this Consent Agreement.

Required Reporting by Licensee

15. Within thirty days of the effective date of this Consent Agreement, Dr. Moss shall provide a copy of this Consent Agreement to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Moss shall provide a copy of this Consent Agreement to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments.
16. Within thirty days of the effective date of this Consent Agreement, Dr. Moss shall provide a copy of this Consent Agreement by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. Dr. Moss further agrees to provide a copy of this Consent Agreement by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which he applies for any professional license or for reinstatement of any professional license. Further, Dr. Moss shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.
17. Dr. Moss shall provide a copy of this Consent Agreement to all persons and entities that provide Dr. Moss chemical dependency treatment or monitoring.

FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Moss appears to have violated or breached any term or condition of this Consent Agreement, the Board reserves

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the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including, but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Consent Agreement.

If the Secretary and Supervising Member of the Board determine that there is clear and convincing evidence that Dr. Moss has violated any term, condition or limitation of this Consent Agreement related to Paragraphs 7, 8, 9, 10, 11, 12, 13, and 14, Dr. Moss agrees that the violation, as alleged, also constitutes clear and convincing evidence that his continued practice presents a danger of immediate and serious harm to the public for purposes of initiating a summary suspension pursuant to Section 4731.22(G), Ohio Revised Code.

DURATION/MODIFICATION OF TERMS

Dr. Moss shall not request termination of this Consent Agreement for a minimum of two years. In addition, Dr. Moss shall not request modification to the probationary terms, limitations, and conditions contained herein for at least one year. Otherwise, the above-described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties.

ACKNOWLEDGMENTS/LIABILITY RELEASE

Dr. Moss acknowledges that he has had an opportunity to ask questions concerning the terms of this Consent Agreement and that all questions asked have been answered in a satisfactory manner.

Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

Dr. Moss hereby releases the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This Consent Agreement shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. Further, this information may be reported to appropriate organizations, data banks and governmental bodies. Dr. Moss acknowledges that his social security number will be used if this information is so reported and agrees to provide his social security number to the Board for such purposes.

EFFECTIVE DATE

It is expressly understood that this Consent Agreement is subject to ratification by the Board prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below.

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Fred Robert Moss M.D.
FRED ROBERT MOSS, M.D.

Lance A. Talmage M.D.
LANCE A. TALMAGE, M.D.
Secretary

11/6/06
DATE

Deborah R. Lydon
DEBORAH R. LYDON
Attorney for Dr. Moss

11-09-06
DATE

Raymond J. Albert
RAYMOND J. ALBERT
Supervising Member

11/6/06
DATE

11/9/06
DATE

Lynn A. Zondrak
LYNN A. ZONDRAK
Enforcement Attorney

11/07/2006
DATE

OHIO STATE MEDICAL BOARD

NOV 07 2006



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.med.ohio.gov

September 13, 2006

Fred Robert Moss, M.D.
4144 Crossgate Square
Cincinnati, Ohio 45236

Dear Doctor Moss:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) By letter dated July 17, 2006, the Board notified you of its determination that it had reason to believe that you are in violation of Section 4731.22(B)(19), and/or Section 4731.22(B)(26), Ohio Revised Code, and ordered you to undergo a three-day inpatient examination to determine if you are in violation of Section 4731.22(B)(19) and/or Section 4731.22(B)(26), Ohio Revised Code. The Board's determination was based upon one or more of the reasons outlined in such letter, which included that, on or about September 21, 2002, in Warren County, Ohio, you were charged with Operating a Motor Vehicle Under the Influence of Alcohol or Drug of Abuse [OMVI], in violation Section 4511.19(A)(1), Ohio Revised Code, and with Driving Left of Center, in violation Section 4511.25, Ohio Revised Code; on or about September 26, 2002, you entered a plea of no contest to and were found guilty of OMVI, in violation of Section 4511.19(A)(1), Ohio Revised Code; and, on or about April 22, 2004, the Medical Licensing Board of Indiana [Indiana Board] issued you a probationary license to practice medicine in the state of Indiana, which imposed upon you various requirements, including that you participate in the Indianapolis Physician's Twelve-Step Program on a weekly basis for at least six months.

Copies of the Indiana Board Final Order on Removal of Probation; Administrative Law Judge's Order, Findings of Fact, Conclusions of Law, and Order; Order Issuing Probationary License; Notice of Right to Petition for Review; and Notice of Hearing are attached hereto and incorporated herein.

- (2) By letter dated August 24, 2006, from Shepherd Hill, a Board-approved treatment provider in Newark, Ohio, the Board was notified that, following the Board-ordered evaluation conducted on or about August 21, 2006, you were

Mailed 9-14-06

diagnosed with alcohol dependence, in remission, and cannabis abuse, in remission; you were determined to be impaired in your ability to practice medicine according to acceptable and prevailing standards of care; and inpatient or residential treatment was recommended.

- (3) Despite the recommendations made by the treatment team at Shepherd Hill, you have not entered inpatient or residential treatment at a treatment provider approved by the Board; you have not completed the recommended treatment; and you have not entered into an aftercare contract with a Board-approved treatment provider. In addition, the Board has not received information that you have been determined to be capable of practicing in accordance with acceptable and prevailing standards of care.

The Indiana Board Order Issuing Probationary License as alleged in paragraph (1) above, individually and/or collectively, constitute “[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,” as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) through (3) above, individually and/or collectively, constitute “[i]mpairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice,” as that clause is used in Section 4731.22(B)(26), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice.

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently

revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that “[w]hen the board refuses to grant a certificate to an applicant, revokes an individual’s certificate to practice, refuses to register an applicant, or refuses to reinstate an individual’s certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.”

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Lance A. Talmage, M.D.
Secretary

LAT/blt
Enclosures

CERTIFIED MAIL # 7004 2510 0006 9801 8050
RETURN RECEIPT REQUESTED

cc: Deborah R. Lydon
Dinsmore & Shohl LLP
255 E. 5th St.--Suite 1900
Cincinnati., Ohio 45202

CERTIFIED MAIL # 7004 2510 0006 9801 8043
RETURN RECEIPT REQUESTED

BEFORE THE MEDICAL LICENSING
BOARD OF INDIANA
CAUSE NO. 2004 MLB 0012

FRED MOSS, M.D.
License No. 01059042A,

Petitioner,

STATE OF INDIANA,

Respondent.



BOARD'S FINAL ORDER ON REMOVAL OF PROBATION

This proceeding is pending before the Medical Licensing Board of Indiana (Board) on Fred Moss' petition for removal of his probation. On August 26, 2005, N. Stacy Lankford, M.D., the Administrative Law Judge designated by the Board, issued his Administrative Law Judge's Order a copy of which is attached hereto as Exhibit A and made a part hereof. There having been no objection to said Administrative Law Judge's Order filed and no notice of intent to review any issue related to said Administrative Law Judge's Order issued by the Board, pursuant to IC 4-21.5-3-29(c) the Board hereby affirms said Administrative Law Judge's Order and adopts it as its final order in this proceeding.

Accordingly, Fred Moss' petition for removal of his probation is granted and therefore his probation, and the limitations thereunder, are withdrawn.

ISSUED this 11 day of October, 2005.

MEDICAL LICENSING BOARD
OF INDIANA

By:

Frances L. Kelly
Frances L. Kelly
Executive Director

Indiana Professional Licensing Agency

Copies to:

Fred Moss, M.D.
4144 Crossgate Square
Cincinnati, Ohio 45236
Certified Mail No. 7003 3110 0004 5111

Judy Kernel
Deputy Attorney General
Indiana Government Center South, Fifth Floor
402 West Washington Street
Indianapolis, Indiana 46204-2794

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Fred Moss, M.D.
4144 Crossgate Square
Cincinnati, OH 45236

BEFORE THE MEDICAL LICENSING
BOARD OF INDIANA
CAUSE NO. 2004 MLB 0012

FRED MOSS, M.D.
License No. 01059042A,

Petitioner,

v.

STATE OF INDIANA,

Respondent.



ADMINISTRATIVE LAW JUDGE'S ORDER

Comes now N. Stacy Lankford, M.D., the Administrative Law Judge designated by the Board in this proceeding, and hearing having been held, now issues and files his order. Notice is hereby given that any objection to the Administrative Law Judge's Order must be filed with the Board, identifying the basis of the objection with reasonable particularity, no later than eighteen days from the date of issuance of this order unless such date is a Saturday, a Sunday, a legal holiday under state statute or a day that the Health Professions Bureau's offices are closed during regular business hours in which case the deadline would be the first day thereafter that is not a Saturday, a Sunday, a legal holiday under state statute or a day that the Health Professions Bureau's offices are closed during regular business hours. This Administrative Law Judge's Order is not the final order of the Board in this proceeding. However, in the absence of any objection, the Board either will affirm the Administrative Law Judge's Order as its final order or will serve notice of its intent to review any issue related to the Administrative Law Judge's Order.

FINDINGS OF FACT

1. This matter is before the Board on Fred Moss, M.D.'s (hereinafter "petitioner") petition for removal of his probation. On April 22, 2004, he was issued a license to practice medicine in Indiana on probation with various limitations imposed.
2. The petitioner has established that the deficiency that required disciplinary action has been remedied.

CONCLUSIONS OF LAW

1. Indiana Code Section 25-1-9-17 and Indiana Code Section 25-22-5-5-2.5 allow the Board under appropriate circumstances to issue grant an application for licensure by issuing a probationary license. Both sections provide for the Board removing limitations on a license if, after a hearing, the Board determines that the deficiency requiring disciplinary action has been remedied.

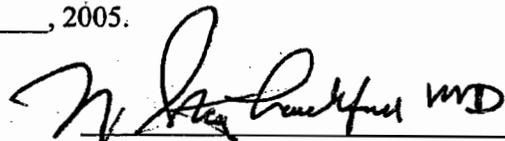
EX-1-A

2. Because he has established that the deficiency that required disciplinary action has been remedied, the petitioner qualifies for removal of the limitations on his license and therefore removal of the probationary status.

ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Petitioner's petition for removal of his probation is granted and therefore his probation, and the limitations thereunder, are removed.

ISSUED this 26TH day of August, 2005.



N. Stacy Lankford, M.D.
Administrative Law Judge

Copies to:

Fred Moss, M.D.
4144 Crossgate Square
Cincinnati, Ohio 45236

Certified Mail No. 70033110000451112140

Judy Kernel
Deputy Attorney General
Indiana Government Center South, Fifth Floor
402 West Washington Street
Indianapolis, Indiana 46204-2794
244695

BEFORE THE MEDICAL LICENSING
BOARD OF INDIANA
CAUSE NO.: 2004 MLB 0012

FILED

IN THE MATTER OF THE INITIAL LICENSE
OF FRED R. MOSS, M.D.
LICENSE NO. 01059042A

APR 22 2004

HEALTH PROFESSIONALS
BUREAU

ORDER ISSUING PROBATIONARY LICENSE

The Medical Licensing Board of Indiana (hereinafter "Board") met on March 26, 2004, and considered the initial application for licensure of Fred R. Moss, M.D.

Fred R. Moss, M.D. personally appeared before the Board to discuss his "yes" responses on his initial application for licensure under the provisions of Indiana Code Section 25-22.5-3-1. During the personal appearance, the Board and Dr. Moss discussed his yes response to question number 5(b) which stated, "have you ever been convicted of a misdemeanor?"

The Board discussed his situation and ultimately agreed to grant Dr. Moss a probationary license to practice medicine in the State of Indiana under Indiana Code Section 25-22.5-5-2.5(a)(3) and (b) with various requirements that are hereby ORDERED as follows:

1. Dr. Moss's license to practice medicine is on probation indefinitely and he may petition for withdrawal of the probation after completion of the 12-Step Program.
2. Dr. Moss must participate in the Indianapolis Physician's 12 Step Program on a weekly basis for at least six (6) months.
3. Upon completion of the Indianapolis Physician's 12 Step Program, Dr. Moss must submit proof of completion to the Board.
4. Dr. Moss must notify the Board of any changes in his practice or practice address.
5. Dr. Moss must make quarterly personal appearances before the Board or at the Board's request.
6. Failure of Dr. Moss to comply with the terms of this Order may subject him to a show cause hearing and the imposition of further sanctions.

EXHIBIT "B"

NOTICE OF RIGHT TO PETITION FOR REVIEW

The applicant is hereby notified that he may petition for review of this action by filing a written petition for review with the Board no later than eighteen days from the issuance of this Order Issuing Probationary License unless such date is a Saturday, a Sunday, a legal holiday under state statute or a day that the Health Professions Bureau's offices are closed during regular business hours. If a petition is properly filed an administrative proceeding will be conducted by the Board. The petitioner would have the burden of proving that the Board's action issuing a probationary license is incorrect.

Copy to:

Robert C. Richards, M.D.
235 East Main
American Fork, UT 84003
Certified Mail No. 7003 3110 0003 5659 2436

ISSUED this 22nd day of April, 2004.

MEDICAL LICENSING BOARD OF INDIANA

By: Lisa R. Hayes *for*
Lisa R. Hayes
Executive Director
Health Professions Bureau

NOTICE OF RIGHT TO PETITION FOR REVIEW

The applicant is hereby notified that he may petition for review of this action by filing a written petition for review with the Board no later than eighteen days from the issuance of this Order Issuing Probationary License unless such date is a Saturday, a Sunday, a legal holiday under state statute or a day that the Health Professions Bureau's offices are closed during regular business hours. If a petition is properly filed an administrative proceeding will be conducted by the Board. The petitioner would have the burden of proving that the Board's action issuing a probationary license is incorrect.

Copy to:

Fred R. Moss, M.D.
4144 Crossgate Square
Cincinnati, OH 45236

Certified Mail No. 7002 3150 0000 1731 3232

BEFORE THE MEDICAL LICENSING
BOARD OF INDIANA
CAUSE NO.: 2004 MLB 0012

FRED MOSS, M.D.,
License No.: 01059042A,

Petitioner,

v.

STATE OF INDIANA

Respondent.

FILED

MAY 16 2005

HEALTH PROFESSIONS
BUREAU

NOTICE OF HEARING

Comes now the Medical Licensing Board (hereinafter "Board") pursuant to IC 4-21.5-3-20 and issues the following hearing notice:

1. This notice is being provided to Petitioner, Fred Moss, M.D., 4144 Crossgate Square, Cincinnati, OH 45236.
2. This notice is being given to counsel for Respondent, State of Indiana, Judy Kernel, Section Chief, Consumer Protection Division, Office of the Attorney General, 402 West Washington Street, 5th floor, Indianapolis, Indiana, 46204, telephone number (317) 232-6214.
3. The official cause no. of this action is 2004 MLB 0012.
4. This action is a hearing to consider the Petitioner's request for termination of probation.
5. A hearing regarding this matter will be held on the 25th day of May, 2005, at 2:00 p.m., local time, in the Indiana Government Center South, Room W064, 402 W. Washington Street, Indianapolis, Indiana 46204.
6. The Board is empowered to hold this disciplinary hearing pursuant to the authority of IC 25-1-9, IC 25-22.5, and IC 4-21.5 et seq.

7. N. Stacy Lankford, M.D. will be presiding as administrative law judge. Angela Smith Jones, Director of the Board, may be contacted to obtain information concerning hearing schedules and procedures by mail in care of the Health Professions Bureau, 402 W. Washington Street, Room W066, Indianapolis, Indiana 46204, or may be contacted by telephone at (317) 234-2060.

8. The hearing will address the issues contained in the Request to Terminate Probation, and the Order Issuing Probationary License filed April 22, 2004, copies of which are attached hereto and incorporated herein by reference as Exhibits "A" and "B".

9. Any party may be advised and represented by counsel at the party's own expense.

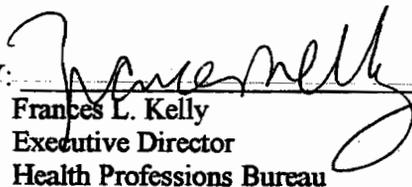
10. A party who fails to attend or participate in a prehearing conference, hearing, or other later stage of this proceeding may be held in default or have the proceeding dismissed under section 24 of IC 4-21.5-3.

11. Pursuant to IC 4-21.5-3-34, this Board may afford parties the opportunity to informally settle matters; however, this section does not require any person to settle a matter under this agency's informal procedures.

All of which is ORDERED, ADJUDGED AND DECREED, this 16 day of May, 2005.

MEDICAL LICENSING BOARD OF
INDIANA

BY:


Frances L. Kelly
Executive Director
Health Professions Bureau

cc:

Fred Moss, M.D.
4144 Crossgate Square
Cincinnati, OH 45236
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Judy Kernel
Section Chief, Consumer Protection Division
Office of the Attorney General
Indiana Government Center South
402 West Washington Street, 5th floor
Indianapolis, IN 46204

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