

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.

ISSUED this 22nd day of April, 2004.

MEDICAL LICENSING BOARD OF INDIANA

By: Barbara M. McNutt 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.

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Total Postage & Fees	\$ 4.65	

Sent To
 Street, Ap or PO Box
 City, State

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

PS Form 3811, August 2001

Copy to:

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

Certified Mail No. 7002 3150 0000 1731 3

COMPLETE THIS SECTION ON DELIVERY

A. Signature Barbara M. McNutt Agent Addressee

B. Received by (Printed Name) _____ C. Date of Delivery 5-3-04

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below: _____

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 Registered Mail Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes No

COMPLETE THIS SECTION

1. Article Addressed to:
 Fred R. Moss, M.D.
 4144 Crossgate Square
 Cincinnati, OH 45236

2. Article Number (Transfer from s) 7002 3150 0000 1731 3232

PS Form 3811, August 2001

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prob. order

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

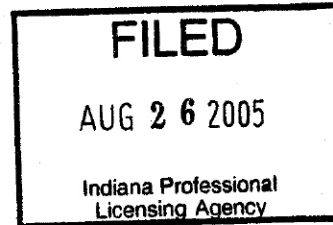
FRED MOSS, M.D.
License No. 01059042A,

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.

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. 7003 3110 0004 5111 2140

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

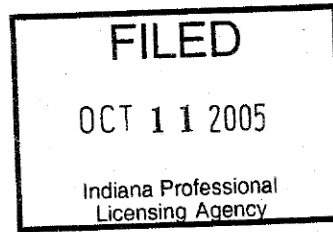
FRED MOSS, M.D.
License No. 01059042A,

Petitioner,

STATE OF INDIANA,

Respondent.

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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
Executive Director
Indiana Professional Licensing Agency

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4144 Crossgate Square
Cincinnati, Ohio 45236

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

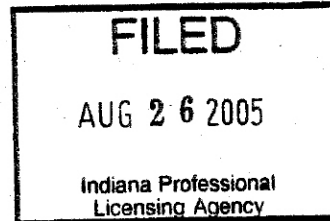
FRED MOSS, M.D.
License No. 01059042A,

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.

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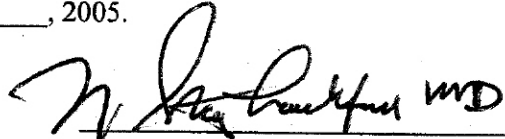
Ex 2.7.7 "A"

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

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