



**New York State Board for Professional Medical Conduct**

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

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

Charles J. Vacanti, M.D.  
Chair

November 27, 1995

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Stuart Charles Moses, M.D.  
591 E. 27th Street  
Paterson, New Jersey 07504

RE: License No. 140778

Dear Dr. Moses:

Effective Date: 12/04/95

Enclosed please find Order #BPMC 95-288 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

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  
Empire State Plaza  
Tower Building-Room 438  
Albany, New York 12237-0756

Sincerely,

Charles Vacanti, M.D.  
Chair  
Board for Professional Medical Conduct

Enclosure

cc: Stephen Dreyfuss, Esq.  
1 Gateway Center, 8th Floor  
Newark, New Jersey 07102-3586

Terrence Sheehan, Esq.

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

**IN THE MATTER  
OF  
STUART CHARLES MOSES, M.D.**

**CONSENT  
ORDER**

BPMC #95-288

Upon the application of Stuart Charles Moses, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is

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

ORDERED, that this order shall take effect as of the date of the personal service of this order upon Respondent, upon receipt by Respondent of this order via certified mail, or seven days after mailing of this order by certified mail, whichever is earliest.

SO ORDERED.

DATED: 24 November 1995

Charles J. Vacanti

CHARLES J. VACANTI, M.D.  
Chairperson  
State Board for Professional  
Medical Conduct

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

IN THE MATTER  
OF  
STUART CHARLES MOSES, M.D.

APPLICATION  
FOR  
CONSENT ORDER

STATE OF *NEW JERSEY* )  
COUNTY OF *ESSEX* ) ss.:

STUART CHARLES MOSES, M.D., being duly sworn, deposes and says:  
That in or about May 1979, I was licensed to practice as a physician in the State of New York, having been issued License No. 140778 by the New York State Education Department.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that the New York State Board for Professional Medical Conduct has charged me with one specification of professional misconduct, for having disciplinary action taken by another state.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I admit guilt to the specification contained in the statement of charges.

I hereby agree to the penalty of three years suspension, stayed, and that I be placed on three years probation in accordance with the attached Terms of Probation.

It is understood that the three year period of probation will be tolled until such time as I resume the practice of medicine in New York State. I agree that, at least 60 days prior to the date on which I intend to resume practice in N.Y. State, I will notify the Director of the Office of Professional Medical Conduct of my intention in this regard.

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

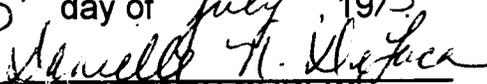
I understand that, in the event that this Application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such Application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board 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.

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

  
STUART CHARLES MOSES, M.D.  
RESPONDENT

Sworn to before me this

5<sup>th</sup> day of July, 1995  


NOTARY PUBLIC

DANIELLE N. DELUCA

A Notary Public of New Jersey  
My Commission Expires 10/7/98

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

**IN THE MATTER  
OF  
STUART CHARLES MOSES, M.D.**

**APPLICATION  
FOR  
CONSENT ORDER**

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE:

7/5/95



STUART CHARLES MOSES, M.D.  
Respondent

DATE:

7/5/95



STEPHEN DREYFUSS, ESQ.  
Attorney for Respondent  
HELLRING LINDEMAN GOLDSTEIN + SIEGAL

DATE:

9/29/95



TERRENCE SHEEHAN  
Associate Counsel  
Bureau of Professional  
Medical Conduct

DATE: Oct. 23, 1995

Kathleen M. Tanner

KATHLEEN M. TANNER  
Director  
Office of Professional Medical  
Conduct

DATE: 24 November 1995

Charles J. Vacanti

CHARLES J. VACANTI, M.D.  
Chairperson  
State Board for Professional  
Medical Conduct

**IN THE MATTER**  
**OF**  
**STUART CHARLES MOSES, M.D.**

**STATEMENT**  
**OF**  
**CHARGES**

STUART CHARLES MOSES, M.D., the Respondent, was authorized to practice medicine in New York State on or about 1979, by the issuance of license number 140778 by the New York State Education Department.

**SPECIFICATION OF CHARGES**

**HAVING DISCIPLINARY ACTION TAKEN BY ANOTHER STATE**

Respondent is charged with professional misconduct in violation of N.Y. Educ. Law Section 6530(9)(d)(McKinney Supp. 1995) in that Respondent had disciplinary action taken against his license to practice medicine by a duly authorized professional disciplinary agency of another state, where the conduct resulting in such disciplinary action would, if under N.Y. Educ. Law Section 6530(2) and (8)(McKinney Supp. 1995). Specifically Petitioner charges:

On or about November 19, 1992 Respondent entered into a Consent Order with the New Jersey State Board of Medical Examiners which required Respondent to surrender his federal DEA and State Controlled Dangerous Substance certificates to the Board; prohibited him from prescribing controlled drugs; and required him to enroll in a drug abuse treatment program which included random urine tests.

"Exhibit A"

The basis for the Board's action was Respondent's admitted abuse of the drugs Hycomine and Hycodan and his issuance of 20 to 30 prescriptions for these drugs, bearing false patient names and the forged signatures of another physician.

DATED: March 15, 1995  
New York, New York

  
CHRIS STERN HYMAN  
Counsel  
Bureau of Professional  
Medical Conduct

## EXHIBIT "B"

### TERMS OF PROBATION

1. STUART CHARLES MOSES, M.D., during the period of probation, shall conduct himself/herself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct imposed by law and by his profession;
2. Respondent shall submit written notification to the New York State Department of Health (NYSDOH), addressed to the Director, Office of Professional Medical Conduct, New York State Health Department, Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237 of any employment and practice, of Respondent's residence and telephone number, or any change in Respondent's residence and telephone number, or any proposed change in Respondent's employment or practice, within or without the State of New York;
3. Respondent shall not begin any new employment until after he has obtained the approval of the Director of OPMC as to the terms of the monitoring and supervision at his new employment. The monitoring and supervision required as part of the Terms of Probation shall remain in effect and shall not be interrupted or interfered with in any way.
4. Respondent shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that Respondent has paid all registration fees due and owing to the NYSED and Respondent shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by Respondent to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation;
5. Respondent shall submit written proof to the NYSDOH, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) Respondent is currently registered with the NYSED, unless Respondent submits written proof that Respondent has advised DPLS, NYSED, that Respondent is not engaging in the practice of Respondent's profession in the State of New York and does not desire to register, and that 2) Respondent has paid any fines which may have previously been imposed upon Respondent by the Board or by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;
6. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by the State of New York. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non renewal of permits or licenses (Tax Law §171(27); State Finance Law §18; CPLR §5001; Executive Law §32);
7. Respondent shall remain drug and alcohol free.

8. Respondent's sobriety shall be monitored by a health care professional ("monitor") who shall be selected by the Respondent, subject to the approval of the Director of OPMC. Any successor monitor must also be approved by the Director of OPMC. The monitor shall not be a personal friend, nor a relative, of Respondent and shall be familiar with Respondent's history of chemical dependency and the Terms of Probation contained herein. The monitor shall acknowledge his/her willingness to comply with the monitoring by executing the acknowledgment provided by OPMC. The monitor shall see Respondent at least biweekly, and shall direct Respondent to submit to random, unannounced, observed tests of his blood, breath, and/or urine for the presence of drugs or alcohol ("screens"). The frequency of the screens shall be determined by the monitor with the approval of the Director of OPMC, however, during the first twelve months of probation, screens shall be conducted at least bi-weekly. The monitor shall report to OPMC within 24 hours after a positive test result or Respondent's refusal of a screen. The monitor shall submit to OPMC quarterly reports either certifying Respondent's compliance or detailing his failure to comply with each of the terms of probation. The reports shall include the results of all body fluid and/or breath tests for drugs and/or alcohol performed during that quarter.
9. Respondent shall comply with the terms of a continuing after-care treatment plan that addresses the major problems associated with his chemical dependency. Such plan shall include Respondent's continued treatment by a health care professional ("therapist") on at least a monthly basis. Any therapist must be approved by the Director of OPMC. Such plan shall also include Respondent's continued active participation in NA, Caduceus or other similar after-care programs. Respondent's therapist, or successor shall submit to OPMC monthly reports during the first twelve months of probation, and quarterly reports thereafter, certifying that Respondent is complying with treatment. The therapist shall report to the Director of OPMC within 24 hours after Respondent drops out of treatment or in the event of a significant pattern of absences from scheduled treatment sessions. The therapist shall acknowledge his/her willingness to comply with the above-mentioned reporting by executing an acknowledgment provided by OPMC. In the event that Respondent's therapist determines that treatment is no longer necessary or that the specific requirements for treatment set forth in this paragraph should be altered, he/she shall so notify the Director of OPMC in writing, and the terms of this paragraph may be amended accordingly with the approval of the Director of OPMC.
10. Respondent shall inform all physicians or other health care practitioners from whom he seeks treatment of his history of chemical dependency. In the event that Respondent is ever prescribed controlled substances, Respondent shall notify his monitor and the Director of OPMC before such medications are administered, or at the earliest opportunity after administration of controlled substances during emergency medical treatment. Respondent shall not self-prescribe any medications.
11. Respondent's office and hospital practice shall be supervised and monitored by a licensed physician in a position to regularly observe and assess Respondent's medical practice ("practice supervisor"). The practice supervisor shall review Respondent's professional performance and practice, shall evaluate whether Respondent's care and treatment comport with generally accepted standards of medical

practice, and shall meet bi-weekly with the Respondent to discuss his practice. Supervision by the practice supervisor may include: unannounced review of Respondent's patient records; unannounced actual observation of his treatment of patients; unannounced review of his ordering, administering and inventorying of all controlled substances, interviews of Respondent, and any other reasonable means of monitoring Respondent's practice. The practice supervisor, or any successor supervisor, shall be selected by the Respondent, subject to the approval of the Director of OPMC, and shall not be a personal friend, nor a relative, of Respondent. The practice supervisor shall be familiar with Respondent's history of chemical dependency and the Terms of Probation contained herein, and shall acknowledge his/her willingness to comply with the supervision and monitoring by executing an acknowledgement provided by OPMC. The practice supervisor shall have the authority to direct Respondent to submit to unannounced test of his blood, breath, and/or urine for the presence of drugs or alcohol ("screens") and shall report to OPMC within 24 hours after Respondent's refusal of a screen, a positive screen, the receipt of information that Respondent had ingested drugs or alcohol, or any adverse change in Respondent's condition or practice. The practice supervisor shall submit to OPMC monthly reports during the first twelve months of probation, and thereafter quarterly reports, regarding the quality of Respondent's medical practice, any unexplained absences from work, and certifying his compliance or detailing his failure to comply with the Terms of Probation. The practice supervisor shall report immediately to OPMC any failure of the Respondent, at any time, to comply with the Terms of Probation.

12. Respondent shall meet with an OPMC Medical Coordinator on a quarterly basis for the duration of the term of probation for review of Respondent's patient records and discussion of Respondent's medical practice.
13. Respondent shall assume and bear all costs related to compliance with the Terms of probation.
14. Respondent shall comply with all terms, conditions, restrictions, and penalties to which he is subject pursuant to the order of the Board.
15. So long as there is full compliance with every term herein set forth, Respondent may continue to practice his or her aforementioned profession in accordance with the terms of probation; provided, however, that upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of the Office of Professional Medical Conduct and/or the Board may initiate a violation of probation proceeding and/or such other proceeding against Respondent as may be authorized pursuant to the Public Health Law.