

**FILED**

June 10, 2004

**NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF MEDICAL EXAMINERS  
DOCKET NO.

\_\_\_\_\_  
IN THE MATTER OF THE )  
LICENSE SURRENDER OF )  
 )  
**ALBERT MOSS, M.D.** )  
 )  
 )  
TO PRACTICE MEDICINE AND )  
SURGERY IN THE STATE OF )  
NEW JERSEY )  
\_\_\_\_\_

**CONSENT ORDER ACCEPTING LICENSURE  
SURRENDER WITH PREJUDICE**

This matter was opened before the New Jersey State Board of Medical Examiners (the "Board") upon information provided to the Board relating to a recent **Appellate** Division decision (Taglieri v. Moss, 367 N.J.Super. 184, 842 A.2d 280 (App. Div. Feb. 26, 2004)). This decision affirmed the holding in a Superior Court, Law Division, Middlesex County medical malpractice action that Dr. Moss's willful violations of administrative regulations constituted negligence as a matter of law and that Dr. Moss's actions constituted willful misconduct pursuant to N.J.S.A. 59:3-14.

The Appellate Division held that there was evidence supporting a finding that Dr. Moss had, over a four year period, repeatedly provided the patient with post-dated and undated prescriptions for the narcotic drugs known as Percocet and Tylox, as well as for a muscle relaxant known as **Soma**. Dr. Moss prescribed these drugs in a quantity and with a frequency in great excess of what could be medically supportable. Dr. Moss did this in knowing violation of

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state regulations N.J.A.C. 8:65-7.5(a) (which requires all prescriptions for controlled substances to be dated and signed on **the** day when issued) and N.J.A.C. 8:65-7.9 (which prohibits the refilling of a Schedule II controlled **substance**) that control the prescription of Schedule II narcotic drugs and that were enacted pursuant to the New Jersey Controlled Dangerous Substances Act (N.J.S.A. 24:21-1 to -53).

Dr. Moss testified in **depositions** that he knew that Schedule II narcotics required a **prescription** and that the drugs he **prescribed** for the patient potentially could be addictive. Dr. Moss testified that **he** knew the patient to be **"pain** medication dependent" and that he knew the law prohibited **the** writing of prescriptions authorizing refills for narcotic drugs although he believed it to **be** acceptable to write undated or **post-dated** prescriptions for these narcotics. The record before the Appellate Division reflected that in the nearly six month period from January 24, 2001 through July 7, 2001, Dr. Moss gave the patient prescriptions for 840 Tylox and 2,320 Percocet (3,760 tablets in all) while seeing the patient in his office only about once every three months. The patient's expert stated that the recommended dosage for the drugs is a maximum of two tablets, four times a day for "short term" pain relief.

It is expressly agreed that in lieu of the Board undertaking further investigation, Dr. Moss has agreed to surrender with prejudice his license to practice medicine and surgery pursuant to

the entry of this **Order**. Dr. Moss' New Jersey medical license expired in June 2003. The Board is satisfied that Dr. Moss's agreement to surrender his license to practice medicine and surgery on or before **April 30**, 2004, **obviates** the need to conduct any further investigation into 'chismatter, and that the entry of the within Order is protective of the public **interest**.

THEREFORE, IT IS ON **THIS** 15<sup>th</sup> DAY OF *May*, 2004,

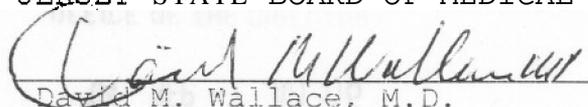
HEREBY ORDERED AND AGREED THAT:

1. The Board hereby accepts the surrender of the **license** of respondent Albert Moss, M.D., to practice medicine and **surgery** with prejudice, effective on the entry date **of** this Order.

2. Respondent shall not engage in any practice of **medicine** or surgery in New Jersey after the date this **Order** takes effect. Within thirty (30) days of **the** entry date of this **Order**, Respondent shall forward his original license to William Roeder, Executive Director, State Board of Medical Examiners, P.O. Box 183, Trenton, New Jersey 08625-0183.

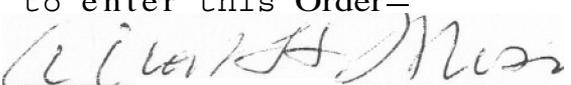
NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

By:

  
David M. Wallace, M.D.

Board President

I hereby acknowledge that  
I have reviewed the within  
**Order** and agree to its terms.  
Consent is hereby given to  
the Board of Medical Examiners  
to enter this **Order**—

  
Albert Moss, M.D.