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February 7, 2014

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-Via Certified & Regular Mail-

Robert H. Moss, reg. 63610-050
FCI Otisville
Federal Correctional Institution
Two Mile Drive
Otisville, NY 100963
Attn: Legal Mail

Re: In The Matter of the New Jersey CDS
Registration issued to
Robert H. Moss, D.P.M.
N.J. CDS Reg. No. D07123400
Docket #: 13-113

Enclosed please find a Consent Order NJ CDS Registration in connection to the above captioned matter which was filed on **January 27, 2014.**

Respectfully,


James Rodriguez
Clerk

cc: Eric T. Kanefsky, Director
Maryann Sheehan, Deputy Director, Professional Boards
David Puteska, Deputy Attorney General
Megan cordoma, Deputy Attorney General
Matthew R. Wetzal, Acting Manager, Drug Control Unit

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FILED

JAN 27 2014

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS

IN THE MATTER OF THE NEW JERSEY :
CDS REGISTRATION ISSUED TO :
:
ROBERT H. MOSS, D.P.M. :
N.J. CDS REG. No. D07123400 :

Administrative Action

**CONSENT ORDER FOR
NJ CDS REVOCATION**

13-113

This matter was opened to Eric T. Kanefsky, Director of the New Jersey Division of Consumer Affairs (the "Director") pursuant to his authority over the dispensing of Controlled Dangerous Substances ("CDS") as set forth in N.J.S.A. 24:21-1 et. seq. On December 3, 2013, the Director issued an Order to Show Cause as to why the New Jersey CDS Registration issued to Robert H. Moss, D.P.M. ("Respondent") should not be revoked. A copy of the Order to Show Cause, with exhibits, is attached hereto as Exhibit A. A hearing on this matter was scheduled for January 31, 2014.

Respondent was previously licensed to practice podiatry in New Jersey by the New Jersey State Board of Medical Examiners (the "Board"). Respondent also maintained a registration to prescribe and/or dispense CDS issued by the New Jersey Division of Consumer Affairs (the "Division") pursuant to N.J.S.A. 24:21-10 under registration number D07123400. At

all times relevant hereto, Respondent maintained a podiatric practice in Williamstown, New Jersey.

On January 7, 2010, the Board filed a Consent Order, signed on December 23, 2009, temporarily suspending Respondent's podiatry license. A copy of the Board's Order is attached hereto as Exhibit 1 and incorporated by reference. Pursuant to the Order, Respondent consented to the temporary suspension of his license without prejudice and without admissions. (Exhibit A at Exhibit 1, Pg. 2).

On November 2, 2011, Respondent entered into a Consent Order with the Board surrendering his license to be deemed a revocation. A copy of the Board's Order is attached to Exhibit A as Exhibit 2 and incorporated by reference. Under the terms of this order, Respondent is eligible to seek restoration of his podiatric license on November 2, 2014, which represents three years since the date his license was revoked by the Board. Respondent's CDS registration became inactive upon the filing of the Board's initial temporary suspension order.

The gravamen of the Board's revocation was the admitted indiscriminate prescribing of CDS by Respondent. (See Exhibit A at Exhibit 2, Pg. 2). On July 13, 2011, Assistant U.S. Attorney James P. Lynch filed a Waiver of Indictment and a Plea Agreement before the Hon. Noel L. Hillman of the U.S. District Court in Camden, New Jersey. (Exhibit A at Exhibit 2, Pg. 2). The Plea Agreement, executed on April 22, 2011, was conditioned on the understanding that the U.S. Attorney accepted a guilty plea from Respondent to count one of the information, thereby charging the Respondent with knowing and intentional distribution, possession with intent to distribute, and dispensing of oxycodone, a Schedule II controlled substance, without a legitimate medical purpose and outside the usual course of professional practice. (Exhibit A at

Exhibit 2, Pg. 2). This conduct was in direct violation of Title 21, U.S. Code sections 841(a)(1) and (b)(1)(c) and Title 18, U.S. Code section 2. (Ibid.).

On April 27, 2012, pursuant to the Sentencing Reform Act of 1984, the Hon. Judge Hillman issued a judgment of conviction pronouncing Respondent's imprisonment sentence. A copy of this judgment is attached hereto as Exhibit 3 and incorporated by reference. According to the terms of the judgment, Respondent was committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of sixty months. (Exhibit A at Exhibit 3, Pg. 2).

N.J.A.C. 13:45H-7.4(a) requires that all prescriptions for CDS be issued only for legitimate medical purposes by a practitioner acting in the usual course of his professional practice. Respondent's guilty plea and the Board's Order, as detailed above, reflect that he issued CDS prescriptions without legitimate medical purposes and outside the usual course of professional practice.

Respondent's conviction of an indictable offense related to his indiscriminate prescribing of CDS constitutes grounds for the revocation of his New Jersey CDS registration pursuant to the Director's authority under N.J.S.A. 24:21-12(a)(2). Respondent's admission that he issued CDS prescriptions for non-legitimate medical purposes constitutes a violation of N.J.A.C. 13:45H-7.4(a) and thus provides grounds for the revocation of his New Jersey CDS registration pursuant to N.J.S.A. 24:21-12(a)(3).

Upon receipt of the Order to Show Cause filed in this matter Respondent indicated his desire to consent to the revocation of his New Jersey CDS Registration. Pursuant to the above information; the Director's authority under N.J.S.A. 24:21-12(c); Respondent's consent and for good cause shown:

IT IS ON THIS 27th day of January, 2014 **ORDERED** that

1. New Jersey CDS Registration number D07123400 issued to Respondent is revoked pursuant to N.J.S.A. 24:21-12 (a);

2. To the extent not already completed, any prescription pads bearing the licensee's name shall be destroyed. A destruction report form, obtained from the Division's Office of Drug Control, must be filed. Any CDS in Respondent's possession, other than for legitimate personal use pursuant to a duly issued prescription, must be returned to the manufacturer, if possible or destroyed in an approved fashion.

3. Within thirty (30) days of the filing of this Consent Order, the Director will provide a copy to the Drug Enforcement Administration ("DEA").

4. Any future application by Respondent to the Director for a CDS registration shall be issued only after he has been issued a license to practice podiatry in New Jersey by the Board and after he proves, to the Director's satisfaction, that such issuance is in the public interest as set forth in N.J.S.A. 24:21-11.

5. Respondent has been specifically informed that he may consult an attorney to represent him in this matter. Respondent acknowledges that he has been advised of the ability to consult with counsel and that he chooses to voluntarily enter into this Consent Order.

NEW JERSEY DIVISION OF CONSUMER AFFAIRS

By: 
Eric T. Kanefsky, Director

I have read and understood
this Consent Order and consent
to be bound by its terms.


Robert H. Moss, D.P.M.

Dated: 1/16/14