

IN AND BEFORE THE STATE BOARD OF OSTEOPATHIC EXAMINERS  
STATE OF OKLAHOMA.

STATE BOARD OF OSTEOPATHIC )  
EXAMINERS, )  
STATE OF OKLAHOMA, )

Petitioner, )

v. )

Case No. 1217-149

CHRISTOPHER V MOSES, D.O., )  
Osteopathic Medical License No. 1908. )

Respondent. )

EMERGENCY ORDER OF SUSPENSION PENDING A HEARING

This matter comes on for hearing before the Oklahoma State Board of Osteopathic Examiners [Board] at a Special Meeting of the Board on February 15, 2018. The Board is represented by the Executive Director for the Board, Deborah J. Bruce. Christopher V. Moses, D.O. [Dr. Moses] did not appear in person. A good faith attempt was made to provide Dr. Moses with notice of the Emergency Hearing held on this date. The Board's Investigator, John Mobley, appeared and gave testimony.

This Order is issued pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. § 620 *et. seq.* and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 *et. seq.*

The Board, after reviewing the pleadings, testimony at the hearing and considering all of the evidence and being fully advised specifically finds the following Findings of Fact and Conclusions of Law to be true and correct and proven by clear and convincing evidence.

FINDINGS OF FACT

After reviewing the Application for Emergency Order, hearing the testimony of the Board's witness, and asking questions of the Board's witness, the Board adopts, by clear and convincing evidence, the following Findings of Fact and Conclusions of Law.

1. Christopher V. Moses, D.O. [Dr. Moses] is the holder of license number 1908 issued by the Board. Dr. Moses attended Kirksville Medical College of Osteopathic Medicine in Kirksville, Missouri from 1973 through 1977. At the time of this Emergency Application, his

license is in good standing. Dr. Moses' registrations with the Drug Enforcement Administration [DEA] and the Oklahoma Bureau of Narcotics and Dangerous Drugs [OBND] which allow him to write prescriptions for controlled substances are also in good standing. (Announcement by Board Staff.)

2. A good faith effort to provide notice of this proceeding to Dr. Moses was unsuccessful. (Announcement by Board Staff.)

3. An Application for an Emergency Order of Suspension and a Citation and Notice were issued by the Board against Dr. Moses on February 15, 2018. The Application and Citation are hereby incorporated by reference as if set forth in full herein. (Announcement by Board Staff.)

4. Evidence at the hearing included that a three (3) month printout of Oklahoma Bureau of Narcotics and Dangerous Drugs [OBND] Prescription Monitoring Program [PMP] reflects that from October 1, 2017, through January 1, 2018, two thousand seven hundred thirty eight (2738) prescriptions for Schedule II-IV CDS were issued or refilled by Dr. Moses. Two thousand one hundred or seventy seven per-cent (77%) was for Schedule II CDS. This equates to two hundred twenty three thousand four hundred eighty four (223,484) dosage units. Fifty six (56) prescriptions for CDS were written per working day which equates to seven (7) written per working hour. One hundred thirty eight (138) pharmacies were used to fill these prescriptions. (Exhibit 2 and Testimony of the Board's Investigator John Mobley.)

5. Testimony at the hearing also included that in November of 2017, Board Investigators sequestered eleven (11) patient charts from Dr. Moses' office and had them reviewed by a specialist, Board certified in Family Medicine, Hospice, and Palliative Medicine. The reviewing physician works outside Dr. Moses' trade area. The specialist reported most of the patient charts as inadequate and overly templated. The majority of charts indicated to a degree of medical certainty, inappropriate use of CDS. The charts also lack sufficient compliance with the Board's Rules on Prescribing for Chronic Pain, OAC 510: 5-9-2. (Exhibits 3B, 4B, 5B, 6B, 7B,

8B and Exhibit 9 (1-8) and testimony of the Board's Expert Witness, Dr. Gregg Eichman, D.O.)

6. Evidence at the Hearing also included that during a period from 2010 through September of 2017, the office of the Chief Medical Examiner linked ten (10) Probable Cause of Deaths to CDS prescribed by Dr. Moses. (Exhibits 3C, 4C, 5C, 6C, 7C and testimony of the Board's Investigator John Mobley.)

### CONCLUSIONS OF LAW

1. The Board concludes that because Dr. Moses is in violation of the Oklahoma Osteopathic Medicine Act, 59 O.S. §§ 620 *et seq.*, that it has the authority to take emergency disciplinary action.

2. The Board has jurisdiction to hear this matter pursuant to the Oklahoma Osteopathic Medicine Act, 59 O.S. § 640 *et seq.*, Rules of the Board, 510 OAC § 1-1-1 *et seq.* and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 *et seq.*

3. Dr. Moses is in violation of the Oklahoma Osteopathic Medicine Act, 59 O.S. § 637 [Act] and specifically § 637(A) (2) (g), (3), (4) and (7), to wit:

A. The State Board of Osteopathic Examiners may refuse to admit a person or to an examination or may refuse to issue or reinstate or may suspend or revoke any license issued or reinstated by the Board upon proof that the applicant or holder of such license:

2. Has engaged in the use or employment of dishonesty, fraud, misrepresentation, false promise, false pretense, unethical conduct or unprofessional conduct, as may be determined by the Board, in the furtherance or duties of an osteopathic physician, including, but not limited to the following:

g. Signing a blank prescription form; or dispensing, prescribing, administering or otherwise distributing any drug, controlled substance or other treatment without sufficient examination or the establishment of a physician/patient relationship, or for other than medically accepted therapeutic or experimental or investigational purpose duly authorized by a state or federal agency, or not in good faith to relieve pain and suffering, or not to treat an ailment, physical infirmity or disease, or violating any state or federal law on controlled dangerous substances;

3. Has engaged in gross negligence, gross malpractice or gross incompetence;

4. Has engaged in repeated acts of negligence, malpractice or incompetence;

7. Has violated, or failed to comply with provisions of any act or regulation administered by the Board,

and paragraphs 1-5 of the Conclusions of Law, imperatively threaten the public health, safety and welfare and constitute an emergency circumstance that requires emergency action by this Board.

5. The Board also concludes that such actions, having been proven by clear and convincing evidence, are grounds for further discipline of Dr. Moses' license. The Board further concludes that Dr. Moses' license shall be **suspended** and shall remain **suspended** until a full hearing of all matters has been adjudicated.

#### EMERGENCY ORDER

The Board, having adopted the above-described Findings of Fact and Conclusions of Law, adopts the following Emergency Order:

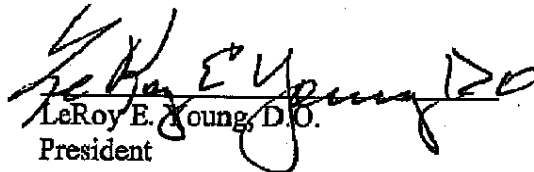
1. The license issued by the Board to Dr. Moses to practice osteopathic medicine in the State of Oklahoma is **SUMMARILY SUSPENDED** pending further Hearing and Order of the Board. Such Hearing will be set by the Board upon written request by Dr. Moses presented to the Board at the Board office. The hearing will be set within thirty days of the receipt of Dr. Moses' written request or as soon thereafter as reasonably possible pursuant to law and rules of the Board. The written request shall allow sufficient time for a special meeting to be scheduled by the Board. **The next available Hearing date within thirty days of this date is March 15, 2018.** Said Suspension shall continue until such time as the Board determines that Dr. Moses' practice of osteopathic medicine does not threaten the public health, safety and welfare.

2. Nothing in this Order shall preclude the Board or Board Staff from initiating another disciplinary action against Dr. Moses for actions that were not a part of this Order.

3. These Findings of Fact, Conclusions of Law and Emergency Order is a public record and subject to disclosure under the Oklahoma Open Records Act.

IT IS SO ORDERED, ADJUDGED AND DECREED this 15th day of February, 2018.

Effective Date: 2/16/18

  
LeRoy E. Young, D.O.  
President  
State Board of Osteopathic Examiners