

STATE OF MAINE
BOARD OF OSTEOPATHIC LICENSURE

In re:) CONSENT AGREEMENT
SAMUEL MOSS, D.O.)
Complaint No. CR 2022-09)

This document is a Consent Agreement, effective when signed by all parties, regarding disciplinary action against the license to practice osteopathic medicine in the State of Maine held by Samuel Moss, D.O. The parties to the Consent Agreement are: Samuel Moss, D.O. ("Dr. Moss"), the State of Maine Board of Osteopathic Licensure ("the Board"), and the State of Maine Office of the Attorney General. This Consent Agreement is entered into pursuant to 10 M.R.S. § 8003(5)(B) and 32 M.R.S. § 2591-A.

STATEMENT OF FACTS

1. Dr. Moss has held a license to practice medicine in the State of Maine since December 12, 2019 (license number DO2985) and practices family/general practice.
2. On March 10, 2022, the Board initiated a complaint following a report from the National Practitioners Data Bank that Dr. Moss's employment at ConvenientMD was terminated for sexual harassment of a co-worker. The Board docketed the complaint as CR2022 09 and sent it to Dr. Moss for a response.
3. By letter dated August 8, 2022, Dr. Moss responded to the complaint and admitted to the conduct that resulted in his termination of employment at ConvenientMD. In his response, Dr. Moss also stated that he

was newly diagnosed with a mental health condition and was pursuing treatment.

4. The Board received an evaluation report from Cynthia Boyack, M.D., on January 9, 2023, which confirmed Dr. Moss's diagnosis and made recommendations for treatment.

5. Pursuant to 32 M.R.S. § 2591-A(2)(F), the Board may impose discipline if the licensee has engaged in unprofessional conduct. A licensee is considered to have engaged in unprofessional conduct if the licensee violates a standard of professional behavior that has been established for the practice of medicine.

6. On October 13, 2022, the Board reviewed Complaint CR2022-09, and voted to offer Dr. Moss this Consent Agreement to resolve this matter without further proceedings. Absent Dr. Moss's acceptance of this Consent Agreement by signing and dating it in front of a notary and returning it to the Board of Osteopathic Licensure, on or before February 7, 2023, the matter will return to the Board, which will consider whether to proceed to an adjudicatory hearing.

COVENANTS

7. Dr. Moss admits the facts stated above and agrees that such conduct constitutes grounds for discipline pursuant to 32 M.R.S. § 2591-A(2)(F) for engaging in unprofessional conduct.

8. As discipline for the foregoing conduct, Dr. Moss agrees to accept, and the Board imposes:

a) A CIVIL PENALTY of \$1000, payable to the "Treasurer, State of Maine" within thirty (30) days after the effective date of this Consent Agreement; and

b) a PROBATION of at least five (5) years during which the following is required:

1) Dr. Moss shall engage in at least bi-monthly psychiatric counseling with a Board-approved psychiatrist or Ph.D. psychologist.

A) Within thirty (30) days of the effective date of this Consent Agreement, Dr. Moss shall submit to the Board Secretary for approval in the Board Secretary's sole discretion, the name of a treating psychiatrist or Ph.D. psychologist and that person's CV. The approved treating psychiatrist or psychologist shall provide counseling regarding Dr. Moss's condition and also monitor his workplace conduct and relationships with co-workers. The approved treating psychiatrist or psychologist shall follow Dr. Boyack's recommendation that Dr. Moss be maintained on a mood stabilizer medication, unless the approved psychiatrist or psychologist requests Board approval to change that under subsection (8)(b)(1)(E), though such a request may be made earlier than 18 months. The approved psychiatrist or psychologist shall also coordinate with any other professional that may prescribe Dr. Moss medication for this or other conditions.

B) The approved psychiatrist or psychologist shall submit reports to the Board of Dr. Moss's condition, progress, workplace monitoring and therapist treatment at least bi-monthly. A report should also confirm the

treatment under subsection 8(b)(1)(D). It is Dr. Moss's responsibility to ensure that these reports are provided to the Board in a timely manner. If Dr. Moss has a relapse of symptomatic behavior, the approved psychiatrist or psychologist shall immediately inform the Board and submit reports at the frequency as determined by the Board Secretary, in his/her sole discretion, at the time of report of the relapse.

C) In accordance with Dr. Boyack's recommendation, Dr. Moss shall continue counseling with a therapist at least weekly. Dr. Moss shall inform the Board of the therapist's name within fifteen (15) days of the effective date of this Consent Agreement. The therapist shall coordinate with the approved treating psychiatrist or psychologist and shall contribute information toward the bi-monthly report about Dr. Moss. If Dr. Moss has a relapse of symptomatic behavior, the therapist shall immediately inform the Board and take action as determined by the Board Secretary, in his/her sole discretion, at the time of report of the relapse.

D) In accordance with Dr. Boyack's recommendation, Dr. Moss shall engage in treatment for his other condition. The physician treating that condition shall report to the approved treating psychiatrist or psychologist that this treatment is started or underway, and if that treatment changes.

E) If, after 18 months of reports, Dr. Moss's approved treating psychiatrist or psychologist feels that the frequency of sessions should vary from bi-monthly, or if the approved psychiatrist or psychologist feels that any other requirement in this section should vary, the approved psychiatrist or

psychologist shall request approval of the change from the Board, which has the sole discretion to grant or deny the request.

2) Dr. Moss must self-report to the Board any complaints made against him, formal or informal, regarding his workplace conduct, within five (5) days of his knowledge of the complaint. The Board maintains the right to share this information with the approved treating psychiatrist or Ph.D. psychologist.

9. Violation by Dr. Moss of any of the terms or conditions of this Consent Agreement shall constitute grounds for discipline as unprofessional conduct, which discipline may include but is not limited to modification, suspension, or revocation of licensure or the denial of re-licensure.

10. This Consent Agreement is not appealable and is effective until modified or rescinded in writing by the parties hereto.

11. The Board and the Office of the Attorney General may communicate and cooperate regarding Dr. Moss or any other matter relating to this Consent Agreement.

12. This Consent Agreement is a public record within the meaning of 1 M.R.S. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. § 408-A.

13. This Consent Agreement constitutes discipline and is an adverse licensing action that is reportable to the National Practitioner Data Bank (NPDB), the Federation of State Medical Boards (FSMB), and other licensing jurisdictions.

14. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto. If any clause of this Consent Agreement is deemed illegal or invalid, then that clause shall be deemed severed from this Consent Agreement.


15. This Consent Agreement may be signed in counterparts, with all counterparts together constituting one original instrument. Signatures below may be applied and/or saved electronically, and such electronic signatures will be given the same effect as a paper document signed in ink.

16. For the purposes of this Consent Agreement, the terms "execution" and "effective date" mean the date on which the final signature is affixed to this Consent Agreement.

17. Dr. Moss acknowledges by his signature hereto that he has read this Consent Agreement, that he has had an opportunity to consult with an attorney before executing this Consent Agreement, that he executed this Consent Agreement of his own free will and that he agrees to abide by all terms and conditions set forth herein.

I, SAMUEL MOSS, D.O., HAVE READ AND UNDERSTAND THE FOREGOING
CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, THAT
I WAIVE CERTAIN RIGHTS. I SIGN THIS CONSENT AGREEMENT
VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND
THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT
AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN
OR OTHERWISE.

DATED: 02/03/2023




SAMUEL MOSS, D.O.

STATE OF Maine
Kennebec, S.S. (County)

Personally appeared before me the above-named Samuel Moss, D.O., and
swore to the truth of the foregoing based upon his own personal knowledge, or
upon information and belief, and so far as upon information and belief, he
believes it to be true.

DATED: 2-3-2023



NOTARY PUBLIC
MY COMMISSION ENDS: August 29, 2024

MICHELLE LEMIEUX
NOTARY PUBLIC
State of Maine
My Commission Expires
August 29, 2024

DATED: 2/13/2023

Melissa Michaud

MELISSA MICHAUD, P.A.-C, Chair
MAINE BOARD OF
OSTEOPATHIC LICENSURE

DATED: 2/13/23

Lisa A. Wilson

LISA A. WILSON, AAG
DEPARTMENT OF THE ATTORNEY
GENERAL