

LICENSE NO. H-0662

IN THE MATTER OF  
THE LICENSE OF  
SUE MOSS, M.D.

BEFORE THE  
TEXAS MEDICAL BOARD

AGREED ORDER

On the 13 day of October, 2023, came on to be heard before the Texas Medical Board (the Board), duly in session, the matter of the license of Sue Moss, M.D. (Respondent).

On July 28, 2023, Respondent appeared in person via video conference, represented by counsel Connie Ditto, at an Informal Show Compliance Proceeding and Settlement Conference in response to a letter of invitation from the staff of the Board. The Board's representatives were Robert Gracia, a member of the Board, and Robert Simonson, D.O., a member of a District Review Committee (Panel). Cassandra Magee represented Board staff and prepared this Order.

BOARD CHARGES

Respondent committed unprofessional conduct by violated Ordering Paragraph Nos. 1, 2, and 5 of the Remedial Plan entered by the Board on March 05, 2021. Respondent failed to timely complete the required continuing medical education (CME), did not pay the annual administrative fees, and failed to cooperate with Board Staff's request for information.

BOARD HISTORY

On March 05, 2021, the Board entered a Remedial Plan requiring that Respondent complete four hours of pre-approved continuing medical education (CME) in risk management within one year; requiring that she pay an administrative fee of \$500 per year; and requiring that she fully cooperate with Board Staff. The action was based upon Respondent's failure to respond to multiple attempts regarding her "yes" answer on her registration form regarding her physical or emotional condition that impairs her practice of medicine.

Upon the recommendation of the Board's representatives and with the consent of Respondent, the Board makes the following Findings and Conclusions of Law and enters this Agreed Order.

### FINDINGS

The Board finds the following:

#### General Findings:

- a. Respondent received all notice required by law. All jurisdictional requirements have been satisfied. Respondent waives any defect in notice and any further right to notice or hearing under the Medical Practice Act, Title 3, Subtitle B, Texas Occupations Code (the Act) or the Rules of the Board.
- b. Respondent currently holds Texas Medical License No. H-0662. Respondent was originally issued this license to practice medicine in Texas on December 03, 1986.
- c. Respondent is primarily engaged in the practice of Psychiatry. Respondent is board certified by the American Board of a member of the American Board of Medical Specialties.

#### 2. Specific Panel Findings:

- a. Respondent has committed unprofessional conduct.
- b. Respondent is in violation of Ordering Paragraphs Nos 1, 2, and 5 of her Remedial Plan entered by the Board on March 05, 2021.
- c. Respondent did not complete four hours of pre-approved Continuing Medical Education (CME) in the topic of risk management within the required one-year timeframe.
- d. Respondent did not pay an administrative fee of \$500 required per year while under the Remedial Plan.
- e. Respondent did not cooperate with Board Staff. Respondent has not replied to Board Staff emails or phone calls for needed information.

### CONCLUSIONS OF LAW

Based on the above Findings, the Board concludes that:

1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.
2. Section 164.052(a)(5) of the Act authorizes the Board to take disciplinary action against Respondent based upon Respondent's unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public, as further described by Board Rules: 190.8(2)(A), violation of a Board Order; 190.8(2)(B), failing to comply with a Board subpoena or request for information or action; and 190.8(2)(D), failure to cooperate with Board Staff.
3. Section 164.001 of the Act authorizes the Board to impose a range of disciplinary actions against a person for violation of the Act or a Board rule.
4. Section 164.002(a) of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.

#### ORDER

Based on the above Findings and Conclusions of Law, the Board ORDERS that Respondent shall be subject to the following terms and conditions:

1. Within 60 days from the date of entry of this Order, Respondent shall complete all the requirements of the Remedial Plan entered on March 05, 2021 by Medical Board. Respondent must complete the required continuing medical education (CME) payment of all administrative fees owed to the Board and respond to all Board Staff prior and current requests for information. Respondent agrees to provide documentation showing compliance with the terms, conditions, and requirements of the Remedial Plan to the Compliance Department of the Board and shall sign any authorization required for the Board to obtain such documentation of compliance.
2. Within one year following the date of the entry of this Order, Respondent shall take and pass with a score of 75 or above the Jurisprudence Examination (JP Exam) given by the Board. Respondent is allowed three attempts to successfully pass this examination.

Respondent's failure to take and pass the JP Exam within three attempts within one year following the date of the entry of this Order shall constitute a violation of this Agreed Order. After a committee of the Board or a panel of Board representatives (Board Representatives), has

considered the information related to Respondent's violation of this provision and has determined that Respondent has not fulfilled the requirements of this provision, Respondent's license shall be **IMMEDIATELY SUSPENDED** pursuant to correspondence to Respondent from the Executive Director or Secretary-Treasurer of the Board indicating that Board Representatives have considered the information related to Respondent's violation of this provision and have determined that Respondent has not fulfilled the requirements of this provision. Although Respondent shall be invited to provide information or testimony to the Board Representatives, Respondent specifically waives any administrative due process under the Act, or the Administrative Procedure Act, for the Board Representatives to consider this information. **THIS SUSPENSION SHALL BE EFFECTIVE WITHOUT THE NEED FOR A HEARING AT THE STATE OFFICE OF ADMINISTRATIVE HEARINGS OR OTHER ADMINISTRATIVE DUE PROCESS UNDER THE ACT OR THE ADMINISTRATIVE PROCEDURE ACT, AND RESPONDENT SPECIFICALLY WAIVES ANY SUCH HEARING OR DUE PROCESS AND ALL RIGHTS OF APPEAL.** Respondent shall be notified of any suspension by certified mail, return receipt requested to Respondent's last known address on file with the Board. If Respondent's license is suspended on such a basis, the suspension shall remain in effect until such time as Respondent takes and passes the JP Exam and subsequently appears before the Board in person and provides sufficient evidence which, in the discretion of the Board, is adequate to show that Respondent possesses the skills and knowledge to safely practice in Texas and is otherwise physically and mentally competent to resume the practice in this state.

3. Within one year from the date of the entry of this Order, Respondent shall enroll in and successfully complete at least eight (8) hours of CME approved for Category I credits by the American Medical Association, in the topic of ethics, approved in writing in advance by the Executive Director or a designee. To obtain approval for the course, Respondent shall submit in writing to the Compliance Department information on the course, to include at least a reasonably detailed description of the course content and faculty, as well as the course location and dates of instruction. Respondent shall submit documentation of attendance and successful completion of this requirement to the Compliance Department on or before the expiration of the time limit set forth for completion of the course. The CME requirements set forth in this paragraph shall be in addition to all other CME required for licensure maintenance.

4. At all times while Respondent is under the terms of this Order, Respondent shall give a copy of this Order to all hospitals, nursing homes, treatment facilities, and other health care entities in Texas where Respondent has privileges, has pending an application for privileges, applies for privileges, or otherwise practices. Within 30 days of being first contacted by the Compliance Division of the Board following entry of this Order, Respondent shall provide to the Compliance Division of the Board documentation, including proof of delivery, that the Order was delivered to all such facilities.

5. Pursuant to Board Rule 189.15, the time period of this Order shall be extended for any period of time that: (a) Respondent subsequently practices exclusively outside the State of Texas; (b) this Order is stayed or enjoined by Court Order; or (c) for any period of time longer than 60 consecutive days that Respondent does not actively practice medicine and such cessation in practice is NOT due to a suspension of Respondent's license. Respondent shall immediately notify the Board in writing in the event that Respondent leaves Texas to practice elsewhere or ceases active practice for more than 60 consecutive days. Upon Respondent's return to active practice or return to Texas, Respondent shall notify the Board in writing. Upon return to Texas or active practice, Respondent shall be required to comply with the terms of this Order for the period of time remaining on the Order. Respondent shall pay all fees for reinstatement or renewal of a license covering the period of extension or tolling. Tolling shall be in accordance with Board Rule 189.15.

6. Respondent shall comply with all the provisions of the Act and other statutes regulating the Respondent's practice.

7. Respondent shall fully cooperate with the Board and the Board staff, including Board attorneys, investigators, compliance officers, consultants, and other employees or agents of the Board in any way involved in investigation, review, or monitoring associated with Respondent's compliance with this Order. Failure to fully cooperate shall constitute a violation of this order and a basis for disciplinary action against Respondent pursuant to the Act.

8. Respondent shall inform the Board in writing of any change of Respondent's practice or mailing address within 10 days of the address change. This information shall be submitted to the Registrations Department and the Compliance Department of the Board. Failure to provide such information in a timely manner shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act. Respondent agrees that 10 days' notice of a

Probationer Show Compliance Proceeding to address any allegation of non-compliance with this Agreed Order is adequate and reasonable notice prior to the initiation of formal disciplinary action. Respondent agrees that any proceeding related to this Order may be held in person, by teleconference, or by videoconference at the discretion of the Board.

9. Any violation of the terms, conditions, or requirements of this Order by Respondent shall constitute unprofessional conduct likely to deceive or defraud the public, or to injure the public, and shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act.

10. Respondent shall be permitted to supervise and delegate prescriptive authority to physician assistants and advanced practice nurses and to supervise surgical assistants.

11. This Order shall automatically terminate upon Respondent's submission of sufficient evidence to the Compliance Division of the Board that Respondent successfully completed the requirements ordered in Ordering Paragraph Nos. 1 – 4.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

**(SIGNATURE PAGES FOLLOW)**

I, SUE MOSS, M.D., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: 09/18/2023, 2023.

*Sue Moss, MD*

SUE MOSS, M.D.  
Respondent

STATE OF Texas

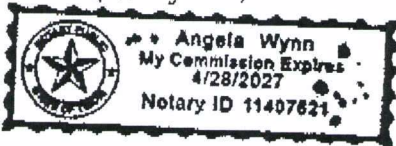
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COUNTY OF Williamson

SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 18 day of September, 2023.

*Angela Wynn*  
Signature of Notary Public

(Notary Seal)



SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this  
13 day of October, 2023.

  
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Sherif Z. Zafraan, M.D., President  
Texas Medical Board