

1 On April 21, 2004, at 9:30 AM, ALJ Alison Webster, a board investigator, a court
2 reporter and the board's legal counsel were present at the offices of the Board of Medical
3 Examiners for the scheduled contested case hearing. Licensee failed to appear. Because the
4 Board had designated the agency file at the time the Board issued the contested case notice, the
5 Board did not present further evidence or testimony; *see* OAR 137-003-0670(3). This final order
6 is based upon the agency file.
7

8 **ISSUE**
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10 Should the Board revoke the license of Licensee to practice of medicine?
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12 **FINDINGS OF FACT**
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14 1. Licensee is a licensed physician in the State of Oregon. Licensee had a general
15 medical practice that focused on lifestyle medicine. He saw patients for anti-aging treatments, to
16 include intra-muscular injections of human growth hormones, maintenance of sexual function,
17 weight management, and botox injections for wrinkle removal. Licensee formerly owned
18 Frontier Medical Clinic in Tigard, Oregon. The clinic was previously known as the Center for
19 Men's Health and was previously located in Lake Oswego, Oregon. Licensee also had a clinic in
20 Grants Pass, Oregon, and had taken steps to open a clinic in Salem, Oregon.
21

22 2. In 2000, the Board issued a Complaint and Notice of Proposed Disciplinary Action
23 alleging violations of the Medical Practice Act. On or about March 28, 2000, the Board issued a
24 Stipulated Final Order Limiting Practice in which it revoked the license of Licensee to practice,
25 stayed execution of the order of revocation and placed Licensee on probation for a period of 10
26 years. In the order, Licensee stipulated that he engaged in certain conduct including, but not
27 limited to, prescribing and dispensing medications, including Viagra, over the Internet without
28 ever seeing or examining the patients. Licensee also stipulated that his conduct:
29

30 endangered the public health or safety by exposing patients to
31 treatment that could be contra-indicated by pre-existing health
32 conditions or medication that the patients are taking that could
33 otherwise be detected by examining patients prior to treatment, by
34 conducting an adequate health history, consulting with the
35 patients' primary care providers, reviewing their medical records
36 and providing adequate follow up.
37

38 Licensee acknowledged that the Board found his conduct unprofessional or dishonorable
39 and that it constituted gross or repeated negligence in the practice of medicine. As part of his
40 probation, Licensee agreed, among other things, that he: (a) "will not associate in any manner
41 with any Internet website that renders or purports to render medical services to patients or
42 prescribe medication;" (b) "will not communicate with patients over the Internet;" and (c) "will
43 not diagnose or treat any person without first seeing the patient in a face to face clinical setting."
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45 3. The Board adopts and incorporates by reference the Board's findings of fact and
46 conclusions of law contained within its Final Order pertaining to the emergency suspension of
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1 Licensee, dated April 17, 2003 except to the extent that those findings are inconsistent with the
2 findings of this Order, in which case the findings of this Order are conclusive.
3

4 4. From March 29, 2000 until January 17, 2003, Licensee practiced medicine under the
5 authority of a Board Stipulated Final Order Limiting Practice.
6

7 5. In September 2002, agents from the U.S. Customs Service seized a Federal Express
8 shipment of 300 sildenafil (Viagra) tablets from the Peoples Republic of China (PRC) that were
9 addressed to Licensee's Frontier Medical Clinic in Tigard, Oregon. The shipment intercepted by
10 U.S. Customs was falsely labeled as vitamins. During a subsequent investigative interview with
11 law enforcement officials, Licensee explained that he had purchased \$50,000 of Viagra
12 (manufactured in the U.S.) that he had taken to the PRC to sell, but that the law had changed, and
13 he could no longer sell the Viagra there. As a result, he had the Viagra shipped back to his clinic
14 in packets of 300 tablets each. A subsequent laboratory analysis conducted for the U.S.
15 Department of Health and Human Services determined that from a sample of 100 Viagra tablets
16 seized from the September 2002 shipment, none of the tablets were found to be manufactured by
17 Pfizer Inc., the makers of Viagra, and were not approved by the Federal Food and Drug
18 Administration (FDA). The Board finds that Licensee willfully and wrongfully imported these
19 Viagra tablets from China, but rejects Licensee's self serving explanation that these tablets had
20 been manufactured in the United States.
21

22 6. On January 17, 2003, the Board was notified by the Portland Police Bureau that a
23 search warrant had been served for a search of Licensee's personal residence and another
24 location—his medical clinic (the Frontier Medical Clinic). During this search, police discovered
25 and confiscated various controlled substances, to include cocaine (Schedule II), illicitly
26 manufactured methamphetamine (Schedule II), ketamine hydrochloride (Schedule III), and
27 marijuana (Schedule I). Licensee admitted to the police that he had used methamphetamine on
28 or about January 1, 2003 and that he has used cocaine and various illicit "designer" drugs to
29 include Ecstasy/MDMA (methylenedioxymethamphetamine) (Schedule I) and GHB (Schedule I)
30 during the past year. On March 28, 2003, the Washington County District Attorney indicted
31 Licensee for the unlawful possession of cocaine, methamphetamine, and ketamine hydrochloride
32 (Schedule III) and for allowing his minor children to enter and remain in a place where unlawful
33 activities involving controlled substances were maintained and conducted.
34

35 7. On January 27, 2003, Licensee submitted a hair sample to the Intermountain Forensic
36 Laboratories, Inc., in the presence of the Board's Compliance Officer, that was analyzed and
37 found to contain evidence of cocaine use. No other controlled substance was detected.
38

39 8. Licensee violated the terms of the Board's Stipulated Final Order, dated March 29,
40 2000, by advertising and selling a product called "Viaglide" (which is a registered trademark of
41 Licensee's Frontier Medical Clinic) over the Internet at www.viaglide.com from 2002 through at
42 least September 2003. Licensee marketed "Viaglide" as a "female arousal cream" that is a
43 "scientifically designed topical gel (lubricant) that contains sildenafil, menthol and L-arginine
44 (an amino acid)." "Viaglide" was advertised to have been "made with the same active ingredient
45 found in Viagra." Licensee sold this product for \$19.95 per tube without examining or taking a
46 medical history from the purchasers. On February 1, 2003, a Board investigator purchased a
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1 tube of "Viaglide" from Licensee's clinic (Frontier Medical Clinic) by accessing Licensee's
2 website on the Internet and placing an order using a credit card. The investigator called the
3 clinic and confirmed her sales order over the phone. The investigator received one tube of
4 "Viaglide" in an envelope with the return address of "Frontier Medical Center, 9600 SW Oak St.,
5 Suite 350, Tigard, OR 97223, (503) 245-4550." On February 19, 2003, pursuant to the Board's
6 request, the Board's Compliance Officer received a package from the office of Licensee's
7 attorney containing one unopened tube of "Viaglide." The Board submitted both tubes of
8 "Viaglide" to the National Medical Services laboratory for analysis. The laboratory analysis
9 revealed that the two samples did not contain sildenafil. Even if "Viaglide" was found to contain
10 sildenafil, this would be a non-approved FDA product that would most probably not be absorbed
11 by the skin in the current formulation. There is no basis in medical science to support the
12 purported efficacy of "Viaglide" as a female arousal cream.
13

14 9. Licensee jeopardized the health and safety of his family and occupants of his home by
15 maintaining a supply of ketamine hydrochloride (Schedule III) (hereafter ketamine) in his home
16 in 2003, a substance that has been improperly used in recent years as a "club drug" without
17 medical justification. Licensee provided Patient A and Patient D with ketamine for their use on
18 various occasions without medical justification. Ketamine is a central nervous system depressant
19 that produces hallucinatory effects and can bring about respiratory depression, heart rate
20 abnormalities, and withdrawal syndrome.
21

22 10. Licensee treated various patients in 2001 - 2003, to include Patients A, B and C,
23 (who were not growth hormone deficient) with intramuscular injections of human growth
24 hormone (HGH) without appropriate medical justification and for reasons that are without
25 foundation in medical science, to include use as an asserted "lifestyle enhancer" such as a
26 supposed aid for body building, weight loss, to reverse the effects of aging and to help patients
27 sleep. In providing HGH to patients, Licensee failed to examine the patients, take a health
28 history, and to adequately inform his patients of the health risks and contra-indications associated
29 with HGH. Licensee also failed to monitor the patients during the course of their treatment.
30 Subsequent testing of syringes purported to contain HGH found that the syringes contained HGH
31 in combination with methionine. The presence of methionine indicates that the HGH product
32 used in the syringes is not a product that is approved for use in the United States.
33

34 11. Licensee sold samples of sildenafil (Viagra), finasteride (Proscar and Propecia) to
35 patients on various occasions in 2002 and 2003 at the Frontier Medical Clinic. To do this,
36 Licensee would open and repackage the sample containers for marketing and distribution
37 purposes. Selling drug samples violates 21 USC Section 333(b)(1)(B).
38

39 12. On April 22, 2003, Licensee, while suspended from the practice of medicine, called
40 the Costco pharmacy in Tigard, identified himself by name and DEA identification number, and
41 called in a prescription for an approximately two years supply (720 tablets) of Propecia for
42 himself. A prescription form that was filled out in Licensee's handwriting was subsequently
43 transmitted to the Costco pharmacy by FAX bearing Licensee's signature and the date "4/22/03."
44 Licensee appeared at the Costco pharmacy at about 10:00 a.m. on April 23, 2003 to pick up the
45 prescription for Propecia. Licensee was confronted at that time by a Board investigator
46 regarding practicing medicine without a license.
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2 13. On or about January 16, 2003, the City Attorney for the City of San Diego,
3 California, filed a criminal complaint against Licensee for practicing medicine in California
4 without a license and for representing himself to be a licensed physician in the State of
5 California. The underlying criminal investigation revealed that in October 2002, Licensee
6 represented himself to the public to be a physician licensed to practice medicine in California,
7 who was responsible for administering intramuscular injections of Botox and Vitamin B to
8 various patients in California. Licensee did not hold an active California medical license at the
9 time. Licensee subsequently pled guilty to practicing medicine in California without a license.
10

11 14. On or about February 21, 2003, March 4, 2003, and June 27, 2003; in the presence of
12 a drug sales representative, Licensee signed his name as a physician by writing the initials "MD"
13 after his name and using his Oregon medical license number in order to accept receipt for
14 multiple orders of prescription medications from Pfizer, Inc. Licensee engaged in this conduct
15 knowing that his license to practice medicine had been suspended.
16

17 CONCLUSIONS OF LAW

18 OPINION

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21 Licensee violated ORS 677.190(1)(a), unprofessional or dishonorable conduct, as defined
22 by ORS 677.188(4)(a), (b) and (c); ORS 677.190(7), habitual or excessive use of intoxicants,
23 drugs or controlled substances; ORS 677.190(9), making false and misleading statements to
24 patients about the efficacy or value of the medicine, treatment or remedy prescribed or
25 administered by Licensee or at his direction that Licensee should know in the exercise of
26 reasonable care is false or misleading; ORS 677.190(14), gross or repeated negligence in the
27 practice of medicine; ORS 677.190(18), willfully disobeying a board order or failing to comply
28 with a board request pursuant to ORS 677.320; ORS 677.190(24), violation of the Controlled
29 Substances Act; and ORS 677.190(25), prescribing controlled substances without a legitimate
30 medical purpose, without following accepted procedures for examination of patients or for
31 record keeping and without giving the required notice.
32

33 Licensee violated the terms of the Board's March 2000 Stipulated Order limiting his
34 practice by continuing to diagnose and treat patients and prescribe medications, including
35 Viagra, without seeing every patient that received a prescription in a face-to-face clinical setting.
36 In addition, Licensee communicated with patients over the Internet on multiple occasions, to
37 include processing requests for various medications, to include Propecia and Viaglide.
38

39 Licensee violated the terms of his emergency suspension by continuing to practice
40 medicine by writing a prescription of Propecia for himself, transmitting that prescription to a
41 pharmacy, and by signing as a physician for multiple orders of prescription medications.
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43 With regard to Licensee's sale of Viaglide, the record establishes that the product did not
44 contain sildenafil citrate, the active ingredient in Viagra. As a result, Licensee made false and
45 misleading statements to patients about the efficacy or value of the treatment that was
46 recommended and directed by Licensee.
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2 Licensee endangered himself and others by using illegal controlled substances, such as
3 cocaine and methamphetamine, and by allowing persons to use illegal controlled substances in
4 his home in the vicinity of his children of tender years, and providing controlled substances, such
5 as Ketamine, to others for reasons without foundation in medical science. This also violated the
6 Controlled Substances Act.
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8 By illegally importing a non-FDA approved substance that was purported to be Viagra
9 into the United States, Licensee engaged in unprofessional conduct and dishonorable conduct
10 and violated the Controlled Substances Act.
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12 Licensee engaged in unprofessional and dishonorable conduct and gross or repeated acts
13 of negligence by treating Patients A, B, and C with intramuscular injections of HGH without
14 medical justification and by selling samples of Viagra, Proscar and Propecia to patients.
15 Licensee also falsely represented himself to be a licensed California physician and provided
16 medical treatments to patients in California.
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18 The Board notes that Licensee has failed to respond to recent correspondence from the
19 Board and is under indictment by Washington County for multiple counts of unlawful possession
20 of a controlled substance and endangering the welfare of a minor. There is also an outstanding
21 warrant for his arrest. Nevertheless, there may come a day when Licensee may petition this
22 Board for reinstatement of his license. We note that any licensee may petition the Board for a
23 license after a lapse of two years following license revocation, ORS 677.220. The Board at that
24 time will consider the merits of the application, but in doing so; the Board will review that
25 application in the context of the current matters that have brought Licensee to discipline, to
26 include the following:
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- 28 • Licensee's pattern of behavior over the course of several years demonstrates that
29 he has brazenly disregarded the law and well recognized principles of medical
30 ethics and acceptable practice.
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- 32 • Licensee has used his medical license as a means to improperly acquire large
33 financial rewards. For instance, Licensee continued to sell medications over the
34 Internet in defiance of the Board's order; Licensee marketed a bogus "medical"
35 product that was falsely labeled; Licensee illegally imported a falsely labeled non-
36 FDA approved medication, and in various other ways, contrived to dupe and bilk
37 the public under the guise of providing medical care.
38
- 39 • Licensee willfully and repeatedly violated two Board orders that were intended to
40 curb his improper and illegal activities and to protect the public.
41
- 42 • Licensee endangered his own health as well as the safety of his family and friends
43 by using illegal controlled substances himself and by allowing others to possess
44 and use illegal controlled substances at his home where his young children were
45 present.
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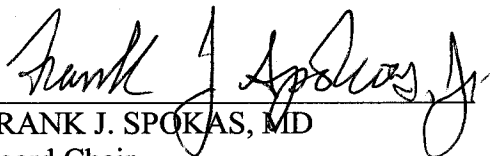
- Licensee violated the trust and well being of his patients by recommending and providing treatments that were not grounded in medical science and had the potential of harming his patients.
- In short, Licensee is a scofflaw who routinely flaunted foundational principles of medical ethics and practice.

FINAL ORDER

The license of Steven Gabriel Moos to practice medicine in the State of Oregon is hereby revoked. He is also reprimanded for his repeated and willful violations of board orders and unethical conduct and is assessed hearing costs² and fined \$5,000. The hearing costs and fine are to be paid to the Board within 60-days from the date this Order is signed by the Board Chair.

IT IS SO ORDERED this 9th day of July, 2004.

BOARD OF MEDICAL EXAMINERS
State of Oregon


FRANK J. SPOKAS, MD
Board Chair

Appeal

If you wish to appeal this final order, you must file a petition for review with the Oregon Court of Appeals within 60 days after the final order is served upon you. See ORS 183.480 et seq. If this Order was mailed to you, the date of service is the day it was *mailed*, not the day you received it. If you do not file a petition for judicial review within the 60-day time period, you will lose your right to appeal.

² Costs to cover the expenses associated with the scheduled contested case hearing on April 21, 2004, when the ALJ, court reporter and board attorney appeared, although proceedings were not started because Licensee failed to appear.

BEFORE THE
BOARD OF MEDICAL EXAMINERS
STATE OF OREGON

In the Matter of:)
1 STEVEN GABRIEL MOOS, MD)
2 LICENSE NO. MD20201) BILL OF COSTS
3)

1.

4 On December 5, 2003, Steven Gabriel Moos, MD (Licensee) requested a Contested Case
5 Hearing in response to the Complaint & Notice of Proposed Disciplinary Action issued by the
6 Board of Medical Examiners (Board) on November 28, 2003. A hearing was scheduled for April
7 21, 2004. Licensee failed to appear for this hearing. On July 9, 2004, the Board issued a Final
8 Order by Default in this matter. In this Order, Licensee was assessed the costs related to his
9 Contested Case Hearing scheduled for April 21, 2004. Costs are due within 60 days from the
10 date the Final Order by Default was issued.

2.

11 The State of Oregon, by and through its Board of Medical Examiners, claims costs
12 related to the April 21, 2004 Contested Case Hearing in the above-captioned case as follows:
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14 Board Counsel - Warren Foote	\$ 5,001.95
15 Board Consultant- David Cook, MD	\$ 855.00
16 Administrative Law Judge	\$ 69.00
- Allison Greene-Webster	
17 Court Reporter Appearance - Naegeli Corp	\$ 100.00
18 TOTAL:	\$ 6,025.95

19 The above costs are certified as a correct accounting of actual costs incurred preparing for
20 and participating in the contested case hearing in this matter.

21 Dated this 23rd of August, 2004

22 BOARD OF MEDICAL EXAMINERS
State of Oregon

23 
KATHLEEN HALEY,
EXECUTIVE DIRECTOR