
**BEFORE THE MISSISSIPPI STATE
BOARD OF MEDICAL LICENSURE**

IN THE MATTER OF:

EDWARD SYDNEY MOAK, M.D.

LICENSE NO. 09304

DETERMINATION AND ORDER

The above titled matter came before the Mississippi State Board of Medical Licensure (“Board”) in Jackson, Hinds County Mississippi, on May 8, 2024. Edward Sydney Moak (“Licensee”), M.D.’s license to practice medicine in the state of Mississippi was suspended pending the outcome of hearing.

Board members present for the May 9, 2024, proceedings were Michelle Y. Owens, M.D., President; Ken Lippincott, M.D.; Kirk Kinard, D.O.; David McClendon, M.D.; William Eugene Loper, M.D.; and Renia R. Dotson, M.D. Board members Thomas Joiner, M.D. and Allen Gersh, M.D. appeared remotely. Consumer members Koomarie “Shoba” Gaymes and Wesley Breland were also present. Accordingly, a quorum of Board members was present throughout the hearing and deliberation.

Board Counsel Paul Barnes, Esq., presented the charges as set forth in the Affidavit as filed herein. Licensee, having been served with the Summons and Affidavit and being fully informed of his rights to a formal hearing before the Board, was not present for the proceedings and does not appear to be represented by counsel. The matter was called to hearing after Licensee’s third motion for continuance was denied.

Alexis E. Morris, Special Assistant Attorney General, served as Administrative Hearing Officer, presided over the hearing, and was directed to prepare the Board’s written decision in accordance with their deliberations.

And now, upon consideration of all the materials produced in the record before the Board along with the testimony presented at the hearing, the Board makes the

following Findings of Fact, Conclusions of Law, and Order based on clear and convincing evidence:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Board is established pursuant to the Mississippi State Board of Medical Licensure Act, Title 73, Chapter 43 of the Mississippi Code of 1972 as amended, and is charged with the duty of licensing and regulation the practice of medicine in the State of Mississippi under title 73, Chapter 25 of the Mississippi Code of 1972 as amended.
2. Sections 73-25-29, 73-25-83 and 73-25-87 of the Mississippi Code Ann. (1972) as amended provide that the Board may revoke or suspend a license or take any other actions as deemed necessary if a licensee has violated any provisions therein.
3. All parties were properly noticed of the matter now pending before the Board.
4. Licensee is a physician and was licensed to practice medicine in the state of Mississippi, currently holding Mississippi Medical License Number 09304. Said license was valid until June 30, 2024, prior to suspension.
5. On or about July 12, 2023, based on reasonable cause, Licensee was referred to the Examining Committee of the Board (“Committee”) pursuant to Miss. Code Ann. §§ 73-25-51 through 73-25-67 for examination and evaluation to determine whether Licensee was able to practice medicine with reasonable skill and safety to patients by reason of possible mental illness, physical illness, and/or excessive use or abuse of drugs.
6. On or about July 26, 2023, the Committee, after meeting, Ordered that Licensee be restricted from the practice of medicine appending the results of a comprehensive, multidisciplinary substance use and behavioral evaluation, to determine his fitness for duty and appropriate treatment recommendations, if indicated.
7. On or about December 14, 2023, the Committee submitted an Interim Report to the Board advising that Licensee failed to comply with the terms of the Committee Order dated July 26, 2023. Specifically, after July 26, 2023, Licensee continued to practice medicine without the approval of the Examining Committee.
8. The Committee’s Interim Report advised that the evidence and information in its possession at the time did not reflect that Licensee was safe to return to the practice of medicine. Therefore, Licensee’s continued practice of medicine

presented a clear, unequivocal, and imminent danger to public safety. The Examining Committee referred this case to the Board for disposition and action concerning Licensee's noncompliance with the July 26 Order.

9. Accordingly, the Board determined that the evidence in its possession supporting the Committee's determination was clear, competent, and unequivocal that Licensee's continuation in practice constituted an imminent danger to public health and safety.
10. As a result, on or about December 15, 2023, the Board temporarily suspended Licensee's license to practice medicine in the state of Mississippi, pending the outcome of a hearing set for January 11, 2024.
11. At the Board meeting on January 11, 2024, Licensee requested a continuance because of illness. The hearing was continued until March 21, 2024.
12. Licensee appeared at the Board meeting on March 21, 2024, but moved for a second continuance, *ore tenus*, so that he could retain counsel. The motion was granted and the hearing was continued until May 8, 2024,
13. Licensee did not appear at the Board meeting on May 8th; however, the Board decided to proceed with a hearing in this matter, following the denial of Licensee's third request for a continuance.
14. During the May 8th proceeding, Kristen Powell, LCSW and Associate Director of the Mississippi Physician Health Program, testified that the Talbot 3-day evaluation deemed Licensee unfit to practice with reasonable skill.
15. Powell also testified that Licensee was referred for additional testing. However, Licensee has not complied or provided any other information to Powell regarding his fitness to practice medicine.
16. Powell also testified that Licensee's behavior was unusual and atypical, because people usually follow through with the evaluations and additional testing to return to practice as soon as possible or to find some other resolution.
17. Board Counsel entered the following documents into evidence for the Board's consideration:
 - a. Order, Affidavit, Designation of the Examining Committee, July 12, 2023
 - b. Order of Examining Committee, July 26, 2023
 - c. Talbo Recovery Assessment Report (Sealed), September 5, 2023

- d. Diagnosis and Recommendation, Pages 20 and 21 of Assessment Report
- e. Order of Temporary Suspension, December 28, 2023
- f. Email to Dr. Moak with Summons, Affidavit, & Order of Temporary Suspension
- g. Summary of telephone call with Dr. Moak (Kristin Powell), December 15, 2023
- h. Email from Dr. Moak to Kristin Powell re Talbot Report, December 15, 2023
- i. Pharmacy printout with copies of prescriptions
- j. November 1, 2023, letter to Dr. Moak from Jefferson County Hospital re approval of temporary emergency active staff privileges Surrender of DEA Certificate of Registration 1/18/2024 and February 27, 2024, Neuropsychological Evaluation

18. Based upon the above Findings of Fact and Conclusions of Law, the Board finds the following Order to be appropriate under the circumstances.

ORDER

IT IS THEREFORE ORDERED that Licensee's license to practice medicine is hereby suspended indefinitely. Licensee must appear before the Board for consideration of reinstatement.


IT IS FURTHER ORDERED that Licensee shall reimburse the Board for all costs incurred in relation to the pending matter pursuant to Miss. Code Ann., Section 11 73-25-30, as amended. Licensee shall be advised of the total assessment, not to exceed \$10,000 by written notification, and shall tender to the Board a certified check or money order within forty (40) days after the date the assessment is mailed to Licensee's current mailing address.

IT IS FURTHER ORDERED that this decision and opinion is a final order of the Board and is conclusive evidence of the matters described herein.

IT IS FURTHER ORDERED that the Determination and Order shall be public record. It may be shared with other licensing boards (in and out of state), and the public, and may be reported to the appropriate entities as required or authorized by state and/or federal law or guidelines. This action shall be spread upon the Minutes of the Board as its official act and deed.

SO ORDERED this the 8th day of May 2024.

**MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE**

BY: 
**MICHELLE Y. OWENS, M.D.,
PRESIDENT**