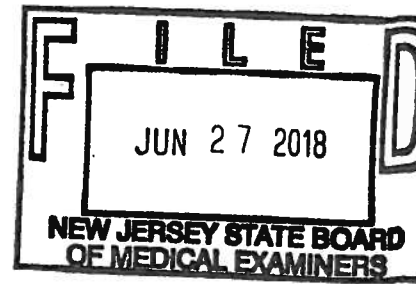
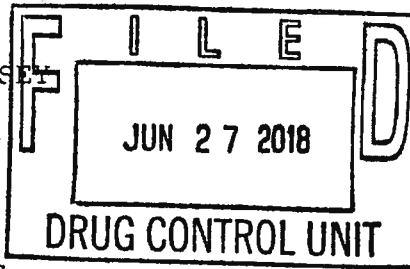


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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS &
DRUG CONTROL UNIT
OAL DKT. No. BDS 13347-2017 N

IN THE MATTER OF THE LICENSE TO :
PRACTICE PODIATRY AND NJ CDS : Administrative Action
REGISTRATION OF :
:
:
ANTHONY ENRICO, JR., D.P.M. : **FINAL CONSENT ORDER**
LICENSE NO. 25MD00172300 :
CDS REG. NO. D04665800 :
:
:

This matter was opened to the New Jersey State Board of Medical Examiners (the "Board") on January 24, 2017, upon the filing of a nine count Administrative Complaint against Anthony Enrico, Jr., D.P.M. ("Respondent"), License No. 25MD00172300, NJ Controlled Dangerous Substances ("CDS") Registration No. D04665800, alleging, *inter alia*, that Respondent indiscriminately prescribed opioids to seven patients; that his care of those seven patients, in each instance, was grossly negligent; that he engaged in practices outside the scope of his podiatric license by prescribing CDS for conditions unrelated to podiatry; and that he failed to fully comply with an investigative subpoena. It was further alleged that

Respondent's continued practice of podiatry presented a clear and imminent danger to the public health, safety and welfare.

An Order to Show Cause was also filed on January 24, 2017, requiring Respondent to appear before the Board on February 8, 2017 for a hearing on an application for the temporary suspension of his license to practice podiatry. Respondent requested an adjournment and on February 8, 2017 the Board filed an Interim Order whereby Respondent agreed to cease and desist the practice of podiatry pending a hearing on March 8, 2017. Respondent again requested an adjournment and on March 6, 2017 the Board filed an Order of Temporary Suspension of License. The hearing was rescheduled for April 5, 2017.

At the conclusion of the hearing on April 5, 2017, the Board found that there was a clear and imminent danger to the public which supported the continuation of the temporary suspension of Respondent's podiatric license. Pursuant to this Order, filed on June 20, 2017, Respondent's license was temporarily suspended pending conclusion of plenary proceedings or further order of the Board.

On October 17, 2017, in a separate criminal matter, Respondent pleaded guilty in federal court to one count of health care fraud. Respondent admitted, that on more than 150,000 occasions, he directed that physical therapy services be performed by unqualified employees. On March 26, 2018, Respondent was sentenced to three

years in prison followed by three years of supervised release and payment of \$3 million in restitution.

Respondent's conduct, as alleged in the Verified Administrative Complaint, constitutes acts of gross and repeated negligence; professional misconduct; and violations of the provisions of several statutes and/or regulations administered by the Board prohibiting the indiscriminate prescribing of CDS. In addition, Respondent's conduct, which led to his recent health care fraud conviction, constitutes offenses involving fraud, moral turpitude and conduct which relates adversely to the practice of podiatry. Such conduct provides grounds for the Board to revoke Respondent's license to practice podiatry in New Jersey pursuant to N.J.S.A. 45:1-21 (b), (c), (d), (e), (f), (h), (k), (m) and (n). Respondent's conduct also constitutes the prescribing of CDS without legitimate medical purpose in violation of N.J.A.C. 13:45H-7.4 which provides the basis under N.J.S.A. 24:21-12(a)(3) for the Director of the New Jersey Division of Consumer Affairs (the "Director") to suspend or revoke Respondent's NJ CDS registration.

The parties being desirous of resolving this matter and it appearing that Respondent has read the terms of this Final Consent Order and understands their meaning and effect and having been specifically informed that he may consult an attorney to represent him in this matter, and that he chooses to voluntarily enter into this Final Consent Order and to be bound by same, and the Board and

the Director, being satisfied that the entry of the within Order obviates the need for formal proceedings, and being further satisfied that the within Order is adequately protective of the public health, safety and welfare, and that good cause exists to support entry of this Order;

IT IS, therefore, on this 27th day of June, 2018,
ORDERED AND AGREED THAT:

1. Respondent's license to practice podiatry in the State of New Jersey is revoked. Respondent shall be ineligible to obtain a license to practice podiatry in the State of New Jersey for a period of five (5) years from the date of the Interim Order filed on February 8, 2017. In no instance shall Respondent be granted a license during any period of incarceration. Prior to his application for reinstatement, Respondent shall demonstrate compliance with all conditions of his criminal sentence such as probation, supervised release, and/or a fine payment plan.

2. The period of revocation shall be tolled for any length of time that Respondent practices in another jurisdiction.

3. Respondent's New Jersey CDS Registration, pursuant to the authority of the Director under N.J.S.A. 24:21-9 et seq., is permanently revoked. This CDS Registration revocation is independent of any action taken by the Board, the United States Drug Enforcement Administration ("DEA") or any other law enforcement or licensing authority. A copy of this Final Consent Order, signed by

the Director, will be filed with the Division's Drug Control Unit.

4. The revocation of his CDS Registration shall be with prejudice and Respondent shall not seek a CDS registration in New Jersey at any future time.

5. Respondent shall continue to cease and desist all patient contact at any location and the rendering of podiatric care, including the issuance of any prescription for, or dispensation of, medications of any kind, including but not limited to CDS.

6. Respondent shall not charge, receive or share in any fee for professional services rendered by him or others. Respondent shall be permitted to collect account receivables with respect to professional services that he rendered prior to February 9, 2017.

7. Respondent shall not enter the premises of his former podiatric practice at any time when patients may be present or sign or submit insurance claim forms for treatment rendered during the period of revocation.

8. If he has not already done so, Respondent shall immediately return his original New Jersey license to practice podiatry and CDS registration to William V. Roeder, Executive Director, State Board of Medical Examiners, 140 East Front Street, P.O. Box 183, Trenton, New Jersey 08625.

9. Respondent shall immediately advise the DEA of this Order, specifically the revocation of his podiatric license, and provide the Board within five days of proof of said notification to the DEA.

10. Respondent shall be precluded from managing, overseeing, supervising or influencing the practice of podiatry or provision of healthcare activities, including by testifying as an expert witness, in the State of New Jersey until such time that all terms of the within Final Consent Order have been met.

11. As per the attached Directives, Respondent shall divest himself from any current and future financial interest in or benefit derived from the practice of podiatry, including but not limited to the provision of healthcare activities taking place at Respondent's former podiatric office, or anywhere else, until such time that all terms of the within Consent Order have been met.

12. Respondent shall reimburse the Board for its investigation costs and attorney fees for a total of \$20,000.00 pursuant to N.J.S.A. 45:1-25(d).

13. All payments shall be made by bank check, money order, wire transfer or credit card payable to the State of New Jersey, and forwarded to William Roeder, Executive Director, New Jersey Board of Medical Examiners, 140 East Front Street, P.O. Box 183, Trenton, NJ 08625-0183. If a form of payment is presented other than the form of payment noted above, it will be rejected and will be returned to the Respondent.

14. A Certificate of Debt reflecting the \$20,000.00 currently due and owing shall be filed with the New Jersey Superior Court.

15. An appearance before the Board for license reapplication

shall not be scheduled unless Respondent has fully satisfied the amount owed.

16. Respondent shall immediately send all of his remaining prescription blanks, along with a cover memorandum indicating that he will no longer be writing prescriptions and asking that his prescription blanks be destroyed pursuant to standard operating procedures, to Cathy Collins, Executive Officer, Division of Consumer Affairs Drug Control Unit, P.O. Box 45022, Newark, New Jersey 07101.

17. Respondent shall comply with N.J.A.C. 13:35-6.5(h), the Board regulation for practice closure. Respondent shall notify William V. Roeder, Executive Director, State Board of Medical Examiners as to where his patient records are secured, and how patients may obtain them.

18. Prior to the granting of any application for licensure, Respondent must appear before a Committee of the Board to demonstrate his fitness to resume practice.

19. Prior to resuming the practice of podiatry, Respondent shall successfully complete a Board approved course in Ethics. "Successful completion" of the required course means that Respondent attended all sessions of the course, fully participated in the course, and received a final evaluation of an unconditional pass. The required coursework is in addition to the regularly required continuing education hours and may not be counted towards satisfying

CME obligations.

20. Prior to resuming the practice of podiatry, Respondent shall undergo a full evaluation and assessment of his podiatric knowledge and skill at a Board approved evaluating entity, and comply with any and all recommendations of this evaluation. Prior to commencing the evaluation, Respondent shall submit to the Medical Director of the Board or her designee, the name of the chosen assessment entity, anticipated dates of attendance, and a syllabus for the educational experience.

21. Respondent shall fully and satisfactorily complete all of the requirements of the evaluation and the entirety of any recommendations the assessment entity may make with regard to additional evaluations, practice restrictions, monitoring, and/or educational programs.

22. The Board and the Attorney General will have full and complete access to any communications between Respondent and the assessment entity, and will have full and complete access to any reports, recommendations, or evaluations issued by the assessment entity or by any consultant that the assessment entity recommends, including but not limited to the release of the assessment report, any medical or neuropsychological evaluations, and any reports with regard to professional education and practice restrictions, if any. Respondent hereby authorizes the assessment entity to provide copies of any recommendations, evaluations, or reports to the Board and the

Attorney General simultaneously with their provision to Respondent. In addition, the Board, as well as its agents and employees, including but not limited to the Medical Director of the Board or her designee, may communicate directly with the assessment entity with regard to Respondent's participation in any evaluation or assessment, monitoring plan, or educational program.

23. Respondent specifically acknowledges that the Board may seek to introduce any recommendations, evaluations, or reports issued by the assessment entity as evidence during the course of any future disciplinary proceedings.

24. The Attorney General and the Board may provide to the assessment entity whatever information they may possess with regard to Respondent. Such submission may include the Verified Complaint filed on January 24, 2017 along with the exhibits.

25. Respondent shall be responsible for all costs for the required coursework and evaluations.

26. Respondent shall comply with the Directives Applicable to Any Medical Board Licensee who is Disciplined or Whose Surrender of Licensure or Cessation of Practice has been Ordered or Agreed Upon which are attached hereto and incorporated herein.

27. Respondent acknowledges that he has been specifically advised of his right to have this Final Consent Order reviewed by an attorney of his choosing. He enters this Order knowingly and voluntarily and acknowledges that there have been no other

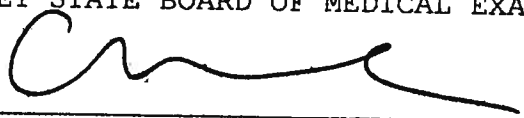
representations or agreements not stated in writing herein.

28. The parties hereby stipulate that entry of this Final Consent Order is without prejudice to further action or investigation by the Attorney General, the Drug Control Unit, the Director of the Division of Consumer Affairs, or other law enforcement entities resulting from Respondent's conduct prior to the entry of this Order.

29. Failure to comply with any provision of this Final Consent Order will result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

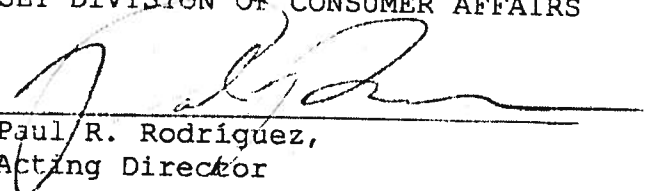
NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

BY:


Paul J. Carniol, M.D.
Board President

NEW JERSEY DIVISION OF CONSUMER AFFAIRS

BY:


Paul R. Rodriguez,
Acting Director

I have read the within Final Consent Order in its entirety and I agree to be bound by all of its terms. I understand the meaning and effect of this Order, and I understand that the entry of this Order carries serious legal consequences. Consent is hereby given to the Board to enter this Order.


Anthony Enrico, Jr., D.P.M.

6/20/18
Date

**DIRECTIVES APPLICABLE TO ANY MEDICAL BOARD LICENSEE
WHO IS DISCIPLINED OR WHOSE SURRENDER OF LICENSURE
OR CESSATION OF PRACTICE HAS BEEN ORDERED OR AGREED UPON**

APPROVED BY THE BOARD ON AUGUST 12, 2015

All licensees who are the subject of a disciplinary order or surrender or cessation order (herein after, "Order") of the Board shall provide the information required on the addendum to these directives. Failure to provide the information required may result in further disciplinary action for failing to cooperate with the Board, as required by N.J.A.C. 13:45C-1 et seq: Paragraphs 1 through 4 below shall apply when a licensee is suspended, revoked, has surrendered his or her license, or entered into an agreement to cease practice, with or without prejudice, whether on an interim or final basis. Paragraph 5 applies to licensees who are the subject of an order which, while permitting continued practice, contains probationary terms or monitoring requirement.

1. Document Return and Agency Notification

The licensee shall promptly forward to the Board office at Post Office Box 183, 140 East Front Street, 2nd floor, Trenton, New Jersey 08625-0183, the original license, current biennial registration and, if applicable, the original CDS registration. In addition, if the licensee holds a Drug Enforcement Agency (DEA) registration, he or she shall promptly advise the DEA of the licensure action. (With respect to suspensions of a finite term, at the conclusion of the term, the licensee may contact the Board office for the return of the documents previously surrendered to the Board. Prior to the resumption of any prescribing of controlled dangerous substances, the licensee shall petition the Director of Consumer Affairs for a return of the CDS registration if the basis for discipline involved CDS misconduct. In addition, at the conclusion of the term, the licensee should contact the DEA to advise of the resumption of practice and to ascertain the impact of that change upon his/her DEA registration.)

2. Practice Cessation

The licensee shall cease and desist from engaging in the practice of medicine in this State. This prohibition not only bars a licensee from rendering professional services, but also from providing an opinion as to professional practice or its application, or representing him/herself as being eligible to practice. (Although the licensee need not affirmatively advise patients or others of the revocation, suspension, surrender or cessation, the licensee must truthfully disclose his/her licensure status in response to inquiry.) The licensee subject to the order

is also prohibited from occupying, sharing or using office space in which another licensee provides health care services. The licensee subject to the order may contract for, accept payment from another licensee for rent at fair market value for office premises and/or equipment. In no case may the licensee subject to the order authorize, allow or condone the use of his/her provider number by any health care practice or any other licensee or health care provider. In situations where the licensee has been subject to the order for less than one year, the licensee may accept payment from another professional who is using his/her office during the period that the licensee is (suspended), subject to the order for the payment of salaries for office staff employed at the time of the Board action.

A licensee whose license has been revoked, suspended or subject to a surrender or cessation order for one (1) year or more must immediately take steps to remove signs and take affirmative action to stop advertisements by which his/her eligibility to practice is represented. The licensee must also take steps to remove his/her name from professional listings, telephone directories, professional stationery, or billings. If the licensee's name is utilized in a group practice title, it shall be deleted. Prescription pads bearing the licensee's name shall be destroyed. A destruction report form obtained from the Office of Drug Control (973-504-6558) must be filed. If no other licensee is providing services at the location, all medications must be removed and returned to the manufacturer, if possible, destroyed or safeguarded. (In situations where a license has been suspended for less than one year, prescription pads and medications need not be destroyed but must be secured in a locked place for safekeeping.)

3. Practice Income Prohibitions/Divestiture of Equity Interest in Professional Service Corporations and Limited Liability Companies

A licensee subject to the order shall not charge, receive or share in any fee for professional services rendered by him/herself or others while barred from engaging in the professional practice.¹ The licensee may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of the Board order.

¹This bar on the receipt of any fee for professional services is not applicable to cease and desist orders where there are no findings that would be a basis for Board action, such as those entered adjourning a hearing.

A licensee who is a shareholder in a professional service corporation organized to engage in the professional practice, whose license is revoked, surrendered or suspended or who is ordered to cease practice for a term of one (1) year or more shall be deemed to be disqualified from the practice within the meaning of the Professional Service Corporation Act. (N.J.S.A. 14A:17-11). A disqualified licensee shall divest him/herself of all financial interest in the professional service corporation pursuant to N.J.S.A. 14A:17-13(c). A disqualified licensee who is a member of a limited liability company organized pursuant to N.J.S.A. 42:1-44, shall also divest him/herself of all financial interest. Such divestiture of the licensee's interest in the limited liability company or professional service corporation shall occur within 90 days following the entry of the order rendering the licensee disqualified to participate in the applicable form of ownership. Upon divestiture, a licensee shall forward to the Board a copy of documentation forwarded to the Division of Revenue and Enterprise Services demonstrating that the interest has been terminated. If the licensee is the sole shareholder in a professional service corporation or sole member of the limited liability company, the corporation must be dissolved within 90 days of the licensee's disqualification unless it is lawfully transferred to another licensee and documentation of the valuation process and consideration paid is also provided to the Board.

4. Medical Records

If, as a result of the Board's action, a practice is closed or transferred to another location, the licensee shall ensure that (during the three (3) month period) immediately following the effective date of the disciplinary order, a message will be delivered to patients calling the former office premises, advising where records may be obtained. The message should inform patients of the names and telephone numbers of the licensee (or his/her attorney) assuming custody of the records. The same information shall also be disseminated by means of a notice to be published at least once per month for three (3) months in a newspaper of general circulation in the geographic vicinity in which the practice was conducted. If the licensee has a website, a notice shall be posted on the website as well.

At the end of the three month period, the licensee shall file with the Board the name and telephone number of the contact person who will have access to medical records of former patients. Any change in that individual or his/her telephone number shall be promptly reported to the Board. When a patient or his/her representative requests a copy of his/her medical record or asks that record be forwarded to another health care provider, the licensee shall promptly provide the record without charge to the patient.

5. Probation/Monitoring Conditions

With respect to any licensee who is the subject of any order imposing a probation or monitoring requirement or a stay of an active suspension, in whole or in part, which is conditioned upon compliance with a probation or monitoring requirement, the licensee shall fully cooperate with the Board and its designated representatives, including the Enforcement Bureau of the Division of Consumer Affairs, in ongoing monitoring of the licensee's status and practice. Such monitoring shall be at the expense of the disciplined practitioner.

(a) Monitoring of practice conditions may include, but is not limited to, inspection of the professional premises and equipment, and inspection and copying of patient records (confidentiality of patient identity shall be protected by the Board) to verify compliance with the Board Order and accepted standards of practice.

(b) Monitoring of status conditions for an impaired practitioner may include, but is not limited to, practitioner cooperation in providing releases permitting unrestricted access to records and other information to the extent permitted by law from any treatment facility, other treating practitioner, support group or other individual/facility involved in the education, treatment, monitoring or oversight of the practitioner, or maintained by a rehabilitation program for impaired practitioners. If bodily substance monitoring has been ordered, the practitioner shall fully cooperate by responding to a demand for breath, blood, urine or other sample in a timely manner and providing the designated sample.

6. Payment of Civil and Criminal Penalties and Costs.

With respect to any licensee who is the subject of any order imposing a civil penalty and/or costs, the licensee shall satisfy the payment obligations within the time period ordered by the Board or be subject to collection efforts or the filing of a certificate of debt. The Board shall not consider any application for reinstatement nor shall any appearance before a committee of the Board seeking reinstatement be scheduled until such time as the Board ordered payments are satisfied in full. (The Board at its discretion may grant installment payments for not more than a 24 months period.)

As to the satisfaction of criminal penalties and civil forfeitures, the Board will consider a reinstatement application so long as the licensee is current in his or her payment plans.

**NOTICE OF REPORTING PRACTICES OF BOARD
REGARDING DISCIPLINARY ORDERS/ACTIONS**

All Orders filed by the New Jersey State Board of Medical Examiners are "government records" as defined under the Open Public Records Act and are available for public inspection, copying or examination. See N.J.S.A. 47:1A-1, et seq., N.J.S.A. 52:14B-3(3). Should any inquiry be made to the Board concerning the status of a licensee who has been the subject of a Board Order, the inquirer will be informed of the existence of the Order and a copy will be provided on request. Unless sealed or otherwise confidential, all documents filed in public actions taken against licensees, to include documents filed or introduced into evidence in evidentiary hearings, proceedings on motions or other applications conducted as public hearings, and the transcripts of any such proceedings, are "government records" available for public inspection, copying or examination.

Pursuant to N.J.S.A. 45:9-22, a description of any final board disciplinary action taken within the most recent ten years is included on the New Jersey Health Care Profile maintained by the Division of Consumer Affairs for all licensed physicians. Links to copies of Orders described thereon are also available on the Profile website. See <http://www.njdoctorlist.com>.

Copies of disciplinary Orders entered by the Board are additionally posted and available for inspection or download on the Board of Medical Examiners' website.
See <http://www.njconsumeraffairs.gov/bme>.

Pursuant to federal law, the Board is required to report to the National Practitioner Data Bank (the "NPDB") certain adverse licensure actions taken against licensees related to professional competence or conduct, generally including the revocation or suspension of a license; reprimand; censure; and/or probation. Additionally, any negative action or finding by the Board that, under New Jersey law, is publicly available information is reportable to the NPDB, to include, without limitation, limitations on scope of practice and final adverse actions that occur in conjunction with settlements in which no finding of liability has been made. Additional information regarding the specific actions which the Board is required to report to the National Practitioner Data Bank can be found in the NPDB Guidebook issued by the U.S. Department of Health and Human Services in April 2015. See <http://www.npdb.hrsa.gov/resources/npdbguidebook.pdf>.

Pursuant to N.J.S.A.45:9-19.13, in any case in which the Board refuses to issue, suspends, revokes or otherwise places conditions on a license or permit, the Board is required to notify each licensed health care facility and health maintenance organization with which a licensee is affiliated and every other board licensee in this state with whom he or she is directly associated in private medical practice.

In accordance with an agreement with the Federation of State Medical Boards of the United States, a list of all disciplinary orders entered by the Board is provided to the Federation on a monthly basis.

From time to time, the Press Office of the Division of Consumer Affairs may issue press releases including information regarding public actions taken by the Board.

Nothing herein is intended in any way to limit the Board, the Division of Consumer Affairs or the Attorney General from disclosing any public document.