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FILED

December 2, 2002

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

By: Mary Kate Simmons
Deputy Attorney General
(973) 648-3247

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF LAW
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE LICENSE OF : Administrative Action
: :
: :
JOSEPH PICCIOTTI, D.P.M. : **CONSENT ORDER**
: **REINSTATING RESTRICTED**
: **LICENSURE**
TO PRACTICE PODIATRY IN THE STATE :
OF NEW JERSEY :
:

This matter was most recently opened to the State Board of Medical Examiners ("Board") upon receipt of a petition from Respondent Joseph Picciotti, D.P.M., seeking restoration of his licensure to practice podiatry in the State of New Jersey, which was revoked in an Order filed on December 17, 1999. The revocation was premised upon Respondent's July 2, 1999 conviction in the United States District Court in Camden, New Jersey, of one count of conspiracy to defraud the United States; six counts of soliciting and receiving kickbacks; and four counts of mail fraud.

Respondent was sentenced to concurrent prison terms of 30 months on each count followed by supervised release for a term of three (3) years. Respondent was further ordered to pay the United

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States a fine of \$40,000 and court costs in the amount of \$650.00. Respondent completed the custodial portion of the sentence and was placed on supervised release, which he is expected to complete on or before November 13, 2004. Respondent has also paid \$30,000 to date and has agreed to pay the balance over the next three (3) years.

On March 27, 2002, Respondent appeared before a Preliminary Evaluation Committee of the Board and testified concerning his conviction. Respondent expressed his regret for his wrongful actions and admitted to utilizing extremely poor judgment. Respondent stated that he had attended a Symposium on Controversies in Wound Care and a seminar on Medicare compliance and related billing practices. Respondent also testified that he voluntarily underwent a psychological evaluation and was found to be psychologically and emotionally fit to resume the practice of podiatry.

The Board deemed Respondent's application to be premature and directed the Respondent to re-submit a petition for reinstatement at such time as he is able to demonstrate adequate current podiatric knowledge, fitness and competency to re-enter the active practice of podiatry.

In July 2002, Respondent submitted a re-petition for reinstatement. The re-petition included a signed letter by the Dean of Graduate Medical Education of New York College of Podiatric

Medicine affirming that Respondent successfully completed the podiatric board review course with perfect attendance and successfully completed an oral exam. Respondent also submitted a signed letter dated June 28, 2002 from Justine Meddick, United States Probation Officer, stating that Respondent is in compliance with the terms of his probation.

On September 25, 2002, the Respondent again appeared before a Preliminary Evaluation Committee of the Board and testified regarding his current competency in the practice of podiatry. Respondent stated that he had read various medical and podiatric journals and had spoken to nurses about wound dressing changes. In addition, Respondent testified that, should his license be reinstated, he intends to participate in clinical externships for a period of time prior to returning to private practice. Respondent testified that Peter Pellegrino, M.D., Medical Director, Frederick L. Cole, D.O., James Zaccharia, D.P.M., and John E. Pelosi, D.P.M., of Wound Care Center of South Jersey are willing to provide clinical externships.

Upon review of available information, the Board is satisfied that Respondent has demonstrated his fitness to resume the practice of podiatry and surgery. The Board thus concludes that Respondent has demonstrated adequate level of knowledge and current competency to reinstate Respondent's license, provided that said relicensure is subject to all conditions imposed below. The Board find that

the restrictions set forth herein are adequately protective of the public health, safety and welfare, and finding that good cause exists for the entry of the within Order,

IT IS on this 22 day of November, 2002

ORDERED;

1. The license of Respondent Joseph Picciotti, D.P.M., to practice podiatry and surgery in the State of New Jersey is hereby reinstated, contingent upon Respondent's compliance with the restrictions set forth herein;
2. Respondent shall participate in a clinical externship for a minimum period of six months prior to resuming the practice of podiatry in any other setting. The externship shall be under the supervision of Peter Pellegrino, M.D., and John E. Pelosi, D.P.M.
3. Under Dr. Pellegrino's supervision, Respondent will assist Dr. Pellegrino in patient evaluations and follow-up treatment at the Wound Care Center of South Jersey, located at 630 S. Whitehorse Pike, Sail Lake Professional Center, Hammonton, N.J., and at Dr. Pellegrino's private office located at 777 S. Whitehorse Pike, Hammonton, N.J. At Dr. Pellegrino's private office, Respondent will assist Dr. Pellegrino in patient evaluations and treatment, and observe and assist in minor surgical procedures as his supervisor deems appropriate under the

circumstances. Lastly, at the William B. Kessler Memorial Hospital, 600 S. Whitehorse Pike, Hammonton, N.J., Respondent will observe and assist Dr. Pellegrino in grand rounds, pre- and post-evaluations, and surgical procedures as Dr. Pellegrino deems appropriate.

4. Under Dr. Pelosi's supervision, Respondent will assist Dr. Pelosi in podiatric evaluations and follow-up treatment at Dr. Pelosi's private office located at 411 N. Main Street, Glassboro, N.J. In addition, Respondent will observe and assist Dr. Pelosi in grand rounds, pre- and post-evaluations, and surgical procedures as Dr. Pelosi deems appropriate at the Elmer Community Hospital, located at West Front Street, Elmer, N.J.
5. The above mentioned locations are the only clinical settings approved by the Board. Respondent shall obtain an agreement from both Peter Pellegrino, M.D. and John E. Pelosi, D.P.M., for the provision of quarterly reports to the Board at the end of each quarter of the externship regarding each supervisor's observations of Respondent's clinical knowledge and current competency as well as his practice of podiatry and surgery. Each supervisor shall sign a copy of the within order to indicate that he is willing to undertake the supervision and that he is familiar with the conduct which gave rise to the Order of

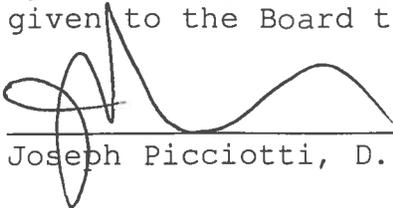
Revocation. The quarterly report should be sent to the attention of Joseph Gluck, M.D., Medical Director, State Board of Medical Examiners, P.O. Box 183, Trenton, New Jersey 08625-0183; and

6. Respondent is directed to submit a list of a total of twenty patients seen each month together with a photocopy of each patient's podiatric records and a photograph of each patient's feet/ankles as well as any pre- and post-operative x-rays, for the first six months of the externship to the attention of Joseph Gluck, M.D., Medical Director, State Board of Medical Examiners, P.O. Box 183, Trenton, New Jersey 08625-0183.
7. Upon further petition from Respondent, which application shall be heard no sooner than six months after the date the externship commences, the Board shall review the reports of the Board's Medical Director and the supervisor and shall determine whether any continuing restrictions are appropriate or whether Respondent should be granted an unrestricted license.

State Board of Medical Examiners,

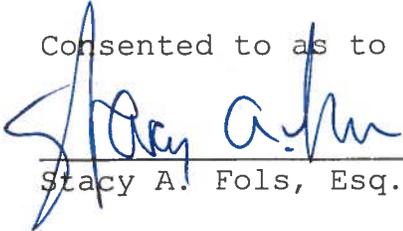
By: William V. Harrer MD BLD
William V. Harrer, M.D., B.L.D.
Board President

I have read and understood the within
Consent Order and agree to be bound
by its terms. Consent is hereby
given to the Board to enter this Order.



Joseph Picciotti, D.P.M.

Consented to as to form:



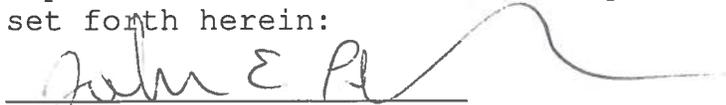
Stacy A. Fols, Esq.

I hereby consent to serve as
supervisor and fulfill the obligations
set forth herein:



Peter Pellegrino, M.D.
Supervisor

I hereby consent to serve as
supervisor and fulfill the obligations
set forth herein:



John E. Pelosi, D.P.M.
Supervisor

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