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**FILED**

MAY 28, 2010

**NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY  
DEPT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE  
REVOCATION OF LICENSE OF

RICHARD LUCENTE, D.O.  
License no. 25MB08162200

TO PRACTICE MEDICINE AND SURGERY  
IN THE STATE OF NEW JERSEY

ADMINISTRATIVE ACTION

FINAL ORDER

This matter was presented to the New Jersey State Board of Medical Examiners by the Attorney General of New Jersey, by Joan D. Gelber, Senior Deputy Attorney General, following investigation into the circumstances of a criminal conviction and sister-state disciplinary action regarding Respondent Richard Lucente, D.O.

Respondent Dr. Lucente is the holder of license number 25MB0816220, and was licensed to practice medicine in this State during all times pertinent herein. He held himself out as competent to practice family medicine at offices including, but not necessarily limited to his employment by Family Wellness Center, 1680 Highway 35, Middletown, New Jersey. In addition, Respondent conducted medical practices under the name "New York Anti-Aging and Wellness Medical Services, PLLC," at 821 Clove Road, Staten Island, Richmond County, and at 345 Seaview Avenue, Staten Island, Richmond County, New York.

On or about January 22, 2009, Indictment #490/2009 was issued against Respondent in the Supreme Court of the State of New York, County of Kings, under the caption: The People of the State of New York against Richard Lucente, D.O., New York Anti-Aging and Wellness

**CERTIFIED TRUE COPY**

Medical Services, PLLC, Lowen's Drug Store, Inc. D/B/A Lowen's Compounding Pharmacy and Lowen's Compounding Pharmacy, LLC. The Indictment charged one Count of Conspiracy in the Fourth Degree as to all Defendants, and additionally as to Defendant Richard Lucente, D.O., Criminal Sale of a Prescription for a Controlled Substance (76 Counts), Reckless Endangerment in the First Degree (1 Count) and Violation of Public Health Law Section 3331(2) ( 76 Counts). In summary, the Indictment alleged that during a period including December 1, 2004 through September 12, 2007, in Kings County and elsewhere in New York, defendant Lucente had conspired with the other defendants to knowingly and unlawfully sell prescriptions to male individuals for anabolic steroids and various forms of testosterone (all Controlled Substances)<sup>1</sup>, which were compounded and dispensed by the pharmacy defendants, and that Dr. Lucente in doing so acted for no legitimate medical purpose, and other than in good faith in the course of his professional practice, and for financial benefit. The Indictment further alleged that Dr. Lucente recommended that the males to whom Dr. Lucente issued the above-described prescriptions fill the prescriptions at the Lowen pharmacy; that the males did so; and that Dr. Lucente received payments from the Lowen defendants in exchange for such steering.

N.J.A.C. 13:35-6.19(c) requires a licensee to notify the Board of pending or final actions within 10 days of the action, by criminal authorities for violations of law or regulation, or any arrest or conviction for any criminal or quasi-criminal offense pursuant to the laws of the United States, this State or another state, including but not limited to an offense involving any controlled dangerous substance or controlled substance analog as set forth in N.J.S.A. 2C:35-1 et seq.

Respondent Dr. Lucente failed to notify the New Jersey State Board of Medical Examiners of the issuance of the Indictment and failed to notify the Board of the separate Statement of Charges filed by the New York State Department of Health/State Board for Professional Medical Conduct.<sup>2</sup> Said failures constituted violation of N.J.A.C. 13:35-6.19 and

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<sup>1</sup>The drugs included nolandrolone, testosterone, and oxandrolone.

<sup>2</sup>The Department of Health complaint alleged, in brief summary, inappropriate diagnosis of multiple patients with testosterone and human growth hormone deficiency, inappropriate prescribing of anabolic steroids and human growth hormone (HGH), and failure to adequately monitor the patient, as well as causing HGH to be distributed for an unauthorized purpose in

thereby of N.J.S.A. 45:1-21(h).

On or about March 19, 2010, in the course of trial on the above-captioned Indictment, Respondent-Defendant Dr. Lucente was permitted by the Hon. Abraham Gerges to enter a plea to Count One, a Class E felony of Conspiracy in the 4<sup>th</sup> degree, New York State Penal Law Article 105.10, Subdivision 1; Indictment excerpt, Exhibit A. Dr. Lucente was sentenced on May 12, 2010 to five years' probation and required to perform 200 hours of community service, and to surrender his New York State and New Jersey licensed to practice medicine. Judgment of Conviction attached as Exhibit A.

On April 20, 2010, Dr. Lucente offered to surrender his license to the New York State Department of Health/State Board for Professional Medical Conduct, which noted the pending Amended Statement of Charges and on May 5, 2010 accepted the Surrender of License, striking Dr. Lucente's name from the roster of physicians and striking his "New York Anti-Aging and Wellness medical Services PLLC" from the roster of professional service limited liability companies in the State of New York; Exhibit B.

N.J.S.A. 45:1-21(b) confers upon the New Jersey State Board of Medical Examiners authority to revoke the license of a physician who has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense.

N.J.S.A. 45:1-21(c) confers upon the New Jersey State Board of Medical Examiners authority to revoke the license of a physician who has engaged in gross negligence, gross malpractice or gross incompetence which damaged or endangered the life, health, welfare, safety or property of any person.

N.J.S.A. 45:1-21(e) confers upon the New Jersey State Board of Medical Examiners authority to revoke the license of a physician who has engaged in professional misconduct as may be determined by the Board.

N.J.S.A. 45:1-21(f) confers upon the New Jersey State Board of Medical Examiners authority

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violation of federal law and knowingly prescribing substances listed in Schedule 2 of New York's Public Health Law without a good faith basis for doing so. Some 388 patients received such prescriptions. Also alleged was unlawful referral to the Lowen pharmacy and improper receipt of a fee or other consideration for the referral in connection with the performance of professional services.

to revoke the license of a physician who has been convicted of, or who has engaged in acts constituting, any crime or offense involving moral turpitude or relating adversely to the activity regulated by the Board. For the purpose of this subsection, a judgment of conviction or a plea of guilty shall be deemed a conviction.

N.J.S.A. 45:1-21(g) confers upon the Board authority to revoke the license of a physician whose authority to engage in the activity regulated by the Board has been revoked or suspended by any other state for reasons consistent with this section.

N.J.S.A. 45:1-21(h) confers upon the Board authority to revoke the license of a physician who has violated or failed to comply with the provisions of any act or regulation administered by the Board.

N.J.S.A. 45:1-21(m) confers upon the Board authority to revoke the license of a physician who has prescribed or dispensed controlled dangerous substances indiscriminately or without good cause, or where the physician knew or should have known that the substances were to be used for unauthorized consumption or distribution.

N.J.A.C. 13:35-7.9 of the New Jersey State Board of Medical Examiners prohibits a practitioner from prescribing, ordering, dispensing, administering, selling or transferring any anabolic steroid or human growth hormone, unless an accepted medical necessity exists, for the purpose of hormonal manipulation intended to increase muscle mass, strength or weight. Body building, muscle enhancement, or increasing muscle bulk or strength through the use of anabolic steroid or human growth hormone by a person in good health for the intended purpose of improving performance in any form of exercise, sport or game is not a valid medical purpose. Anabolic steroids are classified by the Controlled Drug Act as Schedule III controlled substances.

N.J.S.A. 45:9-6 mandates a continuing requirement that a licensee of the Board of Medical Examiners maintain good moral character.

The above criminal conviction and the New York State Order of Revocation of License, and the related statutory and regulatory violations as set forth above, separately or together, constitute grounds for disciplinary action by the State Board of Medical Examiners pursuant to N.J.S.A. 45:1-21(b), (c), (e), (f), (g), (h) and (m) and of N.J.S.A. 45:9-6.

Respondent Dr. Lucente, having considered the above circumstances and having had the

opportunity to confer with his attorneys, now consents to the form and entry of the within Order, and hereby surrenders his license to practice medicine and surgery in the State of New Jersey, to be deemed a revocation. Respondent has delivered to the Board his wall certificate of licensure, his biennial registration, and his New Jersey Controlled Substances Registration.<sup>3</sup> He represents that upon commencement of the criminal trial on March 1, 2010, he voluntarily ceased the practice of medicine at any of his offices in New Jersey.

For good cause shown,

IT IS, ON THIS 27<sup>th</sup> DAY OF May 2010

ORDERED:

1. That surrender of the license of Respondent Richard Lucente, D.O. to practice medicine and surgery in the State of New Jersey be and it is hereby accepted and deemed a revocation;
2. Respondent is assessed investigative costs of \$168.75, which shall be paid to the State Board of Medical Examiners within ten days of the entry of this Order. Failure to make timely payment in full shall result in the filing of a Certificate of Debt.
3. Respondent shall comply with the Disciplinary Directives attached hereto.
4. Respondent shall not seek reinstatement of license until he has submitted proof of compliance with all conditions of the criminal Judgment and release from probation. He may then petition to appear before the Board, which shall retain sole discretion to determine whether he then meets all criteria for fitness, competence and good character sufficient to warrant reinstatement, and

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<sup>3</sup>Dr. Lucente represents that he has already delivered to the appropriate authorities his New York licensure documents and his Drug Enforcement Administration registration.

whether any reinstatement shall include restrictions on manner or method of practice.

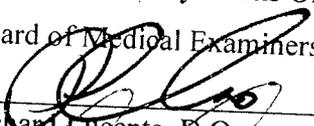
THIS ORDER IS EFFECTIVE UPON ENTRY.

STATE BOARD OF MEDICAL EXAMINERS

By: 

Paul C. Mendelowitz, M.D.  
President

I have read and understood the within Order  
and will comply with its terms. I consent to  
the form and entry of this Order by the  
Board of Medical Examiners.

  
Richard Lucente, D.O.

  
Witness

Sworn to and subscribed before me  
this 24<sup>th</sup> day of May, 2010

  
**Michael Barsoum**  
**Notary Public of New Jersey**  
**My Commission Expires On**  
**May 9<sup>th</sup> 2011**

**DIRECTIVES APPLICABLE TO ANY MEDICAL BOARD LICENSEE  
WHO IS DISCIPLINED OR WHOSE SURRENDER OF LICENSURE  
HAS BEEN ACCEPTED<sup>5</sup>**

All licensees who are the subject of a disciplinary order of the Board are required to provide the information required on the Confidential Information page enclosed with these directives. The information provided will be maintained separately and will not be part of the public document filed with the Board. 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 license is suspended or revoked or permanently surrendered, with or without prejudice. Paragraph 5 applies to licensees who are the subject of an order which, while permitting continued practice, contains a probation 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. 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 or surrender, the licensee must truthfully disclose his/her licensure status in response to inquiry.) The disciplined licensee is also prohibited from occupying, sharing or using office space in which another licensee provides health care services. The disciplined licensee may contract for, accept payment from another licensee for or rent at fair market value office premises and/or equipment. In no case may the disciplined licensee 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 suspended 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, for the payment of salaries for office staff employed at the time of the Board action.)

A licensee whose license has been revoked, suspended for one (1) year or more or permanently surrendered must 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

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<sup>5</sup>APPROVED BY THE BOARD ON MAY 10, 2000

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 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. 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 action.

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 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 licensee who is a member of a limited liability company organized pursuant to N.J.S.A. 42:1-44, shall divest him/herself of all financial interest. Such divestiture 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 Secretary of State, Commercial Reporting Division, demonstrating that the interest has been terminated. If the licensee is the sole shareholder in a professional service corporation, the corporation must be dissolved within 90 days of the licensee's disqualification.

### **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 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. 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 that record be forwarded to another health care provider, the licensee shall promptly provide the record without charge to the patient.

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

Pursuant to N.J.S.A. 52:14B-3(3), all orders of the New Jersey State Board of Medical Examiners are available for public inspection. Should any inquiry be made concerning the status of a licensee, the inquirer will be informed of the existence of the order and a copy will be provided if requested. All evidentiary hearings, proceedings on motions or other applications which are conducted as public hearings and the record, including the transcript and documents marked in evidence, are available for public inspection, upon request.

Pursuant to 45 CFR Subtitle A 60.8, the Board is obligated to report to the National Practitioners Data Bank any action relating to a physician which is based on reasons relating to professional competence or professional conduct: (1) Which revokes or suspends (or otherwise restricts) a license; (2) Which censures, reprimands or places on probation; (3) Under which a license is surrendered.

Pursuant to 45 CFR Section 61.7, the Board is obligated to report to the Healthcare Integrity and Protection (HIP) Data Bank, any formal or official actions, such as revocation or suspension of a license (and the length of any such suspension), reprimand, censure or probation or any other loss of license or the right to apply for, or renew, a license of the provider, supplier, or practitioner, whether by operation of law, voluntary surrender, non-renewability, or otherwise, or any other negative action or finding by such federal or State agency that is publicly available information.

Pursuant to N.J.S.A. 45:9-19.13, if the Board refuses to issue, suspends, revokes or otherwise places conditions on a license or permit, it is obligated 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 are provided to that organization on a monthly basis. Within the month following entry of an order, a summary of the order will appear on the public agenda for the next monthly Board meeting and is forwarded to those members of the public requesting a copy. In addition, the same summary will appear in the minutes of that Board meeting, which are also made available to those requesting a copy. Within the month following entry of an order, a summary of the order will appear in a Monthly Disciplinary Action Listing which is made available to those members of the public requesting a copy. On a periodic basis the Board disseminates to its licensees a newsletter which includes a brief description of all of the orders entered by the Board. From time to time, the Press Office of the Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

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

INDICTMENT

EXCERPT

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF KINGS

The People of the State of New York :

-against- :

X. Richard Lucente, DO — NP :

New York Anti-Aging and Wellness  
Medical Services, PLLC, :

Lowen's Drug Store, Inc. D/B/A  
Lowen's Compounding Pharmacy and :

Lowen's Compounding Pharmacy, LLC, :

Defendants. :

Indictment No.  
490/2009

Non-Aligned  
Rackets Division

COUNTS:

As to all Defendants,  
Conspiracy in the Fourth Degree (1 Count);

As to Defendant Richard Lucente, DO,  
Criminal Sale of a Prescription for a Controlled Substance (76 Counts);

Reckless Endangerment in the First Degree (1 Count);

Violation of Public Health Law Section 3331(2) (76 Counts)

CRIMINAL TERM 490/2009  
SUPREME COURT KINGS

2009 JAN 22 PM 4: 33

A TRUE BILL

*[Signature]*  
FOREPERSON

CHARLES J. HYNES  
DISTRICT ATTORNEY

Exhibit A

COUNT ONE

The Grand Jury of the County of Kings, State of New York, by this Indictment accuses the Defendants, Richard Lucente, New York Anti-Aging and Wellness Medical Services, PLLC, Lowen's Drug Store, Inc. D/B/A Lowen's Compounding Pharmacy and Lowen's Compounding Pharmacy, LLC, of the Crime of Conspiracy in the Fourth Degree (Penal Law Section 105.10[1]), committed as follows:

The Defendants, Richard Lucente, New York Anti-Aging and Wellness Medical Services, PLLC, Lowen's Drug Store, Inc. D/B/A Lowen's Compounding Pharmacy and Lowen's Compounding Pharmacy, LLC, on or about and between December 1, 2004 and September 12, 2007, in the County of Kings and elsewhere in the State of New York, with intent that conduct constituting a Class "C" Felony, namely, Criminal Sale of a Prescription for a Controlled Substance (Penal Law Section 220.65) be performed, did agree to engage in and cause the performance of such conduct,

And that such conduct, on or about and between December 1, 2004 and September 12, 2007, in the County of Kings and elsewhere in the State of New York, did consist of Defendant Richard Lucente, being a practitioner, as that term is defined in Section 3302 of the Public Health Law, while acting in concert with Defendants New York Anti-Aging and Wellness Medical Services, PLLC, Lowen's Drug Store, Inc. D/B/A Lowen's Compounding Pharmacy and Lowen's Compounding Pharmacy, LLC, knowingly and unlawfully selling prescriptions to male individuals, as detailed in the overt acts and counts below, for controlled substances, namely anabolic steroids and various forms of testosterone, that were compounded and dispensed by Defendant Lowen's Drug Store, Inc. D/B/A Lowen's Compounding Pharmacy and Defendant Lowen's Compounding Pharmacy, LLC and that Defendant Richard Lucente in doing so acted other than in good faith in the course of Defendant Richard Lucente's professional practice and that the goal and purpose of the conspiracy was to financially benefit all of the Defendants,

And that in furtherance of the conspiracy, one or more of the co-conspirators committed at least one of the following overt acts:

1. On or about and between December 1, 2004 and December 31, 2004, Defendant Lowen's Drug Store, Inc. D/B/A Lowen's Compounding Pharmacy, located at 6902-6906 Third Avenue in Brooklyn, Kings County, New York, began compounding, that is, mixing and preparing drugs on its premises, including hormones, such as testosterone.
2. On December 26, 2006, Articles of Organization were filed with the State of New York Department of State establishing a limited liability company under the name Lowen's Compounding Pharmacy, LLC., forming Defendant Lowen's Compounding Pharmacy, LLC. (Defendant Lowen's Drug Store, Inc. D/B/A Lowen's Compounding Pharmacy and Defendant Lowen's Compounding Pharmacy, LLC are, hereinafter, collectively referred to as "Lowen's".)
3. On or about and between December 1, 2004 and December 31, 2004, Edward Letendre, an employee and representative of Lowen's, participated in promoting Lowen's as a source of compounded hormones,

including testosterone, to physicians in Brooklyn and Staten Island, New York.

4. On or about February 2, 2005, Edward Letendre and Defendant Richard Lucente, a doctor of osteopathy licensed to prescribe controlled substances in the state of New York, formed Defendant New York Anti-Aging and Wellness Medical Services, PLLC (hereinafter, "NYAA"), a professional limited liability company co-owned by Edward Letendre and Defendant Richard Lucente, that had its office at 821 Clove Road, in Staten Island, Richmond County, New York which served as a venue from which Defendant Richard Lucente issued prescriptions to male individuals for hormones, including testosterone, that would be compounded and dispensed by Lowen's.

5. On or about and between November 3, 2005 and July 14, 2006, Lowen's made 9 payments, by check, to NYAA, totaling \$27,079.79.

6. On or about and between June 23, 2005 and January 3, 2007, at NYAA's office and at another office maintained by Defendant Richard Lucente at 345 Seaview Avenue in Staten Island, Richmond County, New York, Defendant Richard Lucente prescribed controlled substances, namely, anabolic steroids and various forms of testosterone, to Joseph Baglio for no legitimate medical purpose and this was not done in good faith in the course of Defendant Richard Lucente's professional practice.

7. On or about and between June 27, 2005 and January 3, 2007, Lowens received and filled the prescriptions described above in Overt Act 6 for Joseph Baglio.

8. On or about and between February 28, 2006 and August 24, 2006, at NYAA's office, Defendant Richard Lucente prescribed controlled substances, namely, anabolic steroids and various forms of testosterone, to a man, known to the Grand Jury and the Kings County District Attorney and designated as Male "A" (hereinafter, "Male "A" "), for no legitimate medical purpose and this was not done in good faith in the course of Defendant Richard Lucente's professional practice.

9. On or about and between February 28, 2006 and March 1, 2006, at NYAA's office, Defendant Richard Lucente recommended to Male "A" that Lowen's would dispense the controlled substances referred to above in Overt Act 8.

10. On or about and between February 28, 2006 and August 24, 2006, Lowen's received and filled the prescriptions for Male "A" referred to above in Overt Act 8.

11. On or about and between September 20, 2005 and May 5, 2007, at NYAA's office and at 345 Seaview Avenue in Staten Island, New York, Defendant Richard Lucente prescribed controlled substances, namely, anabolic steroids and various forms of testosterone, to a man, known to the Grand Jury and the Kings County District Attorney and designated as Male "B" (hereinafter, "Male "B" "), for no legitimate purpose and this was not done in good faith in the course of Defendant Richard Lucente's professional practice.

12. On or about and between September 20, 2005 and November 13, 2006, at NYAA's office and at 345 Seaview Avenue in Staten Island, New York, Defendant Richard Lucente recommended to Male "B" that Lowen's would dispense the controlled substances referred to above in Overt Act 11.

13. On or about and between September 20, 2005 and May 5, 2007, Lowen's received and filled the prescriptions for Male "B" referred to above in Overt Act 11.

14. On or about and between February 11, 2006 and October 6, 2006, at NYAA's office, Defendant Richard Lucente prescribed controlled substances, namely, anabolic steroids and various forms of testosterone to a man, known to the Grand Jury and the Kings County District Attorney and designated as Male "C" (hereinafter, "Male "C" "), for no legitimate purpose and this was not done in good faith in the course of Defendant Richard Lucente's professional practice.

15. On or about and between February 11, 2006 and March 11, 2006, at NYAA's office, Defendant Richard Lucente recommended to Male "C" that Lowen's would dispense the controlled substances referred to above in Overt Act 14.

16. On or about and between February 11, 2006 and October 6, 2006, Lowen's received and filled the prescriptions for Male "C" referred to above in Overt Act 14.

17. On or about and between October 4, 2005 and September 12, 2007, at NYAA's office, Defendant Richard Lucente prescribed controlled substances, namely, anabolic steroids and various forms of testosterone to a man, known to the Grand Jury and the Kings County District Attorney and designated as Male "D" (hereinafter, "Male "D" "), for no legitimate purpose and this was not done in good faith in the course of Defendant Richard Lucente's professional practice.

18. On or about and between September 24, 2005 and October 5, 2005, at NYAA's office, Defendant Richard Lucente recommended to Male "D" that Lowen's would dispense the controlled substances referred to above in Overt Act 17.

19. On or about and between October 4, 2005 and September 12, 2007, Lowen's received and filled the prescriptions for Male "D" referred to above in Overt Act 17.

THE FOLLOWING COUNTS, COUNT TWO THROUGH  
COUNT TWENTY EIGHT, PERTAIN TO JOSEPH BAGLIO

COUNT TWO

The Grand Jury of the County of Kings, State of New York, by this Indictment accuses the Defendant Richard Lucente of the Crime of Criminal Sale of a Prescription for a Controlled Substance (Penal Law Section 220.65), committed as follows:

The Defendant Richard Lucente, being a practitioner, as that term is defined in Section 3302 of the Public Health Law, on or about and between June 23, 2005 and June 27, 2005, in the County of Kings and elsewhere in the State of New York, while acting in concert with NYAA, Lowen's and others, knowingly and unlawfully sold a prescription for a controlled substance, namely, testosterone, to Joseph Baglio and that this was done so other than in good faith in the course of the Defendant Richard Lucente's professional practice.

COUNT THREE

The Grand Jury of the County of Kings, State of New York by this Indictment accuses the Defendant Richard Lucente, of the Crime of Violation of Public Health Law Section 3331(2), committed as follows:



**New York State Board for Professional Medical Conduct**  
433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

*Richard F. Daines, M.D.*  
Commissioner  
NYS Department of Health  
*James W. Clynne, Jr.*  
Executive Deputy Commissioner  
*Keith W. Servis, Director*  
Office of Professional Medical Conduct

*Kendrick A. Sears, M.D.*  
Chair  
*Carmela Torrelli*  
Vice Chair  
*Katherine A. Hawkins, M.D., J.D.*  
Executive Secretary

May 6, 2010

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Richard Lucente, D.O.  
271 Mason Avenue  
Staten Island, NY 19395

Re: License No. 215528

Dear Dr. Lucente:

Enclosed is a copy of Order BPMC #10-73 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect May 13, 2010.

**If the penalty imposed by this Order is a surrender, revocation or suspension, you are required to deliver your license and registration within five (5) days of receipt of this Order to: Office of Professional Medical Conduct, c/o Physician Monitoring Unit, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299.**

If the document(s) are lost, misplaced or destroyed, you are required to submit to this office an affidavit to that effect. Enclosed for your convenience is an affidavit. Please complete and sign the affidavit before a notary public and return it to the Office of Professional Medical Conduct.

Sincerely,

Katherine A. Hawkins, M.D., J.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

cc: Andrew Garson, Esq.  
Garson, DeCorato & Cohen  
110 Wall Street  
New York, NY 10005

Exhibit B

**IN THE MATTER  
OF  
RICHARD LUCENTE, D. O. and NEW YORK  
ANTI-AGING AND WELLNESS MEDICAL  
SERVICES, PLLC.**

**AMENDED  
STATEMENT  
OF  
CHARGES**

RICHARD LUCENTE, D.O., Respondent, was authorized to practice medicine in New York State on or about August 24, 1999, by the issuance of license number 215528 by the New York State Education Department.

NEW YORK ANTI-AGING AND WELLNESS MEDICAL SERVICES, PLLC., Respondent, is a professional service limited liability company formed in or about February 2005, pursuant to § 1203 of the Limited Liability Company Law. At all times relevant to the Statement of Charges, Respondent Richard Lucente was a member and manager of the professional service limited liability company.

**FACTUAL ALLEGATIONS**

A. On or about June 23, 2005, Patient A, a 42 year old male body builder, presented to Respondent Lucente. [Patient A and the other Patients in the Statement of Charges are identified in the annexed Appendix "A".] Patient A had previously had a heart transplant, in October 2004, and was on anti-rejection medications Cyclosporine and Cell Cept. Respondent Lucente had noted that Patient A's heart transplant was "secondary to the abuse of steroids and growth hormone."

On or about and between November 25, 2005, and December 9, 2006,

Respondent Lucente prescribed Patient A anabolic steroids, thyroid replacement medication and human growth hormone. On or about March 9, 2007, Patient A expired from shock presumed to be cardiogenic in nature. Patient A died after having been hospitalized for seven days at the Ohio State University Medical Center, Akron, Ohio. Patient A's heart biopsy was interpreted as "suggestive of chemical induced cardiomyopathy."

Respondent Lucente deviated from medically accepted standards in that he:

1. Inappropriately diagnosed:
  - a. Testosterone deficiency.
  - b. Growth hormone deficiency.
  - c. Hypothyroidism.
2. Inappropriately prescribed:
  - a. Growth hormone medication, including but not limited to Somatotropin.
  - b. Anabolic steroids, including but not limited to various concentrations of testosterone gel, injectable testosterone, Stanozolol, Nandrolone, and Fluoxymesterone.
  - c. Thyroid replacement medication.
3. Failed to adequately monitor the Patient, including failing to order appropriate laboratory tests and failing to perform periodic prostate examinations.

B. On or about and between September 27, 2005, and September 11, 2007, Respondent Lucente treated Patient B, a 29 year old male, with anabolic steroids, human growth hormone and thyroid replacement medication. Patient B reported he worked out regularly and had previously taken large

doses of testosterone and anabolic steroids. Respondent Lucente deviated from medically standards in that he:

1. Inappropriately diagnosed testosterone deficiency, hypothyroidism and/or growth hormone deficiency.
2. Inappropriately prescribed anabolic steroids, human growth hormone and thyroid replacement medication.
3. Failed to adequately monitor the patient, including failing to order appropriate laboratory tests and failing to perform periodic prostate examinations.

C. On or about and between November 1, 2005, and May 13, 2008, Respondent Lucente treated Patient C, a 36 year old male, with anabolic steroids and human growth hormone. Patient C reported that he works out regularly and had previously taken anabolic steroids which had an adverse effect on his lipid levels. Respondent Lucente deviated from medically accepted standards in that he:

1. Inappropriately diagnosed Patient C with testosterone and human growth hormone deficiency.
2. Inappropriately prescribed anabolic steroids and human growth hormone.
3. Failed to adequately monitor the patient, including failing to order appropriate laboratory tests and failing to perform periodic prostate examinations.

D. On or about and between February 21, 2006, and August 10, 2007, Respondent Lucente treated Patient D, a 37 year old male, with anabolic steroids and human growth hormone. Patient D worked out regularly, and

had taken, testosterone and Nandrolone and over the counter testosterone boosters. Respondent Lucente deviated from medically accepted standards in that he:

1. Inappropriately diagnosed Patient D with testosterone and human growth hormone deficiency.
2. Inappropriately prescribed anabolic steroids and human growth hormone.
3. Failed to adequately monitor the patient, including failing to order appropriate laboratory tests and failing to perform periodic prostate examinations.

E. On or about and between September 27, 2005, and January 17, 2009, Respondent Lucente treated Patient E, a 42 year old male at the onset of treatment. Patient E reported that he was a former body builder, worked out regularly and had used multiple steroids and human growth hormone. Respondent Lucente deviated from medically accepted standards in that he:

1. Inappropriately diagnosed Patient E with testosterone and human growth hormone deficiency.
2. Inappropriately prescribed anabolic steroids and human growth hormone.
3. Failed to adequately monitor the patient, including failing to order appropriate laboratory tests and failing to perform periodic prostate examinations

F. On or about and between September 7, 2005, and September 20, 2007, Respondent Lucente treated Patient F, a 30 year old male at the onset of treatment. Patient F reported that he had "previously been on a lot of

steroids" and he expressed a desire to be a professional body builder. Respondent Lucente noted testosterone deficiency secondary to prior use of anabolic steroids. Respondent Lucente deviated from medically accepted standards in that he:

1. Inappropriately diagnosed Patient F with testosterone and human growth hormone deficiency.
2. Inappropriately prescribed anabolic steroids and human growth hormone.
3. Failed to adequately monitor the patient, including failing to order appropriate laboratory tests and failing to perform periodic prostate examinations

G. With respect to Patients A through F, Respondent Lucente knowingly and/or gross negligently violated New York State and federal law in that he:

1. Caused human growth hormone to be distributed for an unauthorized purpose in violation of § 303(e) (1) of the Federal Drug and Cosmetic Act and Title 18, United States Code, § 2.
2. Knowingly prescribed substances listed in Schedule 2 of Public Health Law § 3306, including anabolic steroids and human growth hormone, without a "good faith" basis for doing so. Such conduct violates Public Health Law § 3331(2).

H. On or about and between August 1, 2005, and August 1, 2006, Respondent Lucente prescribed three hundred and eighty-eight (388) patients anabolic steroids and/or human growth hormone. On or about and between August

1, 2005, and August 1, 2006, two hundred and ninety-five (295) of those patients filled prescriptions for anabolic steroids and/or human growth hormone at Lowen's Drug Store, Inc., d/b/a Lowen's Compounding Pharmacy and Lowen's Compounding Pharmacy, LLC, ("Lowen's") located at 6902-6906 Third Avenue, Brooklyn, New York. The patients who filled prescriptions of anabolic steroids and human growth at Lowen's are identified in Appendix B. On or about and between November 3, 2005, and July 14, 2006, Lowen's issued 9 checks, totaling \$27,079.79, to Respondent Lucente's professional corporation, New York Anti-Aging and Wellness Medical Services, PLLC ("NY Anti-Aging PLLC"). Respondent Lucente had the checks deposited in an HSBC checking account of Respondent NY Anti-Aging, PLLC.

1. Respondent Lucente and Respondent New York Anti-Aging, PLLC, improperly received a fee or other consideration from a third party for the referral of patients and/or in connection with the performance of professional services.
2. Respondent Lucente and Respondent New York Anti-Aging, PLLC, knowingly and/or gross negligently violated New York State law in that they knew or should have known that they had entered into an arrangement or scheme that had a principal purpose of assuring patient referrals for pharmacy services. Such conduct violates Public Health Law § 238-a(1) and 238-a(9).

- I. On or about March 19, 2010, in the Supreme Court of the State of New York, County of Kings, Criminal Term, Respondent pled guilty to Conspiracy in the fourth degree in violation of New York Penal Law § 105.10, a class E felony.

**SPECIFICATION OF CHARGES**

**FIRST THROUGH SIXTH SPECIFICATIONS**

**GROSS NEGLIGENCE**

Respondent Lucente is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(4) by practicing the profession of medicine with gross negligence on a particular occasion as alleged in the facts of the following:

1. A, A1, A1(a), A1(b), A1(c), A2(a), A2(b) , A2(c), and/or A3.
2. B, B1, B2, and/or B3.
3. C, C1, C2, and/or C3.
4. D, D1, D2, and/or D3.
5. E, E1, E2, and/or E3.
6. F, F1, F2, and/or F3.

**SEVENTH SPECIFICATION**

**NEGLECT ON MORE THAN ONE OCCASION**

Respondent Lucente is charged with committing professional misconduct as

defined in N.Y. Educ. Law § 6530(3) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of two or more of :

7. A, A1, A1(a), A1(b), A1(c), A2(a), A2(b), A2(c), A3, B, B1, B2, B3, C, C1, C2, C3, D, D1, D2, D3, E, E1, E2, E3, F, F1, F2, and/or F3.

### **EIGHTH THROUGH TENTH SPECIFICATIONS**

#### **FAILING TO COMPLY WITH STATE AND FEDERAL LAW**

Respondent Lucente and Respondent Anti-aging, PLLC is charged with professional misconduct as defined in N.Y. Educ. Law § 6530(16) by willfully and/or grossly negligently failing to comply with substantial provisions of State and federal law governing the practice of medicine, as alleged in the facts of the following:

8. G and G1.
9. G and G2.
10. H and H2.

### **ELEVENTH SPECIFICATION**

#### **RECEIVING AN IMPROPER FEE FROM A THIRD PARTY**

Respondent Lucente and Respondent Anti-Aging, PLLC is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(18) by directly or indirectly receiving any fee or other consideration from a third party for the referral of a

patient or in connection with the performance of professional services, as alleged in the facts of:

11. H, H1, and/or H2.

### **TWELFTH SPECIFICATION**

#### **EXERCISING UNDUE INFLUENCE**

Respondent Lucente and Respondent Anti-Aging PLLC is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530 (17) by exercising undue influence on Patients A through F and others, including the promotion of the sale of services, goods, appliances or drugs in such manner as to exploit the patient for the financial gain of the licensee or of a third party, as alleged in the facts of:

12. A, A2, A2(a), A2(b), B, B2, C, C2, D, D2, E, E2, F, F2 H, H1, and/or H2.

### **THIRTEENTH SPECIFICATION**

#### **MORAL UNFITNESS**

Respondent Lucente is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(20) by engaging in conduct in the practice of the profession of medicine that evidences moral unfitness to practice, as alleged in the facts of the following:

13. A, A1, A1(a), A1(b), A1(c), A2(a), A2(b) , A2(c), A3, B, B1, B2, B3,

C, C1, C2, C3, D, D1, D2, D3, E, E1, E2, E3, F, F1, F2, F3, G, G1, G2, H, H1, and/or H2.

**FOURTEENTH SPECIFICATION**

**CRIMINAL CONVICTION (N.Y.S.)**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(a)(i) by having been convicted of committing an act constituting a crime under New York state law as alleged in the facts of the following:

14. I.

DATE: April 19, 2010  
New York, New York

*Roy Nemerson*  
by *D. D.*

Roy Nemerson  
Deputy Counsel  
Bureau of Professional Medical Conduct

NEW YORK STATE DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER  
OF  
RICHARD LUCENTE, D.O. and  
NEW YORK ANTI-AGING and WELLNESS  
MEDICAL SERVICES, PLLC.

SURRENDER  
of  
LICENSE

RICHARD LUCENTE, D.O, individually and on behalf of Respondent NEW YORK ANTI-AGING and WELLNESS MEDICAL SERVICES, PLLC represents that all of the following statements are true:

That on or about August 24, 1999, I was licensed to practice as a physician in the State of New York and issued License No. 215528 by the New York State Education Department.

That in or about February 2005, I formed Respondent NEW YORK ANTI-AGING AND WELLNESS MEDICAL SERVICES, PLLC., a professional service limited liability company. I am a member and manager of the professional service limited liability company.

My current address is \_\_\_\_\_, and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct has charged me with fourteen specifications of professional misconduct. I understand that Respondent NEW YORK ANTI-AGING AND WELLNESS MEDICAL SERVICES, PLLC. has been charged with five specifications of misconduct.

A copy of the Amended Statement of Charges, marked as Exhibit "A", is attached to and part of this Surrender of License.

I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I cannot successfully defend against one of the acts of misconduct alleged in full satisfaction of the charges against me. I am also applying to the State Board of Professional Medical Conduct for permission to surrender the "Articles of Organization" of Respondent NEW YORK ANTI-AGING and WELLNESS MEDICAL SERVICES, PLLC.

I ask the Board to accept my Surrender of License, and the Surrender of the "Articles of Organization" of Respondent NEW YORK ANTI-AGING AND WELLNESS MEDICAL SERVICES, PLLC, I agree to be bound by all of the terms set forth in attached Exhibit "B".

I understand that, if the Board does not accept my Surrender of License, and/or the Surrender of the "Articles of Organization" of the professional service limited liability company, none of its terms shall bind either party respondent or constitute an admission of any of the acts of misconduct alleged; this application shall not be used against either Respondent in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the Public Health Law.

I agree that, if the Board accepts my Surrender of License and the Surrender of the Articles of Organization of my professional service limited liability company, the Chair of the Board shall issue a Surrender Order in accordance with its terms. I agree that this Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Surrender Order by first class mail to me at my address in this Surrender of License, or to my attorney by certified mail, or upon facsimile transmission to me or my attorney, whichever is

first. The Surrender Order, this agreement, and all attached exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department's website.

I ask the Board to accept this Surrender of License on my own behalf and on behalf of Respondent NEW YORK ANTI-AGING and WELLNESS MEDICAL SERVICES, PLLC, which I submit of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's acceptance of this Surrender of License, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Surrender Order for which I apply, whether administratively or judicially, and I agree to be bound by the Surrender Order.

I understand and agree that the attorney for the Department, the Director of the Office of Professional Medical Conduct and the Chair of the State Board for Professional Medical Conduct each retain complete discretion either to enter into the proposed agreement and Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.



RICHARD LUCANT, D.O., individually and on behalf of Respondent NEW YORK ANTI-AGING AND WELLNESS MEDICAL SERVICES, PLLC.

Respondents

DATE 4/20/10

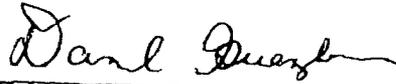
The undersigned agree to Respondent Lucente's and Respondent New York Anti-Aging and Wellness Medical Services, PLLC's proposed penalty, terms and conditions as set forth in the attached Surrender Agreement.

DATE: 4-23-10



ANDREW GARSON, ESQ.  
Garson, DeCorato and Cohen  
110 Wall Street  
New York, New York 10005  
Attorney for Respondents

DATE: 4/29/10



DANIEL GUENZBURGER  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 5/5/10



KEITH W. SERVIS  
Director  
Office of Professional Medical Conduct

**EXHIBIT "B"**

Requirements for Closing a Medical Practice Following a  
Revocation, Surrender, Limitation or Suspension of a Medical License

1. Licensee shall immediately cease and desist from engaging in the practice of medicine in New York State, or under Licensee's New York license, in accordance with the terms of the Order. In addition, Licensee shall refrain from providing an opinion as to professional practice or its application and from representing that Licensee is eligible to practice medicine.
2. Within 5 days of the Order's effective date, Licensee shall deliver Licensee's original license to practice medicine in New York State and current biennial registration to the Office of Professional Medical Conduct (OPMC) at Hedley Park Place, 433 River Street 4th Floor, Troy, NY 12180-2299.
3. Within 15 days of the Order's effective date, Licensee shall notify all patients of the cessation or limitation of Licensee's medical practice, and shall refer all patients to another licensed practicing physician for continued care, as appropriate. Licensee shall notify, in writing, each health care plan with which the Licensee contracts or is employed, and each hospital where Licensee has privileges, that Licensee has ceased medical practice. Within 45 days of the Order's effective date, Licensee shall provide OPMC with written documentation that all patients and hospitals have been notified of the cessation of Licensee's medical practice.
4. Licensee shall make arrangements for the transfer and maintenance of all patient medical records. Within 30 days of the Order's effective date, Licensee shall notify OPMC of these arrangements, including the name, address, and telephone number of an appropriate and acceptable contact persons who shall have access to these records. Original records shall be retained for at least 6 years after the last date of service rendered to a patient or, in the case of a minor, for at least 6 years after the last date of service or 3 years after the patient reaches the age of majority, whichever time period is longer. Records shall be maintained in a safe and secure place that is reasonably accessible to former patients. The arrangements shall include provisions to ensure that the information in the record is kept confidential and is available only to authorized persons. When a patient or a patient's representative requests a copy of the patient's medical record, or requests that the original medical record be sent to another health care provider, a copy of the record shall be promptly provided or forwarded at a reasonable cost to the patient (not to exceed 75 cents per page.) Radiographic, sonographic and similar materials shall be provided at cost. A qualified person shall not be denied access to patient information solely because of an inability to pay.
5. If Licensee holds a Drug Enforcement Administration (DEA) certificate, within 15 days of the Order's effective date, Licensee shall advise the DEA in writing of the licensure action and shall surrender to the DEA any DEA controlled substance privileges issued pursuant to Licensee's New York license. Licensee shall promptly surrender to the DEA any unused DEA #222 U.S. Official Order Forms Schedules 1 and 2.

6. Within 15 days of the Order's effective date, Licensee shall return any unused New York State official prescription forms to the Bureau of Narcotic Enforcement of the New York State Department of Health. Licensee shall destroy all prescription pads bearing Licensee's name. If no other licensee is providing services at Licensee's practice location, Licensee shall properly dispose of all medications.
7. Within 15 days of the Order's effective date, Licensee shall remove from the public domain any representation that Licensee is eligible to practice medicine, including all related signs, advertisements, professional listings (whether in telephone directories, internet or otherwise), professional stationery or billings. Licensee shall not share, occupy, or use office space in which another licensee provides health care services.
8. Licensee shall not charge, receive or share any fee or distribution of dividends for professional services rendered by Licensee or others while Licensee is barred from engaging in the practice of medicine. Licensee may be compensated for the reasonable value of services lawfully rendered, and disbursements incurred on a patient's behalf, prior to the Order's effective date.
9. If Licensee is a shareholder in any professional service corporation organized to engage in the practice of medicine, Licensee shall divest all financial interest in the professional services corporation, in accordance with New York Business Corporation Law. Such divestiture shall occur within 90 days. If Licensee is the sole shareholder in a professional services corporation, the corporation must be dissolved or sold within 90 days of the Order's effective date.
10. Failure to comply with the above directives may result in a civil penalty or criminal penalties as may be authorized by governing law. Under N.Y. Educ. Law § 6512, it is a Class E Felony, punishable by imprisonment of up to 4 years, to practice the profession of medicine when a professional license has been suspended, revoked or annulled. Such punishment is in addition to the penalties for professional misconduct set forth in N.Y. Pub. Health Law § 230-a, which include fines of up to \$10,000 for each specification of charges of which the Licensee is found guilty, and may include revocation of a suspended license.

**IN THE MATTER**  
**OF**  
**RICHARD LUCENTE, D.O. and**  
**NEW YORK ANTI-AGING and WELLNESS**  
**MEDICAL SERVICES, PLLC.**

**SURRENDER**  
**ORDER**

BPMC No. #10-73

Upon the application of Respondent Richard Lucente, D.O. to Surrender his license as a physician in the State of New York, and upon the application of Respondent NEW YORK ANTI-AGING and WELLNESS MEDICAL SERVICES, PLLC to Surrender its Article of Organization, which is made a part of this Surrender Order, it is

ORDERED, that the Surrender, and its terms, are adopted, and it is further

ORDERED, that Respondent Lucente's name be stricken from the roster of physicians in the State of New York; and it is further

ORDERED, that Respondent New York Anti-Aging and Wellness Medical Services PLLC name be stricken from the roster of professional service limited liability companies in the State of New York, and it is further

ORDERED, that this Order shall be effective upon issuance by the Board, either

- by mailing of a copy of this Surrender Order, either by first class mail to Respondent Lucente at the address in the attached Surrender Application or by certified mail to Respondents' attorney, OR
- upon facsimile transmission to Respondents or Respondents' attorney,

Whichever is first.

SO ORDERED.

DATE: 5-5-2010



KENDRICK A. SEARS, M.D.  
Chair  
State Board for Professional Medical Conduct