

JEFFREY S. CHIESA  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law 5th Floor  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07101  
By: Joan D. Gelber  
Sr. Deputy Attorney General  
Tel. (973) 648-2972  
Joan.Gelber@dol.lps.state.nj.us

**FILED**  
December 4, 2012  
NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS

STATE OF NEW JERSEY  
DEP'T OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF MEDICAL EXAMINERS  
DOCKET NO. BDS 05950-2011N

IN THE MATTER OF THE SUSPENSION :  
OR REVOCATION OF THE LICENSE OF

ADMINISTRATIVE ACTION

RONALD R. DISCENZA, M.D.  
License No. 25MA04566300

FINAL ORDER

TO PRACTICE MEDICINE AND SURGERY :  
STATE OF NEW JERSEY

This matter was presented to the State Board of Medical Examiners by way of Order to Show Cause and Verified Complaint with supporting documents filed March 24, 2011 by the Attorney General of New Jersey, by Joan D. Gelber, Sr. Deputy Attorney General, seeking emergent relief. The five-Count Complaint alleged, in pertinent part, fraudulent performance and preparation of fabricated patient records for electrodiagnostic studies; conspiracy to defraud and/or failure to supervise professional services of employees and independent contractors and conspiracy to share fabricated test data with others; gross and/or repeated negligence and/or fraud/misrepresentation in examinations and diagnostic testing; failure to disclose multiple practice entities

**CERTIFIED TRUE COPY**

on biennial registration and to disclose an arrest in New York State; and failure to cooperate in a Medical Board investigation by Respondent Dr. DiScenza. The Complaint alleges violation of N.J.S.A. 45:1-21(b), (c) and (d), (e) and (h) and of N.J.S.A. 45:9-6 and of Medical Board rules, all as more fully set forth in the Complaint.

Respondent, represented by counsel, filed an Answer denying the allegations.

By Order issued on the record on April 13, 2011 and written Order filed May 25, 2011, the Board ordered an immediate temporary limitation on Respondent's license, prohibiting the performance, interpretation or billing for any form of electrodiagnostic testing in this State until completion of the plenary hearing on the matter or further order of the Board. Respondent subsequently submitted an evaluation deeming him to have obtained adequate competency in such testing.

The contested case was transmitted to the Office of Administrative Law for plenary hearing before the Hon. Barry E. Moscovitz, A.L.J. scheduled to commence on December 7, 2012.

Respondent currently represents himself in this matter.

Respondent has been made aware that a separate investigation is underway regarding Respondent's pain management practice in connection with several aspects of his prescribing of Controlled Substances for multiple New Jersey patients, issuance of CDS prescriptions on New Jersey office letterhead without holding a Drug Enforcement Administration registration for his New Jersey practice, failure to maintain billing records including for cash transactions, and other concerns. The Attorney General, in lieu of the filing of a subsequent complaint regarding those matters, and in specific reliance upon the protective provisions set forth

herein, has agreed with Respondent to submit a proposed resolution of all matters currently known to the Attorney General, Professional Boards Section.

Respondent, having previously had the opportunity to consult with counsel, has determined to waive his right to a plenary hearing on the filed Complaint. He denies that he lacks the requisite good moral character required by N.J.S.A. 45:9-6. However, in the interests of amicable settlement of all matters, Respondent neither admits nor denies the remaining factual and legal allegations of the filed Complaint, and represents that any such conduct was not intentionally in violation of law or Medical Board regulations.

Regarding the Controlled Substances investigation, Respondent states that he was unaware that federal Drug Enforcement Regulations require that he hold a New Jersey D.E.A. registration before issuing Controlled Substance prescriptions on New Jersey office prescription forms. He further states that he was unaware that a certified application form submitted to the D.E.A. on his behalf contained material misinformation. He neither admits nor denies that he failed to document appropriate contemporaneous clinical examinations or to document medical justification sufficient for the CDS prescriptions issued to New Jersey patients.

Respondent has determined to voluntarily and permanently surrender his license to practice medicine and surgery in the State of New Jersey and to accept the disposition set forth below.

The Board has considered the matter, and finds that the entry of this Order will adequately protect the public interest. For sufficient cause shown,

IT IS, ON THIS 4th DAY OF DECEMBER 2012

ORDERED:

1. The Board hereby lifts the restriction on Respondent's license imposed by the Order of April 13, 2011, which prohibited the performance, interpretation or billing for any form of electrodiagnostic testing in New Jersey.

2. Respondent Ronald R. DiScenza, M.D. shall permanently surrender his license to practice medicine and surgery in the State of New Jersey, effective as of the close of business on December 31, 2012, and shall not seek reinstatement;

3. In the interim before December 31, 2012, Respondent shall accept no new patients. Respondent shall make immediate arrangements for the orderly transfer of current patients who are residents of New Jersey. He shall promptly notify all patients treated in his New Jersey office within the last six months regarding the availability for release or transfer of patient records pursuant to N.J.A.C. 13:35-6.5(h), and shall post newspaper and other notice as required by that rule.

4. As of the entry of this Order, and continuing until the permanent surrender of license set forth in this Order, with regard to every patient of his who is a resident of New Jersey, irrespective of the location of professional contact:

(a) Respondent shall not dispense any Controlled Dangerous Substance;

(b) Respondent shall not prescribe more than a one-week supply of any Controlled Dangerous Substance for any purpose including for pain management, and only at the time of examination of that patient in his New York office;

(c) Respondent shall not prescribe or dispense any Controlled Dangerous Substance for detoxification or maintenance treatment, except from his New York office and solely for the limited purposes allowed by N.J.A.C. 13:35-7.7, i.e., to relieve acute

withdrawal symptoms, provided that such treatment shall not exceed 72 hours; no more than one day's supply of the drug is provided to the patient at a time; and arrangements are made for referring the patient to an addiction specialist or a drug treatment program for treatment, or as an adjunct to other medical or surgical treatment for conditions other than addiction and then only in a licensed health care facility.

5. As of the entry of this Order, Respondent shall surrender his New Jersey Controlled Dangerous Substances Registration to the State Division of Consumer Affairs Enforcement Bureau/Drug Control Unit, and shall immediately notify the federal Drug Enforcement Administration of the entry of this Order.<sup>1</sup> Respondent shall make prompt arrangements with said agencies for the lawful disposal of all Controlled Drugs in his possession or under his control in New Jersey. He shall also arrange for the lawful disposal of all non-CDS medications in his possession or under his control within this State. Excepted from this requirement are medications prescribed for his personal use for a documented medical purpose by his treating physician.

6. Respondent shall assure that all New Jersey office letterhead and all prescriptions pads bearing his name are properly destroyed. He shall make safe and appropriate disposition of all medical equipment in his possession, or under his custody and control, in this State.

7. Respondent shall promptly dissolve the corporate

---

<sup>1</sup> Respondent does not hold, and never held, a federal Drug Enforcement Registration for any medical practice within the State of New Jersey.

entities referenced in the Verified Complaint, of which he acknowledges being the owner: Pomona Pain Management, P.C., and Advanced Medical of NJ, LLC., 2120 Kennedy Blvd, Jersey City, NJ. With regard to the last entity, Respondent represents that he has closed the office.<sup>2</sup>

8. Respondent shall withdraw all pending and unpaid bills for services rendered in the name of any and each of those corporate entities, and shall not submit any claims for services rendered but not yet billed, whether to patients individually or to their third party payors. Such withdrawal of bills or claims applies only to any form or component of professional practice or services involving electrodiagnostic testing, and for any treatment resulting in the issuance of a prescription for a Controlled Substance to a patient who resides in New Jersey, which is alleged by Respondent to have been performed by him or by or on behalf of any of his practice entities, for which he had not yet billed or which has been billed but unpaid as of this date. Respondent shall forego any attempt to bill or to collect for such alleged services and shall withdraw all claims for payment for such alleged services.

9. Respondent is assessed an aggregate civil penalty of \$50,000.00 for the offenses set forth in Counts 1 through 5 of the filed Administrative Complaint. Respondent shall reimburse investigation costs and attorney fees which the State has voluntarily limited solely in the interests of settlement to \$50,000.00 pursuant to N.J.S.A. 45:1-25(d).

10. All forms of costs and penalty totaling \$100,000.00 shall be paid within 10 days of the entry of this Order, at the

<sup>2</sup> Respondent denies ownership of Central Pain Management of NJ, P.C. and of Atlantic Imaging of NY, P.C.

Board office, Attention: Executive Director William V. Roeder, State Board of Medical Examiners, P.O. Box 183, Trenton, NJ 08625-0183. If installment payments are requested, and approved by the Board for good cause shown, Respondent shall be permitted to pay the costs and penalty in equal monthly installments of \$1,000.00, each due on the first day of the month commencing on March 1, 2013. Installments shall be applied first to costs, and then to penalty. Interest on all financial assessments shall accrue in accordance with Rule of Court 4:42-11.

11. All payments shall be made by certified check or United States Postal Money Order payable to the State of New Jersey. In the event that a monthly payment is not received within five days of its due date, the entire balance of the civil penalty and costs shall become due and owing. For any payments ordered in paragraph 9 above, which have not been paid in full within 10 days of the filing of this Order, a Certificate of Debt shall be filed pursuant to N.J.S.A. 45:1-24.

12. It is intended by the parties that this Order shall resolve all administrative and license issues with Respondent, which were specifically alleged as violations by the Attorney General in the present Administrative Complaint, or about which Respondent has been apprised with regard to the Attorney General's allegations of unlawful prescribing and related matters as referenced above, with regard to his responsibility to the State Board of Medical Examiners, all and solely in connection with Professional Board law and rules.

13. The parties hereby stipulate that entry of this Order shall not limit the authority of the Attorney General, or the Drug Control Unit or the Director of the Division of Consumer Affairs with regard to restrictions upon any possible reinstatement. Nor

shall the Order limit the authority of any law enforcement entities, or of any other person or agency to initiate any further action permitted by law in any court or other forum of competent jurisdiction in connection with any matters coming within that jurisdiction.

14. The Disciplinary Directives attached hereto are incorporated in this document.

THIS ORDER IS EFFECTIVE UPON ENTRY.

STATE BOARD OF MEDICAL EXAMINERS

By: George J. Scott D.P.M., D.O. FRCOFP  
GEORGE J. SCOTT, D.P.M., D.O.  
President

I have read and understood the within Order and I agree to be bound by its terms. I understand that this Order has significant legal consequences and I have decided to enter into this agreement with the Board without counsel. I consent to the form and entry of the Order by the Board of Medical Examiners.

Ronald R. DiScenza  
Ronald R. DiScenza, D.D.

Witnessed:  
Stephanica Pegueo  
Stephanica Pegueo  
(PRINT NAME)

Sworn to and subscribed before me this 3<sup>rd</sup> day of December 2012

Susan I. Garban  
Notary Public of the State of New York

**SUSAN Y. GARBAN**  
Notary Public, State of New York  
No. 01045100102  
Qualified in Rockland County  
Commission Expires June 11, 2015

## WHO IS DISCIPLINED OR WHOSE SURRENDER OF LICENSURE HAS BEEN ACCEPTED<sup>3</sup>

All licensees who are the subject of a disciplinary order of the Board are required to provide the information required on the addendum to 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.)

---

<sup>3</sup>APPROVED BY THE BOARD ON MAY 10, 2000

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 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 such 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 an 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.

**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.