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**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

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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

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<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

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<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.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 B. DiScenza  
Ronald B. DiScenza, M.D.

Witnessed:

Stephanica Pegueo  
Stephanica Pegueo  
(PRINT NAME)

Sworn to and subscribed before me this 3rd day of December 2012

Susan T. Garbaro  
Notary Public of the State of New York

SUSAN T. GARBARO  
Notary Public, State of New York  
No. 0184518512  
Qualified in Rockland County  
Commission Expires June 11, 2015