

FILED

January 7, 2015

NEW JERSEY STATE BOARD  
OF MEDICAL EXAMINERS

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STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION :  
OR REVOCATION OF THE LICENSE OF : Administrative Action  
:  
JOHN R. MANZELLA, D.O. : FINAL CONSENT ORDER  
LICENSE NO. 25MB06477400 :  
:  
TO PRACTICE MEDICINE AND SURGERY:  
IN THE STATE OF NEW JERSEY :

This matter was opened to the New Jersey State Board of Medical Examiners ("Board") upon receipt of information that on May 14, 2013, John R. Manzella, D.O. ("Respondent") was indicted by a Grand Jury in New Jersey State Superior Court on one count of Conspiracy to Commit the Crime of 3<sup>rd</sup> degree Forgery in violation of N.J.S.A. 2C:21-1(a)(2) and one count of Conspiracy to Commit the Crime of 3<sup>rd</sup> degree Unlicensed Practice of Medicine in violation of N.J.S.A. 2C:21-20, both contrary to the provisions of N.J.S.A. 2C:5-2 (Conspiracy). The indictment was predicated upon an investigation by the Sussex County Prosecutor's Office into allegations that Respondent conspired with an unlicensed individual to write fraudulent prescriptions on Pennsylvania prescription blanks in New Jersey. Respondent was also charged, by the

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Commonwealth of Pennsylvania, with multiple felony violations related to the above mentioned conspiracy

The allegations, if proven, would demonstrate that Respondent engaged in the use of dishonesty, fraud and deception as well as engaged in professional misconduct and acts constituting crimes of moral turpitude and crimes which relate adversely to the practice of medicine, in violation of N.J.S.A. 45:1-21(b), (e) and (f).

On November 22, 2013, Respondent signed a Consent Agreement and Order ("Pennsylvania Order") in a matter before the Pennsylvania State Board of Osteopathic Medicine. The Pennsylvania Order was filed by the Pennsylvania Department of State on December 12, 2013. As part of the Pennsylvania Order, Respondent stipulated to certain facts including, that:

1. Respondent had been charged with multiple felony violations in Pennsylvania arising from his alleged involvement in a conspiracy to divert prescription medications;
2. Respondent had been indicted in New Jersey on separate criminal charges related to this conspiracy;
3. In or around June 2013, Respondent was admitted for 45 days of inpatient drug and alcohol treatment;
4. In or around July 2013, Respondent was admitted for 45 days of inpatient treatment of dual addiction rehabilitation for bipolar disease and impulsivity control;
5. On August 2, 2013, a committee of the Pennsylvania State Board of Osteopathic Medicine ordered that Respondent's Pennsylvania

license to practice medicine and surgery be immediately and temporarily suspended;

6. On or about September 26, 2013, Respondent underwent a mental and physical evaluation which resulted in a finding that he was unable to practice medicine and surgery with reasonable skill and safety to his patients by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals or other type of material and as a result of a mental condition and
7. Respondent, during the evaluation, admitted to engaging in sexual relationships with multiple female patients while still treating them.

The Pennsylvania Board found that it was authorized to suspend Respondent's license due to his violations of the laws and regulations of the Board concerning his conduct as it related to sexual relationships with patients, potential immoral and unprofessional conduct as it pertained to his criminal charges, and his inability to practice medicine and surgery with reasonable skill and safety due to substance dependency and/or mental conditions.

Under the terms of the Pennsylvania Order, Respondent agreed to the suspension of his license to practice as an osteopathic physician and surgeon in the State of Pennsylvania, for a minimum period of three years retroactive to August 2, 2013.

It appearing that Respondent has read the terms of the within Order and understands their meaning and effect and consents to be bound by same, and it further appearing that Respondent wishes to enter into

an agreement and does not contest the allegations recounted in this Order, and the Board finding the within disposition adequately protective of the public health, safety, and welfare; and it appearing that good cause exists for the entry of the within Order;

IT IS, therefore, on this 7 day of January, 2015,

ORDERED AND AGREED THAT:

1. John R. Manzella, D.O. hereby surrenders his license to practice medicine and surgery in the State of New Jersey which surrender shall be deemed a revocation. Respondent shall be barred from reapplication of his license to practice medicine and surgery in the State of New Jersey for a period of twenty (20) years from the date of the filing of this Order. The period of ineligibility will be tolled for any length of time that Respondent practices in another jurisdiction.

2. Respondent shall immediately return his original New Jersey license to the New Jersey State Board of Medical Examiners, Attn: Executive Director William Roeder, Post Office Box 183, Trenton, New Jersey 08625-0183.

3. Respondent shall immediately advise the Drug Enforcement Administration ("DEA") of this Order and provide proof of such notification to the Board.

4. Prior to seeking reapplication of his New Jersey medical license, Respondent shall appear before a Committee of the Board to demonstrate his fitness to resume practice, demonstrating at a minimum (i) completion of an evaluation through Upstate New York Clinical

Competency Center at Albany Medical College or the Center for Personalized Education for Physicians (CPEP) or other New Jersey Board approved skills and competency evaluation, and successful completion of any and all recommendations of this evaluation; (ii) that he has undergone the mental and physical evaluation required under the Pennsylvania Order and provided a copy of that evaluation to the New Jersey Board and (iii) that his criminal charges both in Pennsylvania and New Jersey have been resolved, including the completion of any term of incarceration or probation as a result of a conviction or a pretrial intervention program.

5. Should Respondent's medical license be restored following the period of revocation, the Board reserves the right to condition or limit Respondent's license, as in its sole discretion seems appropriate to the circumstances of this matter, and in order to protect the public health, safety and welfare.

6. Should Respondent be acquitted of any or all of the pending criminal allegations in Pennsylvania and/or New Jersey, the terms of this Order shall nonetheless remain in full force and effect.

7. The entry of this Order shall not be deemed an admission by John R. Manzella, D.O. of any of the criminal charges referenced herein and shall not constitute a waiver of any defenses he may assert with reference to the criminal charges or any action brought before the Board.

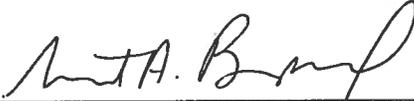
8. Nothing contained herein shall restrict or limit this Board, the Attorney General or any other law enforcement entities from further

investigation and prosecution of this matter.

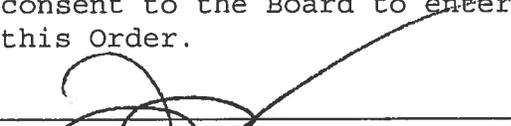
9. Should the New Jersey County Prosecutor reinstate the above mentioned criminal charges, this consent order shall be automatically vacated. Respondent's license to practice in New Jersey would then return to its current inactive status. There shall, however, be no prejudice to the New Jersey Office of the Attorney General to seek revocation of Respondent's medical license through the filing of a formal complaint.

10. Proof of violation of the terms of this Order shall be deemed professional misconduct and constitute grounds for further disciplinary action by the Board.

NEW JERSEY STATE  
BOARD OF MEDICAL EXAMINERS

By:   
Stewart A. Berkowitz, M.D.  
President

I have read this Order and understand the Order and agree to be bound by its terms and conditions. I hereby give consent to the Board to enter this Order.

  
John R. Manzella, D.O.

Date

01/05/2015

<sup>witness the</sup>  
I hereby ~~consent to the form and~~ entry of this Order.

  
Marco Laracca, Esq.  
Counsel to John R. Manzella, D.O.

Date

1/5/15

on  
the  
criminal  
matter

**DIRECTIVES APPLICABLE TO ANY MEDICAL BOARD LICENSEE  
WHO IS DISCIPLINED OR WHOSE SURRENDER OF LICENSURE  
HAS BEEN ACCEPTED**

**APPROVED BY THE BOARD ON MAY 10, 2000**

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.)

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

## **5. Probation/Monitoring Conditions**

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

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

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

**NAME:**  
**NJ License #**

**ADDENDUM TO THE DIRECTIVES**

Any licensee who is the subject of an order of the Board suspending, revoking or otherwise conditioning the license, shall provide the following information at the time that the order is signed, if it is entered by consent, or immediately after service of a fully executed order entered after a hearing. The information required here is necessary for the Board to fulfill its reporting obligations:

Social Security Number<sup>1</sup>: \_\_\_\_\_

List the Name and Address of any and all Health Care Facilities with which you are affiliated:

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List the Names and Address of any and all Health Maintenance Organizations with which you are affiliated:

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Provide the names and addresses of every person with whom you are associated in your professional practice: (You may attach a blank sheet of stationery bearing this information).

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<sup>1</sup> Pursuant to 45 CFR Subtitle A Section 61.7 and 45 CFR Subtitle A Section 60.8, the Board is required to obtain your Social Security Number and/or federal taxpayer identification number in order to discharge its responsibility to report adverse actions to the National Practitioner Data Bank and the HIP Data Bank.

**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.