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FILED
MAY 8 2015
NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

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

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| IN THE MATTER OF THE APPLICATION OF<br><br>**Henry Borrelli, D.P.M.**<br>License No.MD02273<br><br>FOR REINSTATEMENT OF LICENSURE TO PRACTICE PODIATRIC MEDICINE IN THE STATE OF NEW JERSEY | Administrative Action<br><br>**CONSENT ORDER OF REINSTATEMENT OF LICENSE** |

This matter was opened to the New Jersey State Board of Medical Examiners ("The Board") upon receipt of Respondent Henry Borrelli's application for reinstatement of his license to practice podiatric medicine in this State. On August 23, 2011 a Final Order of Discipline was filed, wherein Respondent's license was revoked effective *nunc pro tunc* to April 6, 2010 based upon his guilty plea to committing and conspiring to commit health care fraud in violation of 18 U.S.C. §§371, and



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1347. He was sentenced to eighteen months imprisonment, followed by three years of supervised release, as well as payment of restitution in the amount of $93,481. Pursuant to the 2011 Final Order, Respondent was assessed fees and costs in the amount of $8,868.46 to be paid no later than thirty days from the entry of the Final Order.

In May 2013, Respondent filed his first petition for reinstatement which was determined by the Board to be premature because Respondent had not yet completed his period of supervised release and failed to provide any documentation that he was current in payment of restitution. Respondent submitted a second petition in July 2014. On October 22, 2014 he appeared before the Board in support thereof and submitted documentation of successful completion of all continuing medical education courses required by N.J.A.C. 13:35-6.15(b), (d) and (f) and all criminal sentencing and probation terms including payment of criminal fines. Respondent has complied fully with all the terms of the 2011 Final Order entered with the Board and appears to have sincerely reflected on his behavior and resolved to embrace a more ethical professional standard. While testifying before a Committee of the Board, Respondent took full responsibility for his actions and expressed sincere remorse. Respondent indicated that he failed to exercise due diligence in ensuring that fraudulent practices stopped at the office at

which he was employed and that he should have done more concerning the accounts receivable. Respondent spoke highly of the ProBe program and indicated that going forward he would be personally aware of and responsible for future billing practices. Respondent further stated that he would establish working relationships with other podiatrists in order to retrain himself and refer all patients needing surgery to other practitioners.

The Board finding that Respondent has demonstrated sufficient rehabilitation, fitness and ability to practice medicine, has expressed sincere remorse, and has met all the terms of reinstatement outlined in the Final Order; and Respondent, being desirous of resolving this matter without the necessity of further formal proceedings, and agreeing to waive any right to same, and the Board having determined that this Order is sufficiently protective of the health, safety and welfare of the public, and all parties agreeing to the terms of this Order;

**ACCORDINGLY, IT IS on this** 08 **day of** MAY, **2015,**

**ORDERED THAT:**

1. Respondent's license to practice medicine in the State of New Jersey is hereby reinstated subject to his full

compliance with all reinstatement requirements and fees and the conditions set forth in this Order.

2. Until further Order of the Board, Respondent shall inform the Board in writing within 10 days of beginning employment and of any employment changes, including periods of unemployment, and shall provide a detailed description of each job, his role and responsibilities.

3. Until further Order of the Board, if Respondent engages in private practice he shall hire, at his own expense, a practice monitor (the "Practice Monitor") who shall be approved by the Board prior to commencing the monitoring functions required by this agreement. The practice monitor shall be a New Jersey licensed health care professional and shall be experienced in and familiar with all procedures that Respondent performs in his medical practice. The Practice Monitor may be a licensed physician or an individual holding a limited license provided adequate demonstration is made that the Practice Monitor has an appropriate background to be able to accurately record and review all medical services Respondent may perform. The Practice Monitor shall be required to review a minimum of ten patient charts each month and meet face-to-face with Dr. Borelli once each month. The Practice Monitor shall immediately (within twenty four hours of awareness of occurrence) report to the Board orally and in writing any actions by Respondent in

violation of this Order, and any violation of the statutes or regulations governing the practice of podiatric medicine. The Practice Monitor shall provide the Board with quarterly reports, to include details of the monitoring activity performed, and note any perceived improprieties, practice deviations or regulation violations observed. The Practice Monitor shall confirm with the Board, in writing, that he/she has read this Consent Order and agrees to the monitoring and reporting requirements herein.

4. Until further Order of the Board, if Respondent engages in private practice he shall hire, at his own expense, a certified billing service (the "Billing Service") that shall be approved by the Board prior to commencing the servicing functions required by this agreement. The Billing Service shall review all bills that Respondent submits to determine whether Respondent is accurately and appropriately billing and coding for medical services provided. The Billing Service shall make an immediate report to the Board of any instances where they make a determination that Respondent submitted an inappropriate, unsubstantiated, or inappropriately coded bill. The Billing Service shall also submit quarterly reports to the Board detailing the service activity performed, and noting any perceived improprieties, billing deviations or regulation violations observed. The Billing Service shall confirm with the

Board, in writing, that they have read this Consent Order and agree to the service and reporting requirements herein.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

By: _____

Stewart Berkowitz, M.D.
President

**I have read the within Order and understand it. I agree to be bound by its terms and hereby consent to it being entered by the New Jersey Board of Medical Examiners.**

_____

Henry Borrelli, M.D.

**Consent as to monitoring and reporting requirements as to the billing service:**

_____

Print Name and Title:

**Consent as to monitoring and reporting requirements as to the practice monitor:**

_____

Print Name and Title:

... and service and reporting requirements herein.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

By: _____
Stewart Berkowitz, M.D.
President

I have read the within Order and understand it. I agree to be bound by its terms and hereby consent to it being entered by the New Jersey Board of Medical Examiners.

_____
Henry Borrelli, M.D.

Consent as to monitoring and reporting requirements as to the billing service:

_____
Print Name and Title: RONALD H. SHEPPARD, DPM

Consent as to monitoring and reporting requirements as to the practice monitor:

_____
Print Name and Title:
LEE Ann Rewey - Co Owner / STAT Medical Billing
972-248-3191 17311 Dallas PARKWAY Ste 225
Dallas, TX 75248-1247