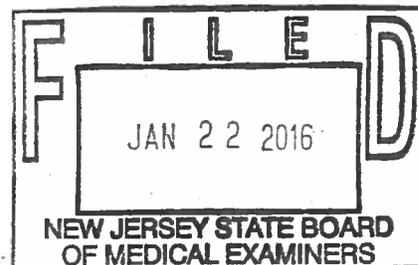


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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS
OAL DOCKET NO. BDS 17626-2013N

IN THE MATTER OF THE LICENSE OF :
: Administrative Action
: :
: FINAL CONSENT ORDER
ANTHONY ENRICO, JR., DPM :
LICENSE NO. 25MD00172300 :
: :
TO PRACTICE PODIATRY :
IN THE STATE OF NEW JERSEY :
: :
:

This matter was opened to the State Board of Medical Examiners (the "Board") upon receipt of the results of an audit by Horizon Blue Cross Blue Shield that found irregularities in the care, treatment and billing practices of Anthony Enrico, D.P.M.

CERTIFIED TRUE COPY

During the relevant time period, Anthony Enrico, D.P.M., ("Respondent") practiced podiatry at three locations, in Paterson, Passaic and Elizabeth.

On January 27, 2010, Respondent appeared and testified before a Preliminary Evaluation Committee of the Board and gave sworn testimony in reference to the Board's concerns. These concerns included extensive overutilization and non-necessity of tests, with subsequent overstated and overinflated billing; inadequate documentation of physical therapy session assessments; and omission of recommendations of immobilization, home exercise and/or orthosis to alleviate patient pain symptoms. Additional concerns included failure to provide completed medical reports requested by the Board and failure to answer truthfully on the renewal application for licensure that Respondent had defaulted on a federal loan and had failed to register with the Department of Health and Senior Services ("DOHSS") for the MRI operated by Respondent from 2005-2008.

The Board, after considering Respondent's testimony, patient records and an expert report by Dale Sue Berkley, D.P.M. that evaluated said patient records, found a basis to allege that Respondent had engaged in gross negligence, gross malpractice or gross incompetence; repeated acts of negligence, malpractice or incompetence; and professional misconduct, in violation of N.J.S.A. 45:1-21(c), (d), and (e); that Respondent

failed to answer truthfully on his renewal application that he had defaulted on a federal loan, in violation of N.J.S.A. 45:1-21(h); and that Respondent had not registered with DOHSS for his MRI machine, thus operating it without a license from July 1, 2005 through June 19, 2008, in violation of N.J.S.A. 45:1-21(e).

On September 18, 2013, the Acting Attorney General filed a Complaint, which Respondent answered on November 18, 2013. Respondent denied, and continues to deny, all allegations set forth in the Complaint. The matter was transferred to the Office of Administrative Law on December 6, 2013 and assigned to Tiffany Williams, Administrative Law Judge, docketed as BDS 17626-2013N.

It appearing that the parties wish to resolve these matters, and the Board finding that the disposition of the matter as set forth herein is adequately protective of the public health, safety and welfare, and other good cause appearing,

IT IS ON THIS 22 DAY OF January, 2016

ORDERED:

1. Dr. Enrico's podiatry license shall be suspended for a period of twelve (12) months. Said period of suspension shall be stayed and served as a period of probation. The suspension shall commence from the date of the filing of this Consent Order.

2. During the period of probation, Dr. Enrico shall successfully complete Board approved podiatric education including a podiatric recordkeeping course, fifty (50) hours of intensive podiatric education to include diabetic patient care, and an ethics course. Successful completion means all sessions were attended, all assignments were satisfactorily completed, and a passing grade was achieved that was unconditional and without reservation. This coursework shall be above and beyond the requisite continuing Medical Education coursework required by the Board of biennial renewal of licensure.

3. Within three (3) months of the filing of this Consent Order, Dr. Enrico shall undergo a Board approved competency evaluation and assessment at one of the following podiatric schools: New York College of Podiatric Medicine or Temple University School of Podiatric Medicine. Prior to commencing the remediation, Respondent shall submit to the Board, attention Harry J. Lessig, M.D., the name of the chosen entity Assessment Center anticipated dates of attendance, and a syllabus for the educational experience.

4. Respondent will fully satisfactorily complete the entirety of any recommendations the Assessment Center may make with regard to practice restrictions, monitoring, and/or educational programs, if applicable. For purposes of this Consent Order, full and satisfactory completion shall mean:

a. Respondent has fully complied with all of the requirements of the evaluation and assessment, as well as, any recommendation made by the Assessment Center following the evaluation and assessment, and

b. The Assessment Center has unconditionally stated in a writing delivered to the acting Attorney Genial and to the Board that Respondent has satisfactorily and fully completed any recommendations it made with regard to practiced restrictions, monitoring, and/or educational programs.

5. If Respondent fails to substantially complete with: (i) the material terms of this Consent Order, or (ii) the Assessment Center's recommendation or requirements with regard to an evaluation and assessment, practice restrictions, monitoring, and/or educational programs, if any (collectively, "Assessment Center Recommendation and Requirements"), within a reasonable time after being notice in writing of such Assessment Center Recommendation or Requirements, such conduct shall be deemed to constitute professional misconduct, in violation of N.J.S.A. 45:1-21(c). In the event, the Acting Attorney General or the Board may commence a disciplinary proceeding seeking,

among other things, the suspension of Respondent's license to practice medicine.

6. The Board and the Attorney General will have full and complete access to any communications between Respondent and the Assessment Center and will have full and complete access to any reports, recommendations or evaluations issued by the Assessment Center or by any consultant that the Assessment Center recommends, including but not limited to the release of the assessment and evaluation report and any medical and/or neuropsychological evaluations, Respondent hereby authorizes the Assessment Center to provide copies of any recommendations, evaluations or reports to the Board and the Attorney General simultaneously with their provision to Respondent. In addition, the Board, its agents and employees, including but not limited to Harry J. Lessig, M.D., Consultant Medical Director in Charge of Compliance, may communicate directly with the Assessment Center with regard to Respondent's participation in any evaluation or assessment, monitoring plan, or educational program.

7. Respondent specifically acknowledges that any recommendations, evaluation, or report issued by the Assessment Center may be introduced as a matter of public record during the course of any future disciplinary proceedings.

8. The Attorney General and the Board may provide to the Assessment Center information they may possess with regard to Respondent. Such submission may include the filed Consent Order dated November 9, 2000, the record of the proceeding before the Preliminary Evaluation Committee on January 27, 2010, medical records and the Administrative Complaint.

9. Respondent shall be solely responsible for whatever costs are associated with his participation of any evaluation or assessment by the Assessment Center and his compliance with any recommendations or requirements set forth by the Assessment center.

10. Prior to commencing the period of probation, Dr. Enrico shall hire a practice monitor. The monitor must be approved by advance by the Board and shall be Board-certified in podiatric medicine and licensed in the State of New Jersey. The monitor must not be a relative of Respondent. In addition, the monitor must not be a someone with whom he has or had a supervisory or financial relationship. Respondent shall promptly submit to the Board curriculum vitae of the proposed monitor, along with his/her signed acknowledgement that he/she read this Consent Order and agrees to accept the responsibilities as set forth herein. Approval of the monitor is at the sole discretion of the Board but shall not be unreasonably withheld, delayed or denied.

11. The monitor shall independently select up to five patient records from a copy of Respondent's practice's daily appointment book/daily sign-in-sheets for each month. Within five (5) business days of the monitor informing Respondent which patient records were selected, he shall be responsible to provide the monitor with certified true copies of the patient records or electronic access to such records (e.g., via Respondent's EMR). For each patient record selected, Respondent shall provide the selected patient's record from August 1, 2015 to the present date including, but not limited to, intake documents, examination findings, diagnostic test ordered and results thereof, treatment rendered, and fees charged in the context of billings. If necessary, the monitor shall have unfettered access to original patient medical records.

12. The monitor shall submit monthly written reports to the Board with a copy to Respondent and Deputy Attorney General Kathy Stroh Mendoza, counsel for the Board. The report shall summarize the nature of the work reviewed and include at least the following information based on the time period from August 1, 2015 forward: each patient charge reviewed identified by patient name, type of case, accuracy and completeness of charting, and comments on the quality of professional service(s) rendered. Respondent agrees that the monitor shall neither have

nor incur any liability as a result of his/her good faith performance as a monitor.

13. The monitor shall make immediate report to the Board and counsel to both parties of any instances where he/she makes determination that Respondent failed to materially comply with the monitoring provisions of this Order

14. The cost of the monitor's services shall be borne by Respondent and shall not be passed on to patients/third party payers.

15. The monitor shall comply with the requirements of HIPAA (45 CFR Parts 160 and 164) and maintain and respect the confidentiality of patients and any individually identifiable health information he/she may acquire in the necessary performance of his/her functions, and shall not make any disclosures of information concerning individual patients other than disclosures to the Board and counsel for both parties as may be necessary to comply with this Order.

16. Within three (3) months of the filing of this Consent Order, Dr. Enrico shall sell or dispose of any and all equipment that requires licensure by the New Jersey DOHSS, to the extent that Dr. Enrico does not possess or obtain such licensure. Should Dr. Enrico determine that certain equipment is necessary to his practice of podiatry, he shall obtain proper licensure of

that equipment from the proper licensing agency (such as DOHSS) prior to commencing treatment with that equipment.

17. Respondent shall comply with the Directives Applicable to Board Licensees who are Disciplined or Whose Surrender of Licensure Has Been Accepted, which are attached hereto and are incorporated herein by reference.

18. Respondent's failure to comply with any provisions of this Order may result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

19. This Consent Order shall be a full, complete and final resolution of the Administrative Complaint filed on September 18, 2013 and docketed as BDS 17626-13, except that the Board shall retain jurisdiction to enforce the terms of this Consent Order.

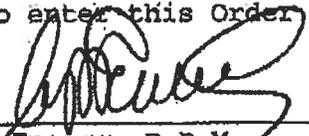
20. This parties stipulate that entry of this Order is without prejudice to any further action by the Board, the Acting Attorney General, the Director of Consumer Affairs or other law enforcement entity based on Respondent's conduct occurring prior or subsequent to entry of this Order.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS



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

I have read and understood
The within Consent Order and agree
to be bound by each every term.
Consent is hereby given to the
Board to enter this Order



Anthony Enrico, D.P.M.
Respondent

Dated:



Steven Bennet, Esq.
Attorney for Respondent

Dated:

2/13/2014

**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.