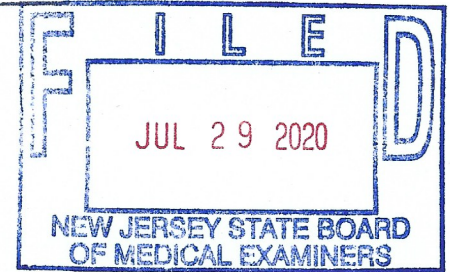
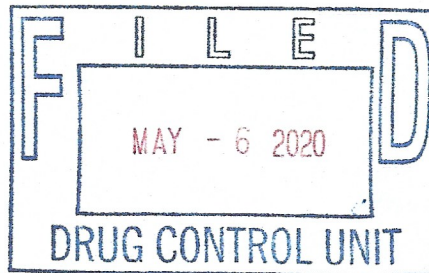


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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS &
DRUG CONTROL UNIT

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

CRAIG D. GIALANELLA, M.D.
LICENSE NO. 25MA07886200
CDS REGISTRATION NO. D08698000

TO PRACTICE MEDICINE AND SURGERY
IN THE STATE OF NEW JERSEY

Administrative Action

FINAL CONSENT ORDER

This matter was opened to the New Jersey State Board of Medical Examiners (the "Board") and Paul R. Rodríguez, Acting Director of the New Jersey Division of Consumer Affairs (the "Director"), upon receipt of information that Craig D. Gialanella, M.D. (the "Respondent"), License No. 25MA07886200 and New Jersey Controlled Dangerous Substances ("CDS") Registration No. D08698000, had engaged in the indiscriminate prescribing of CDS out of his Belleville, New Jersey medical practice.

On July 17, 2017, Respondent was arrested in connection with an investigation by the State's Division of Criminal Justice, and charged with Third Degree Possession with Intent to Distribute Schedule II CDS. On this same date, Respondent voluntarily surrendered his medical

license and CDS Registration to investigators with the Division of Consumer Affairs' Enforcement Bureau, resulting in the filing of a Consent Order of Temporary Suspension of License and NJ CDS Registration on July 19, 2017.

On February 14, 2019, Respondent pleaded guilty to one count of Third Degree Possession with Intent to Distribute Schedule II CDS, as defined by N.J.S.A. 2C:35-5A(1) and -5B(5), before the Hon. Bernard E. DeLury, J.S.C. At his plea hearing, Respondent admitted to knowingly and purposely distributing Oxycodone unlawfully to one individual, insofar as the amounts of Oxycodone he prescribed exceeded that which was medically necessary.

In exchange for his guilty plea, on April 26, 2019, Respondent was granted a five year suspended sentence, conditioned upon his completion of 200 hours of community service and payment of \$1,205 in fees and penalties.

The Board finds that Respondent's conduct, as admitted in his guilty plea, constitutes: professional misconduct; a conviction of an offense involving moral turpitude as well as one relating adversely to the practice of medicine; a failure to comply with regulations administered by the Board, specifically N.J.A.C. 13:35-7.6 (limitations on prescribing, administering, and dispensing CDS); and the indiscriminate prescribing of CDS, therefore providing grounds for the Board to revoke Respondent's license to practice medicine and surgery in New Jersey pursuant to N.J.S.A. 45:1-21(e), (f), (h) and (m).

Furthermore, prescribing CDS without a legitimate medical purpose is a violation of N.J.A.C. 13:45H-7.4, which provides the basis under N.J.S.A. 24:21-12(a)(3) for the Director to suspend or revoke Respondent's New Jersey CDS Registration.

The parties being desirous of resolving this matter without the necessity of further proceedings, and it appearing that Respondent has read the terms of the within Final Consent Order and understands their meaning and effect and consents to be bound by same, and has availed

himself to the advice of counsel, and the Board and the Director finding that the within Final Consent Order is adequately protective of the public health, safety, and welfare; and it appearing that good cause exists for the entry of the within Final Consent Order;

IT IS, therefore on this 29th day of ~~March~~, 2020
July

ORDERED AND AGREED THAT:

1. The license of Craig D. Gialanella, M.D. to practice medicine and surgery in the State of New Jersey is hereby revoked. Respondent shall be ineligible to apply for, or obtain, a license to practice medicine and surgery in this State for a period of five years, retroactive to July 17, 2017, the date he voluntarily surrendered his medical license and CDS Registration.
2. Notwithstanding the term of ineligibility to practice set forth herein, in no instance shall Respondent be granted a license during any period of incarceration, or any period that he is under the conditions of a criminal sentence such as probation, supervised release, and/or a fine payment plan. Additionally, the period of ineligibility shall be tolled for any length of time that Respondent practices in another jurisdiction.
3. Respondent's New Jersey CDS Registration, issued pursuant to the authority of the Director under N.J.S.A. 24:21-9 to -15.3, is permanently revoked with prejudice. Respondent shall not seek a CDS Registration in New Jersey at any future time.
4. This CDS Registration revocation is independent of any action taken by the Board, the United States Drug Enforcement Administration (the "DEA") or any other law enforcement or licensing authority. A copy of this Final Consent Order, signed by the Director, will be filed with the Division's Drug Control Unit.
5. Pursuant to N.J.S.A. 24:21-12(f), the Director shall promptly notify the DEA of the entry of this Final Consent Order.
6. Respondent shall immediately send all of his remaining prescription blanks, along

with a cover memorandum indicating that he will no longer be writing prescriptions and asking that his prescription blanks be destroyed pursuant to standard operating procedures, to Dana Pulizzano, Acting Executive Officer, Division of Consumer Affairs, Drug Control Unit, P.O. Box 45022, Newark, New Jersey 07101.

7. Respondent, if he has not already done so, shall immediately return his original New Jersey medical license, current biennial registration card, and CDS Registration to William V. Roeder, Executive Director, New Jersey State Board of Medical Examiners, P.O. Box 183, Trenton, New Jersey 08625-0183.

8. During the period of revocation, Respondent shall: cease and desist all patient contact, including, but not limited to, seeing, examining, treating or otherwise offering medical services at any location in New Jersey, and/or the issuance of any prescription for, or dispensation of, medications of any kind within the State including, but not limited to, CDS; not enter the premises of his former medical practice during business hours or at any time when patients may be present; be precluded from managing, overseeing, supervising or influencing the practice of medicine or the provision of healthcare activities regulated by the Board and requiring licensure by the Board; not charge, receive or share in any fee for professional services rendered by others; and divest himself from any current and future financial interest in or benefit derived from the practice of medicine until such time that all terms of the within Final Consent Order have been met.

9. Respondent shall comply with N.J.A.C. 13:35-6.5(h), the Board regulation for practice closure. Within ten days of the filing of this Consent Order, Respondent is to notify William V. Roeder, Executive Director, New Jersey State Board of Medical Examiners, P.O. Box 183, Trenton, New Jersey 08625-0183 as to where his patient records are secured, and how patients may obtain them.

10. Respondent is assessed a civil penalty of \$50,000, pursuant to N.J.S.A. 45:1-25. Of that amount, \$20,000 shall be subject to the payment plan outlined in Paragraph 12 of this Final Consent Order. The remaining amount of \$30,000 shall be stayed and discharged upon Respondent's satisfaction of the terms of the payment plan, provided that Respondent complies with all other terms and conditions of this Final Consent Order.

11. Respondent shall reimburse the Board in the amount of \$16,305 for its investigation, pursuant to N.J.S.A. 45:1-25(d).

12. The payment plan for the civil penalty and costs of Paragraphs 10 and 11, totaling \$36,305, shall not exceed 36 months. Further, Respondent agrees to the following payment schedule: Respondent shall pay \$1,305 on April 1, 2020, and thereafter he shall pay \$1,000 in consecutive monthly installments, over the remaining 35 months of the payment plan period, with each subsequent \$1,000 payment due on the first business day of each month. Respondent may prepay at any time. Interest on all financial assessments shall accrue in accordance with Rule of Court 4:42-11.

13. The Board shall file a Certificate of Debt against Respondent upon his failure to make any payment within ten days of the due date, pursuant to N.J.S.A. 45:1-24. Further, Respondent's failure to timely make a payment, according to the terms of this Final Consent Order, shall cause the entire remaining balance of the civil penalty and costs to become immediately due and owing, including the stayed amount of the civil penalty.

14. All payments shall be made by money order, bank or certified check, wire transfer or credit card payable to the "State of New Jersey" and forwarded to William V. Roeder, Executive Director, New Jersey State Board of Medical Examiners, P.O. Box 183 Trenton, New Jersey 08625-0183. If a form of payment is presented other than the form of payment noted above, it will be rejected and will be returned to the Respondent.

15. Prior to the Board's consideration of Respondent's reapplication for licensure, he shall fully and satisfactorily complete an assessment of his medical knowledge and skills through the Center for Personalized Education for Physicians ("CPEP") located in Denver, Colorado, or any other focused evaluation program, pre-approved by the Board. For purposes of this Final Consent Order, full and satisfactory completion shall mean that Respondent has completed all of CPEP's requirements pertaining to the assessment of his medical knowledge and skills, as well as any recommendations made by CPEP following the evaluation, including but not limited to additional evaluations and/or educational programs.

16. The Board, as well as its agents and employees, including but not limited to the Medical Director of the Board or his/her designee, may communicate directly with CPEP or any CPEP-recommended consultant regarding Respondent's participation in any evaluation and/or assessment of his medical skills and knowledge, and shall have full and complete access to any communications between Respondent and CPEP, as well as any reports, recommendations, or evaluations issued by CPEP or by any consultant thereof. Respondent further authorizes CPEP or any CPEP-recommended consultant to provide copies of any recommendations, evaluations, or reports to the Board and the Attorney General simultaneously with their provision to Respondent.

17. The Attorney General and the Board may provide the assessment entity whatever information they may possess with regard to Respondent that underlies this disciplinary action. Said release of these records by the Board or the Attorney General shall not entitle any member of the public to a copy of said documents to the extent that they are confidential pursuant to N.J.S.A. 45:1-36.

18. Respondent specifically acknowledges that the Board may seek to introduce any recommendations, evaluations, or reports issued by CPEP or its consultants as evidence during the course of any future Board proceedings involving Respondent.

19. Respondent shall be solely responsible for all costs associated with his CPEP participation and his compliance with any recommendations or requirements as set forth by CPEP.

20. Prior to the Board's consideration of his reapplication for licensure, Respondent shall undergo an evaluation by a Board-approved psychologist, and shall comply with any and all recommendations resulting from that evaluation. Respondent shall be solely responsible for all costs associated with this evaluation. Respondent expressly waives any claim of privilege and/or confidentiality that he may have concerning this psychological evaluation, and he acknowledges that any written report and/or summary of that evaluation will be provided to the Board.

21. Prior to the Board's consideration of his reapplication for licensure, Respondent, shall appear before a Committee of the Board to discuss his readiness to re-enter the practice of medicine and affirmatively establish his fitness, competence and capacity to re-enter the active practice of medicine as a physician within New Jersey. Respondent shall be permitted to petition the Board for this appearance six months prior to the conclusion of his revocation. Respondent agrees that this allowance is merely to afford Respondent and the Board advance time to begin the process of addressing his resumption of practice, and that he cannot be granted the ability to resume practice prior to the conclusion of the entire period of revocation. The Board expressly reserves the right to impose additional restrictions and/or limitations upon re-licensure.

22. The entry of this Final Consent Order is without prejudice to further action, investigation, and prosecution by this Board, the Attorney General, the Drug Control Unit, the Director of the Division of Consumer Affairs or other law enforcement entities resulting from Respondent's conduct prior to or after the entry of this Order. The Board shall retain jurisdiction to enforce the terms of this Order. Upon receipt of any reliable information indicating that Respondent has violated any terms of this Order, the Board reserves the right to bring further disciplinary action.

23. Respondent shall comply with the attached "Directives Applicable To Any Medical Board Licensee Who Is Disciplined Or Whose Surrender Of Licensure Or Cessation Of Practice Has Been Ordered Or Agreed Upon," which are incorporated herein by reference.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS



METZGER, Scott E., M.D.

By:

Scott E. Metzger, M.D.
Board President

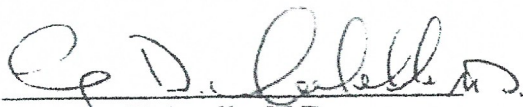
NEW JERSEY DIVISION OF CONSUMER AFFAIRS



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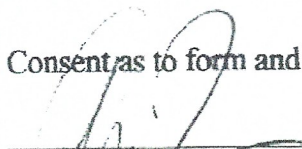
Paul R. Rodríguez
Acting Director

I have read and understood the within Final Consent Order and agree to be bound thereby. I consent to the entry of this Order.


Craig D. Gialanella, M.D.

Dated: 3/25/2020

Consent as to form and entry:


Amy Luria, Esq.
Critchley, Kinum & DeNoia LLC
75 Livingston Avenue
Roseland, New Jersey 07034
Attorney for Respondent

Dated: 3/27/20