



PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
State Board of Medical Examiners
P.O. Box 183, Trenton, NJ 08625-0183



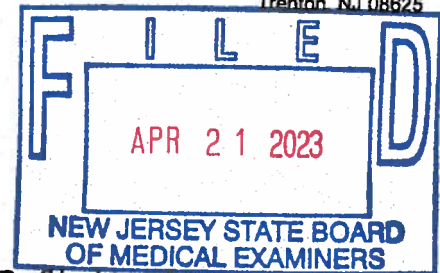
MATT PLATKIN
Attorney General

CARI FAIS
Acting Director

For Delivery Services:
140 East Front St., 2nd Floor
Trenton, NJ 08625

March 9, 2023

Via Regular, Certified, and Electronic Mail
Anthony J. Lucatorto, D.O.
Morris Sussex Family Practice, P.C.
694 Route 15 South, Suite 103
Lake Hopatcong, New Jersey 07849



Re: Uniform Penalty Letter for CME Deficiencies
License #: 25MB06095000

Dear Dr. Lucatorto:

N.J.S.A. 45:9-7.1 establishes that the New Jersey Board of Medical Examiners ("Board") shall require physicians to obtain a certain number of Continuing Medical Education ("CME") credits as a condition for license renewal. Pursuant to N.J.A.C. 13:35-6.15, physicians and podiatrists are required to obtain at least forty (40) "Category I" CME credits per biennial renewal cycle.

This letter is to advise you that the Board reviewed information concerning your compliance with this CME requirement. Based on the lack of certificates of completion of AMA Category I Credits for the July 1, 2019 - June 30, 2021 biennial renewal period, you are deficient forty (40) credits, including one required credit on opioid prescribing and two required credits on end of life care.

Upon review of all available information, the Board has found that your failure to obtain sufficient CME credits constitutes a violation of N.J.A.C. 13:35-6.15. Based on this violation, the Board has issued this Uniform Penalty Letter. The issuance of this letter does not rise to the level of either a censure or a public reprimand. However, based on your violation of N.J.A.C. 13:35-6.15, the Board hereby issues a fine in the amount of \$2,000. In addition to the monetary penalty, you are also required to complete the deficient forty (40) Category I CME credits and submit proof of completion to the Medical Director of the Board within six (6) months of the signing of the attached Certification.

You must sign the attached Certification and choose one of the three options (I-III) noted below:

I) You may waive your right to a hearing and pay a penalty in

CERTIFIED TRUE COPY

March 9, 2023

Page 2

the amount of \$2,000 within forty-five (45) days of receipt of this letter. No later than six (6) months after signing the attached Certification, you must submit to the Medical Director of the Board proof of completion of forty (40) CME credits. You shall bear the cost of the courses and shall not use any credits obtained through the courses towards the fulfillment of the current biennial CME requirement.

II) You may waive your right to a hearing and submit a written statement or explanation to the Board within fifteen (15) days. The Board will then consider your submission and render a final decision, which may include any of the terms set forth above.

III) You may request a hearing. In the event of a hearing this letter will serve as notice of the charges against you and a hearing will be scheduled before the Board or a committee of the Board. At that hearing you may, either personally or with the assistance of an attorney, submit evidence and present testimony as may be necessary in order for the Board to make a final determination concerning the charges of failing to complete your CME requirement pursuant to N.J.S.A. 45:9-7.1. You should be aware that in making its final decision, the Board may, if a CME deficiency has been proven, assess civil penalties in an amount greater than those described in this letter. Additionally, the Board may, if the facts are found to so warrant, enter an order requiring you to pay costs incurred by the Board, or may order such other remedies as it may deem appropriate.

Should you have any questions concerning this letter, please contact:

Michael Antenucci, Deputy Attorney General
Division of Law
124 Halsey Street, 5th Floor
P.O. Box 45029
Newark, New Jersey 07101
Phone: (973) 648-7454

The **original** enclosed certification should be completed and returned to the Board within forty-five (45) days following your receipt of this letter. In the event that the Board receives no response from you within forty-five (45) days, you will be deemed in default and the allegations against you will be deemed uncontested. The Board will then proceed to a final review of this matter and enter an appropriate order. Once an order has been entered your failure to comply with the order may result in further action against your license.

March 9, 2023
Page 3

New Jersey Board of Medical Examiners

By: /s/ Antonia Winstead
Antonia Winstead
Executive Director

Encl.

Certification

I, Dr. Anthony J. Lucatorto, License No. 25MB06095000, hereby acknowledge that I have read and reviewed the Board's letter dated March 9, 2023 regarding allegations of violations of the Board's enabling act and/or regulations.

Please Check One:

☒ I acknowledge the conduct which has been charged and agree to pay a penalty in the amount of \$2,000 (to be paid upon the signing of this Certification). Payment of the total amount of \$2,000 shall be made by money order, bank or certified check, credit card or wire transfer, made payable to the "State of New Jersey," and forwarded to Antonia Winstead, Executive Director, Board of Medical Examiners, P.O. Box 183, 140 East Front Street, Trenton, New Jersey 08625. Any payment in a form other than those noted in this Paragraph will be rejected and returned to the sender. Failure to make timely payment shall result in the filing of a Certificate of Debt pursuant to N.J.S.A. 45:1-24 for the total amount due and owing at the time the Certificate of Debt is filed.

I also agree that no later than six (6) months after signing this Certification, I will submit proof to the Medical Director of the Board that I have completed forty (40) Continuing Medical Education ("CME") Category I credits. I understand that I will bear the cost of the courses and that these CME credits shall not be used towards the fulfillment of the current biennial CME requirement.

I am aware that failure to comply with the terms of this Certification may subject me to action against my medical license.


I am also aware that the action taken against me by the Board is a matter of public record, and that the Board's letter and this certification are public documents.

 I hereby waive any rights I may have to a hearing in this matter to defend myself against any charges contained herein but ask the Board to consider my written explanation before rendering its final decision. I understand that the Board may order any of the terms specified in its letter and that if it does I will be obligated to comply. I am also aware that the action taken against me by the Board herein is a matter of public record, and that the Board's letter and this certification are public documents. Failure to comply with a Board order may subject me to action

against my medical license and any failure to make a required payment will result in the filing of a Certificate of Debt.

_____ I request a formal administrative hearing before either the Board or a Committee of the Board to contest the charges specified in the Board's letter. I understand that I will be advised of the time, date and place for this requested hearing at another time. I am aware that I may be represented by an attorney and that at the time of the hearing, I may submit to the Board testimony and documentation relevant to the charges. I understand that in making its final decision, the Board may, if CME deficiencies have been proven, assess civil penalties in an amount greater than what has been described in its letter and may order such other remedies as it may deem appropriate including costs of proceedings and other discipline against my license. I am also aware that this proceeding is a matter of public record and that the Board's letter and this certification are public documents. In the event that the Board imposes fines and/or discipline against my license, such action would be a matter of public record.

Signature: _____


Anthony J. Lucatorto, D.O.

Dated: _____

April 20, 2023

NOTICE OF REPORTING PRACTICES OF BOARD
REGARDING DISCIPLINARY ACTIONS

All Orders filed by the New Jersey State Board of Medical Examiners are "government records" as defined under the Open Public Records Act and are available for public inspection, copying or Examination. See N.J.S.A. 47:1A-1, et seq., N.J.S.A. 52:14B-3(3). Should any inquiry be made to the Board concerning the status of a licensee who has been the subject of a Board Order, the inquirer will be informed of the existence of the Order and a copy will be provided on request. Unless sealed or otherwise confidential, all documents filed in public actions taken against licensees, to include documents filed or introduced into evidence in evidentiary hearings, proceedings on motions or other applications conducted as public hearings, and the transcripts of any such proceedings, are "government records" available for public inspection, copying or examination.

Pursuant to N.J.S.A. 45:9-22, a description of any final board disciplinary action taken within the most recent ten years is included on the New Jersey Health Care Profile maintained by the Division of Consumer Affairs for all licensed physicians. Links to copies of Orders described thereon are also available on the Profile website. See <http://www.njdoctorlist.com>.

Copies of disciplinary Orders entered by the Board are additionally posted and available for inspection or download on the Board of Medical Examiners' website. See <http://njconsumeraffairs.gov/bme>.

Pursuant to federal law, the Board is required to report to the National Practitioner Data Bank (the "NPDB") certain adverse licensure actions taken against licensees related to professional competence or conduct, generally including the revocation or suspension of a license; reprimand; censure; and/or probation. Additionally, any negative action or finding by the Board that, under New Jersey law, is publicly available information is reportable to the NPDB, to include, without limitation, limitations on scope of practice and final adverse actions that occur in conjunction with settlements in which no finding of liability has been made. Additional information regarding the specific actions which the Board is required to report to the National Practitioner Data Bank can be found in the NPDB Guidebook issued by the U.S. Department of Health and Human Services in April 2015. See <http://www.npdb.hrsa.gov/resources/npdbguidebook.pdf>.

Pursuant to N.J.S.A. 45:9-19.13, in any case in which the Board refuses to issue, suspends, revokes or otherwise places conditions on a license or permit, the Board is required to notify each licensed health care facility and health maintenance organization 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 entered by the Board is provided to the Federation on a monthly basis.

From time to time, the Press Office of the Division of Consumer Affairs may issue press releases including information regarding public actions taken by the Board.

Nothing herein is intended in any way to limit the Board, the Division of Consumer Affairs or the Attorney General from disclosing any public document.