

DOH STATE OF NEW YORK
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Barbara A. DeBuono, M.D., M.P.H.
Commissioner

Dennis P. Whalen
Executive Deputy Commissioner

December 21, 1998

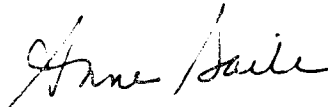
Mr. Robert Bentley, Director
Division of Professional Licensing Services
New York State Education Department
Cultural Education Center
Empire State Plaza
Albany, NY 12230

RE: Louis J. Citarelli, M.D.
NYS License No. 156025

Dear Mr. Bentley:

Enclosed is a copy of a Commissioner's Order and Notice of Hearing which summarily suspends Dr. Louis J. Citarelli's right to practice medicine in the State of New York. This Order was issued on December 18, 1998, and is in effect until further notice.

Sincerely,



Anne F. Saile
Director
Office of Professional Medical Conduct

Enclosure

cc: Daniel Kelleher

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER : COMMISSIONER'S
OF : SUMMARY
LOUIS J. CITARELLI, M.D. : ORDER

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TO: Louis J. Citarelli, M.D.
14 Franklin Street
Belleville, New Jersey 07109-1134

The undersigned, Dennis P. Whalen, Executive Deputy Commissioner of Health of the State of New York, pursuant to N.Y. Public Health Law §230, upon the recommendation of a Committee on Professional Medical Conduct, has determined that the duly authorized professional disciplinary agency of another jurisdiction has made a finding substantially equivalent to a finding that the practice of medicine by Louis J. Citarelli, M.D. (the Respondent) in that jurisdiction constitutes an imminent danger to the health of its people, as is more fully set forth in the attached Statement of Facts supporting Summary Order of Suspension and the documents of the New Jersey State Board of Medical Examiners and made a part hereof.

Accordingly, it is hereby

ORDERED, pursuant to N.Y. Public Health Law §230(12)(b), that effective immediately, Respondent shall not practice medicine in the State of New York. This Order shall remain in effect unless modified or vacated by the Commissioner of Health pursuant to N.Y. Public Health Law §230(12).

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of N.Y. Public Health Law §230, and N.Y. State

Admin. Proc. Act §§301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct and shall commence within thirty days after the disciplinary proceedings against Respondent in New Jersey are finally concluded (N.Y. Public Health Law §230(12)(b)). The date and location of this hearing will be set forth in a written Notice of Summary Hearing and Statement of Charges to be provided to the Respondent at a later date. The written Notice may be provided in person, by mail or by other means. If Respondent wishes to be provided this written Notice at an address other than the one noted above, he shall notify both the attorney whose name is set forth in this Order and the Director of the Bureau of Adjudication, New York State Department of Health, Hedley Park Place, 433 River Street, 5th Floor, Troy, New York 12180 (518) 402-0748.

THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK BE REVOKED OR SUSPENDED, AND/OR THAT YOU BE FINED OR SUBJECT TO OTHER SANCTIONS SET FORTH IN NEW YORK PUBLIC HEALTH LAW §230-a. YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York
December 9, 1998


DENNIS P. WHALEN
Executive Deputy Commissioner

Inquiries should be directed to:

DANIEL R. BURKE
Deputy Counsel - BPMC
N.Y.S. Department of Health
Division of Legal Affairs
Corning Tower Building, Room 2509
Empire State Plaza
Albany, New York 12237-0026

STATE OF NEW YORK : DEPARTMENT OF HEALTH
 STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER	: STATEMENT OF FACTS
OF	: SUPPORTING SUMMARY
LOUIS J. CITARELLI, M.D.	: ORDER OF SUSPENSION

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Louis J. Citarelli, M.D., the Respondent, was licensed to practice medicine in New York State on or about October 17, 1983 by the issuance of license number 156025 by the New York State Education Department.

FACTUAL ALLEGATIONS

Upon a motion filed on or about August 28, 1998, the Attorney General of New Jersey initiated disciplinary proceedings against Louis J. Citarelli, M.D. (hereinafter, Respondent) based upon allegations of Respondent's guilty plea in U.S. District Court, District of New Jersey, on August 14, 1998, to the crimes of conspiracy to commit bribery, bribery, conspiracy to commit mail and wire fraud and conspiracy to defraud the I.R.S. The Attorney General alleged that the actions of Respondent constituted a clear and imminent public danger requiring temporary suspension of his medical license pending a plenary hearing.

By Order of the New Jersey State Board of Medical Examiners dated September 22, 1998, said Board imposed the temporary suspension of Respondent's New Jersey medical and surgical license pending a plenary hearing. Pursuant to New Jersey

Statutes Annotated 45:1-22(e), a temporary order of suspension cannot be entered:

...unless the application made to the board palpably demonstrates a clear and imminent danger to the public health, safety and welfare and notice of such application is given to the licensee affected by such order.

Upon information and belief, the plenary hearing in New Jersey is scheduled to take place at a time following imposition of sentencing by the United States District Court.

Dated:

Albany, New York

DANIEL R. BURKE
Assistant Counsel
Bureau of Professional
Medical Conduct

FILED

September 30, 1998

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

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

In the Matter of the Suspension or Revocation of the License of:

LOUIS J. CITARELLI, M.D.

To Practice Medicine and Surgery in the State of New Jersey

* * * * *

ORDER OF TEMPORARY LICENSURE SUSPENSION

This matter was reopened before the New Jersey State Board of Medical Examiners (the "Board") upon the filing of a motion by the Attorney General of New Jersey on August 28, 1998, seeking the entry of an Order temporarily suspending the license of respondent Louis J. Citarelli to practice medicine and surgery in the State of New Jersey pending sentencing upon respondent's convictions in the United States District Court of the crimes of conspiracy to commit bribery, bribery, conspiracy to commit mail and wire fraud and conspiracy to defraud the Internal Revenue Service. The Attorney General submitted a brief in support of his motion, and relied, inter alia, upon both a federal indictment and a federal information filed against respondent, and upon the transcript of the guilty plea entered by respondent before United States District Judge Stephen M. Orlofsky on August 14, 1998, to the above specified charges. Respondent submitted a letter brief dated September 8, 1998 in opposition to the Attorney General's application. Thereafter, oral argument on the motion was presented to the Board at a hearing on September 9, 1998. Deputy Attorney General Douglas J. Harper then appeared for complainant Attorney General; Robert J. Conroy, Esq. appeared on behalf of respondent Louis J. Citarelli. No testimony was then offered by or received from either party.

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There is nothing factually in dispute at this time. Respondent has in fact admitted to and pled guilty to having committed four federal criminal offenses. On August 14, 1998, thus, respondent entered guilty pleas to one count of a federal indictment charging him with conspiracy to commit bribery and to three counts of a federal information charging him with bribery, conspiracy to commit mail and wire fraud and conspiracy to defraud the Internal Revenue Service.

With regard to the bribery charges, respondent has admitted that, from in or about 1992 to in or about April 1996, he conspired with Dr. Donato Marucci to pay in excess of \$60,000 in bribe payments to Mr. Louis Monaco, the Workers' Compensation Coordinator of the Newark Board of Education, said payments having been made with the intent to influence and reward Mr. Monaco in connection with the steering of workers' compensation business to respondent and Dr. Marucci and for the purpose of assisting respondent in obtaining payment for medical services provided from the Board of Education. Respondent made bribe payments in cash or by issuing checks payable generally to fictitious payees. The amount of business steered to respondent and Dr. Marucci was sizeable, as evidence demonstrates that respondent received well in excess of \$1,000,000 from the Newark Board of Education as payment for treating workers' compensation injuries that occurred during the time period that respondent paid bribes to Mr. Monaco.

In addition to the paying of bribes to solicit and steer the referral of patients, respondent stands convicted of having engaged in a conspiracy to commit mail and wire fraud and a conspiracy to defraud the Internal Revenue Service. Respondent admitted when entering his guilty plea that he hid over \$200,000 in cash at his residence, for the purpose of hiding monies from his estranged wife during divorce proceedings, and created a sham corporation into which over \$1,000,000

was paid, again for the purpose of hiding assets. Respondent has further admitted that he failed to disclose the hidden cash and monies received through the sham corporation, in a Case Information Statement he filed with the New Jersey Superior Court during his divorce proceedings, and that he thereby submitted a false certification to the Court. Respondent also admitted that he "skimmed" cash from his medical practice corporation and failed to report over \$700,000 in income diverted from his practice corporation and another \$75,000 from another corporation, in returns he filed with the Internal Revenue Service in 1993 and 1994. Respondent concedes that he filed some six false and fraudulent individual and corporate income tax returns with the Internal Revenue Service for tax years 1993 and 1994.

Respondent admitted that his acts were knowing, intentional, and done with knowledge of their illegality. Respondent's admissions were found by Judge Orlofsky to be knowingly and voluntarily made and supported by an independent basis in fact, and based thereon respondent was adjudged guilty of the charges within Count 1 of the federal indictment (conspiracy to commit bribery) and all Counts of the federal information (bribery, conspiracy to commit mail and wire fraud and conspiracy to defraud the IRS).

Respondent's criminal convictions necessarily bespeak corruption and base dishonesty of staggering dimensions. The criminal convictions are indisputably of crimes involving moral turpitude, and respondent's conviction thereof supports a finding that respondent lacks the "good moral character" requisite for medical licensure in the State of New Jersey as a physician.

For purposes of the present application by the Attorney General, however, we are mindful that the sole issue for our determination is whether a finding can be made that respondent's

continued practice, pending sentencing in the United States District Court, presents a clear and imminent danger to the public health, safety and welfare. We unanimously find that it does.

The acts respondent has admitted committing demonstrate a fundamental lack of candor and honesty that, at its root, is inimical to the practice of medicine. Respondent sought to and did influence the referral of patients to his medical practice by crass payment of bribes to a public official. We resoundingly reject respondent's characterization of these bribes as mere gratuities. Respondent knowingly and intentionally submitted false sworn statements, to the New Jersey Courts and the Internal Revenue Service, so as to hide monies presumptively acquired through his medical practice.

We have found in the past, and again find today, that economic misconduct can be a species of wrongdoing that, standing alone (i.e., devoid from any allegations of medical malfeasance), can support the threshold finding of clear and imminent danger necessary to effect a temporary licensure suspension. See I/M/O Manjit Singh, M.D., "Order of Temporary Suspension" filed March 21, 1996. In this case, we find the egregiousness, and magnitude of, respondent's acknowledged misconduct -- namely, the payment of over \$60,000 in bribes, over a four year period, to solicit over one million dollars worth of medical business -- to be sufficient to support just such a finding.

We need not, and do not, however, limit the support for our finding of clear and imminent danger to respondent's having paid bribes, for in this case an independent factual predicate for our finding exists based upon the evidence of respondent's having repeatedly engaged in dishonest and fraudulent actions. Respondent's repeated false swearings -- both to the New Jersey Superior Courts and the Internal Revenue Service -- demonstrate a manifest disregard for the truth so pervasive

that it too forms an independent predicate for a finding of clear and imminent danger to public health, safety and welfare. The public of this state must be assured that those granted the privilege to practice medicine by this Board are individuals of character, who can be trusted to act honestly when providing any medical services to patients, and can be trusted to act honestly in any interactions with government or the judicial system. In this case, we find the pairing of both economic misconduct and dishonesty to be sufficient, independently and in tandem, to support a finding that respondent's continued practice would pose a clear and imminent danger to public health, safety and welfare.

Having found that a palpable demonstration has been made that respondent's continued practice would pose clear and imminent danger, we conclude that the temporary suspension of respondent's medical license is necessary. We thus reject the suggestion made by respondent's counsel that measures could be crafted that would protect the public until plenary proceedings are held in this matter, because we find that respondent's actions are so pervasively and patently corrupt that no measures we could impose could adequately ensure that respondent henceforth will act in an honest or appropriate manner. Given that he has shown himself to be unworthy of the public trust, no measure short of full suspension, which by necessity must be based on faith in respondent's compliance and integrity, would be sufficient. In making the determination to temporarily suspend, we are mindful that respondent's medical license itself was a conduit for and central to the misconduct in which respondent engaged. That is, but for respondent's having a medical license, there would have been no need or opportunity for respondent to have engaged in bribery to obtain patient referrals. We are confident that, by temporarily suspending respondent's license at

this time, we will be acting appropriately to safeguard the public interest and well-being.

Finally, we note our awareness that the sentencing of respondent is anticipated to occur shortly (in November, 1998). Following sentencing, this matter should be brought promptly back to the Board for plenary proceedings.

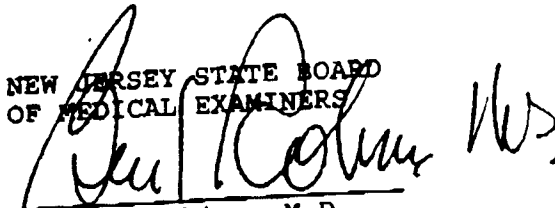
WHEREFORE, it is on this 22 day of Sept, 1998

ORDERED:

1. The license of respondent Louis J. Citarelli to practice medicine and surgery in the State of New Jersey is hereby temporarily suspended. The temporary suspension shall commence at 5:00 p.m. on Friday, September 11, 1998, and remain in place until such time, following imposition of sentencing by the United States District Court, this matter is returned to the Board for plenary proceedings and final disposition.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

By:


 Bernard Robins, M.D.
 Board President