

Public

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

BPMC No. 13-197

IN THE MATTER  
OF  
JOSEPH J. CAROZZA, M.D.  
CO-12-12-6155-A

COMMISSIONER'S  
ORDER  
AND  
NOTICE OF  
REFERRAL  
PROCEEDING

TO: Joseph J. Carozza, M.D.  
REDACTED

Joseph J. Carozza, M.D.  
41 Miller Place  
Merrick, NY 11566

The undersigned, Nirav R. Shah, M.D., M.P.H., Commissioner of Health, pursuant to New York Public Health Law §230, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that **JOSEPH J. CAROZZA, M.D**, Respondent, New York license number 157636, has pleaded guilty to committing an act constituting a felony under federal law; as is more fully set forth in the Statement of Charges attached hereto, and made a part hereof.

It is, therefore:

ORDERED, pursuant to New York Public Health Law §230(12)(b), that effective immediately, **JOSEPH J. CAROZZA, M.D**, shall not practice medicine in the State of New York or in any other jurisdiction where that practice is predicated on a valid New York State license to practice medicine.

**ANY PRACTICE OF MEDICINE IN VIOLATION OF THIS COMMISSIONER'S ORDER SHALL CONSTITUTE PROFESSIONAL MISCONDUCT WITHIN THE MEANING OF NEW YORK EDUCATION LAW §6530(29) AND MAY CONSTITUTE UNAUTHORIZED MEDICAL PRACTICE, A FELONY, DEFINED BY NEW YORK EDUCATION LAW §6512.**

PLEASE TAKE NOTICE that a hearing will be held pursuant to the provisions of New York Public Health Law §230 and New York State Administrative Procedure Act §§301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on the 21<sup>st</sup> day of August, 2013, at 10:30 a.m., at Riverview Center, 150 Broadway, Suite 510, Albany, New York 12204-2719, at the offices of the New York State Health Department and at such other adjourned dates, times, and places as the committee may direct. Respondent may file an answer to the Statement of Charges with the below-named attorney for the Department of Health.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, that is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. Respondent shall appear in person at the hearing and may be represented by counsel who shall be an attorney admitted to practice in New York state. Respondent has the right to produce witnesses and evidence on his behalf, to issue or have subpoenas issued on his behalf for the production of witnesses and documents, and to cross-examine witnesses and examine evidence produced against him. The licensee may file a brief and affidavits with the Committee on Professional Conduct. A summary of the Department of Health Hearing Rules is enclosed. Pursuant to §301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge, a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The hearing will proceed whether or not Respondent appears at the hearing. Scheduled hearing dates are considered dates certain and adjournment requests are not, therefore, routinely granted. Requests for adjournments must be made in writing to the New York State Department of Health, Division of Legal Affairs, Bureau of

Adjudication, Riverview Center, 150 Broadway, Suite 510, Albany, New York 12204-2719, ATTENTION: HON. JAMES F. HORAN, ACTING DIRECTOR, BUREAU OF ADJUDICATION, and by telephone (518-402-0748), upon notice to the attorney for the Department of Health whose name appears below, at least five days prior to the scheduled hearing date. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation.

At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and, in the event any of the charges are sustained, a determination of the penalty or sanction to be imposed or appropriate action to be taken. Such determination may be reviewed by the administrative review board for professional medical conduct.

**THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE 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  
*June 20*, 2013

REDACTED

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Nirav R. Shah, M.D., M.P.H.  
Commissioner of Health  
New York State Department of Health

Inquires should be addressed to:

Joel E. Abelove  
Associate Counsel  
Bureau of Professional Medical Conduct  
Corning Tower – Room 2512  
Empire State Plaza  
Albany, New York 12237  
(518) 473-4282

STATE OF NEW YORK

DEPARTMENT OF HEALTH

STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER  
OF  
JOSEPH J. CAROZZA, M.D.  
CO-12-12-6155-A

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STATEMENT  
OF  
CHARGES

JOSEPH J. CAROZZA, M.D., Respondent, was authorized to practice medicine in New York state on March 12, 1984, by the issuance of license number 157636 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about March 26, 2013, in the United States District Court, Northern District of California, Respondent was found guilty, based on a verdict of guilty, of Conspiracy to Distribute or to Possess with Intent to Distribute a Schedule III or IV Controlled Substance by Means of a Prescription Issued by a Physician Not for a Legitimate Medical Purpose and not in the Usual Course of Professional Practice, in violation of 21 U.S.C. § 846, and Distributing, or Possessing with Intent to Distribute Phentermine, a Schedule IV Controlled Substance, by Means of a Prescription Issued by a Physician Not For a Legitimate Medical Purpose and Not In the Usual Course of Professional Practice, in violation of 21 U.S.C. § 841, and was sentenced to 30 months in prison, 3 years supervised release, \$467,000.00 in a money judgment, and \$200.00 in fees.

**FIRST SPECIFICATION**

Respondent violated New York Education Law §6530(9)(a)(ii) by being convicted of committing an act constituting a crime under federal law, in that Petitioner charges:

1. The facts in Paragraph A.

DATED: *June 13*, 2013  
Albany, New York

REDACTED  
\_\_\_\_\_  
MICHAEL A. HISER  
Acting Deputy Counsel  
Bureau of Professional Medical Conduct

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

THE HONORABLE CHARLES R. BREYER  
Courtroom Clerk: Barbara Espinoza

CRIMINAL MINUTES

Time: 34 minutes

**FILED**

Date: March 26, 2013

MAR 26 2013

Reporter: Sarah Goekler

Case No: CR-10-00642-6 CRB

DEFT: JOSEPH CAROZZA  
(X)Present

RICHARD W. WIEKING  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

AUSA: Kristin Ault, Thomas Stevens  
Tracie Brown

DEF ATTY: Josh Cohen

USPO: Charlie Mable, Patrick McFate

REASON FOR HEARING Sentencing/Forfeiture Hearing

RESULT Defendant sentenced to thirty(30) months. Court recommends defendant be housed at FCI in Fort Dix, New Jersey or in a facility nearest New Jersey. Self Surrender in sixty days (May 28, 2013). Notice of Appeal filed within ten days.

Motions (if any) to be filed no later than \_\_\_\_\_  
Motions to be noticed to be heard no later than \_\_\_\_\_ otherwise, they will be deemed to be waived.

Case Continued to \_\_\_\_\_ for \_\_\_\_\_

Defendant remanded to custody

JUDGMENT thirty(30) months on counts one and two with each term to be served concurrent upon release to three(3) years supervised release under the standard and additional conditions imposed by this court. Assessment: \$200; Fine: waived; Forfeiture: money judgment of \$467,000 and any interest in property listed in Exhibit 1 (exhibit 1 to be filed under seal).

Notes: \_\_\_\_\_  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHRISTOPHER NAPOLI,  
DANIEL JOHNSON, and  
JOSEPH CAROZZA,

Defendants.

No. CR 10-0642 CRB

VERDICT

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1 **COUNT ONE**

2 I. We, the Jury in the above entitled case, unanimously find the defendant,  
3 CHRISTOPHER NAPOLI, Guilty of conspiracy to distribute  
4 or to possess with intent to distribute a Schedule III or IV controlled substance by means  
5 of a prescription issued by a physician not for a legitimate medical purpose and not in the  
6 usual course of professional practice, as charged in Count One of the indictment.

7  
8 *If you have found the defendant CHRISTOPHER NAPOLI not guilty of Count One,*  
9 *you do not need to answer question 1a and may proceed to question number 2. If you*  
10 *have found the defendant CHRISTOPHER NAPOLI guilty of Count One, then please*  
11 *answer the following question 1a:*

12 1.a. We, the Jury in the above-entitled case, unanimously find that the offense  
13 charged in Count One of the indictment involved (check all that apply):

- 14  a Schedule III controlled substance;  
15  a Schedule IV controlled substance.

16  
17 2. We, the Jury in the above entitled case, unanimously find the defendant,  
18 DANIEL JOHNSON, Guilty of conspiracy to distribute  
19 or to possess with intent to distribute a Schedule III or IV controlled substance by means  
20 of a prescription issued by a physician not for a legitimate medical purpose and not in the  
21 usual course of professional practice, as charged in Count One of the indictment.

22 *If you have found the defendant DANIEL JOHNSON not guilty of Count One, you*  
23 *do not need to answer question 2a and may proceed to question number 3. If you have*  
24 *found the defendant DANIEL JOHNSON guilty of Count One, then please answer the*  
25 *following question 2a:*

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VERDICT

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2.a. We, the Jury in the above-entitled case, unanimously find that the offense charged in Count One of the indictment involved (check all that apply):

- a Schedule III controlled substance;
- a Schedule IV controlled substance.

3. We, the Jury in the above entitled case, unanimously find the defendant, JOSEPH CAROZZA, Guilty of conspiracy to distribute or to possess with intent to distribute a Schedule III or IV controlled substance by means of a prescription issued by a physician not for a legitimate medical purpose and not in the usual course of professional practice, as charged in Count One of the indictment.

*If you have found the defendant JOSEPH CAROZZA not guilty of Count One, you do not need to answer question 3a and may proceed to question number 4. If you have found the defendant JOSEPH CAROZZA guilty of Count One, then please answer the following question 3a:*

3.a. We, the Jury in the above-entitled case, unanimously find that the offense charged in Count One of the indictment involved (check all that apply):

- a Schedule III controlled substance;
- a Schedule IV controlled substance.

**COUNT TWO**

4. We, the Jury in the above entitled case, unanimously find the defendant, CHRISTOPHER NAPOLI, Guilty of distributing, or possessing with intent to distribute phentermine, a Schedule IV controlled substance, by means of a prescription issued by a physician not for a legitimate medical purpose and not in the usual course of professional practice, as charged in Count Two of the indictment.

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VERDICT 3

1 5. We, the Jury in the above entitled case, unanimously find the defendant,  
2 DANIEL JOHNSON, Guilty, of distributing, or possessing  
3 with intent to distribute phentermine, a Schedule IV controlled substance, by means of a  
4 prescription issued by a physician not for a legitimate medical purpose and not in the  
5 usual course of professional practice, as charged in Count Two of the indictment.

6  
7 6. We, the Jury in the above entitled case, unanimously find the defendant,  
8 JOSEPH CAROZZA, Guilty, of distributing, or possessing  
9 with intent to distribute phentermine, a Schedule IV controlled substance, by means of a  
10 prescription issued by a physician not for a legitimate medical purpose and not in the  
11 usual course of professional practice, as charged in Count Two of the indictment.

12  
13 **COUNT THREE**

14 7. We, the Jury in the above entitled case, unanimously find the defendant,  
15 CHRISTOPHER NAPOLI, Guilty, of conspiracy to launder money,  
16 as charged in Count Three of the indictment.

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18 8. We, the Jury in the above entitled case, unanimously find the defendant,  
19 DANIEL JOHNSON, Guilty, of conspiracy to launder money,  
20 as charged in Count Three of the indictment.

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24 DATED: November 15, 2012

REDACTED  
FOREPERSON

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VERDICT

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