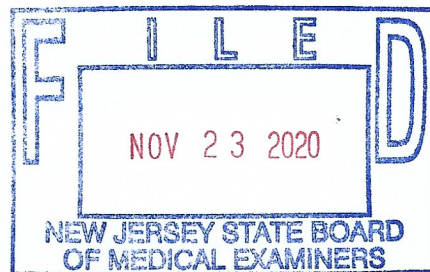


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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS

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

ALEXANDRU BURDUCEA, D.O. :
LICENSE NO. 25MB09760400 :

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 ("Board") upon receipt of information that on or about March 15, 2017, the U.S. District Court, Southern District of New York, indicted Alexandru Burducea, D.O. ("Respondent") License No. 25MB09760400 on the following counts: (1) Conspiracy to Violate the Anti-Kickback Statute, pursuant to 18 U.S.C. § 371; (2) Violation of the Anti-Kickback Statute, pursuant to 42 U.S.C § 1320; (3) Conspiracy to Commit Honest Services Wire Fraud, pursuant to 18 U.S.C. § 1349; (4) False Statements, pursuant to 18 U.S.C. § 1001; and (5) Wrongful Disclosure of Individually Identifiable Health Information, pursuant to 42 U.S.C. § 1320.

The Board issued Respondent a license to practice medicine and surgery in the State of New Jersey on August 13, 2015. Respondent's license expired on June 30, 2019.

On or about February 14, 2019, Respondent pled guilty to Conspiracy to Violate the Anti-Kickback Statute, a felony, pursuant to 18 U.S.C. § 371 before the U.S. District Court, Southern District of New York. Respondent admitted that from on or about December 2014 through June 2015, he knowingly and willfully agreed with employees of the drug company Insys Therapeutics ("Insys") to accept payments from the company for being a speaker in the company's speaker education programs knowing that the payments were intended to influence him to prescribe the company's drug Subsys to his patients.¹ Respondent further admitted that the money he received from Insys was a factor in his decision to prescribe Subsys to his patients.

On or about January 27, 2020, Respondent was sentenced to fifty-seven months in custody. During his sentencing hearing, new information came to light that Respondent cheated on the examination required for him to be permitted to prescribe Subsys by using an answer key that was provided by his girlfriend, now wife, who was an Insys sales representative. Respondent also lied to the hospitals

¹ Subsys is a highly addictive, rapid acting, fentanyl spray approved by the FDA only for breakthrough pain in opioid tolerant cancer patients.

with which he was affiliated and to Federal Bureau of Investigation agents certifying that he had no relationship with any outside entities' speaker programs. He further tried to conceal that his then girlfriend, now wife, was an Insys sales representative and therefore, he had a stake in increasing her commissions through his Subsys prescribing. Respondent also pretended to be patients and posted false patient reviews online for two doctors who had fired him after his arrest.

Based upon the admissions contained in his plea and the information presented at the sentencing, the Board finds that Respondent engaged in gross negligence and repeated acts of negligence, repeated professional misconduct, indiscriminate prescribing of CDS, and acts constituting crimes of moral turpitude and crimes which relate adversely to the practice of medicine, in violation of N.J.S.A. 45:1-21 (c), (d), (e), (f), (m), and (h), specifically N.J.A.C. 13:35-6.17(c).

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 Order and understands their meaning and effect and consents to be bound by same and has availed himself of the advice of counsel, and the Board finding that the within Order is adequately protective of the public health, safety, and welfare; and it appearing that good cause exists for entry of the within Order;

IT IS, therefore, on this 30 day of October, 2020,

ORDERED AND AGREED THAT:

1. The license of Respondent Alexandru Burducea, D.O. to practice medicine and surgery in the State of New Jersey is hereby revoked, effective immediately.

2. Respondent shall be ineligible to apply for or obtain a license to practice medicine and surgery in the State of New Jersey for a period of five years beginning on February 13, 2020. Notwithstanding the term of ineligibility set forth herein, in no instance shall Respondent be granted a license during any period of incarceration or any period that Respondent is under the conditions of a criminal sentence such as probation, supervised release, and/or a fine payment plan. Additionally, the period of ineligibility will be tolled for any length of time that Respondent practices in another jurisdiction.

3. Prior to Board consideration of any reapplication for licensure, Respondent shall appear before the Board or a committee thereof to discuss his readiness to reenter the practice of medicine. At that time, Respondent shall be prepared to propose his plans for future practice in New Jersey and demonstrate evidence of rehabilitation to the Board's satisfaction. At this appearance, the burden shall be on Respondent to demonstrate fitness and competency. The Board reserves the right to impose such conditions and

restrictions as it deems appropriate should any application by Respondent for licensure be granted.

4. Respondent is hereby assessed a monetary penalty in the amount of \$15,000. For any costs not paid in full within ten days of the entry of this Order, a Certificate of Debt shall be filed pursuant to N.J.S.A. 45:1-24 to protect the judgment.

5. In addition, but not in lieu of the filing of the Certificate of Debt, the Board will allow the costs to be paid in 36 equal monthly installments of \$416.67 through October 2023. Each payment shall be due on the first business day of each month, commencing November 1, 2020. In the event that a monthly payment is not received within five days of its due date, the entire balance shall become due and owing. Respondent may prepay at any time. Interest on all financial assessments shall accrue in accordance with Rule of Court 4:42-11. All payments shall be made by certified bank check, certified check, credit card, wire transfer or money order, payable to the State of New Jersey and forwarded to the attention of William Roeder, Executive Director, Board of Medical Examiners, 140 East Front Street, 2nd Floor, Trenton, New Jersey 08609. Any payment in a form other than those noted in this Paragraph will be rejected and returned to the party making payment.

6. Respondent shall not have any patient contact at any location and shall not render medical care, including the issuance of any prescription for, or dispensation of, medications of any

kind, including but not limited to transmucosal immediate release fentanyl.

7. Respondent shall not charge, receive or share in any fee for professional services rendered by him or others. Respondent shall be permitted to collect accounts receivable with respect to professional services that he rendered prior to the date of the filing of this Order.

8. Respondent shall not enter the premises of his former medical practice and/or places of employment when patients may be present.

9. If he has not already done so, Respondent shall immediately return his original New Jersey license to practice medicine to William V. Roeder, Executive Director, State Board of Medical Examiners, 140 East Front Street, P.O. Box 183, Trenton, New Jersey 08625.

10. 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, Enforcement Bureau Drug Control Unit, P.O. Box 45045, Newark, New Jersey 07101.

11. Respondent shall comply with N.J.A.C. 13:35-6.5(h), the Board regulation for practice closure. Respondent shall notify

William V. Roeder, Executive Director, State Board of Medical Examiners as to where his patient records are secured, and how patients may obtain them.

12. Respondent shall divest himself from any current and future financial interest in or benefit derived from the practice of medicine.

13. Respondent shall be precluded from managing, overseeing, supervising or influencing the practice of medicine or provision of healthcare activities, including by testifying as an expert witness, in the State of New Jersey.

14. Respondent shall comply with the 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 attached hereto and incorporated herein.

15. Failure to comply with any provision of this Order will result in subsequent disciplinary proceedings for failure to comply with an Order of the Board.

15. The parties hereby stipulate that entry of this Order is without prejudice to further action or investigation by 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 the entry of this Order.

STATE BOARD OF ~~MEDICAL~~ EXAMINERS

BY: ~~METZGER, Scott E., M.D.~~

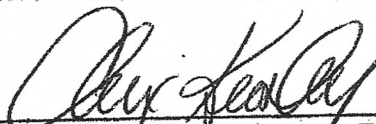
Scott E. Metzger, M.D.
Board President

I have read and understood the within Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.


Alexandru Burducea, D.O.

10/30/2020
Date

Consent is hereby given as to the form and entry of this Order.


By: Alex Keoskey Esq.

11/2/2020
Date

Attorney for Respondent
Alexandru Burducea, M.D.