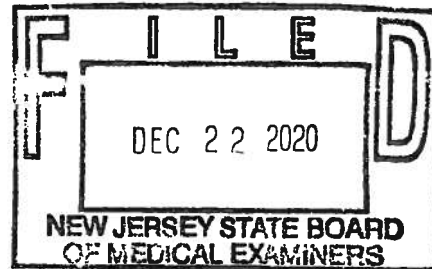


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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE UNLICENSED
PRACTICE OF MEDICINE OF

ERIC J. SAUER
(UNLICENSED)

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Medical Examiners ("Board") on receipt of information that Eric J. Sauer (unlicensed) ("Respondent") is engaging in the unlicensed practice of medicine in violation of N.J.S.A. 45:1-18.2.

On June 27, 2019, an investigator with the New Jersey Division of Consumer Affairs, Enforcement Bureau, conducted an

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undercover investigation. During that investigation, Respondent allegedly referred to himself as a "Doctor" and conducted a paid consultation with the investigator. During this consultation, Respondent, among other things, allegedly advised the investigator to stop taking her doctor prescribed medications and instead take his vitamin supplements and enzyme supplements.

On February 26, 2020, Respondent appeared before a Preliminary Evaluation Committee ("PEC") to discuss concerns that he was engaging in the unlicensed practice of medicine. During his appearance, Respondent admitted to utilizing the titles "Dr.", "NMD", and "Naturopathic Physician" on his website prior to the PEC and referring to himself as a "naturopathic physician" in consultations. Respondent also admitted to utilizing the tile "NMD" and "Naturopathic Physician" in his practice. During his appearance, Respondent further admitted to reviewing bloodwork in his practice, and recommending over the counter saliva tests. Furthermore, Respondent admitted to counseling patients to take vitamin supplements and enzyme supplements.

Respondent also testified at the PEC that he recommends that patients consult with their physician after conducting the Medication Therapy Management ("MTM"). He also testified that he does not diagnose medical conditions or prescribe medications.

Subsequent to his appearance before the PEC, Mr. Sauer began the process of modifying his website to address concerns the Board may have.

On April 9, 2020, a second undercover was conducted, in which the same undercover investigator, again posing as a patient, had a phone consultation with Respondent regarding prophylactic treatment for COVID-19. During this phone call, Respondent allegedly discussed treatment options for both healthy individuals and individuals symptomatic for COVID-19. Notably, Respondent allegedly did not recommend that the symptomatic individual seek medical care from a licensed physician.

On or around June 26, 2020, the Attorney General filed a Motion to Proceed Summarily and Verified Complaint before the Board alleging that Respondent is engaging in numerous acts constituting the unlicensed practice of medicine. This includes, but is not limited to, utilizing titles that indicate that he practices medicine or surgery and engaging in numerous activities that constitute the practice of medicine. These activities include, but are not limited to, instructing patients to take his vitamin and enzyme supplements and to stop taking doctor prescribed medications, reviewing and interpreting clinical and laboratory tests such as blood tests, and

instructing patients to adhere to special diets that he claimed would help address physical symptoms.

Respondent is not and has never been licensed as a medical doctor in the State of New Jersey.

The Board finds that Respondent engaged in and held himself out as engaging in the practice of medicine and surgery in the State of New Jersey without a valid medical license in violation of N.J.S.A. 45:1-18.1 to -18.2, N.J.S.A. 45:9-6 and N.J.S.A. 45:9-22.

Respondent denies the allegations against him and contests the testimony of the investigator.

The parties being desirous of entering into a final resolution of this matter, 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 the Board finding that the within disposition is adequately protective of the public health, safety and welfare, and for good cause shown,

IT IS, therefore on this 22nd day of December 2020,

ORDERED AND AGREED THAT:

1. Respondent shall immediately cease and desist from utilizing titles that imply he is, or that designate or refer to him as, a practitioner of medicine or surgery as defined in N.J.S.A. 45:9-18. This includes, but is not limited to, "Dr.", "Doctor", "Naturopathic Physician", "NMD", "Naturopathic Medical

Doctor", or any other title implying the ability to practice medicine or any alternative form of medicine, including, but not limited to, naturopathic medicine. This bar shall continue unless and until Respondent fulfills the appropriate requirements to use any of the above referenced titles under the appropriate state laws.

2. Respondent shall immediately cease and desist from engaging in conduct that may be construed by a reasonable person as holding himself out to the public as a medical doctor and/or a doctor of alternative medicine as defined by N.J.S.A. 45:9-5.1 and N.J.S.A. 45:9-18.

3. Respondent shall engage in the ordering, performing, or interpretation of clinical or laboratory tests, including, but not limited to, blood tests only pursuant to a "collaborative drug therapy management" agreement as defined in N.J.S.A. 45:14-41 and N.J.A.C. 13:39-13.1 to 13.9.

4. Respondent shall cease and desist instructing patients to stop taking their prescribed medication(s), or instructing and/or advising them to take non-identical substitutes. Nothing in this provision shall be interpreted to limit Respondent from fulfilling his obligations as a pharmacist under N.J.S.A. 45:14-1 to 82.1 and N.J.A.C. 13:39-1 to -13.9."

5. Respondent shall cease and desist from advising patients to take over-the-counter remedies to address any medical issue

or resolve any physical symptoms without advising the patient to see their physician before starting any over-the-counter remedies. Over-the-counter remedies include, but are not limited to, vitamin supplements and enzyme supplements.

6. Respondent agrees to advise patients who consult with him that Respondent is not a licensed physician.

7. Respondent shall not engage in any acts that constitute the practice of dietetics and nutrition, as defined by N.J.S.A. 45:16B-1 to -15.

8. All writings by Respondent, including all digital media, discussing any health related issue shall contain a disclaimer that Respondent is not a licensed physician.

9. Respondent shall pay civil penalties for practicing medicine without being licensed in violation of N.J.S.A. 45:9-6, N.J.S.A. 45:9-5.1, and N.J.S.A. 45:1-18.2 in the amount of thirty thousand dollars (\$30,000). This penalty shall be stayed in its entirety. In the event Respondent violates any of the terms of this Order, the penalties described in this paragraph shall be due and owing.

10. Respondent shall reimburse the Board for its investigation costs totaling \$29,880 pursuant to N.J.S.A. 45:1-25(d).

11. Respondent shall satisfy the full amount owed of \$29,880 no later than three years from the filed date of this

Order. All payments shall be made by bank check, money order, wire transfer or credit card payable to the State of New Jersey, and forwarded to William Roeder, Executive Director, New Jersey Board of Medical Examiners, P.O. Box 183, Trenton, NJ 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.

12. A Certificate of Debt reflecting the \$29,880 currently due and owing shall be filed with the New Jersey Superior Court.

13. In addition but not in lieu of the filing of the Certificate of Debt, Respondent shall pay the full amount owed in equal monthly installments of \$830.00 over the course of thirty-six months. Each payment shall be due on the first business day of each month, commencing on January 1, 2021. 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, or make monthly payments in excess of \$830, at any time. Interest shall apply to any financial assessments assessed due to untimely payments and shall accrue in accordance with Rule of Court 4:42-11.

14. Nothing in this Order shall be construed to prevent Respondent from engaging in the practice of pharmacy as described in N.J.S.A. 45:14-1 to 82.1 and N.J.A.C. 13:39-1 to -13.9.

15. The entry of this Order is without prejudice to further action by this Board or any other professional board in the State of New Jersey, the Attorney General, the Drug Control Unit, the Director of the Division of Consumer Affairs or any other law enforcement entity resulting from Respondent's conduct prior to the entry of this Order.

16. The Board shall retain jurisdiction to enforce the terms of this Order. Upon receipt of any reliable information indicating, that Respondent has violated any term of this Order, the Board reserves the right to bring further disciplinary action.


NEW JERSEY STATE BOARD OF MEDICAL
EXAMINERS



BY:

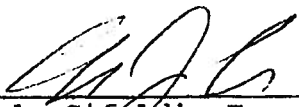
~~SCOTT METZGER, M.D.~~
SCOTT METZGER, M.D.
Board President

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:

 RPH
Eric Sauer, RP.H

12-18-2020
Date

Consent as to form:



Angelo Cifaldi, Esq.
Attorney for Respondent

12/18/2020

Date

**NOTICE OF REPORTING PRACTICES OF BOARD
REGARDING DISCIPLINARY ORDERS/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://www.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 with which a licensee is affiliated and every other board licensee 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.