

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **JOSEPH A. DE CORSO, M.D**

4 Holder of License No. 37087
5 For the Practice of Medicine
6 In the State of Arizona.

Case No. MD-19-0568A

**ORDER FOR SURRENDER OF
LICENSE AND CONSENT TO THE
SAME**

7 Joseph A. De Corso, M.D. ("Respondent"), elects to permanently waive any right to
8 a hearing and appeal with respect to this Order for Surrender of License; admits the
9 jurisdiction of the Arizona Medical Board ("Board") as well as the facts stated herein; and
10 consents to the entry of this Order by the Board.

11 **FINDINGS OF FACT**

12 1. The Board is the duly constituted authority for the regulation and control of
13 the practice of allopathic medicine in the State of Arizona.

14 2. Respondent is the holder of license number 37087 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-19-0568A after receiving notification
17 that Respondent had been charged in a federal criminal case regarding alleged conspiracy
18 to commit health care fraud.

19 4. On or about April 5, 2019, Respondent was indicted for conspiracy to commit
20 health care fraud, and health care fraud in the United States District Court for the District
21 of New Jersey in case 19-CR-249-PGS. The indictment alleged that Respondent was part
22 of a scheme to defraud Medicare by writing medically unnecessary orders for durable
23 medical equipment, prosthetics, orthotics, and supplies, in many instances without
24 speaking to the patients, while working for two telemedicine companies. The charges
25 revolved around an alleged scheme involving the payment of illegal kickbacks and bribes
by durable medical equipment companies in exchange for the referral of Medicare

1 beneficiaries by medical professionals working with fraudulent telemedicine companies for
2 back, shoulder, wrist and knee braces that were medically unnecessary.

3 5. On September 12, 2019, Respondent entered a plea of guilty to one count of
4 conspiracy to commit health care fraud in violation of 18 U.S.C. §1349. The terms of the
5 agreement require Respondent's forfeiture of \$209,445.00 and payment of restitution in
6 the amount of \$7,180,131.57.

7 6. Respondent failed to notify the Board regarding the indictment within 10 days
8 as required by statute.

9 7. Respondent requests surrender of licensure.

10 **CONCLUSIONS OF LAW**

11 1. The Board possesses jurisdiction over the subject matter hereof and over
12 Respondent.

13 2. The conduct and circumstances described above constitute unprofessional
14 conduct pursuant to A.R.S. § 32-1401(27)(a) ("Violating any federal or state laws or rules
15 and regulations applicable to the practice of medicine."). Specifically, Respondent's
16 conduct violated A.R.S. § 32-3208(A) ("A health professional who has been charged with a
17 misdemeanor involving conduct that may affect patient safety or a felony after receiving or
18 renewing a license or certificate must notify the health professional's regulatory board in
19 writing within ten working days after the charge is filed.") and 18 U.S.C. § 1349 ("Any
20 person who attempts or conspires to commit any offense under this chapter shall be
21 subject to the same penalties as those prescribed for the offense, the commission of which
22 was the object of the attempt or conspiracy.").

23 3. The conduct and circumstances described above constitute unprofessional
24 conduct pursuant to A.R.S. § 32-1401(27)(d) ("Committing a felony, whether or not
25 involving moral turpitude, or a misdemeanor involving moral turpitude. In either case,

1 conviction by any court of competent jurisdiction or a plea of no contest is conclusive
2 evidence of the commission.”).

3 4. The conduct and circumstances described above constitute unprofessional
4 conduct pursuant to A.R.S. § 32-1401(27)(e) (“Failing or refusing to maintain adequate
5 records on a patient.”).

6 5. The conduct and circumstances described above constitute unprofessional
7 conduct pursuant to A.R.S. § 32-1401(27)(r) (“Committing any conduct or practice that is
8 or might be harmful or dangerous to the health of the patient or the public.”).

9 6. The conduct and circumstances described above constitute unprofessional
10 conduct pursuant to A.R.S. § 32-1401(27)(u) (“Knowingly making any false or fraudulent
11 statement, written or oral, in connection with the practice of medicine or if applying for
12 privileges or renewing an application for privileges at a health care institution.”).

13 7. The conduct and circumstances described above constitute unprofessional
14 conduct pursuant to A.R.S. § 32-1401(27)(v) (“Charging a fee for services not rendered or
15 dividing a professional fee for patient referrals among health care providers or health care
16 institutions or between these providers and institutions or a contractual arrangement that
17 has the same effect.”).

18 8. The conduct and circumstances described above constitute unprofessional
19 conduct pursuant to A.R.S. § 32-1401(27)(w) (“Obtaining a fee by fraud, deceit or
20 misrepresentation.”).

21 9. The conduct and circumstances described above constitute unprofessional
22 conduct pursuant to A.R.S. § 32-1401(27)(tt) (“Prescribing, dispensing or furnishing a
23 prescription medication or a prescription-only device as defined in section 32-1901 to a
24 person unless the licensee first conducts a physical examination of that person or has
25 previously established a doctor- patient relationship. The physical or mental health status

1 examination may be conducted during a real-time telemedicine encounter with audio and
2 video capability, unless the examination is for the purpose of obtaining a written
3 certification from the physician for the purposes of title 36, chapter 28.1.”).

4 10. The Board possesses statutory authority to enter into a consent agreement
5 with a physician and accept the surrender of an active license from a physician who
6 admits to having committed an act of unprofessional conduct. A.R.S. § 32-1451(T)(2).

7 **ORDER**

8 IT IS HEREBY ORDERED THAT Respondent immediately surrender License
9 Number 37087, issued to Joseph A. De Corso, M.D., for the practice of allopathic
10 medicine in the State of Arizona, and return his certificate of licensure to the Board.

11 DATED and effective this 2nd day of December, 2021.

12
13 ARIZONA MEDICAL BOARD

14 By: Patricia E. McSorley
15 Patricia E. McSorley
16 Executive Director

17 **CONSENT TO ENTRY OF ORDER**

18 1. Respondent has read and understands this Consent Agreement and the
19 stipulated Findings of Fact, Conclusions of Law and Order (“Order”). Respondent
20 acknowledges he has the right to consult with legal counsel regarding this matter.

21 2. Respondent acknowledges and agrees that this Order is entered into freely
22 and voluntarily and that no promise was made or coercion used to induce such entry.

23 3. By consenting to this Order, Respondent voluntarily relinquishes any rights
24 to a hearing or judicial review in state or federal court on the matters alleged, or to
25 challenge this Order in its entirety as issued by the Board, and waives any other cause of
action related thereto or arising from said Order.

1 4. The Order is not effective until approved by the Board and signed by its
2 Executive Director.

3 5. All admissions made by Respondent in this Order are solely for final
4 disposition of this matter and any subsequent related administrative proceedings or civil
5 litigation involving the Board and Respondent. Therefore, said admissions by Respondent
6 are not intended or made for any other use, such as in the context of another state or
7 federal government regulatory agency proceeding, civil or criminal court proceeding, in the
8 State of Arizona or any other state or federal court.

9 6. Notwithstanding any language in this Order, this Order does not preclude in
10 any way any other State agency or officer or political subdivision of this state from
11 instituting proceedings, investigating claims, or taking legal action as may be appropriate
12 now or in the future relating to this matter or other matters concerning Respondent,
13 including but not limited to, violations of Arizona's Consumer Fraud Act. Respondent
14 acknowledges that, other than with respect to the Board, this Order makes no
15 representations, implied or otherwise, about the views or intended actions of any other
16 state agency or officer or political subdivisions of the State relating to this matter or other
17 matters concerning Respondent.

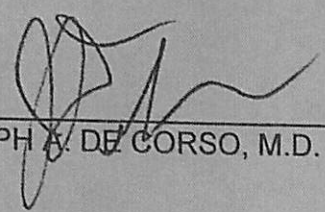
18 7. Upon signing this agreement, and returning this document (or a copy
19 thereof) to the Board's Executive Director, Respondent may not revoke the consent to the
20 entry of the Order. Respondent may not make any modifications to the document. Any
21 modifications to this original document are ineffective and void unless mutually approved
22 by the parties.

23 8. This Order is a public record that will be publicly disseminated as a formal
24 disciplinary action of the Board and will be reported to the National Practitioner's Data
25 Bank and on the Board's web site as a disciplinary action.

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2 disciplinary action of the Board and will be reported to the National Practitioner's Data
3 Bank and on the Board's web site as a disciplinary action.

4 9. If the Board does not adopt this Order, Respondent will not assert as a
5 defense that the Board's consideration of the Order constitutes bias, prejudice,
6 prejudgment or other similar defense.

7 10. **Respondent has read and understands the terms of this agreement.**

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10 _____
11 JOSEPH A. DE CORSO, M.D.

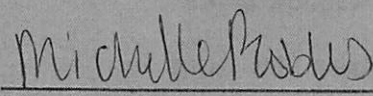
Dated: 11/23/21

12 EXECUTED COPY of the foregoing mailed by
13 US Mail this 2nd day of December, 2021 to:

14 Joseph A. De Corso, M.D.
15 Address of Record

16 ORIGINAL of the foregoing filed this
17 2nd day of December, 2021 with:

18 The Arizona Medical Board
19 1740 West Adams, Suite 4000
20 Phoenix, Arizona 85007

21 
22 _____
23 Board staff