

*Kavayee Singh*

**BEFORE THE DELAWARE BOARD OF MEDICAL LICENSURE AND DISCIPLINE**

IN RE: ROGER H. COLETTI, M.D. )

)

Case No.: 10-61-18

)

LICENSE NO.: C1-0008367 )

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**ORDER**

WHEREAS, the Board of Medical Licensure and Discipline has reviewed this matter;

and

WHEREAS, the Board of Medical Licensure and Discipline approves the Consent

Agreement of the parties and intends to enter it as an Order of the Board;

IT IS HEREBY ORDERED this 2nd day of April, 2019

*Shona Williams-Mayo*

*Mary C. Lomas*

*[Signature]*

*[Signature]*

*J. Smith*

*R. Kahan*

*M. Richard*

*[Signature]*

*Madeline M. Hollins*

*Melissa M. Warner*

*[Signature]*

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	)	<b>Case No.: 10-61-18</b>
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**CONSENT AGREEMENT**

A written Complaint (“Complaint”) has been filed with the Delaware Board of Medical Licensure and Discipline (“Board”) alleging that Roger H. Coletti, (“Respondent”) a licensed physician in the State of Delaware, engaged in conduct that constitutes grounds for discipline pursuant to Delaware’s *Medical Practice Act* (24 Del. C. Ch. 17).

The State of Delaware, by the undersigned Deputy Attorney General, and Respondent submit this Consent Agreement for approval by the Board to resolve the pending administrative prosecution against Respondent pursuant to 24 Del. C. Ch. 17 and 29 Del. C. Ch. 101.

**IT IS UNDERSTOOD AND AGREED THAT:**

1. Respondent’s license, number C1-0002367, was issued in 2007 and is active.
2. Respondent was licensed to practice in the State of New Jersey, license number 25MA04224300 until that license was permanently revoked.
3. The New Jersey State Board of Medical Examiners (“New Jersey Board”) opened a disciplinary case against Respondent after he entered a conditional plea of guilty to one count of insurance fraud.
4. To resolve the disciplinary matter, on or about January 2, 2018, the New Jersey Board entered an order accepting a Consent Agreement (“New Jersey Order”) of the parties wherein Respondent was granted leave to immediately retire from the practice of medicine and surgery in the State of New Jersey, with such retirement deemed to be a permanent revocation.
5. The New Jersey Order states that in connection with his criminal plea in New Jersey, “Respondent specifically admitted that between on or about April 12, 2006 and on or about

October 28, 2011, he entrusted billing duties to individuals in his office who were not properly trained to perform that function. Respondent further admitted that he was aware of a high probability that in so entrusting those billing duties to individuals who were not properly trained to perform that function, he would cause to be made five misleading statements of material fact in bills submitted to an insurance carrier of more than \$1,000. Respondent further admitted that, in connection with the above instances, three TIN numbers were used for certain of the same billing for the same patients on the same day for services rendered.”

6. In addition to the permanent revocation of his license, the New Jersey Order prohibits Respondent from reapplying for a New Jersey medical license or controlled substance registration and requires him to pay the cost of investigation, among other conditions.

7. Respondent violated 24 *Del. C.* § 1731(b)(2) as he engaged in conduct that constitutes a crime substantially related to the practice of medicine pursuant to Board Rule 15.

8. Respondent violated 24 *Del. C.* § 1731(b)(19) in that disciplinary action has been taken against him by the regulatory authority in another state, namely the New Jersey State Board of Medical Examiners.

9. Respondent admits that the allegations set forth in paragraphs one (1) through eight (8) above are true and correct.

10. Respondent represents that he retired the portion of his medical practice involving the regular treatment of patients, but continues to use his medical license for clinical research (sometimes involving patients, but not billing). Respondent also occasionally works as an independent contractor to review medical records or to fill-in for a fellow physician on an “as needed” basis to observe patients receiving infusions.

11. Respondent represents that he currently does not bill patients, private insurers, or government insurers for his medical services.

12. Respondent and the State propose that the Board impose the following as an administrative sanction for this conduct:

- a. Respondent's license shall be placed on probation for a period of one year from the date the Board enters this Consent Agreement as an Order;
- b. Within 60 days of the Board's Order, Respondent shall pay a fine in the amount of \$3,000.00 payable to the State of Delaware and mailed to the Division of Professional Regulation, Delaware Board of Medical Licensure and Discipline, Cannon Building, Suite 203, 861 Silver Lake Boulevard, Dover, Delaware 19904;
- c. During the probationary period, Respondent shall not bill patients, private insurers, or government insurers for his medical services;
- d. Upon completion of the one-year probationary period, Respondent may petition the Board to lift the probation provided that he has paid the fine and certifies to the Board that his medical practice does not include billing patients, private insurers, or government insurers for services; and
- e. Upon completion of the one-year probationary period, should Respondent seek to bill patients or insurers for his medical services, Respondent shall first notify the Board. Upon such notification from Respondent, the Board retains jurisdiction for the purposes of determining whether any additional education, auditing, or other conditions or restrictions on Respondent's license are necessary to protect the public.

13. The parties to this Consent Agreement are the State of Delaware and Respondent.

14. The parties agree and acknowledge nothing contained in this Consent Agreement shall affect any rights or interests of any person not a party to this Consent Agreement.

15. Respondent acknowledges he is waiving his rights under 24 *Del. C.* Ch. 17 and 29 *Del. C.*

Ch. 101 to a hearing before the Board prior to the imposition of disciplinary sanctions.

16. Respondent acknowledges and agrees he has carefully read and understands this Consent Agreement, and is entering into this Consent Agreement freely, knowingly, voluntarily, and after having received or having been afforded the opportunity to receive the advice of counsel.

17. Respondent acknowledges this Consent Agreement is a public record within the meaning of 29 *Del. C.* § 10002 and will be available for public inspection and copying as provided for by 29 *Del. C.* § 10003.

18. The parties acknowledge and agree this Consent Agreement is subject to approval by the Board.

19. The parties acknowledge and agree that if the Board does not accept this Consent Agreement, it shall have no force or effect, except as follows:


- a. Neither Respondent, nor anyone on his behalf, will in any way or in any forum challenge the ability of the Board or any of its members to conduct an evidentiary hearing relating to the allegations in the subject Complaint;
- b. The Consent Agreement, or conduct or statements made in negotiating the Consent Agreement, will be inadmissible at any administrative, civil or criminal legal proceeding; and
- c. No provision contained in the Consent Agreement shall constitute or have the effect of an admission by Respondent as to any fact alleged in the Complaint in this matter or in this Consent Agreement.

20. If the Board accepts the Consent Agreement and enters it as an Order, the Consent Agreement shall be admissible as evidence at any future proceedings before the Board.

21. Respondent acknowledges and agrees the Board will report this Consent Agreement to the licensing authority of any other state in which he is licensed to practice.

22. The parties acknowledge and agree this Consent Agreement, along with any addendums, or amendments hereto, encompasses the entire agreement of the parties and supersedes all previous understandings and agreements between the parties, whether oral or written. There are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever concerning this agreement.


23. This Consent Agreement, and any disciplinary sanctions contained herein, shall be effective upon acceptance by the Board and entry of the Board's Order.

  
Roger H. Coletti, M.D.  
Respondent

Dated: 3/5/19

  
Devashree Singh, Executive Director  
Delaware Board of Medical Licensure and Discipline

Dated: 3.21.2019

  
Stacey X. Stewart (J.D. No. 4667)  
Deputy Attorney General

Dated: 3/11/19