COMMONWEALTH OF MASSACHUSETTS

BOARD OF REGISTRATION IN MEDICINE

Middlesex, ss. Adjudicatory Case No. 2019-055

(RM-19-0529)

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| In the Matter of  Dominic Riganotti, D.O. |

**FINAL DECISION AND ORDER**

This matter came before the Board for final disposition on the basis of the Administrative Magistrate’s Recommended Decision (hereinafter “Recommended Decision”) dated January 15, 2020, recommending that the Board issue an Order of Default against Dominic Riganotti, D.O. (hereinafter “Respondent”). After full consideration of the Recommended Decision, which is attached hereto and incorporated by reference, the Board adopts the Recommended Decision, amending it by adding the following:

1. On page one, first paragraph, striking “Sttes” and substituting “States;”
2. On page two, last paragraph, striking “ng” prior to 243 CMR 1.03(5);
3. On page two, last paragraph, striking “boar” and substituting “Board;”
4. On page two, last paragraph, striking “im” and substituting “him;” and
5. On page three, last paragraph, striking the words “her” and “herself” and substituting the words “his” and “himself.”

Findings of Fact

In light of the Respondent’s failure to respond to the Statement of Allegations (hereinafter “SOA”), to appear for a scheduled hearing at the Division of Administrative Law Appeals (hereinafter “DALA”), and respond to the Magistrate’s December 6, 2019, Order to Show Cause, the Board hereby finds the Respondent in default. G.L. c. 30A, § 10(2), and 801 CMR 1.01(7)(a)(1). Therefore, the allegations contained in the SOA are deemed admitted. *See* *In the Matter of Christopher D. Owens, M.D.*, Board of Registration in Medicine, Adjudicatory Case No. 2017-031 (Final Decision and Order, April 25, 2018); *In the Matter of Paul M. Willette, M.D.*, Board of Registration in Medicine, Adjudicatory Case No. 2017-035 (Final Decision and Order, September 13, 2018).

The Board therefore makes the following findings:

Biographical Information

1. The Respondent was born on December 23, 1969. He is not certified by any medical specialty board, but lists his practice specialty as Internal Medicine. He is a 1996 graduate of the University of the New England College of Osteopathic Medicine. He had been licensed to practice medicine in Massachusetts since June 24, 1998 under certificate number 157665, but that license expired on December 23, 2006 due to his failure to renew it.

Factual Allegations

2. The Respondent pleaded guilty in the United States District Court for the Southern District of Florida (Federal Court) to one count of Conspiracy to Defraud the United States and to Receive Health Care Kickbacks, and one count of Dispensing a Detectable Amount of Oxycodone.

3. On April 30, 2018, the Federal Court sentenced the Respondent to 48 months in Federal prison based on his guilty plea to one count of Conspiracy to Defraud the United States and to Receive Health Care Kickbacks, and one count of Dispensing a Detectable Amount of Oxycodone. The court recommended that he be allowed to participate in the 500-hour Residential Drug Abuse Program. The court also ordered special conditions of supervision.

4. On July 10, 2018, the Florida Board of Osteopathic Medicine issued an emergency suspension of the Respondent’s license. On December 6, 2018, the Florida Board of Osteopathic Medicine revoked the Respondent’s license to practice medicine in Florida. A copy of the Florida Board Order is attached hereto and incorporated by reference as Attachment 1.

Legal Basis for Proposed Relief

Since the matter was decided on the basis of a default at DALA, the Magistrate made no determinations as to Conclusions of Law. Based upon the facts set forth in the SOA, and now admitted, the Board makes the following Conclusions of Law:

1. The Respondent has been convicted of a criminal offense which reasonably calls into question his ability to practice medicine pursuant to G.L. c. 112, § 5, ninth par. (g);
2. The Respondent has been convicted of a crime pursuant to 243 CMR 1.03(5)(a)(7);
3. The Respondent has engaged in conduct that undermines the public confidence in the integrity of the medical profession, pursuant to *Levy* *v. Board of Registration in Medicine*, 378 Mass. 519 (1979) and *Raymond v. Board of Registration in Medicine*, 387 Mass. 708 (1982); and
4. The Respondent has been disciplined in another jurisdiction by the proper licensing authority for reasons substantially the same as those set forth in M.G.L. c. 112, § 5 or 243 CMR 1.03(5). Specifically, the Respondent violated:

* 243 CMR 1.03(5)(a)(7) for having been convicted of a crime;
* 243 CMR l.03(5)(a)(10) for having practiced medicine deceitfully, or engaged in conduct which has the capacity to deceive or defraud; and
* 243 C.M.R. 1.03(5)(a)(18) for having committed misconduct in the practice of medicine.

Sanction

The Respondent’s failure to respond to the SOA, to appear for a scheduled hearing at DALA, to respond to the Order to Show Cause, and his default in connection with this action demonstrate his utter disregard for the Board’s statutory mandate. By failing to respond to the Board, the Respondent prevented the Board from investigating the serious allegations concerning his criminal convictions and Florida discipline. In order for the Board to fulfill its mission to protect the public, a physician’s cooperation is essential. By failing to respond to the serious allegations against him, the Respondent hindered the Board’s efforts to fulfill its mission. *See* *In the Matter of Mark M. Kowalski, M.D.*, Board of Registration in Medicine, Adjudicatory Case No. 97-16-DALA (Final Decision and Order, April 1, 1998) (“A physician who obstructs the Board’s investigation of a complaint and blatantly ignores repeated requests for a response threatens the public’s health, welfare and safety, not only by denying the Board potentially important information, but also by draining the resources of the Board”).

Revocation has been imposed by the Board “where physicians have repeatedly disregarded the Board’s administrative directives.” *See* *In the Matter of Anastasia Kucharski, M.D.*, Board of Registration in Medicine, Adjudicatory Case No. 2008-048 (Final Decision and Order, April 14, 2010) (Board revoked physician’s inchoate right to renew her medical license, finding she had continued to practice after her license had lapsed, practiced without malpractice insurance, and engaged in licensing fraud by misrepresenting her malpractice insurance status and failing to report criminal charges).

The Board has previously revoked the licenses of physicians that have been convicted of crimes related to the practice of medicine. See *In the Matter of Manuel S. Yapchai,* *M.D.,* Board of Registration in Medicine, Adjudicatory Case No. 2018-017 (Final Decision and Order, November 21, 2018)(federal conviction for illegal distribution of oxycodone and out-of-state license revocation), and *In the Matter of Michael L. Mavroidis, M.D.*, Board of Registration in Medicine, Adjudicatory Case No. 01-27-DALA (Final Decision and Order, November 19, 2008)(conviction on ten counts of unauthorized distribution of controlled substances).

In addition, the Board has revoked the licenses of physicians who have been convicted of economic crimes, particularly Medicaid or insurance fraud. See *In the Matter of Daniel R. Nevarre, M.D.*, Board of Registration in Medicine, Adjudicatory Case No. 2019-022, (Final Decision and Order, October 24, 2019) (revocation for default involving criminal convictions of Medicaid fraud and insurance fraud); *In the Matter of Richard Ng, M.D*., Board of Registration in Medicine, Adjudicatory Case No. 2014-026 (Consent Order, June 25, 2014)(revocation retroactive to date of voluntary agreement not to practice, for pleading guilty to 11 counts of illegal prescribing, 9 counts of Medicaid false claims, and 7 counts of Medicaid excess charges); and *In the Matter of Harold Goodman,* M.D., Board of Registration in Medicine, Adjudicatory Case No. 00-08-DALA (Final Decision and Order, May 9, 2001) (conviction of 13 counts of Medicare fraud).

The Board’s paramount responsibility is the protection of the public health, safety, and welfare. *See* *Levy v. Board of Registration in Medicine*, 378 Mass 519 (1979). In light of the Respondent’s default, which hindered the Board’s efforts in its fulfillment of this responsibility, it is appropriate to impose a sanction in this matter. The Board hereby **REVOKES** the Respondent’s inchoate right to renew his license to practice medicine. This sanction is imposed for each violation of law listed in the Conclusions of Law section and not a combination of any or all of them.

The Respondent shall provide a complete copy of this Final Decision and Order, with all exhibits and attachments within ten (10) days by certified mail, return receipt requested, or by hand delivery to the following designated entities: any in- or out-of-state hospital, nursing home, clinic, other licensed facility, or municipal, state, or federal facility or any in- or out-of-state health maintenance organization at which he practices medicine or with whom he has privileges or any other kind of association; any state agency, in- or out-of-state, with which he has a provider contract; any in- or out-of-state medical employer, whether or not he practices medicine there; the Drug Enforcement Administration, Boston Diversion Group; Department of Public Health Drug Control Program, and the state licensing boards of all states in which he has any kind of license to practice medicine. The Respondent shall also provide this notification to any such designated entities with which he becomes associated for the duration of this Order. The Respondent is further directed to certify to the Board within ten (10) days that he has complied with this directive. The Board expressly reserves the authority to independently notify, at any time, any of the entities designated above, or any other affected entity, of any action it has taken.

The Respondent has the right to appeal this Final Decision and Order within thirty (30) days, pursuant to G.L. c. 30A, §§ 14 and 15, and G.L. c. 112, § 64.

Date: June 11, 2020

Signed by George Abraham, M.D.

George Abraham, M.D.

Chair

Board of Registration in Medicine

To obtain a copy of the out-of-state disciplinary order, please contact the appropriate state’s medical licensing board directly. A list of state medical boards and contact information is available at https://www.fsmb.org/contact-a-state-medica-board/. You may also obtain a copy of the out-of-state disciplinary order by submitting a public records request (PRR) with the Massachusetts Board of Registration in Medicine. PRR forms and additional information can be found at https://www.mass.gov/board-of-registration-in-medicine-public-records.