

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals  
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[www.mass.gov/dala](http://www.mass.gov/dala)  
Docket No: RM-15-12

Board of Registration in Medicine,  
*Petitioner*

v.

Joshua Baron, M.D.,  
*Respondent*

ORDER OF DEFAULT AND RECOMMENDED DECISION

On January 9, 2015, the Board of Registration in Medicine (Board) issued a Statement of Allegations ordering the Respondent, Joshua Baron, M.D., to show cause why he should not be disciplined for practicing medicine in violation of law, regulations, or good and accepted medical practice based on the Respondent's guilty plea and conviction in the United States District Court for eight counts of distribution of a controlled substance. In August 2014, the Respondent was sentenced to 70 months of prison, 10 years of supervised release and ordered to perform 1,000 hours of community service.

The Respondent has not filed an Answer to the Statement of Allegations.

On January 16, 2016, pursuant to 801 C.M.R. § 1.01(10)(a), the Division of Administrative Law Appeals (DALA) scheduled a pre-hearing conference for March 10, 2015. In a letter dated February 18, 2015, the Respondent informed DALA that he was unable to appear in person due to his incarceration, and was also unable to retain counsel to appear on his behalf. On March 10, 2015, I allowed Petitioner's Motion to Continue until April 10, 2015, with the Respondent participating by conference call. There was no response by the Respondent.

On January 17, 2017, the Petitioner submitted a Motion for Summary Decision. 801 CMR 1.01 § (7)(h). The Respondent responded on February 22, 2017, and citing his lack of access to the internet and legal documents, petitioned for a stay until his October 2018 release. On February 1, 2018, I allowed the stay and ordered that the Respondent provide DALA and the Board with his address within two weeks of any transfer from the federal penitentiary where he was being held; and provide DALA and the Board with his address within two weeks of his release from incarceration. Further, I ordered that the Respondent file a response to the Motion for Summary Decision by November 16, 2018.

The Respondent has not provided the Board and DALA with a change of address, and failed to respond to the Motion for Summary Decision by November 16, 2018 as ordered. On February 20, 2019, the Petitioner filed a Motion for Order to Show Cause. The Petitioner procured the Respondent's address after his incarceration ended, and provided it to DALA.

On April 29, 2019, I issued to the Respondent an Order to Show Cause why an order of default should not be entered against him due to his failure to comply with this magistrate's February 1, 2018 Order. The Respondent failed to respond.

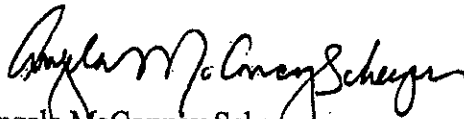
I issued an Order of Dismissal on May 30, 2019. On June 12, 2019, the Petitioner requested that a Recommended Decision defaulting the Respondent be issued. Further, the Board petitioned that the Recommended Decision find that the allegations in the Statement of Allegations be deemed true, and that the Respondent violated the laws set forth in the Legal Basis for Proposed Relief.

801 C.M.R. § 1.01(6)(d) requires that a Respondent file full, direct and specific answers to a Statement of Allegations. The Respondent has failed to file such an Answer. Further, Respondent's failure to appear or participate in the April 10, 2015 pre-hearing conference, his violation of the February 1, 2018 Order, and his failure to respond to the Order to Show Cause indicate his intention not to defend this action. Accordingly, as permitted by G.L. c. 30A, § 10, the Respondent is defaulted. *See also* 801 C.M.R. § 1.07(g).

As a consequence of the default, all of the allegations contained in the Statement of Allegations are deemed proven and true, and accordingly I hereby recommend to the Board of Registration in Medicine that it impose appropriate sanctions against the Respondent.

SO ORDERED.

DIVISION OF ADMINISTRATIVE LAW APPEALS



Angela McConney Scheepers  
Administrative Magistrate

DATED: JUN 17 2019

Order sent to: Joshua Baron, M.D.  
James Paikos, Esq.  
Debra Stoller, Esq.