

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Board of Registration in Medicine,
Petitioner

Docket No. RM-18-0662
Dated: April 10, 2019

v.

Jessica Knapp, D.O.,
Respondent

Appearance for Petitioner:

Katelyn Giliberti, Esq.
Board of Registration in Medicine
200 Harvard Mill Square, Ste. 330
Wakefield, MA 01880

Appearance for Respondent:

None.

Administrative Magistrate:

Judithann Burke

**ORDER OF DEFAULT
RECOMMENDED DECISION**

On December 7, 2018 the Petitioner, Board of Registration in Medicine, issued a Statement of Allegations ordering the Respondent, Jessica Knapp, D.O., to show cause why she should not be disciplined for; violating 243 CMR 2.07(12)(a), which required a physician to respond to a written communication from the Board within thirty days; 243 CMR 1.03(7) and 243 2.07(12)(b), which require a physician to respond within ten days to an Order for Answering issued by the Complaint Committee; and, 243 CMR 1.03(5)(a)16, which allows the Board to discipline a physician upon proof satisfactory to a majority of the Board that said physician has failed to respond to a subpoena or furnish

the Board, its investigators or representatives, documents, information or testimony to which the Board is legally entitled. (Attachment A.)

Pursuant to 801 CMR 1.01(10)(a), a pre-hearing conference was scheduled for March 20, 2019 at 11:00 A.M. The Notice of Pre-hearing Conference was issued on February 5, 2019. (Attachment B.) The Notice of Pre-hearing Conference was sent to the Respondent at the address provided by the Board, 2 Elmont Place, Asheville, N.C. 28804.

Complaint Counsel appeared for the Pre-hearing Conference on March 20, 2019. The Respondent failed to appear or to contact Complaint Counsel or the Division of Administrative Law Appeals.

On March 27, 2019, Complaint Counsel filed a Motion for Entry of Default and Summary Decision. (Attachment C.) The motion was sent to the Respondent at 2 Elkmont Place, Asheville, N.C. 28804. The Respondent failed to respond to the Motion.

An Order to Show Cause was deemed redundant and unnecessary under the present circumstances. The Petitioner was provided with adequate notice of the pending default and summary dismissal by virtue of her being issued the Motion for Entry of Default and Summary decision.

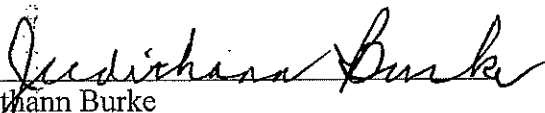
No sufficient explanation has ever been offered as to the Respondent's failure to: respond to the Board's inquiries prior to the issuance of the Statement of Allegations; file an Answer to the Statement of Allegations; appear for the Pre-hearing Conference in person or through counsel; or file a response to the Board's Motion for Entry of Default and Summary Decision. Her ongoing failure to communicate with the Board or the Division of Administrative Law Appeals during the various stages of this action is

indicative of her lack of any intention to defend this action. Thus, as permitted by G. L. c. 30A, s. 10 (2), the Respondent should defaulted.

The Respondent's blatant disregard of the DALA hearing process, Order to Show Cause and the authority of the Board of Registration in Medicine implies either her lack of intent to zealously defend herself against the Board's action, or a furtive attempt to delay the process. As a consequence of the default and Summary Decision, each of the allegations contained in the Statement of Allegations is deemed to be true. The Board's Motion for Entry of Default and Summary Decision is ALLOWED.

Accordingly, I recommend that the Board of Registration in Medicine impose appropriate sanctions against the Respondent.

Division of Administrative Law Appeals,
BY:


Judithann Burke
Administrative Magistrate

DATED: April 10, 2019

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Board of Registration in Medicine

Adjudicatory Case No. 2018-059

In the Matter of)
)
JESSICA KNAPP D.O.)
_____)

STATEMENT OF ALLEGATIONS

The Board of Registration in Medicine (Board) has determined that good cause exists to believe the following acts occurred and constitute a violation for which a licensee may be sanctioned by the Board. The Board therefore alleges that Jessica Knapp, D.O. (Respondent) has practiced medicine in violation of law, regulations, or good and accepted medical practice as set forth herein. The investigative docket number associated with this order to show cause is Docket No. 18-054.

Biographical Information

1. The Respondent was born on October 17, 1981. She graduated from Lake Erie College of Osteopathic Medicine in 2010. The American Board of Medical Specialties has certified her in Family Medicine, with a subspecialty in Sports Medicine. She has been licensed to practice medicine in Massachusetts under certificate number 260631 since 2014.

Factual Allegations

2. On September 6, 2017, the Respondent renewed her full license. On the renewal application, the Respondent answered affirmatively to Question #22, inquiring as to whether the Respondent had completed all of the CPD requirements for the renewal cycle.

3. On November 17, 2017, the Licensing Division notified the Respondent via electronic mail ("e-mail") and United States Postal Service (USPS) certified mail, of a CPD audit and requested that she produce appropriate documentation that she earned 40 Category 1 credits during the renewal cycle, which was October 17, 2015 to October 16, 2017. E-mail delivery failed and the post office returned the USPS certified mail with a new forwarding address. The Licensing Division sent the audit notification letter to the new address and received confirmation that it was delivered.

4. On February 13, 2018, the Enforcement Division sent a letter to the Respondent at the new address via USPS first-class mail with delivery confirmation. The letter informed the Respondent that the Board docketed a complaint against her for failing to respond to the Board, and requested that she file a response to the complaint within 30 days pursuant to 243 C.M.R. 2.07(12). Enforcement received confirmation of delivery. Also, Enforcement contacted the Respondent via telephone and left a voicemail for the Respondent to contact the Board as soon as possible.

5. On March 14, 2018, a copy of the February 13, 2018 notification letter was mailed to the Respondent. Enforcement received delivery confirmation.

6. On April 9, 2018, Enforcement called the Respondent and left another voicemail for the Respondent to contact the Board as soon as possible. Message confirms the Respondent as the owner of the number called.

7. On October 1, 2018, the Board's Complaint Committee issued a Ten Day Order to Respond. This was mailed to the Respondent by USPS certified mail to the Respondent's address used most recently with the previous delivery confirmations. The Order was returned with a new forwarding address.

8. On October 9, 2018 the 10-day Order was sent to the new forwarding address via USPS certified mail with delivery confirmation. The Order was delivered to the Respondent on October 20, 2018.

9. As of the date of this Statement of Allegations, the Respondent has not responded to the Board.

Legal Basis for Proposed Relief

A. Pursuant to G.L. c. 112, §5, ninth par. (h) and 243 CMR 1.03(5)(a)11, the Board may discipline a physician upon proof satisfactory to a majority of the Board, that said physician has violated of a rule or regulation of the Board. Specifically:

1. 243 CMR 2.07(12)(a), which requires a physician to respond to a written communication from the Board within thirty days; and
2. 243 CMR 1.03(7) and 243 CMR 2.07(12)(b), which require a physician to respond within ten days to an Order for Answering issued by the Complaint Committee;

B. Pursuant to 243 CMR 1.03(5)(a)16, the Board may discipline a physician upon proof satisfactory to a majority of the Board, that said physician has failed to respond to a subpoena or to furnish the Board, its investigators or representatives, documents, information or testimony to which the Board is legally entitled.

The Board has jurisdiction over this matter pursuant to G.L. c. 112, §§ 5, 61 and 62. This adjudicatory proceeding will be conducted in accordance with the provisions of G.L. c. 30A and 801 CMR 1.01.

Nature of Relief Sought

The Board is authorized and empowered to order appropriate disciplinary action, which may include revocation or suspension of the Respondent's license to practice medicine. The Board may also order, in addition to or instead of revocation or suspension, one or more of the following: admonishment, censure, reprimand, fine, the performance of uncompensated public service, a course of education or training or other restrictions upon the Respondent's practice of medicine.

Order

Wherefore, it is hereby **ORDERED** that the Respondent show cause why the Board should not discipline the Respondent for the conduct described herein.

By the Board of Registration in Medicine,

Candace Lapidus Sloane, MD

Candace Lapidus Sloane, M.D.
Board Chair

Date: December 6, 2018

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

14 Summer Street, 14th Floor

Malden, MA 02148

Tel: 781-397-4700

www.mass.gov/dala

Board of Registration in Medicine,
Petitioner

v.

Jessica Knapp, D.O.,
Respondent

Docket No. RM-18-0662

NOTICE OF PREHEARING CONFERENCE

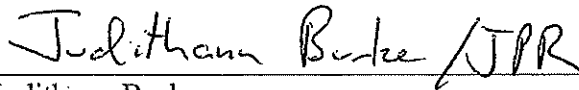
Pursuant to the Standard Rules of Practice and Procedure, 801 CMR 1.01(1)(a), a prehearing conference will be held in this appeal at **11:00 a.m.** on Wednesday, **March 27, 2019**. The conference will be held at the offices of the Division of Administrative Law Appeals, 14 Summer Street, 4th Floor, Malden, MA 02148. Counsel for the Board of Registration in Medicine should attend in person. Ms. Knapp need not travel to Massachusetts to do so. Should she wish to have the conference conducted by phone, she should file a request to do so by **March 20, 2019** and include a phone number at which she can be reached on March 27, 2019.

The parties should be prepared to set a date for hearing in this matter and to discuss:

- (a) the simplification or clarification of the issues;
- (b) the possibility of obtaining stipulations, admissions, agreements on documents, understandings on matters already on record or similar agreements that will avoid unnecessary proof;
- (c) the limitation of the number of witnesses so as to avoid cumulative evidence;
- (d) the possibility of agreement disposing of all or any of the issues in dispute; and
- (e) other matters including discovery and other motions.

Failure to appear may result in the entry of an order of default.

DIVISION OF ADMINISTRATIVE LAW APPEALS



Judithann Burke
Administrative Magistrate

Dated: February 5, 2019

Notice sent to: Jessica Kanpp, D.O., Katelyn Gilberti, Esq., and
Debra Stoller, Esq.



Commonwealth of Massachusetts
Board of Registration in Medicine

200 Harvard Mill Square, Suite 330
Wakefield, Massachusetts 01880
(781) 876-8200

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Enforcement Division Fax: (781) 876-8381
Legal Division Fax: (781) 876-8380
Licensing Division Fax: (781) 876-8383

CANDACE LAPIDUS SLOANE, MD
Chair, Physician Member

GEORGE ABRAHAM, MD
Vice Chair, Physician Member

ROBIN S. RICHMAN, MD
Secretary, Physician Member

WOODY GIESSMANN, LADC-I, CADC, CIP, CAI
Public Member

JULIAN N. ROBINSON, MD
Physician Member

MICHAEL D. MEDLOCK, MD
Physician Member

PAUL G. GITLIN, ESQ
Public Member

GEORGE ZACHOS, ESQ
Executive Director

CHARLES D. BAKER
Governor

KARYN E. POLITO
Lieutenant Governor

MARYLOU SUDDERS
Secretary

Health and Human Services

MONICA BHAREL, MD, MPH
Commissioner
Department of Public Health

March 27, 2019

VIA FACSIMILE 781-397-4720

Magistrate Judithann Burke
Division of Administrative Law Appeals
14 Summer Street, 14th Floor
Malden, MA 02148

RE Board of Registration in Medicine v. Jessica Knapp, M.D.
Docket no: RM-18-0662

Dear Magistrate Burke:

Attached, please find the Petitioner's Motion for Entry of Default Judgement and Summary Decision.

Kindly contact me with any questions or concerns.

Sincerely,

Katelyn Giliberti
Complaint Counsel

cc: Jessica Knapp, M.D. (VIA First-class mail)
Debra Stoller, ESQ. (VIA Hand delivery)

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

Division of Administrative Law Appeals
Docket Number RM-18-0662

Board of Registration in Medicine,
Petitioner

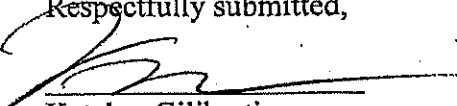
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Jessica Knapp, M.D.,
Respondent

PETITIONER'S MOTION FOR ENTRY OF DEFAULT JUDGMENT
AND SUMMARY DECISION

Pursuant to 801 C.M.R. 1.01 (7) (g) 2 and 3, and 1.01 (7) (h), Petitioner moves for the entry of a default judgment against the Respondent, and the issuance of a Recommended Decision affirming every allegation contained within the Statement of Allegations. As reasons therefor, the Petitioner states that the Respondent neither appeared on March 27, 2019 as instructed by the Magistrate, nor filed an Answer in this matter as required by 801 CMR 1.01(6)(d)(1).

Respectfully submitted,


Katelyn Giliberti
Complaint Counsel
Board of Registration in Medicine
200 Harvard Mill Square, Suite 330
Wakefield, MA 01880
(781) 876-8224