COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. **Division of Administrative Law Appeals**

Board of Registration in Medicine, Docket No. RM-19-0529

Petitioner Dated: January 15, 2020

v.

Dominic Riganotti, D.O.,

Respondent

**Appearance for Petitioner:**

Stephen C. Hoctor, Esq.

Complaint Counsel

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 October 25, 2019 the Petitioner, Board of Registration in Medicine, issued a Statement of Allegations ordering the Respondent, Dominic R. Riganotti, D.O., to show cause why he should not be disciplined after pleading guilty in the United Sttes District Court for the Southern District of Florida 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 Respondent was sentenced to 48 months in Federal prison based on his guilty plea. The court also recommended that he be allowed to participate in a 500 hour Residential Drug Abuse program and imposed special conditions of probation. The Florida Board of Osteopathic Medicine revoked the Respondent’s license to practice medicine in Florida. (See Attachments A and A1.) The Board concluded that the Respondent’s actions and ultimate guilty pleas were tantamount to violations of ng 243 CMR 1.03(5), 5(a)7, 5(a)10, 5(a)12 and 5(a)(18)) all of which pertain to the Board’s authority to discipline a physician upon proof of the conviction of a crime, deceit in the practice of medicine, discipline in another jurisdiction by the proper licensing authority and misconduct in the practice of medicine.(Attachment A.)

Pursuant to 801 CMR 1.01(10)(a), a pre-hearing conference was scheduled for

December 6, 2019 at 11:00 A.M. The Notice of Pre-hearing Conference was issued on October 30, 2019 at the same time as the Acknowledgement. (Attachment B.) The Notice of Pre-hearing Conference was sent to the Respondent at the address of the correctional facility originally provided by the Board, FPC Montgomery, Federal Prison Camp, Maxwell Air Force Base, Montgomery, Alabama 36112. The Notice of Pre-hearing Conference and the Acknowledgment were returned to DALA in the envelope in which they were sent on November 26, 2019. (Attachment C.)

Complaint Counsel appeared for the Pre-hearing Conference on December 6, 2019. The Respondent failed to appear or to contact Complaint Counsel or the Division of Administrative Law Appeals. Complaint Counsel supplied an updated address for the Respondent at RRM Miami, 401 N. Miami Avenue, Miami, FL 33128. The Order to Show Cause was sent to this address and was not returned to DALA.

The Respondent was provided with adequate notice of the Order to Show Cause as well of the pending pre-hearing conference (through letters from the boars issued to im in Miami).

No sufficient explanation has ever been offered for 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 Order to Show Cause. His ongoing failure to communicate with the Board or the Division of Administrative Law Appeals during the various stages of this action is indicative of his 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, each of the allegations contained in the Statement of Allegations is deemed to be true. I recommended the Board enter a default against the Respondent and take whatever actions are deemed appropriate.

Division of Administrative Law Appeals,

BY:

Signed by Judithann Burke

Judithann Burke

Administrative Magistrate

DATED: January 15, 2020

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>.