

COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION IN MEDICINE

Middlesex, ss.

Adjudicatory Case No. 2019-055
(RM-19-0529)

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:

- A. 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);
- B. The Respondent has been convicted of a crime pursuant to 243 CMR 1.03(5)(a)(7);
- C. 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
- D. 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 1.03(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).

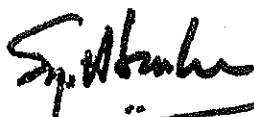
The Board's paramount responsibility is the protection of the public health, safety, and welfare. *See Levy v. Board of Registration in Medicine*, 378 Mass 519 (1979). In light of the Respondent's default, which hindered the Board's efforts in its fulfillment of this responsibility, it is appropriate 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



George Abraham, M.D.
Chair
Board of Registration in Medicine

FILED DATE - DEC 06 2018
Department of Health

By Bryce Sanders
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF OSTEOPATHIC MEDICINE

DEPARTMENT OF HEALTH

Petitioner,

vs.

Case No: 2017-00666

License No.: OS 8724

DOMINIC RIGANOTTI, D.O.,

Respondent.

FINAL ORDER

This matter appeared before the Board of Osteopathic Medicine (hereinafter the "Board") at a duly-noticed public meeting on November 16, 2018, in Orlando, Florida, for a hearing not involving disputed issues of material fact pursuant to Sections 120.569 and 120.57(2), Florida Statutes. Pursuant to the Administrative Complaint, attached hereto as Exhibit A, it was alleged that Respondent violated specific sections of Chapter 456, Florida Statutes. Petitioner was represented by Matthew Witters, Assistant General Counsel, Florida Department of Health. Respondent was not present and was not represented by counsel.

On July 10, 2018, Petitioner filed an Administrative Complaint against the Respondent alleging violations of Section 456.072(1)(c), Florida Statutes (2017). Service of the Administrative Complaint was made upon the Respondent by certified mail, pursuant to Section 120.60(5), Florida Statutes. Respondent has not filed an Election of Rights. Petitioner filed a Motion for Final Order After Hearing Not Involving Disputed Issues of Material Facts and Determination of Respondent's Waiver of Right to Request a

Formal Hearing. Petitioner also filed a Motion to Assess Costs. Respondent has not filed a response to either motion.

Respondent has not replied to the Administrative Complaint nor contested the factual allegations. The prosecuting attorney offered the investigative file into evidence to prove the facts as alleged in the Administrative Complaint and for the purposes of determining penalty. The investigative file was received into evidence and the Board finds that the uncontested facts adequately support the allegations. After a complete review of the record in this matter, including consideration of the Administrative Complaint, any written or oral evidence and testimony, and any mitigating or aggravating circumstances, the Board makes the following findings and conclusions:

FINDINGS OF FACT

The allegations of fact set forth in the Administrative Complaint are approved, adopted, and incorporated herein by reference as the findings of fact by the Board. The Board also finds there is competent substantial evidence to support its findings and conclusions. Finally, the Board finds that Respondent failed to timely respond to the Administrative Complaint and waived his right to elect a method of resolution in this matter.

CONCLUSIONS OF LAW

Petitioner's Motion for Final Order After Hearing Not Involving Disputed Issues of Material Facts and Determination of Respondent's Waiver of Right to Request a Formal Hearing is granted. The conclusions of law alleged and set forth in the Administrative Complaint are approved, adopted, and incorporated herein by reference as the conclusions of law by the Board. Based upon the Findings of Fact, the Board

concludes that the licensee violated: Section 456.072(1)(c), Florida Statutes (2017).

The violations set forth warrant disciplinary action by the Board.

The Board is empowered by Section 456.072(2), Florida Statutes, to impose a penalty against Respondent.

THEREFORE, IT IS ORDERED AND ADJUDGED:

The Respondent's license to practice osteopathic medicine in the State of Florida is hereby REVOKED.

RULING ON MOTION TO ASSESS COSTS

After the Board voted to revoke Respondent's license to practice osteopathic medicine, the Petitioner withdrew its Motion to Assess Costs.

This Final Order shall become effective upon filing with the Clerk of the Department of Health.

DONE AND ORDERED this 5 day of December, 2018.

BOARD OF OSTEOPATHIC MEDICINE



Kama Monroe, J.D., Executive Director
on behalf of Sandra Schwemmer, D.O., Chair

NOTICE OF RIGHT TO JUDICIAL REVIEW

A party who is adversely affected by this Final Order is entitled to judicial review pursuant to Section 120.68, Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Notice of Appeal with the Agency Clerk of the Department of Health, and a second copy, accompanied by filing fees prescribed by law, with the District Court of

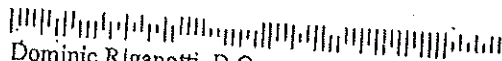
Appeal, First District, or with the District Court of Appeal in the Florida appellate district where the party resides. The Notice of Appeal must be filed within thirty (30) days of rendition of the Order to be reviewed.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by Certified U.S. Mail to Dominic Riganotti, D.O., 10020 Mandarin Street, Parkland, FL 33076; and at Register Number 15519-104, FPC Montgomery, Federal Prison Camp, Maxwell Air Force Base, Montgomery, AL 36112; and by email to Donna C. McNulty, Senior Assistant Attorney General, at Donna.McNulty@myfloridalegal.com; and Matthew Witters, Assistant General Counsel, at Matthew.Witters@flhealth.gov; this 6th day of Dec, 2018.

Angel Sandoz

Deputy Agency Clerk



Dominic Riganotti, D.O.
10020 Mandarin St.
Parkland, FL 33076

Certified Article Number

9414 7266 9904 2104 0936 62

SENDER'S RECORD



Dominic Riganotti, D.O., Reg. # 15519-104
FPC, Montgomery
Federal Prison Camp
Maxwell Air Force Base
Montgomery, AL 36112

Certified Article Number

9414 7266 9904 2104 0936 55

SENDER'S RECORD

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2017-00666

DOMINIC RIGANOTTI, D.O.,

RESPONDENT.

ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Osteopathic Medicine against Respondent, Dominic Riganotti, D.O., and in support thereof alleges:

1. Petitioner is the state agency charged with regulating the practice of osteopathic medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 459, Florida Statutes.

2. At all times material to this Administrative Complaint, Respondent was an osteopathic physician licensed within the state of Florida and was issued license number OS 8724.



3. Respondent's address of record is 10020 Mandarin Street, Parkland, Florida 33076.

4. Respondent may be located at Register Number 15519-104, FPC Montgomery, Federal Prison Camp, Maxwell Air Force Base, Montgomery, Alabama 36112.

5. On or about April 30, 2018, in the United States District Court, Southern District of Florida, Respondent entered a plea of guilty to -- and was adjudicated guilty of -- one count of conspiracy to defraud the United States and to receive health care kickbacks, a felony in violation of 18 U.S.C. s. 371, and to one count of dispensing a detectable amount of oxycodone, a felony in violation of 21 U.S.C. s. 841(a)(1).

6. Conspiracy defraud the United States and to receive health care kickbacks and/or dispensing a detectable amount of oxycodone are crimes which relate to the practice of or ability to practice osteopathic medicine.

7. Section 456.072(1)(c), Florida Statutes (2017), provides that being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession, constitutes grounds for disciplinary action.

8. As set forth above, Respondent entered a plea of guilty to crimes which relate to the practice of or ability to practice osteopathic medicine when, on or about April 30, 2018, in the United States District Court, Southern District of Florida, Respondent entered a plea of guilty to one count of conspiracy to defraud the United States and to receive health care kickbacks, a felony in violation of 18 U.S.C. s. 371, and to one count of dispensing a detectable amount of oxycodone, a felony in violation of 21 U.S.C. s. 841(a)(1).

9. Based on the foregoing, Respondent has violated Section 456.072(1)(c), Florida Statutes (2017), by being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession.

WHEREFORE, the Petitioner respectfully requests that the Board of Osteopathic Medicine enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 10th day of July, 2018.

Celeste Phillip, MD, MPH
Surgeon General and Secretary

/s/ Ann L. Prescott

Ann L. Prescott
Assistant General Counsel
Fla. Bar No. 0092974
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Tallahassee, FL 32399-3265
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Email: Ann.Prescott@flhealth.gov

/ALP

PCP: July 10, 2018
PCP Members: Moran (chair) & Hayden

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
Annel Samuels
CLERK
DATE JUL 10 2018

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

A request or petition for an administrative hearing must be in writing and must be received by the Department within 21 days from the day Respondent received the Administrative Complaint, pursuant to Rule 28-106.111(2), Florida Administrative Code. If Respondent fails to request a hearing within 21 days of receipt of this Administrative Complaint, Respondent waives the right to request a hearing on the facts alleged in this Administrative Complaint pursuant to Rule 28-106.111(4), Florida Administrative Code. Any request for an administrative proceeding to challenge or contest the material facts or charges contained in the Administrative Complaint must conform to Rule 28-106.2015(5), Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available to resolve this Administrative Complaint.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.