

COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION IN MEDICINE

MIDDLESEX, SS

Adjudicatory Case No. 2020-044
(RM-20-0424)

In the Matter of)
)

John Shackelford, D.O.)
)

FINAL DECISION AND ORDER

Procedural History

On October 8, 2020, the Board of Registration in Medicine (BORIM) issued a Statement of Allegations (SOA) against the Respondent and referred the matter to the Division of Administrative Law Appeals (DALA) for findings of fact and conclusions of law as to whether the Respondent's treatment of Patient A fell below the standard of care.

On June 6, 2023, Magistrate Eric Tennen issued a Recommended Decision, ("Recommended Decision") finding that the Respondent's conduct did not fall below the standard of care. Neither party has filed objections to the Recommended Decision.

Discussion

This matter came before the Board for disposition on the basis of the Administrative Magistrate's Recommended Decision, dated June 6, 2023, which is attached hereto and incorporated by reference. After full consideration of the Recommended Decision, the Board ADOPTS so much of the Recommended Decision as finds that the Board has not proven by a preponderance of the evidence that the Respondent treated Patient A in a manner that fell below the standard of care. As to so much of the Recommended Decision that discusses findings of "gross negligence" on one occasion contrasted with findings of "negligence on repeated occasions", the Board REJECTS such discussion where 1) considerations of the level of negligence were rendered moot once the Magistrate determined there was no substandard care, and 2) any conclusions that "repeated acts of negligence" are not able to occur during one health

care encounter are speculative. All acts of negligence are fact-specific and must be evaluated on a case-by-case basis.

As such, the Board hereby DISMISSES the Statement of Allegations on the basis that the Board did not sustain its burden of proving the Respondent's conduct fell below the standard of care.

A handwritten signature in black ink, appearing to read 'Julian Robinson', with a long horizontal stroke extending to the right.

Date: September 21, 2023

Julian Robinson, M.D.
Chair
Board of Registration in Medicine