COMMONWEALTH OF MASSACHUSETTS

BOARD OF REGISTRATION IN MEDICINE

POLICY 2022-03

POLICY ON PRELIMINARY DENIALS OF LICENSE APPLICATIONS

January 20, 2022

The Board of Registration in Medicine (Board) hereby adopts this policy in order to implement efficient and consistent procedures upon issuance of an order of preliminary denial on a license application.

For purposes of this policy,

“Email address of record” means the email address identified by the Applicant on his or her application as the email address used for communication about the application;

“Mailing address of record” means the mailing address identified by the Applicant on his or her application as the mailing address used for communication about the application;

“Delivery date” means the earliest of the following:

1. The date that the order of preliminary denial was emailed to the Applicant at the email address of record;
2. The date the order of preliminary denial was emailed to counsel of record for the Applicant;
3. The date that the United States Postal Service indicates that it delivered the certified mail item containing the order of preliminary denial to the mailing address of record; or
4. The date that United States Postal Service indicates that it attempted delivery of the certified mail item containing the order of preliminary denial at the mailing address of record and left notice of the attempted delivery.

Following the Board’s issuance of an order of preliminary denial of a license application, the Board authorizes staff to take the following actions:

1. In the event that the Applicant requests a hearing within twenty-one business days from the delivery date for the Order of Preliminary Denial, Board staff may issue:
   1. An Order to Show Cause why the Board should not issue an Order of Final Denial based on the reasons set forth in the Order of Preliminary Denial, which shall be attached and incorporated into the Order to Show Cause.
   2. An Order of Reference to the Division of   
      Administrative Law Appeals for findings of fact and necessary conclusions of law on the Order to Show Cause.
2. In the event that the Applicant has not requested a hearing and more than twenty-one business days have passed since the delivery date for the Order of Preliminary Denial, Board staff may issue an Order of Final Denial on the basis of the reasons set forth in the Order of Preliminary Denial.
3. Board staff shall prepare a report summarizing actions taken pursuant to this policy for submission at the next Board meeting following the actions.