COMMONWEALTH OF MASSACHUSETTS

BOARD OF REGISTRATION IN MEDICINE

POLICY 2023-02

POLICY ON DEADLINES FOR POST-RECOMMENDED DECISION FILINGS

Issued September 21, 2023, Revised November 21, 2024

The Board adopts this policy to establish a standard set of deadlines for filing pleadings for the Board’s consideration in pending adjudicatory proceedings following the issuance of a Recommended Decision by the Division of Administrative Law Appeals (DALA).

1. Upon receipt of a Recommended Decision issued by DALA in an adjudicatory proceeding initiated by the Board and referred to DALA, the Board’s Division of Law and Policy (DLP) shall provide a copy of this policy to the parties. Each Party shall notify the Board within 14 days of the issuance of the Recommended Decision whether the Party intends to file: (1) Objections to the Recommended Decision, (2) a memorandum on disposition, and (3) a motion to remand to DALA.
2. In accordance with 801 CMR 1.01(11)(c)1., the Parties shall have 30 days from the date that DALA issues its Recommended Decision to file objections to the Recommended Decision. The Board authorizes DLP to grant a request for an extension on time to file such objections provided that the request is made in writing to DLP, with copy to the other Party, and the deadline for filing, inclusive of any extension, does not exceed 45 days from the date that DALA issues its Recommended Decision.
3. In accordance with 801 with 801 CMR 1.01(11)(c)1., the Parties shall have 20 days from the date of receipt of objections to the Recommended Decision to file responses to the objections. The Board authorizes DLP to grant a request for an extension on time to file such responses provided that the request is made in writing to DLP, with copy to the other Party, and the deadline for filing, inclusive of any extension, does not exceed 75 days from the date that DALA issues its Recommended Decision.
4. If neither party files objections, the Parties shall have 60 days from the date that DALA issues its Recommended Decision to file a memorandum on disposition. If objections have been filed, the Parties shall have 30 days from the date that the Board issues a ruling on the objections to file a memorandum on disposition, unless the Board in its ruling specifies a different due date.
5. The Parties shall have 30 days from the date that DALA issues its Recommended Decision to file a motion to remand to DALA. Filing a motion to remand to DALA shall not alter the deadlines set in paragraphs 1 through 4.
6. If a deadline according to this policy falls on a weekend or holiday, the due date shall be the first following business day.
7. This policy shall apply to matters where DALA issues its Recommended Decision following the date that this policy is adopted. Revisions to this policy shall apply to matters where DALA issues its Recommended Decision following the date that this policy was revised.