

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Board of Registration in Medicine,
Petitioner,

No. RM-25-0238

Dated: June 25, 2025

v.

Elizabeth T. Curtis, M.D.,
Respondent.

**ORDER GRANTING RECOMMENDED DECISION
BY DEFAULT**

Complaint counsel's motion for a recommended decision by default is meritorious for the reasons stated there. Dr. Curtis has defaulted by failing to file an answer and by failing to appear for the May 2025 prehearing conference. She also has not opposed the board's motion. *See generally* G.L. c. 30A, § 10; 801 C.M.R. § 1.01(7)(g)(2).

The result of Dr. Curtis's default is that the board's "factual allegations . . . are accepted as true for the purposes of establishing . . . liability." *Eagle Fund, Ltd. v. Sarkans*, 63 Mass. App. Ct. 79, 83 n.8 (2005). The board's factual allegations are that Dr. Curtis failed to respond to a board letter within thirty days, failed to respond to a board order within ten days, and failed to comply with two board subpoenas.

With these facts accepted as true, what remains to be analyzed is their legal consequences. *See Ceruolo v. Garcia*, 92 Mass. App. Ct. 185, 191 (2017); *Bissanti Design/Build Grp. v. McClay*, 32 Mass. App. Ct. 469, 471 (1992). The consequences here are simple. Board regulations required Dr. Curtis to respond to the board's letter within thirty days and to its order within ten days. 243 C.M.R. §§ 1.03(7), 2.07(12)(b). By failing to take those actions, Dr. Curtis simultaneously denied the board "documents [or] information to which [it was] legally entitled," *id.* § 1.03(5)(a)(16), and violated "regulation[s] of the Board," *id.* § 1.03(5)(a)(11). These are

proper bases for imposing discipline on Dr. Curtis, as is her failure to comply with the board's subpoenas. *Id.* § 1.03(5)(a)(16).

In view of the foregoing, it is hereby ORDERED that the motion for a recommended decision by default is ALLOWED. A recommended decision is hereby entered to the effect that the board may impose discipline on Dr. Curtis on the basis of the allegations and theories appearing in the statement of allegations.¹

Division of Administrative Law Appeals

/s/ Yakov Malkiel

Yakov Malkiel

Administrative Magistrate

¹ In case complaint counsel intended to suggest otherwise, Dr. Curtis cannot be disciplined in this docket for her failure to file an answer and other default-justifying actions. *See generally Police Dep't of Boston v. Kavaleski*, 463 Mass. 680, 690-91 (2012); *Langlitz v. Board of Registration of Chiropractors*, 396 Mass. 374, 377-78 (1985).