COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. Division of Administrative Law Appeals

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**Board of Registration in Medicine**,

 Petitioner,

 Docket No.: RM-23-0367

v.

**Mavis Jaworski, M.D.**, Date: NOV – 8 2023

 Respondent.

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**Appearance for Petitioner**:

Erik Bennett, Esq.

**Appearance for Respondent**:

Mavis Jaworski, M.D.

**Administrative Magistrate**:

John G. Wheatley

**RECOMMENDED DECISION**

On July 13, 2023, the petitioner, Board of Registration in Medicine (Board), issued a Statement of Allegations ordering the respondent, Mavis Jaworski, M.D., to show cause why the Board should not discipline her for alleged fraudulent procurement of her certificate of registration and for failure to provide the Board with information in connection with its investigation of several complaints filed against her. The Board referred the matter to the Division of Administrative Law Appeals (DALA) for recommended findings of fact and necessary conclusions of law.

On July 27, 2023, DALA issued a written notice to the parties that a prehearing conference would be held by telephone on September 12, 2023. The notice provided instructions for attending the conference and the agenda, including anticipated topics that would be discussed during the conference. The notice further warned the parties that the “[f]ailure to appear may result in the entry of an order of default.”

Dr. Jaworski did not appear for the prehearing conference at the scheduled time, nor did she request DALA to reschedule it or advise that she would be unable to attend. On September 13, therefore, I ordered Dr. Jaworski to show cause, by October 9, why I should not find her in default, pursuant to 801 Code Mass. Regs. § 1.01(7)(g)(2). I have not received any response to the order to show cause from Dr. Jaworski. Accordingly, I hereby find Dr. Jaworski in default, and the factual allegations contained in the Statement of Allegations (paragraphs 1 through 32) are therefore deemed admitted.[[1]](#footnote-1) See, e.g., *Matter of Kim*, Board of Registration in Medicine, Adjudicatory Case No. 2023-003 (Final Decision & Order, Aug. 3, 2023); *Matter of Steiner*, Board of Registration in Medicine, Adjudicatory Case No. 2019-048 (Final Decision & Order, June 25, 2020); *Matter of Owens*, Board of Registration in Medicine, Adjudicatory Case No. 2017-031 (Final Decision & Order, Apr. 25, 2018); *Matter of Russell*, Board of Registration in Medicine, Adjudicatory Case No. 2017-006 (Final Decision & Order, July 13, 2017).

**Discussion**

 The Board may discipline Dr. Jaworski for failure to provide the Board with requested information in connection with its investigation of three complaints filed against her. Specifically, Dr. Jaworski was required to provide the Board’s investigator with a detailed response to two complaints filed by patients as well as “a description of the nature and location(s) of her current practice, all privileges at healthcare facilities, the circumstances surrounding [a] reprimand she received from North Shore Community Health Center (‘NSCHC’), and the circumstances surrounding her resignation from NSCHC.” (Statement of Allegations ¶ 5.) The Board requested this information on multiple occasions, including by letter on July 28, 2022, by email on September 15, 2022, by a second letter on October 6, 2022, and through an Order to Respond issued by Board’s Complaint Committee on May 25, 2023 (sent by both mail and email). Dr. Jaworski did not comply with the order or respond to the investigator’s requests, which is grounds for the Board to impose discipline under 243 Code Mass. Regs. § 1.03(5)(a)(16).[[2]](#footnote-2)

 In addition, the Board may discipline Dr. Jaworski for fraudulently procuring renewal of her medical license based on several false statements contained in her March 22, 2023, license renewal form. The false statements included her assertion that she was certified by the American Board of Medical Specialties in Family Medicine when her certification had expired nine months prior. She also reported that she did not know of any open complaint, any pending investigation or inquiry into her professional conduct, or any disciplinary charges pending against her. At the time of this report, however, she had previously spoken to a Board investigator regarding three open and docketed complaints filed against her and received several letters from the investigator informing her of the complaints and requesting information from her in connection with the investigation. Dr. Jaworski further denied being subject to any disciplinary action even though she had received a written reprimand from North Shore Community Health Center on May 4, 2022. The Board may therefore discipline Dr. Jaworski for fraudulent procurement of her license renewal, pursuant to G. L. c. 112, § 5, par. 8(a), and 243 Code Mass. Regs. § 1.03(5)(a)(1).

**Conclusion and Recommendation**

 Based on the foregoing, I recommend that the Board find Dr. Jaworski in default, deem the factual allegations contained in the Statement of Allegations to be admitted as a result, and impose upon Dr. Jaworski the discipline it deems appropriate considering those facts and the conclusions of law set forth above.

Division of Administrative Law Appeals

 /s/ John G. Wheatley

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John G. Wheatley

Administrative Magistrate

1. The Board’s Statement of Allegations is attached hereto and incorporated herein by reference. [↑](#footnote-ref-1)
2. Under 243 Code Mass. Regs. § 1.03(5)(a)(16), the Board may impose discipline based on a physician’s “[f]ailure to respond to a subpoena or to furnish the Board, its investigators or representatives, documents, information or testimony to which the Board is legally entitled.” [↑](#footnote-ref-2)