

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Board of Registration in Medicine,

Petitioner,

Docket No.: RM-23-0367

v.

Mavis Jaworski, M.D.,

Date: **NOV - 8 2023**

Respondent.

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 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

¹ The Board’s Statement of Allegations is attached hereto and incorporated herein by reference.

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

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

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."

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

John G. Wheatley
Administrative Magistrate

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Board of Registration in Medicine
Adjudicatory Case No. 2023-027

In the Matter of

Mavis W. Jaworski, M.D.

STATEMENT OF ALLEGATIONS

The Board of Registration in Medicine (“Board”) has determined good cause exists to believe the following acts occurred and constitute a violation for which a licensee may be sanctioned by the Board. The Board therefore alleges Mavis W. Jaworski, M.D. (“Respondent”) has practiced medicine in violation of law, regulations, or good and accepted medical practice as set forth herein. The investigative docket number associated with this order to show cause is Docket No. 23-396.

Biographical Information

1. Respondent graduated from Baylor College of Medicine in 1989. Respondent was licensed to practice medicine in Massachusetts under certificate number 151523 on June 26, 1996.

Factual Allegations

Failure to Respond to Ten-Day Order

2. On July 22, 2022, Board Investigator (“Inv.”) Landers spoke with Respondent via telephone, informing her of three open docketed complaints against her (Docket Nos.: 20-422; 22-331; and 22-349).

3. Respondent asked Inv. Landers to send her documentation about the complaints to her address on file with the Board.

4. Per Respondent's request, Inv. Landers mailed Respondent a notification letter on July 28, 2022 (the "Letter").

5. In addition to again informing Respondent of the complaints, the Letter required Respondent to provide, in writing, within 30 days of receipt: a detailed response to the two patient complaints, which were attached to the Letter; and a description of the nature and location(s) of her current practice, all privileges at healthcare facilities, the circumstances surrounding the reprimand she received from North Shore Community Health Center ("NSCHC"), and the circumstances surrounding her resignation from NSCHC.

6. The Letter was sent via United States Postal Service ("USPS") with delivery confirmation to Respondent's address on file with the Board.

7. The Letter was delivered to Respondent on August 2, 2022.

8. The Letter was not returned to the Board.

9. Respondent did not respond to the Letter.

10. On September 15, 2022, after not receiving a response from Respondent, Inv. Landers sent an email to Respondent at the email address she previously provided to the Board (hereinafter, the "9/15/22 Email").

11. The 9/15/22 Email was not returned as undeliverable.

12. Inv. Landers never received a response to the 9/15/22 Email.

13. On October 6, 2022, another letter ("2nd Letter") was sent to Respondent via the USPS at the address she previously provided to the Board, requesting a response to the Letter.

14. The 2nd Letter was delivered to Respondent on October 11, 2022.

15. Respondent never responded to the 2nd Letter.

16. On May 25, 2023, the Board's Complaint Committee issued an Order to Respond ("Order") to Respondent.

17. Pursuant to the Order, Respondent was required to fully and clearly respond to the Letter, which was attached to the Order, within ten days.

18. The Order was sent to Respondent via email to the email address she previously provided to the Board ("5/25/23 Email").

19. The 5/25/23 Email was not returned as undeliverable.

20. Respondent never responded to the 5/25/23 Email.

21. The Order was also sent via the USPS with delivery confirmation to the mailing address the Respondent previously provided to the Board ("Mailed Order").

22. The Mailed Order was delivered to Respondent on May 30, 2023 at 11:15 a.m.

23. Respondent never responded to or complied with the Mailed Order.

2023 License Renewal Application

24. On March 22, 2023, Respondent renewed her license to practice medicine in Massachusetts ("2023 Renewal").

25. On her 2023 Renewal, Respondent stated she was certified by the American Board of Medical Specialties ("ABMS") in Family Medicine.

26. However, as of June 30, 2022, Respondent's ABMS certification expired.

27. At the time of her 2023 Renewal, Respondent's ABMS certification had not been renewed.

28. On her 2023 Renewal, Respondent answered "no" in response to the question that asked, "Are you aware of any open complaint, pending investigation or inquiry into your professional conduct by any entity or are any disciplinary charges pending against you?"

29. At the time of her 2023 Renewal, Respondent knew there were three open docketed complaints against her under investigation by the Board.

30. On her 2023 Renewal, Respondent answered "no" in response to the question that asked, "Has any disciplinary action been taken against you?"

31. Respondent had received a written reprimand by NSCHC on May 4, 2022.

32. Respondent resigned from NSCHC after being reprimanded.

Legal Basis for Proposed Relief

A. Pursuant G.L. c. 112, § 5, eighth par. (h) and 243 C.M.R. 1.03(5)(a)(11), the Board may discipline Respondent upon satisfactory proof to a majority of the Board that she violated any rule or regulation of the Board governing the practice of medicine. More specifically, the Board may discipline Respondent upon proof satisfactory to a majority of the Board that she:

1. Violated 243 C.M.R. 1.03(5)(a)(1) by fraudulently procuring her certificate of registration or its renewal; or
2. Violated 243 C.M.R. 1.03(5)(a)(16) by failing to respond to a subpoena or to furnish the Board, its investigators or representatives, documents, information or testimony which the Board is legally entitled.

B. Pursuant to G.L. c. 112, § 5, eighth par. (a), the Board may discipline Respondent upon satisfactory proof to a majority of the Board that she fraudulently procured her certificate of registration.

The Board has jurisdiction over this matter pursuant to G.L. c. 112, §§ 5, 61 and 62. This adjudicatory proceeding will be conducted in accordance with the provisions of G.L. c. 30A and 801 CMR 1.01.

Nature of Relief Sought

The Board is authorized and empowered to order appropriate disciplinary action, which may include revocation or suspension of the Respondent's license to practice medicine. The

Board may also order, in addition to or instead of revocation or suspension, one or more of the following: admonishment, censure, reprimand, fine, the performance of uncompensated public service, a course of education or training or other restrictions upon the Respondent's practice of medicine.

Order

Wherefore, the Respondent is hereby **ORDERED** to show cause why the Board should not discipline him for the conduct described herein.

By the Board of Registration in Medicine,



Julian N. Robinson, M.D.
Board Chair

Date: July 13, 2023.