COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. **Division of Administrative Law Appeals**

Board of Registration in Medicine, Docket No. RM-18-0662

 Petitioner Dated: April 10, 2019

 v.

Jessica Knapp, D.O.,

 Respondent

**Appearance for Petitioner:**

Katelyn Giliberti, Esq.

Board of Registration in Medicine

200 Harvard Mill Square, Ste. 330

Wakefield, MA 01880

**Appearance for Respondent:**

None.

**Administrative Magistrate:**

Judithann Burke

**ORDER OF DEFAULT**

**RECOMMENDED DECISION**

 On December 7, 2018 the Petitioner, Board of Registration in Medicine, issued a Statement of Allegations ordering the Respondent, Jessica Knapp, D.O., to show cause why she should not be disciplined for; violating 243 CMR 2.07(12)(a), which required a physician to respond to a written communication form the Board within thirty days; 243 CMR 1.03(7) and 243 2.07(12)(b), which require a physician to respond within ten days to an Order for Answering issued by the Complaint Committee; and, 243 CMR 1.03(5)(a)16, which allows the Board to discipline a physician upon proof satisfactory to a majority of the Board that said physician has failed to respond to a subpoena or furnish the Board, its investigators or representatives, documents, information or testimony to which the Board is legally entitled. (Attachment A.)

 Pursuant to 801 CMR 1.01(10)(a), a pre-hearing conference was scheduled for

March 20, 2019 at 11:00 A.M. The Notice of Pre-hearing Conference was issued on February 5, 2019. (Attachment B.) The Notice of Pre-hearing Conference was sent to the Respondent at the address provided by the Board, 2 Elmont Place, Asheville, N.C. 28804.

 Complaint Counsel appeared for the Pre-hearing Conference on March 20, 2019. The Respondent failed to appear or to contact Complaint Counsel or the Division of Administrative Law Appeals.

 On March 27, 2019, Complaint Counsel filed a Motion for Entry of Default and Summary Decision. (Attachment C.) The motion was sent to the Respondent at 2 Elkmont Place, Asheville, N.C. 28804. The Respondent failed to respond to the Motion.

 An Order to Show Cause was deemed redundant and unnecessary under the present circumstances. The Petitioner was provided with adequate notice of the pending default and summary dismissal by virtue of her being issued the Motion for Entry of Default and Summary decision.

No sufficient explanation has ever been offered as to the Respondent’s failure to: respond to the Board’s inquiries prior to the issuance of the Statement of Allegations; file an Answer to the Statement of Allegations; appear for the Pre-hearing Conference in person or through counsel; or file a response to the Board’s Motion for Entry of Default and Summary Decision. Her ongoing failure to communicate with the Board or the Division of Administrative Law Appeals during the various stages of this action is indicative of her lack of any intention to defend this action. Thus, as permitted by G. L. c. 30A, s. 10 (2), the Respondent should defaulted.

 The Respondent’s blatant disregard of the DALA hearing process, Order to Show

Cause and the authority of the Board of Registration in Medicine implies either her

lack of intent to zealously defend herself against the Board’s action, or a furtive attempt

to delay the process. As a consequence of the default and Summary Decision, each of the allegations contained in the Statement of Allegations is deemed to be true. The Board’s Motion for Entry of Default and Summary Decision is ALLOWED.

 Accordingly, I recommend that the Board of Registration in Medicine impose

appropriate sanctions against the Respondent.

 Division of Administrative Law Appeals,

 BY:

 Signed by Judithann Burke

 Judithann Burke

 Administrative Magistrate

DATED: April 10, 2019

To obtain a copy of the out-of-state disciplinary order, please contact the appropriate state’s medical licensing board directly. A list of state medical boards and contact information is available at <https://www.fsmb.org/contact-a-state-medica-board/>. You may also obtain a copy of the out-of-state disciplinary order by submitting a public records request (PRR) with the Massachusetts Board of Registration in Medicine. PRR forms and additional information can be found at https://www.mass.gov/board-of-registration-in-medicine-public-records.