COMMONWEALTH OF MASSACHUSETTS

Suffolk, Ss. **Division of Administrative Law Appeals**

**Board of Registration in Medicine**,

Petitioner

v. Docket No. RM-19-0224

**Atif B. Malik, M.D.**,

Respondent

**Appearance for Petitioner:**

Lawrence Perchick, Esq.

Board of Registration in Medicine

200 Harvard Mill Square, Ste. 330

Wakefield, MA 01880

**Appearance for Respondent:**

Carolyn Jacobs, Esq.

Jacobs & Dembert, P.A.

One South Street, Suite 2100

Baltimore, MD 21202-3280

**Administrative Magistrate:**

**Kenneth J. Forton, Esq.**

**ORDER OF DEFAULT AND RECOMMENDED DECISION**

On May 3, 2019, the Board of Registration in Medicine issued a Statement of Allegations against the Respondent, Dr. Atif B. Malik. His license last lapsed in 2006, and he has not practiced medicine in Massachusetts since then. The Board seeks to discipline Dr. Malik for a series of violations tied to his December 12, 2017 conviction for a variety of crimes for which he was sentenced to eight years incarceration that he is now serving.

The Board also seeks summary suspension of Dr. Malik’s license pending a final hearing on the Statement of Allegations. The Board filed its motion for summary suspension with DALA on May 8, 2019. DALA scheduled a hearing on the motion for May 21, 2019 at 10:00 a.m. The Board appeared for the hearing. The Respondent did not. The Board represented to DALA that, after failed attempts to agree upon a surrender of his license, Dr. Malik intended not to oppose the summary suspension or defend himself against the Statement of Allegations.

It is difficult to see grounds for summarily suspending the license of a physician who has not held a Massachusetts license since 2006 and who is scheduled to be incarcerated for at least six more years. Summary suspension requires that Dr. Malik be an *immediate* and/or *serious* threat to public health, safety or welfare. *See* 243 CMR 1.03(11). Neither is true at present. Nonetheless, the Board’s Order of Temporary Suspension remains in effect because Dr. Malik has not opposed it and apparently does not intend to oppose it.

Considering that he does not intend to defend himself, I ordered Dr. Malik, no later than ***June 14, 2019***, to either resign his inchoate right to renew his license, or show cause why DALA should not adopt the Statement of Allegations as true and recommend that the Board impose appropriate discipline. Dr. Malik did not respond.

On June 18, 2019, the Board filed a Motion for Entry of Default Judgment and Summary Decision based on the Respondent’s failure to answer the Statement of Allegation, failure to appear at the summary suspension hearing, and failure to respond to DALA’s Order to Show Cause.

801 CMR 1.01(6)(d) requires that a Respondent file full, direct and specific answers to a Statement of Allegations. The Respondent has failed to file such an Answer. Further, Respondent’s failure to appear at the summary suspension hearing and his failure to respond to the Order to Show Cause indicate his intention not to defend his license. Accordingly, as permitted by G.L. c. 30A, § 10, the Respondent is defaulted. *See also* 801 CMR 1.07(g).

As a consequence of the default, all of the allegations contained in the Statement of Allegations are deemed proven and true, and accordingly I hereby recommend to the Board of Registration in Medicine that it impose appropriate sanctions against the Respondent.

So ordered.

DIVISION OF ADMINISTRATIVE LAW APPEALS

Signed by Kenneth J. Forton

Kenneth J. Forton

Administrative Magistrate

Dated: JUL -3 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.