

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Board of Registration in Medicine,
Petitioner

Docket No. RM-19-0529

Dated: January 15, 2020

v.

Dominic Riganotti, D.O.,
Respondent

Appearance for Petitioner:

Stephen C. Hctor, Esq.
Complaint Counsel
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 October 25, 2019 the Petitioner, Board of Registration in Medicine, issued a Statement of Allegations ordering the Respondent, Dominic R. Riganotti, D.O., to show cause why he should not be disciplined after pleading guilty in the United States District Court for the Southern District of Florida to one count of Conspiracy to Defraud the United States and to Receive Health Care Kickbacks, and one count of Dispensing a Detectable Amount of Oxycodone. The Respondent was sentenced to 48 months in Federal prison based on his guilty plea. The court also recommended that he be allowed to participate in a 500 hour Residential Drug Abuse program and imposed special

conditions of probation. The Florida Board of Osteopathic Medicine revoked the Respondent's license to practice medicine in Florida. (See Attachments A and A1.) The Board concluded that the Respondent's actions and ultimate guilty pleas were tantamount to violations of ng 243 CMR 1.03(5), 5(a)7, 5(a)10, 5(a)12 and 5(a)(18)) all of which pertain to the Board's authority to discipline a physician upon proof of the conviction of a crime, deceit in the practice of medicine, discipline in another jurisdiction by the proper licensing authority and misconduct in the practice of medicine.(Attachment A.)

Pursuant to 801 CMR 1.01(10)(a), a pre-hearing conference was scheduled for December 6, 2019 at 11:00 A.M. The Notice of Pre-hearing Conference was issued on October 30, 2019 at the same time as the Acknowledgement. (Attachment B.) The Notice of Pre-hearing Conference was sent to the Respondent at the address of the correctional facility originally provided by the Board, FPC Montgomery, Federal Prison Camp, Maxwell Air Force Base, Montgomery, Alabama 36112. The Notice of Pre-hearing Conference and the Acknowledgment were returned to DALA in the envelope in which they were sent on November 26, 2019. (Attachment C.)

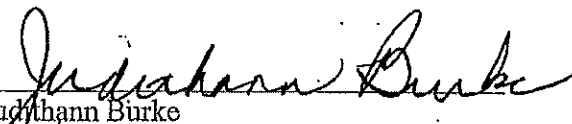
Complaint Counsel appeared for the Pre-hearing Conference on December 6, 2019. The Respondent failed to appear or to contact Complaint Counsel or the Division of Administrative Law Appeals. Complaint Counsel supplied an updated address for the Respondent at RRM Miami, 401 N. Miami Avenue, Miami, FL 33128. The Order to Show Cause was sent to this address and was not returned to DALA.

The Respondent was provided with adequate notice of the Order to Show Cause as well of the pending pre-hearing conference (through letters from the boars issued to im in Miami).

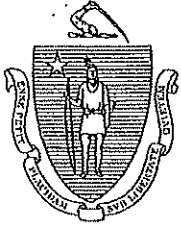
No sufficient explanation has ever been offered for the Respondent's failure to: respond to the Board's inquiries prior to the issuance of the Statement of Allegations; file an Answer to the Statement of Allegations; appear for the Pre-hearing Conference in person or through counsel; or file a response to the Order to Show Cause. His ongoing failure to communicate with the Board or the Division of Administrative Law Appeals during the various stages of this action is indicative of his 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, each of the allegations contained in the Statement of Allegations is deemed to be true. I recommended the Board enter a default against the Respondent and take whatever actions are deemed appropriate.

Division of Administrative Law Appeals,
BY:


Judithann Burke
Administrative Magistrate

DATED: January 15, 2020.



RM 19-0529
Attachment A

**Commonwealth of Massachusetts
Board of Registration in Medicine**

200 Harvard Mill Square, Suite 330
Wakefield, Massachusetts 01880
(781) 876-8200

www.mass.gov/massmedboard
Enforcement Division Fax: (781) 876-8381
Legal Division Fax: (781) 876-8380
Licensing Division Fax: (781) 876-8383

CANDACE LAPIDUS SLOANE, MD
Chair, Physician Member
GEORGE ABRAHAM, MD
Vice Chair, Physician Member
ROBIN S. RICHMAN, MD
Secretary, Physician Member
WOODY GIESSMANN, LADC-I, CADC, CIP, CAI
Public Member
JULIAN N. ROBINSON, MD
Physician Member
MICHAEL D. MEDLOCK, MD
Physician Member
PAUL G. GITLIN, ESQ
Public Member
GEORGE ZACHOS, ESQ
Executive Director

CHARLES D. BAKER
Governor
KARYN E. POLITO
Lieutenant Governor
MARYLOU SUDDERS
Secretary
Health and Human Services
MONICA BHAREL, MD, MPH
Commissioner
Department of Public Health

October 25, 2019
Division of Administrative
OCT 28 2019
Law Appeals

Edward McGrath, Esq.
Chief Administrative Magistrate
Division of Administrative Law Appeals
14 Summer Street, 4th Floor
Malden, Massachusetts 02148

Dear Attorney McGrath:

Enclosed please find the docket for the case listed below. The Board is referring this case to the Division of Administrative Law Appeals for recommended findings of fact and necessary conclusions of law only, pursuant to the Secretary of Consumer Affairs' March 1, 1990 plan, as amended March 15, 1990, filed pursuant to St. 1989, c. 653, sec. 233 and the interagency agreement between the Board and the Division of Administrative Law Appeals.

In the Matter of Dominic R. Riganotti, D.O. Adjudicatory Case No. 2019-055

As the Order of Reference in this case indicates, we will maintain a duplicate docket at the Board for the case referred to DALA.

Sincerely,
Eileen A. Prebensen

Eileen A. Prebensen
Board Counsel

EAP/bs
Enclosure

cc: Stephen Hooctor, Esq. (w/o attachments)
Complaint Counsel

Dominic Riganotti (w/o attachments)

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Board of Registration in Medicine
Adjudicatory Case No.
2019-055

In the Matter of)
)
)

DOMINIC R. RIGANOTTI, D.O.)
)

**ORDER OF REFERENCE TO DIVISION OF
ADMINISTRATIVE LAW APPEALS**

The Board hereby refers the above-captioned matter to the Division of Administrative Law Appeals for recommended Findings of Fact and necessary Conclusions of Law only.

The Board's Complaint Counsel, the Respondent, and any intervenor shall file all papers, transcripts, exhibits or other record entries with both the Board of Registration in Medicine at 200 Harvard Mill Square, Suite 330, Wakefield, MA 01880, and also with the Division of Administrative Law Appeals at 14 Summer Street, 4th Floor, Malden, Massachusetts 02148, in addition to service amongst the Complaint Counsel, the Respondent, and any intervenor. Filings for review by the full Board, such as an interlocutory appeal or objections to a Recommended Decision, shall include three (3) copies addressed to the Executive Director and one copy to the General Counsel.

Upon the Complaint Counsel's receipt of any docket entry originating from an Administrative Magistrate, the Complaint Counsel shall file a copy of same with the Board.

Unless confidentiality is waived by the patient, a) nothing in the public record or docket shall contain patient-identifying information, and b) hearings shall be closed to the public during patient testimony, although transcripts without patient-identifying information are public. Motions to impound and to use pseudonyms, and rulings thereon, shall be filed and docketed under appropriate seal.

Candace Lapidus Sloane, MD

Candace Lapidus Sloane, M.D.
Board Chair

Dated: October 24, 2019

A Attachment B

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals
www.mass.gov/dala

Board of Registration in Medicine,
Petitioner

Docket No.: RM-19-0529

v.

Dominic R. Riganotti, D.O.
Respondent

Date: October 30, 2019

NOTICE OF PRE-HEARING CONFERENCE

Pursuant to the Standard Adjudicatory Rules of Practice and Procedure 801 CMR 1.01(10)(a), a pre-hearing conference is scheduled for **Friday, December 6, 2019 at 11:00 AM**. The conference will be held at the offices of the Division of Administrative Law Appeals, 14 Summer St., Malden, MA 02148.

I do not expect Dr. Riganotti to attend the conference in person. If he wishes to participate by phone, he should communicate in writing or by phone with the Division of Administrative Law Appeals by December 3, 2019 with a phone number at which he can be reached at the time of the conference on December 6.

Counsel for the parties should be prepared to set the date for hearing in these matters and to discuss:

- (a) the simplification or clarification of the issues;
- (b) the possibility of obtaining stipulations, admissions, agreements on documents, understandings on matters already on record or similar agreements which will avoid unnecessary proof;
- (c) the limitation of the number of witnesses so as to avoid cumulative evidence; and
- (d) the possibility of agreement disposing of all or any of the issues in dispute; and
- (e) other matters including discovery and other motions

Failure to appear may result in the entry of an order of default.

DIVISION OF ADMINISTRATIVE LAW APPEALS

Judithann Burke
Judithann Burke
Administrative Magistrate

Notice sent to:
Stephen C. Hocht, Esq.
Dominic R. Riganotti, D.O.
Debra G. Stoller, Esq.

Attachment B

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals
14 Summer St., 4th Floor
Malden, MA 02148
(781) 397-4700
Fax: (781)397-4720
www.mass.gov/dala

Board of Registration in Medicine

Petitioner

Docket No: RM-19-0529

v.

Dominic Riganotti, D.O.

Date: 10/28/2019

Respondent

ACKNOWLEDGEMENT

The Division of Administrative Law Appeals acknowledges the filing of the above action on 10/28/2019. The action will proceed under the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01, Formal Rules.

The Division has assigned the above docket number to this case. The parties are instructed to use this docket number on all correspondence and pleadings related to this case.

DIVISION OF ADMINISTRATIVE LAW APPEALS
Edward B. McGrath
Chief Administrative Magistrate

Notice sent to:

Dominic Riganotti, D.O.
Stephen C. Hctor, Esq.
Debra G. Stoller, Esq.



THE COMMONWEALTH OF MASSACHUSETTS

DIVISION OF ADMINISTRATIVE LAW APPEALS

14 SUMMER ST., 4TH FLOOR

MALDEN, MA 02148

EDWARD B. MCGRATH
CHIEF ADMINISTRATIVE MAGISTRATE

TEL: 781-397-4700
FAX: 781-397-4720
WEBSITE: www.mass.gov/dala

Standing Order 13-1

This standing order governs practice before the Division of Administrative Law Appeals, General Jurisdiction Section.

1. *Procedural Rules:* This matter will be governed by the Standard Adjudicatory Rules of Practice and Procedure which are found in Title 801 of the Code of Massachusetts Regulations, Sections 1.01 through 1.04. You will find a link to the rules on the Division's website at www.mass.gov/dala in the resource entitled "Practicing at DALA" in the "Key Resources" section. You may also find helpful two additional resources, "How Retirement Cases Are Scheduled," and "If you are representing yourself"

2. *How to File Papers:* Papers may be filed by U.S. mail or other similar service for in-hand delivery at the Division's offices at 14 Summer St., 4th Floor, Malden, MA 02148. Short documents (less than 5 pages) may be filed by fax/telecopier (781-397-4720). You may not use electronic mail unless you are requested to do so by the magistrate hearing your case. ALL FILINGS MUST CONTAIN YOUR CERTIFICATION THAT A COPY OF WHAT YOU ARE FILING HAS BEEN SENT TO ALL OPPOSING PARTIES AND DESCRIBE HOW AND WHEN YOU DID SO. Parties should not submit the same documents by more than one method. For example, a party should not submit one document by both U.S. mail and fax.

3. *Filing Exhibits:* Unless otherwise ordered by the magistrate hearing your case, or your case is a retirement case, exhibits shall be filed no earlier than five business days before your scheduled hearing. For retirement cases, the exhibits shall be filed with the pre-hearing memorandum. Exhibits having more than 5 pages shall have the pages numbered. Unless permitted by the magistrate hearing your case, exhibits and other documents should not be submitted on electronic media.

4. *Communications with Magistrates:* All communications with the magistrate hearing your case must be either (a) in writing with a copy to all opposing parties; (b) by conference call with all parties participating arranged or authorized by the magistrate at such time as the magistrate designates; or (c) at a hearing in which all parties have been given notice and permitted to participate. As examples of prohibited conduct: A party should not call or try to call an administrative magistrate to check on the status of the case; parties should not, without the prior permission or knowledge of the magistrate, initiate a conference call with an administrative magistrate to ask jointly for a continuance or other instruction relating to the case; a party should not, without permission or unless at the direction of the magistrate, send an e-mail to a magistrate, even if he or she copies all other parties; a party should not call or send an e-mail about a legal issue to an administrative staffer at DALA and ask the staffer to ask the administrative magistrate for an answer.

5. *Continuances:* A party moving for a continuance (requesting a postponement) must:

a. State the good cause for the motion and how long he or she has known the good cause. See 801 CMR 1.01(7)(d);

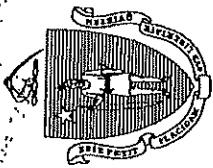
b. State whether the other party or parties assent to the motion (agree to the request);

c. Confer with the other party or parties and propose alternative dates four to eight weeks after the original date;

d. Not call DALA's administrative staff to check on the status of the motion during the first 24 hours after filing it or before the opposing party/parties have had seven days to respond if they have not previously assented;

e. Not call DALA's administrative staff more than once in a day to check on the status of the motion.

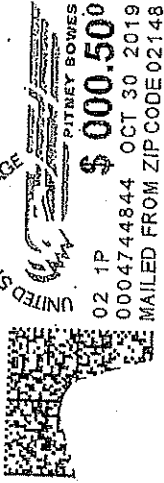
1. This Standing Order does not apply to the Bureau of Special Education Appeals.



The Commonwealth of Massachusetts
 Division of Administrative Law Appeals
 14 Summer Street, 4th Floor
 Malden, MA 02148

BOSTON
 MA 021
 01 NOV 19
 PM 2 L

Attachment C



02 1P \$000.50
 0004744844 OCT 30 2019
 MAILED FROM ZIP CODE 02148

Division of Administrative
 Law Appeals
 NOV 9 2019

RETURN TO SENDER
 NAME/REGISTER NUMBER NEEDED
 NAME/REGISTER NUMBER NEEDED
 NOT AT THIS ADDRESS
 NOT AT THIS ADDRESS
 NO PACKAGE AUTHORIZATION
 NO PACKAGE AUTHORIZATION
 30 DAY HOLD/FIXE 352 DC 1 0911/25/19

RETURN TO SENDER
 NOT DELIVERABLE AS ADDRESSED
 UNABLE TO FORWARD

OFFICE PC: 02148298524
 0214829853
 35112

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Federal Bureau of Prisons

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Find an inmate.

Locate the whereabouts of a federal inmate incarcerated from 1982 to the present. Due to the First Step Act, sentences are being reviewed and recalculated to address pending Good Conduct Time changes. As a result, an inmate's release date may not be up-to-date. Website visitors should continue to check back periodically to see if any changes have occurred.

Find By Number

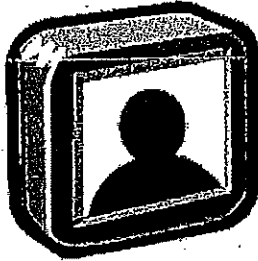
Find By Name

Type of Number

Number

Result using number 15519-104

Clear Form



DOMINIC RIGANOTTI

Register Number: 15519-104

Age: 52
Race: White
Sex: Male

Located at: Miami RRM
Release Date: 02/27/2020

Related Links

- Facility Information
- Call or email
- Send mail/package
- Send money
- Visit
- Voice a concern

About the Inmate locator & record availability

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Inmates

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RRM MIAMI

A Residential Reentry Management (RRM) field office.

401 N MIAMI AVENUE
MIAMI, FL 33128

Email: CMM/CCM@bop.gov
Phone: 305-982-1181
Fax: 305-536-4024

County: MIAMI-DADE
 Judicial Districts: Southern Florida
 Middle Florida
 Puerto Rico
 United States Virgin Islands
 Region: Southeast Region

- [How to send staff mail](#)
- [RRM Statistics](#)
- [Driving Directions](#)
- [Job Vacancies](#)

How to send staff mail

Use this address when sending correspondence and parcels to staff:

STAFF NAME
 RRM Miami
 RESIDENTIAL REENTRY OFFICE
 401 N MIAMI AVENUE
 MIAMI, FL 33128

RRM Statistics

22 total RRM field offices are in operation nationwide.

- [List all RRM Locations](#)
- [Map all RRM Locations](#)

11,002 total federal offenders are managed by RRM field offices with a population breakdown that follows:

No. of Inmates	Population Type
29	Juveniles
2,398	Home Confinement
566	Jail/Short-term
115	Long-term Boarders
7,894	Residential Reentry Centers

Learn more about Residential Reentry Management Field Offices

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Attachment E

THE COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals
14 Summer Street, 4th FL
Malden, MA 02148
(781) 397-4700
www.state.ma.us/dala

v.

Board of Registration in Medicine,
Petitioner

Docket No. RM-19-0529

v.

Dominic Riganotti, D.O.,
Respondent

Date: December 6, 2019

ORDER TO SHOW CAUSE

To the Respondent:

Pursuant to the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR1.10(7)(g)(2), you are hereby ordered to show good cause why the action contemplated by the Petitioner, as set forth in and supported by the Statement of Allegations, should not be allowed, or that a default judgment should not be entered against you, due to your failure to appear for the pre-hearing conference scheduled for Friday, December 6, 2019 at 11:00 A.M., or to be represented. Additionally, you failed to provide an updated address to the Board of Registration in Medicine. If you do not provide sufficient evidence of good cause for your failure to appear in a written document addressed to THIS AGENCY within thirty (3) days, your appeal will be dismissed and a default judgment will be entered against you.

DIVISION OF ADMINISTRATIVE LAW APPEALS,
Judithann Burke, Administrative Magistrate
Order sent to Dominic Riganotti, D.O., Stephen C. Hoctor, Esq., Debra G. Stoller, Esq.

Judithann Burke AMM