

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

Division of Administrative Law Appeals

Board of Registration in Medicine,

Docket No. RM-20-0451

Petitioner

v.

Emmanuel Rodriguez, M.D.,

Respondent

ORDER OF DEFAULT RECOMMENDED DECISION

On November 6, 2020, the petitioner, Board of Registration in Medicine, issued a Statement of Allegations ordering the respondent, Emmanuel Rodriguez, M.D., to show cause why he should not be disciplined for violations of law, regulations, and good and accepted medical practices. The cover letter to the Statement of Allegations advised Dr. Rodriguez that 801 CMR 1.01(6)(d) required that an Answer to the Statement of Allegations be filed within 21 days of receipt of it. Dr. Rodriguez did not file an Answer.

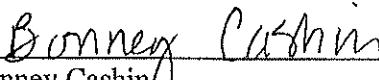
On November 20, 2020, the Division of Administrative Law Appeals issued to the parties a Notice of Pre-hearing Conference to be held by telephone on December 7, 2020. The Notice was sent to the respondent's New York City address that the Board provided to DALA, and it was not returned to DALA as undeliverable.

Dr. Rodriguez failed to appear at the pre-hearing conference on December 7, 2020. DALA issued an Order to Show Cause on the same day, which ordered Dr. Rodriguez to show cause why an Order of Default should not enter against him by filing a written response by December 31, 2020. Dr. Rodriguez was warned that a failure to

respond may result in default. He did not respond to the Order. The Order was sent by certified mail, No: 7019 1120 0002 0254 8710. While the return receipt postcard was not returned to DALA, the United States Post Office tracking service shows that the Order was delivered on December 12, 2020. *USPS Tracking*® USPS.COM (last visited Jan. 13, 2021)<https://tools.usps.com/go/TrackConfirmAction?tRef=fullpage&tLc=2&text28777=&tLabels=70191120000202548710%2C&tABt=false>.

Dr. Rodriguez failed to file an Answer, failed to appear for the pre-hearing conference, and failed to respond to the Order to Show Cause. I therefore find Dr. Rodriguez in default, under G.L. c. 30A, §10. *See Bd. of Reg. in Med. v. Owens*, RM-17-840 (Div. Admin. Law App., Jan. 9, 2018, *adopted* by Final Decision and Order, Apr. 25, 2018). I recommend that the Board default Dr. Rodriguez, consider the allegations in the Statement of Allegations to be admitted as a consequence of that default, and discipline him as it sees fit.

DIVISION OF ADMINISTRATIVE LAW APPEALS



Bonney Cashin
Administrative Magistrate

DATED: January 15, 2021