

① 2/24/2015

COMMONWEALTH OF MASSACHUSETTS

BOARD OF REGISTRATION IN MEDICINE

Middlesex, ss.

In the Matter of

Michael L. Langan

Reconsideration of Petition to Stay Suspension  
Reconsideration of Petition for Reconsideration  
of  
December 21<sup>st</sup>, 2011 Board Order

Attn: Executive Director, Physician Health and Compliance Unit, and the Entire Board and Staff.

Please note that this document (as well as the documents referenced herein) is to be distributed to the entire Massachusetts Board of Registration in Medicine including all Board members and staff.

Attached is a Petition to Deb Stoller (Senior Board Counsel for the Physician Health and Compliance Unit at the Board) dated January 20, 2015 to invalidate my February 16, 2013 suspension. As noted in the cover letter to this petition, I request that this petition be expedited due to the serious nature of my allegations regarding Physician Health Services and the *prima facie* evidence of fraud (confirmed by outside agencies) as well as the fact that my suspension was based on an Establishment Clause violation as well as other civil rights violations.

Included therein is Commonwealth of Massachusetts Supreme Judicial Court Justice Margot Botsford's decision regarding a petition for relief under writ of certiorari statute G.L. c. 249 § 4 confirming the "allegations are serious" and that "plaintiff would appear entitled at least to re-petition the board to stay suspension of his medical license at this time."

As it has been more than 30 days and this letter is to confirm that Ms. Stoller has not yet scheduled a re-hearing in this matter. In the interim the e-mail below was exchanged between Ms. Stoller and me dated February 5, 2013 in which I

inquire about the status of my Petition and Ms. Stoller replies that the "agenda for the next few meetings are full" and it will "be scheduled in due course to be considered by the Board."

**Stoller, Debra G (MED)**

To: Michael Langan Cc: Ottina, Tracy J (MED), Harvey, Robert (MED)  
RE: Re-Petition BORM

It will be scheduled in due course to be considered by the Board. The agendas for the next few meetings are full. You will be notified when your matter is scheduled.

Debra G. Stoller  
Senior Board Counsel  
Massachusetts Board of Registration in Medicine  
200 Harvard Mill Square, Suite 330  
Wakefield, MA 01880  
Phone: (781) 876-8254

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**From:** Michael Langan [mllangan1@me.com]  
**Sent:** Thursday, February 05, 2015 3:47 PM  
**To:** Stoller, Debra (MED)  
**Cc:** wkeefelaw; Ottina, Tracy J. (MED); Harvey, Robert (MED); Waksmonski, Pamela (DPH)  
**Subject:** Re: Re-Petition BORM

Ms. Stoller,

According to the return receipt the Board received my petition on January 21st, 2015. I have not received a reply. Please advise?

My reply, also dated February 5, 2015 is below and is self-explanatory. I note that my request for an expedited and timely review has been, in effect, already been denied and request that the Board "either deny my petition or expedite it" and ask that Ms. Stoller advise on this. To date there has been no reply. I also note again that my suspension was based on "bad-faith" due to criminal acts committed by PHS and violations of the Establishment Clause.

Ms. Stoller's assertion that the "agenda for the next few meetings is full" and that my petition will be scheduled in "due course" rings hollow when presented with the simple fact that it is now February 24, 2015 (32 days after she received the petition) and she has not yet even scheduled a re-hearing. Logic and common-sense would dictate that her assertion that that this is a mere scheduling issue would necessitate it be scheduled after the "next few meetings." It has not. This conduct exemplifies a complete disregard of Judge Botsford's assertion that I am entitled to a re-petition "at this time."

From: Michael Langan [mllangan1@pro.com](mailto:mllangan1@pro.com)  
Subject: Re: Re-Petition BORM  
Date: February 5, 2015 at 7:21 PM  
To: Stoller, Debra G (MED) [debra.g.stoller@state.ma.us](mailto:debra.g.stoller@state.ma.us)  
Cc: Ottina, Tracy J (MED) [tracy.j.ottina@state.ma.us](mailto:tracy.j.ottina@state.ma.us), Harvey, Robert (MED) [robert.harvey@state.ma.us](mailto:robert.harvey@state.ma.us)  
Bcc: [REDACTED]

As my petition specifically requested an expedited review and the Board is not allowing it my petition has in effect already been denied. Please provide me with documentation that my request for a timely review was denied.

The request for an expedited review is based on the documented evidence that my suspension was based on "bad faith" due to criminal acts committed by PHS and an outstanding Establishment Clause violation the Board was asked to correct 2 years ago. In light of the copious documentation provided to The Board that not only disproves each and every allegation made by PHS I have sequentially provided the Board with evidence of indefensible crimes including forensic fraud, misrepresentation, concealment, providing false statements to a state agency and others. This was all done under "color of law" to deprive my family and me of civil rights and my suspension was a clear Establishment Clause violation.

Therefore "due course" is long overdue. As every allegation of PHS is disproved at this point and there is not a single individual outside of PHS who does not support me the Board has no basis for delaying what should have been corrected long ago.

Based on this I request the Board either deny my petition or expedite it. Please advise. If I do not hear back I am going to request that Judge Botsford issue a court order requiring the Board either deny or address my petition in a timely fashion. That I am the victim of a crime is now documentary fact not opinion and there is no "good-faith" argument for stonewalling this any longer.

Sent from my iPhone

On Feb 5, 2015, at 4:01 PM, Stoller, Debra G (MED) <[debra.g.stoller@state.ma.us](mailto:debra.g.stoller@state.ma.us)> wrote:

It will be scheduled in due course to be considered by the Board. The agendas for the next few meetings are full. You will be notified when your matter is scheduled.

My concern is that Ms. Stoller is using Administrative law to temporize as she has done in the past. Ms. Stoller has exhibited a pattern of ignoring petitions and I have attached multiple petitions as well as other documents dating back to December 29, 2011 showing that she has been aware of the forensic fraud since that time. The documents include a July 11, 2013 Petition for an Independent evaluation (one of several which were ignored) as well as three petitions dated September 3, 2014, September 4, 2014 and September 10, 2014. These are, respectively, a Petition to Reconsider Stay of Suspension, a Petition for a Re-hearing and a Petition for a Statement of Facts and Reasoning.

It is important to note all of these Petitions were ignored, and continue to be ignored by Ms. Stoller. By ignoring the latter three petitions Ms. Stoller was able to toll the time from my suspension in order to get my Writ of Certiorari dismissed. While I awaited a reply in "good-faith" she was able to let the sixty

days run out and get the writ dismissed on a technicality while avoiding the substantive issues which include documented forensic fraud, concealment and other crimes on the part of PHS as well as the Establishment Clause and other civil rights violations. Moreover the September 2014 Petitions included new information including documentary proof that Dr. Luis Sanchez lied to the Board (as crime in the state of Massachusetts) as well as confirmation by the attorney's for USDTL and Quest labs that PHS intentionally sent a "forensic specimen" as "clinical." (an ultra vires act that is out of the scope and authority of PHS as a "non-profit" non-health care provider. It is also important to note that The Quest attorney states the Board was fully aware that the specimen was sent as a "clinical" one. This is also a clear HIPPA violation and also breaches State Clinical Laboratory Law.

The documents show that Ms. Stoller has been aware of the fraud and Establishment Clause violations for some years. The documentary evidence also shows that Ms. Stoller is fully aware that Dr. Luis Sanchez was made aware of the retraction of the positive PEth test 67-days before he admits to it and that this preceded my suspension.

The purpose of this letter is to make the entire Board aware of both the "bad-faith" and Establishment Clause violations involved in my case as well as Ms. Stollers disregard for Justice Botsford's request. I find it hard to believe that the rest of the Board supports this and want to make sure that this is all on the table.

I would therefore like to request that the Board expedite this matter by scheduling my case to be heard (or declining my Petition) at either the next Board meeting or the one following

I would like a written response to this request by Monday, March 2, 2015. If I do not receive a reply to this request by that time I will re-petition Justice Botsford to take the appropriate steps to remedy the situation.

Sincerely,



Michael Langan, M.D. (MA License # 151239)