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Department of State

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

Commonwealth of Pennsylvania
Bureau of Professional and Occupational
Affairs

vs.

Case No. 17-49-07465

Matthew Jerome Meredith, LAT,
Respondent

CORRECTED MEMORANDUM ORDER


AND NOW, this 14th day of February 2019, the State Board of Medicine (Board), noting that its February 13, 2019 Memorandum Order incorrectly calculated on page 4 the date upon which the suspension of Matthew Jerome Meredith's (Respondent) license would become effective, the Board hereby corrects the last line of page 4 of its February 13, 2019 to indicate that Respondent's license will be suspended indefinitely effective **Tuesday, March 5, 2019**, (20 days after the date of mailing of the Memorandum Order of February 13, 2019). The remainder of the Board's February 13, 2019 Memorandum Order remains unchanged. A copy of the February 13, 2019 Memorandum Order is attached as **Attachment A**.

BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS


IAN J. HARLOW
COMMISSIONER

BY ORDER:

STATE BOARD OF MEDICINE


KEITH E. LOISELLE
CHAIR

Respondent:

Matthew Jerome Meredick, LAT
111 45th Street
Pittsburgh, PA 15201

For the Commonwealth:

Adam L. Morris
Prosecuting Attorney
Department of State
P.O. Box 69521
Harrisburg, PA 17106-9521

Board Counsel:

Peter D. Kovach, Esq.

Date of Mailing:

February 14, 2019

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ATTACHMENT

A

COPY

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE

PROCESSED
2019 FEB 13 AM 8:42
Department of State

Commonwealth of Pennsylvania
Bureau of Professional and Occupational
Affairs

vs.

Case No. 17-49-07465

Matthew Jerome Meredick, LAT,
Respondent

MEMORANDUM ORDER

AND NOW, this 13th day of February 2019, the State Board of Medicine (Board), upon consideration of the Motion to Deem Facts Admitted (Motion) filed by the Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs (Commonwealth) on January 17, 2019, concerning the Commonwealth's Petition for Mental and Physical Examination of Matthew Jerome Meredick, LAT (Respondent), license number RT005434, and pursuant to section 41(5) of the Medical Practice Act of 1985¹ ("Act"), as amended, 63 P.S. § 422.41(5), and the holding in Lencovich v. Bureau of Professional and Occupational Affairs, 829 A.2d 1238 (Pa. Cmwlth. 2003), the Board finds that:

1. On or about October 23, 2018, the Board's Probable Cause Screening Committee² (Committee) approved a Petition to Compel Mental and Physical Examination (Petition) in the matter of In Re: The Fitness of Matthew Jerome Meredick, LAT to Practice as a Medical Athletic Trainer With Reasonable Skill and Safety at File No. 17-49-07465 and issued an Order

¹ The act of December 20, 1985, P.L. 457, No. 112, 63 P.S. §§ 422.1-422.53.

² The members of the Board that participated on the Probable Cause Screening Committee in this matter were Paul Joseph Valigorsky, II, MD, Joseph Losee, MD and John M. Mitchell, L.P., C.C.P. Other than making the initial determination to order the mental/physical examination, the members of the Probable Cause Screening Committee have recused themselves from further consideration of this matter.

Compelling Mental and Physical Examination (Order) requiring Respondent to attend a mental and physical examination at the time, date and place set forth in a Notice of Mental and Physical Examination (Notice). (Motion at ¶¶ 1-4, Exhibit A attached to Motion).

2. On October 23, 2018 the Commonwealth sent the Notice, Order and Petition to Respondent by mailing one copy via certified mail, electronic return receipt requested, and another copy via first class mail, postage prepaid to Respondent's address on file with the Board, namely: 111 45th Street, Pittsburgh, PA 15201. (Motion at ¶ 5, Exhibit A attached to Motion at Certificate of Service, Board records).

3. The copies of the Notice, Order and Petition sent by certified mail to Respondent's last known address on file with the Board were returned to the Commonwealth marked "Unclaimed." (Motion at ¶¶ 6-7, Exhibit B).

4. The copies of the Notice, Order and Petition sent by first class mail, postage prepaid to Respondent's last known address on file with the Board were not returned to the Commonwealth, indicating receipt by Respondent or Respondent's agent at that address. (Motion at ¶¶ 5, 7, 8).

5. The Petition, Order and Notice directed the Respondent to attend a Mental and Physical Examination (the "Examination") with Bruce A. Wright, M.D. (Dr. Wright), in Pittsburgh, Pennsylvania, on December 21, 2018, at 12:30 p.m. (Motion at ¶¶ 2-3; Exhibit A attached to Motion).

6. Respondent failed to appear and submit to the December 21, 2018 Examination by Dr. Wright as directed by the Order and the Notice. (Motion at ¶¶ 10-11).

7. Respondent failed to provide records required by the Order. (Motion at ¶ 12).

8. Section 41(5) of the Act and paragraph 7 of the Order specify that Respondent's failure to comply with the Order, except for circumstances beyond Respondent's control, shall constitute an admission of the allegations contained in the Petition upon which a default and final Order may be entered without the taking of testimony or presentation of evidence. (Motion at ¶ 16, **Exhibit A** attached to Motion at Order ¶ 7).

9. Respondent has not filed any response setting forth defenses or mitigation to the allegations in either the Motion or the Petition, despite being afforded at least 19 days to do so since the filing of the Motion. (See docket entries for case no.: 17-49-07465).

10. The Commonwealth incurred four hundred eight dollars and seventy-five cents (\$408.75) in costs investigating this matter. (Motion at ¶¶ 14-15; **Exhibit C** attached to Motion).

Accordingly, it appears that Respondent is in default for failing to submit to the examination and the Board is authorized to **INDEFINITELY SUSPEND** Respondent's license to practice as a Medical Athletic Trainer, license number RT005434; along with any other license, registration, certificate, approval, authorization or permit issued by the State Board of Medicine and held by Respondent (hereinafter "authorizations to practice the profession"), subject to notice, hearing, adjudication and appeal. The indefinite suspension will become effective unless, within twenty (20) days of the mailing of this Order, Respondent files an Answer and a written request for a hearing to challenge the validity of the Order compelling the examination or to contest the allegations of the Motion to Enter Default and Deem Facts Admitted.

To the extent Respondent challenges the validity of the Order compelling an examination, Respondent shall file an answer to the Petition, specifically admitting or denying each numbered paragraph of the Petition. To the extent Respondent opposes the Motion to Enter Default and Deem Facts Admitted, Respondent shall file an answer to the Motion, specifically admitting or

denying each allegation of each numbered paragraph of the Motion. Respondent shall file his request for hearing and answer with:

Prothonotary
Department of State
2601 North Third Street
P.O. Box 2649
Harrisburg, PA 17105-2649.

A copy of the request for hearing and answer shall also be served on the prosecuting attorney identified below and mailed to the address set forth below.

If a timely answer and request for hearing is received by the Prothonotary, a hearing before a hearing examiner shall be scheduled within thirty (30) days of receipt of the request for a hearing and answer. Continuances will only be granted for good cause shown. If any future formal proceedings related to this matter occur, the record developed during the hearing described above may be introduced by the parties, subject to appropriate objections. The hearing examiner is directed to issue a final adjudication promptly after close of the record. Unless either party files a brief on exceptions under 1 Pa. Code § 35.211 (procedure to except to proposed report), the Board will permit the hearing examiner's proposed adjudication to become final under 1 Pa. Code § 35.226(3) (final orders include a proposed report upon the expiration of the time provided for an appeal to or review by the agency head without the appeal or review having been initiated). Nothing herein shall be construed as prohibiting the Commonwealth from bringing charges pursuant to any provisions of the Act that the Commonwealth determines are warranted.

If a request for hearing and answer are not filed within the time period set forth above, Respondent's license, along with all other authorizations to practice the profession issued by the State Board of Medicine to Respondent, will be **SUSPENDED INDEFINITELY** effective **Tuesday, February 26, 2019**, (20 days after the date of mailing of this order as indicated below)

and Respondent will be responsible for the costs of investigation, including those costs associated with failing to attend the mental and physical examination. A final adjudication and order to that effect will be issued by the Board.

If Respondent's authorizations to practice the profession are indefinitely suspended because he fails to request a hearing and file an answer within this time frame, Respondent shall, at reasonable intervals, be afforded an opportunity to demonstrate that he can resume the competent practice as a Medical Athletic Trainer with reasonable skill and safety.

BY ORDER:

**BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS**

STATE BOARD OF MEDICINE



**IAN J. HARLOW
COMMISSIONER**



**KEITH E. LOISELLE
CHAIR**

Respondent:

Matthew Jerome Meredick, LAT
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For the Commonwealth:

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February 13, 2019