

COMMONWEALTH OF MASSACHUSETTS
BOARD OF REGISTRATION IN MEDICINE

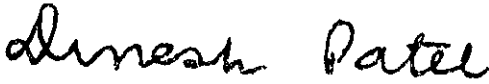
STANDING ORDER No. 91-1

(Adopted November 6, 1991,
superseding Standing Order No. 1988-1)

Interlocutory Appeals

When any case is pending before the Division of Administrative Law Appeals (DALA), a party may file an Interlocutory Appeal of a ruling of an Administrative Magistrate with the Board if (1) the ruling involves an important question of law or policy concerning which there is substantive grounds for difference of opinion and an immediate appeal from the ruling may materially advance the ultimate termination of the proceeding or (2) subsequent review will be an inadequate remedy. The party may seek such interlocutory action only as follows:

1. The party shall file a Motion for Leave to Take an Interlocutory Appeal with the Administrative Magistrate. Upon the filing of the Motion the Administrative Magistrate shall reduce the ruling to writing.
2. The Motion shall set forth the important question of law or policy involved and the substantive grounds for difference of opinion and how the interlocutory appeal may advance the ultimate termination of the proceeding or how subsequent review will be an inadequate remedy.
3. The Motion must be filed within seven days of the ruling.
4. Filing of the Motion shall not be grounds for delay of the proceeding.
5. Interlocutory appeal will not be permitted unless the Motion is allowed by the Administrative Magistrate or when the Board has determined that (a) vital public or private interests might otherwise be seriously impaired, or (b) the Board has not developed standards which the Administrative Magistrate can apply in determining whether interlocutory review is appropriate.


Dinesh Patel, Chairman