

Department of Health and Human Services

DEPARTMENTAL APPEALS BOARD

Civil Remedies Division

Bryant H. Hudson, III, M.D.
(O.I File No. H-11-40322-9),

Petitioner

v.

The Inspector General.

Docket No. C-11-606

Decision No. CR2472

Date: December 9, 2011

DECISION

The hearing request of Petitioner, Bryant H. Hudson, III, M.D., is dismissed pursuant to 42 C.F.R. § 1005.2(e)(3) for abandonment.

I. Background

The Inspector General (I.G.) notified Petitioner by letter dated June 30, 2011, that he was being excluded from participation in Medicare, Medicaid, and all federal health care programs for five-years. The I.G. excluded Petitioner, pursuant to section 1128(a)(2) of the Social Security Act (Act), based upon his conviction in the Circuit Court of Montgomery County, Alabama of a criminal offense related to neglect or abuse of patients in connection with the delivery of a health care item or service.

Petitioner timely requested a hearing by letter dated July 12, 2011. The case was assigned to me for hearing and decision on July 21, 2011. I convened a prehearing conference by telephone on August 3, 2011, the substance of which is memorialized in my August 4, 2011 Prehearing Conference Order and Schedule for Filing Briefs and Documentary Evidence (Prehearing Order).

In accordance with my Prehearing Order, the I.G. filed its motion for summary judgment and proposed exhibits on September 19, 2011. My Prehearing Order directed that

