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**JUDGMENT, U.S. COURT OF APPEALS
FOR THE FIRST CIRCUIT
(APRIL 24, 2025)**

UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

SALLY PRIESTER,

Plaintiff - Appellant,

v.

PUERTO RICO DEPARTMENT OF HEALTH;
VICTOR RAMOS; COLEGIO DE MÉDICOS
CIRUJANOS DE PUERTO RICO;
JOHN DOE; RICHARD ROE;
JOHN SMITH; PETER POE,

Defendants – Appellees,

FREDDIE ROMAN-AVILES;
VERONICA RODRIGUEZ-DE LA CRUZ,

Defendants.

No. 22-1694

Before: MONTECALVO, KAYATTA and
RIKELMAN, Circuit Judges.

JUDGMENT

Entered: April 24, 2025

Plaintiff-appellant Dr. Sally Priester filed this interlocutory appeal challenging the district court's decision to apply the *Younger* abstention doctrine and dismiss without prejudice her claims against defendant-appellee Puerto Rico Department of Health ("PRDH") for declaratory and injunctive relief regarding the cease-and-desist order contained in Resolution and Order No. 2021-04 and the disciplinary proceedings against Dr. Priester before the Medical Discipline and Licensing Board ("the Board"). The district court further denied her motion for a preliminary injunction as to the cease-and-desist order as moot and stayed her claims for damages against defendant-appellee Dr. Víctor Ramos pending the conclusion of the disciplinary proceedings. On July 10, 2024, Dr. Priester notified the court that the Board had dismissed the disciplinary proceedings. On October 22, 2024, Dr. Priester provided a certified translation of the Board's Resolution No. 2024-22, dated March 21, 2024, wherein the Board determined, *inter alia*, that Resolution and Order No. 2021-04 containing the cease-and-desist order was rendered moot due to the federal and Puerto Rico declarations ending the COVID pandemic and dismissed the disciplinary proceedings. This court's November 22, 2024 order directed the parties to show cause as to whether this appeal should be dismissed for lack of jurisdiction on mootness grounds. PRDH and Dr. Priester have responded.

This court has carefully reviewed the relevant portions of the record and the parties' filings. In light of Resolution No. 2024-22, this appeal is moot. See *Church of Scientology of Calif. v. United States*, 506

U.S. 9, 12 (1992) (“[I]f an event occurs while a case is pending on appeal that makes it impossible for the court to grant ‘any effectual relief whatever’ to a prevailing party, the appeal must be dismissed.”); *see also Am. Civil Liberties Union of Mass. v. U.S. Conference of Catholic Bishops*, 705 F.3d 44, 53 (1st Cir. 2013) (stating that “issuance of a declaratory judgment deeming past conduct illegal is also not permissible” when the matter is moot). Dr. Priester’s response to the order to show cause fails to provide a basis for any exception to Article III mootness to apply. *See Harris v. Univ. of Mass. Lowell*, 43 F.4th 187, 194 (1st Cir. 2022) (stating the “capable of repetition, yet evading review” exception requires “the party contesting mootness” to demonstrate “either the type of claims they bring are inherently transitory or there is a realistic threat that no trial court ever will have enough time to decide the underlying issues”) (internal quotation marks and citations omitted); *see also Town of Portsmouth v. Lewis*, 813 F.3d 54, 59 (1st Cir. 2016) (stating the voluntary cessation exception “does not apply where the voluntary cessation occurred for reasons unrelated to the litigation”) (citation omitted); *cf. Lowe v. Gagné-Holmes*, 126 F.4th 747, 758 (1st Cir. 2025) (“Nor does the fact that the defendant state health officials have the authority to promulgate regulations as to future events negate mootness”) (citing *Bos. Bit Labs, Inc. v. Baker*, 11 F.4th 3, 10 (1st Cir. 2021) (“That the Governor has the power to issue executive orders cannot itself be enough to skirt mootness, because then no suit against the government would ever be moot. And we know some are.”))).

Accordingly, the appeal is *dismissed* as moot. *See* 1st Cir. R. 27.0(c) (permitting the court to dismiss the

appeal at any time when appellate jurisdiction is lacking). Any pending motions, to the extent not mooted by the foregoing, are *denied*.

By the Court:

Anastasia Dubrovsky

Clerk

cc:

Ana Luisa Toledo

José Rafael Dávila-Acevedo

Francisco Jose Gonzalez-Magaz

Francisco E. Colón-Ramírez

Colegio de Médicos-Cirujanos de Puerto Rico

**OMNIBUS OPINION AND ORDER,
U.S. DISTRICT COURT FOR THE
DISTRICT OF PUERTO RICO
(AUGUST 10, 2022)**

IN THE UNITED STATES COURT
FOR THE DISTRICT OF PUERTO RICO

SALLY PRIESTER,

Plaintiff,

v.

PUERTO RICO DEPARTMENT OF HEALTH,
AND VICTOR RAMOS,

Defendants.

Civ. No. 22-1035 (SCC)

Before: SILVIA CARREÑO-COLL,
U.S. District Court Judge.

OMNIBUS OPINION AND ORDER

Pending before the Court are motions to dismiss filed by the Puerto Rico Department of Health (“PRDH”), *see* Docket No. 88 and Dr. Victor Ramos (“Dr. Ramos”), *see* Docket No. 91, in addition to a Motion for Preliminary Injunction filed by Dr. Sally Priester (“Dr. Priester”), *see* Docket No. 4. For the reasons set forth below, the Court: (1) GRANTS the PRDH’s Motion to Dismiss; (2) deems as MOOT Dr. Priester’s request for

a preliminary injunction; (3) and STAYS the claim against Dr. Ramos.

I. Background

On April 14, 2021, the Puerto Rico Medical Licensing and Disciplinary Board (the “Board”),¹ issued Resolution and Order 2021-04. Docket No. 1 at pg. 26. The same was issued after the Board investigated certain comments made by Dr. Priester during the month of November 2020, regarding the Government of Puerto Rico’s response to the Covid-19 pandemic. In the Resolution, the Board informed Dr. Priester that it would be filing a Formal Complaint against her because her comments violated canons 29, 31, 32, 33 and 38 of the Code of Ethics of the Medical Profession (the “Code of Ethics”). Further, because the evidence identified during the investigative phase “supports the likelihood of Unprofessional Conduct,” and considering the danger that straying from guidelines necessary to address the Covid-19 pandemic presented, the Board issued a cease-and-desist order prohibiting Dr. Priester from speaking out against the efforts of the Government of Puerto Rico and other private entities to address the Covid-19 pandemic without any scientific basis to do so.

Dr. Priester has filed this suit against the PRDH and Dr. Ramos pursuant to 42 U.S.C. § 1983. *See* Docket No. 84.² Specifically, she seeks injunctive relief against

¹ The Board is attached to the PRDH. *See* P.R. LAWS ANN. tit. 20, § 132.

² Throughout this Opinion and Order, the Court will refer to the Amended Complaint at Docket No. 84 since that is the operative complaint in this case. The original complaint can be found at

the PRDH so that it does not enforce the cease-and-desist order and does not impose any disciplinary measures or monetary sanctions for her expressions regarding the handling of the Covid-19 pandemic by the Government of Puerto Rico or private entities. She also seeks declaratory relief for the cease-and-desist order to be declared invalid and monetary damages against Dr. Ramos, in his individual capacity, because he purportedly engaged in a conspiracy that resulted in the deprivation of her First Amendment rights.

II. PRDH’S Motion to Dismiss

The PRDH has moved for dismissal on three fronts. First, it argues that the Court should abstain from entertaining Dr. Priester’s claims under *Younger v. Harris*, 401 U.S. 37 (1971). Second, it contends that *res judicata* bars Dr. Priester’s claims in view of certain judgments issued by the Puerto Rico state courts that pertain to the administrative proceedings launched by the Board. Lastly, it argues that the *Rooker-Feldman* doctrine strips this Court from its subject-matter jurisdiction and therefore precludes it from hearing this case. The Court begins its analysis by considering whether the *Younger* doctrine is at play here.

a. *Younger* Abstention

The *Younger* doctrine “cautions that federal courts should generally refrain from enjoining pending state court proceedings.” *Marshall v. Bristol Sup. Ct.*, 753 F.3d 10, 17 (1st Cir. 2014). The First Circuit has noted that, “[l]ike exhaustion, ‘*Younger* is not a jurisdictional bar based on Article III requirements, but

instead a prudential limitation on the court’s exercise of jurisdiction grounded in equitable considerations of comity.” *Id.* (quoting *Spargo v. N.Y. State Comm’n on Judicial Conduct*, 351 F.3d 65, 74 (2d Cir. 2003)); see also *Mass. Delivery Ass’n v. Coakley*, 671 F.3d 33, 40 (1st Cir. 2012) (explaining that “*Younger* rests upon basic notions of federalism and comity, and also on a related desire to prevent unnecessary duplication of legal proceedings.”). To determine whether abstention under *Younger* is warranted, the First Circuit applies a three-part test. First, the Court must determine whether the administrative proceeding at issue here triggers *Younger*. This is so because the Supreme Court has “held that only three types of state proceedings trigger *Younger* abstention: (i) criminal prosecutions, (ii) ‘civil proceedings that are akin to criminal prosecutions,’ and (iii) proceedings that ‘implicate a State’s interest in enforcing the orders and judgments of its courts.’” *Sirva Relocation, LLC v. Richie*, 794 F.3d 185, 192 (1st Cir. 2015) (quoting *Sprint Commc’ns., Inc. v. Jacobs*, 571 U.S. 69, 72-73 (2013)).

Second, the Court must consider whether the relief requested by the movant—Dr. Priester, in this case—“would interfere (1) with an ongoing state judicial proceeding; (2) that implicates an important state interest; and (3) that provides an adequate opportunity for the federal plaintiff to advance [her] federal constitutional challenge.” *Rossi v. Gemma*, 489 F.3d 26, 34-35 (1st Cir. 2007). These three factors stem from the Supreme Court’s decision in *Middlesex Cnty. Ethics Comm. v. Garden State Bar Ass’n*, 457 U.S. 423, 432 (1982), and are referred to as the *Middlesex* factors. Third, the Court must examine whether any of the exceptions to *Younger* apply.

As far as the first part of the test is concerned, the *Younger* doctrine has been extended to “coercive civil cases involving the state and comparable state administrative proceedings that are quasi-judicial in character and implicate important state interests.” *Maymó-Meléndez v. Álvarez-Ramírez*, 364 F.3d 27, 31 (1st Cir. 2004). Here, Dr. Priester does not dispute that the *Younger* doctrine applies to administrative proceedings such as the one being carried out by the Board.³ She does, however, reject the PRDH’s assertion that the *Middlesex* factors are satisfied in this case. The Court will therefore consider each factor in turn. Then, it will analyze whether any of the exceptions to *Younger* apply.

i. Ongoing Proceedings

According to Dr. Priester, because the cease-and-desist order went into effect once she received it, that order is final and complete. To that end, she reasons that there are no ongoing administrative proceedings before the Board, as far as the cease-and-desist order is concerned and even if she were to seek review of what she has deemed a final order, those proceedings would be remedial and not coercive. Therefore, she contends, *Younger* abstention is inapplicable. She relies on the

³ Further, the Court notes that the administrative proceedings scheme before the Board mirror those in *Sirva Relocation, LLC v. Richie*, 794 F.3d 185, 192 (1st Cir. 2015), where the First Circuit found administrative proceedings to fall under the *Younger* “taxonomy.” There, the administrative proceedings were deemed to be “ongoing” and “judicial in nature” since the state entity “completed an investigation, issued a formal complaint, conducted a pre-hearing conference, and scheduled an adjudicative hearing.” *Id.* at 196. The administrative proceedings outlined in the Board’s Regulation 8861 (the “Regulation”) track this scheme.

First Circuit's decision in *Kercado-Meléndez v. Aponte-Roque*, 829 F.2d 255 (1st Cir. 1987), in support of this proposition. But as the Court's discussion will show, *Kercado-Meléndez* can be distinguished from the facts presented in the instant case.

Chapter 10 of the "General Regulation of the Board," Regulation No. 8861 of November 30, 2016 (the "Regulation") lays out the administrative proceedings that can be initiated by the Board in view of any alleged violation to the Board's enabling act, to wit, Law No. 139 of August 1, 2008, as amended, *see* P.R. LAWS ANN. tit. 20, § 131 *et seq.* ("Law 139"), or the Regulation. According to the provisions found in Chapter 10, the Board's administrative proceedings may entail two phases.⁴ The first phase is the Investigative Phase. *See* Articles 10.7 – 10.9 of the Regulation. Upon the conclusion of that phase, the Board issues an Initial Determination whereby it sets the procedural course of the proceedings, imposes any necessary provisional remedies and/or may state that it will be filing a Formal Complaint against the doctor that is facing the administrative proceeding. *See* Article 10.10 of the Regulation. If a Formal Complaint is filed, the second phase begins and that phase entails a Formal Hearing.⁵ *See* Article 10.11 of the Regulation.

⁴ The Regulation provides for the possibility that the Investigative Phase need not take place. *See* Article 10.10 of the Regulation. But because one did take place in the administrative proceedings at issue here, the Court has acknowledged that process.

⁵ The Regulation states that an Examining Officer may preside over the Formal Hearing and render a report with determinations of fact, conclusions of law and any other recommendations. If an Examining Officer is designated, the Regulation gives that individual ample powers when presiding over the Formal Hearing.

Upon the conclusion of the Formal Hearing, the Board renders a final determination. *See* Article 10.12 of the Regulation.

Having generally recapitulated the Board's administrative proceedings scheme, given the procedural juncture during which the cease-and-desist order was issued, it cannot be said that the same was a final order. The administrative proceeding delineated in the Regulation is subject to the Puerto Rico Uniform Administrative Procedure Act, Law No. 38 of June 30, 2017, P.R. LAWS ANN. tit 3, § 9601 *et seq.* ("LPAU" for its Spanish acronym). The Puerto Rico Supreme Court has "repeatedly held that [pursuant to the LPAU, final orders and resolutions] 'refer to the decisions that put an end to the case before the agency and that have substantial effects on the parties.'" *P.R. Tel. Co. v. San Juan Cable, LLC*, 179 D.P.R. 177 (P.R. 2010) (citations omitted). And it is only the orders and resolutions "that put an end to an administrative proceeding [that] may be judicially reviewed." *Id.* This follows that because here the cease-and-desist order did not put an end to the administrative proceedings, the same is not a final order under the LPAU's statutory scheme and judicial review of that order is not available to Dr. Priester at this time.

As noted above, the cease-and-desist order was issued jointly with the Board's Resolution stating that it would be filing a Formal Complaint in view of Dr. Priester's alleged violations to the Code of Ethics. Docket No. 1 at pgs. 26-31. The issuance of the cease-and-desist order was predicated on the Board's under-

See Article 10.11 of the Regulation, providing a non-exhaustive list of the Examining Officer's powers.

standing “that there is evidence that supports the likelihood of Unprofessional Conduct.” Docket No. 1 at pg. 28. Moreover, it states that “it will remain in force until otherwise determined by the Board.” *See* Docket No. 1 at pg. 29. This leads the Court to hold that the cease-and-desist order was issued as a provisional remedy—something that the Regulation allows the Board to implement—and not a final order which could be eligible for judicial review by the Puerto Rico Court of Appeals, should Dr. Priester have chosen to avail herself of that remedy.⁶ And this is precisely one of the elements that distinguishes the instant case from the decision in *Kercado-Meléndez*. The termination order in *Kercado-Meléndez* could have been a candidate for judicial review, should the plaintiff in that case have chosen to avail herself of that remedy. The plaintiff in *Kercado-Meléndez*, opted to forego that option and instead filed suit in federal court.

Furthermore, because the cease-and-desist order is a provisional remedy, that is very much a part of the ongoing administrative proceedings, the Court can apply the principles regarding ongoing orders in civil cases and the role that they play as part of the “fundamental workings of a state’s judicial system,” *see Rio Grande Cmty. Health Ctr. Inc. v. Rullán*, 397 F.3d 56, 69 (1st Cir. 2005). For here, the Regulation explicitly provides that as part of the Initial Determination, the Board may issue provisional remedies, and nothing in the Regulation or Law 139 precludes the use of a cease-and-desist order as one of the tools in the

⁶ Whether the cease-and-desist order becomes a final order once the Board issues its Final Determination would be a separate issue that is not currently before this Court’s consideration.

Board’s arsenal to provisionally safeguard the ongoing administrative proceedings and ensure compliance with the Code of Ethics.⁷ *See, e.g., Juidice v. Vail*, 430 U.S. 327, 335 (1977) (discussing how a state issued contempt order “vindicates the regular operation of its judicial system[.]”). This logic follows that the ongoing cease-and-desist order serves as a provisional mechanism to maintain the *status quo* and to prevent violations to the Code of Ethics until the Board renders a final determination regarding Dr. Priester’s purported unprofessional conduct in contravention of the above-mentioned canons.

In view of the ongoing nature of the cease-and-desist order, if the Court were to enjoin the enforcement of the same, it would interfere with the ongoing administrative proceeding before the Board. Interference with an ongoing proceeding is a threshold issue when discussing the applicability of *Younger* abstention. *See Rossi*, 489 F.3d at 35, 37. And the First Circuit has stated that, “[i]nterference is . . . usually expressed as a proceeding that either enjoins the state proceeding or has the ‘practical effect’ of doing so.” *Rio Grande Cmty. Health Ctr. Inc.*, 397 F.3d at 70. If the Court were to meddle with the cease-and-desist order, such action would have the “practical effect” of interfering

⁷ In her Surreply, Dr. Priester states that Law 139 limits the Board’s ability to issue cease-and-desist orders only to when a violation of that law has occurred. *See* Docket No. 105 at pg. 4. However, Dr. Priester overlooks the fact that Law 139 is to be read in tandem with the Regulation. And as discussed, the Regulation states that as part of its Initial Determinations, the Board may issue provisional remedies or any other determinations it deems appropriate and that the Board is tasked with enforcing the Code of Ethics. *See* Article 10.10 of the Regulation and P.R. LAWS ANN. tit. 20, § 132e(aa).

with the ongoing administrative proceedings started by the Board against Dr. Priester.

Further, “[t]o satisfy the [ongoing proceedings prong] in the context of a state administrative proceeding, the proceeding ‘must be coercive and in most-cases, state-initiated, in order to warrant abstention.’” *Casiano-Montañez v. State Ins. Fund Corp.*, 707 F.3d 124, 128 (1st Cir. 2013) (quoting *Guillemard-Ginorio v. Contreras-Gómez*, 585 F.3d 508, 522 (1st Cir. 2009)). The Court finds that this requirement is met since the disciplinary administrative proceedings were started by the Board and they are in fact coercive in nature.

In view of this analysis, the Court determines that the cease-and-desist order is not a final order and is part of the Board’s ongoing disciplinary administrative proceedings. The first *Middlesex* factor is met here.

ii. Important State Interest

Law 139 states that the Board is authorized to amend, reject or approve the Code of Ethics. P.R. LAWS ANN. tit. 20, § 132a(j); *see, also id.* § 132b (stating that the Board will have 180 days to develop and approve the Code of Ethics). By the same token, it is called upon to apply the Code of Ethics. *Id.* at § 132e(aa). Further, the Board may investigate and subsequently discipline any licensed doctor who has incurred in “non-professional conduct.” *Id.* at §§ 135b(e) and 134(e)(14). Law 139 defines “non-professional conduct” as, *inter alia*, violating the laws and regulations that were approved by the Board by virtue of Law 139. *Id.* at § 134(f). More fundamentally, a complete reading of Law 139 confirms that it is intended to regulate and ensure that all licensed doctors are competent in both the technical aspect

required to practice medicine and the ethical norms that govern the medical profession.

As described above, Law 139 and the Regulation vest the Board with the authority to, as part of its regulatory powers, discipline licensed doctors who have committed ethical violations. Because the cease-and-desist order is ongoing and directly tied to the Board's administrative inquiry as to whether one of its licensed doctors, to wit, Dr. Priester violated the Code of Ethics, the Court finds that whether a licensed doctor complied with his or her ethical duties, and any provisional remedy that may have been implemented to prevent violations, constitutes an important state interest.

iii.Opportunity to Advance Federal Constitutional Challenge

The question that the Court must answer here is whether plaintiff has or has had “an opportunity to present [her] federal claims,” in the ongoing administrative proceedings, for “no more is required” to satisfy this third prong. *See Juidice*, 430 U.S. at 337. In *Sirva Relocation, LLC*, 794 F.3d at 196, the First Circuit stated that this third prong “is generally deemed satisfied as long as no state procedural rule bars the assertion of a federal defense and the state affords a fair opportunity to raise that defense.” But while it stated that extreme agency delay could justify federal-court intervention, it added, however, that “a federal plaintiff's failure to pursue potentially available state judicial remedies undermines that plaintiff's ability to demonstrate that it had no meaningful opportunity to assert its federal defense.” *Id.* Here, Dr. Priester has argued that the Board has dragged its feet when it

comes to adjudicating her case. *See* Docket No. 105. But she has not informed the Court, and the Court is not aware of, any attempts by her to question the validity of, modify or terminate, the ongoing cease-and-desist order within the ongoing administrative proceedings, or any prohibition that would preclude her from doing so. As such, the Court finds that the third and final *Middlesex* is satisfied.

iv. Exceptions to the *Younger* doctrine

Dr. Priester contends that, even if the *Middlesex* factors are met, because the cease-and-desist order and the administrative disciplinary proceedings launched by the Board were brought in bad faith by a biased Board, that should override the applicability of the abstention principles outlined in *Younger* to this case. *See* Docket No. 92 at pgs. 9-13 and Docket No. 105.

Indeed, even after all three *Middlesex* factors are checked off, there are a host of exceptions that render abstention under *Younger* inapplicable. *See Esso Standard Oil Co. v. López-Freytes*, 522 F.3d 136, 143 (1st Cir. 2008) (“*Esso II*”). Such is the case when (1) a state proceeding is launched with the intent to “harass” and in “bad faith,” (2) the *Gibson*⁸ exception is invoked to show extreme bias in the state proceedings, or (3) a statute is blatantly unconstitutional. *Sirva Relocation, LLC*, 794 F.3d at 192. The First Circuit has noted that “the common thread that links the various *Younger* exceptions is that, in particular situations, closing the door of federal court to a federal question will result in irreparable harm.” *Id.* at 200. But here, the Court

⁸ Derived from *Gibson v. Berryhill*, 411 U.S. 564 (1973).

is not persuaded by Dr. Priester's argument that her case falls within one of these exceptions.

Regarding Dr. Priester's claims that the administrative proceedings were initiated in bad faith to harass her, the Court begins by noting that administrative proceedings were launched by the Board in view of what it deems to be purported violations to the Code of Ethics. There is nothing in the Regulation or Law 139 that precludes the Board from doing so. As fully discussed above, the cease-and-desist order here is a provisional remedy that can be employed by the Board and was issued bearing in mind the alleged violations to the Code of Ethics. If anything, the practical effect of contesting the ongoing cease-and-desist order, and the ongoing administrative proceedings for that matter, *see* Docket No. 92 at pg. 9, is that Dr. Priester is challenging the reach and scope of the Code of Ethics. Interestingly, though, neither the Amended Complaint nor her filings raise specific challenges against the reach and scope of the Code of Ethics, which purported violations prompted the Board to initiate the ongoing administrative proceedings and issue the cease-and-desist order.

Dr. Priester has also alleged that the administrative proceedings were not properly brought against her because Dr. Ramos did not comply with the Puerto Rico Medical Physicians and Surgeons Association's ("Association") procedure to refer her case to the Board. However, a partial judgment from the Puerto Rico Court of First Instance and a judgment from the Puerto Rico Court of Appeals affirming that partial judgment, state that the Board was within its right to begin the disciplinary administrative proceedings—which are still ongoing—that the Board could have begun the

investigation into Dr. Priester's alleged ethical misconduct *sua sponte*, and, in any event, Dr. Priester's constitutional challenges regarding how the process began could be raised before the Board.⁹ In short, the mere fact that the Board initiated the disciplinary administrative proceedings against her, again, when it was well within its authority to do so, is not enough to show that it did so in bad faith with the intent to harass her.

She also invokes the *Gibson* bias exception to *Younger* to argue that there can be no guarantees that the Board will be an impartial adjudicator because its

⁹ The Partial Judgment entered by the Puerto Rico Court of First Instance states that “regarding the validity of Dr. Ramos’s referral and the ongoing administrative process, we believe that these can be resolved in the very proceedings before the [Board]. That is, Dr. Priester has a forum at her disposal where she can raise the claims or defenses that are available to her and obtain any remedies that may be legally in order.” Docket No. 46-2 at pg. 14. It also states that “even if it were determined that [Dr. Ramos’s referral] did not meet all the formalities that arise from the [Puerto Rico Medical Physicians and Surgeons Association’s] organic act to be formally considered a referral from the College and even if it were determined that the College does not even have legal personality on the grounds set forth [by] the plaintiff, it is unquestionable that the [Board] has jurisdiction to begin an administrative investigation into matters related to the medical profession and the protection of health in Puerto Rico.” *Id.* The Puerto Rico Court of Appeals affirmed this Partial Judgment and added that “it arises from the facts that it was [Dr. Ramos] who sent a letter to the Board so that they would ‘exercise *motu proprio* their power and duty to investigate and take the disciplinary actions that were warranted against the physicians who attempted against the public health by inciting the people to become infected with COVID-19.’” Docket No. 46-4 at pg. 15. It added that “the hearings before the Board have not been held and, in that sense, the appellant has an adequate remedy at law for said forum to resolve her claims appropriately.” *Id.* at pg. 16.

members are biased. The First Circuit discussed the *Gibson* bias exception at length in both *Esso Standard Oil Co. v. Cotto*, 389 F.3d 212 (1st Cir. 2004) (“*Esso I*”), and *Esso II*. However, here, the Amended Complaint does not advance any allegations to the effect that the Board, the Investigative Officer or the Examining Officer, have a financial interest in the ongoing administrative proceedings, such that a showing of structural bias would be confirmed. Further, as far as the alleged expressions made by various Board members when deciding to issue the cease-and-desist order are concerned, the Court acknowledges that at first glance the statements attributed to certain Board members regarding Dr. Priester’s First Amendment rights that were included in the Amended Complaint may be concerning. But ultimately, the ongoing cease-and-desist order was framed in such a way that it would only limit her speech to prevent Code of Ethics violations—not bar it altogether. The cease-and-desist order still allows her to talk about the ongoing Covid-19 pandemic. Having considered the allegations described in the Amended Complaint regarding the Board’s purported bias, the Court does not find that they rise to the type of bias described in the *Esso* cases such that the *Gibson* bias exception would apply.

In this vein, it is also worth noting that the allegations of bias made throughout the Amended Complaint do not mention how the second phase of the proceedings, which is currently underway, has been purportedly marred by any bias. This is important to highlight because this stage of the proceedings provides for the appointment of an Examining Officer. *See* Article 10.11 of the Regulation. That Examining Officer was not in the mix during the first phase of the

proceedings. And the Examining Officer may, *inter alia*, preside over the Formal Hearing, review the evidence, and prepare a Final Report and Draft Final Resolution with conclusions of law and determinations of fact. *Id.* And as previously discussed, because the Regulation must comply with the LPAU, the Formal Hearing guarantees the following: (a) “the right to timely notice of the charges or complaints or claims against one of the parties,” (b) “the right to introduce evidence,” (c) “the right to an impartial adjudication,” and (d) “the right to have the decision based on the record of the case.” P.R. LAWS ANN. tit. 3, § 2151.¹⁰ Moreover, pursuant to the LPAU, the Formal Hearing will be taped or stenotyped. *Id.* at § 2163.¹¹ The parties will also be provided “the necessary time for a complete statement of all the facts and questions in dispute, the opportunity to answer, introduce evidence and argue, to cross-examine, and submit refuting evidence, except as it may be restricted or limited by the stipulations in the pre-hearing conference.” *Id.*¹² The Court agrees that because Dr. Priester has not identified any type of bias or intent to harass in the second phase of the ongoing administrative proceedings and she will be afforded numerous procedural safeguards there, the Board is capable of remaining

¹⁰ The Court notes that, P.R. LAWS ANN. tit. 3, § 2151 was repealed by Law No. 38 of June 30, 2017, and replaced by P.R. LAWS ANN. tit. 3, § 9641. The Court, however, has cited to the section previously in place since there is no English translation of the new section. Further, the Court notes that there are no substantive differences between § 2151 and § 9641.

¹¹ Tracks the contents of P.R. LAWS ANN. tit. 3, § 9653.

¹² *Id.*

impartial and moving forward with the administrative proceedings.

Lastly, Dr. Priester argues that the cease-and-desist order has resulted in the loss of her First Amendment rights and that such loss constitutes an irreparable harm that has had a significant “chilling effect,” for she has been unable to appear on various television and radio shows in view of the cease-and-desist order. But as the First Circuit has recognized, “[t]he *Younger* Court declared that ‘a ‘chilling effect,’ even in the area of First Amendment rights, has never been considered a sufficient basis, in and of itself, for prohibiting state action.” *Brooks v. N.H. Sup. Ct.*, 80 F.3d 633, 641 (1st Cir. 1996) (quoting *Younger*, 401 U.S. at 51). The Court acknowledges Dr. Priester’s reliance on the Supreme Court’s decision in *Roman Catholic Diocese of Brooklyn v. Cuomo*, 141 S. Ct. 63, 67 (2020), regarding the implications of the loss of First Amendment rights. The Court does not turn a blind eye to the importance of those rights. However, that Supreme Court decision was not made under the *Younger* rubric. Moreover, it is “only when it is crystal clear that the state tribunal either lacks the authority to proceed or can provide no meaningful relief can a party hope to demonstrate the degree of irreparable harm needed to justify federal-court intervention.” *Sirva Relocation, LLC*, 794 F.3d at 200. Here, Dr. Priester has not made such a showing. Accordingly, the Court will abstain under *Younger* and DISMISS WITHOUT PREJUDICE the claims against the PRDH. The Court need not consider the PRDH’s other grounds for dismissal.

III. Dr. Ramos' Motion to Dismiss

Dr. Ramos has moved for dismissal on the grounds that Dr. Priester's claim against him is barred by *res judicata* and because she has failed to set forth a plausible § 1983 conspiracy claim for damages. Dr. Priester, in turn, alleges that Dr. Ramos and his co-conspirators entered into a conspiracy with the end goal of having the Board issue the cease-and-desist order and begin formal disciplinary proceedings against her. She adds that the issuance of the cease-and-desist order resulted in the deprivation of her constitutional right to free speech.

Although Dr. Ramos did not move for dismissal based on *Younger*, the Court finds that abstention under *Younger* is also warranted here. Currently pending before the Board is a motion to dismiss which raises various constitution challenges regarding the ongoing administrative proceedings.¹³ Moreover, as the Court already pointed out, the cease-and-desist order is not a final order, is still ongoing, and Dr. Priester has not shown that she is precluded from challenging the validity of the same in the administrative proceedings before the Board. Here, Dr. Priester's § 1983 damages claim directly hinges on the validity of the ongoing state proceedings and the ongoing cease-and-desist order. If the Court were to entertain this claim at this procedural juncture, such action could entail "a ruling in support of an award of money damages [that] 'would embarrass, and could even intrude into, the state proceedings.'" *Bettencourt v. Bd. of Registration in*

¹³ See Docket No. 46-6. In her Surreply, Dr. Priester confirmed that this motion was still pending adjudication by the Board. See Docket No. 105 at pg. 9 n. 5.

Med. of Com. of Mass., 904 F.2d 772, 777 (1st Cir. 1990) (quoting *Guerro v. Mulhearn*, 498 F.2d 1249, 1253 (1st Cir. 1974)).

However, this is not the end of the road for Dr. Priester, for “[w]hen a court orders abstention on a damages claim, it ordinarily may only stay the action, rather than dismiss the action in its entirety.” *Rossi*, 489 F.3d at 38 (1st Cir. 2007). Accordingly, the Court will STAY Dr. Priester’s claim for money damages pending the resolution of the ongoing administrative proceedings before the Board. Moreover, Dr. Priester is ORDERED to file a status report once the administrative proceedings before the Board conclude.

IV. Conclusion

In view of the above, the claims against the PRDH are hereby DISMISSED WITHOUT PREJUDICE, therefore rendering Dr. Priester’s Motion for Preliminary Injunction as MOOT. Further, the claim against Dr. Ramos is STAYED and Dr. Priester is ORDERED to file a status report once the administrative proceedings before the Board conclude.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 10th day of August 2022.

/s/ Silvia Carreño-Coll
U.S. District Court Judge

**AGENCY DECISION:
RESOLUTION, MEDICAL DISCIPLINE AND
LICENSING BOARD OF PUERTO RICO
[CERTIFIED TRANSLATION]
(JULY 10, 2024)**

DEPARTMENT OF
HEALTH LEGAL COUNSELING OFFICE

THE MEDICAL DISCIPLINE AND LICENSING
BOARD OF PUERTO RICO

THE MEDICAL DISCIPLINE AND LICENSING
BOARD OF PUERTO RICO

Plaintiff,

v.

DR. SALLY PRIESTER, LIC. NO. 16480,

Defendant.

IN RE: NON-PROFESSIONAL CONDUCT,

Case Number. QF-JLDM-2020-270

Before: DR. RAMON MENDEZ, Sixth President,
DR. JOSE FUENTES INGUANZO, Secretary.

RESOLUTION 2024-22

The Medical Discipline and Licensing Board of Puerto Rico, at a regular meeting held on January 18, 2024, with the quorum duly constituted, after the Examiner Official's recommendation has been evaluated in the case of Dr. Sally Priester, resolved, unanimously, to render this Resolution on the basis of the following:

FINDINGS OF FACTS

1. The Medical Discipline and Licensing Board (JLDM, as per its acronym in Spanish) is vested by law with the power to regulate the practice of the medical profession in Puerto Rico.

2. As a part of its institutional duties, the JLDM has the ministerial duty to review and investigate the complaints and reports received from the state security agencies, health maintenance organizations, governmental agencies, insurance companies and any other entities that have information relevant to the practice of the medical profession and then to decide and take action in respect thereof as appropriate.

3. In turn, Section 33 (e), of Law No. 139 dated August 1st, 2008, grants authority to the Board to initiate investigations on any information concerning any acts involving non-professional conduct.

4. Also, Section 33 (e), of Law No. 139, *supra* provides that the Board may suspend, cancel or revoke a license prior to a hearing when the physician has been involved in an non-professional conduct. The definitions of nonprofessional conduct include the violation of rules and regulations adopted by the Board to regulate the practice of the medical profession.

5. Also, Section 26, subsection (g) provides that the Board may impose an administrative fine, that shall not exceed five thousand (\$5,000) dollars, in addition to any disciplinary action.

6. In this case in particular, the Board received a communication (complaint) from the College of Medical Surgeons of Puerto Rico, hereinafter referred to as “the College”, whereby it has submitted some alleged conducts and expressions referring to Dr. Sally Priester offered in public last November 29, 2020. The Board issued an order to initiate an informal investigation about those allegations and held some investigative hearings on February 17 and March 3, 2021, which were respectively attended by the College, by means of its Chairman, Dr. Victor Ramos and its legal representatives; and Dr. Sally Priester, both by herself and legally represented by her attorney, Humberto Cobo Estella, Esq. As can be concluded from the report submitted by the Board’s investigator attorney, the parties had ample opportunity to submit their allegations and documentary evidence and/or expert witness reports. Dr. Priester also filed additional motions requesting the dismissal of the complaint which is at its investigative stage. The evidence obtained during the hearings held and submitted by the parties indicate that Dr. Priester made some public statements that, according to her, are protected by her constitutional right to the freedom of speech and assembly, related to the pandemic, but in our opinion, they are strictly groundless from the scientific point of view, as they are neither a part of a constructive criticism, nor that those expressions may be pondered as of a greater interest than the efforts to protect public healthcare and security. The expressions attributed to Dr. Priester

and that she sustains are protected by the Constitution were:

“To refer to the pandemic as the “plandemic”; “how dare they launch a terror and impotence campaign . . .”; “It is a lack of respect from us in the medical community and that doctors are lending themselves for this kind of things, let’s put an end to this sham . . .”

“I can’t understand why health centers like CDTs are closed and thus force patients to turn to just emergency rooms for receiving healthcare. It is incredible to know that they cannot communicate with primary care physicians. Don’t let them scare you anymore because there will come the time when those 14 days of incubation do NOT exist and the Department of Health will have to explain, on trial, from where it has taken so much data that has not been scientifically proven worldwide.”

“We do not have to wait for any vaccine . . .”
“No child will get vaccinated . . .”

7. Said expressions made by Dr. Priester were spread by the mass media in Puerto Rico, even though she sustains that the press lacked the power to tell the truth to society. Dr. Priester held, based on the evidence produced, that her expressions were not only protected by the Constitution, and that she made them within a context which was unrelated to her professional performance, nor had they been made in the treatment of her patients or when providing any medical advice at a hospital. She also mentioned that she has received multiple acknowledgments for her humanit-

arian, civil, and social work, and besides she claimed to have published multiple papers concerned with medicine and science.

8. The Board ordered to conduct an investigative process which was carried out and as a result thereof it rendered Resolution and Order No. 2021-04, thereby ordaining the commencement of a formal complaint proceeding. It also issued a cease-and-desist order. Once the documents on file have been evaluated, the JLDM found that Dr. Sally Priester may have committed the following offenses:

Count 1

Violation of CANON 29: “A physician shall have the duty to promote, both with their example and word, such highest ethical standards of integrity of behavior and intellectual and professional honesty as to serve as an example for their workmates, their family, their profession and their people”; and they shall be entitled to receive respect for their dignity, personal integrity, physical intimacy and courteous treatment.

Count 2

Violation of CANON 31: “in their behavior, a physician shall abide by the ethical principles and controls incorporated in this code not only within the clinical setting but also within any such other context where they are to perform their medical profession. The undertaking of offices or the performance of duties in the public or private sector shall not release any physician from their duty to comply with the ethical

principles that give shine to the medical profession.”

Count 3

Violation of CANON 32: “By reason of the principle of civic solidarity, a physician shall have the duty to educate the population in line with the promotion of health and the prevention of diseases. They shall contribute to improve the quality of life of the Puerto Rican society as a whole, thus remaining attentive to the people’s health conditions, and with their professional and civic performance, they shall collaborate with the improvement of public health.”

Count 4

Violation of CANON 33: “A physician shall show respect for the civil and human rights of each one of the members of society, especially in relation to the preservation of life, physical and mental health.”

Count 5

Violation of CANON 38: “A physician shall exert an ethical influence on society in order to promote those causes pursuing the common good, such as: the donation of organs and tissues for transplantation, the defense of actions taken to preserve ecological systems, the cleaning of waters, and other initiatives intended to protect human health and biodiversity.”

9. Hence, under Resolution No. 2021-04 and subject to the powers granted by Law No. 139, *supra*, and its regulatory decree, the Board issued this complaint

and administrative proceeding, thereby forewarning the defendant that she would be exposed to a penalty of no more than \$ 5,000.00 and to be ordered to take some training courses on ethics and professional conduct for the number of credits to be determined by the Board as necessary and prudent, as well as any such other penalty as the Board may deem appropriate.

On May 11, 2023, by virtue of the Federal Declaration of the Honorable President of the United States of America signed a law to put an end to the national emergency of COVID-19 virus, the Joint Resolution of Chamber 7. Likewise, the Honorable Governor of Puerto Rico signed an Executive Order whereby he declared the official end of the State of Emergency for COVID-19 in Puerto Rico (Administrative Bulletin No. 2023-012). Dr. Carlos Mellado Lopez, MD, Secretary of Health of Puerto Rico, followed suit by means of the Administrative Order No. 571, whereby it repealed, among others, the Administrative Order No. 533 dated March 8, 2022, and with it all of the memorandums and Administrative Orders previously issued by any Secretary of Health insofar as their provisions are incompatible with the terms of the Administrative Order number 571.

11. After multiple conversations and administrative hearings, on November 14, 2023, we held an administrative hearing which was attended by the legal representatives of the Board: Madeline Torres Santiago, Esq. and Luis Hernandez Cardona, Esq. and the legal representative of the defendant, Jose R. Davila Acevedo, Esq. During this hearing, both parties requested the desist of this administrative case with prejudice on the grounds that the subject matter giving rise thereto is nowadays an academic one. The

parties understand that, given the fact that the COVID-19 emergency has been terminated by the federal and governmental authorities of Puerto Rico, it has become moot to uphold Resolution and Order No. 2021-04 issued against the defendant, wherefore it is now admissible and appropriate for the Board to set it aside, since it has become a moot case and without any reason to prevail in law.

12. The defendant has also requested, with no opposition from the Board's legal representatives, by filing a motion on September 27, 2023, which was repeated at the hearing held on November 14, 2023, that in order to prevent any kind of confusion and thus keep it clear what has been alleged in the administrative case record that the aforementioned healthcare professional was only to be known as "Dr. Sally Priester", thereby deleting any other name stated in the records of this administrative case file.

13. On December 27, 2023, the Board's legal representative, Luis Hernandez Cardona, Esq., filed a motion entitled "Motion requesting the desist with prejudice", wherein he alleged that, by virtue of the Order rendered by the Board against the defendant, the cease-and-desist order was issued for her to refrain from making any statements, communications, releases, publications, promotions, exchanges and/or endorsements by any mass media or in person, any messages without any legitimate scientific foundation against the sanitary efforts made by governmental or private authorities, both acknowledged and respected by the scientific and medical community to alert and protect society from the contagion and spreading of the SARS-COV-2 virus, the coronavirus pandemic and/or COVID-19, as well as any of its variants . . . and she is hereby

forewarned that the Order shall remain in effect until otherwise decided by the Board. The breach of the Order might lead to harsh economic and disciplinary penalties and/or including contempt of court, as per Section 28(g) of Law No. 139-2008, as amended. Notice of the aforementioned Resolution and Order was served on April 14, 2021 and the defendant has complied with the Order.

14. Hence, Luis Hernandez Cardona, Esq. has requested through his motion that the end for which Resolution No. 2021-04 has been issued, has become moot, for the COVID-19 emergency has come to an end and terminated by the federal and governmental authorities of Puerto Rico. As a result, there is no real controversy or case warranting to be adjudicated, and therefore it is hereby requested that these administrative proceedings should be dismissed, closed and placed on the archives with prejudice. *See ELA v. Aguayo*, 80 D.P.R. 552 (1958); *L.P.C. v Autoridad de Carreteras*, 2012 T.S.P.R. 74; *JG Builders Corp. v. 577 Headquarters Corp.*, 2012 T.S.P.R. 66; *Baez Diaz v. ELA*, 179 D.P.R. 605 (2010).

15. Given these circumstances, we understand that the case is now complete and ready to be settled.

CONCLUSIONS OF LAW

Our legal system has recognized the power of the State to regulate the practice of professions as a part of its power of reason of State, so much so with the major aim to protect public health and well-being. *Marcano v. Department of State*, 163 D.P.R. 778 (2005); *Perez v. Junta Dental*, 116 D.P.R. 218, 233 (1985). The requirements and conditions reasonably imposed for such purposes by the State in the exercise of its

regulating power for the benefit of the society as a whole, do not take the effect of depriving citizens of their professions, but to regulate the same by reason of the eminent public interest they are vested with. *Asociacion de Doctores en Medicina al Cuidado de la Salud Visual, Inc. v. Morales*, 132 D.P.R. 567 (1993); *Infante v. Tribunal Examinador de Medicos*, 84 D.P.R. 308 (1961).

In *Torres Acosta v. Junta Examinadora de Ingenieros, Arquitectos y Agrimensores del Estado Libre Asociado de Puerto Rico*, 161 D.P.R. 696 (2004), the Supreme Court of Puerto Rico pointed out, among others:

In our legal system there is no absolute right to the practice of licensed professions or occupations. Said exercise is subject to the State's power of regulation (*i.e.* police power) for the purposes of protecting public health and well-being and thus prevent fraud and incompetence *San Miguel Lorenzana v. E.L.A.*, 134 D.P.R. 405, 413 (1993); *Col. Ing. Agrim. P.R. v. A.A.A.*, 131 D.P.R. 735, 763 (1992); *see also Rodriguez Casillas v. Colegio de Tecnicos y Mecanicos Automotrices*, 2019 TSPR 87, 201 DPR (2019); *Alonso v. Tribunal Examinador de Medicos*, 74 D.P.R. 158 (1952). The State has broad discretion as to the fixation of rules and procedures concerning the admission to the practice of licensed professions and occupations. *Asoc. Drs. Med. Cui. Salud v. Morales*, *supra*.

Law No. 139, dated August 1, 2008, of the Medical Discipline and Licensing Board of Puerto Rico, which regulates the medical profession within the highest

ethical standards, states, in its articles of purposes, the following:

The society as a whole has an interest of highest hierarchy in the integrity of the medical profession. In order to watch over said social interest, the State is entitled to regulate the practice of the medical profession. One of the most important mechanisms to achieve this aim is the licensing process to practice the medical profession. The purpose of the licensing is the protection of the general public from possible damages and abuses that may expectedly arise from the practice of medicine by incompetent persons.

In turn, in *TEM v. Canas Rivas*, 154 D.P.R. 29 (2001), it has been repeated that the rule that governmental entities are the ones in charge of regulating healthcare professionals and performing the duty to make sure that they should have the necessary capacity and proficiency to practice their profession within the excellence parameters for which the State has granted broad powers.

In spite of the potential implications, both of ethical and legal nature, involved herein, we have to admit that Dr. Sally Priester has abode in full by the Resolution and Order of cease-and-desist notified on April 14, 2021. Likewise, on May 11, 2023, by virtue of the Federal Declaration, the Honorable President of the United States of America signed a law to put an end to the national emergency of COVID-19 virus, the Joint Resolution of Chamber 7. Likewise, the Honorable Governor of Puerto Rico signed an Executive Order whereby he declared the official end of the State of Emergency for COVID-19 in Puerto Rico (Administra-

tive Bulletin No. 2023-012) and Honorable Dr. Carlos Mellado Lopez, MD, Secretary of Health of Puerto Rico, followed suit by means of the administrative Order No. 571. Thus, there is no room for any doubt whatsoever that the purpose of Resolution and Order No. 2021-24 ceased to exist, thus rendering the issue a moot one and without any public *raison d'être* in view of the declaration that the pandemic at issue has come to an end. *See, for instance, ELA v. Aguayo*, 80 D.P.R. 552 (1958); *L.P.C. v Autoridad de Carreteras*, 2012 T.S.P.R. 74; *JG Builders Corp. v. 577 Headquarters Corp.*, 2012 T.S.P.R. 66; *Baez Diaz v. ELA*, 179 D.P.R. 605 (2010).

In spite of that, the Board understands and forewarns Dr. Sally Priester that there should be any national crisis or emergency similar to that caused by the COVID-19 pandemic in the future, she should abide by the safety measures that the organizations in charge of healthcare should then recommend and adopt for the benefit of the citizenship as a whole. Thus, the Board does hereby grant approval to the parties' petition, thus ordaining the dismissal, closure and archive of these administrative proceedings.

On the other hand and in order to maintain the clarity of the administrative proceedings conducted before the Board, it is hereby ordained that from today onwards the defendant should only be known by the name "Dr. Sally Priester" until otherwise requested by the defendant and/or ordained by the Board.

CONCLUSION

In harmony with both the findings of fact and the conclusions of law outlined above, the Medical Discipline and Licensing Board of Puerto Rico does

hereby ordain the dismissal, closure and archive of this administrative proceeding.

The Board understands and forewarns Dr. Sally Priester that there should be any national crisis or emergency arising in the future from the COVID-19 pandemic, she should abide by the safety measures that the organizations in charge of healthcare should then recommend and adopt for the benefit of the citizenship as a whole.

On the other hand, it is hereby ordained that from today onwards the defendant should only be known by the name “Dr. Sally Priester” until otherwise requested by the defendant and/or ordained by the Board.

WARNINGS

The party adversely affected by this decision may, after having exhausted the administrative remedies before the Board, file a motion for judicial review of this decision with the Court of Appeals of Puerto Rico, within the period of thirty (30) days, starting from the placing in the archive of these court records of the copy of service of notice of this Resolution. Said motion for judicial review shall be served upon the Board and all of the parties involved in this case, within the time period established to request such proceeding.

The time period of thirty (30) days to appeal for judicial review may be interrupted by the timely submission of a motion for reconsideration to this Board, within the time period of twenty (20) days, starting from the date of archive on file of the copy of the service of notice of this Resolution. Should a motion for reconsideration be filed against this Resolution,

the Board shall consider it within twenty (20) days after the filing thereof. If the Board should dismiss it outright, or fail to render a decision within the aforementioned period of twenty (20) days, the term of thirty (30) days to file a motion for judicial review shall begin to run again either as from the service of notice of said dismissal, or from the date of expiry of said twenty (20) days, as the case may be. If the Board should take a decision on such reconsideration, the term of thirty (30) days to file a motion for judicial review shall begin to run as from the date when a copy of the service of notice of the Board's resolution whereby the motion for reconsideration is finally settled was placed on the file archives. Such resolution shall be rendered and placed on the file archives within ninety (90) days following the filing of the motion for reconsideration. If the Board should admit the motion for reconsideration, but fails to take any action in relation to this motion within ninety (90) days after the filing thereof, it shall forfeit its jurisdiction over the issue and the term of thirty (30) days to file a motion for judicial review shall begin to run as from the expiry of said time period of ninety (90) days; unless the Board should, for just cause and within said period of ninety (90) days, extend the term to settle the case for a period that shall not exceed thirty (30) additional days.

Failure to take any action to request the reconsideration or judicial review of this decision within the time periods indicated above, shall result in the fact that this Resolution shall become final, enforceable and unappealable, after thirty (30) following the date of placing on the file archives of the copy of the service of notice of this Resolution.

It has been so resolved by the Medical Discipline and Licensing Board of Puerto Rico, in the city of San Juan, Puerto Rico, at its regular meeting held on March 21, 2024.

DUE RECORD AND NOTICE OF THIS ORDER
BE DULY TAKEN AND SERVED.

BY THE MEDICAL DISCIPLINE
AND LICENSING BOARD OF PUERTO RICO

/s/ Dr. Ramon Mendez

Sixth President

/s/ Dr. Jose Fuentes Inguanzo

Secretary

I DO HEREBY CERTIFY: That today July 10, 2024, I have placed on the file archives a copy of this Resolution and I have served due notice hereof upon the legal representative of Dr. Priester, Jose R. Davila, Esq. at his address of record namely: jose@bdlawpr.com.

- Also, a copy of this Resolution has been sent to the following institutions:

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NATIONAL PRACTITIONER DATA BANK
(POR SISTEMA)

/s/ Erika M. Sanchez Rivera
Legal Secretary
Division of Legal Advisors
Medical Discipline and Licensing Board

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CERTIFICATE OF ACCURACY

This is to CERTIFY that the attached translation from Spanish into English is a true, accurate and faithful representation of a copy of the original that was submitted, to the best of our translator's training and ability, who is fluent in the language and qualified to translate.

To which we set our hand and seal

/s/ Yuisa Gonzalez-Rivera

Date: 09/26/2024



JR Language Translations, Inc. ata
Member of the American Translators Association
No. 259340

**ORDER DENYING PETITION FOR
REHEARING, U.S. COURT OF APPEALS
FOR THE FIRST CIRCUIT
(JUNE 9, 2025)**

UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

SALLY PRIESTER,

Plaintiff - Appellant,

v.

PUERTO RICO DEPARTMENT OF HEALTH;
VICTOR RAMOS; COLEGIO DE
MÉDICOSCIRUJANOS DE PUERTO RICO;
JOHN DOE; RICHARD ROE;
JOHN SMITH; PETER POE,

Defendants – Appellees,

FREDDIE ROMAN-AVILES;
VERONICA RODRIGUEZ-DE LA CRUZ,

Defendants.

No. 22-1694

Before: BARRON, Chief Judge, KAYATTA, GELPÍ,
MONTECALVO, RIKELMAN and AFRAME,
Circuit Judges.

ORDER OF COURT

Entered: June 9, 2025

Plaintiff-appellant Dr. Sally Priester has filed a petition for rehearing en banc. Pursuant to First Circuit Internal Operating Procedure X(C), the petition for rehearing en banc has also been treated as a petition for rehearing before the original panel.

The petition for rehearing having been denied by the panel of judges who decided the case, and the petition for rehearing en banc having been submitted to the active judges of this court and a majority of the judges not having voted that the case be heard en banc, it is ordered that the petition for rehearing and petition for rehearing en banc be denied.

By the Court:

Anastasia Dubrovsky
Clerk

cc:

Ana Luisa Toledo
José Rafael Dávila-Acevedo
Francisco Jose Gonzalez-Magaz
Francisco E. Colón-Ramírez
Colegio de Médicos-Cirujanos de Puerto Rico