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**CAPOS OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF WORKERS' COMPENSATION
BEFORE THE ADMINISTRATIVE DIRECTOR**

In Re: PROVIDER SUSPENSION

ORDER OF SUSPENSION

**NICHOLAS J. CAPOS,
Respondent.**

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Labor Code section 139.21(a)(1)(A) requires the Administrative Director of the Division of Workers' Compensation (Administrative Director) to suspend any physician, practitioner, or provider from participating in the California workers' compensation system as a physician, practitioner, or provider if the individual or entity has been convicted of any felony or misdemeanor and that crime either: (1) involves fraud or abuse of the federal Medicare or Medicaid programs, the Medi-Cal program, or the workers' compensation system, or fraud or abuse of any patient; (2) relates to the conduct of the individual's medical practice as it pertains to patient care; or (3) is a financial crime that relates to the federal Medicare or Medicaid programs, the Medi-Cal program, or the workers' compensation system.

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Labor Code section 139.21(a)(1)(B) requires the Administrative Director to suspend any physician, practitioner, or provider from participating in the California workers' compensation system as a physician, practitioner, or provider if the individual or entity has been suspended, due to fraud or abuse, from the federal Medicare or Medicaid programs or the Medi-Cal program.

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Labor Code section 139.21(a)(1)(C) requires the Administrative Director to suspend any physician, practitioner, or provider from participating in the California workers' compensation system as a physician, practitioner, or provider whose license, certification or approval to provide health care services has been surrendered or revoked.

1 On or about February 23, 2018, Respondent Nicholas J. Capos (Capos) was
2 convicted in the United States District Court, Eastern District of California, of crimes
3 described in Labor Code section 139.21(a)(1)(A). (United States of America v. Capos,
4 Case No. 2:14-CR-0020-MCE.)

5 Respondent Capos was suspended, due to fraud or abuse, from the federal
6 Medicare or Medicaid programs.

7 On or about, May 5, 2016, Respondent Capos's license, certification or approval
8 to provide health care services was surrendered or revoked by the Medical Board of
9 California, Department of Consumer Affairs.

10 On or about July 21, 2022, the Administrative Director mailed to Respondent
11 Capos a written notice of the right to a hearing regarding the suspension and the
12 procedure to follow to request a hearing, as provided in Labor Code section
13 139.21(b)(2) and California Code of Regulations, title 8, section 9788.1.

14 Pursuant to Labor Code section 139.21(b)(2) and California Code of Regulations,
15 title 8, section 9788.1(d), the written notice advised Respondent Capos that the
16 suspension would start thirty (30) calendar days after the date of mailing of written
17 notice, unless Respondent Capos submitted a written request for a hearing within ten
18 (10) calendar days of the date of mailing of the notice.

19 Respondent Capos did not submit a written request for hearing within ten (10)
20 calendar days of the date of mailing of the notice.

21 The Administrative Director is required to suspend any physician, practitioner, or
22 provider pursuant to Labor Code section 139.21 and California Code of Regulations,
23 title 8, section 9788.2, after thirty (30) days from the date the notice was mailed, unless
24 the physician, practitioner, or provider submits a written request for a hearing within ten
25 (10) calendar days of the date of mailing of the notice;

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1 **IT IS HEREBY ORDERED** that Respondent Nicholas J. Capos is hereby
2 suspended from participating in the California workers' compensation system as a
3 physician, practitioner, or provider.

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5 Date: September 12, 2022

/S/ George P. Parisotto
George P. Parisotto
Administrative Director
Division of Workers' Compensation

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