

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

In Re: PROVIDER SUSPENSION

ORDER OF SUSPENSION

BARUCH M. FOGEL,

Respondent.

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.

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.

On or about December 5, 2014, Respondent Baruch M. Fogel (Fogel) was convicted in the United States District Court, Central District of California, of crimes described in Labor Code section 139.21(a)(1)(A). (United States of America v. Baruch Fogel, Case No. CR14-0691-TJH.)

1 On or about March 27, 2017, Respondent Fogel's license, certification or
2 approval to provide health care services was revoked by the Medical Board of
3 California, Department of Consumer Affairs.

4 On or about September 6, 2022, the Administrative Director mailed to
5 Respondent Fogel a written notice of the right to a hearing regarding the suspension
6 and the procedure to follow to request a hearing, as provided in Labor Code section
7 139.21(b)(2) and California Code of Regulations, title 8, section 9788.1.

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

13 Respondent Fogel did not submit a written request for hearing within ten (10)
14 calendar days of the date of mailing of the notice.

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

20 **IT IS HEREBY ORDERED** that Respondent Baruch M. Fogel is hereby
21 suspended from participating in the California workers' compensation system as a
22 physician, practitioner, or provider.

23
24 Date: November 29, 2022

/s/ George P. Parisotto

25 _____
George P. Parisotto
26 Administrative Director
27 Division of Workers' Compensation
28