

December 7, 2022

Administrative Director  
Division of Workers' Compensation  
1515 Clay Street, Suite 1700  
Oakland, CA 94612

Department of Industrial Relations  
Office of the Director – Anti-Fraud Unit  
1515 Clay Street, Suite 701  
Oakland, CA 94612

Dear Administrative Director,

My name is Juan Gustavo Garza II. By this letter, I am formally and respectfully requesting a hearing regarding my proposed suspension from participation in the California workers' compensation system.

My current mailing address is 3642 Trenton Lane, Clovis, CA 93619.

Labor Code section 139.21(a)(1) is stated as the reason for my proposed suspension. This Labor Code section is not legally and factually applicable to me.

Labor Code section 139.21(a)(1) requires the administrative director to suspend "any physician, practitioner, or provider" from participation in the workers' compensation system. I am neither a physician, practitioner, nor a provider. I am a private citizen who works as an independent financial advisor. My employ as a provider of Medi-Cal services terminated on October 25, 2018. Since that date, I have not served as a physician, practitioner, nor a provider of Medi-Cal services. Labor Code 139.21(a)(1) is specific as to the classification of person who shall be suspended – physicians, practitioners, or providers; none of these classifications apply to me. As such, Labor Code section 139.21(a)(1) is not applicable to me as a matter of fact and law.

As well, the Notice Of Provider Suspension letter I received states that Labor Code sections 139.21(a)(1)(B) requires that I be suspended from participation in the workers' compensation system because I have "been suspended, due to fraud or abuse, from participation in the...Medi-Cal program." This is factually and legally incorrect. A substantive document relied upon by the Administrative Director as a basis for my proposed suspension is a letter dated September 7, 2018 from the State of California Department of Health Care Services signed by Jonathan R. Lee (enclosed). In that letter, Mr. Lee states that two convictions (referenced in his letter) for Vehicle Code violations "are substantially related to the qualifications, functions, or duties of a provider of service." A finding that the vehicle code convictions were substantially related to my "qualification, functions, or duties of a provider of service" were the reason for my

suspension from the Medi-Cal program. The reason for my suspension from the Medi-Cal program was not “fraud or abuse,” as is claimed in the Notice of Provider Suspension letter signed by Administrative Director George Parisotto. At no time have I ever been found to have engaged in 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. As such, the legal and factual basis for my proposed suspension from the California workers’ compensation system is inapplicable to me.

Further, Labor Code section 139.21(a)(1) requires that the “administrative director shall promptly suspend...any physician, practitioner, or provider from participating in the workers’ compensation system” if they have been convicted of any felony or misdemeanor listed in the sections (A)(i-iv). The previously referenced letter signed by Jonathan R. Lee was dated September 7, 2018. The letter notifying me of the proposed suspension is dated November 29, 2022. The gap in time of over four years from my suspension from the Medi-Cal program and the letter proposing to suspend me from participation in the California workers’ compensation program is not prompt. Labor Code 139.21(a)(2) requires the administrative director to “exercise due diligence to identify physicians, practitioners, or providers who have been suspended pursuant to subparagraph (B) of paragraph (1) by accessing the quarterly updates to the list of suspended and ineligible providers maintained by the State Department of Health Care Services for the Medi-Cal program.” Over 16 quarters have lapsed, and presumably 16 quarterly updates to the list of suspended and ineligible providers maintained by the State Department of Health Care Services for the Medi-Cal program, since the letter dated September 7, 2018 signed by Jonathan R. Lee. Due to the considerable length of time that has passed from the original suspension from the Medi-Cal program and the proposed suspension from participation in the California workers’ compensation system of over four years, the proposed suspension from the workers’ compensation is not legally or factually prompt, and thus is inconsistent with the requirements of the code.

Due to the reasons stated above, I reiterate my formal and respectful request for a hearing regarding my proposed suspension from participation in the California workers’ compensation program.

I appreciate your attention to this matter.

Respectfully,



Juan Gustavo Garza II  
3642 Trenton Lane  
Clovis, CA 93619