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March 10, 2023

Via U.S Mail.

Department of Industrial Relations
Division of Workers' Compensation
Office of the Administrative Director
1515 Clay Street, Suite 1700
Oakland, CA 94612



Re: Dr. Robert Joseph- Notice of Suspension and Request for Waiver of Time

Dear Department of Industrial Relations, Division of Workers' Compensation, Office of the Administrative Director (hereafter the "Director"):

Please be advised that I am in receipt of your correspondence to my client, Dr. Robert Joseph, dated February 25, 2023. Therein, the Director has outlined the procedure for requesting a hearing in order to contest the pending suspension that ostensibly has been planned by the Director. The procedures therein explain that the request "must be made within 10 calendar days of mailing of this notice."

Unfortunately, my client only checks the mail at the 8581 Santa Monica Blvd. Hollywood, CA 90069 address that the Director's correspondence was sent to once a week. When he checked it on March 3, 2023, he received the February 15, 2023 correspondence described above. By the time he had received it, the time for requesting a hearing had already expired.

Based on the foregoing, I am respectfully requesting a hearing. The current mailing address where any response can be submitted to is: Law Offices of Heather Gibson, 1871 Martin Avenue, Santa Clara, CA 95050. The current mailing address for Dr. Robert Joseph is 8581 Santa Monica Blvd, West Hollywood, CA 90069.

Labor Code section 139.21(a) (1) provides that, "The administrative director shall promptly suspend, pursuant to subdivision (b), any physician, practitioner, or provider from participating in the workers' compensation system as a physician, practitioner, or provider if the individual or entity meets any of the following criteria:

- (A) The individual or entity has been convicted of any felony or misdemeanor and that crime comes within any of the following descriptions:
 - (i) It involves fraud or abuse of the federal Medicare or Medicaid programs, the Medical program, or the workers' compensation system, or fraud or abuse of any patient.

(ii) It relates to the conduct of the individual's medical practice as it pertains to patient care.

(iii) It is a financial crime that relates to the federal Medicare or Medicaid programs, the Medi-Cal program, or the workers' compensation system.

(iv) It is otherwise substantially related to the qualifications, functions, or duties of a provider of services.

Here, Dr. Joseph pled guilty to Conspiracy, in violation of 18 U.S.C. section 371, as charged in the Single Count Indictment attached to the February 15, 2023 correspondence from the Director. The charges set forth in the Indictment speak for themselves. However, Dr. Joseph's ability to competently treat his patients, and successfully so, has never been in question. Thus, he respectfully requests a hearing in order to contest the Director's decision.


My original signature is set forth below. I am filing concurrently a request with the Administrative Director.

Finally, I am requesting a written determination from the Director with respect to whether or not Dr. Robert Joseph, may, in his capacity as an employee and/or agent of another licensed entity, perform surgical procedures that are reimbursed by the California Workers' Compensation System with prior written authorization from Workers' Compensation in the event that he is suspended from participation in the California Workers' Compensation system.

Please advise as soon as possible.

Very truly yours,
Law Offices of Heather Gibson, P.C.

By: _____


Heather E. Gibson, Esq.,
Attorney for Dr. Robert Joseph, DPM

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