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10 DEPARTMENT OF INDUSTRIAL RELATIONS
11 DIVISION OF WORKERS' COMPENSATION
12 OFFICE OF THE ADMINISTRATIVE DIRECTOR

13 Eric Schmidt, M.D.,

14 **REQUEST FOR HEARING**

15 -v-

16 Division of Workers' Compensation

17 Pursuant to California Code of Regulations, title 8, section 9788.2(b), Dr. Eric Schmidt
18 submits this Request for Hearing. Labor Code section 139.21(a)(1) does not apply to Dr.
19 Schmidt for the following reasons.

- 20 1. Dr. Schmidt's conviction under Business and Professions section 650 does not meet the
21 criteria under Labor Code section 139.21(a)(1).
- 22 2. Dr. Schmidt's conviction has been dismissed pursuant to Penal Code section 1203.4.
23 (Exhibit A.)
- 24 3. Dr. Schmidt has been reinstated by the Medi-Cal and OIG program. (Exhibit B and C.)
4. Medical Board license remains on probation and addresses this issue. (See Stipulated
Settlement.)

- 1 5. Dr. Schmidt's original conviction occurred over December 4, 2020, over two and a half
2 years ago, and therefore the WCAB has waited an unreasonable and unjustified amount
3 of time to bring the suspension against in a way that prejudices the Dr. Schmidt and
4 renders the granting of a claim inequitable.
- 5 6. To the best of our knowledge, the WCAB previously suspended Dr. Schmidt at the time
6 of his original conviction for a period of three years. This section action is unnecessarily
7 duplicative, punitive, and contrary to the Provider Suspension laws and regulations.
- 8 7. The Medical Board stipulation also prohibits Dr. Schmidt from treating workers'
9 compensation patients during the terms of his probation. (See Stipulated Settlement, ¶ 4,
10 p. 7.) A suspension is therefore unnecessary, punitive, and redundant.

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12 Current Mailing Address:


13
14 Dr. Eric Schmidt
15 925 McDonald Avenue
16 Santa Rosa, CA 95404

17 Date: June 17, 2022

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ERIC SCHMIDT, M.D.

20 Date: June 17, 2022


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