

**WORKERS' COMPENSATION APPEALS BOARD
STATE OF CALIFORNIA**

IN RE: PROVIDER SUSPENSION

**PAUL STEVE RAMIREZ;
P. STEVE RAMIREZ VOCATIONAL SERVICES, LLC, *Applicant***

vs.

**DEPARTMENT OF INDUSTRIAL RELATIONS,
ANTI-FRAUD UNIT, *Defendants***

Appeals Board Case No.: MISC. No. 269

Administrative Director Case Nos.: AD PS-25-04, AD PS-25-05

**OPINION AND ORDER DISMISSING
PETITION FOR RECONSIDERATION**

Lien claimants Paul Steve Ramirez and P. Steve Ramirez Vocational Services, LLC (lien claimants) seek reconsideration of the Determination and Order Re: Suspension issued on July 22, 2025 by the Administrative Director of the Department of Workers' Compensation (Director), wherein the Director adopted the Determination and Order Re: Suspension issued on July 17, 2025 by hearing officer and workers' compensation administrative law judge Jesus R. Perez, finding that lien claimants shall be suspended from participating in the California workers' compensation system as a physician, practitioner, or provider pursuant to the express criteria set forth in Labor Code¹ section 139.21, subdivision (a)(1).

The Anti-Fraud Unit of the Office of the Director of the Department of Industrial Relations (AFU) filed a response to lien claimant's Petition for Reconsideration citing Rule 9788.3, subdivision (f) (Cal. Code Regs., tit. 8, § 9788.3(f)), which states that, "All appeals from the Determination and Order re: Suspension shall be made to the Superior Court of California by writ as provided in the Code of Civil Procedure." (Cal. Code Regs., tit. 8, § 9788.3(f).)

¹ All further references are to the Labor Code unless otherwise noted.

Lien claimants responded the AFU's assertion of Rule 9788.3, subdivision (f), arguing that the AFU did not cite any case law precluding reconsideration from the Appeals Board of a Director's Determination and Order Re: Suspension.

We concur with the AFU that the Appeals Board lacks jurisdiction to hear this matter, and therefore must dismiss lien claimants' Petition for Reconsideration.

I.

The Appeals Board lacks jurisdiction to reconsider a Determination and Order re: Suspension issued by the Director pursuant to section 139.21 because the Legislature did not vest the Appeals Board with jurisdiction to reconsider any Determination and Order re: Suspension issued by the Director. Instead, the Legislature vested *the Director* with express authority over all notice and hearing requirements related to the suspension of a physician, practitioner, or provider pursuant to the terms of section 139.21:

(b)

(1) The administrative director shall adopt regulations for suspending a physician, practitioner, or provider from participating in the workers' compensation system, subject to the notice and hearing requirements in paragraph (2).

(2) The administrative director shall furnish to the physician, practitioner, or provider written notice of the right to a hearing regarding the suspension and the procedure to follow to request a hearing. The notice shall state that the administrative director is required to suspend the physician, practitioner, or provider pursuant to subdivision (a) after 30 days from the date the notice is mailed unless the physician, practitioner, or provider requests a hearing and, in that hearing, the physician, practitioner, or provider provides proof that paragraph (1) of subdivision (a) is not applicable. The physician, practitioner, or provider may request a hearing within 10 days from the date the notice is sent by the administrative director. The request for the hearing shall stay the suspension. The hearing shall be held within 30 days of the receipt of the request. **Upon the completion of the hearing, if the administrative director finds that paragraph (1) of subdivision (a) is applicable, the administrative director shall immediately suspend the physician, practitioner, or provider.**

(3) The administrative director shall have power and jurisdiction to do all things necessary or convenient to conduct the hearings provided for in paragraph (2). The hearings and investigations may be conducted by any designated hearing officer appointed by the administrative director. Any authorized person conducting that hearing or investigation may administer

oaths, subpoena and require the attendance of witnesses and the production of books or papers, and cause the depositions of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil cases in the superior court of this state under Title 4 (commencing with Section 2016.010) of Part 4 of the Code of Civil Procedure.

(Lab. Code, § 139.21(b), emphasis added.)

Rule 9788.3, subdivision (f) was promulgated pursuant to the express authority granted in section 139.21, subdivision (b)(1), and its language is clear and unambiguous:

All appeals from the Determination and Order re: Suspension shall be made to the Superior Court of California by writ as provided in the Code of Civil Procedure.

(Cal. Code Regs., tit. 8, § 9788.3(f), emphasis added.)²

Consequently, the remedy for lien claimants is to seek a writ of review with the appropriate California Superior Court. (See Code Civ. Proc., § 1067 et seq.)

Accordingly, the Appeals Board determines that it lacks jurisdiction to reconsider the Determination and Order Re: Suspension in this matter and therefore dismisses the Petition for Reconsideration.

² We note that because the Legislature did not provide for an appellate review process for a Determination and Order re: Suspension issued by the Director pursuant to section 139.21, Rule 9788.3, subdivision (f), appears to be a statement of existing law. (See Code Civ. Proc., § 1068(a), emphasis added [“A writ of review may be granted by any court when an inferior tribunal, board, or officer, exercising judicial functions, has exceeded the jurisdiction of such tribunal, board, or officer, **and there is no appeal, nor, in the judgment of the court, any plain, speedy, and adequate remedy.**”].)

For the foregoing reasons,

IT IS ORDERED that the Petition for Reconsideration filed by Paul Steve Ramirez and P. Steve Ramirez Vocational Services, LLC, of the Determination and Order Re: Suspension issued on July 22, 2025 by the Administrative Director of the Department of Workers' Compensation is **DISMISSED** for lack of jurisdiction.

WORKERS' COMPENSATION APPEALS BOARD

/s/ KATHERINE WILLIAMS DODD, COMMISSIONER

I CONCUR,

/s/ CRAIG L. SNELLINGS, COMMISSIONER

/s/ KATHERINE A. ZALEWSKI, CHAIR



DATED AND FILED AT SAN FRANCISCO, CALIFORNIA

October 27, 2025

SERVICE MADE ON THE ABOVE DATE ON THE PERSONS LISTED BELOW AT THEIR ADDRESSES SHOWN ON THE ATTACHED PROOF OF SERVICE.

**PAUL STEVE RAMIREZ
P. STEVE RAMIREZ VOCATIONAL LLC
THE LAW OFFICE OF ANTHONY P. CAPOZZI
OFFICE OF DIRECTOR LEGAL UNIT, ANTI-FRAUD UNIT**

I certify that I affixed the official seal of the Workers' Compensation Appeals Board to this original decision on this date. *MC*

(Code Civ. Proc., §§ 1013a, 2009, 2015.5;
Cal. Rules of Court, Rules 8.70, et seq.)

I declare that I am a citizen of the United States and that I am employed in the City and County of San Francisco of the State of California. I am over the age of 18 years and not a party to the within entitled action. My business address is 455 Golden Gate Avenue, Suite 9328, San Francisco, CA 94102.

(VIA E-MAIL) P. Steve Ramirez Apsteve@psrvoc.com psteve@psrvoc.com	(VIA FIRST CLASS MAIL ONLY) P. Steve Ramirez Vocational Services LLC 1300 West Shaw Avenue, Suite 1A Fresno, CA 93711
(VIA FIRST CLASS MAIL ONLY) Anthony P. Capozzi, Esq. 1233 West Shaw Avenue, Suite 102 Fresno, CA 93711-3718	(VIA FIRST CLASS MAIL and E-MAIL) California Department of Industrial Relations Office of the Director – Legal/Anti-Fraud Unit Ken Lau, Chief Counsel William J. Murphy, Assistant Chief Counsel Anti-Fraud Unit Andia Farzaneh, Staff Counsel. 1515 Clay Street, Suite 701 Oakland, CA 94612 WMurphy@dir.ca.gov AFarzaneh@dir.ca.gov

/s/ Michelle Cavagnuolo