

1 STATE OF CALIFORNIA  
2 DEPARTMENT OF INDUSTRIAL RELATIONS  
3 DIVISION OF WORKERS' COMPENSATION  
4 BEFORE THE ADMINISTRATIVE DIRECTOR

5 ORDER OF SUSPENSION

6 In Re: PROVIDER SUSPENSION

7 HERBERT KLOSS,

8 Respondent.

9 WHEREAS, Labor Code section 139.21(a)(1)(C) requires the Administrative Director to  
10 suspend any physician, practitioner, or provider from participating in the worker's compensation  
11 system as a physician, practitioner, or provider whose license, certification or approval to  
12 provide health care services has been surrendered or revoked; and

13 WHEREAS, on or about February 17, 2017, Herbert Kloss' license, certification or  
14 approval to provide health care services was surrendered or revoked by the Medical Board of  
15 California, Department of Consumer Affairs; and

16 WHEREAS, on or about April 20, 2018, the Administrative Director mailed to Herbert  
17 Kloss a written notice of right to a hearing regarding the suspension and the procedure to follow  
18 to request a hearing, as provided in Labor Code section 139.21(b)(2) and California Code of  
19 Regulations, title 8, section 9788.1; and

20 WHEREAS, pursuant to Labor Code section 139.21(b)(2) and California Code of  
21 Regulations, title 8, section 9788.1(d) the written notice advised Herbert Kloss that the  
22 suspension would start thirty (30) calendar days after the date of mailing of written notice, unless  
23 Herbert Kloss submitted a written request for a hearing within ten (10) calendar days of the date  
24 of mailing of the notice; and

25 WHEREAS, Herbert Kloss did not submit a written request for hearing within ten (10)  
26 calendar days of the date of mailing of the notice; and

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

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**IT IS HEREBY ORDERED** Herbert Kloss is hereby suspended from participating in the workers' compensation system as a physician, practitioner, or provider.

Dated: May 25, 2018

  
\_\_\_\_\_  
George Parisotto  
Administrative Director  
Division of Workers' Compensation

1 **CERTIFICATE OF SERVICE BY MAIL**

2 (C.C.P. section 1013(a), 2015.5)

3 I am over the age of 18 years and not a party to the entitled action. My business address is 1515 Clay  
4 Street, 18<sup>th</sup> Floor, Oakland, California 94612.

5 I served the following document: **ORDER OF SUSPENSION** on the following person(s) at the  
6 following address(es):

7 **By Certified Mail:**

8 **Herbert Kloss**  
9 **5057 84<sup>th</sup> Avenue SE**  
10 **Mercer Island, WA 98040**

11 **Herbert Kloss**  
12 **7022 20<sup>th</sup> Avenue NE**  
13 **Seattle, WA 98115**

14 **Herbert Kloss**  
15 **5060 88<sup>th</sup> Avenue SE**  
16 **Mercer Island, WA 98040**

17 **By Hand Delivery:**

18 **Paige Levy, Chief Judge**  
19 **WCAB**  
20 **1515 Clay Street, 17<sup>th</sup> Floor**  
21 **Oakland, CA 94612**

22 **Mi Kim, Esq., DIR/ODL**  
23 **c/o Regina Schneider**  
24 **1515 Clay Street, 17<sup>th</sup> Floor**  
25 **Oakland, CA 94612**

26 The document was served by the following means:

27  **(BY U.S. CERTIFIED MAIL)** I enclosed the document in a sealed envelope or package addressed to the  
28 person(s) at the address(es) listed above and:

Placed the envelope or package for collection and mailing, following our ordinary business practices. I  
am readily familiar with the firm's practice for collection and processing correspondence for mailing. Under  
that practice, on the same day that correspondence is placed for collection and mailing, it is deposited in the  
ordinary course of business with the U.S. Postal Service, in a sealed envelope or package with the postage  
fully prepaid.

**HAND DELIVERY/PERSONAL SERVICE.** I personally delivered the document to the person(s)  
indicated at the address(es) above by leaving the document at the specified office address with a receptionist  
or an individual in charge of the office in an envelope or package clearly labelled to identify the person(s)  
being served.

I declare under penalty of perjury under the laws of State of California that the above is true and  
correct. Executed on May 25, 2018, at Oakland, California.

  
CATHY FUJITA-LAM