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VIA E-MAIL AND U.S. MAIL

George Parisotto
Department of Industrial Relations
Division of Workers' Compensation
1515 Clay Street, Suite 1700
Oakland, CA 94612
E-Mail: antifraudunit@dir.ca.gov

Re: Request for Hearing - Robert LaMattina (*CDCA Docket No. 8:22-cr-00103 JWH*)

Dear Mr. Parisotto:

Our firm represents Robert LaMattina. On May 26, 2023, Mr. LaMattina received a Notice of Provider Suspension, stating that the Department intends to suspend him from participating in the California workers' compensation system pursuant to California Labor Code §§ 139.21(a)(1)(A) and 139.21(a)(1)(B). Please accept this letter as Mr. LaMattina's official request for a hearing to contest the suspension.

The relevant portion of Labor Code § 139.21(a)(1)(A) states that the administrative director shall promptly suspend a provider from participating in the workers' compensation system if "the individual or entity has been convicted of any felony or misdemeanor and that crime comes within any of the following descriptions... [i]t involves 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." Similarly, Labor Code § 139.21(a)(1)(B) states that a provider may be suspended if "[t]he individual or entity has been suspended, due to fraud or abuse, from the federal Medicare or Medicaid programs or the Medi-Cal program." Neither section applies here.

First, Mr. LaMattina was convicted of soliciting and receiving remuneration for referring a patient to a clinical treatment facility, in violation of 18 U.S.C. § 220(a)(1). 18 U.S.C. § 220(a)(1) criminalizes receiving funds in exchange for patient referrals to rehabilitation

facilities—it does not address patient abuse or fraud. Accordingly, Mr. LaMattina's single-count conviction does not fall within Labor Code § 139.21(a)(1)(A)(i). Second, Labor Code § 139.21(a)(1)(A)(i) also does not apply because Mr. LaMattina's conviction related to private insurance, not a state or federal government program.¹

For the foregoing reasons, Labor Code § 139.21(a)(1)(A)(i) does not apply and Mr. LaMattina should not be barred from participating in the workers' compensation program; Mr. LaMattina requests a hearing to contest the noticed suspension. Please contact the undersigned in all future correspondence.

Sincerely,



Hilary Potashner
Daniel R. Lahana

¹ Because Mr. LaMattina has never been suspended from participating in the Medicare, Medicaid, or Medi-Cal programs, Labor Code § 139.21(a)(1)(B) also does not apply.