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**STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF WORKERS' COMPENSATION
BEFORE THE ADMINISTRATIVE DIRECTOR**

In Re: PROVIDER SUSPENSION
AGINAH M. DEBERRY,
Respondent.

ORDER OF SUSPENSION

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Labor Code section 139.21(a)(1)(A) requires the Administrative Director of the Division of Workers' Compensation to suspend any physician, practitioner, or provider from participating in the workers' compensation system as a physician, practitioner, or provider if the individual or entity has been convicted of any felony or misdemeanor and that crime either: (1) 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; (2) relates to the conduct of the individual's medical practice as it pertains to patient care; or (3) is a financial crime that relates to the federal Medicare or Medicaid programs, the Medi-Cal program, or the workers' compensation system.

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On or about December 2, 2008, Respondent Aginah M. DeBerry (DeBerry) pled guilty to or was found guilty of one or more felonies or misdemeanors described in Labor Code section 139.21(a)(1)(A) in the United States District Court, Central District Of California. (United States v. Lessler, et al., Case No. SACR 07-00021-JVS).

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On or about April 11, 2022, the Administrative Director mailed to Respondent DeBerry a written notice of the right to a hearing regarding the suspension and the procedure to follow to request a hearing, as provided in Labor Code section 139.21(b)(2) and California Code of Regulations, title 8, section 9788.1.

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Pursuant to Labor Code section 139.21(b)(2) and California Code of Regulations, title 8, section 9788.1(d), the written notice advised Respondent DeBerry that the suspension would start thirty (30) calendar days after the date of mailing of written

1 notice, unless Respondent DeBerry submitted a written request for a hearing within ten
2 (10) calendar days of the date of mailing of the notice.

3 Respondent DeBerry did not submit a written request for hearing within ten (10)
4 calendar days of the date of mailing of the notice.

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

10 **IT IS HEREBY ORDERED** that Respondent Aginah M. DeBerry is hereby
11 suspended from participating in the workers' compensation system as a physician,
12 practitioner, or provider.

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14 Date: May 20, 2022

/S/ George P. Parisotto

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16 George P. Parisotto
17 Administrative Director
18 Division of Workers' Compensation
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