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

In Re: PROVIDER SUSPENSION

MATNICK ORTHOPEDIC MEDICAL  
GROUP,

Respondent.

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**ORDER OF SUSPENSION**

WHEREAS, Labor Code section 139.21(a)(1)(D) requires the Administrative Director to suspend any entity controlled by an individual who has been convicted of a felony or misdemeanor described in Labor Code section 139.21(a)(1)(A); and

WHEREAS, Matnick Orthopedic Medical Group is controlled by an individual, Daniel A. Capen, who has been convicted of a felony or misdemeanor described in Labor Code section 139.21(a)(1)(A). (Per Labor Code section 139.21(a)(3), an entity is controlled by an individual if (1) the individual is or was an officer or director of the entity, (2) is or was a shareholder with a 10 percent or greater interest in the entity, or (3) held de facto ownership of the entity or de facto control consistent with the rights and duties of an officer or director of the entity (see *Villanueva v. Teva Foods* (2019) WCAB Case No. ADJ9332041, 84 Cal. Comp. Cases 198 [significant panel decision]); and

WHEREAS, on or about November 29, 2022, the Administrative Director mailed to Matnick Orthopedic Medical Group 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; and

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

1           WHEREAS, Matnick Orthopedic Medical Group did not submit a written request for  
2 hearing within ten (10) calendar days of the date of mailing of the notice; and

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

8           **IT IS HEREBY ORDERED** that Matnick Orthopedic Medical Group is hereby suspended  
9 from participating in the workers' compensation system as a physician, practitioner, or  
10 provider.

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12 Date: January 11, 2023

12           /S/ George Parisotto  
13           GEORGE PARISOTTO  
14           Administrative Director  
15           Division of Workers' Compensation