

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

In Re: PROVIDER SUSPENSION

Case No. AD PS-17-18

**DETERMINATION AND ORDER
RE: SUSPENSION**

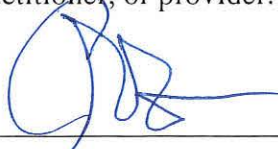
HOSSAIN SAHLOLBEI,
Respondent.

The Administrative Director of the Division of Workers' Compensation is required 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 meets any of the express criteria set forth in Labor Code section 139.21(a)(1).

Based upon a review of the record in this case, including the November 15, 2017 recommended Determination and Order re: Suspension of the designated Hearing Officer, the Administrative Director finds that Respondent Hossain Sahlolbei, meets the criteria for suspension set forth in Labor Code section 139.21(a) and shall be suspended from participating in the workers' compensation system as a physician, practitioner, or provider. Pursuant to California Code of Regulations, title 8, section 9788.3(d), the Administrative Director hereby adopts and incorporates the November 15, 2017 recommended Determination and Order re: Suspension of the designated Hearing Officer, attached hereto, as the Administrative Director's Determination and Order re: Suspension.

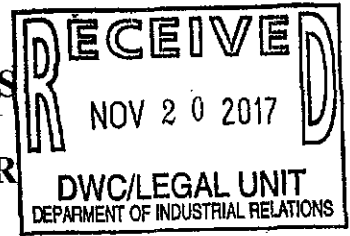
IT IS HEREBY ORDERED that Hossain Sahlolbei, is hereby suspended from participating in the workers' compensation system as a physician, practitioner, or provider.

Date: November 22, 2017



GEORGE PARISOTTO
Administrative Director
Division of Workers' Compensation

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



In Re: PROVIDER SUSPENSION

Case No. AD PS-17-18

DETERMINATION AND ORDER

RE: SUSPENSION

HOSSAIN SAHLOLBEI,
Respondent.

A hearing was held in the above-captioned matter on November 15, 2017 pursuant to Labor Code Section 139.21(b)(2).

CONTENTION

At the Hearing Dr. Sahlolbei initially raised the following issue, as also set forth in his request for hearing dated October 12, 2017, that the provisions of Labor Code Section 139.21(a)(1)(A), which served as the basis of his conviction, are not applicable to his "unfortunate conviction" which further is in the appeal process.

FACTS

1. Labor Code section 139.21(a)(1)(A) requires the Administrative Director to suspend any physician, practitioner, or provider from participating in the workers' compensation system as a physician, practitioner, or provider if the individual has been convicted of any felony or misdemeanor described in Labor Code section 139.21(a)(1)(A).
2. Respondent was convicted on 1/6/2016, by the Superior Court of California, County of Riverside, of a violation of section 487, subdivision (a), of the Penal Code, Grand Theft, as charged in Count 1 [Felony Complaint, dated 9/24/2013].

3. As the results of said conviction, the Notice of Provider Suspension-Workers' Compensation issued on 10/6/2017 by the George Parisotto, then acting Administrative Director/Division of Workers' Compensation.
4. Respondent Hossain Sahlolbei, M.D., filed a timely appeal and request for hearing dated 10/12/2017 pursuant to Rule 9788.2(b).
5. The Notice of Hearing and Designation of Hearing Officer issued October 24, 2017, by Administrative Director Parisotto, setting this matter for hearing before the assigned hearing officer on November 15, 2017.
6. At the time of said hearing on November 15, 2017, respondent Hossain Sahlolbei, M.D. advised that he was withdrawing his appeal and request for hearing, indicating that his appeal was based on his misunderstanding that his right to maintain workers' compensation insurance as an employer was being affected by this determination.

DETERMINATION

The respondent's felony conviction for grand theft, constitutes a "covered crime" pursuant to the provisions of Labor Code Section 139.21(a)(1)(A)(iv).

BASIS FOR DETERMINATION

Labor Code Section 139.21 provides in pertinent part:

"(a) (1) The administrative director shall promptly suspend, pursuant to subdivision (b), any physician, practitioner, or provider from participating in the workers' compensation system as a physician, practitioner, or provider if the individual or entity meets any of the following criteria:

(A) The individual has been convicted of any felony or misdemeanor and that crime comes within any of the following descriptions:

(i) It involves fraud or abuse of the Medi-Cal program, Medicare program, or workers' compensation system, or fraud or abuse of any patient.

(ii) It relates to the conduct of the individual's medical practice as it pertains to patient care.

(iii) It is a financial crime that relates to the Medi-Cal program, Medicare program, or workers' compensation system.

(iv) It is otherwise substantially related to the qualifications, functions, or duties of a provider of services.

(B) The individual or entity has been suspended, due to fraud or abuse, from the federal Medicare or Medicaid programs.

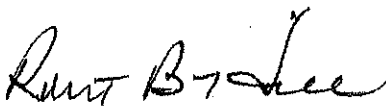
(C) The individual's license, certificate, or approval to provide health care has been surrendered or revoked."

Based on the respondent's withdrawal of his appeal, the underlying conviction falls within the category of covered crimes as set forth in Labor Code Section 139.21(a)(1)(A)(iv), specifically that relates to the qualifications, functions, or duties of a provider of services.

ORDER

IT IS ORDERED that Hossain Sahlolbei, M.D. is hereby suspended from participating in the workers' compensation system as a physician, practitioner, or provider.

DATE: 11/15/2017



WCJ ROBERT HILL
Hearing Officer/Workers' Compensation Administrative Law Judge