

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

In Re: PROVIDER SUSPENSION

Case No. AD PS-17-15

DETERMINATION AND ORDER

RE: SUSPENSION

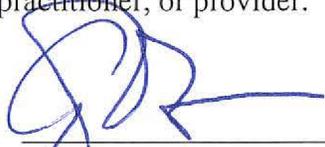
GARY ORDOG, M.D.,
Respondent.

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 30, 2017 recommended Determination and Order re: Suspension of the designated Hearing Officer, the Administrative Director finds that Respondent Gary Ordog, M.D., 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 30, 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 Gary Ordog, M.D., is hereby suspended from participating in the workers' compensation system as a physician, practitioner, or provider.

Date: December 8, 2017



GEORGE PARISOTTO
Administrative Director
Division of Workers' Compensation

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DETERMINATION
AND ORDER
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A hearing via Court Call was held in the above-captioned matter on October 23, 2017 pursuant to Labor Code section 139.21(b) (2). At that time, Respondent Gary Ordog, M.D., in proper, requested an indefinite continuance of the proceedings based upon the fact that he is presently incarcerated and is not scheduled for release until on or about June, 2018 and was therefore unavailable to personally appear. Dr. Ordog argues that his suspension should be stayed until he is released from prison, or his criminal case is "appealed or pardoned". He further argues that the circumstances leading to his criminal conviction occurred while he had a large brain tumor, a craniotomy and an intracranial hemorrhage. He further claims that he was "wrongly forced" to sign his plea agreement while under "great duress".

FACTS

Pursuant to the terms of Plea Agreement For Defendant Gary J. Ordog, M.D. (United States District Court for the Central District of California, Case number CR 2:15-00152-FMO), (Exhibit 3) Dr. Ordog agreed to plead guilty to health care fraud, namely Medicare, in violation of 18 U.S.C. §1347. As part of said agreement, Dr. Ordog also waived any appeal of his conviction, with the exception of an appeal based on a claim that his guilty plea was involuntary. Per Dr. Ordog, he is presently incarcerated at the Federal Correctional Institution Terminal Island. Dr. Ordog confirmed that he is not represented by counsel in this matter at this time and did not anticipate retaining counsel due to alleged lack of "financial capability" and "no access to getting legal counsel". He

waived the provisions of Title 8 California Code of Regulations §9788.3(a) on the record. He denied having access to a law library. He alleged to be appealing his plea agreement and to have been ill during his prosecution.

In light of those claims, the hearing was continued to 11/22/2017 to allow Dr. Ordog to file any documents which would support his contentions and requests for a further continuance, and to make a showing as to why he was unable to retain counsel. Dr. Ordog filed a supplemental letter dated October 31, 2017. On 11/22/2017, due to a scheduling error on behalf of the Bureau of Prisons, Dr. Ordog was not available to participate in the Court Call hearing and the matter was adjourned to November 29, 2017, at which time the matter was submitted for recommended Determination and Order.

DETERMINATION

It is found that Labor Code Section 139.21(a)(1)(A) applies to Respondent and it is the recommendation of this designated hearing officer that the Administrative Director immediately suspend Gary Ordog, M.D. from participating in the workers' compensation system.

BASIS FOR DETERMINATION

Pursuant to Labor Code Section 139.21(b)(2), the purpose of the hearing once requested is to allow the provider the opportunity to provide "proof that paragraph (1) of subdivision (a) is not applicable".

Respondent has offered no documentary evidence in support of his allegations regarding the circumstances of his conviction, or that his conviction is currently under appeal. Notwithstanding, Labor Code Section 139.21(a)(1) mandates that the Administrative Director "shall" promptly suspend any physician from participating in the workers' compensation system if the individual 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.

Pursuant to Exhibit 3, Respondent entered into a plea agreement with the Fraud Section of the Criminal Division of the United States Department of Justice and the United States Attorney's Office in which he agreed to plead guilty to health care fraud in violation of 18 U.S.C. §1347; that he knowingly and willfully participated in a scheme or plan to defraud the Medicare system, and that he is, in fact, guilty of the offense. Further, respondent acknowledged that he was "excluded from Medicare, Medicaid, and all Federal health care programs." Respondent was represented by counsel during the criminal proceedings.

Unless and until Dr. Ordog is successful in challenging his conviction, even assuming that he has or will do so, Dr. Ordog is guilty and has been convicted of violating 18 U.S.C. §1347 and is currently serving his sentence. Based thereon, it is further found that Respondent has failed to provide "proof that paragraph (1) of subdivision (a) is not applicable".

ORDER

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

DATE: NOV 30 2017



WCJ DAVID BROTMAN
Hearing Officer