

INDEX North Valley Diagnostic Services, Inc. and Kevin Do, M.D.

Exhibit #	Document	File Date
1	USA v. Kevin T. Do, M.D., Case #: CRS-02-0338 GEB	8/8/2002
2	USDC USA v. Kevin T. Do Pleads Guilty	8/26/2003
3	Kevin T. Do Imprisonment	10/15/2003
4	Supervised Release, Standard & Special Conditions	
5	Department of Health Services Notice of Suspension from Medi-Cal program	Mailed 2/20/2003
6	DIR Determination and Order RE: Suspension; Case #: AD PS-17-12	10/19/2018
7	SOS Articles of Incorporation North Valley Diagnostic Services, Inc.	9/28/2011
8	CA Secretary of State (SOS) Statement of Information North Valley Diagnostic Services, Inc., shows Kevin Do as a Director	9/24/2015

EXHIBIT 1

1 JOHN K. VINCENT
United States Attorney
2 DANIEL S. LINHARDT
Assistant U.S. Attorney
3 501 I Street, Suite 10-100
Sacramento, California 95814
4 Telephone: (916) 554-2770

FILED

AUG - 8 2002

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____
DEPUTY CLERK

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7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10
11 UNITED STATES OF AMERICA,)
12 Plaintiff,)
13 v.)
14 KEVIN T. DO, M.D.,)
15 Defendant.)

CR S- **CR.S-02-0338 GEB**
VIOLATION: 18 U.S.C. § 1347 -
Health Care Fraud;
18 U.S.C. § 2 - Aiding and
Abetting

16
17 I N F O R M A T I O N

18 The United States Attorney charges:

19 KEVIN T. DO, M.D.,
20 defendant herein, as follows:

21 I. INTRODUCTION

22 At all time material to this Information:

23 A. Defendant KEVIN T. DO, M.D., was a medical doctor
24 operating in Los Angeles and who was a Medi-Cal provider.

25 B. The Medi-Cal Program was a federal and state funded
26 program which provided for the medical services for eligible
27 recipients - those who had a Medi-Cal card issued by the State of
28 California.

1 C. For a medical provider to participate in this program he
2 or she had to sign an agreement with the State of California to
3 receive a provider number. Upon being accepted in the program a
4 medical provider had to agree to submit to certain regulations
5 issued by the State of California. The Department of Health
6 Services, Medi-Cal Division, provided information to the
7 participating medical providers of the requirements of the program.

8 D. When a medical provider was accepted he or she received an
9 on-line number which allowed for electronic billing to the State of
10 California, Department of Health Services in Sacramento, California,
11 through its contractor Electronic Data Systems ("EDS"). The medical
12 provider or a biller hired by the medical provider could then input
13 the Medi-Cal beneficiary number, prescription code, and the date;
14 and the State Controller's Office in Sacramento, California, on a
15 weekly basis remitted a check to the provider for the amount and
16 type of prescriptions filled based on the computer tape claim
17 submitted by the pharmacy or DME to EDS.

18 E. The Medi-Cal Program received fifty percent of its funding
19 from the United States Department of Health and Human Services. The
20 California Department of Health Service acted as an agent for the
21 United States in the disbursement of the funds which the federal
22 government places in the Medi-Cal Program.

23 II. SCHEME TO DEFRAUD

24 Beginning on or about April 1997, and continuing through on or
25 about December 31, 1998, in the Eastern District of California, an
26 elsewhere, defendant KEVIN T. DO, M.D., together with others known
27 and unknown to the United States Attorney, executed and intended to
28 execute a scheme and artifice to defraud a health care benefit

1 program, which program affected interstate commerce, to wit:
2 defendant KEVIN T. DO, M.D. permitted a billing company to use
3 defendant DO'S Medi-Cal provider number to bill for services which
4 defendant DO did not provide and which were, in fact, not provided
5 by anyone. As a result of this scheme the Medi-Cal Program was
6 wrongfully defrauded out of approximately \$397,000.

7
8 II. WAYS AND MEANS

9 In furtherance of the scheme and artifice set forth above
10 defendant KEVIN T. DO, M.D. employed, among other, the following
11 ways and means:

12 1. During the period sometime around April 1997, defendant
13 DR. DO reached an agreement with a billing service, whereby
14 defendant DR. DO agreed to allow the billing service to use his
15 Medi-Cal provider number to submit claims for services that he did
16 not perform.

17 2. Beginning in or about June 1998, defendant DR. DO, was
18 informed by the billing company that they would be using his
19 provider number to submit claims to Medi-Cal for physical therapy
20 services that he would not render. Defendant DR. DO established a
21 joint bank account into which the Medi-Cal checks were deposited.
22 Defendant DR. DO then provided 80% of these funds to the billing
23 company

24 3. Pursuant to the agreement, the said billing company
25 submitted claims using defendant DR. DO'S Medi-Cal provider number
26 so that it appeared that defendant DR. DO provided the services,
27 when, in fact, the services were completely fictional, as a result
28 of the aforementioned scheme, Medi-Cal was defrauded out of
\$397,000.

1 All in violation of Title 18, United States Code, Sections 1347
2 and 2.

3 DATED: August 7, 2002

JOHN K. VINCENT
United States Attorney

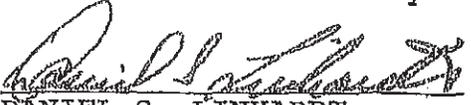
4
5 By: 
6 DANIEL S. LINHARDT
7 Assistant U.S. Attorney
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EXHIBIT 2

FILED

United States District Court
Eastern District of California

AUG 26 2003

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA
v.
KEVIN T. DO

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: 2:02CR00338-01

Richard Moss

Defendant's Attorney

RECEIVED
MARSHAL
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
03 OCT 20 PM 1:30

THE DEFENDANT:

- pleaded guilty to count(s): One of the Information.
- pleaded nolo contendere to counts(s) ___ which was accepted by the court.
- was found guilty on count(s) ___ after a plea of not guilty.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 1347, 2	Health Care Fraud, Aiding and Abetting	12/31/98	One

FILED

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

OCT 22 2003

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY *[Signature]*

- The defendant has been found not guilty on counts(s) ___ and is discharged as to such count(s).
- Count(s) ___ (is)(are) dismissed on the motion of the United States.
- Indictment is to be dismissed by District Court on motion of the United States.
- Appeal rights given. Appeal rights waived.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 556-69-9526

August 15, 2003

Date of Imposition of Judgment

Defendant's Date of Birth: 10/25/65

Defendant's USM No.: 14660-097,

[Signature of Garland E. Burrell, Jr.]
Signature of Judicial Officer

Defendant's Residence Address:
5642 Stansbury Avenue
Van Nuys, CA 91401

GARLAND E. BURRELL, JR., United States District Judge

Name & Title of Judicial Officer

Defendant's Mailing Address:
5642 Stansbury Avenue
Van Nuys, CA 91401

I hereby certify that the annexed instrument is a true and correct copy of the original on file in my office.

ATTEST: *[Signature]*
JACK E. WAGNER

Clerk, U.S. District Court
Eastern District of California

By *[Signature]*
Deputy Clerk

Dated 8-26-03

3-26-03

Date

EXHIBIT 3

CASE NUMBER: 2:02CR00338-01
DEFENDANT: KEVIN T. DO

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 12 Months.

The court makes the following recommendations to the Bureau of Prisons:

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district.
 at ___ on ____.
 as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
 before 2:00 p.m. on 10/15/03.
 as notified by the United States Marshal.
 as notified by the Probation or Pretrial Services Officer.
If no such institution has been designated, to the United States Marshal for the Central District of California.

RETURN

I have executed this judgment as follows:

Defendant delivered on ^{VP} 10/15/03 to WJL/TCT
at Tyler A 93268, with a certified copy of this judgment.

R.D. Andrew, Warden
UNITED STATES MARSHAL

By Kristen Reed
Deputy U.S. Marshal

EXHIBIT 4

CASE NUMBER: 2:02CR00338-01
DEFENDANT: KEVIN T. DO

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 36 Months.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not illegally possess a controlled substance.

For offenses committed on or after September 13, 1994:

- The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.
- The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check if applicable.)
- The defendant shall not possess a firearm as defined in 18 U.S.C. § 921. (Check if applicable.)

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the additional conditions on the attached page (if indicated below).

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow instructions of the probation officer;
- 4) the defendant shall support his or her dependants and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training or other acceptable reasons;
- 6) the defendant shall notify the probation officer ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere, and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

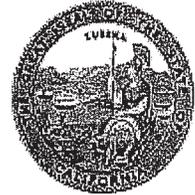
SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall not dispose of or otherwise dissipate any of his assets until the fine and/or restitution order by this judgment is paid in full, unless the defendant obtains approval of the court.
2. The defendant shall provide the probation officer with access to any requested financial information.
3. The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer.
4. The defendant shall not be employed in any business, in which the business can obtain reimbursement for goods, services, or products from any federal, state, or local program.

EXHIBIT 5



State of California—Health and Human Services Agency
Department of Health Services



DIANA M. BONTÁ, R.N., Dr. P.H.
Director

GRAY DAVIS
Governor

FEB 20 2003

Kevin Tien Do
309 South Robertson Boulevard
Beverly Hills, California 90211

Physician;
License G76640;
SSN: 556-69-9526;
PROVIDER NO: 00G766400, 00G766401, 00G766402, 00G766403,
GR0076570

Dear Dr. Do:

The Director of the State Department of Health Services has been notified of your September 13, 2002, felony conviction in the United States District Court, Eastern District of California (Case No. CR-S-02-338-GEB) for violation of 18 U.S.C. 1347 (health care fraud). Pursuant to Welfare and Institutions Code, section 14123, subdivision (a), the Director is required to suspend a provider of service for conviction of any felony or any misdemeanor involving fraud, abuse of the Medi-Cal program or any patient, or otherwise substantially related to the qualifications, functions, or duties of a provider of service. (See also 42 C.F.R. § 1001.101(a); Welf. & Inst. Code, § 14123.25.)

A provider of services is defined in Welfare and Institutions Code, section 14043.1, subdivision (e) as any individual, partnership, group, association, corporation, institution, or entity, and the officers, directors, owners, managing employees, or agents of any partnership, group, association, corporation, institution, or entity, that provides services, goods, supplies, or merchandise, directly or indirectly, to a Medi-Cal beneficiary and that has been enrolled in the Medi-Cal program.

Therefore, pursuant to the authority delegated to me by the Director of the Department of Health Services, you are hereby prohibited from participating in the Medi-Cal program for an indefinite period of time, effective twenty days (15 days' statutory notice, plus 5 days for mailing) from the date of this letter. During the period of your suspension, no person or entity, including an employer, can submit any claims to the Medi-Cal program



Do your part to help California save energy. To learn more about saving energy, visit the following web site:
www.consumerenergycenter.org/flex/index.html

P.O. Box 942732, Sacramento, CA 94234-7320
FAX: (916) 657-0386

FEB 20 2003

for items or services rendered by you. Additionally, no provider number may be issued to you or to any person, entity, or employer on your behalf prior to reinstatement by this Department to the Medi-Cal program. Any involvement by you directly or indirectly (i.e., as an office manager, administrator, or billing clerk processing or preparing claims for payment, as a salesman for medical equipment, etc., or utilizing any other provider number or group number for services rendered by you) will result in nonpayment of the Medi-Cal claim submitted. Any person who presents or causes to be presented a claim for equipment or services rendered by a person suspended from participation in the Medi-Cal program shall be subject to suspension from participation in the Medi-Cal program, the assessment of civil money penalties, and/or criminal prosecution. (See Welf. & Inst. Code, §§ 14043.61, 14107, 14123.2; Cal. Code of Regs., tit. 22, §§ 51458.1, 51484, and 51485.1.) The Department will seek recoupment of any monies paid for claims presented to the Medi-Cal program for services or supplies rendered by you during the period of your suspension.

If you have any questions about this action, please submit your concerns, in writing, to Sherry A. Detwiler-Cummins, Senior Legal Analyst.

Sincerely,



Sheila C. Nolan
Assistant Chief Counsel

cc: See next page

EXHIBIT 6

1 STATE OF CALIFORNIA
2 DEPARTMENT OF INDUSTRIAL RELATIONS
3 DIVISION OF WORKERS' COMPENSATION
4 BEFORE THE ADMINISTRATIVE DIRECTOR

5 In Re: PROVIDER SUSPENSION

Case No. AD PS-17-12

6
7 DETERMINATION AND ORDER

8 RE: SUSPENSION

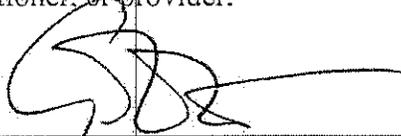
9 KEVIN DO, M.D.,
10 Respondent.

11
12 The Administrative Director of the Division of Workers' Compensation is required to suspend
13 any physician, practitioner, or provider from participating in the workers' compensation system as a
14 physician, practitioner, or provider if the individual or entity meets any of the express criteria set forth in
15 Labor Code section 139.21(a)(1).

16 Based upon a review of the record in this case, including the October 10, 2018 recommended
17 Determination and Order re: Suspension of the designated Hearing Officer, the Administrative Director
18 finds that Respondent Kevin Do, M.D., meets the criteria for suspension set forth in Labor Code section
19 139.21(a) and shall be suspended from participating in the workers' compensation system as a
20 physician, practitioner, or provider. Pursuant to California Code of Regulations, title 8, section
21 9788.3(d), the Administrative Director hereby adopts and incorporates the October 10, 2018
22 recommended Determination and Order re: Suspension of the designated Hearing Officer, attached
23 hereto, as the Administrative Director's Determination and Order re: Suspension.

24 **IT IS HEREBY ORDERED** that Kevin Do, M.D., is hereby suspended from participating in
25 the workers' compensation system as a physician, practitioner, or provider.

26 Date: October 19, 2018

27 
28 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-17-12

Kevin Do, M.D.,

**DETERMINATION AND
ORDER RE: SUSPENSION**

Respondent.

A hearing was held in the above-captioned matter on Oct 3, 2018 pursuant to LC § 139.21(b) (2). This is the undersigned Hearing Officer's Recommended Determination and Order Re: Suspension pursuant to Title 8 California Code of Regulations § 9788.3(c).

The parties submitted briefs with attached exhibits. The attached exhibits are itemized below.

Respondent argued the suspension provisions of LC § 139.21 are impermissible for the reasons stated in their brief which are:

1. Dr. Do is not currently suspended form the practice of medicine and therefore this statute is inapplicable to him.

2. The Administrative Director violated and continues to violate Dr. Do's 5th and 14th amendment procedural due process rights under the US Constitution and the plain language of the statute by prematurely suspending him prior to a hearing.
3. The Administrative Director failed to provide mandatory notice and right to a hearings as set forth in LC 139.21 prior to suspending Dr. Do and publishing his name on the WCAB website prior to a hearing.
4. There is unrefuted evidence that Dr. Do's premature "suspension" without adhering to his procedural due process rights has deprived him of "property" without the right to a hearing in violation of the U.S. Constitution.
5. The application of LC 139.21 is a violation of ex post facto.
6. Dr. Do's ability to collect on validly incurred medical bills incurred prior to the passage of LC 139.21, which have no connection to his 2003 conviction constitute a "taking" without just compensation.
7. The services provided preceded the enactment of LC 139.21 and thus there is actual evidence that his inability to collect medical expenses for services rendered prior to January 2017 violates ex post facto and due process.

EXHIBITS

DIR/AFU

DIR'S 1 Letter from the Governor regarding the signing of AB 1422.

DIR 'S 2 Information and minute order in *United States of America v. Kevin T. Do, M.D.*, Case No. CRS-02-0338 before the United States District Court for the Eastern District of California.

DIR'S 3 List of DIR Suspension Activities.

DIR 'S 4 Medi-Cal Suspension Letter.

DIR 'S 5 Department of Health Care Services Medi-Cal List of Ineligible and Suspended Providers.

DIR 'S 6 Amended Notice of Provider Suspension.

RESPONDENT

DR. Do's A, Decision from the Medical Board of California dated November 16, 2005, with attachments.

DR. Do's B, Summary of Administrative Actions before the Medical Board of California dated January 2006.

DR. Do's C, Printout from the Department of Industrial Relations ' Website regarding Criminally Charged Providers Whose Liens Are Stayed.

DR. Do's D, Letter from Chavez & Breault dated February 27, 2017, with attached documents.

DR. Do's E, Petition to Strike DOR of Liberty Medical Group.

DR. Do's F, Handwritten notations regarding hearing notes and other documents.

Exhibits 1-6, and A-F are ordered admitted into evidence.

FACTS

Respondent Kevin Do, M.D. was convicted on 8/15/2003 of Health Care Fraud, Aiding and Abetting in violation of 18 USC 1347.2. (Ex 2) On 2/20/2003, Respondent was suspended from the Medi-Cal Program for an indefinite time. (Ex 4) Respondent's medical license was suspended by the medical board and he was placed on probation, but at present, his medical license is current and he continues to practice medicine. (Ex A, Resp. Brief P.4 L1-13)) Respondent is currently indefinitely suspended from the Medi-Cal Program. (Ex 5)

On 8/25/17, Respondent was served a Notice of Provider Suspension. A timely request for a hearing was made 8/30/17. (MOH P. L13-L15) The request for a hearing was received on 9/6/2018, and a hearing scheduled for 10/4/2018, as required by Reg. § 9788.3(a). Prior to the hearing a request for continuance was made by Respondent's attorney and the matter was rescheduled. This was followed by multiple requests for continuances with the matter ultimately being set for hearing on 10/3/2018.

DETERMINATION

Labor Code section 139.21(a)(1)(A) and (B) applies to Respondent Kevin Do, M.D. As a result, the Administrative Director is required to immediately suspend respondent pursuant to Labor Code section 139.21(b)(2).

BASIS FOR DETERMINATION

Both respondent and the AFU have submitted briefs which have been reviewed and considered by the court. AFU has also submitted a Request for Judicial Notice regarding Exhibits 1,3,4,5 pursuant to EC § 452(c) and Ex 2, pursuant to EC § 452(d). All Exhibits

have been admitted as no objections were made by either party. The Court also grants the Request for Judicial Notice and admits the AFU Exhibits 1-5 pursuant to EC §§ 452(c) and (d).

Respondent has made several constitutional challenges to the imposition of a suspension. These include violations of due process and ex post facto, and a taking without compensation. This Court does not have jurisdiction to determine constitutional issues, and therefore these issues will not be addressed. The status of Respondent's unpaid bills for medical services is not at issue and not relevant to this proceeding. The issue to be addressed is whether Respondent comes within the suspension provisions of LC 139.21(a)(1)(A), such that he must be suspended from the workers' compensation system.

LC 139.21 includes the following provisions:

(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 or entity 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 federal Medicare or Medicaid programs, the Medi-Cal program, or the 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 federal Medicare or Medicaid programs, the Medi-Cal program, or the 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 or the Medi-Cal program.

The Administrative Director is required to suspend a physician, practitioner, or provider from participating in the workers' compensation system if that physician, practitioner, or provider had been convicted of a crime described in LC § 139.21(a)(1)(A). There is no dispute that Respondent has been convicted of Health Care Fraud, Aiding and Abetting in violation of 18 USC § 1347.2. (Exh 1) This is a crime described in LC § 139.21(a)(1)(A)(i), (iii) and (iv). The factual findings in the Decision of the Medical Board provide the factual background to Respondent's criminal conviction. (Ex A) The Medical Board found that respondent was involved in a scheme to defraud Medi-Cal and received funds from the scheme, thus the crime involved fraud of the Medi-Cal program and was a financial crime relating to the Medi-Cal program satisfying LC § 139.21(a)(1)(A)(i) and (iii). (Exh A) The Medical Board also made a finding that the crime was substantially related to the qualifications, functions and duties of a licensed physician and surgeon, thus the crime meets the criteria of LC § 139.21(a)(1)(A)(iv). (Ex A) Based on respondent's conviction he is subject to suspension from the workers' compensation system.

Respondent was also suspended from the Medi-Cal program in 2003, and remains suspended. (Exh 4, and 5) As Respondent is currently suspended from the Medi-Cal program LC § 139.21 (a) (1) (B) requires that he be suspended from the workers' compensation system.

LC § 139.21 (a) (1) indicates the administrative director shall promptly suspend a physician, practitioner or provider if the criteria for suspension are met. LC 139.21 (a) (1) (A) and (B) are applicable to Respondent and therefore he must be suspended from the workers' compensation system.

Respondent argues he is not currently suspended from the practice of medicine, and therefore the statute is not applicable to him. This argument is without merit. A physician may be suspended from the workers' compensation system even though their actual license to practice medicine is still valid. Respondent need only come within the criteria for suspension found in LC § 139.21(a) (1).

Respondent also argues the administrative director violated respondents' due process rights by prematurely suspending him prior to his hearing, and that the administrative director failed to provide mandatory notice and right to a hearing prior to suspending him and publishing his name on the WCAB website prior to a hearing. This argument is not based on the facts. Respondent was not suspended by the Administrative Director. Respondent was served notice that he would be suspended 30 days from the date of mailing of the notice. Respondent then made a timely request for a hearing. LC § 139.21 (b) (2) indicates that a request for hearing will stay the suspension. Quite simply Respondent was never suspended, and any argument based on his being suspended prior to this date is factually incorrect. Respondent made a request for a hearing, and a

hearing was scheduled. Multiple continuances have occurred, but the suspension has remained stayed until the present. In the list of suspended physicians on the DIR website Respondent is referring to, it is noted that Respondent has appealed the notice of suspension. (Ex 3) Because Respondent requested a hearing, the suspension was stayed, and he was never suspended. Respondent is fully aware of this, and notes this in their brief. (Resp Brief, P4, L13-14)

Respondent argues the Administrative Director failed to provide mandatory notice and a right to a hearing prior to suspending Respondent and publishing his name on the WCAB website prior to a hearing. The list Respondent referred to in their brief is the DIR list of criminally charged providers whose liens are stayed pursuant to LC 4615. (Ex C). As previously noted, Respondent was given notice, and is having a hearing prior to suspension. As to inclusion on the DIR list, respondent is confusing the list of criminally charged providers whose liens are stayed, (Ex C), with the list of providers who have been suspended. (Ex 3) These are two different lists. Respondent is on the list of criminally charged providers whose liens are stayed pursuant to LC § 4615 because he was charged with a crime. The DIR is required to publish the list of criminally charged providers whose liens are stayed by federal court order. (See *Vanguard Medical Management Billing, Inc., et al. v. Christine Baker, et al.* (C.D. ca.1 Dec. 22, 2017, No. EDCV-17-965-GW (DTBX)) [nonpub.ord.]

Respondent's also argues the premature suspension without due process has deprived him of property without the right to a hearing in violation of the US Constitution. This court will not address whether there is a constitutional violation, but will point out again that

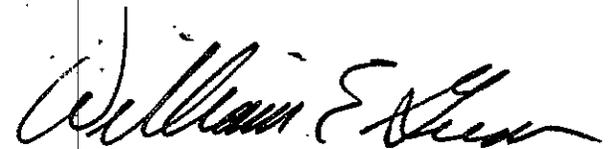
Respondent argues the application of LC 139.21 is a violation of ex post facto. Respondent also argues the inability to collect on validly incurred medical bills incurred prior to the passage of LC 139.21, which have no connection to his 2003 conviction, constitute a "taking" without just compensation, and the services provided preceded the enactment of LC 139.21 and thus there is actual evidence that his inability to collect medical expenses for services rendered prior to January 2017 violates ex post facto and due process. The constitutional issues will not be addressed, but it should be noted that the status of any of respondent's bills for service or liens are not at issue in this proceeding. Respondent retains the right to seek collection of his bills, and they are not dismissed but stayed pending commencement of lien consolidation proceedings pursuant to LC § 4615(b), and LC § 139.21 (e).

Respondent has been convicted of a crime that meets the criteria for suspension in LC 139.21 (a) (1) (A) (i), (iii) and (iv), and is also suspended from the Medi-Cal program meeting the criteria of LC 139.21 (a) (1) (B). The immediate suspension of respondent from the workers' compensation system is required pursuant to LC 139.21(b) (2).

ORDER

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

DATE: October 10, 2018



WCJ William E. Gunn

Hearing Officer

Alex Padilla
California Secretary of State

Business Search - Entity Detail

The California Business Search is updated daily and reflects work processed through Wednesday, March 13, 2019. Please refer to document [Processing Times](#) for the received dates of filings currently being processed. The data provided is not a complete or certified record of an entity. Not all images are available online.

C3416750 NORTH VALLEY DIAGNOSTIC SERVICES INC.

Registration Date: 09/28/2011
Jurisdiction: CALIFORNIA
Entity Type: DOMESTIC STOCK
Status: ACTIVE
Agent for Service of Process: FRANK MAFFEI
 670 SAN FERNANDO MISSION BLVD #D
 SAN FERNANDO CA 91340
Entity Address: 670 SAN FERNANDO MISSION BLVD #D
 SAN FERNANDO CA 91340
Entity Mailing Address: 670 SAN FERNANDO MISSION BLVD #D
 SAN FERNANDO CA 91340

A Statement of Information is due EVERY year beginning five months before and through the end of September.

Document Type	ç	File Date	È	PDF
SI-COMPLETE		12/06/2018		
SI-COMPLETE		05/29/2018		
REGISTRATION		09/28/2011		

* Indicates the information is not contained in the California Secretary of State's database.

- If the status of the corporation is "Surrender," the agent for service of process is automatically revoked. Please refer to California Corporations Code [section 2114](#) for information relating to service upon corporations that have surrendered.
- For information on checking or reserving a name, refer to [Name Availability](#).
- If the image is not available online, for information on ordering a copy refer to [Information Requests](#).
- For information on ordering certificates, status reports, certified copies of documents and copies of documents not currently available in the Business Search or to request a more extensive search for records, refer to [Information Requests](#).
- For help with searching an entity name, refer to [Search Tips](#).
- For descriptions of the various fields and status types, refer to [Frequently Asked Questions](#).

EXHIBIT 7

FILED
In the Office of the Secretary of State
of the State of California

SEP 28 2011

ARTICLES OF INCORPORATION

I

The name of this corporation is **NORTH VALLEY DIAGNOSTIC SERVICES INC.**

II

The purpose of this corporation is to engage in any lawful act or activity for which a corporation may be organized under the **GENERAL CORPORATION LAW** of California other than the banking business, the trust company business or the practice of a profession permitted to be incorporated by the California Corporations Code.

III

The name and address in the State of California of this corporation's initial agent for service of process is:

Frank Maffei
317 S. Maclay Avenue
San Fernando, CA 91340

IV

This corporation is authorized to issue only one class of shares of stock, and the total number of shares which this corporation is authorized to issue is: Ten Thousand (10,000) shares.

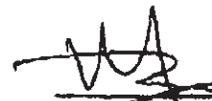
V

The liability of the directors of the corporation for monetary damages shall be eliminated to the fullest extent permissible under California law.

VI

The corporation is authorized to indemnify the directors and officers of the corporation to the fullest extent permissible under California law.

Dated: 09/28/2011



Victor M. Martinez, Incorporator

EXHIBIT 8



State of California Secretary of State

S

Statement of Information

(Domestic Stock and Agricultural Cooperative Corporations)

FEES (Filing and Disclosure): \$25.00.

If this is an amendment, see instructions.

IMPORTANT – READ INSTRUCTIONS BEFORE COMPLETING THIS FORM

F836207

FILED

In the office of the Secretary of State
of the State of California

SEP-24 2015

1. CORPORATE NAME

NORTH VALLEY DIAGNOSTIC SERVICES INC.

2. CALIFORNIA CORPORATE NUMBER

C3416750

This Space for Filing Use Only

No Change Statement (Not applicable if agent address of record is a P.O. Box address. See instructions.)

3. If there have been any changes to the information contained in the last Statement of Information filed with the California Secretary of State, or no statement of information has been previously filed, this form must be completed in its entirety.

If there has been no change in any of the information contained in the last Statement of Information filed with the California Secretary of State, check the box and proceed to Item 17.

Complete Addresses for the Following (Do not abbreviate the name of the city. Items 4 and 5 cannot be P.O. Boxes.)

4. STREET ADDRESS OF PRINCIPAL EXECUTIVE OFFICE	CITY	STATE	ZIP CODE
670 SAN FERNANDO MISSION BLVD UNIT D, SAN FERNANDO, CA 91340			
5. STREET ADDRESS OF PRINCIPAL BUSINESS OFFICE IN CALIFORNIA, IF ANY	CITY	STATE	ZIP CODE
670 SAN FERNANDO MISSION BLVD UNIT D, SAN FERNANDO, CA 91340			
6. MAILING ADDRESS OF CORPORATION, IF DIFFERENT THAN ITEM 4	CITY	STATE	ZIP CODE

Names and Complete Addresses of the Following Officers (The corporation must list these three officers. A comparable title for the specific officer may be added; however, the preprinted titles on this form must not be altered.)

7. CHIEF EXECUTIVE OFFICER/	ADDRESS	CITY	STATE	ZIP CODE
FRANK MAFFEI	13701 SHABLOW AVENUE, SYLMAR, CA 91342			
8. SECRETARY	ADDRESS	CITY	STATE	ZIP CODE
FRANK MAFFEI	13701 SHABLOW AVENUE, SYLMAR, CA 91342			
9. CHIEF FINANCIAL OFFICER/	ADDRESS	CITY	STATE	ZIP CODE
FRANK MAFFEI	13701 SHABLOW AVENUE, SYLMAR, CA 91342			

Names and Complete Addresses of All Directors, Including Directors Who are Also Officers (The corporation must have at least one director. Attach additional pages, if necessary.)

10. NAME	ADDRESS	CITY	STATE	ZIP CODE
ELSA MAFFEI	13701 SHABLOW AVENUE, SYLMAR, CA 91342			
11. NAME	ADDRESS	CITY	STATE	ZIP CODE
FRANK MAFFEI	13701 SHABLOW AVENUE, SYLMAR, CA 91342			
12. NAME	ADDRESS	CITY	STATE	ZIP CODE
KEVIN T DO	4028 SUNSWEPT DRIVE, STUDIO CITY, CA 91604			

13. NUMBER OF VACANCIES ON THE BOARD OF DIRECTORS, IF ANY:

Agent for Service of Process If the agent is an individual, the agent must reside in California and Item 15 must be completed with a California street address, a P.O. Box address is not acceptable. If the agent is another corporation, the agent must have on file with the California Secretary of State a certificate pursuant to California Corporations Code section 1505 and Item 15 must be left blank.

14. NAME OF AGENT FOR SERVICE OF PROCESS			
FRANK MAFFEI			
15. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL	CITY	STATE	ZIP CODE
13701 SHABLOW AVENUE, SYLMAR, CA 91342			

Type of Business

16. DESCRIBE THE TYPE OF BUSINESS OF THE CORPORATION
MEDICAL DIAGNOSTIC TESTING

17. BY SUBMITTING THIS STATEMENT OF INFORMATION TO THE CALIFORNIA SECRETARY OF STATE, THE CORPORATION CERTIFIES THE INFORMATION CONTAINED HEREIN, INCLUDING ANY ATTACHMENTS, IS TRUE AND CORRECT.

09/24/2015 FRANK MAFFEI PRES
DATE TYPE/PRINT NAME OF PERSON COMPLETING FORM TITLE SIGNATURE