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

In Re: PROVIDER SUSPENSION JOHN GIACOMINI,

ORDER OF SUSPENSION

Respondent.

WHEREAS, 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); and

WHEREAS, on or about March 8, 2022, Respondent John Giacomini 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, Northern District of California; and

WHEREAS, Labor Code section 139.21(a)(1)(C) requires the Administrative Director to suspend any physician, practitioner, or provider from participating in the workers' compensation system as a physician, practitioner, or provider whose license, certification or approval to provide health care services has been surrendered or revoked; and

WHEREAS, on or about August 3, 2022, John Giacomini's license, certification or approval to provide health care services was surrendered or revoked by the California Medical Board, Department of Consumer Affairs State of California; and

WHEREAS, on or about December 22, 2022, the Administrative Director mailed to John Giacomini 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 John Giacomini that the

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suspension would start thirty (30) calendar days after the date of mailing of written not unless John Giacomini submitted a written request for a hearing within ten (10) calendar days of the date of mailing of the notice; and

WHEREAS, John Giacomini did not submit a written request for hearing within ten (10) calendar days of the date of mailing of the notice; and

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

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

Date: February 23, 2023

<u>/S/ George Parisotto</u> George Parisotto Administrative Director Division of Workers' Compensation