

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

In Re: PROVIDER SUSPENSION

**BEVERLY HILLS AMBULATORY
SURGERY CENTER, LLC,**

Respondent.

ORDER OF SUSPENSION

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

WHEREAS, Respondent Beverly Hills Ambulatory Surgery Center, LLC, is controlled by an individual, Schlomo Schmucl, who has been convicted of a felony or misdemeanor described in Labor Code section 139.219(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 directory 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 September 19, 2023, the Administrative Director mailed to Beverly Hills Ambulatory Surgery Center, LLC, 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 Beverly Hills Ambulatory

1 Surgery Center, LLC, that the suspension would start thirty (30) calendar days after the
2 date of mailing of written notice, unless Beverly Hills Ambulatory Surgery Center, LLC,
3 submitted a written request for a hearing within ten (10) calendar days of the date of
4 mailing of the notice; and

5 WHEREAS, Beverly Hills Ambulatory Surgery Center, LLC, did not submit a written
6 request for hearing with in ten (10) calendar days of the date of mailing of the notice; and

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

12 **IT IS HEREBY ORDERED** that Respondent Beverly Hills Ambulatory Surgery
13 Center, LLC, is hereby suspended from participating in the workers' compensation system
14 as a physician, practitioner, or provider.

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17 Date: January 18, 2024

18 /S/ George Parisotto
19 George P. Parisotto
20 Administrative Director
21 Division of Workers' Compensation
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