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

In Re: PROVIDER SUSPENSION

OSCAR BOTER BORBON, JR.,

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 July 28, 2022, Respondent Oscar Boter Borbon, Jr., 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 Nevada District Court, County of Clark; and

WHEREAS, Labor Code section 139.21(a)(1)(B) requires the Administrative Director to suspend any physician, practitioner, or provider from participating in the workers' compensation system as a physician, practitioner, or provider who has been suspended, due to fraud or abuse, from the federal Medicare or Medicaid programs; and

WHEREAS, Oscar Boter Borbon, Jr., was suspended, due to fraud or abuse, from the federal Medicare or Medicaid programs; 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

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WHEREAS, on or about April 14, 2023, Oscar Boter Borbon, Jr.'s license, certification or approval to provide health care services was surrendered or revoked by the California Board of Registered Nursing, Department of Consumer Affairs; and

WHEREAS, on or about October 11, 2023, the Administrative Director mailed to Oscar Boter Borbon, Jr., 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 Oscar Boter Borbon, Jr., that the suspension would start thirty (30) calendar days after the date of mailing of written notice, unless Oscar Boter Borbon, Jr., submitted a written request for a hearing within ten (10) calendar days of the date of mailing of the notice; and

WHEREAS, Oscar Boter Borbon, Jr., 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 California Code of Regulations, title 8, 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 mail of the notice;

IT IS HEREBY ORDERED that Respondent Oscar Boter Borbon, Jr., is hereby suspended from participating in the workers' compensation system as a physician, practitioner, or provider.

Date: January 11, 2024

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