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

In Re: PROVIDER SUSPENSION

ORDER OF SUSPENSION

DANIEL A. CAPEN, M.D., A
PROFESSIONAL CORPORATION,

Respondent.

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

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WHEREAS, Daniel A. Capen, M.D., A Professional Corporation, is controlled by an individual, Daniel A. Capen, who has been convicted of a felony or misdemeanor described in Labor Code section 139.21(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 director of the entity (see *Villanueva v. Teva Foods* (2019) WCAB Case No. ADJ9332041, 84 Cal. Comp. Cases 198 [significant panel decision]); and

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WHEREAS, on or about November 29, 2022, the Administrative Director mailed to Daniel A. Capen, M.D., A Professional Corporation, 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

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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 Daniel A. Capen, M.D., A Professional Corporation, that the suspension would start thirty (30) calendar days after the date of mailing of written notice, unless Daniel A. Capen, M.D., A Professional Corporation,

1 submitted a written request for a hearing within ten (10) calendar days of the date of mailing of
2 the notice; and

3 WHEREAS, Daniel A. Capen, M.D., A Professional Corporation, did not submit a written
4 request for hearing within ten (10) calendar days of the date of mailing of the notice; and

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

10 **IT IS HEREBY ORDERED** that Daniel A. Capen, M.D., A Professional Corporation, is
11 hereby suspended from participating in the workers' compensation system as a physician,
12 practitioner, or provider.

13 Date: January 11, 2023

14 /S/ George Parisotto
15 GEORGE PARISOTTO
16 Administrative Director
17 Division of Workers' Compensation
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