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January 25, 2017

**VIA FEDERAL EXPRESS**

Hearing Request  
Acting Administrative Director  
Division of Workers' Compensation  
1515 Clay Street, Suite 1800  
Oakland, CA 94612

Hearing Request  
Legal Unit, Division of Workers' Compensation  
1515 Clay Street, Suite 1800  
Oakland, CA 94612

Re: Hearing Request for Tushar Ramnik Doshi, M.D.

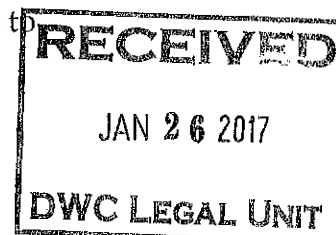
To The Acting Administrative Director:

This office represents provider TUSHAR RAMNIK DOSHI, M.D. (hereafter "Dr. Doshi") in regard to the interim suspension of his provider status for worker's compensation, as discussed in your Notice of Provider Suspension – Workers' Compensation to him, dated January 17, 2017. Please direct all correspondence and contact to the undersigned, exclusively.

Please be advised that, pursuant to Cal. Labor Code § 139.21(b), Dr. Doshi hereby requests that a hearing be conducted within the next thirty (30) days in order to determine the applicability of suspending his provider account, pursuant to Cal. Labor Code § 139.21(a)(1). In the interim, we request that the imposition of any such suspension be stayed, pursuant to Cal. Labor Code § 139.21(b)(2), until such time as the above hearing is completed.

As alleged in the above Notice of Suspension, newly-enacted Cal. Labor Code § 139.21(a)(1) provides that:

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 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 Medi-Cal program, Medicare program, or 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 Medi-Cal program, Medicare program, or workers' compensation system.
  - (iv) It is otherwise substantially related to the qualifications, functions, or duties of a provider of services.

Dr. Doshi asserts that Labor Code § 139.21(a)(1) is not applicable to him because as of now he has not been convicted of any crime. The criminal proceedings in which Dr. Doshi is involved remain pending. While Dr. Doshi has entered a plea of guilty in the case, this was done pursuant to a Plea Agreement negotiated with the Riverside County District Attorney's Office, which involves and requires Dr. Doshi's ongoing cooperation with law enforcement authorities, including testimony in any and all legal proceedings relating to the pending case. To this effect, sentencing has been continued and deferred until such time as Dr. Doshi completely performs his commitments under the Plea Agreement. In addition, the Plea Agreement further provides that, although satisfactory completion by Dr. Doshi of his commitments will result in the District Attorney recommending a certain sentence for him, if in fact the court decides to impose a more severe sentence, Dr. Doshi will be allowed to withdraw his guilty plea, and prosecution of the case will proceed accordingly. This could result in anything from a trial, another plea agreement, or dismissal.

As such, there been no sentence imposed on Dr. Doshi. Pursuant to Cal. Penal Code § 1237, there has thus been no final judgment issued by the court in that case such that he has not been adjudged "convicted" of any crime. Furthermore, the case's final disposition, including whether *any* conviction will result therefrom, is currently

unknown. Thus, it is premature for the Acting Administrative Director to subject Dr. Doshi to suspension at this time; instead, such action should wait until the pending criminal proceedings conclude with the resolution of the Plea Agreement, whether to Dr. Doshi's benefit or detriment, and either the sentencing of Dr. Doshi pursuant to the Plea Agreement, or, should Dr. Doshi be permitted to withdraw his guilty plea as described above, a final judgment after trial, which it must be noted could result in Dr. Doshi's acquittal.

Dr. Doshi will present evidence at the scheduled hearing in support of the summary representations above to establish that Labor Code § 139.21(a)(1) does not and should not apply at this time.

Dr. Doshi' mailing address for all purposes herein is in care of his attorneys of record:

Richard A. Moss, Esq.  
Jerry B. Marshak, Esq.  
Moss Law Group  
255 South Marengo Avenue  
Pasadena, California 91101.

I look forward to hearing from you and to scheduling a mutually-convenient date and time for the above hearing. Please do not hesitate to contact me with any question or any other matter.

Yours very truly,



Richard A. Moss, Esq.

RAM/lm

**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and am not a party to the within action. My business address is: 255 South Marengo Avenue, Pasadena, California 91101.

On **January 25, 2017**, I served the foregoing document described as: **REQUEST FOR HEARING** on interested parties in this action as follows:

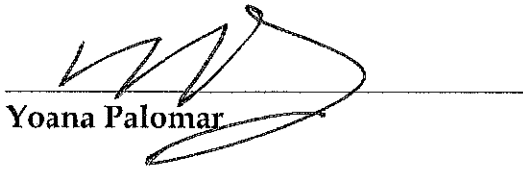
Hearing Request  
Acting Administrative Director  
Division of Workers' Compensation  
1515 Clay Street, Suite 1800  
Oakland, CA 94612  
**Original + 1 copy**

Hearing Request  
Legal Unit, Division of Workers'  
Compensation  
1515 Clay Street, Suite 1800  
Oakland, CA 94612  
**1 copy**

XX **(EXPRESS SERVICE CARRIER)**: I deposited in a box or other facility regularly maintained by FedEx, an express service carrier, or delivered to a courier or driver authorized by said express service carrier to receive documents, an original or a true and correct copy of the foregoing document(s) in an envelope designed by the said express service carrier, with delivery fees paid or provided.

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on **January 25, 2017** at Pasadena, California.

  
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Yoana Palomar