



NOSSAMAN LLP

ATTORNEYS AT LAW

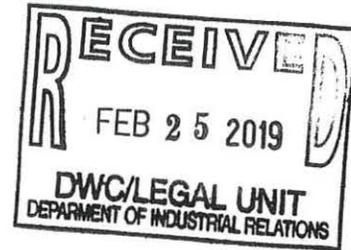
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Robert J. Sullivan
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VIA FEDEAL EXPRESS

February 22, 2019

George Parisotto
Administrative Director
Division of Workers' Compensation
Department of Industrial Relations
Legal Unit
1515 Clay Street, Suite 1700
Oakland, CA 94612



Re: Michael Jerome Henry, M.D.
Appeal of Suspension as a Workers' Compensation Provider

Dear Mr. Parisotto:

We represent Dr. Henry. This responds to your letter to him dated February 15, 2019, informing him of the suspension of his participation in the California Workers' Compensation system because of his conviction of a crime.

We hereby appeal the suspension. Dr. Henry was indeed convicted of a misdemeanor violation of California Business and Professions Code section 650. As a condition of probation, he was ordered to cease participating in the California Workers' Compensation System for three years from the date of his sentence, April 27, 2018.

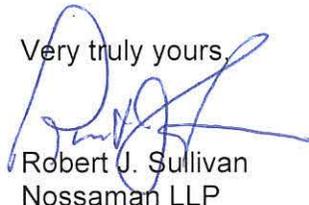
Basis for Appeal

The sole basis for appeal is that the order of suspension contained in your letter of February 15, 2019, should coincide with the Order of the Superior Court making the 3-year suspension run from the date of his sentence or April 27, 2018. Dr. Henry is a respected physician who was unwittingly caught up along with a number of other doctors in California in a fraudulent scheme perpetrated by a pharmacy company. Of course, he regrets his error and he continues to practice medicine and, after serving his suspension from the Workers Compensation system, he intends to reapply to become a provider.

George Parisotto
Department of Industrial Relations
February 22, 2019
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I look forward to the appeal hearing in order to further expand the grounds to date the suspension from April 27, 2018, in the interest of justice.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Robert J. Sullivan", is written over the typed name and firm name.

Robert J. Sullivan
Nossaman LLP

RZS:jgk

cc: Michael Henry, M.D.
648 Northfield Drive
Sacramento, CA 95833

PROOF OF SERVICE

The undersigned declares:

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 c/o Nossaman LLP, 621 Capitol Mall, Suite 2500, Sacramento, CA 95814.

On February 22, 2019, I served the foregoing **MICHAEL J. HENRY, M.D. - APPEAL OF PROVIDER STATUS** on parties to the within action as follows:

- (By U.S. Mail) On the same date, at my said place of business, Copy enclosed in a sealed envelope, addressed as shown on the attached service list was placed for collection and mailing following the usual business practice of my said employer. I am readily familiar with my said employer's business practice for collection and processing of correspondence for mailing with the United States Postal Service, and, pursuant to that practice, the correspondence would be deposited with the United States Postal Service, with postage thereon fully prepaid, on the same date at Sacramento, California.
- (By Facsimile) I served a true and correct copy by facsimile pursuant to C.C.P. 1013(e), to the number(s) listed on the attached sheet. Said transmission was reported complete and without error. A transmission report was properly issued by the transmitting facsimile machine, which report states the time and date of sending and the telephone number of the sending facsimile machine. A copy of that transmission report is attached hereto.
- (By Overnight Service) I served a true and correct copy by overnight delivery service for delivery on the next business day. Each copy was enclosed in an envelope or package designated by the express service carrier; deposited in a facility regularly maintained by the express service carrier or delivered to a courier or driver authorized to receive documents on its behalf; with delivery fees paid or provided for; addressed as shown on the accompanying service list.
- (By Electronic Service) By emailing true and correct copies to the persons at the electronic notification address(es) shown on the accompanying service list. The document(s) was/were served electronically and the transmission was reported as complete and without error.

Executed on February 22, 2019.

- (STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- (FEDERAL) I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



Joanne Geremia Koch

SERVICE LIST

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

Hearing Request
Department of Industrial Relations
Office of the Director
Anti-Fraud Unit
1515 Clay Street, Suite 1700
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