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

In Re: PROVIDER SUSPENSION

Case No. AD PS-18-10

**DETERMINATION AND ORDER
RE: SUSPENSION**

TIMOTHY HUNT,

Respondent.

The Administrative Director of the Division of Workers' Compensation is required to suspend 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 express criteria set forth in Labor Code section 139.21(a)(1).

Based upon a review of the record in this case, including the January 15, 2019 recommended Determination and Order re: Suspension of the designated Hearing Officer, the Administrative Director finds that Respondent Timothy Hunt meets the criteria for suspension set forth in Labor Code section 139.21(a) and shall be suspended from participating in the workers' compensation system as a physician, practitioner, or provider. Pursuant to California Code of Regulations, title 8, section 9788.3(d), the Administrative Director hereby adopts and incorporates the January 15, 2019 recommended Determination and Order re: Suspension of the designated Hearing Officer, attached hereto, as the Administrative Director's Determination and Order re: Suspension.

IT IS HEREBY ORDERED that Timothy Hunt is hereby suspended from participating in the workers' compensation system as a physician, practitioner, or provider.

Date: January 22, 2019



GEORGE PARISOTTO
Administrative Director
Division of Workers' Compensation

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

RE: SUSPENSION HEARING REPORT OF TIMOTHY JAMES HUNT, M.D.

Case No. AD PS-18-10

**RECOMMENDED DETERMINATION
AND RECOMMENDED ORDER TO
SUSPEND**

RE: SUSPENSION HEARING REPORT OF TIMOTHY JAMES HUNT, M.D.

SUSPENSION HEARING - JANUARY 9, 2019

**THOMAS J. MAUPIN
DESIGNATED HEARING OFFICER
DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF WORKERS' COMPENSATION**

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

In Re: PROVIDER SUSPENSION

TIMOTHY JAMES HUNT, M.D.,
Respondent.

**Case No. AD PS-18-10
RECOMMENDED DETERMINATION
AND RECOMMENDED ORDER TO
SUSPEND
RE: SUSPENSION**

Under Labor Code Section 139.21, a suspension hearing was held on January 9, 2019 regarding Timothy James Hunt, M.D.

Attorney Rosemary Dipietrantonio appeared on behalf of the Office of the Director, Department of Industrial Relations Anti-Fraud Unit.

Dr. Hunt appeared, at his own election without legal counsel. (See, 1/9/19 Transcript of Proceedings on page 4, lines 12 – 15).

The requirements of Labor Code Section 139.21(b)(2) were satisfied: The administrative director sent Dr. Hunt written notice dated 12/5/18 of the right to a hearing regarding the suspension and the procedure to follow to request a hearing. Dr. Hunt timely requested a hearing by letter dated 12/13/18. The hearing was held within thirty days of Dr. Hunt's request.

The AFU attorney presented Exhibits 1 through 6 which were read into the record. Dr. Hunt offered an 11/9/18 letter addressed to the Executive Medical Director of the American Board

of Orthopedic Surgery, Inc. This letter was identified as Exhibit A and read into the record. There were no objections to these exhibits.

ISSUE FOR DETERMINATION

The issue: Did Timothy James Hunt, M.D. violate Labor Code Section 139.21 so that he should be suspended from participating in the workers' compensation system as a physician, practitioner, or provider? **Answer:** Timothy James Hunt, M.D. has violated Labor Code Section 139.21 and should be suspended.

DISCUSSION

Labor Code Section 139.21 (a) states in pertinent part:

(1) 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 or entity 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 federal Medicare or Medicaid programs, the Medi-Cal program, or the workers' compensation system, or fraud or abuse of any patient.

...

(iii) It is a financial crime that relates to the federal Medicare or Medicaid programs, the Medi-Cal program, or the workers' compensation system.

...

(B) The individual or entity has been suspended, due to fraud or abuse, from the federal Medicare or Medicaid or the Medi-Cal program

...

(4) For purposes of this section and Section 4615 an individual or entity is considered to have been convicted of a crime if any of the following applies:

...

(C) A plea of guilty has been accepted by a federal, state, or local court.

Timothy Hunt pled guilty to one count of Conspiracy in violation of 18 U.S.C § 371 which is a felony. (See, AFU Exhibit 2 - 8/21/18 *Amended Plea Agreement For Defendant Timothy James Hunt*, page 1 and page 2, lines 1 – 4)

On 8/24/18, The Honorable Josephine L. Staton of the U.S. District Court, Central District of California, ordered the amended plea incorporated into the proceedings and set a hearing for the sentencing of Timothy Hunt. (See, AFU Exhibit 3 – 8/24/18 Criminal Minutes – General)

Based on Timothy Hunt’s plea agreement, and acceptance by Judge Staton, “the administrative director shall promptly suspend . . . any physician . . . from participating in the workers’ compensation system if . . . [t]he individual has been convicted of any felony . . . [.]” (Section 139.21 (a) (1) (A))

The felony conviction is to have a nexus such as “fraud or abuse of the federal Medicare or Medicaid programs, the Medi-Cal program, or the workers’ compensation system . . . [or] a financial crime that relates to the federal Medicare or Medicaid programs, the Medi-Cal program, or the workers’ compensation system [.]” (Labor Code Section 139.21 (a) (1) (A) (i) (iii))

Also, Section 139.21 (a) (1) (B) reads: “The individual or entity has been suspended, due to fraud or abuse, from the federal Medicare or Medicaid or the Medi-Cal program.” Exclusion from Medicare and Medicaid was one of the terms of the 8/21/18 amended plea agreement signed by Dr. Hunt. (See AFU Exhibit 2 - page 2, lines 24 – 28)

Labor Code Section 139.21 applies to Timothy Hunt, and even though Dr. Hunt was not convicted, he pled guilty; therefore, Section 139.21, subdivision (4) (C) reads, “[F]or purposes of this section . . . [an] individual or entity is considered to have been convicted of a crime if . . . a

plea of guilty has been accepted by a federal, state, or local court.” The federal court judge accepted Hunt’s amended plea agreement.

Exhibit A, the 11/9/18 letter from Dr. Hunt to the Executive Director of the orthopedic board was reviewed. It is an explanation of his behavior leading to the criminal actions; and could have mitigation value in other forums, but not in this forum for this hearing.

RECOMMENDED DETERMINATION

After considering the law and evidence in this matter, I find that Dr. Hunt violated Labor Code §139.21 and it is recommended that he be suspended from participation in the workers’ compensation system as a physician, practitioner, or provider.

Date: January 15, 2019



Thomas Maupin
HEARING OFFICER