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Attorneys for Respondent RONALD MICHAEL SCHILLING



## STATE OF CALIFORNIA

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

Respond	ent.
RONALD MICHAEL SCI	HILLING
In Re: PROVIDER SUSPI	ENSION

Case No.:

REQUEST FOR HEARING REGARDING PROPOSED PROVIDER SUSPENSION RE: REPONDENT RONALD MICHAEL SCHILLING

[Labor Code § 139.21(b)(2); Titl. 8, Cal. Code of Regs., § 9877.2]

## REQUEST FOR HEARING REGARDING PROPOSED PROVIDER SUSPENSION

Pursuant to Labor Code section 139.21, subdivision (b)(2), and Title 8, California Code of Regulations, section 9788.2, Respondent RONALD MICHAEL SCHILLING ("Respondent"), by and through his undersigned counsel of record, hereby requests a hearing regarding his proposed suspension from participation in the workers' compensation system pursuant to Labor Code section 139.21, subdivision (a)(1).

Respondent's current mailing address is:

Ronald Michael Schilling 17261 Chatham Lane Huntington Beach, California 92649

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The factual and legal basis for Respondent's request for hearing is as follows:

- 1. With respect to the applicability of Labor Code § 139.21(a)(1)(A) as a basis for Respondent's suspension, the conduct upon which his October 15, 2019 misdemeanor conviction for driving under the influence [Vehicle Code § 23152 (a)] actually occurred on November 8, 2014, more than eight (8) years ago. The only category specified in Labor Code § 139.21(a)(1)(A) within which this conviction may fall is Labor Code § 139.21(a)(1)(A)(iv), namely, a crime which: "is otherwise substantially related to the qualifications, functions, or duties of a provider of services." However, to the extent that such conviction is deemed to fall within Labor Code § 139.21(a)(1)(A)(iv), Respondent submits, based upon the significant span of time between the underlying conduct to the present and the absence of any recurrent violation in the intervening period, that Respondent's conviction is not reflective of his "qualifications, functions, or duties" to perform services as a physician for a reasonable period of time thereafter.
- 2. With respect to the applicability of Labor Code § 139.21(a)(1)(B) as a basis for his suspension, Respondent submits that his suspension from participation from either the Medicare system or the Medi-Cal system is no longer relevant given the revocation of his license to practice medicine in the State of California which, by law, would preclude him from providing services in either the Medicare system or the Medi-Cal system.
- 3. With respect to the applicability of Labor Code § 139.21(a)(1)(C) as a basis for his suspension, Respondent submits that the revocation of his license to practice medicine in the State of California is no longer relevant given that as of August 2020 he has ceased practicing medicine in any capacity, including the field of workers' compensation.

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28 111 Any and all further communications regarding Respondent's proposed suspension should be directed to the undersigned counsel of record at charles@rondeaufirm.com.

Dated: March 23, 2023

Respectfully submitted,

THE RONDEAU LAW FIRM

By:

CHARLES R. RONDEAU Attorneys for Respondent RONALD MICHAEL SCHILLING