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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-23-05**

**RONDA TAPPER,**

**DETERMINATION AND ORDER  
RE: SUSPENSION**

Respondent.

The Administrative Director of the Division of Workers' Compensation is required to suspend any physician, practitioner, or provider from participating in the California 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 July 3, 2023 Determination and Order Re: Suspension issued by Workers' Compensation Judge Pauline H. Suh, the Administrative Director finds that Respondent Ronda Tapper, meets the criteria for suspension set forth in Labor Code section 139.21(a) and shall be suspended from participating in the California 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 July 3, 2023 Determination and Order Re: Suspension, attached hereto, as the Administrative Director's Determination and Order re: Suspension.

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**RONDA TAPPER,**

*Respondent*

**DETERMINATION AND ORDER  
RE: SUSPENSION**

Notices of Provider Suspension to Ronda Tapper and Tapper Inc. dba RFT Vocational Services pursuant to Labor Code §139.21 issued on 03/16/2023,<sup>1</sup> followed by a timely request for hearing by the Respondent on 03/20/2023.<sup>2</sup> Hearing was timely set on 04/25/2023 however, continued to 6/19/2023 at joint request wherein Respondent waived LC §139.21(b)(2) and Reg §9788.3(a).<sup>3</sup> Hearing was finally held on 06/19/2023 where Respondent and DIR – AFU offered evidence. Respondent requested additional time to submit briefs, and matter was submitted for decision on 06/30/2023.

**FACTS**

1. Labor Code §132.21(a)(1)(A) requires the Administrative Director to suspend a physician, practitioner, or provider from participating in workers' compensation system if said physician, practitioner, or provider has been convicted of a felony or misdemeanor described in LC §139.21(a)(1)(A).
2. On 04/10/2018, Respondent was charged with 14 counts of felony with the Superior Court of California, County of Santa Clara.<sup>4</sup>
3. On 06/09/2021, Respondent signed nolo contendere plea agreement to one count of misdemeanor of Labor Code §3215<sup>5</sup> with one year of probation as well as restitution.<sup>6</sup>
4. After complying with court order, the Probation Department granted Respondent's

<sup>1</sup> AFU Exhibits 1, 2

<sup>2</sup> AFU Exhibit 12

<sup>3</sup> AFU Exhibits 14, 15

<sup>4</sup> AFU Exhibit 3

<sup>5</sup> LC §3215 states in part "... any person... who offers, delivers, receives or accepts any rebate, refund, commission... whether in the form of money or otherwise, as compensation or inducement for referring clients or patients to perform or obtain services or benefits pursuant to this division, is guilty of crime."

<sup>6</sup> AFU Exhibits 5, 7.

petition to termination the period of probation and clear her record on 3/9/2023.<sup>7</sup>

### **ADMISSIBILITY OF EVIDENCE**

Respondent objected to DIR-AFU's exhibit 4 as to relevancy, duplicative of complaints against respondent and prejudicial. DIR-AFU's exhibit 4 is admitted and received as relevant. Exhibit 4 supports that one of the felony complaint against this individual was from engaging in unlawful activity including referring clients to respondent Ronda Tapper, dba Tapper INC. and RFT Vocation Services wherein said individual paid vocational counselors between \$400 and \$2,200 per training voucher received from workers' compensation claims. Exhibit 4 confirms and supports the misdemeanor charge against the respondent.

DIR-AFU objected to Respondent's exhibits A through M as irrelevant. Respondent's exhibits A through M were various written statements, while admitted into evidence, will not be relied upon. These statement appear to be character witness statements, but were not properly authenticated nor verified by any of the individuals.

### **DETERMINATION**

LC §139.21(a)(1)(A) applies to Respondent Ronda Tapper, and as a result, the Administrative Director is required to promptly suspend Respondent from participating in the Workers' Compensation system pursuant to Labor Code §139.21(b)(2).

### **BASIS FOR DETERMINATION**

LC §139.21(a)(1)(A) mandates that the Administrative Director promptly suspend any physician from participating in workers' compensation system if the individual 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 federal Medicare or Medicaid programs, the Medi-Cal program, the 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 federal Medicare or Medicaid programs, the Medi-Cal program or the workers' compensation system.
  - iv. It is otherwise substantially related to the qualifications, functions or duties of a provider of services.

LC§139.21(a)(4) further states in part that an individual or entity is considered to have been convicted of a crime (A) if a judgement of conviction has been entered by a federal, state, or local court, regardless of whether there is an appeal pending or whether the judgment of

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<sup>7</sup> Respondent Exhibit N

conviction or other record relating to criminal conduct has been expunged; (B) there has been a verdict or finding of guilty by a federal, state, or local court; (C) or a plea of guilty has been accepted by a federal, state, or local court.

Respondent and AFU's briefs have been reviewed and considered. Respondent did not dispute that she pled to misdemeanor of LC §3215 and that she paid significant restitution and has since had her record expunged.<sup>8</sup> Respondent also acknowledged said misdemeanor most closely aligns with LC §139.21(A)(iv) but that the purpose of LC §139.21 was to get rid of "bad apples" within the workers compensation system wherein respondent is not a "bad apple" but rather became associated with those.<sup>9</sup> Such is not the sole purpose of enactment of LC §139.21. However, even so, respondent failed to explain nor provide any supporting evidence as to how violation of LC §3215, specifically offering or receiving rebates, is not an act of a "bad apple."<sup>10</sup>

In the present case, Respondent entered plea agreement of no contest to engaging in misdemeanor in violation of LC §3215, hence a conviction. Respondent's misdemeanor falls under LC §139.21(A)(iv) and is considered to have been convicted under LC §139.21(a)(1)(A) pursuant to LC §139.21(a)(4) regardless of having provided vocational services for nearly 35 years or that her record has been expunged after complying with significant restitution.

Therefore, pursuant to LC §139.21(a)(1)(A), the Administrative Director is required to suspend a provider.

Accordingly, the suspension under LC §139.21(a)(1)(A) applies.

ORDER

IT IS ORDERED that Respondent, Ronda Tapper, is hereby suspended from participating in the workers' compensation system as a provider.

/S/ Pauline R Suh

Pauline R Suh

WORKERS' COMPENSATION JUDGE  
HEARING OFFICER

DATE: July 3 2023

<sup>8</sup> Trial Brief of Ronda Tapper, page 1

<sup>9</sup> Trial Brief of Ronda Tapper, page 2

<sup>10</sup> It is important to remember that providing services in workers compensation system is a privilege, not a right, which respondent forfeited when she violated LC §3215. Having said that, respondent is free to provide her service outside of workers' compensation system.