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Administrative Law

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Administrative Law

Administrative Law; health facility inspections—appeals process

Health and Safety Code § 1280.5 (new).

SB 2478 (Keene); 1988 STAT. Ch. 595

Sponsor: California Association of Health Facilities

Support: California Association of Hospital and Health Systems; California Association of Public Hospitals; Kaiser Foundation Health Plan

Under existing law, the State Department of Health Services (Department) must make periodic inspections of health facilities.¹ Chapter 595 enables a licensee or health facility administrator to file a written appeal of inspection findings and requires the Department to resolve the appeal.²

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1. CAL. HEALTH & SAFETY CODE § 1279. *See id.* §§ 1250 (definition of health facility), 1254(a) (Department must inspect and license health facilities), 1278 (grants the Department authority to enter and inspect premises).

2. *Id.* § 1280.5.

Administrative Law; Medi-Cal audit appeals

Welfare and Institutions Code § 14171 (amended).

SB 2424 (Torres); 1988 STAT. Ch. 1079

Sponsor: California Association of Hospital and Health Systems

Under existing law, the Director of Health Services is empowered to establish administrative appeal processes to review complaints and grievances by Medi-Cal providers resulting from audits and examinations.¹ Existing law imposes various time limitations on different levels of the appeals process for only noninstitutional providers.²

1. CAL. WELF. & INST. CODE § 14171(a).

2. *Id.* § 14171(f), (g). *Compare* 1986 Cal. Stat. ch. 562, sec. 2 at ____ (establishing levels of appeal for institutional and noninstitutional providers, and time limitations for

Chapter 1079 revises and extends the application of these time limitations to include institutional providers.³ Chapter 1079 further requires the director to adopt a final decision within specified times.⁴

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noninstitutional providers) with CAL. WELF. & INST. CODE §§ 14171(f), (g). See CAL. CODE REGS. tit. 22, §§ 51016(a)(13)-(14) (definitions of institutional provider and noninstitutional provider).

3. CAL. WELF. & INST. CODE §§ 14171(f)(1) (eliminates distinctions of time limitations between institutional and noninstitutional providers), 14171(f)(2) (proposed decisions must be prepared and sent to the parties and the director within 60 or 180 days for noninstitutional or institutional providers respectively), 14171(g) (the director must provide notice of intent to modify decision within 180 or 300 days to noninstitutional or institutional providers respectively and issue modified decisions within 240 or 420 days after the closing of the record of the hearing for noninstitutional or institutional providers respectively).

4. *Id.* § 14171(f)(3) (final decisions must be adopted within 180 or 300 days after the closure of the hearing records for noninstitutional or institutional providers, respectively).

Administrative Law; state employee disciplinary proceedings

Government Code §§ 19581.5, 19582.5 (new).

SB 1920 (Rogers); 1988 STAT. Ch. 788

Sponsor: State Personnel Board

Support: California Correctional Peace Officers Association

Chapter 788 grants the State Personnel Board (Board) authority to require a prehearing¹ or settlement conference prior to a hearing on either an adverse action² or a rejection on probation³ for a state civil service employee.⁴ Chapter 788 permits a party to the action or rejection to request either type of conference.⁵ The administrative law judge presiding over the settlement hearing may preside over a subsequent hearing on the action or rejection only if both parties agree.⁶ Additionally, Chapter 788 grants the Board authority to designate decisions as precedential, and places such decisions outside the jurisdiction of the Office of Administrative Law.⁷ Finally, Chapter 788 permits the Board to provide for the reconsideration of prior decisions to determine whether those decisions should be designated as precedential.⁸

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1. CAL. GOV'T CODE § 11511.5 (definition and subject matter of prehearing conference).
 2. *Id.* § 19570 (definition of adverse action).
 3. *Id.* § 19173 (authorizing rejection of employees with probationary status during period of probation).
 4. *Id.* § 19581.5.
 5. *Id.*
 6. *Id.*
 7. *Id.* § 19582.5. See generally *id.* §§ 11340-11356 (Office of Administrative Law reviews the statutory authorization of administrative regulations and their compatibility with existing law).
 8. CAL. GOV'T CODE § 19582.5.