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

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

Administrative Law

Administrative Law; state employee disciplinary proceedings

Government Code §§ 19581.5, 19582.5 (new).
SE 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 prehearing or settlement conference prior to a hearing on either an adverse action or a rejection on probation for a state civil service employee. Chapter 788 permits a party to the action or rejection to request either type of conference. 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. 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. Finally, Chapter 788 permits the Board to provide for the reconsideration of prior decisions to determine whether those decisions should be designated as precedential.

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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.