



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

Code: Section:

[Up^](#) [Add To My Favorites](#)

WELFARE AND INSTITUTIONS CODE - WIC

DIVISION 4.5. SERVICES FOR THE DEVELOPMENTALLY DISABLED [4500 - 4885] (*Division 4.5 added by Stats. 1977, Ch. 1252.*)

CHAPTER 7. Appeal Procedure [4700 - 4731] (*Chapter 7 repealed and added by Stats. 1982, Ch. 506, Sec. 2.*)

ARTICLE 4. Services Pending Final Administrative Decision [4715 - 4717] (*Article 4 added by Stats. 1982, Ch. 506, Sec. 2.*)

4715. (a) Except as provided in this section, if an appeal request is postmarked or received by the department or by another agency designated by the department to receive the appeal request, no later than 30 days after receipt of the notice of the proposed action sent pursuant to subdivision (a) of Section 4710, but no later than the effective date of the action, services that are being provided pursuant to a recipient's individual program plan shall be continued during the appeals process up to and including the 10th day after receipt of any of the following:

(1) Receipt by the regional center or state-operated facility, following an informal meeting, of the withdrawal of the appeal request pursuant to subdivision (a) of Section 4710.9, or the claimant's receipt of the informal meeting decision if the claimant has not made a decision to withdraw the appeal request or proceed to hearing within three days of receipt of the informal meeting decision pursuant to subdivision (c) of Section 4710.9.

(2) Receipt by the regional center or state-operated facility, following mediation, of the withdrawal of the appeal request pursuant to subdivision (a) of Section 4711.7 or the date the hearing office takes the appeal off the calendar if the claimant has not decided to withdraw the appeal request or proceed to the fair hearing pursuant to subdivision (b) of Section 4711.7.

(3) Receipt by the recipient of the final administrative hearing decision of the hearing officer or state agency pursuant to subdivision (a), (d), or (e) of Section 4712.5.

(4) Receipt by the recipient of the final decision of the hearing officer following a rehearing pursuant to Section 4713 if a rehearing was requested within 15 days from the date of the final administrative hearing decision pursuant to subdivision (a) of Section 4713.

(b) Services continued pursuant to subdivision (a) may be modified by agreement of the parties in accordance with the decision of the interdisciplinary team and the individual program plan.

(c) Any appeal to a court by either party shall not operate as a stay of enforcement of the final administrative decision, provided that either party may seek a stay of enforcement from any court of competent jurisdiction.

(d) This section shall become operative on March 1, 2023.

(Repealed (in Sec. 68) and added by Stats. 2022, Ch. 49, Sec. 69. (SB 188) Effective June 30, 2022. Operative March 1, 2023, by its own provisions.)

4716. Nothing in this chapter shall presume the incompetence of any person with a developmental disability to participate in any of the appeals procedures established herein.

(Repealed and added by Stats. 1982, Ch. 506, Sec. 2.)

4717. The hearing office, in collaboration with the department, shall establish and maintain an advisory committee composed of stakeholders including recipients and family members, the State Council on Developmental Disabilities, the protection and advocacy agency identified in Section 4900 et. seq and designated by the Governor to fulfill the requirements and assurances of the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000, contained in Chapter 144 (commencing with Section 15001) of Title 42 of the United States Code, representatives of regional centers, advocacy organizations, and the Association of Regional

Center Agencies. The advisory committee shall meet at least semiannually and assist the hearing office by providing nonbinding recommendations for improvements to fair hearing and mediation operations.

(Added by Stats. 2022, Ch. 49, Sec. 70. (SB 188) Effective June 30, 2022.)