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HEALTH AND SAFETY CODE - HSC

DIVISION 25.1. HEALTH AND WELFARE AGENCY—ADMINISTRATIVE APPEALS PROCESS FOR NONPROFIT HUMAN SERVICES AGENCIES [38050 - 38065] (*Division 25.1 added by Stats. 1982, Ch. 1373, Sec. 1.*)

CHAPTER 2. Appeal Authority [38055 - 38057] (*Chapter 2 added by Stats. 1982, Ch. 1373, Sec. 1.*)

[38055.](#) A formal administrative appeal process shall be established and made available to all private, nonprofit human service organizations seeking resolution of any dispute arising out of a direct service contract with the Health and Welfare Agency or a component department of the agency, except as provided in Section 38030 of the Health and Safety Code.

This division shall not apply to contracts entered into pursuant to Chapter 7 (commencing with Section 14000) or Chapter 8 (commencing with Section 14200) of Part 3 of Division 9 of the Welfare and Institutions Code.

(*Added by Stats. 1982, Ch. 1373, Sec. 1.*)

[38056.](#) Notwithstanding any other statutes to the contrary, this division shall prevail.

(*Added by Stats. 1982, Ch. 1373, Sec. 1.*)

[38057.](#) The appeal authority shall be the Office of Administrative Hearings in the Department of General Services. The office is hereby charged with the responsibility to administer and conduct hearings, and to render proposed decisions about the matter in dispute.

The appeal authority may delay or set aside a state agency or departmental action related to the appeal.

The appeal authority shall provide flexibility in the appeal process, providing a range of review from the most formal to a level acceptable to both parties.

An appeal pursuant to this division shall not be considered by the appeal authority until the direct service contractor has attempted to resolve the dispute through the grievance procedure established in accordance with Section 38036 of the Health and Safety Code. If the department or agency has failed to establish such a procedure, the appeal authority shall assume immediate jurisdiction over the dispute.

(*Added by Stats. 1982, Ch. 1373, Sec. 1.*)