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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 3. Administrative Appeal Process [38060 - 38061] (*Chapter 3 added by Stats. 1982, Ch. 1373, Sec. 1.*)

38060. An administrative appeal process means a process established by a state agency or department which allows a nonprofit human service agency to seek review and resolution of some complaint about a specific action or inaction of a state agency.

The hearings held pursuant to this division shall be conducted using current procedures presently established by the office.

If the dispute is brought pursuant to subdivisions (d) through (g) of Section 38061 and it involves a sum of money more than ten thousand dollars (\$10,000), the appeal authority, taking into account the cash flow problems of the parties, may require the party holding the disputed funds to place the amount under dispute in a special deposit fund to earn and be paid interest with such earnings to be distributed to the party who succeeds upon appeal. If the amount is less than ten thousand dollars (\$10,000), it may be placed in such a special deposit fund with the approval of both parties.

The appeal process shall include flexibility to modify procedures to accommodate the particular needs of a given case.

The state's portion of the cost of the appeal process shall be borne by the state agency or department which shall not include internal operating expenses of the Office of Administrative Hearings.

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

38061. An appeal may be taken under the following circumstances.

- (a) Denial of a local contracting agency's application for funding.
- (b) Denial of a local contracting agency's application for expansion or startup funding.
- (c) Termination of a direct service contract.
- (d) Suspension of a direct service contract.
- (e) Denial of all or part of a direct service payment for services schedule.
- (f) Demand for remittance of an overpayment.
- (g) When allegations are asserted which, if true, would constitute a violation of a contract provision, or of federal or state law, regulations, or guidelines.

Decisions made pursuant to subdivisions (a) and (b) shall be limited to a determination as to the procedural propriety of the decisionmaking process, including the reason stated in the decision.

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