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**AB-1355 Public social services: hearings.** (2021-2022)

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**Assembly Bill No. 1355**

**CHAPTER 944**

An act to amend Section 10959 of the Welfare and Institutions Code, relating to public social services.

[ Approved by Governor September 30, 2022. Filed with Secretary of State September 30, 2022. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1355, Levine. Public social services: hearings.

Existing law establishes the Medi-Cal program, administered by the State Department of Health Care Services and under which health care services are provided to qualified low-income persons. The Medi-Cal program is, in part, governed and funded by federal Medicaid program provisions.

Existing law establishes hearing procedures for an applicant for, or recipient of, public social services who is dissatisfied with certain actions regarding those services to request a hearing from the State Department of Social Services or the State Department of Health Care Services, as applicable, under specified circumstances. After an administrative law judge has held a hearing and issued a proposed decision, within 30 days after the department has received a copy of the administrative law judge's proposed decision, or within the 3 business days for an expedited resolution of an appeal of an adverse benefit determination for a Medi-Cal managed care plan beneficiary, as specified, existing law authorizes the director to take specified action under prescribed timeframes. These actions include adopting the decision in its entirety, deciding the matter themselves on the record, including the transcript, with or without taking additional evidence, or ordering a further hearing to be conducted by the director or another administrative law judge on their behalf. Under existing law, failure of the director to take certain actions is deemed an affirmation of the proposed decision.

This bill would instead authorize the director to adopt the decision in its entirety, decide the matter on the record after reviewing the transcript or recording of the hearing without taking additional evidence, or order a further hearing to be conducted by the director or another administrative law judge on their behalf that affords the parties the opportunity to present and respond to additional evidence. The bill would clarify that a proposed decision would be deemed affirmed and adopted if the director fails to take prescribed action, and would require the director's alternated decision to contain a statement of the facts and evidence, including references to the applicable provisions of law and regulations, and the analysis that supports their decision.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Section 10959 of the Welfare and Institutions Code is amended to read:

**10959.** (a) After an administrative law judge has held a hearing and issued a proposed decision, within 30 days after the department has received a copy of the administrative law judge's proposed decision, or within the three business days for an

expedited resolution of an appeal of an adverse benefit determination described in Section 10951.5 after any extensions that may apply under subdivision (c) of Section 10951.5, the director may take any of the following actions:

(1) Adopt the decision in its entirety.

(2) Decide the matter themselves on the record after reviewing the transcript or recording of the hearing without taking additional evidence.

(3) Order a further hearing to be conducted by the director or another administrative law judge on their behalf that affords the parties the opportunity to present and respond to additional evidence.

(b) A proposed decision shall be deemed affirmed and adopted if the director fails to adopt the proposed decision, decide the matter on the record after reviewing the transcript or recording of the hearing without taking additional evidence, or order a further hearing within the 30 days or within the three business days for an expedited resolution of an appeal of an adverse benefit determination described in Section 10951.5 after any extensions that may apply under subdivision (c) of Section 10951.5. If the director decides the matter, a copy of the director's alternated decision shall be served on the applicant or recipient and on the affected county, and, if the director's decision differs materially from the proposed decision of the administrative law judge, a copy of that proposed decision shall also be served on the applicant or recipient and on the affected county. The director's alternated decision shall contain a statement of the facts and evidence, including references to the applicable sections of law and regulations, and the analysis that supports the director's decision. If a further hearing is ordered, it shall be conducted in the same manner and within the same time limits specified for the original hearing.