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Title 22@ Social Security

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Division 2@ Department of Social Services-Department of Health Services

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Part 2@ Health and Welfare Agency-Department of Health Services Regulations

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Subdivision 6@ Preventive Medical Services

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Chapter 8@ Human Immunodeficiency Virus (HIV) Testing of Inmates in Correctional Facilities

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Article 3@ APPEALS PROCESS

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Section 41134@ Request for Appeal

41134 Request for Appeal

(a)

A request to appeal the chief medical officer's decision whether or not to test an inmate who is the subject of the report for HIV without consent shall be made by using the form, "Report of Request for Appeal for HIV Testing," (DHS 8457, October 1989).

(b)

If there is no request for appeal, or if the testing was conducted pursuant to Penal Code section 7512.5 the chief medical officer's decision shall be final. Final decisions of the chief medical officer pursuant to section 7512.5 of the Penal Code, or of the appeals panel, may be appealed to the Superior Court.