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Title 22@ Social Security

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Division 3@ Health Care Services

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Subdivision 1@ California Medical Assistance Program

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Chapter 3@ Health Care Services

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Article 1.5@ Provider Audit Appeals

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Section 51045@ Reconsideration

51045 Reconsideration

(a)

The Department may order a reconsideration of all or part of the case on its own motion or on petition of any party. The power to order a reconsideration shall expire 30 calendar days after delivery or mailing of a decision to the provider. The Department may grant a stay of expiration of its power to order reconsideration:

(1) for up to 30 days for the purpose of enabling a party to file a petition for reconsideration; or (2) for up to 10 days when needed solely for the purpose of considering a petition filed prior to expiration of its power to order reconsideration.

The petition of a party shall be deemed denied if the Department takes no action within the time allowed for ordering reconsideration.

(1)

for up to 30 days for the purpose of enabling a party to file a petition for reconsideration; or

(2)

for up to 10 days when needed solely for the purpose of considering a petition filed prior to expiration of its power to order reconsideration. The petition of a party shall be deemed denied if the Department takes no action within the time allowed for ordering reconsideration.

(b)

The case may be: (1) Reconsidered by the Department on all the pertinent parts

of the records and such additional evidence and arguments as may be permitted.

(2) Assigned to a hearing officer for further written or oral hearing.

(1)

Reconsidered by the Department on all the pertinent parts of the records and such additional evidence and arguments as may be permitted.

(2)

Assigned to a hearing officer for further written or oral hearing.

(c)

The decision for a reconsideration assigned to a hearing officer shall be subject to the procedure provided in section 51044.