

§ 1381. Records; Location and inspection

(a) All records, books, and papers of a plan, management company, solicitor, solicitor firm, and any provider or subcontractor providing health care or other services to a plan, management company, solicitor, or solicitor firm shall be open to inspection, including through electronic means, by the director.

(b) To the extent feasible, all records, books, and papers described in subdivision (a) shall be located in this state. In examining such records outside this state, the director shall consider the cost to the plan, consistent with the effectiveness of the director's examination, and may upon reasonable notice require that such records, books, and papers, or a specified portion thereof, be made available for examination in this state, or that a true and accurate copy of those records, books, and papers, or a specified portion thereof, be furnished to the director.

(c) Pursuant to a request by the director to inspect the records, books, and papers described in subdivision (a), the plan, management company, solicitor, or solicitor firm, and a provider or subcontractor providing health care or other services to a plan, management company, solicitor, or solicitor firm to which the request is made shall do both of the following:

(1) Furnish in electronic media records, books, and papers that are possessed in electronic media.

(2) Conduct a diligent review of the records, books, and papers and make every effort to furnish those responsive to the director's request.

(d)(1) To the greatest extent feasible, all records, books, and papers described in subdivision (a) and furnished pursuant to a request under this section shall be furnished in a format that is digitally searchable.

(2) If requested by the department, records, books, and papers described in subdivision (a) shall be preserved until furnished.

(e) In addition to the powers granted to the director pursuant to Section 11181 of the Government Code, in connection with an investigation or action authorized by Article 2 (commencing with Section 11180) of Chapter 2 of Part 1 of Division 3 of Title 2 of the Government Code, the director may do both of the following:

(1) Inspect and copy records, books, and papers described in subdivision (a).

(2) Seek relief from an administrative law proceeding if, in the director's determination, a plan, management company, solicitor, or solicitor firm, and a provider or subcontractor providing health care or other services to a plan, management company, solicitor, or solicitor firm fails to fully or timely respond to a duly authorized request for production of records, books, and papers.

(f) For purposes of this section, "records, books, and papers" includes records, books, and papers that are possessed in any medium, including electronic media.

HISTORY:

Added Stats 1975 ch 941 § 2, operative July 1, 1976. Amended Stats 1979 ch 1083 § 10;

Stats 1999 ch 525 § 128 (AB 78), operative July 1, 2000; Stats 2024 § 2 (AB 3221), effective January 1, 2025.