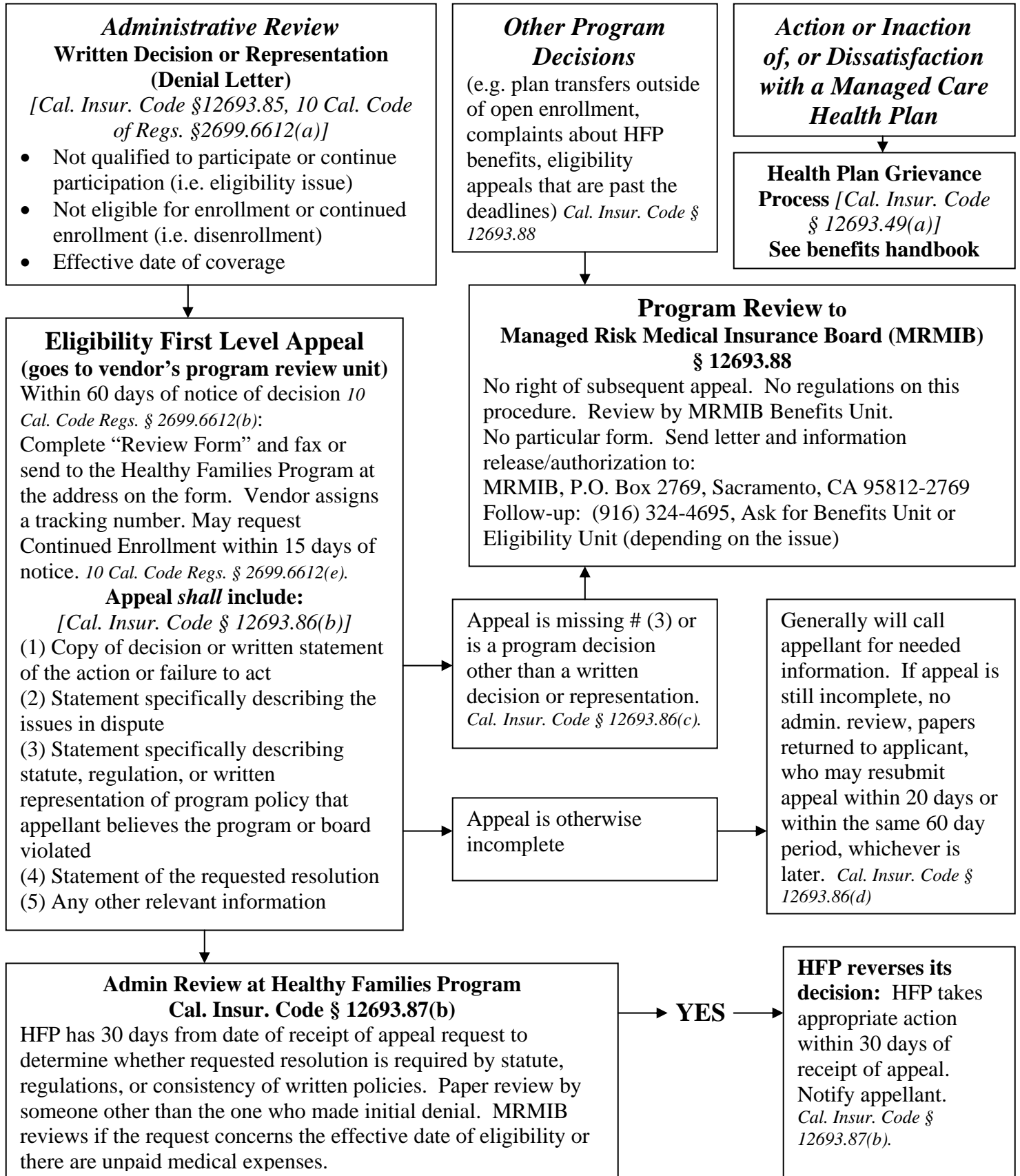


Healthy Families Program Appeal Process

If the beneficiary disagrees with...



NO

HFP affirms the denial:

HFP notifies appellant of denial within 30 days of receipt of appeal. Denial letter informs appellant of right to review by Executive Director. *Cal. Insur. Code § 12693.87(b)*. Continued Enrollment ends. *10 Cal. Code Regs. § 2699.6612(e)(1)*.

File written request for review by Executive Director within 30 days of date of notice of program determination. Appeal must include all of the information required in the original appeal. *Cal. Insur. Code § 12693.87(b)*. Send request to MRMIB. MRMIB may contact appellant for additional information.

Second Level Admin Review at MRMIB

Executive Director determines whether requested resolution is required by statutes, regulations, or consistency of written policies. Decision must be in writing. *Cal. Insur. Code § 12693.87 (b),(d)*.

YES

MRMIB reverses the denial:

MRMIB Takes appropriate action within 30 days of receipt of appeal. Notifies appellant. *Cal. Insur. Code §12693.87(b)*

NO

MRMIB affirms the denial: MRMIB notifies appellant of denial and right to administrative hearing. *Cal. Insur. Code § 12693.87(b)*. [Note: MRMIB asserts that there is no time limit for this step, but the statute also may be read as allowing MRMIB only 30 days from receipt of the request for a second level administrative review.]

Request to MRMIB for administrative hearing:

Within 30 days of receiving Executive Director’s decision. Request shall “include a clear and concise statement of what action is being appealed, and the reasons the executive director’s decision is not correct.” *Cal. Insur. Code § 12693.87(e)*

MRMIB arranges for an administrative hearing

MRMIB may elect either of the two administrative hearing processes below. *Cal. Insur. Code § 12693.89, 10 Cal. Code Regs. § 2699.6612(c)(3)*. Currently, the procedure along the left side of the page is the hearing procedure contemplated by MRMIB.

Administrative Hearing Process #1:

MRMIB has 30 days to ask the Office of Hearing and Appeals to arrange for a hearing. *Process of appeal governed by 1 Cal. Code of Regs. § 1140 et seq., as modified by Cal. Insur. Code § 12693.89.*

Administrative Hearing Process #2:

MRMIB may elect to have a hearing conducted according to Government Code § 11500 *et. seq.* This type of hearing is more formal and is the one used by several other agencies, e.g. Dept. of Motor Vehicles uses this process for revoking a driver’s license. It is not clear which parts of this formal process would apply.

Office of Hearings and Appeals must schedule a hearing before an Administrative Law Judge (ALJ) within 60 days of the date MRMIB received petition for a hearing. The time period may be extended up to 30 days upon a showing of good cause. *Cal. Insur. Code § 12693.89(a)(4), 1 Cal. Code of Regs. §1140(b).*

Written notice of hearing at least 10 days prior to hearing with the same format as required by *Govt. Code § 11509, 1 Cal. Code of Regs. § 1141(b).*

Administrative Hearing as governed by 1 Cal. Code of Regs. § 1140 et. seq. and modified by Cal. Insur. Code § 12693.89:

- Appellant may have an authorized representative. *§ 1145.*
- ALJ has subpoena power. *§ 1146.*
- Technical rules of evidence do not apply. *§ 1147(c).*
- Hearsay admissible; however, it alone cannot be sufficient to support a finding, unless admissible in a civil action. *§1147(c).*
- Provision for interpreters paid for by MRMIB. Interpreter cannot have had prior involvement in the case. *§ 1147(d)-(g).*
- No provision for a free transcript.
- Hearings may be held at Offices of Administrative Hearings in San Francisco, Los Angeles, & Sacramento. *§ 1143.*

No time period in which hearing must be scheduled. However, cannot be sooner than 15 days after receiving denial. *Govt. Code §§ 11506(a), 11509.*

Written notice of hearing at least 10 days prior to hearing. *Govt. Code § 11509.*
This process has requirements for the agency's "accusation" and "statement of issues". *Govt. Code §§ 11503, 11504.* MRMIB determines time & place subject to Administrative Law Judge's (ALJ's) availability with consideration for the location of the transaction or where the respondent resides. *Govt. Code § 11508 (a),(b).* A request to change location can be made within 10 days after service of notice. *Govt. Code § 11508(c).*

Either party can request a pre-hearing conference with the ALJ to settle issues, settle, or, with the consent of both sides, convert the conference into alternative dispute resolution or an informal hearing. *Govt. Code § 11511.5*

Administrative Hearing under Govt. Code §§ 11500 et seq.:

- Appellant has the right to be represented by an attorney at own expense. *§§ 11505(b), 11509.*
- Parties may conduct discovery. *§ 11507.6.*
- Agency may hear the case with an ALJ present to assist and advise. *§ 11517(a),(b).*
- Hearsay is admissible; however, it cannot be sufficient in itself to support a finding, unless it would be admissible in a civil action. *§ 11513(d).*
- No provision for a free transcript.
- No provision for interpreters.
- Rights to call witnesses, cross-examine, submit documents *§ 11513.*
- Final decision may be reviewable in court by a writ of mandate *§ 11523.*

