

**DEPARTMENT OF HEALTH SERVICES**

714/744 P STREET  
P.O. BOX 942732  
SACRAMENTO, CA 94234-7320

**DELEGATION ORDER**

|  |        |   |
|--|--------|---|
| Subject  |        | Delegation Number   |
| Appointment of Hearing Authority and<br>Delegation of authority to Adopt Decisions |        | 94-151  |
| Supersedes Number  | Date   | Date Issued   |
| 94-151/Anderson  | 1/2/98 | June 21, 1999   |
| Approved Legal Services  | Date   | Statutory Reference   |
|  |        | Welfare and Institutions Code,<br>Sections 10950, 10954, and<br>10966 |
| Approved Records Management and Administrative Support                             | Date   | Originating Unit  |
|  |        | Medi-Cal Operations Division  |

I, Diana M. Bontá, R.N., Dr.P.H., Director of the California Department of Health Services, appoint Rita Saenz, Director of the California Department of Social Services, as the hearing authority to hear and decide cases pursuant to Welfare and Institutions (W&I) Code, Section 10950, for DHS. This appointment shall include the power to grant or deny rehearing requests for claims dismissed due to a party's nonappearance.

In addition to the powers and authority conferred on all Administrative Law Judges pursuant to W&I Code, Section 10954, I delegate to Rita Saenz my authority to adopt decisions in all cases except as specified below.

This delegation shall not include the authority to adopt decisions which are based on constitutional grounds, overrule statutes or promulgated regulations, or overrule or make exceptions to DHS policy. In addition, this delegation shall not include the authority to adopt decisions on the following types of cases or issues: (1) cases, except for disability determinations, based on other than state regulations (i.e., statutes, federal regulations, or case law); (2) cases with issues related to the In-Home Medical Care program; (3) cases with issues involving beneficiaries who are covered by a Medi-Cal prepaid health plan, county organized health system, primary care case management contract or other managed health care plan and relate to contractual matters which might include medical necessity, utilization control, access to care, benefit coverage, payment of claims, health plan enrollment or disenrollment, health plan marketing activity or the health care options program; (4) cases with issues related to Early & Periodic Screening Diagnosis and Treatment (EPSDT) benefits; (5) all orthodontic related cases; (6) particular cases, as identified by either department, which are novel or unusual; sensitive or controversial in nature; or involve new program issues as identified by either Department; and (7) any decision that addresses a Medi-Cal issue and that is also being prepared as a proposed decision for purposes of review by the director of another department or agency, including but not limited to decisions concerning the Personal Care Services Program.

The authority and powers delegated to Rita Saenz pursuant to this document may be exercised personally or by staff whose authority shall be in writing. Decisions adopted by staff under the authority of this delegation shall be treated, for all purposes, as decisions of the Director of DHS. DHS reserves the right, at its discretion, to review a sample of the decisions adopted by CDSS pursuant to this document.

This appointment and delegation is made pursuant to W&I Code, Sections 10950 and 10966 and shall be effective until withdrawn in writing.

**ORIGINAL SIGNED BY**  
**DIANA M. BONTÁ, R.N., DR.P.H.**  
**EFFECTIVE JUNE 21, 1999**

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Diana M. Bontá, R.N., Dr.P.H.  
Director  
California Department of Health Services

I, Rita Saenz, Director of CDSS, accept the delegated authority specified in this document.

**ORIGINAL SIGNED BY**  
**RITA SAENZ**  
**EFFECTIVE JUNE 21, 1999**

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Rita Saenz, Director  
California Department of Social Services