



SANDRA SHEWRY
Director

State of California—Health and Human Services Agency
Department of Health Care Services



ARNOLD SCHWARZENEGGER
Governor

DELEGATION ORDER

Subject		Delegation Number
Appointment of Hearing Authority and Delegation of Authority to Adopt Decisions		11-100
Supersedes Number	Date	Date Issued
94-151	11/19/07	
Approved Legal Services	Date	Statutory Reference
		Welfare and Institutions Code, Sections §10950, §10954, and §10966
Approved Records Management and Administrative Support	Date	Originating Unit
		Medi-Cal Eligibility Division

I, Sandra Shewry, Director of the Department of Health Care Services (DHCS), appoint John A. Wagner, Director of the California Department of Social Services (CDSS), as the hearing authority to hear and decide cases pursuant to Welfare and Institutions (W&I) Code, Section §10950, for DHCS. 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 John A. Wagner 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 DHCS 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 related to contractual matters which might include medical necessity, utilization control, access to care, benefit coverage, payment of claims, health plan enrollment or dis-enrollment, health plan marketing activity or the health care options program; (4) cases with issues related to Early and Periodic Screening Diagnosis and Treatment (EPSDT) benefits; (5) all orthodontic related cases; (6) stairway chairlift cases, power wheel chairs, van lifts, portable ramps,

and any DME over \$5,000; (7) erectile dysfunction cases, including *Viagra* prescriptions cases and penile implants; (8) *Serostim* prescriptions cases; (9) transplant services cases, including solid organ and bone marrow cases; (10) *Immunocal* (dietary supplement cases); (11) bariatric surgery cases; (12) sex change surgery or treatment cases; (13) SB 87-SSI/SSP discontinuance cases; (14) any hearing decision based on beneficiary reimbursement that exceeds \$5,000 from November, 2006 forward; (15) 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 (16) 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.

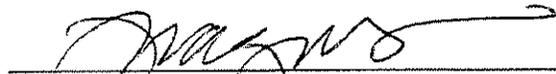
The authority and powers delegated to John A. Wagner pursuant to this document may be exercised personally or by staff whose authority shall be in writing. Decisions adopted by staff under the authority of this delegation shall be treated, for all purposes, as decisions of the Director of DHCS. DHCS 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.



Sandra Shewry, Director
Department of Health Care Services

I, John A. Wagner, Director of CDSS, accept the delegated authority specified in this document.



John A. Wagner, Director
California Department of Social Services