

Designation of ALJ II (Specialists and Supervisors)

DESIGNATION OF ADMINISTRATIVE LAW JUDGE II TO ADOPT FINAL DECISIONS, TO ACT ON PROPOSED DECISIONS, TO ISSUE ALTERNATE DECISIONS, TO ORDER FURTHER HEARINGS AND TO ACT ON REQUESTS FOR REHEARINGS PURSUANT TO DIRECTOR'S DELEGATION OF AUTHORITY

I, Manuel A. Romero, Chief Administrative Law Judge for the California Department of Social Services (CDSS), pursuant to the Director's Appointment of Hearing Authority and Delegation of Authority to Adopt Decisions, hereby affirm that [ALJ's Name], Administrative Law Judge for the CDSS, has been provided the authority by the Director to adopt final decisions pursuant to Welfare and Institutions Code (W&IC) §10966 for the CDSS and the California Department of Health Care Services (CDHCS). A copy of the Director's delegation is attached hereto.

The Director's delegation applies to all final decisions adopted by Administrative Law Judge [ALJ's Name] on or after [date]. The designation of delegation shall be effective until withdrawn in writing. This designation of delegation shall not include the authority to adopt final decisions on behalf of the CDSS or the CDHCS which:

A. are based on constitutional grounds, overrule statutes or regulations, overrule CDSS Precedent Decisions, or overrule or make exceptions to CDSS or CDHCS policy; or

B. involve the following:

(1) cases, except for disability determinations, based on other than state regulations, All County Letters, All County Information Notices or All County Welfare Director's Letters (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) cases which are novel or unusual; sensitive or controversial in nature; or involve new program issues; 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.

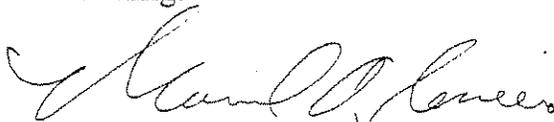
(8) particular cases, as identified by DSS or DHS in writing. The written list of such cases shall be updated periodically and published to the State Hearings Division. The most current list of such particular cases is hereby incorporated herein by reference, as if fully set forth.

Final decisions adopted by Administrative Law Judge [ALJ's Name] pursuant to the Director's delegation shall be treated, for all purposes, as decisions of the Director of the Department identified on the cover page of such decisions. Final decisions shall be considered adopted upon signing and dating by Administrative Law Judge [ALJ's Name].

The Director also delegates to [ALJ], ALJ II, the authority to act on proposed decisions for the CDSS and the CDHCS. Pursuant to W&I Code §10959, this delegation shall include the power to adopt proposed decisions, to issue alternate decisions, to order further hearings, and to grant or deny rehearing requests pursuant to W&I Code §10960.

This designation of delegation is effective [date] and remains in effect until withdrawn in writing.

Dated:



Manuel A. Romero, Chief Administrative Law Judge

**Addendum to Delegation of Authority to Issue Final Decisions
May 2008**

Pursuant to the *Appointment of Hearing Authority and Delegation of Authority to Adopt Decisions*, the following list identifies particular cases which may not be written as Final Decisions:

CDSS CASES:

- Adoption Assistance Program (AAP) or Foster Care cases involving Dual Agency recipients where the issue involves determination of the appropriate rate
- AAP or Foster Care cases involving underpayments likely to exceed \$5,000
- AAP or Foster Care cases applying Equitable Estoppel
- Foster Care Cases for retroactive Specialized Care Increment—in any amount
- Foster Care cases in which the request for hearing was made more than one year after the Notice of Action was issued.
- Equitable Estoppel cases involving elements 4 or 5 where the amount in controversy exceeds \$5,000.
- Overruling statute or regulation
- Based on constitutional grounds
- Overrule or except Departmental policy or which invalidate a written county policy issued under state authority
- Cases that are novel, sensitive or controversial in nature

CDHCS CASES:

- In-Home Operations
- Managed Care or County Organized Health Care cases
- Early & Periodic Screening Diagnosis and Treatment (EPSDT) Cases
- Orthodontics
- Adult Day Health Care (ADHC) Cases
- Erectile Dysfunction cases
- Transplant services cases
- Immunocal (dietary supplement) cases
- Bariatric surgery cases
- SB 87-SSI/SSP/SSP discontinuance cases
- Sex change surgery/treatment cases
- Serostim cases
- Viagra cases
- Breast and Cervical Cancer Treatment (BCCT) Program cases

- Stairway Lifts, power wheel chairs, van lifts, portable ramps and any DME over \$5,000
- Mental Health Cases
- Conlan Cases involving beneficiary reimbursement requests in excess of \$5,000.
- Any decision that addresses a Medi-Cal issue 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 involving the Personal Care Services program
- Overruling statute or regulation
- Based on constitutional grounds
- Overrule or except departmental policy
- Cases that are novel, sensitive or controversial in nature