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- Aging & Adult Information & Assistance Line:**
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October 17, 2023

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012
Dear Supervisors:

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

35 October 17, 2023

CELIA ZAVALA
EXECUTIVE OFFICER

**LOS ANGELES COUNTY PLANNING AND SERVICE
AREA (PSA) 19 AREA AGENCY ON AGING 2023-24
COMPLAINT RESOLUTION POLICY AND
PROCEDURES
(ALL SUPERVISORIAL DISTRICTS) (3 VOTES)**

SUBJECT

The County of Los Angeles (County) Aging and Disabilities Department (AD) seeks approval to establish a grievance process for the disposition of complaints by older adults, adults with disabilities, and their family caregivers against the County’s Agency on Aging (AAA) programs and employees or volunteers of such programs.

IT IS RECOMMENDED THAT THE BOARD:

1. Approve and adopt the FY 2023-24 Complaint Resolution Policy and Procedures Program Memo (Attachment I).
2. Authorize the AD’s Director or designee, to sign the Complaint Resolution Policy and Procedures Program Memo on behalf of the Chair of the Board.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

AAAs are governed by the mandates of the Older Americans Act. This law intends for AAAs to be the leaders relative to all aging issues on behalf of all older persons in the Planning and Service Area [45 CFR 1321.53]. In California, the implementation of the Older Americans Act is outlined in Title 22, Division 1.8 of the California Code of Regulations (CCR). AAA was designated as a one-county Planning and Service Area by the Board of Supervisors in the late 1970s. The oversight of the AAA is currently under the auspices of AD.

This program memo outlines the AAA's complaint resolution process. The purpose of this complaint resolution process is to guide the AAA and the agencies that contract with it (Service Providers) on how to respond to and resolve complaints. The regulations that mandate the specific requirements of this process are cited throughout this document.

POLICY

AAA is required to establish a grievance process for the disposition of complaints by older individuals or persons authorized to act on behalf of older individuals against the AAA programs and employees or volunteers of such programs and adopted by its governing board. Clients, Service Providers, staff, and volunteers are encouraged to provide feedback using open, honest, and direct communication in an informal setting. When feedback rises to the level of a complaint, matters should be resolved at the lowest possible level as much as possible.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The activities identified in the complaint resolution policy support Countywide Strategic Plan Goal I: Make Investments That Transform Lives, specifically, Strategy I.1 Increasing Our Focus on Prevention Initiatives and Strategy I.2. Enhancing Our Delivery of Comprehensive Interventions; and Goal II Foster Vibrant and Resilient Communities, specifically, Strategy II.2 Supporting the Wellness of Our Communities.

FISAL IMPACT/FINANCING

There is no fiscal impact in approving the recommended action and adopting the complaint resolution policy. No additional County funds are requested as part of the recommended actions.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The recommended action is necessary for AAA to be compliant with the Older Americans Act is outlined in Title 22, Division 1.8 of the CCR.

IMPACT ON CURRENT SERVICES

Approval of the AAA complaint resolution policy will enable AD to continue to enhance services

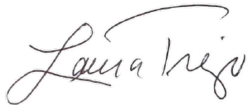
The Honorable Board of Supervisors
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and give our clients a mechanism to express their concerns while standardizing a process in which complaints are handled timely and equitably. This complaint resolution policy enhances AAA services by being able to review and respond to complaints so that service delivery is improved.

CONCLUSION

Upon your approval of the recommended actions, AD will submit the Complaint Resolution Policy and Procedures to the California Department of Aging for approval. Should you have any questions, you may contact me directly, or your staff may contact Ashley Liang, Executive Assistant, at ALiang@ad.lacounty.gov.

Respectfully submitted,



Dr. Laura Trejo, DSW, MSG, MPA
Director

LT:LCS:AA
SS:MR

Enclosure

c: Executive Office, Board of Supervisors
Chief Executive Office
County Counsel



LOS ANGELES COUNTY
AGING AND DISABILITIES DEPARTMENT
AREA AGENCY ON AGING



PROGRAM MEMO

Number: AAA 23-05

Date: July 1, 2023

SUBJECT: AREA AGENCY ON AGING COMPLAINT RESOLUTION
POLICY AND PROCEDURES

I. PURPOSE

The purpose of this Program Memo (PM) is to establish a grievance process for the disposition of complaints by older adults, adults with disabilities, and family caregivers. The grievance process will address programmatic issues, concerns with employees and or volunteers within the AAA programs and complaints that are with the scope of the AAA programs.

II. BACKGROUND

Area Agencies on Aging (AAA) is required to establish a grievance process for the disposition of complaints by older individuals or persons authorized to act on behalf of older individuals against the AAA programs and employees or volunteers of such programs [22 CCR 7400 (a)(1)].

The oversight of AAA is currently under the auspices of the Los Angeles County Aging & Disabilities Department (AD).

This document outlines the AAA's complaint resolution process. The purpose of this complaint resolution process is to guide the AAA and the agencies that contract with the AAA (service providers) on how to respond to and resolve complaints timely. The regulations that mandate the specific requirements of this process are cited throughout this document.

III. POLICY

The grievance process for both the AAA and Service Providers will include the following: [22 CCR 7400 (a)(2)(A-C)]

1. Time frames which a complaint should be acted on.
2. Written notification to complainant including the following information:
 - Results of the review.

- A statement from Service Providers that if unsatisfied with results, the complainant may escalate the complaint to the AAA.
3. Complainants have a right to privacy. Only information relevant to the complainant may be released to the responding party without consent.

The AAA has an open-door policy that encourages feedback regarding its programs and services. Clients, Service Providers, staff, and volunteers are encouraged to provide feedback using open, honest, and direct communication in an informal setting. When feedback rises to the level of a complaint, matters should be resolved at the lowest possible level as much as possible.

IV. NOTIFICATION REQUIREMENTS

The AAA and its Service Providers shall conform to the following requirements to inform and notify individuals of their complaint resolution process and policies:

1. The agency's Complaint Resolution Process must be posted in visible areas that are accessible to clients [22 CCR 7400 (a)(3)(A)].
2. If a substantial number of older adults served by the program are non-English speaking, the agency's Complaint Resolution Process must be posted in the primary language of these individuals [22 CCR 7400 (a)(3)(A)].
3. Homebound clients must be advised of the agency's Complaint Resolution Process either orally or in writing upon contact with the individual.

V. REQUIRED INFORMATION FOR FILING A COMPLAINT

1. Complaints may involve, but are not limited to, any or all the following:
 - Amount of service.
 - Duration of services.
 - Denial of service.
 - Discontinuation of service.
 - Dissatisfaction with service.
 - Dissatisfaction with a Service Provider [22 CCR 7404 (d)].
2. Complaints shall be addressed in writing to the AAA Director. If the complainant cannot write, the AAA Program Coordinator will take the complaint orally and write it up for signature [22 CCR 7404 (b)].
3. Complaints shall include all the following information:

- Complainant's name, mailing address, phone number, and email address if available.
- The service being reported.
- The name of the Service Provider.
- The names of all individuals involved.
- The issue of concern or dispute.
- The date, time, and place of occurrence.
- The names of any witnesses, if any [22 CCR 7404 (c)].

VI. RESOLVING CLIENT COMPLAINTS

A. Contracted Services

The AAA Service Providers shall follow the guidelines below to resolve complaints by or on behalf of clients served by the programs funded and administered by AAA:

1. First Level of Resolution - AAA Service Providers

- a) The AAA Service Provider shall be the first administrative level for the resolution of complaints from AAA program participants. The AAA Service Provider will receive from the AAA any complaints received and forwarded by the California Department of Aging (CDA).
- b) A complaint may be filed with the Site Manager, Case Manager, Project Supervisor, or Project Manager of the agency.
- c) An impartial investigation of the complaint and an attempt to resolve the issues must be conducted by the AAA Service Provider. A written notification of the investigation results, the resolution, and the appeal procedures must be sent to the complainant and AAA within 10 business days from the receipt of the complaint.
- d) The AAA Service Provider may include a second review of the complaint by the AAA Service Provider's Board of Directors or the City Council. A written notification of the results must be issued to the complainant and AAA within 15 business days.
 - i. A second review of the complaint is triggered if the complainant disagrees with the result of the first review, or if the complaint persists.

2. Second Level of Resolution - AAA Informal Administrative Review

- a) An AAA Informal Administrative Review by AAA may be initiated if the older individual, or person authorized to act on his or her behalf, is dissatisfied with the results of an AAA Service Provider's grievance process. The complainant may appeal to AAA within 10 business days of receiving the results of the initial review.
- b) Client's request for an AAA administrative review of the complaint must be requested in writing and sent to the AAA Program Coordinator assigned to the contract. If a complainant cannot submit a written complaint, AAA shall take all the following actions:
 - Verbally accept the complaint.
 - Prepare a written complaint.
 - Have the complainant sign the written complaint, although not necessarily prior to the commencement of the AAA Informal Administrative Review.
- c) Complaints shall include all the following information:
 - The name, mailing address, and telephone number, if any, of the complainant or person authorized to act on behalf of the complainant.
 - The type of service and the AAA Service Provider involved.
 - The names of the individuals involved.
 - The issue of concern or dispute.
 - The date, time, and place that the issue of concern or dispute occurred.
 - The names of witnesses, if any.
- d) The AAA Program Coordinator will respond to the complaint **within 10 business** days from the date of receipt of the formal complaint letter and attempt to informally resolve the issue.
- e) If the complaint is not resolved with the AAA Program Coordinator, the next level of review is an informal meeting with the AAA Program Manager. The AAA Program Manager will perform the following:
 - Schedule to meet with the complainant (by phone or in person) **within 15 business** days of receiving the request for a meeting.
 - Conduct any necessary follow-up.
- f) **Within 10 business days** of the meeting with the complainant, the Program Manager will perform the following:

- Provide the complainant a written copy of the AAA Program Manager's decision.
- Inform the complainant of his or her right to request a formal administrative hearing before an impartial hearing officer or panel.
- Inform the complainant that the request for a hearing must be made in writing addressed to the AAA Director and must be made **within 30 days** of receipt of the AAA Program Manager's decision.
- Instruct the complainant that the hearing request must include the reasons why he or she feels that the decisions of the contractor, the AAA Program Coordinator, and/or the AAA Program Manager regarding the complaint and the appeal are not warranted.

3. Final Level of Resolution

Any complainants dissatisfied with the results of the review conducted by the AAA Program manager will have **30 days** from the receipt of the decision to request a hearing. This request shall be made either orally or in writing to the director of AAA [22 CCR 7406 (a)].

The AAA Program Manager and AAA Director, or designee, will set up the hearing following the administrative process listed below: [22 CCR 7406 (b)]

- a) The hearing shall be set at least 30 days after the receipt of the request.
- b) The complainant and all interested parties involved will receive the date, time, and location of the hearing at least 14 days before the hearing date.
- c) The complainant has a right to be present or ask someone to act on their behalf including legal counsel.
- d) The hearing shall be conducted by an impartial hearing officer or panel selected by the Los Angeles County Commission for Older Adults (LACCOA).
- e) The hearing shall be conducted in an informal manner with testimony being restricted to the issues requiring resolution [22 CCR 7406 (d)(2)(A)(1-2)].
- f) All parties shall have the right to the following:
 - To be present at the hearing.
 - To present evidence and witnesses.
 - To examine witnesses and other sources or relevant information and evidence.
- g) Additional hearing requirements:

- The hearing shall be held no later than 45 business days from the receipt of the hearing request.
 - Be recorded, either electronically or by stenography
 - Technical rules of evidence and procedures shall not apply to the hearing.
 - All persons testifying at the hearing shall be placed under oath or affirmation [22 CCR 7406 (a) –(b)].
- h) The impartial Hearing Officer or panel will prepare a proposed decision based upon all relevant evidence presented and in consideration of the policies, procedures, regulations, and laws governing the program. This proposed decision shall be provided to the AAA analyst, administrator, or the chairperson of the governing board no later than 30 business days after the date the hearing is held [22 CCR 7406 (b)(1)(B)(5)]. At a minimum, the proposed decision shall contain all of the following:
- A description of each issue.
 - A statement as to whether the complaint was upheld or denied. In the case of a complaint that is upheld, an explanation of the remedy for the complaint shall also be included.
 - A citation of applicable laws and regulations.

The proposed decision is forwarded to the director of AAA unless the complaint is against the director. In that case, the proposed decision should be sent to the chairperson of the governing board [22 CCR 7406 (b)(1)(B)(6)].

No later than 30 days after receipt of the proposed decision, the AAA Director or Chairperson of the governing board will either adopt the proposed decision as the final decision or write a new final decision [22 CCR 7406 (b)(1)(7)]. The decision shall be:

- a) Immediately transmitted to the parties involved.
- b) Is final and not subject to further appeal.
- c) If the appeal is upheld, follow up to ensure that remedies are implemented.

B. AAA Direct Services

AAA shall follow an informal administrative review process for the resolution of complaints received for services provided directly by AAA [22 CCR 7402 (d)]. This informal administrative review is the first level of resolution for the AAA's direct services and will be conducted by the AAA Program Coordinator. The details of the review process and timeline will be like the first level review process by a

Service Provider described above. If the complaint is not resolved at the AAA Program Coordinator level, the complaint resolution process will be completed **within 45 days** and include the following.

1. Acknowledgment of the receipt of the complaint.
2. Inform the complainant of the complaint review process and timeline.
3. Conduct an impartial review within **10 business days** of receipt of the complaint. The complaint will be reviewed based on its merits and the verification of the violation of the right, law, regulation, policy, or ordinance cited on the complaint.
4. Notify the complainant in writing of the results of the investigation, as well as his or her right to request a meeting with the AAA Program Manager.
5. Copy the AAA Director and Program Manager on all correspondences.

VII. RESOLVING SERVICE PROVIDER COMPLAINTS

AAA is required to have a written complaint resolution process for its Service Providers and service provider applicants who are dissatisfied with an action taken by AAA [22 CCR 7250 (b)(3)(A-C)]. AAA contractors and applicant service providers are encouraged to provide feedback using open, honest, and direct communication with AAA in an informal setting. When feedback rises to the level of a complaint, matters should be resolved at the lowest possible level using the following process:

The Service Provider Complaint Process does not include any formal hearings. There are three levels:

1. A meeting with the Program Coordinator/Contract Monitor.
2. A meeting with the AAA Program Manager.
3. A meeting with the AAA Director, or designee, who reviews the decision.

The Service Provider may be entitled to a state hearing if the complaint is deemed to be an **adverse determination**. Adverse determination means a determination or decision by AAA that corresponds to one of the issues mentioned in the 22 CCR Section 7702-7704. Every Service Provider or applicant service provider must submit a written request for a state hearing to the California Department of Aging within 30 days of the receipt of the AAA's final decision on the complaint if it feels it to be an adverse determination.

1. First Level of Resolution: Meeting with the AAA Program Coordinator

- The assigned AAA Program Coordinator shall set-up a meeting with the service provider **within 10 days** of receiving the complaint to gather the information

about the complaint and attempt to resolve the issue informally. The AAA Program Coordinator may consult with the AAA Program Manager on getting the issue resolved at the lowest level.

- If the complaint is not resolved informally to the satisfaction of the service provider, the AAA Program Coordinator will ask the service provider to do the following:
 - a. Put the complaint in writing.
 - b. Submit the formal complaint **within 10 days** of meeting with the AAA Program Coordinator. The formal complaint shall be addressed to the AAA Program Manager for review.
 - c. Include on the formal complaint letter a citation of the regulation or program policy that supports the complaint.
- The Program Coordinator must file all documentation and correspondence associated with the complaint with a narrative and timeline of efforts made to resolve the complaint.
- The Program Coordinator will debrief the AAA Program Manager of the complaint resolution proceedings that have taken place thus far and provide copies of all documentation and correspondence associated with the complaint.

2. Second Level of Resolution: Meeting with the AAA Program Manager

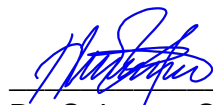
- Upon receipt of the formal complaint letter, the AAA Program Manager will review the merits of the claims raised in the service provider's complaint by examining the laws, regulations, or policies cited in the letter. Documents and correspondence associated with the complaint will also be reviewed.
- The AAA Program Manager will set up a meeting with the contractor or applicant service provider **within 10 business days** of the receipt of the formal complaint letter. The AAA Program Manager will discuss the complaint at length with the Service Provider or applicant service provider.
- The AAA Program Manager will render a decision in writing and send it to the service provider **within 10 business days** of the meeting with the complainant. The following will be included in the AAA Program Manager's decision letter:
 - a. The service provider has an option to ask that the decision be reviewed by the AAA Director
 - b. The request for the AAA Director review must be submitted in writing **within 10 business days** of receiving the AAA Program Manager's decision.

3. Final Level of Resolution: Meeting with the AAA Director

Upon notification that the Service Provider has requested a review of the AAA Program Manager's decision on the formal complaint filing, the AAA Director shall:

- Review the AAA Program Manager decision **within 10 business days** of the receipt of the letter requesting a meeting with the AAA Director.
- Seek legal consultation, as necessary, regarding the complaint and request for review.
- Render a final decision in writing **within 30 business days** from the receipt of the request for the AAA Director's review. Include a Notice Regarding Possible Adverse Determination and Right to Appeal and attached code sections (Attachment). These code sections contain the information regarding a request for a hearing with the California Department of Aging.
- Send a copy of the AAA Director decision letter to the Social Services Division Director, AAA Program Manager, and AAA Program Coordinator.

For questions regarding this Program Memo, please email: aaaprogram@ad.lacounty.gov



Dr. Solomon Shibeshi, Program Manager

LT:LCS:AA:ss

Attachment

c:

Anna Avdalyan



LOS ANGELES COUNTY
AGING AND DISABILITIES DEPARTMENT
AREA AGENCY ON AGING



Attachment

Notice Regarding Adverse Determination and Possible Right to Appeal and Request a Hearing with the California Department of Aging

You have exhausted all Area Agency on Aging (AAA) complaint resolution and appeal procedures. You may have a right to a State hearing with the California Department of Aging if the AAA decision is considered an Adverse Determination [22 CCR 7704]. The following are all the relevant code sections from Code of Regulations (CCR) Title 22: 22 CCR 7700 General Provisions

The Department shall provide an opportunity for a hearing only when both of the following conditions exist:

- (a) The issue to be appealed falls within one of the categories listed in this article.
- (b) All of the procedures specified in this article are strictly followed.

Note: Authority cited: Sections 9102 and 9105, Welfare and Institutions Code. Reference: 42 U.S.C. 3025(b)(5)(C) and 3027(a)(5); and 45 CFR 1321.29(c) and 1321.35(a).

22 CCR 7702 Definitions

- (a) "Adverse determination" means a determination or decision by the Department or an AAA that corresponds to one of the issues in Section 7704.
- (b) "Appellant" means an entity who is appealing an adverse determination.
- (c) "Applicant service provider" means an entity, in response to a solicited proposal by an AAA to provide services that submits an application to provide services under a PSA plan. An entity that submits an unsolicited application to provide services is not an applicant under this section and does not have a right to request a hearing.
- (d) "Departmental Hearing Officer" means a staff member of the Department who presides over a hearing when there is an appeal.
- (e) "Existing Service Provider" means an entity that presently is under contract or sub grant with an AAA to provide services under an approved Area plan.
- (f) "External Hearing Officer" means an attorney who is retained by the Department to preside over a hearing when there is an appeal and who is not employed by the Department in any other capacity.
- (g) "Respondent" means the entity against which the appeal is taken, either the Department or an AAA.

Note: Authority cited: Sections 9102 and 9105, Welfare and Institutions Code. Reference: 42 U.S.C. 3002(17), 3002(40), 3022(2), 3025(b)(5)(C) and 3027(a) (5); and 45 CFR 1321.29(c) and 1321.35(a).

22 CCR 7704 Adverse Determinations

Only the actions specified below shall be considered adverse determinations that are subject to a hearing upon request:

- (a) The Department's denial of an application for designation as a PSA from any of the following:
 - (1) A unit of general purpose local government.
 - (2) A region within the State recognized for area wide planning.
 - (3) A metropolitan area.
 - (4) An Indian reservation(s).
- (b) Any of the following actions taken by the Department against an AAA:
 - (1) The disapproval of its Area plan or plan amendment.
 - (2) The withholding, suspension, or termination of its funds, including cancellation of its contract.
 - (3) The revocation of its designation as an AAA.
- (c) Any of the following actions taken by an AAA once the administrative remedies through the AAA have been exhausted:
 - (1) A reduction in the level of funding to an existing service provider during a contract or sub grant period. However, a reduction directly attributable to a reduction in the funding to AAAs by the State or federal government shall not be considered an adverse determination.
 - (2) A cancellation or termination of an existing service provider's contract or sub grant prior to the contractor's or subgrant's expiration date.
 - (3) The denial of an application to provide services from an applicant service provider when any of the following exist:
 - (A) The presence of a conflict of interest, real or apparent, as specified in 45 CFR 92.36(b) (3)
 - (B) The occurrence of a procedural error or omission, such as the failure of an AAA to include a federal mandate in its solicitation request.
 - (C) The lack of substantial evidence to support an AAA's action.

Note: Authority cited: Sections 9102 and 9105, Welfare and Institutions Code. Reference: 42 U.S.C. 3025(b)(5)(C), 3026(e) and 3027(a)(5); and 45 CFR 1321.29(c) and 1321.35(a).

22 CCR 7706 Notice of Adverse Determination

A notice of adverse determination from the Department or an AAA shall meet all of the following conditions:

- (a) Be in writing and delivered by either of the following methods:
 - (1) Faxed with a mailed follow-up original.

- (2) Certified or overnight mail, return receipt requested.
- (b) Describe the grounds for the adverse determination in sufficient detail to enable the entity to respond.
- (c) Include all of the following information:
 - (1) The reason(s) for the adverse determination.
 - (2) The evidence on which the adverse determination is based.
 - (3) The effective date of the adverse determination.
 - (4) The legal or contractual citation upon which the adverse determination is based.
 - (5) A citation to, or copy of, the hearing process to be followed, including the entity's right to a hearing and the time period in which to request a hearing.
 - (6) In addition, a AAA shall include in its final notice of adverse determination to an existing service provider or an applicant service provider a statement that all appeal procedures have been exhausted.

Note: Authority cited: Sections 9102 and 9105, Welfare and Institutions Code. Reference: 42 U.S.C. 3025(b)(5)(C) and 3027(a)(5); and 45 CFR 1321.29(c) and 1321.35(a).

22 CCR 7710 Deadline for Requesting a Hearing

- (a) An existing service provider or applicant service provider shall submit its written request for hearing to the Department within 30 calendar days from the date of receipt of the AAA's final adverse determination.
- (b) All other appellants shall submit their written request within 30 days of receipt of the Department's notice of adverse determination.

Note: Authority cited: Sections 9102 and 9105, Welfare and Institutions Code. Reference: 42 U.S.C. 3025(b)(5)(C) and 3027(a)(5); and 45 CFR 1321.29(c) and 1321.35(a).

22 CCR 7712 Granting or Denial of a Request for a Hearing

- (a) Within 5 calendar days of receipt of a request for a hearing, the Director shall review the request and take one of the following actions:
 - (1) Grant the request, if the appellant has followed all procedures and the Director has determined the issue is one of those specified in Section 7704, and appoint one of the following to preside over the hearing:
 - (A) An external hearing officer when the appellant is appealing an adverse determination by the Department.
 - (B) A departmental hearing officer(s) when the appellant is appealing an adverse determination by an AAA.
 - (2) Deny the request if the appellant has not followed all procedures or the Director has determined that the issue is not one of those specified in Section 7704. A written denial explaining the reasons for the action shall be mailed to the appellant.

- (b) The granting of a hearing shall not stay the effective date of the proposed adverse determination until a final decision is rendered, unless either of the following circumstances exist:
 - (1) Federal law or regulation requires that the action be stayed.
 - (2) The Department, based upon the particular situation determines that a stay is warranted. In making its determination, the Department shall consider such factors as the reasons for the adverse determination and the effect of the adverse determination on the provision of services to older individuals residing in the PSA.
- (c) The hearing officer, in conjunction with the Department shall:
 - (1) Unless a later date is mutually agreed upon by all parties, schedule the hearing for no later than either of the following:
 - (A) Ten calendar days from the date the request for a hearing is granted by the Director, when there is an immediate threat to the public's health, safety or general welfare.
 - (B) Twenty calendar days from the date the request for a hearing is granted by the Director, when there is no immediate threat to the public's health, safety or general welfare.
 - (2) Provide written notice of the hearing via fax, followed by a mailed original, or certified or overnight mail, return receipt requested, to the appellant and the respondent. The notice of hearing shall specify the location, date, and time of the hearing.

22 CCR 7714 Hearing Officer Function and Authority

- (a) The hearing officer's primary function shall be to determine either, or both, of the following. Whether the:
 - (1) Adverse determination being appealed violates the provisions of the Area Plan, department or area agency policies, contract, or grant terms, rules, laws, regulations, or procedural due process.
 - (2) Selection of a bidder was arbitrary, capricious, grossly erroneous, or an abuse of discretion.
- (b) The hearing officer's authority and power shall include, but not be limited to, all of the following:
 - (1) Holding conferences, including pre-hearing conferences, to settle, simplify, or fix the issue in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceedings.
 - (2) Requiring parties to state their position with respect to the various issue(s) in the proceeding.
 - (3) Directing the parties to exchange their evidentiary exhibits and witness lists, and narrative summaries of their expected testimony, either prior to or during the hearing.

- (4) Determining the order of evidentiary presentation.
 - (5) Deciding procedural matters.
 - (6) Regulating the course of the hearing, including the location, date, and time.
 - (7) Examining witnesses.
 - (8) Fixing the limits for submission of written documents.
 - (9) Taking any action authorized by this hearing procedure.
 - (10) Recording the hearing.
- (c) The hearing officer shall do all of the following:
- (1) Conduct a fair and impartial hearing.
 - (2) Take all necessary actions to avoid delay.
 - (3) Maintain decorum.
- (d) Strict rules of evidence shall not be applicable to hearings pursuant to this article. However, the scope of testimony shall be relevant to the issue(s) identified in the written request for hearing.
- (e) The Department may terminate the hearing process if the parties negotiate a written agreement which resolves the issue(s).

Note: Authority cited: Sections 9102 and 9105, Welfare and Institutions Code. Reference: 42 U.S.C. 3025(b)(5)(C) and 3027(a) (5); and 45 CFR 1321.29(c) and 1321.35(a).

22 CCR 7716 Decision of the Hearing Officers

- (a) The hearing officer(s) shall prepare a written proposed decision which shall include findings of fact and conclusions based thereon and a recommended proposed decision to the Director. The proposed decision shall be forwarded to the Director within 10 calendar days from the close of the hearing.
- (b) The Director shall review and consider the proposed decision and take one of the following actions:
 - (1) Adopt the proposed decision as the final decision.
 - (2) Modify the proposed decision as the final decision.
 - (3) Write a new final decision.
 - (4) Remand the proposed decision to the hearing officer(s).
- (c) The Director shall notify the parties in writing by certified or overnight mail, return receipt requested, of the final decision within ten calendar days from the date that the proposed decision was submitted to the Director.
- (d) Each final decision shall include either of the following, as appropriate:
 - (1) A statement that the Director's decision is final and no other administrative remedies are available.
 - (2) An explanation of the appellant's right pursuant to federal law and regulation to appeal the decision to the Commissioner or Assistant Secretary.

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July 2023

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Note: Authority cited: Sections 9102 and 9105, Welfare and Institutions Code. Reference: 42 U.S.C. 3025(b)(5)(C) and 3027(a)(5); and 45 CFR 1321.29(c) and 1321.35(a).