

POLICY AND PROCEDURE	
TITLE: Legal Claims and Judicial Review	
DEPARTMENT POLICY OWNER: Compliance	POLICY #: CMP30
IMPACTED DEPARTMENT(S): Check all departments impacted by this policy	
<input type="checkbox"/> Administration <input type="checkbox"/> Claims <input type="checkbox"/> Compliance <input type="checkbox"/> Customer Service <input type="checkbox"/> External Affairs <input type="checkbox"/> Facilities <input type="checkbox"/> Finance	<input type="checkbox"/> Human Resources <input type="checkbox"/> Information Technology <input type="checkbox"/> Marketing <input type="checkbox"/> Medical Management <input type="checkbox"/> Provider Networks <input type="checkbox"/> Project Management <input checked="" type="checkbox"/> ALL
EFFECTIVE DATE: 11/01/21	REVIEW/REVISION DATE: 10/21
COMMITTEE APPROVAL DATE: PRC:11/21	RETIRE DATE: MM/YY
PRODUCT TYPE: Medi-Cal	REPLACES: Policy # and Policy Title

I. PURPOSE

To set forth the process for the presentation of claims to the Health Plan of San Joaquin (HPSJ) in compliance with this Policy, [Division 3.6 of Title 1 of the California Government Code](#) (CGC), and all applicable statutes and regulations. [Section 1094.6 of the California Code of Civil Procedure](#) (CCCP) shall govern cases involving judicial review.

II. POLICY

- A. **General:** As a public agency, HPSJ is subject to [Division 3.6 of Title 1 of the California Government Code](#), pertaining to claims against public agencies. Any claims against HPSJ for money or damages, which are not governed by any other statutes or regulations expressly relating thereto, shall be presented in accordance with Title 1, Division 3.6, Part 3, [Chapter 1](#) (commencing with Section 900) and [Chapter 2](#)

(commencing with Section 910) of the CGC, prior to initiating suit thereon.

- B. **Claims Presentation:** Except as provided in Section II.A, claims presented to HPSJ, shall be handled in accordance with this Policy. These written claims include but are not limited to Verified Claims, Notice of Intent to Sue, Summons and Complaints, and all documents which have the potential to meet the criteria for a claim against a public entity as defined in CGC Sections 910 and 910.2. The written claim shall contain sufficient information so the HPSJ can conduct a thorough investigation. Claims shall be submitted to HPSJ Standards and Compliance at 7751 S. Manthey Road, French Camp, CA 95231.
- C. **Excepted Claims:** In accordance with the authority set forth in CGC Section 935, the claims procedures for those claims against HPSJ for money or damages, which are excepted from the claims presentation requirement by CGC Section 905 and not governed by other statutes or regulations expressly relating thereto, are governed by the procedures set forth in this Policy. Notwithstanding any exceptions contained in Section 905 of the CGC, no action based on a claim or demand for money or damages shall be brought against HPSJ, or any of HPSJ Commission members, officers, employees, or agents, unless presented to, and acted upon by, the Commission, as provided herein.
- D. **Timeliness:** All claims shall be presented within the time limitations and in the manner prescribed by Sections 910 through 915.2 of the CGC. Such claims shall further be subject to the provisions of Section 945.4 of the CGC relating to the prohibition of suits in the absence of presentation of claims and action thereon by the HPSJ Health Commission.
- E. **Late and Insufficient Claims**
 - a. If the Chief Executive Officer (CEO), or his or her designee upon the CEO's unavailability, determines that a claim fails to comply substantially with the presentation requirements of CGC 910 and 910.2, or with the requirements of a form provided under CGC Section 910.4 if a claim is presented thereto, the designee may give written notice of its insufficiency in accordance with CGC 910.8 and 915.4.
 - b. When a claim is not presented within the time limits prescribed in CGC Section 911.2, the CEO or his or her designee upon the CEO's unavailability, is authorized to return the claim without further action, in accordance with CGC Section 911.3 for claims required to be filed within six (6) months or reject the claim in accordance with CGC Section 913 for all other claims.

- c. Timely filing of a proper claim in accordance with this policy and procedure is a condition precedent to the maintenance of any action against HPSJ.
- F. **Small Claims:** In the cases of small claims actions brought against HPSJ which personally name an individual who has no personal knowledge of the claim, it is permissible to substitute a representative with more personal knowledge of court appearances.
- G. **Delegated Functions of the Health Commission and Settlement Authority**
 - a. Claims Against HPSJ
 - 1) The CEO, or his/her designee upon the CEO's unavailability, is authorized to perform the functions of the Health Commission which are specified in Part 3 of Division 3.6 of Title 1 of the CGC.
 - 2) Such delegation includes the rejection and the allowance, compromise, or settlement of any claims if the amount to be paid from HPSJ's treasury does not exceed the amount as specified in [CGC 935.4](#) in effect at the time of decision. Notwithstanding the foregoing, any allowance, compromise, or settlement of any claim in which the amount to be paid from HPSJ's treasury exceeds the department executive signing authority, as specified in [CGC 935.4](#) in effect at the time of decision, shall be approved personally by the CEO, rather than his or her designee.
 - b. Actions Against HPSJ: Consistent with Sections 913 of Part 3 and 949 of Part 4 of Division 3.6 of Title 1 of CGC:
 - 1) The CEO, with the assistance of legal counsel(s), is authorized to compromise any pending action if the amount to be paid from HPSJ's treasury does not exceed the CEO signing authority as specified in [CGC 935.4](#) in effect at the time of decision.
 - 2) The Health Commission may on a case-by-case basis authorize its CEO, with the assistance of legal counsel, to compromise any pending action where the amount to be paid from HPSJ's treasury exceeds the CEO signing authority amount as specified in [CGC 935.4](#) in effect at the time of decision.
 - c. The CEO or his/her designee shall report settlements to the Health Commission, at a minimum, once per year.
- H. **Judicial Review:** In compliance with Section 1094.6 of the CCCP, petitions for judicial review of any decision made by HPSJ must be filed within ninety (90) days after the action is final.

- I. **Claim Form:** In accordance with CGC Section 910.4, HPSJ shall maintain and provide a claim form for the public's use, which form is attached here to as Exhibit A. All claims presented to HPSJ must be submitted on HPSJ's claim form pursuant to CGC Section 910.4, or in a form that substantially complies with the claims filing requirements of CGC Sections 910 and 910.2. The CEO shall have the authority to revise the claim form from time to time as s/he deems necessary.
- J. **Exhaustion of Administrative Remedies:** Nothing herein is intended to diminish, eliminate, or waive any legal or contractual obligation to exhaust HPSJ's administrative remedies prior to the presentation of a claim pursuant to this Policy.

III. PROCEDURE

Follow all applicable procedures outlined in the [California Code of Civil Procedure, Section 1094.6](#) and [California Government Code, Title 1, Division 3.6](#).

IV. ATTACHMENT(S)

- A. Exhibit A Claims for Damage or Injury
- B. [Glossary of Terms Link](#)

V. REFERENCES

- A. [California Code of Civil Procedure, Section 1094.6](#)
- B. [California Government Code, Title 1, Division 3.6](#), Sections 900-915.2, 935, 935.4, 945.4, and 949, 28 and all applicable statutes and regulations.

VI. HEALTH COMMISSION APPROVALS

Meeting Date	Meeting Name	Decision
10/27/21	October 2021 Regular Health Commission Meeting	Pending

VII. REVISION HISTORY

STATUS	DATE REVISED	REVISION SUMMARY
Created	10/06/21	Create a policy to specify HPSJ's policy in the adherence of legal claims and judicial review processes per CGC and CCCP.
Reviewed	10/07/21	Minor language modifications by HPSJ Legal Counsel
Reviewed	10/09/21	<p>CEO Review: Unless required, let's strike the following, which would not prevent us from periodically updating the Commission, in closed session and/or under attorney-client privilege.</p> <p>3) The CEO or his/her designee shall periodically report such actions to the Health Commission.</p> <p>Reference the amount in FIN14 instead of the \$50K limit, assuming you've confirmed that the \$50K is not some required limit in statute.</p>
Final Draft	10/14/21	<p>CCO: Added the following:</p> <p>The CEO, with the consultation of legal counsel(s), is authorized to reject any pending actions against HPSJ with a timely written notice containing languages as outlined in CGC 913.</p> <p>Change the amount allowed by CEO authority to \$50K that is consistent with CGC 935.4.</p>
ET Review		