



SUBJECT

Expedited Appeals

PIN: 47

Effective: 2/21/12



PURPOSE

The purpose of this Policy Intent Notice is to establish an expedited procedure for the appeal of certain monetary penalties and regulatory decisions under the purview of the Hospital Building Safety Board (HBSB). This expedited procedure applies to appeals of monetary penalties assessed pursuant to California Health and Safety Code Section 130061(g).

POLICY

Any facility or individual that is subject to a monetary assessment pursuant to California Health and Safety Code Section 130061(g) may appeal the decision.

PROCEDURE

Appeals shall be filed with OSHPD in writing within ten (10) business days of the adverse action and shall specifically describe the matters which are disputed by the petitioner. Failure to file a written appeal within the time specified above constitutes a waiver of the petitioner's right to an appeal on the matter.

A hearing on an appeal shall be held before a subcommittee of the HBSB chosen by the Chairperson for this purpose. The "Subcommittee" shall consist of two HBSB members selected as follows: (1) the Chairperson shall solicit a panel of volunteers from the HBSB membership available to participate in the appeal hearing; (2) the Chairperson shall select two HBSB members from the volunteer panel to serve on the Subcommittee. Petitioner shall be given written notice of the date, location, and time of the hearing at least five (5) business days in advance of the hearing.

At the hearing, the formal rules of evidence shall not apply. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. The hearing shall be recorded, unless the petitioner agrees to provide a certified shorthand reporter at petitioner's sole expense. A copy of the recording or of the transcript, if made, shall be a public record available to any person upon request consistent with the requirements of the Public Records Act.

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At the conclusion of the hearing, the Subcommittee shall prepare a recommended decision which includes findings of fact, and explains the basis for the decision by the Subcommittee. The Chairperson shall ensure that the recommended decision is placed on the agenda of an appropriate committee of the HBSB for consideration at a publicly noticed meeting. At the public meeting, the committee may adopt the Subcommittee's recommended decision, modify the decision, or reverse the decision. The decision of the committee shall be final upon announcement at the committee meeting.

<u>Original Signed</u>	<u>02/17/12</u>
Paul Coleman	Date