

12056 COMPETITIVE PROBLEMS IN THE DRUG INDUSTRY

1300.10.16

SOCIAL SECURITY

TITLE 22

(Register 74, No. 18—5-4-74)

(9) Any interested party may in accordance with the Administrative Procedure Act petition the Department requesting the repeal of a regulation or a portion of a regulation fixing an MAIC. Such petition shall state clearly and concisely the substance or nature of the repeal requested and the reason for the request. The Department shall within thirty (30) days deny the petition in writing or schedule the matter for public hearing pursuant to the provisions of the Administrative Procedure Code.

(10) The Director may order a reconsideration of all or part of the case on his own motion. The establishment of the MAIC may be reconsidered by the Director on all the pertinent parts of the record and such additional evidence and argument as is presented.

(11) Judicial review of any finding, determination, rule, ruling or order prescribing an MAIC may be had pursuant to the provisions of Section 1094.5 of the Code of Civil Procedure or any other appropriate remedy.

In reviewing regulations prescribing MAICs, the superior court may exercise its independent judgment on the evidence considered by the Director in adopting any MAIC.

History: 1. Repealer and new section added 8-1-73 as an emergency; designated effective 8-10-73 (Register 73, No. 31). For prior history, see Register 72, No. 5.
2. Repealer and new section filed 12-6-73 as an emergency; designated effective 12-6-73 (Register 73, No. 49).
3. Certificate of Compliance filed 4-3-74 (Register 74, No. 14).
4. Amendment filed 4-30-74; effective thirtieth day thereafter (Register 74, No. 18).

51513.3. Maximum Allowable Ingredient Cost. (a) Paragraph (b) is an alphabetical list of generic drug types and medical supply type codes covered under Sections 51513, 51413, and 51320 for which payment shall be made in accordance with Sections 51513 and 51520.