



May 26, 2026

Mr. Rajiv Narayan
Office of the County Counsel
County of Santa Clara
70 West Hedding Street
San Jose, CA 95110

And Parties, Interested Parties, and Interested Persons (See Mailing List)

Re: Proposed Decision on the Request for Reconsideration of an Adopted Decision, 25-RAD-01

Child Physical Abuse and Neglect Exams, 24-TC-05

Statutes 2023, Chapter 841 (AB 1402); Penal Code Section 11171(f)
County of Santa Clara, Claimant

Dear Mr. Narayan:

The Proposed Decision on the Request for Reconsideration of an Adopted Decision for the above-captioned matter is enclosed for your review.

Hearing: This matter is set for hearing on **Friday, June 12, 2026, in person at 10:00 a.m., at California Department of Food and Agriculture (CDFA), First Floor Auditorium, 1220 N Street, Sacramento, California, 95814 and via Zoom.**

The Commission is committed to ensuring that its public meetings are accessible to the public and that the public has the opportunity to observe the meeting and to participate by providing written and verbal comment on Commission matters whether they are physically appearing at the in-person meeting location or participating via Zoom. If you want to speak during the hearing and you are in-person, please come to the table for the swearing in and to speak when your item is up for hearing. If you are participating via Zoom, you must use the "Raise Hand" feature in order for our moderators to know you need to be unmuted.

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Testimony at the Commission Hearing: If you plan to address the Commission on an agenda item, please notify the Commission Office **not later than noon on the Tuesday prior to the hearing, June 9, 2026**. Please also include the names of the people who will be speaking for inclusion on the witness list and the names and email addresses of the people who will be speaking both in person and remotely to receive a hearing panelist link in Zoom. When calling or emailing, please identify the item you want to testify on and the entity you represent. The Commission Chairperson reserves the right to impose time limits on presentations as may be necessary to complete the agenda.

Time to File Written Comments: Any person may submit comments in writing on any agenda item by filing them in accordance with section 1181.3 of the Commission's regulations. If you plan to file any written document, please note that comments filed at least 15 days in advance of the meeting shall be included in the Commissioners' hearing binders, a copy of which is available for public viewing at the Commission meeting. Additionally, comments filed more than five days in advance of the meeting shall be included in the Commission's meeting binders, if feasible, or shall be provided to the Commission when the item is called, unless otherwise agreed by the Commission or the executive director. (Cal. Code Regs., tit. 2, § § 1181.3 and 1181.10(b)(1)(A-B)).

However, written comments filed less than five days in advance of the meeting, the commenter shall electronically file (or e-file) a PDF copy with the Commission via the Commission's e-filing system, available on the Commission's website <https://www.csm.ca.gov/dropbox.shtml> at least 24 hours prior to the meeting.

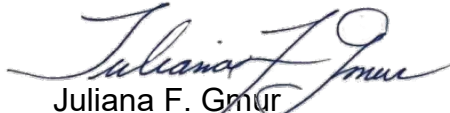
Commission staff shall provide copies of the comments to the Commission and shall place a copy on a table for public review when the item is called or, in the case of participation via teleconference, shall provide an electronic copy to the Commission and post a copy on the Commission's website, and may share the document with the Commission and the public using the "share" function. (Cal. Code Regs., tit. 2, § § 1181.3 and 1181.10(b)(1)(C)).

Mr. Narayan
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Postponement: If you would like to request postponement of the hearing, please refer to section 1187.9(b) of the Commission's regulations.

Special Accommodations: For any special accommodations such as a sign language interpreter, an assistive listening device, materials in an alternative format, or any other accommodations, please contact the Commission Office at least five to seven working days prior to the meeting.

Very truly yours,



Juliana F. Gmur
Executive Director

ITEM 2
REQUEST FOR RECONSIDERATION OF AN ADOPTED DECISION
PROPOSED DECISION

25-RAD-01

Child Physical Abuse and Neglect Exams, 24-TC-05

Penal Code Section 11171(f)

Statutes 2023, Chapter 841 (AB 1402), Effective January 1, 2024

County of Santa Clara, Requester

EXECUTIVE SUMMARY

Overview

Pursuant to Government Code section 17559(a) and section 1187.15 of the Commission on State Mandates (Commission's) regulations, the County of Santa Clara (claimant and requester) filed a Request for Reconsideration of an Adopted Decision (RAD) for the Test Claim Decision, *Child Physical Abuse and Neglect Exams, 24-TC-05*.¹

In ruling on the Test Claim Decision, the Commission had found partially reimbursable costs by a vote of 5-1 with one member abstaining.²

The requester now asks that the Commission order a Reconsideration of an Adopted Test Claim Decision to amend it such that the "Decision the Commission ultimately adopts should treat all child abuse exams the same, regardless of insurance status,"³ based on the following three arguments:

1. The Adopted Decision errs in concluding that the test claim statute does not impose any new activities or a higher level of service on counties.
2. The Adopted Decision errs in speculating that an amended test claim pleading SB 580 (2002)⁴ would have addressed the claimant's concerns.

¹ Exhibit A, Request for Reconsideration of an Adopted Decision.

² Exhibit A, Request for Reconsideration of an Adopted Decision, page 23 (Test Claim Decision).

³ Exhibit A, Request for Reconsideration of an Adopted Decision, page 5.

⁴ On page 3 of Exhibit A, Request for Reconsideration of an Adopted Decision, the requester uses the years 2022 and 2002 to describe SB 580. The second notation to the bill is correct. SB 580 refers to Statutes 2002, chapter 249 (SB 580), which originally added Penal Code section 11171 in 2002, as the requester states.

3. The Adopted Decision will force counties to subsidize private medical insurance companies to further a State policy.⁵

Reconsideration is a two-step hearing process. Before the Commission considers the merits of a RAD, Commission staff must prepare a written analysis and recommend whether the RAD should be granted.⁶ Reconsideration may *not* be granted based on allegations that the decision is based on a mistake in law. The Commission may order a reconsideration or amend all or part of an adopted decision on a test claim “only upon a showing of new or different facts, circumstances, or law, or a clerical error”⁷ that is “likely to support an amendment to the findings or conclusions in the adopted decision on the test claim.”⁸ Five affirmative votes are required to grant the RAD and schedule the matter for a hearing on the merits.⁹

Staff recommends that the Commission decline to hear this RAD because the requester has set forth no new or different facts, new law, new circumstances, or clerical error as required by the Commission’s regulations.

Procedural History

On December 31, 2024, the requester filed the Test Claim entitled *Child Physical Abuse and Neglect Exams*, 24-TC-05.¹⁰ In response, the Department of Finance (Finance) submitted comments on April 10, 2025, and the Kern County Department of Human Services filed late comments on April 11, 2025.¹¹ The requester filed rebuttal comments on May 7, 2025.¹²

Commission staff issued the Draft Proposed Decision on September 26, 2025.¹³ The requester filed comments on the Draft Proposed Decision on October 7, 2025¹⁴ and

⁵ Exhibit A, Request for Reconsideration of an Adopted Decision, pages 2-5.

⁶ California Code of Regulations, title 2, section 1187.15(e).

⁷ California Code of Regulations, title 2, section 1187.15(a).

⁸ California Code of Regulations, title 2, section 1187.15(e).

⁹ California Code of Regulations, title 2, section 1187.15(e).

¹⁰ Exhibit A, Request for Reconsideration of an Adopted Decision, page 29 (Test Claim Decision).

¹¹ Exhibit A, Request for Reconsideration of an Adopted Decision, page 29 (Test Claim Decision).

¹² Exhibit A, Request for Reconsideration of an Adopted Decision, page 29 (Test Claim Decision).

¹³ Exhibit A, Request for Reconsideration of an Adopted Decision, page 29 (Test Claim Decision).

¹⁴ Exhibit A, Request for Reconsideration of an Adopted Decision, page 29 (Test Claim Decision).

Commission staff issued the Proposed Decision on January 26, 2026, to be heard on February 13, 2026.¹⁵

The requester filed additional comments on the Proposed Decision on January 28, 2026¹⁶ and Commission staff issued a Revised Proposed Decision on February 2, 2026.¹⁷

The Commission adopted its Decision on February 13, 2026.¹⁸ Commission staff served the adopted Decision on the requester on February 18, 2026.¹⁹

The requester filed this RAD on March 9, 2026.²⁰ On March 10, 2026, the RAD was served to those on the mailing list for this Test Claim, and a Notice of Hearing was issued for April 10, 2026 which was rescheduled and reissued for June 12, 2026. There is no comment period at this stage.²¹ If the RAD is granted, comment will become available on the draft proposed decision issued prior to the subsequent hearing on the merits.²²

Commission Responsibilities

Government Code section 17559(a) and section 1187.15 of the Commission's regulations authorize the Commission, within a limited timeframe, to order a reconsideration of all or part of an adopted test claim decision on petition of any party: "The commission may order a reconsideration of all or part of a test claim or incorrect reduction claim of any party."²³

Reconsideration is a two-step hearing process. Before the Commission considers a RAD, Commission staff must prepare a written analysis and recommend whether the RAD should be granted.²⁴ The Commission may order a reconsideration or amend all

¹⁵ Exhibit A, Request for Reconsideration of an Adopted Decision, page 30 (Test Claim Decision).

¹⁶ Exhibit A, Request for Reconsideration of an Adopted Decision, page 30 (Test Claim Decision).

¹⁷ Exhibit A, Request for Reconsideration of an Adopted Decision, page 30 (Test Claim Decision).

¹⁸ Exhibit A, Request for Reconsideration of an Adopted Decision, page 23 (Test Claim Decision).

¹⁹ Exhibit A, Request for Reconsideration of an Adopted Decision, page 23 (Test Claim Decision).

²⁰ Exhibit A, Request for Reconsideration of an Adopted Decision, page 1.

²¹ California Code of Regulations, title 2, section 1187.15(e).

²² California Code of Regulations, title 2, section 1187.15(f)(1)(A)-(B).

²³ Government Code section 17559(a).

²⁴ California Code of Regulations, title 2, section 1187.15(e).

or part of an adopted decision on a test claim “only upon a showing of new or different facts, circumstances, or law, or a clerical error”²⁵ that is “likely to support an amendment to the findings or conclusions in the adopted decision on the test claim.”²⁶ Five affirmative votes are required to grant the RAD and schedule the matter for a hearing on the merits.²⁷

If the Commission grants the RAD, Commission staff must then prepare a draft proposed decision on the merits and issue it for comment.²⁸ The subsequent hearing on the merits must then be conducted to determine if the adopted decision in question must be revised to correct for “a clerical error or new or different facts, circumstances, or law.”²⁹ Five affirmative votes are again required to revise a previously adopted decision.³⁰

Claims

The following chart provides a brief summary of the claims and issues raised and staff’s recommendation.

Issue	Description	Staff Recommendation
Was the Request for Reconsideration of an Adopted Decision timely filed?	Section 1187.15(a) of the Commission’s regulations provides: (a) Notwithstanding section 1187.11(b) of these regulations, the Commission may order a reconsideration or amend all or part of an adopted decision on a test claim (including a new test claim decision adopted pursuant to a mandate redetermination) or incorrect reduction claim on petition of any party, interested party, or Commission member only upon a showing of new or different facts,	<i>Yes, timely filed –</i> This Request for Reconsideration of an Adopted Decision was filed on March 9, 2026, which is within 30 days from February 18, 2026, the date the requester was served with the adopted Test Claim Decision. Because the Request for Reconsideration of an Adopted Decision was automatically stayed 30 days from the expiration of the 30-day period after the adopted decision was

²⁵ California Code of Regulations, title 2, section 1187.15(a).

²⁶ California Code of Regulations, title 2, section 1187.15(e).

²⁷ California Code of Regulations, title 2, section 1187.15(e).

²⁸ California Code of Regulations, title 2, section 1187.15(f)(1)(A)-(B).

²⁹ California Code of Regulations, title 2, section 1187.15(f).

³⁰ California Code of Regulations, title 2, section 1187.15(f)(2).

Issue	Description	Staff Recommendation
	<p>circumstances, or law, or a clerical error. The power to order a reconsideration or amend an adopted decision on a test claim or incorrect reduction claim shall expire 30 days after the adopted decision is served on the claimant or requester. If additional time is needed to evaluate a petition for reconsideration filed before the expiration of the 30-day period, the Commission may grant a stay of that expiration for no more than 30 days, solely for the purpose of considering the petition. A request for reconsideration shall be deemed automatically stayed for the 30-day period. If no action is taken on a petition within the time allowed for ordering reconsideration, the petition shall be deemed denied.</p>	<p>served on the requester, the Commission’s power to order a reconsideration expires 60 days from February 18, 2026, which is April 20, 2026.</p>
<p>Has the requester satisfied the Commission’s regulatory requirement for a RAD by presenting new or different facts, new circumstances, new law, or clerical error likely to support an amendment to the findings or conclusions in the adopted decision on the Test Claim?</p>	<p>Reconsideration may <i>not</i> be granted based on allegations that the decision is based on a mistake in law. The Commission may order a reconsideration or amend all or part of an adopted decision on a test claim “only upon a showing of new or different facts, circumstances, or law, or a clerical error”³¹ which is “likely to support an amendment to the findings</p>	<p><i>Deny</i> - The requester’s arguments present no new facts, circumstances, law or clerical error. Analysis of the likeliness of supporting amendment is therefore not possible.</p>

³¹ California Code of Regulations, title 2, section 1187.15(a).

Issue	Description	Staff Recommendation
	<p>or conclusions in the adopted decision on the test claim.”³²</p> <p>Five affirmative votes are required to grant the RAD and schedule the matter for a hearing on the merits.³³</p>	
<p>Does the requester’s first argument provide new or different facts, new circumstances, new law, or clerical error as required by section 1187.15 of the Commission’s regulations?</p>	<p>The requester’s first argument is: “The Adopted Decision errs in concluding that the Test Claim Statute does not impose any new activities or a higher level of service on counties.”³⁴</p>	<p>No. The requester asserts no new or different facts, circumstances, law, or clerical error regarding whether new activities or higher level of service were required by the test claim statute. That question was thoroughly addressed in the Decision and at the Commission’s February 13, 2026, hearing.</p>
<p>Does the requester’s second argument provide new or different facts, new circumstances, new law, or clerical error as required by section 1187.15 of the Commission’s regulations?</p>	<p>The requester’s second argument is: “The Adopted Decision errs in speculating that an amended test claim pleading SB 580 (2002)³⁵ would have addressed the Claimant’s concerns.”³⁶</p>	<p>No. The requester asserts no new or different facts, circumstances, law, or clerical error in declaring its belief that an amended test claim pleading SB 580 (2002) would not have resulted in a full, rather than partial, test claim approval.</p>
<p>Does the requester’s third argument provide new or different facts, new</p>	<p>The requester’s third argument is: “The Adopted Decision will force counties</p>	<p>No. The requester asserts no new or different facts, circumstances, law, or</p>

³² California Code of Regulations, title 2, section 1187.15(e).

³³ California Code of Regulations, title 2, section 1187.15(e).

³⁴ Exhibit A, Request for Reconsideration of an Adopted Decision, page 2.

³⁵ On page 3 of Exhibit A, Request for Reconsideration of an Adopted Decision, the requester uses the years 2022 and 2002 to describe SB 580. The second notation to the bill is correct. SB 580 refers to Statutes 2002, chapter 249 (SB 580), which originally added Penal Code section 11171 in 2002, as the requester states.

³⁶ Exhibit A, Request for Reconsideration of an Adopted Decision, page 3.

Issue	Description	Staff Recommendation
circumstances, new law, or clerical error as required by section 1187.15 of the Commission's regulations?	to subsidize private medical insurance companies to further a State policy." ³⁷	clerical error in its last argument. Difficult financial circumstances are not new or relevant to the determination of reimbursement under the Constitution, as required. Article XIII B, section 6 of the California Constitution is not applied as an "equitable remedy to cure the perceived unfairness resulting from political decisions on funding priorities." ³⁸

Staff Analysis

This RAD is timely as it was filed on March 9, 2026, which is within 30 days from February 18, 2026, the date the requester was served with the adopted Test Claim Decision.³⁹ It is also complete as the requester stated their request and argument for reconsideration, and attached a copy of the contested Test Claim Decision and other referenced materials.⁴⁰ The diligence requirement, in this case, is inapplicable because it is a requirement regarding a party's behavior in belatedly marshalling *new* evidence or legal authority,⁴¹ but no new evidence or legal authority is presented in this RAD.

The requester argues the following:

1. The Adopted Decision errs in concluding that the Test Claim Statute does not impose any new activities or a higher level of service on counties.

³⁷ Exhibit A, Request for Reconsideration of an Adopted Decision, page 4.

³⁸ *County of Sonoma v. Commission on State Mandates* (2000) 84 Cal.App.4th 1264, 1281 citing *City of San Jose v. State of California* (1996) 45 Cal.App.4th 1802, 1817.

³⁹ Government Code section 17559(a); California Code of Regulations, title 2, section 1187.15(e); Exhibit A, Request for Reconsideration of an Adopted Decision, page 1.

⁴⁰ California Code of Regulations, title 2, section 1187.15(e); Exhibit A, Request for Reconsideration of an Adopted Decision.

⁴¹ California Code of Regulations, title 2, section 1187.15(e); *Baldwin v. Home Savings of America* (1997) 59 Cal.App.4th 1192, 1199.

2. The Adopted Decision errs in speculating that an amended test claim pleading SB 580 (2002)⁴² would have addressed the claimant's concerns.
3. The Adopted Decision will force counties to subsidize private medical insurance companies to further a State policy.⁴³

In response to the requester's three arguments:

1. The requester asserts no new or different facts, circumstances, law, or clerical error regarding whether new activities or higher level of service were required by the test claim statute. That question was thoroughly addressed in the Decision and at the Commission's February 13, 2026, hearing.⁴⁴
2. The requester asserts no new or different facts, circumstances, law, or clerical error in declaring its belief that an amended test claim pleading SB 580 (2002) would not have resulted in a full, rather than partial, test claim approval.
3. The requester asserts no new or different facts, circumstances, law, or clerical error in its last argument, which is that "the Adopted Decision will also adversely affect counties who are under tremendous financial strain" and "requires counties to subsidize the costs of private medical insurers."⁴⁵ The requester further asserts that certain federal funding has been cut as of July 1, 2025, causing "massive ongoing revenue loss."⁴⁶ For this argument, the requester cites one published decision interpreting Article XIII B, section 6's general intent to prevent transfer of financial responsibility from state to local government, a case which pre-dates the test claim and thus is not new law.⁴⁷ Nor are difficult financial circumstances new or relevant to the determination of reimbursement under the Constitution, as required. Article XIII B, section 6 of the California Constitution is not applied as an "equitable

⁴² On page 3 of Exhibit A, Request for Reconsideration of an Adopted Decision, the requester uses the years 2022 and 2002 to describe SB 580. The second notation to the bill is correct. SB 580 refers to Statutes 2002, chapter 249 (SB 580), which originally added Penal Code section 11171 in 2002, as the requester states.

⁴³ Exhibit A, Request for Reconsideration of an Adopted Decision, pages 2-5.

⁴⁴ Exhibit A, Request for Reconsideration of an Adopted Decision, pages 2, 42, and 62-63 (Test Claim Decision); Exhibit B, Excerpts of Reporter's Transcript of Proceedings, Hearing of Commission on State Mandates, February 13, 2026, pages 50 and 60-62.

⁴⁵ Exhibit A, Request for Reconsideration of an Adopted Decision, page 4.

⁴⁶ Exhibit A, Request for Reconsideration of an Adopted Decision, page 4.

⁴⁷ Exhibit A, Request for Reconsideration of an Adopted Decision, page 4 citing *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46.

remedy to cure the perceived unfairness resulting from political decisions on funding priorities.”⁴⁸

Conclusion

Based on the forgoing analysis, staff finds that this RAD fails to satisfy the requirements of section 1187.15 of the Commission’s regulations and should be denied.

Staff Recommendation

Staff recommends that the Commission deny this RAD and authorize staff to make any technical, non-substantive changes to the Proposed Decision following the hearing.

⁴⁸ *County of Sonoma v. Commission on State Mandates* (2000) 84 Cal.App.4th 1264, 1281 citing *City of San Jose v. State of California* (1996) 45 Cal.App.4th 1802, 1817.

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE REQUEST FOR
RECONSIDERATION OF AN ADOPTED
DECISION

Penal Code Section 11171(f)
Statutes 2023, Chapter 841 (AB 1402),
Effective January 1, 2024
Filed on March 9, 2026
County of Santa Clara, Requester

Case No.: 25-RAD-01

*Child Physical Abuse and Neglect
Exams, 24-TC-05*

DECISION PURSUANT TO
GOVERNMENT CODE SECTION 17500
ET SEQ.; CALIFORNIA CODE OF
REGULATIONS, TITLE 2, DIVISION 2,
CHAPTER 2.5, ARTICLE 7.

(Adopted June 12, 2026)

DECISION

The Commission on State Mandates (Commission) heard and decided this Request for Reconsideration of an Adopted Decision (RAD)⁴⁹ during a regularly scheduled hearing on June 12, 2026. [Witness list will be included in the adopted Decision.]

The law applicable to the Commission’s determination of a RAD is Government Code Section 17559(a), California Code of Regulations, title 2, section 1187.15, and related constitutional, regulatory, case, and common law.

The Commission [adopted/modified] the Proposed Decision as its Decision by a vote of [vote will be included in the adopted Decision], as follows⁵⁰:

Member	Vote
Lee Adams, County Supervisor	
Deborah, Gallegos, Representative of the State Controller	
Karen Greene-Ross, Public Member	
William Pahland, Representative of the State Treasurer, Vice Chairperson	
Michele Perrault, Representative of the Director of the Department of Finance, Chairperson	
Alexander Powell, Representative of the Director of the Governor’s Office of Land Use and Climate Innovation	

⁴⁹ Exhibit A, Request for Reconsideration of an Adopted Decision.

⁵⁰ An order for reconsideration requires five votes. “Five affirmative votes shall be required to grant the request for reconsideration and schedule the request for a second hearing on the merits.” California Code of Regulations, title 2, section 1187.15(e).

Summary of the Findings

Pursuant to Government Code section 17559(a) and section 1187.15 of the Commission's regulations, the County of Santa Clara has filed a RAD of the Test Claim Decision on *Child Physical Abuse and Neglect Exams*, 24-TC-05, adopted by the Commission on February 13, 2026. The Commission partially approved this Test Claim. The requester contends that the Decision needs to be reconsidered for full approval.

Reconsideration is a two-step hearing process. Before the Commission considers the merits of a requester's legal argument, the Commission must first decide *whether to hear* the RAD. The Commission may order a reconsideration or amend all or part of an adopted decision on a test claim "only upon a showing of new or different facts, circumstances, or law, or a clerical error"⁵¹ that is "likely to support an amendment to the findings or conclusions in the adopted decision on the test claim."⁵² A super-majority of five affirmative votes is required to grant the RAD and to schedule it accordingly for a hearing on the merits.⁵³

The Commission denies this RAD because the requester has shown no new or different facts, circumstances, or law, and has not shown a clerical error.

COMMISSION FINDINGS

I. Chronology

- 02/13/2026 The Commission partially approved *Child Physical Abuse and Neglect Exams*, 24-TC-05 by a 5-1 vote with one member abstaining.⁵⁴
- 02/18/2026 Commission staff served the Adopted Decision for *Child Physical Abuse and Neglect Exams*, 24-TC-05.⁵⁵
- 03/09/2026 The requester filed *Request for Reconsideration of an Adopted Decision*, 25-RAD-01 on the Adopted Decision for *Child Physical Abuse and Neglect Exams*, 24-TC-05.⁵⁶

⁵¹ California Code of Regulations, title 2, section 1187.15(a).

⁵² California Code of Regulations, title 2, section 1187.15(e).

⁵³ California Code of Regulations, title 2, section 1187.15(e).

⁵⁴ Exhibit A, Request for Reconsideration of an Adopted Decision, page 23 (Test Claim Decision).

⁵⁵ Exhibit A, Request for Reconsideration of an Adopted Decision, page 23 (Test Claim Decision).

⁵⁶ Exhibit A, Request for Reconsideration of an Adopted Decision.

03/10/2026 Commission Staff issued the Request for Reconsideration of an Adopted Decision and Notice of Hearing, setting the matter for the April 10, 2026 Commission meeting.⁵⁷

II. Background

Pursuant to Government Code section 17559(a) and section 1187.15 of the Commission's regulations, the requester asks that the Commission order a reconsideration of the Test Claim Decision adopted February 13, 2026, which partially approved *Child Physical Abuse and Neglect Exams*, 24-TC-05.⁵⁸ The Test Claim Decision was partially approved for only the following costs under article XIII B, section 6(c) of the California Constitution:

- Costs incurred for child physical abuse and neglect exams conducted in accordance with Penal Code section 11171, by the county's designated Sexual Assault Response Teams (SART), Sexual Assault Forensic Examiner (SAFE) teams, or other qualified medical evidentiary examiners, when the child is eligible for Medi-Cal or Victim Compensation Board coverage.

Reimbursement is **not** required to the extent the Legislature appropriates funds for child physical abuse and neglect exams under Penal Code section 11171(g).⁵⁹

All other claims for reimbursement were denied.⁶⁰

Reconsideration Process

Government Code section 17559(a) and section 1187.15 of the Commission's regulations authorize the Commission, within a limited timeframe, to order a reconsideration of all or part of an adopted test claim decision on petition of any party.

Government Code section 17559(a) states:

The commission may order a reconsideration of all or part of a test claim or incorrect reduction claim on petition of any party. The power to order a reconsideration or amend a test claim decision shall expire 30 days after the statement of decision is delivered or mailed to the claimant. If additional time is needed to evaluate a petition for reconsideration filed prior to the expiration of the 30-day period, the commission may grant a

⁵⁷ Exhibit A, Request for Reconsideration of an Adopted Decision. The April 10, 2026 Commission meeting was rescheduled to May 15, 2026 and then to June 12, 2026 due to a burst pipe and resulting fire making the Commission office inaccessible.

⁵⁸ Exhibit A, Request for Reconsideration of an Adopted Decision.

⁵⁹ Exhibit A, Request for Reconsideration of an Adopted Decision, page 80 (Test Claim Decision).

⁶⁰ Exhibit A, Request for Reconsideration of an Adopted Decision, page 80 (Test Claim Decision).

stay of that expiration for no more than 30 days, solely for the purpose of considering the petition. If no action is taken on a petition within the time allowed for ordering reconsideration, the petition shall be deemed denied.⁶¹

Section 1187.15 of the Commission's regulations further provides, in relevant part:

(a) Notwithstanding section 1187.11(b) of these regulations, the Commission may order a reconsideration or amend all or part of an adopted decision on a test claim (including a new test claim decision adopted pursuant to a mandate redetermination) or incorrect reduction claim on petition of any party, interested party, or Commission member **only upon a showing of new or different facts, circumstances, or law, or a clerical error**. The power to order a reconsideration or amend an adopted decision on a test claim or incorrect reduction claim shall expire 30 days after the adopted decision is served on the claimant or requester. If additional time is needed to evaluate a petition for reconsideration filed before the expiration of the 30-day period, the Commission may grant a stay of that expiration for no more than 30 days, solely for the purpose of considering the petition. **A request for reconsideration shall be deemed automatically stayed for the 30-day period**. If no action is taken on a petition within the time allowed for ordering reconsideration, the petition shall be deemed denied.

...

(e) Before the Commission considers the request for reconsideration, Commission staff shall prepare a written analysis that includes a review of the entire record. **The written analysis shall address whether the request for reconsideration is timely, complete, diligent, and is based on a clerical error or new or different facts, circumstances, or law that is likely to support an amendment** to the findings or conclusions in the adopted decision on the test claim or incorrect reduction claim, and include a recommendation on whether or not the request for reconsideration should be granted. The Commission shall consider the request for reconsideration and the written staff analysis at a scheduled meeting. **Five affirmative votes shall be required to grant the request for reconsideration and schedule the request for a second hearing on the merits**.⁶²

Accordingly, reconsideration is a two-step hearing process. Before the Commission considers the merits of a RAD, Commission staff must prepare a written analysis and recommend whether the RAD should be granted.⁶³ The Commission may order a

⁶¹ Government Code section 17559(a), emphasis added.

⁶² California Code of Regulations, title 2, section 1187.15, emphasis added.

⁶³ California Code of Regulations, title 2, section 1187.15(e).

reconsideration or amend all or part of an adopted decision on a test claim “only upon a showing of new or different facts, circumstances, or law, or a clerical error”⁶⁴ that is “likely to support an amendment to the findings or conclusions in the adopted decision on the test claim.”⁶⁵ Five affirmative votes are required to grant the RAD and schedule the matter for a hearing on the merits.⁶⁶

If the Commission grants the RAD, Commission staff must then prepare a draft proposed decision on the merits and issue it for comment.⁶⁷ The subsequent hearing on the merits must then be conducted to determine if the adopted decision in question must be revised to correct for “a clerical error or new or different facts, circumstances, or law.”⁶⁸ Five affirmative votes are again required to revise a previously adopted decision.⁶⁹

Underlying Facts of the Test Claim Decision

On December 31, 2024, the requester filed the Test Claim entitled *Child Physical Abuse and Neglect Exams*, 24-TC-05.⁷⁰ In response, the Department of Finance (Finance) submitted comments on April 10, 2025, and the Kern County Department of Human Services filed late comments on April 11, 2025.⁷¹ The requester filed rebuttal comments on May 7, 2025.⁷²

Per section 1183.1 of the Commission’s regulations, staff analyzed the Test Claim Decision for, among other things, completeness, timeliness, and the signature of the designated local official.⁷³

⁶⁴ California Code of Regulations, title 2, section 1187.15(a).

⁶⁵ California Code of Regulations, title 2, section 1187.15(e).

⁶⁶ California Code of Regulations, title 2, section 1187.15(e).

⁶⁷ California Code of Regulations, title 2, section 1187.15(f)(1)(A)-(B).

⁶⁸ California Code of Regulations, title 2, section 1187.15(f).

⁶⁹ California Code of Regulations, title 2, section 1187.15(f)(2).

⁷⁰ Exhibit A, Request for Reconsideration of an Adopted Decision, page 29 (Test Claim Decision).

⁷¹ Exhibit A, Request for Reconsideration of an Adopted Decision, page 29 (Test Claim Decision).

⁷² Exhibit A, Request for Reconsideration of an Adopted Decision, page 29 (Test Claim Decision).

⁷³ California Code of Regulations, title 2, section 1183.1.

Commission staff issued the Draft Proposed Decision on September 26, 2025.⁷⁴ The requester filed comments on the Draft Proposed Decision on October 7, 2025⁷⁵ and Commission staff issued the Proposed Decision on January 26, 2026, to be heard on February 13, 2026.⁷⁶

The requester filed additional comments on the Proposed Decision on January 28, 2026,⁷⁷ and Commission staff issued a Revised Proposed Decision on February 2, 2026.⁷⁸

After the presentation of argument by the requester, comment by Finance, and public discussion among the Commissioners, the Commission voted 5-1 with one member abstaining to partially approve the Test Claim for only the following costs under article XIII B, section 6(c) of the California Constitution:

- Costs incurred for child physical abuse and neglect exams conducted in accordance with Penal Code section 11171, by the county's designated Sexual Assault Response Teams (SART), Sexual Assault Forensic Examiner (SAFE) teams, or other qualified medical evidentiary examiners, when the child is eligible for Medi-Cal or Victim Compensation Board coverage.

Reimbursement is **not** required to the extent the Legislature appropriates funds for child physical abuse and neglect exams under Penal Code section 11171(g).⁷⁹

All other claims for reimbursement were denied.⁸⁰

⁷⁴ Exhibit A, Request for Reconsideration of an Adopted Decision, page 29 (Test Claim Decision).

⁷⁵ Exhibit A, Request for Reconsideration of an Adopted Decision, page 29 (Test Claim Decision).

⁷⁶ Exhibit A, Request for Reconsideration of an Adopted Decision, page 30 (Test Claim Decision).

⁷⁷ Exhibit A, Request for Reconsideration of an Adopted Decision, page 30 (Test Claim Decision).

⁷⁸ Exhibit A, Request for Reconsideration of an Adopted Decision, page 30 (Test Claim Decision).

⁷⁹ Exhibit A, Request for Reconsideration of an Adopted Decision, page 80 (Test Claim Decision).

⁸⁰ Exhibit A, Request for Reconsideration of an Adopted Decision, page 80 (Test Claim Decision).

The Decision of the Commission was adopted on February 13, 2026.⁸¹ Commission staff served the adopted Decision on February 18, 2026.⁸²

On March 9, 2026, the requester filed this RAD alleging that the Decision:

[has] no basis upon which [it] rationally distinguishes between child abuse exam[s] provided to child victims who are covered by private medical insurance and child victims who are covered by Medi-Cal, or whose costs would be covered by the Victim Compensation Board. Striking this distinction creates legal errors in the Adopted Decision and practical consequences for counties, which are detailed below.⁸³

III. Positions of the Parties

A. County of Santa Clara

The requester asks the Commission to reconsider the Test Claim Decision pursuant to Government Code section 17559(a) and section 1187.15 of the Commission's regulations, and to set the matter for hearing to amend such that the "Decision the Commission ultimately adopts should treat all child abuse exams the same, regardless of insurance status."⁸⁴

This RAD makes the following three arguments:

1. The Adopted Decision errs in concluding that the test claim statute does not impose any new activities or a higher level of service on counties.
2. The Adopted Decision errs in speculating that an amended test claim pleading SB 580 (2002)⁸⁵ would have addressed the claimant's concerns.
3. The Adopted Decision will force counties to subsidize private medical insurance companies to further a State policy.⁸⁶

⁸¹ Exhibit A, Request for Reconsideration of an Adopted Decision, page 23 (Test Claim Decision).

⁸² Exhibit A, Request for Reconsideration of an Adopted Decision, page 23 (Test Claim Decision).

⁸³ Exhibit A, Request for Reconsideration of an Adopted Decision, page 2.

⁸⁴ Exhibit A, Request for Reconsideration of an Adopted Decision, page 5.

⁸⁵ On page 3 of Exhibit A, Request for Reconsideration of an Adopted Decision, the requester uses the years 2022 and 2002 to describe SB 580. The second notation to the bill is correct. SB 580 refers to Statutes 2002, chapter 249 (SB 580), which originally added Penal Code section 11171 in 2002, as the requester states.

⁸⁶ Exhibit A, Request for Reconsideration of an Adopted Decision pages 2-5.

IV. Discussion

Reconsideration of a test claim decision is narrowly available. Commission decisions, adopted after a full opportunity for written and oral argument by the parties, are final and binding, and serve to exhaust the parties' administrative remedies.⁸⁷

The Commission's reconsideration is, however, authorized by statute for a short period of time after the decision is issued.⁸⁸ Reconsideration may *not* be granted based on allegations that the decision is based on a mistake in law. Reconsideration may only be ordered "only upon a showing of new or different facts, circumstances, or law, or a clerical error"⁸⁹ that is "likely to support an amendment to the findings or conclusions in the adopted decision on the test claim."⁹⁰ No such showing has been made here and thus the Commission denies reconsideration.

A. The Commission Denies the Request for Reconsideration of the Test Claim Decision Adopted on February 13, 2026, Because the Requester Has Set Forth No New or Different Facts, New Circumstances, New Law, or Clerical Error.

1. This RAD Is Timely Filed and Complete, and Diligence Is Inapplicable.

This RAD is timely as it was filed on March 9, 2026, which is within 30 days from February 18, 2026, the date the requester was served with the adopted Test Claim Decision.⁹¹ It is also complete as the requester clearly stated their request and argument for reconsideration, and attached a copy of the contested Test Claim Decision and other referenced materials.⁹² The diligence requirement, in this case, is inapplicable because it is a requirement regarding a party's behavior in belatedly marshalling *new* evidence or legal authority,⁹³ but no new evidence or legal authority is presented in this RAD.

⁸⁷ *California School Boards Ass'n v. State of California* (2009) 171 Cal.App.4th 1183, 1200-1201.

⁸⁸ Government Code section 17559(a).

⁸⁹ California Code of Regulations, title 2, section 1187.15.

⁹⁰ California Code of Regulations, title 2, section 1187.15(e).

⁹¹ Government Code section 17559(a); California Code of Regulations, title 2, section 1187.15(e); Exhibit A, Request for Reconsideration of an Adopted Decision page 1.

⁹² California Code of Regulations, title 2, section 1187.15(e); Exhibit A, Request for Reconsideration of an Adopted Decision.

⁹³ California Code of Regulations, title 2, section 1187.15(e); *Baldwin v. Home Savings of America* (1997) 59 Cal.App.4th 1192, 1199.

2. The Requester’s Argument that the Test Claim Statute Imposes “New Activities or a Higher Level of Service on Counties” Was Considered and Decided in the Test Claim Decision and Is Therefore Not New Facts, Circumstances, Law, or Clerical Error.

The requester asserts no new or different facts, circumstances, law, or clerical error regarding whether new activities or higher level of service were required by the test claim statute. That question was thoroughly addressed in the Decision and also at the Commission’s February 13, 2026, hearing.⁹⁴

The requester cites two long-standing published mandate cases which pre-date the Test Claim Decision and therefore does not present any new law.⁹⁵

The requester further cites nothing new nor a clerical error, but is merely re-stating an argument it made during the test claim process that “paying for child abuse exams is the new reimbursable activity” and thus “providing child abuse exams free of charge ... is new and increases the level of service provided to the public.”⁹⁶

3. The Requester’s Assertion that an Amended Test Claim Pleading SB 580 (2002) Would Not Have Addressed Its Concerns Is Not New Facts, Circumstances, Law, or Clerical Error.

The requester asserts no new or different facts, circumstances, law, or clerical error in declaring its belief that an amended test claim pleading SB 580 (2002) would not have resulted in a full, rather than partial, test claim approval.

The requester asserts that it could not have succeeded at full test claim approval had it pled the 2002 statute, which is an argument, but is not new or different facts, circumstances, law, or clerical error:

⁹⁴ Exhibit A, Request for Reconsideration of an Adopted Decision, pages 2, 42, and 62-63 (Test Claim Decision); Exhibit B, Excerpts of Reporter’s Transcript of Proceedings, Hearing of Commission on State Mandates, February 13, 2026, pages 50 and 60-62.

⁹⁵ Exhibit A, Request for Reconsideration of an Adopted Decision, pages 2-3 citing *San Diego Unified School District v. Commission on State Mandates* (2004) 33 Cal.4th 859 and *Department of Finance v. Commission on State Mandates* (2021) 59 Cal.App.5th 546, 556-558.

⁹⁶ Exhibit A, Request for Reconsideration of an Adopted Decision, pages 2, 42, and 62 citing the Decision (“The claimant has also characterized payment for the exams as an “activity,” but payment is not an activity for purposes of article XIII B, section 6(a). The courts are clear that increased costs (i.e., payments) alone do not constitute a new program or higher level of service under article XIII B, section 6(a).”) citing the Test Claim (“In other words, the new activity mandated by Subdivision(f) - and the corresponding new program or higher level of service – is the new requirement that the County assume the full cost of providing child abuse and neglect exams free of charge whenever the State declines to reimburse these costs.”).

In other words, there are no legally compelled activities in SB 580 of which the Commission could have taken jurisdiction, if only the Claimant were to plead them. As the Adopted Decision goes on to find, the duty to provide child abuse exams is practically compelled by “[other child welfare and public safety] statutes and practical realities” that leave the counties with “no true alternative.” (*Id.* at pp. 51-56.)

...

If it was the case that pleading SB 580 is the missing link that precluded the Adopted Decision from approving reimbursement for child abuse exams rendered to children who have private medical insurance, the Adopted Decision never explains how exactly it could approve reimbursement for *any* child abuse exams.⁹⁷

This assertion does not present any new or different facts, law, circumstances, or clerical error. In addition, the Test Claim Decision already addresses the mandate elements, including legal and practical compulsion, for the performance of those child abuse exams previously funded by the state.⁹⁸ The Commission found, based on existing case law interpreting article XIII B, section 6, that providing child physical abuse and neglect exams is mandated by state law under practical compulsion principles and, thus, the cost of the exams, which have been shifted from the state to the counties with respect to previous Medi-Cal and VCB reimbursement *for the exams* are a component of the mandated program pursuant to article XIII B, section 6(c).⁹⁹ However, the activities stated in 2023 test claim statute were not *newly* compelled because the child abuse and neglect exam program began under a 2002 statute effective January 1, 2004.¹⁰⁰ The requester, as claimant, expressly did not plead the 2002 statute.¹⁰¹

4. The Requester’s Concern that the Adopted Decision “Will Force Counties to Subsidize Private Medical Insurance Companies to Further a State Policy” Is Not New Facts, Circumstances, Law, or Clerical Error.

The requester asserts no new or different facts, circumstances, law, or clerical error in its last argument, which is that “the Adopted Decision will also adversely affect counties who are under tremendous financial strain” and “requires counties to subsidize the costs

⁹⁷ Exhibit A, Request for Reconsideration of an Adopted Decision, page 3.

⁹⁸ Exhibit A, Request for Reconsideration of an Adopted Decision, pages 71-78 (Test Claim Decision).

⁹⁹ Exhibit A, Request for Reconsideration of an Adopted Decision, page 71 (Test Claim Decision).

¹⁰⁰ Exhibit A, Request for Reconsideration of an Adopted Decision, pages 33 and 56-58 (Test Claim Decision).

¹⁰¹ Exhibit A, Request for Reconsideration of an Adopted Decision, pages 40, 57, and 62-63 (Test Claim Decision).

of private medical insurers.”¹⁰² The requester further asserts that certain federal funding has been cut as of July 1, 2025, causing “massive ongoing revenue loss.”¹⁰³ For this argument, the requester cites one published decision interpreting Article XIII B, section 6’s general intent to prevent transfer of financial responsibility from state to local government, a case which pre-dates the test claim and thus is not new law.¹⁰⁴ Nor are difficult financial circumstances new or relevant to the determination of reimbursement under the Constitution as required. Article XIII B, section 6 of the California Constitution is not applied as an “equitable remedy to cure the perceived unfairness resulting from political decisions on funding priorities.”¹⁰⁵

As none of the requester’s arguments satisfy the requirement of section 1187.15 of the Commission’s regulations that new or different facts, new circumstances, new law, or a clerical error be presented, there is no potential basis for reconsideration of the Test Claim Decision.

Also, given no new or different facts, new circumstances, new law, or a clerical error, the Commission cannot analyze, as required by regulation, whether such is “likely to support an amendment to the findings or conclusion in the adopted decision on the test claim.”¹⁰⁶

V. Conclusion

The Commission therefore declines to order reconsideration.

¹⁰² Exhibit A, Request for Reconsideration of an Adopted Decision, page 4.

¹⁰³ Exhibit A, Request for Reconsideration of an Adopted Decision, page 4.

¹⁰⁴ Exhibit A, Request for Reconsideration of an Adopted Decision, page 4 citing *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46.

¹⁰⁵ *County of Sonoma v. Commission on State Mandates* (2000) 84 Cal.App.4th 1264, 1281 citing *City of San Jose v. State of California* (1996) 45 Cal.App.4th 1802, 1817.

¹⁰⁶ California Code of Regulations, title 2, section 1187.15(e).

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On May 26, 2026, I served the:

- **Current Mailing List dated April 27, 2026**
- **Proposed Decision on the Request for Reconsideration of an Adopted Decision issued May 26, 2026**

Child Physical Abuse and Neglect Exams, 25-RAD-01 (24-TC-05)
Statutes 2023, Chapter 841, (AB 1402); Penal Code Section 11171(f)
County of Santa Clara, Claimant

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on May 26, 2026 at Sacramento, California.



Jill Magee
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
(916) 323-3562

COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 4/27/26

Claim Number: 24-TC-05

Matter: Child Physical Abuse and Neglect Exams

Claimant: County of Santa Clara

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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