

OFFICE OF ADMINISTRATIVE LAW

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Kenneth J. Pogue
Director

MEMORANDUM

TO: Tarik Allen
Department of State Hospitals

FROM: Rhea Moyer, Legal Analyst
Office of Administrative Law

DATE: October 27, 2020

RE: OAL Matter No. 2020-0413-03
Enhanced Treatment Program

Please be advised that regulatory changes made by the emergency regulatory action referenced above may soon expire by operation of law. The emergency regulatory action referenced above expires on 2/20/21. To prevent the emergency regulatory changes from expiring, a Certificate of Compliance must be filed with OAL by 5:00 p.m. on 2/19/2021.

Or, if you intend to readopt the emergency regulations please note that OAL may approve up to two readoptions of the emergency regulations, each for a period not to exceed 90 days. OAL may only approve a readoption if the agency has made substantial progress and proceeded with diligence to complete a regular, noticed rulemaking action to make the regulations permanent. (See Gov. Code, sec. 11346.1(h).)

The timing of the filing of a request for readoption with OAL is important and is different from a Certificate of Compliance filing. OAL has 10 calendar days to determine whether to approve or disapprove the request for readoption. Consequently, to ensure that there is no gap in the effective period of the emergency regulations, the request for readoption needs to be submitted to OAL *at least 10 calendar days prior* to the date the Certificate of Compliance is due for the emergency regulations. Please also note that for readoptions, *a notice of emergency is required to be sent at least five working days prior to submitting request to readopt to OAL* unless the emergency situation clearly poses such an immediate, serious harm that delaying action to allow public comment would be inconsistent with the public interest. (See Gov. Code, sec. 11346.1 and title 1, CCR, section 52.)

This notice is being sent to you as a courtesy reminder. Please contact me at (916) 324-0358 or rhea.moyer@oal.ca.gov if you have any questions concerning this notice. Questions regarding the emergency regulatory action or emergency rulemaking process may be directed to the OAL Reference Attorney at (916) 323-6815 or staff@oal.ca.gov.