You Think You Know the California Regulatory Process – Separating Myth from Fact (WEBINAR)

**Speaker:**

**Kent Gray, JD, LL.M. Government Law and Public Policy, Regulations Manager at the Emergency Medical Services Authority**

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"Most people do not listen with the intent to understand; they listen with the intent to reply." - Stephen Covey

How do myths about rulemaking lead to underground regulations (and misusing limited resources)?

* What are underground regulations?

The APA: A jungle of detailed requirements hidden in mystery of misinformation.

**One half:**

* Does OAL tell us if we done something or inserted something that isn’t necessary?
* Hint: The minimum requirements

**Other half:**

* “A little knowledge is a dangerous thing.”
* “A little learning is a dangerous thing” - Alexander Pope
* The proverb 'A little knowledge is a dangerous thing' expresses the idea that a small amount of knowledge can mislead people into thinking that they are more expert than they really are, which can lead to mistakes being made.

**The “incorporation by reference” trap.**

Getting those around you to understand that regulations are law.

* And there are no short cuts!

The challenge:

* Interpretation (always changing and evolving)

Tools:

* Checklists
* Reference attorney ([OALReferenceAttorney@oal.ca.gov](mailto:OALReferenceAttorney@oal.ca.gov))
* Don’t assume

Regular Rulemaking:

Notice

* Notice of Proposed Rulemaking
* Proposed Language (anything incorporated by reference)
* Initial Statement of Reasons
* STD 399 (Economic/Fiscal Impact)

45-day comment

Public Hearing?

Modification?

* Notice
* Modified Language
* 15-day comment

Final Rulemaking File

* Order of Adoption
* Table of Contents/Closing Statement Certificate
* Public Hearing (transcript or recording)?
* Approval Requirement?
* Statement of Mailing Notice(s)
* Updated Informative Digest
* Final Statement of Reasons
* Written Comments
* DOF signed STD 399

Post Approval

* Web Posting and Link
* Maintain Final File