

**CDPH/ORH  
Regulation Development  
Common Mistakes**

1. Lack of agreement among interested parties regarding the objectives of the regulations.
2. Not considering all options and alternatives to the regulatory action (pursuit of legislation, contracts, etc.).
3. Not identifying and focusing on the goals of the regulatory changes contemplated.
4. Not limiting the goals to those really possible in the current environment (making goals too broad or comprehensive; not recognizing potential sources of opposition).
5. Multiple meanings for the regulation text (providing too much “wobble room”).
6. Not meeting the full requirements for incorporations by reference (Forms, Code of Federal Regulations, etc.).
7. Insufficient authority (statute) as the basis for the regulations (fees or sanctions).
8. Not providing the cost basis (analysis) in the statement of reasons for fee amounts or other fiscal stipulations.
9. Restating statute in the regulations for reasons other than clarity.
10. Attempts to override or go beyond the scope of state or federal statute.
11. Informative language, rather than necessary/regulatory language.
12. Including processes within definitions, definitions within standards, etc.
13. Not clearly specifying a process or the criteria for approval, compliance or eligibility.
14. Use of circular explanations in the statement of reasons.  
 (“It is necessary because it is needed.” “The term is defined so the affected public know the meaning of the term.”)
15. Lack of demonstrated necessity in the statement of reasons. Simply providing a purpose but no reason as to why the regulation supports the purpose.
16. Lack of alignment between the statement of reasons and the regulation text.