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State of California—Health and Human Services Agency
California Department of Public Health



EDMUND G. BROWN JR.
Governor

August 12, 2016

TO: MEMBERS OF THE FORENSIC ALCOHOL REVIEW COMMITTEE

Dear Fellow Committee Members:

The purpose of this letter is to inform you of the progress and status of the Title 17 regulation package. The final package was submitted to the Office of Administrative Law (OAL) by the California Department of Public Health (CDPH) on your behalf on May 16, 2016 and subsequently not approved on July 5, 2016 because the proposed changes to the regulations were not accurately indicated as required by Government Code sections 11343 and 11346.8, and California Code of Regulations, Title 1, sections 8 and 46. The concerns must be addressed by November 2, 2016 in order for OAL to complete its substantive review of the regulation package. In addition, the revisions must be made available for a 15-day public comment period before the package is resubmitted to OAL, as indicated in their decision dated July 5, 2016.

In anticipation of the Committee's needs, CDPH's Office of Legal Services has begun work on addressing the technical issues raised by OAL and with assistance from the subcommittee, will ensure the required revisions are made and resubmitted to OAL unless the Committee does not want to proceed with making these technical changes. Enclosed is a timeline detailing the steps required to complete this process, the anticipated timeframes, and OAL's Decision of Disapproval. Please note that OAL has not reviewed the regulation package for substantive compliance with the Administrative Procedures Act, and they may still raise substantive issues when the package is resubmitted with the required revisions.

If the Committee does not wish to proceed with the technical corrections the options are as follows:

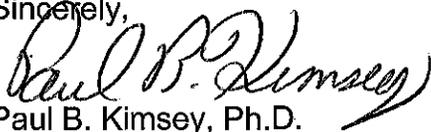
- 1) Withdraw the package from OAL consideration. Doing so will require a new 45-day comment period. This option would also allow the Committee to take the work that has been done while also providing an opportunity to revisit substantive issues.
- 2) Proceed without making the technical changes. This option will likely result in OAL disapproval of the package given their July 5, 2016 decision.



Members of the Forensic Alcohol Review Committee
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CDPH will be contacting the Committee in the near future to schedule a meeting for the Committee to provide direction to CDPH on how it wishes to proceed.

Sincerely,

A handwritten signature in cursive script that reads "Paul B. Kimsey". The signature is written in black ink and is positioned above the printed name.

Paul B. Kimsey, Ph.D.
Forensic Alcohol Review Committee-Chair

Enclosures