

**STATE OF CALIFORNIA
OFFICE OF ADMINISTRATIVE LAW**

In re:)
)
) **DECISION OF DISAPPROVAL**
EMERGENCY MEDICAL) **OF REGULATORY ACTION**
SERVICES AUTHORITY)
)
REGULATORY ACTION:) **Gov. Code, sec. 11349.3)**
)
Title 22, California Code of)
Regulations) **OAL File No. 02-0426-03 S**
AMEND SECTION: 100177)
_____)

DECISION SUMMARY

The regulatory action includes the proposed amendment of section 100177 which would impose a fifty dollar late fee for failure to submit an application for renewal of a paramedic license within a specified time frame. On June 10, 2002 the Office of Administrative Law (“OAL”) notified the Emergency Medical Services Authority (“EMS Authority”) that the proposed amendment section 100177 was disapproved for incorrect procedure. Please note that sections 100178 and 100178.1 which were included in this filing and deal with disciplinary proceedings were approved by OAL on June 10, 2002 and will become effective on July 10, 2002.

INCORRECT PROCEDURE

Government Code section 11346.5, subdivision (a)(6) requires the notice of proposed rulemaking to include:

“An estimate, prepared in accordance with instructions adopted by the Department of Finance, of the cost or savings to any state agency, the cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4, other nondiscretionary cost or savings imposed on local agencies, and the cost or savings in federal funding to the state.

For purposes of this paragraph, ‘cost or savings’ means additional costs or savings, both direct and indirect, that a public agency necessarily incurs in reasonable compliance with regulations.”

The rulemaking record verifies that the EMS Authority submitted the estimate for the fifty dollar late fee on the Standard Form 399 to the Department of Finance for their review and approval

pursuant to the instructions contained in the State Administrative Manual. The rulemaking record does not contain the Standard Form 399 with Department of Finance approval.

In a letter dated June 10, 2002 the EMS Authority requested

“ . . . that OAL sever and disapprove section 100177. . . at this time because the EMS Authority has not yet received the signed Fiscal Impact Statement from the Department of Finance . . . It is anticipated that the Fiscal Impact Statement will be signed in the near future. The EMS reserves the right to resubmit this section (Government Code section 11349.4).”

CONCLUSION

For the reason set forth above, OAL has disapproved the proposed amendment of section 100177 of Title 22 of the California Code of Regulations. If you have any questions, please contact me at (916) 323-6809.

June 17, 2002

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For:

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