



Introduction to Regulations

UNDERSTANDING THE REGULATORY
PROCESS

Introductions

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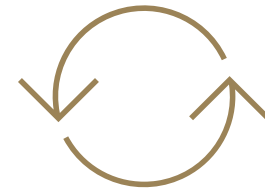
Agenda



What are
Regulations?



Administrative
Procedure Act



Overview of
Regulatory Process

What are Regulations?

What are Regulations?

State legislature has delegated to rulemaking power to state agencies

State legislature will set the parameters and scope of regulations.

Agencies can change regulations without legislative action as long they stay within statutory guidelines and consult with the public.

Goal: Have those closest to the subject matter involved make policy decisions as much as possible.

What are Regulations?

A regulation has a power of law – like those passed via the legislature or ballot measures.

Administratively Enforceable

Decisions can be challenged in court but if regulations were promulgated under the Administrative Procedures Act and its rules were followed, difficult to challenge.

Administrative Procedures Act

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Enacted in the 1940s, the Administrative Procedure Act (APA) created a process to ensure the public can provide comments on proposed regulations.

A unified regulatory process across the state – before each agency could determine its process.

The Office of Administrative Law (OAL) was created in the 1980s to ensure state agencies complied with APA.

Regulations created outside the APA are deemed to be “underground regulations” and are **very susceptible to litigation**

Administrative Procedures Act

Requires Agencies to:

Meaningfully demonstrate their proposed regulations are critical.

Consider costs and benefits of a proposed regulation.

Provide information to the public about why the proposed change is necessary and background information.

Give time to the public time to provide comment either electronically, the mail or in a public hearing.

Overview of the Regulatory Process

Overview of Regulatory Process





Overview of Regulatory Process: Identifying need for Change

Need to Change Can be Identified By:

State Legislature
Governor's Office
Members of the Public
State Agencies

Examples of Needing to Change:

Updates in professional standards.
New academic reports or studies.
Fiscal restraints.
Emergencies demonstrating deficiencies in EMS system.

Overview of the Regulatory Process: Internal Development

Once need for change is identified, agency staff begins researching the issue.

Staff ask questions such as:

- Do we need a regulation to achieve this change?
- Are there multiple ways to achieve the desired outcome? If so, which is the most optimal?
- What are the costs and benefits to both state government and California's economy?

Goal is to create a well-crafted proposed regulation and documents needed throughout the regulation crafting process.

Overview of Regulatory Process: External Review

Agency makes documents available to the public highlighting:

- What the regulation change would do.
- Text of regulation.
- Costs, benefits and other background policy documents.

Public has a minimum of 45 days to provide comments.

Public has a right to ask for a hearing.

Agency must read and consider each comment.

Final approval of regulations package.

Examines package to ensure agency followed APA guidelines.

All documents created in both the internal and external review portions of the process are to be included.

Overview of Regulatory Process:
OAL Review



Questions?
