

DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS

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February 18, 2009

5-DAY NOTICE OF PROPOSED EMERGENCY REGULATORY ACTION**Licensure and Certification Fees**

Pursuant to the requirements of Government Code Section 11346.1(a)(2), the Department of Alcohol and Drug Programs (ADP) is providing this advance notice of its intention to amend Sections 10518 and 10529, repeal Sections 10532 and 10533, and adopt Sections 10700 and 10701, Title 9, California Code of Regulations, to allow ADP to collect licensing and certification fees for outpatient and residential alcoholism or drug abuse recovery or treatment facilities. This regulatory action merely codifies existing policy that was formerly implemented through all-county letters pursuant to Section 11833.04 of the Health and Safety Code (HSC). HSC Section 11833.04 requires ADP to adopt these regulatory changes on an emergency basis. A copy of the full text of the proposed emergency regulatory action and a finding of emergency are enclosed for your review and information.

Government Code Section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law (OAL), the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency to the OAL, OAL shall allow interested persons five (5) calendar days to submit comments on the proposed emergency regulation as set forth in Government Code Section 11349.6. OAL will have ten (10) calendar days after ADP submits the regulation to review and make a decision on the proposed emergency regulation. If approved, OAL will file the regulation with the Secretary of State, and the emergency regulation will become effective for 180 days. Within the 180-day effective period, ADP will proceed with a regular rulemaking action, including a 45-day public comment period on the content of the emergency regulation. The emergency regulation will remain in effect during this 180-day rulemaking action.

The full text of the proposed emergency regulation and a finding of emergency are attached for your review and information. Those documents are also available for review on ADP's website at: <http://www.adp.ca.gov>.

If you have questions regarding the policy contained in the text of the regulation, please contact Daniel Steinhart, Deputy Director of the ADP Licensing and Certification Division, at (916) 327-7681 or dsteinhart@adp.ca.gov. If you have questions regarding the process for emergency rulemaking or the progress of this emergency regulation, please contact Mary Conway at (916) 327-4742 or mconway@adp.ca.gov.

Once ADP submits this proposed emergency regulatory action to the Office of Administrative Law, you may submit written comments on the proposed emergency rulemaking to the Office of Administrative Law (Attn: Reference Attorney) at 300 Capitol Mall, Suite 1250, Sacramento, CA 95814; (916) 323-6826 (fax); or staff@oal.ca.gov. Also please send a copy to ADP at mconway@adp.ca.gov. At this time, please do not submit comments on any regulations other than the one proposed for emergency adoption in this rulemaking. After the close of the five (5) day emergency comment period, ADP will send you a separate notice of availability of the 45-day public comment period. You may submit additional comments on the content of the emergency regulation during that 45-day public comment period.

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For energy saving tips, visit the Flex Your Power website at
<http://www.fypower.org>