

# DENTAL BOARD OF CALIFORNIA

## PERMIT PROCESSING TIMES

### Repeal of Title 16, California Code of Regulations, Section 1061 in Article 9 of Chapter 2 of Division 10

#### Section 100 CHANGE WITHOUT REGULATORY EFFECT

Pursuant to Title 1, Division 1, Chapter 1, Article 2, Section 100(b)(3), of the California Code of Regulations (CCR), the Department of Consumer Affairs, Dental Board of California (Board) submits this written statement explaining why the proposed repeal of section 1061 of Article 9, Chapter 2, Division 10, of Title 16, CCR does not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any CCR provision.

Subject to the approval of the Office of Administrative Law, the Board would delete text in the CCR as follows:

#### Section 1061. Permit Processing Times

The Board proposes to delete section 1061 and its title "Permit Processing Times" because Government Code sections 15375 and 15376, the statutes that authorized the Board to adopt regulations regarding processing times for permits, have been repealed.

Section 15376 provided, before repeal:<sup>1</sup>

All state agencies that issue permits shall adopt regulations regarding their procedures for considering and issuing permits, specifying the following criteria.

(a) A period dating from the receipt of a permit application within which the agency must either inform the applicant, in writing, that the application is complete and accepted for filing, or that the application is deficient and what specific information is required.

(b) A period dating from the filing of a completed application within which the agency must reach a permit decision.

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<sup>1</sup> Section 15376 was repealed by Stats.2003, c. 229 (A.B.1757), § 1.8.

(c) The agency's median, minimum, and maximum times for processing a permit, from the receipt of the initial application to the final permit decision, based on the agency's actual performance during the two years immediately preceding the proposal of the regulation.

(d) Any new or additional permits required by any state agency after the effective date of this chapter shall be subject to the provisions of this chapter.

(e) An agency may amend its regulations to modify the agency's time periods.

(f) The rulemaking file submitted to the Office of Administrative Law shall contain a justification for time periods proposed.

(g) A state agency shall be deemed to have good cause for exceeding the maximum time period established for processing a permit under either of the following circumstances:

(1) The number of permits to be processed exceeds by 15 percent the number processed in the same calendar quarter the preceding year.

(2) The permit-issuing agency must rely on another public or private entity for all or part of the processing and the delay is caused by that other entity.

Section 15376 required state agencies, including the Board, to adopt regulations regarding their procedures for considering and issuing permits. The Board adopted section 1061 to implement section 15376 with respect to permit processing times. The Board requests the repeal of section 1061 because the statutory authority therefor, section 15376, has been repealed. (Cal. Code Regs., tit. 1, § 100, subd (a)(2) ["Changes without regulatory effect include, but are not limited to: ... (2) deleting a regulatory provision for which all statutory or constitutional authority has been repealed[.]".]) Thus, the Board's proposed deletions may be considered a change without regulatory effect.