



California Privacy Protection Agency

Board Member Orientation Training

February 17, 2022

Training by Department of Consumer Affairs (DCA)



Objectives

- DCA Background
- Board Models
- Roles and Responsibilities
- Process for Regulations



Introductions

- **Kimberly Kirchmeyer**, *Director, DCA*
- **Christine Lally**, *Chief Deputy Director, DCA*
- **Nancy Corrigan**, *CPA, CA Board of Accountancy*
- **Kristy Schieldge**, *Attorney IV, DCA*



Department of Consumer Affairs

37 Boards, Bureaus, Commission,
Committees – oldest began 1876

✓ 28 of which have Board Members

Appointed by:

- Governor
- Speaker of the Assembly
- Senate Rules Committee



Department of Consumer Affairs

Medical Board of California

- 15 Board Members
- Almost 200 employees
- Budget over \$76 million

California Board of Accountancy

- 15 Board Members
- Over 100 employees
- Budget over \$18 million

Contractors State License Board

- 15 Board Members
- Over 400 employees
- Budget over \$77 million



Other Examples

- California Transportation Commission
 - 13 Commission Members appointed by the Governor and Legislature
 - Not full-time employees
 - \$100 per diem
 - Budget: \$12 million
- Travel and Tourism Commission
 - 37 Members appointed by Governor and Commissioners
 - No per diem, only travel expenses



Other Examples

- California Public Utilities Commission
 - 5 Members appointed by the Governor and confirmed by the Senate
 - 6-year terms
 - Full-time members with PUC
 - Salaried employee
 - Budget \$1.8 billion
- State Bar Board of Trustees
 - 13 Board Members appointed by Governor, Legislature, and Superior Court
 - \$50 per diem
 - Not full-time employees
 - Budget \$140 million



Board Member Duties (Overview)

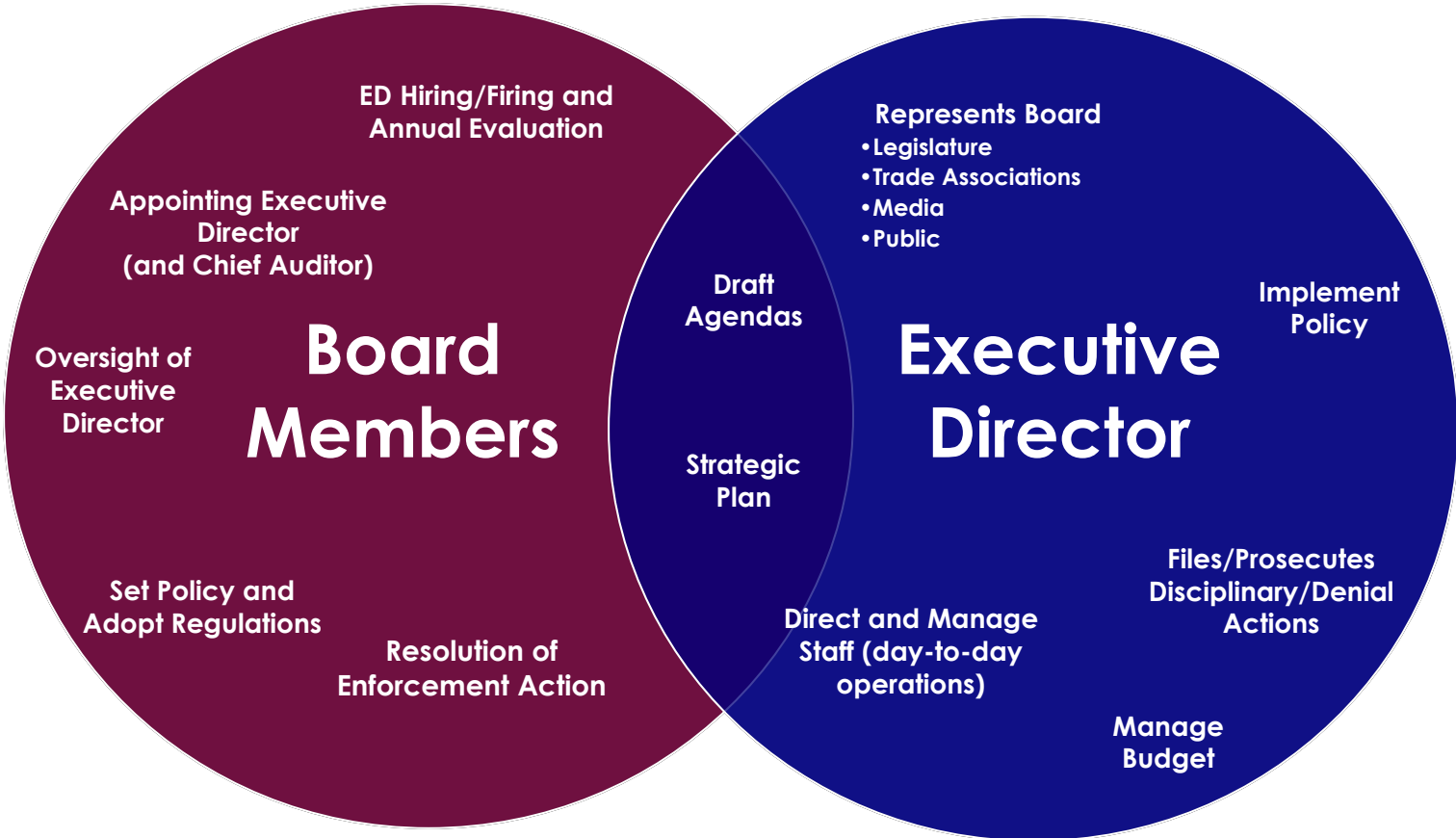
Board Member Duties:

- ✓ Hire Executive Director
- ✓ Set policy
- ✓ Adopt regulations
- ✓ Inform strategic planning

Board Missions: Rulemaking, Enforcement, Licensing, Outreach, Consumer Protection



Role of Board Members & Executive Director



Role of Board Members

Adopt Regulations



Role of Executive Director

Implement Policy



Role of Board Members

Resolution of Enforcement Action



Role of Executive Director



Represents Board to

- Legislature
- Media
- Public

Role of Executive Director

Manage Staff/Oversee Operations

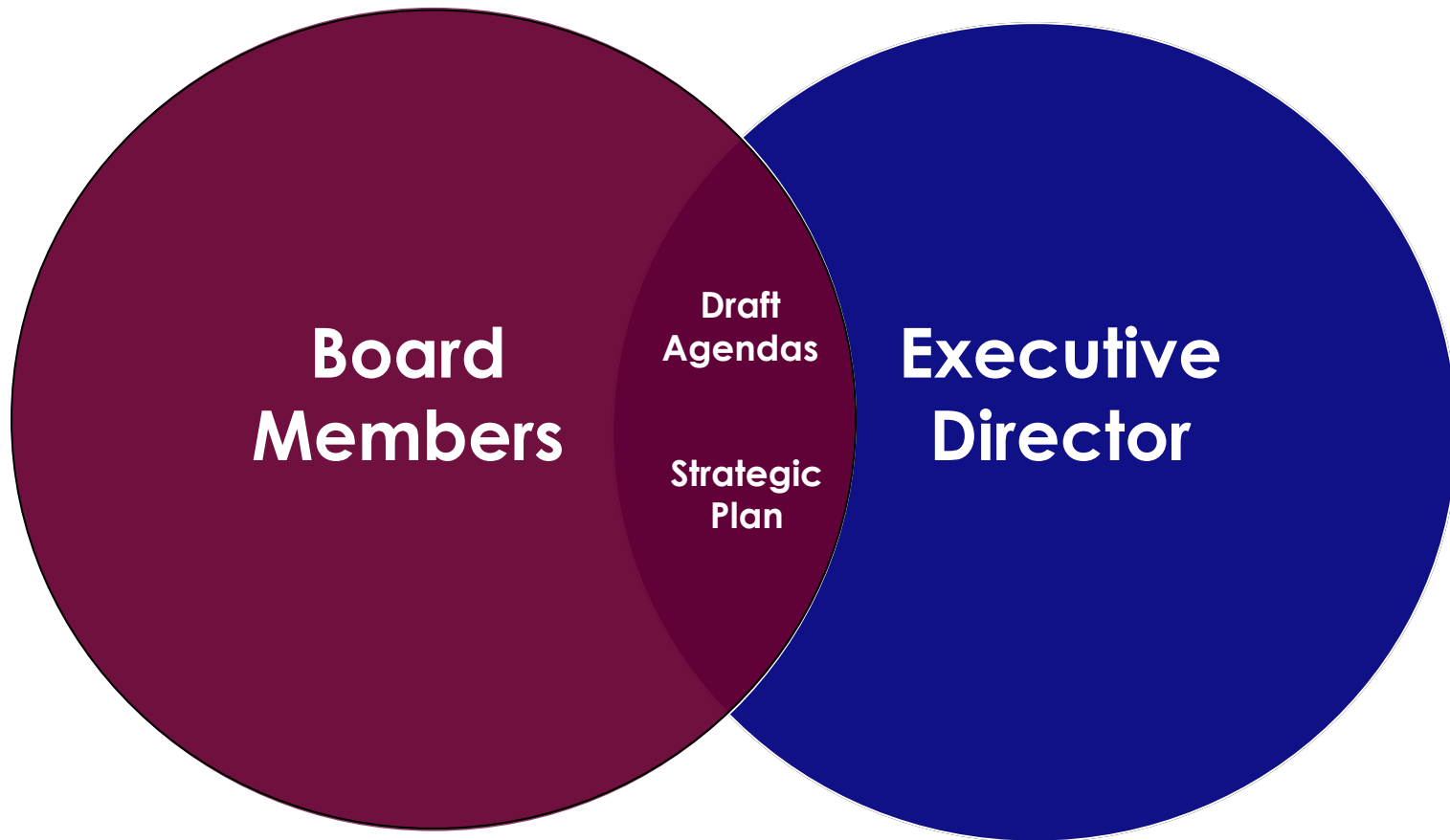


Role of Board Members

Oversight of Executive Director



Collaboration



Regulatory Process

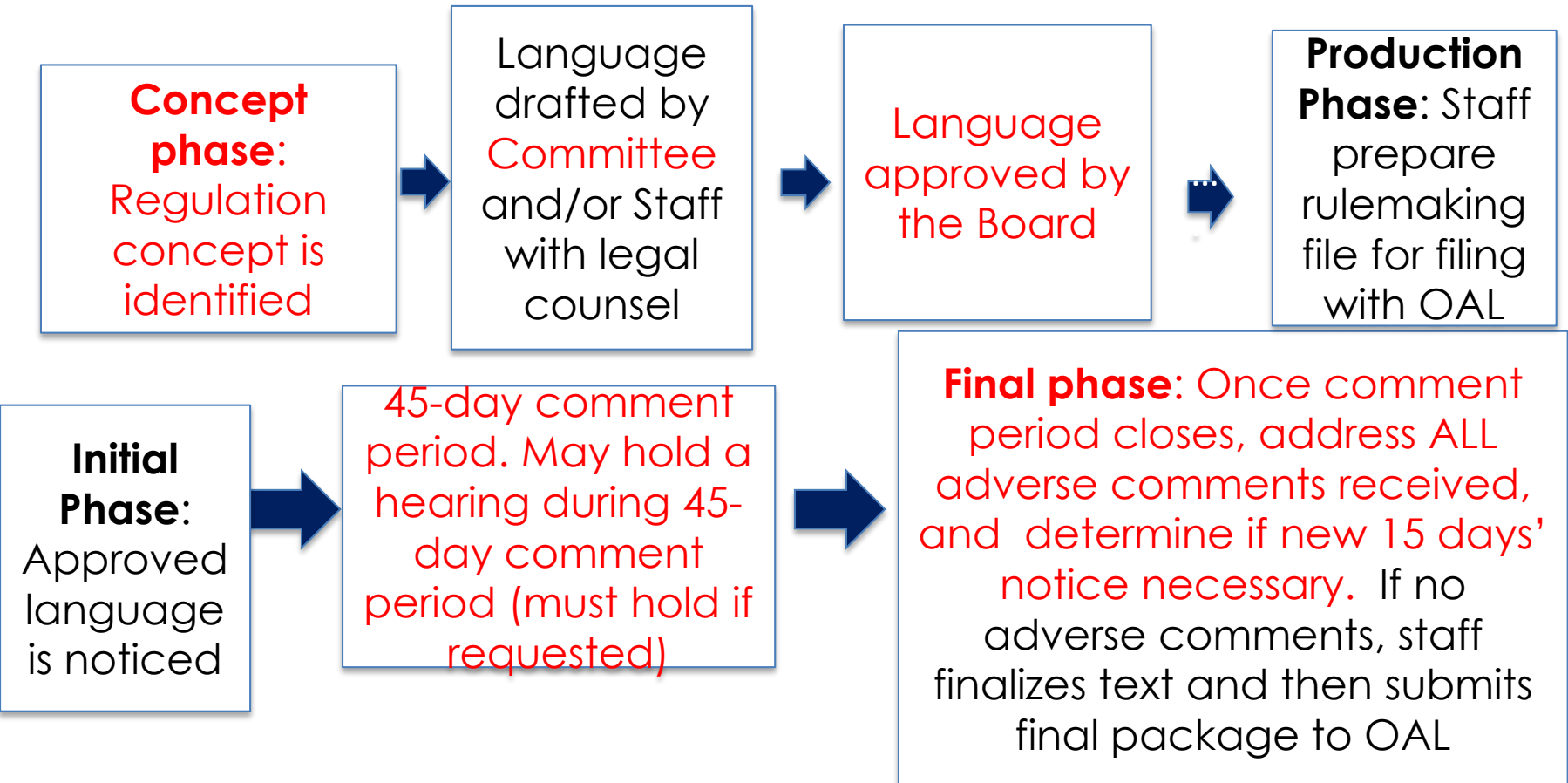
Kristy Schieldge

Attorney IV

DCA Legal Affairs Division



General Overview of Regulatory Process



Regulatory Phases for a Regular Rulemaking

1. Concept
2. Production
3. Initial
4. Final

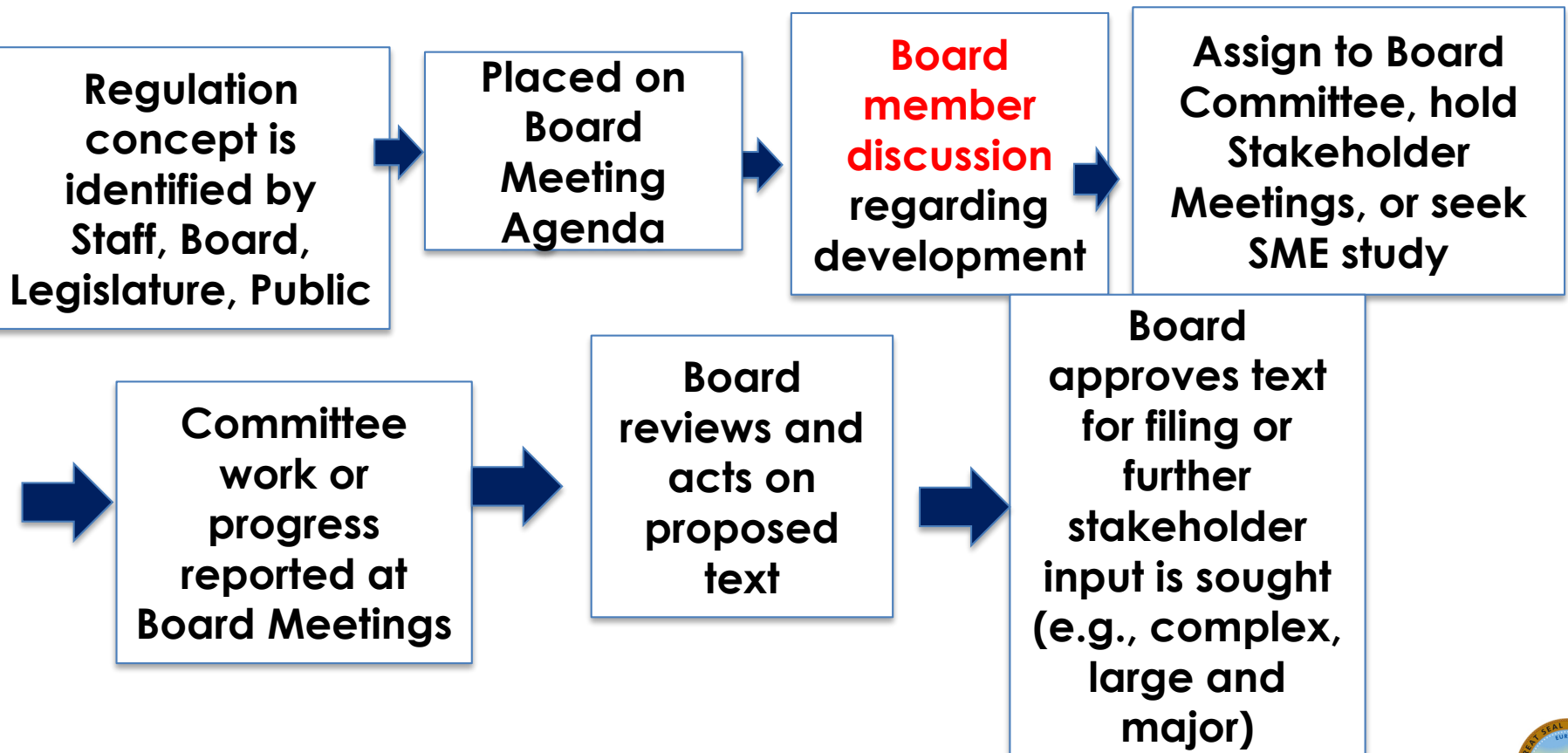


Concept Phase

1. Define the problem.
2. Describe the objectives you hope to achieve.
3. Brainstorm possible solutions.
4. Consult with those who would be affected.
(**Required:** complex and/or large proposals (Gov't. Code § 11346.45(a) and for major regulations (1 CCR 2001 (d))).
5. List and evaluate the costs and benefits.
6. Choose an option/solution and be prepared to explain why it is the preferred solution.



Board Member Role in Concept Development





Compounding Committee Meetings

Meeting Date	Location	Agenda	Meeting Materials	Minutes
November 5, 2019	Department of Consumer Affairs 1625 N. Market Blvd., 1st Floor Hearing Room Sacramento, CA 95834	11/5/19 Agenda	11/5/19 Meeting Materials	11/5/19 Minutes
October 16, 2019	Cancelled			
September 24, 2019	Department of Consumer Affairs 1625 N. Market Blvd., 1st Floor Hearing Room Sacramento, CA 95834	9/24/19 Agenda	9/24/19 Meeting Materials	9/24/19 Minutes
September 5, 2019	University of Southern California Orange County Center 2300 Michelson Drive Irvine, Ca 92612	9/5/19 Agenda	9/5/19 Meeting Materials Proposed Regulations Related to Pharmaceutical Compounding of Sterile Preparations	9/5/19 Minutes
July 11, 2019	Department of Consumer Affairs - Building Two 1747 North Market Blvd., Room 186 Sacramento, CA 95834	7/11/19 Agenda	7/11/19 Meeting Materials	7/11/19 Minutes
June 4, 2019	Department of Consumer Affairs 1625 N. Market Blvd., 1st Floor Hearing Room Sacramento, CA 95834	6/4/19 Agenda		6/4/19 Minutes
April 16, 2019	Department of Consumer Affairs 1625 N. Market Blvd., 1st Floor Hearing Room Sacramento, CA 95834	4/16/19 Agenda	4/16/19 Meeting Materials	

Sample



Board Concept Approval

1. Board reviews and approves text for initiation of the rulemaking process at noticed Board meeting
2. Delegates to the Executive Director: production of the rulemaking file, including: preparation of initial statement of reasons, setting the matter for a public hearing, and authority to make non-substantive or technical corrections



Staff Production Phase

1. Initial Package includes:
2. Part A portion of the Std. Form 400
3. Notice of Proposed Action (“Notice” or “NOPA”)
4. Board-Approved Proposed Text/Language
5. Any forms incorporated by reference in the proposed text/language as approved by the Board
6. Initial Statement of Reasons (ISOR)
7. Underlying Data (Materials Relied Upon) enumerated in the ISOR (including SRIA if applicable)
8. Completed Std. Form 399 – Economic and Fiscal Impact Statement (Note: additional docs for major regulation required)



Staff Initiates Rulemaking:
Filing with and review by
OAL, Publication and
Notice to Interested Parties

1. Package filed with OAL by staff
2. OAL reviews Notice
3. Staff corrects any deficiencies identified by OAL
4. Publication in Notice Register
5. Mail notice to interested parties and post Notice, Text, and ISOR on web site



Initial Phase: Board Oversight

1. At Board meeting: Board reviews and votes on proposed responses to all comments received during public comment period and at any hearing



2. Authorizes all modifications to proposed text



3. Retains authority to review all adverse comments received by staff in response to text modifications







Initial Phase (cont.)

Board meetings held and process of revising the text continues until no further adverse comments are received or the Board determines that it will make no further edits to the proposed text.



Final Phase

- The Board approves the final proposed text at a noticed Board meeting 
- Approval includes delegations to Executive Director: authority to complete the rulemaking file, including preparation of Final Statement of Reasons, make any non-substantive or technical changes and take “all steps necessary to complete the rulemaking” 
- Staff files the final package with OAL per the Board’s motion 
- If OAL or DOF indicates problem areas, the package may be withdrawn and discussed at future Board meeting. 



Board Member Action on Regulations

How to prepare:

- Review the memo(s), text, and supporting documentation
- List questions
 - *If possible, seek clarification prior to meeting*
 - *Consider whether legal standards are met and alternatives considered*



Considerations

When reviewing the text, suggest considering the following:

1. Review the memo(s), text, and supporting documentation
2. Are there unintended consequences?
3. Is this the least restrictive alternative or interpretation that your agency can choose to implement the law?



Considerations (cont.)

When reviewing the text, suggest considering the following:

4. Is it necessary?
5. Do you have the authority to adopt regulations on this subject matter?
6. Does the proposal make specific or interpret a law under your jurisdiction?
7. Is it clear?
8. Is it in harmony with or does it conflict with California or federal statutes or other regulations?
9. Does it duplicate something already required in state or federal law or regulations?



Any Questions?

Raise your hand to ask

-OR-

Type in the chat box

