

OFFICE OF ADMINISTRATIVE LAW

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August 29, 2007

James A. Hydrick
Co-507-4/RRU-11
P.O. BOX 5003
Coalinga, CA 93210

Dear Mr. Hydrick:

The Office of Administrative Law (OAL) has received your petition alleging that an underground regulation is being used by the Department of Mental Health (DMH) and Coalinga State Hospital. After review, your petition is incomplete because you have not identified the rule that you are challenging. You have included a copy of AD 626 and of AD 214. You also mention AD 101, the Hospital Operating Manual, the procedure used to amend AD 626 and the authority of DMH to regulate patients committed to Coalinga State Hospital pursuant to Welfare and Institutions Code section 6600.

OAL is unable to ascertain which of the above you are alleging is an underground regulation. If you are challenging the Hospital Operating Manual, you must specify the exact section of the Manual and provide a copy of it. If you are challenging the authority of DMH to regulate patients committed to Coalinga State Hospital, OAL cannot make such a determination as part of determining whether a rule is an underground regulation. Such a challenge is properly brought either as a comment to a regulation proposed by DMH or in a legal action before a court of competent jurisdiction.

Given that OAL is unable to ascertain which rule you are alleging is an underground regulation, your petition is deemed incomplete. Pursuant to California Code of Regulations, title 1, section 270, we will retain your petition for 60 calendar days in which time you may cure this defect. If we do not receive the information needed to complete your application by October 29, 2007, we will decline to consider it.

Legal Staff
Office of Administrative Law