

§ 15300. Prior Notification and Approval by the Secretary.

(a) A CUPA must notify and receive approval from the Secretary prior to instituting the following significant changes:

- (1) Addition or deletion of a program element;
- (2) Replacement, ~~or or~~ addition, ~~or removal~~ of a PA.

(b) The CUPA shall submit a proposal for change in the Unified Program to the Secretary. The proposal shall include the following, if applicable:

- (1) Explanation of the proposed changes in sufficient detail to enable a full understanding of the roles and responsibilities of the CUPA, each member of a Joint Powers Authority ~~Agency Authority~~ (JPA), and all PAs;
- (2) PA agreements for any new or any changes in the role or responsibilities of any PA;
- (3) Adequate information to enable the Secretary to determine that agencies proposed to implement some element of the Unified Program meet requirements including technical expertise, training, and education applicable to those elements; and
- (4) Sufficient information to enable the Secretary to determine that adequate resources exist to carry out all aspects of the Unified Program.

(c) The CUPA shall notify any affected PA.

(d) Any PA implementing a program element that is subject to proposed change shall have the opportunity to comment on the proposed change.

(e) The Secretary shall review proposed changes to a Unified Program in consultation with other affected state agencies.

- (1) The Secretary may conduct a public hearing if in the Secretary's opinion the proposed changes are likely to generate significant public interest. ~~The purpose of the hearing will be to receive public comment. The Secretary may, however, reserve time so that the CUPA and any affected PA may make presentations. The Secretary retains the sole discretion to choose whether to hold a hearing, when to hold a hearing, and how to organize a hearing.~~

(f) The Secretary shall approve or disapprove of the CUPA's proposal within 60 days of receipt of the proposal by certified mail, ~~unless the Secretary determines circumstances require an extension of this deadline~~ that an extension of this deadline is warranted in light of the complexity of the issues presented or the volume of information submitted.

(g) Within 30 days of receipt of the Secretary's decision, the CUPA may appeal a decision pursuant to this ~~s~~Section.

- (1) The appeal shall respond to the reasons specified in the Secretary's decision and may propose additional changes necessary to correct deficiencies in the original proposal.
- (2) The appeal process shall be completed within 60 days of receipt of the appeal.

(3) The Secretary's final decision on the proposal changes shall be issued by certified mail within the 60-day appeal timeframe.

Note: Authority cited: Sections 25404, 25404(b) and 25404.6(c), Health and Safety Code. Reference: Sections 25404.2(c), 25404.3, 25404.3(d) and 25404.4(a), Health and Safety Code.

§ 15320. Withdrawal of a Certification.

(a) If the Secretary finds the CUPA is not adequately implementing Unified Program requirements, the Secretary may:

(1) Issue a Notice of Intent to withdraw certification or

(2) Enter into a Program Improvement Agreement with the CUPA to correct deficiencies and make necessary improvements pursuant to Section 15330(d).

(b) A Notice of Intent to withdraw certification shall include specific reasons why the CUPA has failed to adequately implement the Unified Program within its jurisdiction in accordance with HSC, ~~§~~Section 25404.4.

(1) A period of 60 days shall be allowed for the CUPA to respond to the Notice of Intent to withdraw certification and to correct deficiencies.

(2) A public hearing may be scheduled, at which the Secretary shall hear the CUPA's response to the Notice of Intent to withdraw.

~~(c) If a city or JPA certified as a CUPA and implementing the Unified Program within a city desires to withdraw as a CUPA, it shall give 180 days notice to the Secretary and to the county within which the city is located or to the JPA with which the county has an agreement to implement the Unified Program prior to withdrawing from its Unified Program obligations. A successor CUPA will be chosen in accordance with the provisions of section 25404.3(f) of the HSC.~~

(c) If a city that is certified as a CUPA desires to withdraw as a CUPA, the city shall give 180 days' notice to the Secretary and to the county prior to withdrawing from its Unified Program obligations.

(d) If a member of a JPA that is certified as a CUPA desires to withdraw from the JPA, the JPA member shall give 180 days' notice to the Secretary, applicable county or counties, and all other members of the JPA prior to withdrawing from its Unified Program obligations.

(e) A successor CUPA will be chosen in accordance with HSC, Section 25404.3(f).

Note: Authority cited: Sections 25404, 25404(b), 25404.3(g) and 25404.6(c), Health and Safety Code. Reference: Sections 25404.3(g) and 25404.4(a), Health and Safety Code.