

Kayla Collins  
[REDACTED]

May 1, 2026

Department of Health Care Services  
Office of Regulations  
cc: Glenn Spellman

Re: Petition for Rulemaking – Denial

Dear Sir or Madam:

I have received the Department's April 29, 2026 response denying my Petition for Rulemaking and subsequent Request for Reconsideration.

This issue reflects a broader gap in how existing regulations are applied across DUI programs statewide.

The response acknowledges that current regulations do not expressly address whether reduced-fee determinations apply retroactively or prospectively, but does not provide a position on how § 9878 applies where a required financial assessment was not timely completed.

**This omission is material.**

Accordingly:

- The Department has not stated whether fees assessed above a participant's actual ability to pay during periods of delayed assessment are in compliance with § 9878
- The Department has acknowledged a gap in the regulations but declined to interpret how existing regulations apply to these circumstances
- The dispositive issue remains unresolved

I am formally documenting that this material regulatory issue remains unresolved.

Because this issue arises from existing regulations, it requires *interpretation*—not future rulemaking.

The Department's denial of the Petition does not resolve the interpretive issue presented.

Absent a clear interpretation, I will proceed on the basis that the Department has declined to provide a substantive position and will raise it through appropriate legal and oversight channels as part of the record.

Please confirm whether the Department intends to issue a direct response to this unresolved issue.

Sincerely yours,



Kayla Collins