

FINAL STATEMENT OF REASONS

UPDATE OF INITIAL STATEMENT OF REASONS

SECTION 250. The proposed regulation as originally noticed to the public, would have defined one unit of continuing education to be equal to a minimum of six hours of classroom instruction. However, in response to a comment from a member of the directly affected public, the Board has changed the wording from “classroom instruction” to “class time” to allow for the approval of classes that are offered over the internet and through the use of other media.

LOCAL MANDATE DETERMINATION

The proposed regulations do not impose any mandate on local agencies or school districts.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF JANUARY 6, 2012 THROUGH FEBRUARY 20, 2012.

COMMENT NO. 1.1: Johnnie "The Magnificent" Carnac (see Comments, p. 1) stated that registered astrologers should not be required to complete continuing education courses. The commenter states that he received sufficient continuing education from the stars and the moons on his annual meditation trips to the mountains.

Response: The Board disagrees with the comment. The Board's regulations are not requiring the registered astrologers to attend continuing education courses. This requirement was established by the Legislature in Business Code section 7006. The Board's regulations are merely implementing this statute.

COMMENT NO. 1.2: Johnnie "The Magnificent" Carnac also asked the Board to provide for the taking of classes over the internet and through other media.

Response: The Board has accommodated this comment by changing “classroom instruction” to “class time.” This will allow classes offered by way of the internet and other media to be approved by the Board and taken to satisfy continuing education requirements. The Board also substituted the word “class” for the word “course” to make the language consistent through-out the regulations.

COMMENT NO. 2: Ima Ramm (see Comments, p. 2) objected to the proposed regulations and suggested the members of the Board are starstruck.

Response: This is a general objection to the adoption of the proposed regulations. The board is going to adopt the regulations for the reasons explained in the initial statement of reasons.

COMMENT NO. 3: Surely McLane (see Hearing Transcript, p. 3) stated that astrologers who have attended continuing education courses in a different life should be exempt from the continuing education requirement.

Response: The Board disagrees with the comment. The requirement that registered astrologers attend continuing education courses has been established by the Legislature in Business Code section 7006, and not by the Board in these regulations. The statute does not provide for any exemptions from the continuing education requirement.

COMMENT NO. 4: Al Chemy (see Hearing Transcript, p. 3) stated that the unit of continuing education should be defined as equaling three hours of classroom instruction, not six hours of classroom instruction. Six hours is excessive, as it would require a registered astrologer to attend an average of three classroom hours every two months to meet the continuing education requirement.

Response: The Board has decided not to accommodate this comment because the times set by the regulation are needed to adequately cover the material that needs to be covered and the public will receive the maximum benefit from requiring six hours of class time for a unit.

COMMENT NO. 5: Cap Ricorn (see Hearing Transcript, p. 4) stated that the word "minimum" should be deleted from proposed section 250 as the regulation could be read to mean that the Board could require more than six hours of classroom instruction for each unit of continuing education. As a result, the regulation does not clearly advise persons directly affected of the exact number of classroom hours they must obtain in order to satisfy the continuing education requirement.

Response: The Board agrees with the commenter and has deleted the phrase "a minimum of" from section 250.

COMMENTS RECEIVED DURING THE PERIOD THE MODIFIED TEXT WAS AVAILABLE TO THE PUBLIC.

The modified text was made available to the public for comment from February 22, 2012 through March 9, 2012. The Board did not receive any comments on the modified text.

ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESS

No alternatives were proposed to the Board that would lessen any adverse economic impact on small business.

[Pursuant to Government Code section 11346.9(a)(5), if anyone proposes an alternative that would lessen the adverse economic impact on small businesses, the final statement of reasons must include an explanation setting forth the Board's reasons for rejecting any proposed alternatives.]

ALTERNATIVES DETERMINATION

The Board has determined that no alternative it considered or that was otherwise identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The amendments adopted by the Board are the only regulatory provisions identified by the Board that accomplish the goal of protecting consumers of astrological services by ensuring that registered astrologers remain competent in the practice of astrology and follow appropriate ethical and legal standards. Except as set forth and discussed in the summary and responses to comments, no other alternatives have been proposed or otherwise brought to the Board's attention.