



California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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**PROPOSED ACTION ON
REGULATIONS**

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**TITLE 2. FAIR POLITICAL
PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (Commission), pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict-of-interest codes, will review the proposed/amended conflict-of-interest codes of the following:

CONFLICT-OF-INTEREST CODES

AMENDMENT

STATE AGENCY: Native American
Heritage Commission

A written comment period has been established commencing on March 6, 2015, and closing on **April 20, 2015**. Written comments should be directed to the Fair Political Practices Commission, Attention Ivy Branaman, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict-of-interest code(s) will be submitted to the Commission's Executive Director for her review, unless any interested person or his/her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than **April 20, 2015**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

**EFFECT ON HOUSING COSTS
AND BUSINESSES**

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code-reviewing body for the above conflict-of-interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict-of-interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Ivy Branaman, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

**AVAILABILITY OF PROPOSED
CONFLICT-OF-INTEREST CODES**

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Ivy Branaman, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 4. CALIFORNIA GAMBLING CONTROL COMMISSION

PROGRAM FOR RESPONSIBLE GAMBLING CGCC-GCA-2015-01-R

NOTICE IS HEREBY GIVEN that the California Gambling Control Commission (Commission) is proposing to take the action described in the Informative Digest after consideration of all relevant public comments, objections and recommendations received concerning the proposed action. Comments, objections and recommendations may be submitted as follows:

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Commission at any time during the 45-day public comment period, which closes on April 20, 2015. Written comments relevant to the proposed regulatory action may be sent by mail, facsimile, or e-mail, directed to one of the individuals designated in this notice as a contact person. To be eligible for the Commission's consideration, all written comments must be **received at its office no later than 5:00 p.m. on April 20, 2015. Comments sent to persons and/or addresses other than those specified under Contact Persons, or received after the date and time specified above, will be included in the record of this proposed regulatory action, but will not be summarized or responded to regardless of the manner of transmission.** Written comments will also be accepted at the public hearing described below.

PUBLIC HEARING

Any interested person, or his or her authorized representative, may present statements or arguments orally or in writing relevant to the proposed regulatory action at a public hearing to be held at **10:00 a.m. on June 3, 2015**, in the Commission's Hearing Room located at 2399 Gateway Oaks Drive, Suite 100, Sacramento, CA 95833.

ADOPTION OF PROPOSED ACTION

After the close of the public comment period, the Commission, upon its own motion or at the instance of any interested party, may thereafter formally adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of

technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit oral or written testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 19811, 19840, 19841(o), and 19920, of the Business and Professions Code; and to implement, interpret or make specific sections 19801, 19845, 19920 and 19954 of the Business and Professions Code and sections 4359.2, 4369.2 and 4369.4 of the Welfare and Institutions Code, the Commission is proposing to adopt the following changes to Chapter 7 of Division 18 of Title 4 of the California Code of Regulations:

INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

INTRODUCTION:

The California Gambling Control Commission (Commission) is the state agency charged with the administration and implementation of the California Gambling Control Act (Act).¹ Under the Act, the Legislature finds gambling to be addictive² and that the exclusion or ejection of certain persons from gambling establishments is necessary.³ The Commission is required to “. . . coordinate with the office [Office of Problem and Pathological Gambling (OPPG)] to ensure that state programs take into account, as much as practicable, problem and pathological gamblers.”⁴ Regulations allowing individuals to self-exclude or self-restrict their gambling activities have been adopted to implement and make specific the Commission's requirement to coordinate with the OPPG and to provide for necessary public protections for individuals for whom gambling is addictive.

EFFECT OF REGULATORY ACTION:

This proposed action has been prepared to update the Program for Responsible Gambling to correct for issues that have arisen during the lifetime of the program and to better coordinate with the OPPG and address changes in the understanding of problem gambling and how to best provide a structure to assist individuals in recovery.

ANTICIPATED BENEFITS OF PROPOSED REGULATION:

This proposed action will have the benefit of providing the gambling patron with a broader level of flexibil-

¹ Business and Professions Code, Division 8, Chapter 5, section 19800 et seq.

² Business and Professions Code, section 19800, subdivision (c).

³ Business and Professions Code, section 19800, subdivision (m).

⁴ Welfare and Institutions Code, section 4369.4.

ity in their personal decision to participate, or exclude or restrict their participation in controlled gambling and related gambling activities. Additionally, the proposed action provides clarification and additional specificity to inform the gambling enterprise on what minimum level it must participate and provide policies and procedures to assist the patron in their decisions related to the Self-Exclusion and Self-Restriction Programs. The proposed action also expands the requirement that a gambling message be included in advertising by or on behalf of gambling enterprises, providers of third-party services and gambling businesses. Finally, the proposed action expands which gambling enterprise employees are required to participate in problem gambling training to include food service employees. All of these changes provide greater transparency and openness in business and government and protect the health, safety and welfare of the public, particularly those individuals affected by problem gambling.

EXISTING LAW:

Section 19801, subdivision (c) provides that the Legislature finds and declares that gambling can become addictive.

Section 19801, subdivision (m) provides that the Legislature finds and declares that the exclusion or ejection of certain persons is necessary to effectuate the policies of this chapter.

Section 19840 provides authority for the Commission to adopt regulations for the administration and enforcement of the Gambling Control Act.

Section 19841, subdivision (o) provides authority for the Commission to restrict, limit, or otherwise regulate any activity that is related to the conduct of controlled gambling.

Section 19845, subdivision (a), paragraph (7), provides that a gambling enterprise may remove individuals whom the Commission has determined should be excluded from gambling establishments.

Section 19920 provides that all gambling establishments shall be operated in a manner suitable to protect the public health, safety, and general welfare of the residents of the state.

Section 19954 provides for the Gambling Addiction Program Fund and that each licensee shall pay a sum per table to the OPPG.

Section 4369.2 of the Welfare and Institutions Code provides that the OPPG is responsible for providing a toll-free telephone service, currently 1-800-GAMBLER, and provide training to gambling industry personnel in identifying risks for problem gambling and knowledge of referral and treatment services.

Section 4369.4 of the Welfare and Institutions Code requires the Commission to coordinate with the OPPG

to ensure its programs take into account problem gamblers.

SPECIFIC PROPOSAL:

This proposed action will make changes within Article 6 of Chapter 7, Division 18, Title 4 of the California Code of Regulations.

Amend Section 12460. Article Definitions.

This proposed action provides non-substantive, editorial, revisions to the definitions in Section 12460.

Subsection (a) is modified to remove the reference to "irrevocability." Proposed Section 12465 will now address the irrevocability, or revocability, or any removal request, and the continued inclusion in the definition is repetitive and unnecessary. The definition is also revised to remove operative text. Additionally, a non-substantive, editorial correction is proposed to consistently refer to the list of self-excluded persons and not a "Self-Exclusion list." Finally, a non-substantive, editorial correction is proposed to clarify that the list of self-excluded persons applies to all controlled games or gaming activities or privileges at all gambling establishments.

Subsection (b) is revised to clarify that self-restriction only applies to a single gambling establishment. The definition is also revised to remove operative text. Additionally, the reference to games is changed to controlled games. Finally, the subsection and paragraphs have a non-substantive, editorial correction for consistency that modifies references from "exclusion" to "restriction" as the limitations are related to self-restriction and not self-exclusion.

Paragraph (1) of subsection (b) is modified to change the reference to games to controlled games.

Paragraph (2) of subsection (b) is modified to change the reference to games to controlled games. In addition, the reference to gambling establishment is changed to gambling enterprise. An additional non-substantive, editorial change is made to remove unnecessary language.

Paragraph (3) of subsection (b) is modified to clarify that the restriction is on the availability of credit or check cashing.

Paragraph (4) of subsection (b) is modified to provide that the restriction from marketing or promotional activities applies to both those conducted by the gambling enterprise, and those conducted on its behalf.

Amend Section 12461. Posting Referral Information.

This proposed action expands the requirements for posting problem gambling messages to include third-party providers of proposition player services (TPPPS) and gambling businesses.

Subsection (a) is revised to correct the reference to the "Office of Problem and Pathological Gambling" from "Office of Problem Gambling."

Subsection (b) specifies that any website operated by a gambling enterprise must contain a responsible gambling message and a link to the OPPG. This subsection is revised to provide that a website operated by or on the behalf of a gambling enterprise, TPPPS or gambling business must contain the required message.

Subsection (c) specifies that any advertising material must contain the responsible gambling message. This subsection is revised to provide that advertising material produced by, or on the behalf of any gambling enterprise, TPPPS or gambling business must include the required message. Additionally, the following options are proposed:

- **Option 1** would require that the advertising material must contain both a reference to the 1-800-GAMBLER number and a link to <http://www.problemgambling.ca.gov>.
- **Option 2** would require that the advertising material must contain either a reference to the 1-800-GAMBLER number or a link to <http://www.problemgambling.ca.gov>, or both.
- **Option 3** would require that the advertising material must contain either a reference to the 1-800-GAMBLER number or a link to <http://www.problemgambling.ca.gov>, or both. Additionally, the proposed action clarifies which advertising materials are required to follow this provision. The proposal also specifically exempts digital materials where space is limited and the advertisement is only a link where a viewer would then be electronically directed to a website that does include the required message. Additionally, the proposal exempts promotional materials of a limited size.

Amend Section 12462. Training Requirements.

This proposed action modifies and clarifies the minimum requirements for the policies and procedures related to problem gambling training for gambling enterprise employees. This section is expanded to provide requirements related to any employee that has direct interaction with gambling patrons in the gambling areas, including food and beverage servers.

Subsection (a) provides that a licensee shall establish and implement procedures related to new employee orientations and annual trainings for those employees who have contact with gambling patrons in gambling areas. Food and beverage servers are currently exempt from the training requirement. This provision is revised to provide that the licensee need not establish the training program but may instead either use a third-party program or one developed and provided by the OPPG.

New paragraphs (1) through (3) of subsection (a) are proposed to provide three categories of employees that have interaction with gambling patrons in gambling

areas; key employees, employees who function in the operation of a controlled game, and any other employee including food and beverage servers. These categories correspond with proposed changes in subsection (c) to target individual employee groups to separately determine their level of required instruction.

Current subsection (b) provides that new employee orientations and annual trainings must be documented and kept in the employee’s personnel file for a minimum of five years. This subsection is repealed and its various provisions moved to a paragraph within either subsection (b) or subsection (c). The provision requiring that the training documentation be provided as part of the licensee’s application for renewal is repealed.

New paragraph (1) of subsection (b) provides that new employee orientations must be completed within 60 days of either the issuance of an employee’s licensee or work permit or the date the employee begins work, whichever is later. This provision directs the gambling enterprise to provide a new employee orientation within the first 60 days of the employee’s ability to participate in the conduct of a controlled game.

New paragraph (2) of subsection (b) provides that annual training must be provided to an employee during a calendar year where a new orientation was not provided. Additionally, the training can be completed in segments as long as the entire program is completed in the same year.

New paragraph (3) of subsection (b) maintains many of the provisions moved from current subsection (b), including that an employee must be designated as being responsible for maintaining, coordinating and documenting the required training. The provision requiring the maintenance of training records is revised from being required to be included in the employee’s personnel file to only being required to be maintained on file by the gambling enterprise. Additionally, a new provision is proposed that would require that the training program be reviewed at least once a year to ensure that the information is correct.

Subsection (c) requires that the training program include a minimum set of information. This subsection has two non-substantive, editorial revisions.

New paragraph (4) of subsection (c) provides that the training program must include information related to services provided by the OPPG.

New paragraph (5) of subsection (c) provides that the training program must include information related to services provided by any problem gambling programs or services available in the location around the gambling enterprise.

Current subsection (d) requires the gambling enterprise to designate an employee as being responsible for maintaining the program. This provision is now incorporated in paragraph (3) of subsection (b).

A new paragraph (1) of subsection (d) requires employees who have contact with gambling patrons in gambling areas but whose work functions are not related to the conducting of a controlled game only need to be trained on information related to the nature and symptoms of problem gambling behavior.

A new paragraph (2) of subsection (d) requires employees whose work functions are directly related to the conduct of a controlled game, and who have contact with gambling patrons in gambling areas need to be trained only on information related to the nature and symptoms of problem gambling behavior and on how to assist patrons in obtaining information on problem gambling programs.

A new paragraph (3) of subsection (d) requires that key employees receive training in all of the categories of subsection (c).

Amend Section 12463. Self-Restriction Program.

This proposed action provides four options to modify two aspects of the Self-Restriction program. Additionally, non-substantive, editorial changes are made to the section.

Subsection (a) provides that a licensee shall establish and implement a program that allows patrons to restrict their access to specific aspects of the gambling operation, or from the gambling establishment completely.

Paragraph (2) of subsection (a) provides that the gambling enterprise must develop and provide a form for the patron to participate in the self-restriction program. Additionally, a form is provided that may be used, if the gambling enterprise does not wish to create its own. The name of the form is changed and the date of the form updated.

Additionally, the provided form is updated to be consistent with other changes in the regulations, such as changing the “Office of Problem Gambling” to the “Office of Problem and Pathological Gambling.”

Paragraph (3) of subsection (a) provides that the list of self-restricted persons must be protected as confidential and may only be shared with Bureau or law enforcement personnel as part of an investigation. The provision allowing the list of self-restricted persons to be shared with a Commission-approved entity assisting in a Problem Gambling program is removed. A non-substantive, editorial change is also made to clarify that law enforcement personnel would be conducting the investigation.

Paragraph (4) of subsection (a) provides that a patron may exclude him or herself from certain controlled games or gaming activities. References to exclusion are changed to restriction.

- Subparagraph (A) is modified to change references to exclusion to restriction.

- Subparagraph (B) provides a requirement that a gambling enterprise must notify the Bureau of any incidents where a patron is removed and either security or the police were required to assist.
 - **Option 4, Part A**, would provide that the provision remain unchanged.
 - **Option 5, Part A**, would provide that a gambling enterprise need not contact the Bureau when a patron is removed, but must instead keep a record of the removal.
- Subparagraph (C) provides that when discovered, a patron forfeits any money or prizes won or any losses recovered and that any such funds must be deposited into the Gambling Addiction Program Fund. This provision is modified to change references of exclusion to restriction. Additional modifications are proposed, as follows:
 - **Option 6, Part A**, would remove the requirement that a patron who is found in violation forfeit any money related to losses recovered.
 - **Option 7, Part A**, would remove the requirement that a patron who is found in violation forfeit any money related to losses recovered. Additionally, the patron would be forced to forfeit any chips currently in their possession.

Paragraphs (5) and (6) of subsection (a) provide that a patron may exclude themselves from check cashing, credit and marketing. References to exclusion are changed to restriction.

Paragraph (7) of subsection (a) provides that a patron may be removed from access to check-cashing, credit or other marketing opportunities. This provision is repealed and incorporated in paragraphs (5) and (6).

Subsection (b) is revised to provide a non-substantive correction for consistency in the name of the Self-Restriction Request form.

Amend Section 12464. Self-Exclusion Program.

This proposed action provides options to modify three aspects of the Self-Exclusion program. Additionally, non-substantive, editorial changes are made to the section.

Subsection (a) provides that a licensee shall establish and implement the State program that allows patrons to exclude themselves from all gambling establishments.

The name of the form is revised. The form is also updated to be consistent with other changes or options in the regulations, such as changing the Office of Problem Gambling to the Office of Problem and Pathological Gambling.

Paragraph (1) of subsection (a) requires that the gambling enterprise establish policies for both providing

forms to patrons and submitting the completed forms to the Bureau. This section is modified to revise the name of the form.

Paragraph (2) of subsection (a) requires that the gambling enterprise establish policies for protecting the confidentiality of the list of self-excluded persons. Additionally, the provision allowing the list of self-excluded persons to be shared with a Commission-approved entity assisting in a Problem Gambling program is removed.

Paragraph (3) of subsection (a) requires that the gambling enterprise establish policies designed to thwart violations and notify the Bureau when the removal of a violator requires the use of security or police.

- **Option 4, Part B**, would provide that the provision remain unchanged.
- **Option 5, Part B**, would provide that a gambling enterprise need not contact the Bureau when a patron is removed, but must instead keep a record of the removal.

New paragraph (4) is added to subsection (a). Under current practice, patrons in violation of their self-exclusion are most often caught at a later stage in their violation.

- **Option 8** would require that a patron's identity be verified before cashing a check, extending credit, and purchasing or redeeming chips.
- **Option 9** would require that when otherwise verifying a patron's identity due to cashing a check, extending credit, or when purchasing or redeeming chips, the patron's name must also be checked against the list of self-excluded persons.
- **Option 10** would require that when a patron's identity is being otherwise verified, for any reason, the list of self-excluded persons must also be checked at that time.
- **Option 11** would require that when a patron's identity is being otherwise verified in conjunction with a controlled game or gaming activity, the list of self-excluded persons must also be checked at that time.

Paragraph (5) provides that when discovered, a patron forfeits any money or prizes won or any losses recovered and that any such funds must be remitted to the OPPG for deposit into the Gambling Addiction Program Fund. Modifications are proposed, as follows:

- **Option 6, Part B**, would remove the requirement that a patron who is found in violation must forfeit any money related to losses recovered.

- **Option 7, Part B**, would remove the requirement that a patron who is found in violation must forfeit any money related to losses recovered. Additionally, the patron would be forced to forfeit any chips currently in their possession.

Subsection (b) provides that the gambling enterprise is not required to provide the services of a notary public. This section is modified to correct the name of the form. This is a non-substantive, editorial change.

Adopt Section 12465. Removal from the List of Self-Excluded Persons.

This section specifies how the self-exclusion terms work, and how removal from each term is conducted. Currently, regulations do not explicitly specify any removal function, just that requests are irrevocable for the specific time period. As such, at the conclusion of the one or five-year periods, individuals are automatically removed. Patrons who requested lifetime cannot be removed.

- **Option 12** maintains the current one-year and five-year exclusion periods. The lifetime exclusion period is modified from actually being the term of the patron's life to being a minimum four-year period but with no automatic end date. At any time after the four years has elapsed, the patron would be able to request removal from the list of self-excluded persons and would then be removed after a one-year waiting or "cool down" period. Accompanying these changes are revisions to the Self-Exclusion Request form and the addition of two new forms: Self-Exclusion Removal Request and Withdrawal of Self-Exclusion Removal Request.
 - New subsection (a) would provide that for a lifetime self-exclusion term, a request for removal could be submitted after four years from the effective date of the exclusion.
 - New subsection (b) provides clarification to the Bureau on how a patron is removed from the list of self-excluded persons.
- **Option 13** would remove the current one-year, five-year and lifetime term structure and replace it with a single self-exclusion list where every request is for an indeterminate amount of time. A patron could sign up for the program, and could then request to be removed at any point. There would then be a one-year waiting or "cool down" before removal.

- New subsection (a) specifies that a removal request is required in order to be removed from the list of self-excluded persons.
- New subsection (b) provides clarification to the Bureau on how a patron is removed from the list of self-excluded persons.
- **Option 14** would repeal Section 12464. This would leave each gambling enterprise with its own list of self-restricted persons. There would not be a statewide program.

Amend Section 12466. Responsible Gambling Program Review.

The proposed action moves the authority to issue notices of deficiency from the Executive Director to the Bureau. Additionally, the OPPG is authorized to request and review a gambling enterprise’s policies and procedures related to the list of self-restricted persons and the list of self-excluded persons. Finally, non-substantive, editorial changes are made to this Section.

The existing subsection (a) authorizes both the Executive Director and the Bureau to request and review the elements of a gambling enterprise’s policies and procedures related to the list of self-restricted persons and the list of self-excluded persons. The Executive Director could then issue a notice identifying deficiencies and specifying a term within which they must be corrected. Judicial review of the notice would be subject to the limitations of Business and Professions Code section 19804. This subsection would become paragraph (1) of subsection (a) and is modified to authorize the Bureau to issue the notice detailing deficiencies instead of the Executive Director.

A new paragraph (2) is added to subsection (a). This provision maintains the Commission’s access to review the elements of a gambling enterprise’s policies and procedures related to the list of self-restricted persons and the list of self-excluded persons. Additionally, the OPPG is authorized to request and review the policies and procedures.

Subsection (b) provides that failing to establish the required programs, or to correct an identified deficiency is an unsuitable method of operation.

Subsection (e) is revised to correct the reference to the “Office of Problem and Pathological Gambling” from “Office of Problem Gambling”.

CONSISTENCY OR COMPATIBILITY WITH EXISTING STATE REGULATIONS

The Commission has evaluated this regulatory action and determined that the proposed regulations are neither inconsistent nor incompatible with any other existing state regulations. The Commission is vested with jurisdiction and supervision over gambling establish-

ments and over all persons or things having to do with the operations of gambling establishments in California. The scope and content of the Commission’s regulations is generally set forth in section 19841. As provided in subdivision (o) of section 19841, the Commission may “restrict, limit, or otherwise regulate any activity that is related to the conduct of controlled gambling” As provided in Welfare and Institutions Code section 4369.4, the Commission shall take problem gambling into account in developing its programs. Additionally, section 19801, subdivision (m) and 19845, subdivision (a), paragraph (7) allow for individuals to be removed from a gambling establishment as determined by the Commission. Together, these provisions provide a structure under which the Program for Responsible Gambling has been developed, specifically allowing an avenue for individuals to declare themselves unfit to access specific services, or a gambling establishment in its entirety and to request that they be restricted or excluded.

COMPARABLE FEDERAL LAW

There are no existing federal regulations or statutes comparable to the proposed regulations.

FISCAL IMPACT ESTIMATES

FISCAL IMPACT ON PUBLIC AGENCIES INCLUDING COSTS OR SAVINGS TO STATE AGENCIES OR COSTS/SAVINGS IN FEDERAL FUNDING TO THE STATE:

There would be no fiscal impact on the Commission, including costs or savings or costs/savings in Federal funding.

The Bureau of Gambling Control within the Department of Justice provided the Commission with estimates of the fiscal impact to that agency associated with options 12 and 13 of the proposed regulations amendments. The Bureau’s estimated fiscal impact for Option 12 is: for Year 1 (FY 2015–16), \$100,373; for Year 2 (FY 2016–17), \$80,769; and, for Year 3 (FY 2017–18), \$80,769. The Bureau’s estimated fiscal impact for Option 13 is: for Year 1 (FY 2015–16), \$161,155; for Year 2 (FY 2016–17), \$153,551; and, for Year 3 (FY 2017–18), \$153,551. The Year 1 costs include one-time data center and hiring costs. The Bureau indicates that there are no savings associated with Options 12 or 13 and the only savings would be for Option 14 (elimination of program). As the Commission does not anticipate submitting this Rulemaking file to OAL for approval until early FY 2015–16, there will not be any costs to the Bureau in the current fiscal year.

NON-DISCRETIONARY COST OR SAVINGS IMPOSED UPON LOCAL AGENCIES: None.

MANDATE IMPOSED ON ANY LOCAL AGENCY OR SCHOOL DISTRICT FOR WHICH PART 7 (COMMENCING

WITH SECTION 17500) OF DIVISION 4 OF THE GOVERNMENT CODE REQUIRES REIMBURSEMENT: None.

COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT FOR WHICH PART 7 (COMMENCING WITH SECTION 17500) OF DIVISION 4 OF THE GOVERNMENT CODE REQUIRES REIMBURSEMENT: None.

EFFECT ON HOUSING COSTS: None.

IMPACT ON BUSINESS:

The Commission has made an initial determination that the adoption of these regulations would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

For the most part, this proposed action only modifies requirements already in place. These regulations increase the number of employees requiring problem gambling training and so some additional cost would be associated with paying those employees to attend instruction; however, that instruction is already being provided under the current regulations and any additional cost would be insignificant.

There may be a business impact involved with checking the identification of individuals, depending on the option selected; however, none of the options require additional points of contact and instead work within periods when the gambling enterprise employees are already in contact with patrons, so the impact would be insignificant.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESS:

The Commission has determined that the proposed regulatory action will not affect small businesses because gambling enterprises are not small businesses as defined in Government Code section 11342.610.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

IMPACT ON JOBS/NEW BUSINESSES:

The Commission has determined that this regulatory proposal will not have any impact on the creation of new jobs or businesses, the elimination of jobs or existing businesses, or the expansion of businesses in California.

These regulations are designed to provide guidance to the gambling enterprise, patrons who wish to be either excluded or restricted, and to the Bureau as the keeper of the list of self-excluded persons and the entity

with the responsibility of gambling enterprise compliance review. These regulations modify and clarify existing requirements, and would not alter current practices significantly enough to affect the gambling enterprise's decision to employ individuals. Therefore, it has been determined that the proposed action will not have an impact on the creation or elimination of jobs, nor on the creation, elimination or expansion of businesses.

BENEFITS OF PROPOSED REGULATION:

This proposed action will have the benefit of providing the gambling patron with a broader level of flexibility in their personal decision to participate, or exclude or restrict their participation in controlled gambling and related gambling activities. Additionally, the proposed action provides clarification and additional specificity to inform the gambling enterprise on what minimum level it must participate and provide policies and procedures to assist the patron in their decisions related to the Self-Exclusion and Self-Restriction Programs. The proposed action also expands the requirement that a gambling message be included in advertising by or on behalf of gambling enterprises, providers of third-party services and gambling businesses. Finally, the proposed action expands which gambling enterprise employees are required to participate in problem gambling training to include food service employees. All of these changes provide greater transparency and openness in business and government and protect the health, safety and welfare of the public, particularly those individuals affected by problem gambling.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission or that has otherwise been identified and brought to the attention of the Commission 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.

INITIAL STATEMENT OF REASONS, INFORMATION AND TEXT OF PROPOSAL

The Commission has prepared an Initial Statement of Reasons and the exact language for the proposed action and has available all the information upon which the proposal is based. Copies of the language and of the Initial Statement of Reasons, and all of the information

upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Commission at 2399 Gateway Oaks Drive, Suite 220, Sacramento, CA 95833-4231.

AVAILABILITY AND LOCATION OF THE
RULEMAKING FILE AND THE FINAL
STATEMENT OF REASONS

All the information upon which the proposed action is based is contained in the Rulemaking File that will be available for public inspection and copying at the Commission's office throughout the rulemaking process. Arrangements for inspection and/or copying may be made by contacting the backup contact person named below.

Upon its completion, the Final Statement of Reasons will also be available. A copy of the Final Statement of Reasons may be obtained, once it has been prepared, by making a written request to one of the contact persons named below or by accessing the Commission's Web site listed below.

CONTACT PERSONS

All comments and inquiries concerning the substance of the proposed action should be directed to the following **primary** contact person:

Joshua Rosenstein, Regulatory Actions Analyst
Regulatory Actions Unit
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 220
Sacramento, CA 95833-4231
Telephone: (916) 274-5823
Fax: (916) 263-0499
E-mail: jrosenstein@cgcc.ca.gov

Requests for a copy of the Initial Statement of Reasons, proposed text of the regulation, modified text of the regulation, if any, or other technical information upon which the proposed action is based should be directed to the following **backup** contact person:

James B. Allen, Manager
Regulatory Actions Unit
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 220
Sacramento, CA 95833-4231
Telephone: (916) 263-4024
Fax: (916) 263-0499
E-mail: jallen@cgcc.ca.gov

WEBSITE ACCESS

Materials regarding this proposed action are also available on the Commission's website at www.cgcc.ca.gov.

**TITLE 4. CALIFORNIA HORSE
RACING BOARD**

NOTICE OF PROPOSAL TO AMEND RULE 1632,
JOCKEY'S RIDING FEE

The California Horse Racing Board (Board, or CHRB) proposes to amend the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1632, Jockey's Riding Fee, to adjust the Non-Winning Jockey Riding Fee scale for losing mounts to reflect the new California minimum wage increase of 12.5 percent that became effective July 1, 2014. Business and Professions Code section 19501(b)(1) requires the scale of minimum jockey riding fees for losing mounts to be increased whenever the State minimum wage is increased by the percentage of that increase. In addition, the Board proposes to amend the Non-Winning Jockey Riding Fee scale to reflect an increase of 12.5 percent for the 2nd and 3rd place mounts in races with a gross purse of \$9,999 or less.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, May 14, 2015**, or as soon thereafter as business before the Board will permit, at the **Santa Anita Park Race Track, Baldwin Terrace Room, 285 West Huntington Drive, Arcadia, California**. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m. on April 20, 2015**. The Board must receive all comments at that time; however,

written comments may still be submitted at the public hearing. Submit comments to:

Nicole Lopes–Gravelly, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263–6397
Fax: (916) 263–6022
E–mail: nlgravelly@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19440, 19501 and 19562, Business and Professions Code. Reference: Sections 19401(a), 19401(d), 19420, 19440, 19501, and 19502, Business and Professions Code.

Business and Professions Code sections 19420 and 19440 give the Board jurisdiction and supervision over meetings in California where horse races with wagering on their results are held, and authorize the Board to adopt, amend or repeal regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 19401(a) and (d) provides that the intent of Chapter 4 is to allow pari-mutuel wagering on horse races, while assuring protection of the public and providing uniformity of regulation for each type of horse racing. Business and Professions Code section 19420 states jurisdiction and supervision over meetings in California where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings, is vested in the California Horse Racing Board. Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. Business and Professions Code section 19562 provides that the Board may prescribe rules, regulations, and conditions, consistent with the provisions of this chapter, under which all horse races with wagering on their results shall be conducted in California. Assembly Bill (AB) 649, Chapter 605, Statutes of 2007, added section 19501 to the Business and Professions Code. Subsection 19501(b)(1) states that the scale of minimum jockey riding fees for losing mounts shall be increased whenever the State minimum wage is increased by the percentage of that increase.

Business and Professions Code section 19501(b)(1) requires an increase in the scale of minimum jockey riding fees for losing mounts whenever the State minimum wage is increased by a percentage of that increase. As of July 1, 2014, the California minimum wage rate was increased 12.5 percent per hour for all hours worked. This necessitates the amendment of Board Rule 1632, which provides jockey riding fees in the absence of a contract or special agreement between the trainer/owner and jockey. The Board proposes to amend subsection 1632(b) by increasing the minimum jockey riding fee for losing mounts by 12.5 percent to comply with Business and Professions Code section 19501(b)(1). However, the 12.5 percent increase to the losing mount fees causes the losing mount to earn more than the third place mount finishing with a gross purse of less than \$9,999. Due to Business and Professions Code section 19501(b)(1), the minimum wage increase of July 2014 results in a losing mount earning more than a mount coming in second or third place. This creates a disparity between the non-winning jockey riding fees making it more advantageous for a jockey to intentionally lose a race rather than to put forth his best effort, thereby compromising the honesty and integrity of a race. Therefore, the Board also proposes to amend the 2nd and 3rd place mount fees to reflect the 12.5 percent minimum wage increase for all mounts not sharing in purse monies to ensure these riders receive more than losing mounts.

The proposed amendment to Rule 1632 modifies subsection 1632(b) by adjusting the scale of jockey riding fees for losing mounts and for all 2nd and 3rd place mounts in races with a gross purse of \$9,999 or less by 12.5 percent.

POLICY STATEMENT OVERVIEW OF ANTICIPATED BENEFITS OF PROPOSAL

The proposed amendment to Rule 1632(b) increases the scale of minimum jockey riding fees for losing mounts by 12.5 percent based on the California minimum wage rate increase that became effective July 1, 2014. In addition, the amendment to Rule 1632(b) applies the 12.5 percent increase for all 2nd and 3rd place mounts in races with a gross purse of \$9,999 or less in order to balance the Non-Winning Jockey Riding Fee scale. This will eliminate any disparity between the non-winning jockey riding fees and will deter jockeys from intentionally losing a race rather than put forth his best effort in order to earn more money. This will increase the public's confidence in California horse racing, which may result in increased wagering. An increase in wagering will have a positive economic impact on the industry by increasing handle, which in turn may increase purses and commissions. The specific

benefits anticipated from the regulation are compliance with current law and a balanced fee scale which will result in a fair and honest race product.

CONSISTENCY EVALUATION

During the process of developing these regulations and amendments, the CHRB has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

DISCLOSURE REGARDING THE PROPOSED ACTION/RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Sections 17500 through 17630: none.

Other non-discretionary cost or savings imposed upon local agencies: none.

Cost or savings in federal funding to the state: none.

The Board has made an initial determination that the proposed amendment to Rule 1632 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination: none.

Cost impact on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendment to Rule 1632 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California. The proposed amendment to Rule 1632 is a benefit to the health and welfare of California residents because it promotes fairness and compliance with current law. The proposed regulation will increase the losing mounts fee scale to reflect the new California minimum wage increase of 12.5 percent that became effective July 1, 2014, as required by Business and Professions Code section 19501(b)(1). In addition, by applying the

12.5 percent to the 2nd and 3rd place mount fees; CHRB will create a balanced fee scale and eliminate any inequality. This will promote the public's interest in a fair and honest race product by eliminating the possibility of a jockey intentionally losing a race rather than put forth his best effort in order to earn more money. Furthermore, by adjusting the Non-Winning Jockey Riding Fee scale based on the minimum wage increase there may be an increase to consumer spending that in turn may help the overall economy in California.

Effect on small businesses: none. The proposal to amend Rule 1632 does not affect small businesses because horse racing associations in California are not classified as small businesses under Government Code Section 11342.610.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome on 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 Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Nicole Lopes-Gravelly, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6397
Fax: (916) 263-6022
E-mail: nlgravelly@chr.ca.gov

If the person named above is not available, interested parties may contact:

Andrea Ogden, Manager
Policy and Regulations
Telephone: (916) 263-6033

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies of these documents, or any of the information upon which the proposed rulemaking is based on, may be obtained by contacting Nicole Lopes–Gravely, or the alternative contact person at the address, phone number or e–mail address listed above.

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulations. Requests for copies of any modified regulations should be sent to the attention of Nicole Lopes–Gravely at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Nicole Lopes–Gravely at the address stated above.

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its website. The rulemaking file consists of the notice, the proposed text of the regulations and the initial statement of reasons. The Board’s website address is: www.chrb.ca.gov.

TITLE 5. COMMISSION ON TEACHER CREDENTIALING

Division VIII of Title 5 of the California Code of Regulations

Proposed Addition and Amendments to Title 5 of the California Code of Regulations Pertaining to Administrative Services Credentials

The Commission on Teacher Credentialing (Commission) proposes to take the regulatory action described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

A public hearing on the proposed actions will be held:

April 24, 2015
8:30 a.m.
Commission on Teacher Credentialing
1900 Capitol Avenue
Sacramento, California 95811

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments by fax, through the mail, or by e–mail relevant to the proposed action. The written comment period closes at 5:00 p.m. on April 20, 2015. Comments must be received by that time or may be submitted at the public hearing. You may fax your response to (916) 322–0048; write to the Commission on Teacher Credentialing, attn. Tammy A. Duggan, 1900 Capitol Avenue, Sacramento, California 95811; or submit an email at tduggan@ctc.ca.gov.

Any written comments received 15 days prior to the public hearing will be reproduced by the Commission’s staff for each member of the Commission as a courtesy to the person submitting the comments and will be included in the written agenda prepared for and presented to the full Commission at the hearing.

AUTHORITY AND REFERENCE

Education Code section 44225 authorizes the Commission to adopt these proposed regulation amendments. The proposed amendments implement, interpret, and make specific Education Code sections 44270, 44270.1, 44270.3, 44270.4, 44270.5 pertaining to Administrative Services Credentials.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEWSummary of Existing Laws and Regulations

This rulemaking action proposes the following:

- Amend Title 5 California Code of Regulations (CCR) section 80054 to allow California prepared administrators to use teaching and/or services experience earned outside California toward qualifying for the preliminary Administrative Services Credential (ASC); clarify the application procedures for individuals who pass a Commission–approved examination in lieu of completing a preliminary program; and other amendments to update the program standards incorporated by reference and clarify the application, application fee, and formal recommendation requirements; and
- Addition of Title 5 CCR section 80054.1 to clarify and interpret the provisions of the Education Code pertaining to the requirements for the preliminary and clear ASC for administrators prepared outside California.

Current law specifies the requirements for the preliminary and clear ASC for both California prepared and out–of–state prepared administrators. The Commission previously adopted regulation amendments to Title 5 CCR section 80054 to implement and clarify the requirements for California prepared individuals. The proposed addition of Title 5 CCR section 80054.1 will clarify and interpret the requirements for out–of–state prepared administrators.

California–Prepared Administrators

Title 5 CCR section 80054 currently includes a definition for “employing agency” that lists only agencies located in California. The definition for “employing agency” is referenced for the teaching/services experience required for issuance of a preliminary ASC and for the administrative services experience required for issuance of a clear ASC.

Completion of a Commission–approved clear administrative services program requires employment in an administrative position. Since Commission–approved programs are offered only in California, it is appropriate to restrict the administrative services experience requirement to California employing agencies for the clear ASC. However, referencing the same “employing agency” definition for the teaching/services experience requirement for the preliminary ASC prohibits individuals from using experience earned outside California to qualify for the credential. Under the current regulatory language, an individual with five or more years of teaching experience earned in another state who relocates to California and completes a Commission–

approved administrative services program would not qualify for the preliminary credential until he/she taught in California for at least five years. The proposed amendments to Title 5 CCR section 80054 will allow individuals to use teaching and/or services experience earned in California or another state toward the five–year experience requirement for issuance of a preliminary ASC.

The current regulatory language also requires all applicants to obtain verification of program completion and formal recommendation for the preliminary ASC [or certificate of eligibility (CE)] and clear ASC from a Commission–approved program sponsor. However, individuals who pass an examination (currently the California Preliminary Administrative Credential Examination or CPACE) may apply directly to the Commission for a preliminary ASC or CE, depending on their employment status and individuals who pass a national performance assessment (an assessment to satisfy this requirement has not yet been adopted by the Commission) may apply directly to the Commission for a clear ASC. The proposed amendments to Title 5 CCR section 80054 clarify that only individuals who complete a Commission–approved administrative services program must obtain verification of program completion and formal recommendation for the preliminary/CE or clear ASC credential.

The proposed amendments also include the addition of language related to the required application and application fee, an update of the program standards revision date, and other minor grammatical and punctuation edits.

Out–of–State Prepared Administrators

Assembly Bill (AB) 877 (Scott, Chap. 703, Stats. 2000) streamlined credential requirements for out–of–state prepared teachers and administrators. The measure added EC sections 44270.3 and 44270.4 to establish the requirements for out–of–state prepared administrators who taught and/or served as administrators outside California.

Title 5 CCR section 80054 previously included language that specified the requirements for administrators prepared outside California, but the regulation section was not amended upon the passage of AB 877 to include the routes for out–of–state experienced teachers and administrators. From October 2000 to July 2013, Commission staff relied on the language provided in EC sections 44270.3 and 44270.4 when evaluating applications from out–of–state prepared administrators who also held out–of–state teaching credentials and on Title 5 CCR section 80054 when evaluating applications from out–of–state prepared administrators who did not hold out–of–state teaching credentials and/or

did not meet the out-of-state teaching experience requirement.

Regulation amendments to Title 5 CCR section 80054 effective July 1, 2013 removed the outdated language pertaining to out-of-state prepared administrators with the understanding that regulations for these individuals would be proposed at a later date. The proposed addition of Title 5 CCR section 80054.1 is required to clarify the requirements for preliminary and clear ASCs for administrators prepared in another state.

An Administrative Services Credential Advisory Panel was appointed by the Executive Director to study the preparation of leaders for California schools in 2010. The major purpose of the panel's work was to review the content, structure and requirements for administrator preparation to ensure that these remain appropriate to the needs of administrators serving in California schools. The panel's recommendations that were approved by the Commission in 2011 resulted in amendments to Title 5 CCR section 80054 pertaining to California prepared administrators. Two main changes resulting from the panel's recommendations affected the experience and prerequisite credential requirements for the preliminary ASC credential for California prepared administrators. The proposed regulations align the experience and prerequisite credential requirements for out-of-state prepared administrators to those that must be satisfied by California prepared administrators.

Experience Requirement

Subsection (c) of EC sections 44270.3 and 44270.4 for administrators prepared outside California require "at least three years" of teaching experience earned on the basis of an out-of-state credential. In addition, EC section 44270(a)(2) requires a minimum of three years of service on the basis of a valid prerequisite teaching or services credential. At the December 2011 meeting (<http://www.ctc.ca.gov/commission/agendas/2011-12/2011-12-5A.pdf>), the teaching and/or services experience requirement that California prepared administrators must satisfy to qualify for the preliminary credential was increased from three years to five years, as the Commission believes that previous experience in schools is a significant component in the readiness of a potential educational leader.

Support for increasing the number of years of experience required for California prepared administrators was based on the rationale that three years of experience is insufficient for a beginning administrator in today's schools. Additional experience allows the individual to gain critical knowledge of the education profession and requisite leadership skills. With the increasing complexity of the administrator role in public schools, administrators are intently focused on instructional leadership and improvement of student academic outcomes.

The rationale for increasing the teaching/services experience requirement for California prepared administrators also applies to administrators prepared outside California. Therefore, the proposed regulation requires verification of five years of teaching/services experience to qualify for the preliminary credential in subsections (a) and (b) and the clear credential in subsection (d) for parity with the teaching/services experience requirement that must be satisfied by California prepared administrators [reference 5 CCR section 80054(a)(4)].

The proposed regulations define "full-time" as related to the teaching, services, and administrative services experience requirements as:

- A minimum of four hours a day, unless the minimum statutory attendance students served is less.
- Experience must be on a daily basis and for at least 75% of the school year.
- Experience may be accrued in increments of a minimum of one semester.
- No part-time employment, meaning less than four hours per day, will be accepted.

The proposed definition is consistent with other 5 CCR sections that define "full-time" experience [reference 5 CCR sections 80048.3.1(c)(1), 80048.4(a)(6)(A), and 80413.3(c)(2)]. The proposed regulations include additional language in the definitions of "full-time" for clarity purposes, depending on whether the experience is earned in California or another state.

Prerequisite Credential

An administrator prepared outside California who also holds a teaching credential and satisfies the teaching experience requirement in another state is not required to hold a prerequisite California teaching or services credential to qualify for a preliminary ASC (reference EC sections 44270.3 and 44270.4). However, an administrator prepared outside California who does not also hold a teaching credential and/or does not satisfy the teaching experience requirement will be required by these proposed regulations to hold a prerequisite California teaching or services credential to qualify for the preliminary and clear ASC. [See EC section 44270(a)(1)]

In conjunction with the increased number of years of experience, the Commission approved the recommendation from the Administrative Services Advisory Panel to require possession of a clear or life teaching or services credential as a prerequisite for issuance of the preliminary ASC. The rationale in support of this decision was that an individual holding both preliminary teaching/services and administrative credentials will encounter challenges earning both clear credentials as the requirements are different and require service in

each credential area. It is rare that an individual would be employed in simultaneous teaching or services and administrative positions. A no-win situation is created for the holder of a preliminary teaching or services credential and a preliminary ASC who cannot complete the requirements for both clear credentials, especially since the individual must hold a teaching or services credential to qualify for a clear ASC.

Requiring possession of a clear or life teaching or services credential for an administrator who must hold a prerequisite credential allows the individual to focus first on earning the clear teaching or services credential. The individual could then turn their focus to the requirements for the clear ASC while also learning how to be an effective administrator.

The rationale for requiring a clear or life teaching/services credential for California prepared administrators also applies to administrators prepared outside California. Therefore, the proposed regulations require possession of a clear or life teaching/services credential to qualify for the preliminary credential in subsection (b) and for the clear credential in subsection (c) for parity with the prerequisite teaching/services credential requirement that must be satisfied by California prepared administrators [reference 5 CCR section 80054(a)(1) and (d)(2)].

Objectives and Anticipated Benefits of the Proposed Regulations

The objectives of the proposed addition and amendments are to clarify and make specific the following as related to Administrative Services Credentials:

- allow California prepared administrators to use teaching and/or services experience earned outside California toward qualifying for the preliminary credential;
- clarify the application procedures for individuals who pass an examination in lieu of a preliminary program;
- update the program standards incorporated by reference and clarify the application, application fee, and formal recommendation requirements for California prepared administrators;
- add Title 5 section 80054.1 to clarify and interpret the requirements for out-of-state administrators.

The Commission anticipates that the proposed addition and amendments will promote fairness and prevent discrimination by ensuring uniformity in certification requirements for California and out-of-state prepared individuals seeking Administrative Services Credentials. The Commission does not anticipate that the proposed regulations will result in an increase in openness and transparency in government, the protection of public health and safety, worker safety, or the environment,

the prevention of social inequity, or an increase in openness and transparency in business.

Determination of Inconsistency/Incompatibility with Existing State Regulations

The Commission has determined that the proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Commission has concluded that 5 CCR section 80054 is the only regulation section related to the issuance of Administrative Services Credentials to California prepared individuals and the proposed addition of 5 CCR section 80054.1 will be the only regulation section related to the issuance of Administrative Services Credentials to out-of-state prepared individuals.

DOCUMENTS INCORPORATED BY REFERENCE

Administrative Services Credential Program Standards (rev. 6/2014):

<http://www.ctc.ca.gov/educator-prep/standards/SVC-Admin-Handbook-2014.pdf>

The Commission on Teacher Credentialing awards credentials and certificates on the basis of completion of programs that meet Standards for Educator Preparation and Educator Competence. For each type of professional credential in education, the Commission has developed and adopted standards which are based upon recent research and the expert advice of many professional educators. Each standard specifies a level of quality and effectiveness that the Commission requires from programs offering academic and professional preparation in education.

Program standards address aspects of program quality and effectiveness that apply to each type of educator preparation program offered by a program sponsor. Program standards contain statements describing the nature and purpose of each standard and language that details the requirements that all approved programs must meet. Program sponsors must meet all applicable program standards before the program application may be approved by the Commission.

DOCUMENTS RELIED UPON IN PREPARING REGULATIONS

January-February 2013 Commission agenda item 4D — Draft *California Administrator Performance Expectations* (CAPEs), Draft California Administrator Content Expectations, and Options for the Development of the Administrator Performance Assessment: <http://www.ctc.ca.gov/commission/agendas/2013-01/2013-01-4D.pdf>

April 2013 Commission agenda item 3A — Proposed Adoption and Implementation of the *California Administrator Performance Expectations (CAPEs)* and the California Administrator Content Expectations: <http://www.ctc.ca.gov/commission/agendas/2013-04/2013-04-3A.pdf>

April 2013 Commission agenda item 3B — Draft Standards for Administrative Services Credential Preparation Programs: <http://www.ctc.ca.gov/commission/agendas/2013-04/2013-04-3B.pdf>

April 2013 Commission meeting minutes: <http://www.ctc.ca.gov/commission/agendas/2013-06/2013-06-2A.pdf>

August 2013 Commission agenda item 3C — Proposed Adoption of Standards and Preconditions for Preliminary Administrative Services Credential Preparation Programs: <http://www.ctc.ca.gov/commission/agendas/2013-08/2013-08-3C.pdf>

August 2013 Commission agenda item 3C insert: <http://www.ctc.ca.gov/commission/agendas/2013-08/2013-08-3C-insert.pdf>

September 2013 Commission agenda item 4F — Proposed Adoption of Standards and Preconditions for Preliminary Administrative Services Credential Preparation Programs: <http://www.ctc.ca.gov/commission/agendas/2013-09/2013-09-4F.pdf>

December 2013 Commission agenda item 2A — Potential Adoption of Preconditions, Program Standards, Content Expectations, and Performance Expectations for Preliminary Administrative Services Credential Preparation Programs: <http://www.ctc.ca.gov/commission/agendas/2013-12/2013-12-2A.pdf>

December 2013 Commission agenda item 2C — Update on the Development of the Administrative Services Credential (ASC) Clear Induction Program Standards and Revision of the California Professional Standards for Educational Leaders (CPSEL): <http://www.ctc.ca.gov/commission/agendas/2013-12/2013-12-2C.pdf>

December 2013 Commission meeting minutes: <http://www.ctc.ca.gov/commission/agendas/2014-02/2014-02-1A.pdf>

February 2014 Commission agenda item 6B — Proposed Adoption of the Updated California Professional Standards for Educational Leaders (CPSEL): <http://www.ctc.ca.gov/commission/agendas/2014-02/2014-02-6B.pdf>

February 2014 Commission agenda item 6B insert: <http://www.ctc.ca.gov/commission/agendas/2014-02/2014-02-6B-insert.pdf>

February 2014 Commission agenda item 6C — Proposed Adoption of Program Administrative Services Credential (ASC) Clear Induction Programs:

<http://www.ctc.ca.gov/commission/agendas/2014-02/2014-02-6C.pdf>

February 2014 Commission agenda item 6C insert: <http://www.ctc.ca.gov/commission/agendas/2014-02/2014-02-6C-insert.pdf>

February 2014 Commission meeting minutes: <http://www.ctc.ca.gov/commission/agendas/2014-04/2014-04-2A.pdf>

DISCLOSURES REGARDING THE PROPOSED ACTIONS

The Commission has made the following initial determinations:

Mandate to local agencies or school districts: None.

Other non-discretionary costs or savings imposed upon local agencies: None.

Cost or savings to any state agency: None.

Cost or savings in federal funding to the state: None.

Significant effect on housing costs: None.

Significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states: None.

These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with section 17500) of the Government Code.

Cost impacts on a representative private person or business: The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Statement of the Results of the Economic Impact Assessment [Govt. Code § 11346.5(a)(10)]: The Commission concludes that it is 1) unlikely that the proposal will create any jobs within the State of California; 2) unlikely that the proposal will eliminate any jobs within the State of California; 3) unlikely that the proposal will create any new businesses within the State of California; 4) unlikely that the proposal will eliminate any existing businesses within the State of California; and 5) unlikely the proposal would cause the expansion of businesses currently doing business within the State of California.

Benefits of the Proposed Action: The Commission anticipates that the proposed amendments will promote fairness and prevent discrimination by ensuring uniformity in certification requirements for California and out-of-state prepared individuals seeking Administrative Services Credentials.

The Commission does not anticipate that the proposed regulations will result in an increase in openness and transparency in government, the protection of pub-

lic health and safety, worker safety, or the environment, the prevention of social inequity, or an increase in openness and transparency in business.

Effect on small businesses: The proposed regulations will not have a significant adverse economic impact upon business. The proposed regulations apply only to individuals seeking Administrative Services Credentials that authorize service in California's public schools.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commission must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed, would be as effective as 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 Commission invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period or at the public hearing.

CONTACT PERSON/FURTHER INFORMATION

General or substantive inquiries concerning the proposed action may be directed to Tammy A. Duggan by telephone at (916) 323-5354 or Tammy A. Duggan, Commission on Teacher Credentialing, 1900 Capitol Avenue, Sacramento, CA 95811. General question inquiries may also be directed to David Crable at (916) 323-5119 or at the address mentioned in the previous sentence. Upon request, a copy of the express terms of the proposed action and a copy of the initial statement of reasons will be made available. This information is also available on the Commission's website at www.ctc.ca.gov. In addition, all the information on which this proposal is based is available for inspection and copying.

AVAILABILITY OF THE INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, DOCUMENT INCORPORATED BY REFERENCE, AND DOCUMENTS RELIED UPON

The entire rulemaking file is available for inspection and copying throughout the rulemaking process at the Commission office at the above address. Copies may be

obtained by contacting Tammy Duggan at the address or telephone number provided above.

MODIFICATION OF PROPOSED ACTION

If the Commission proposes to modify the actions hereby proposed, the modifications (other than nonsubstantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The Final Statement of Reasons is submitted to the Office of Administrative Law as part of the final rulemaking package, after the public hearing. Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Tammy A. Duggan at (916) 323-5354.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through the Commission's website at www.ctc.ca.gov.

TITLE 16: BOARD OF BEHAVIORAL SCIENCES

NOTICE IS HEREBY GIVEN that the Board of Behavioral Sciences (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at:

Board of Behavioral Sciences
1625 N. Market Blvd.
El Dorado Room, Suite 220
Sacramento, CA 95834
April 21, 2015
10:00 a.m. –11:00 a.m.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on April 20th, 2015 or must be received by the Board at the hearing.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or

grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 4990.20 and 4999.48 of the Business and Professions Code (BPC), and to implement, interpret or make specific Section 4999.20 of the BPC, the Board is considering changes to Division 18 of Title 16 of the California Code of Regulations as described in this Notice.

INFORMATIVE DIGEST

The LPCC profession was established by legislation in 2009 (SB 788, Chapter 619, Statutes of 2010), and the first licenses were issued in 2012. Pursuant to BPC section 4999.20, licensed LPCCs are not permitted to treat couples or families unless they have completed six semester units (or nine quarter units) of coursework related to marital and family therapy, as well as 500 hours of supervised experience treating couples, families and children. Title 16, California Code of Regulations Section 1820.5 provides limited exemptions under which a LPCC, a PCC Intern, or a pre-degree counselor trainee may treat couples and families before he or she has met the coursework and supervised experience requirements.

Additionally, BPC section 4980.03(g) and 16 CCR section 1833.1(a)(1) permits supervision of a marriage and family therapist intern or trainee by a LPCC who has met the requirements to treat couples and families as set forth in BPC section 4999.20.

The regulatory proposal is as follows:

1. Amend Section 1820.5

a. Clarification of exemption for pre-degree trainees and practicum experience

Existing regulations exempt pre-degree trainees from the restriction on treating couples and families if they are gaining supervised practicum experience as part of their schooling. Trainees are not permitted to count any pre-degree experience toward the 3,000 hours required for licensure. The regulations currently group pre-degree trainees and post-degree interns together when describing the limited exemptions that permit treatment of couples and families by an individual who does not yet meet the coursework and experience requirements.

This change would separate the exemption specific to pre-degree trainees from post-degree interns. It would provide an explicit statement confirming that pre-degree hours cannot be counted toward the 500 hours of experience treating couples, families and children. The exemption regarding interns is not proposed to be changed.

Policy Statement Overview: Adoption of this proposed amendment will increase clarity for those seeking licensure as an LPCC treating couples and families. It will make the law regarding counting of pre-degree hours more concise.

b. Delete the requirement that LPCC licensees complete coursework specific to couples and families prior to gaining the supervised experience

Current regulations require licensed LPCCs to complete the six units of couples and families coursework before they may begin gaining the 500 hours of supervised experience. However, interns are permitted to complete the coursework and experience in any order. The proposed change would allow licensees to complete the required coursework and supervised experience in any order, as is already permitted for interns.

Policy Statement Overview: Adoption of this proposed amendment will make the law more equitable between LPCC interns and those already licensed as an LPCC, when they are seeking to meet the requirements to treat couples and families, by letting either group meet the requirements in whichever order they choose.

c. Require the 500 hours of supervised experience treating couples, families or children be obtained from an “approved supervisor”

Current statute requires the supervised experience treating couples or families to be gained under the supervision of either a marriage and family therapist or a LPCC who has already met the requirements to treat couples and families. Current law is silent on whether the supervisor must meet the qualifications of an “approved supervisor” as defined in BPC section 4999.12(h).

The proposed language would require the experience be completed under an “approved supervisor” as defined in the BPC. Additionally, the proposed language would require supervisors to have sufficient education and experience to competently practice couples and family therapy in California.

Policy Statement Overview: Adoption of this proposed amendment will protect consumers by ensuring that supervisors of LPCC licensees and interns seeking to treat couples and families are qualified to do so them-

selves. This will ensure a greater quality of supervised experience, leading to better trained professionals.

d. Clarify that LPCCs who do not yet meet requirements to treat families may provide collateral consultation to the family of a client

Existing law permits all LPCCs to provide psychotherapeutic services to individuals, including children, without obtaining specialized training other than what is generally required for licensure. This change would clarify that any LPCC may provide collateral consultation with a family of a client even when the LPCC does not possess the qualifications to treat couples and families.

Policy Statement Overview: Adoption of this proposed amendment will benefit the public by ensuring the law is clear that all LPCCs may provide collateral consultations, whether or not the LPCC is authorized to treat couples and families. Although it is the intent of the law to allow such consultations, some employers have been reluctant to hire LPCCs, citing that the law is unclear on this matter. By clarifying this, it is believed that more employers will be willing to hire LPCCs, leading to greater availability of mental health practitioners for the public.

2. Add Section 1820.7

a. Require LPCCs to obtain Board approval and provide this approval to couple or family clients prior to treatment; or to a supervisee

Currently, LPCCs are not required to obtain Board approval prior to treating couples or families. The proposed language would require LPCCs to obtain written approval to treat couples and families from the Board upon completion of the required education and experience. The proposal would also require a practitioner to provide confirmation from the Board to consumers and supervisees that he or she is qualified to treat couples and families.

Policy Statement Overview: Adoption of this proposed amendment will benefit consumers by providing them a way to confirm that his or her LPCC is qualified to treat couples and families.

b. Provide guidance on acceptable documentation of past supervised experience

Existing law does not address the type of documentation acceptable to verify an individual's past supervised experience treating couples, families or children. This proposal sets forth guidelines for what Board staff may accept, including verification by the past supervisor or employer, and clarifies that staff may consider other documentation on a case-by-case basis.

Policy Statement Overview: Adoption of this proposed amendment will benefit the public by providing clear guidance regarding documentation of supervised experience. Having clear guidance will lead to a set

standard of supervision, resulting in better qualified practitioners.

3. Amend Sections 1820 and 1822

a. Amend the *Weekly Summary of Experience Hours* form, incorporated by reference

Current law requires this form to be utilized when completing hours of supervised experience toward the 3,000 hours required for licensure. A category is proposed to be added to the form to allow tracking of experience with couples, families and children. It also makes a change to the maximum number of hours that may be obtained via telehealth from 250 to 375 hours as a result of SB 821 (Chapter 473, Statutes of 2013). Additional technical changes have been proposed in order to make the form more consistent with the wording of existing statutes and regulations upon which the form is based.

Policy Statement Overview: Adoption of this proposed amendment will benefit applicants for LPCC licensure by allowing them a clear place to track their couples and families experience hours gained, and also by ensuring the form they use to report experience hours is consistent with the law.

b. Clarify that the *Supervisory Plan* form is only required for supervision hours gained toward licensure

Current law requires the *Supervisory Plan* form, incorporated by reference, to be completed for supervised experience gained toward licensure. It is not required for couples and families experience hours, and this proposal would provide additional clarity in this matter. The form itself is not proposed to be changed.

Policy Statement Overview: Adoption of this proposed amendment will benefit applicants by better clarifying when completion of the *Supervisory Plan* form is required.

CONSISTENCY OR COMPATIBILITY WITH EXISTING STATE REGULATIONS

During the process of developing these regulations and amendments, the Board of Behavioral Sciences has determined that these are the only regulations that deal with the subject area of LPCCs and treatment of couples and families. Therefore, the Board finds that these proposed regulations are consistent and compatible with existing state regulations.

FORMS INCORPORATED BY REFERENCE

The following forms have been incorporated by reference:

- Weekly Summary of Experience Hours For Professional Clinical Counselor Interns, Revised 02/15

- Supervisory Plan, Revised 03/10

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The Board currently has approximately 1,000 licensed LPCCs. Under this proposed program, LPCCs will need to obtain approval from the Board prior to providing services to couples or families. This will require Board staff to review the qualifications of LPCC applicants to determine: (1) whether the licensee’s supervised experience was gained in accordance with regulations; and, (2) whether completed coursework is sufficiently related to treatment of couples or families. The Board will also need staff to perform audits to ensure licensee compliance with the ongoing continuing education requirements.

Because the LPCC licensing program is relatively new, with a limited number of licensees, the Board will be able to absorb the additional workload at this time.

However, it remains to be seen how many individuals will seek LPCC licensure, and of those, how many will ultimately decide to meet the requirements to treat couples and families. For that reason, the Board is unable to predict the future workload resulting from these regulations. As the licensee population grows and licensees decide whether or not to pursue additional education and experience to treat couples and families, the Board may need to re-evaluate the number of staff positions needed to perform these verifications. Therefore, there may be a cost impact in the future, but as the LPCC licensing program is fairly new, the Board is unable to determine what that cost may be at this time.

The fiscal impact of these regulations is also discussed in **Attachment B** of the STD 399.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None.

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The decision of an LPCC to pursue the ability to treat couples and families is voluntary, and may benefit the licensee’s practice or business if he or she chooses to pursue this option.

Cost Impact on Representative Private Person or Business: The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action are insignificant. The law (Business and Professions Code (BPC) Section 4999.20) already mandates that LPCCs who wish to treat couples and families must meet certain education and experience requirements. It is expected that a licensee wishing to treat couples and families will incur minor mailing and administrative costs (for photocopies, etc.) in order to provide proof of meeting the education and experience requirements to the Board in compliance with these regulations.

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

These proposed regulations will impact those licensed professional clinical counselors, and any business that they own or that employs them. This could include small businesses (the Board does not license small businesses, but does license LPCCs). It will make it easier for the business to verify if the LPCC they are employing is qualified to treat couples and families. If an LPCC owning or employed by a small business chooses to complete the coursework and experience required by BPC Section 4999.20 in order to treat couples and families, it could increase his or her client base.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The Board has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the following facts:

- Analysis of creation/elimination of jobs: This regulatory proposal will not create or eliminate any jobs.
- Analysis of creation/elimination of businesses. No businesses will be created or eliminated as a result of this proposal.
- Analysis of expansion of business: This proposal is not expected to lead to the expansion of new businesses within California.

- **Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:** These regulations will benefit consumers by providing a Board review and verification process that takes the guesswork out of determining whether an LPCC's coursework and experience meets the requirements to treat couples and families. It would benefit consumers, employers and supervisees by providing verifiable proof from the Board that the counselor meets competency requirements to treat couples and families.

Some employers have been hesitant to hire LPCCs because it is difficult to verify whether they meet the requirements to treat couples and families. By providing a verification method, employers may be more willing to hire LPCCs, leading to greater access to mental health care for the public.

As part of its Economic Impact Analysis, the Board has determined that its proposal will not affect the ability of California businesses to compete with other states by making it more costly to produce goods or services, and it will not eliminate any jobs or occupations. This proposal does not impact multiple industries.

Occupations/Businesses Impacted: This proposed regulation will impact those licensed professional clinical counselors (and any business that they own or that employs them to practice professional clinical counseling) if they choose to complete the coursework and experience that is required by BPC Section 4999.20 in order to treat couples and families. It will make it easier for a consumer and for an employer to verify whether an LPCC is qualified to treat couples and families. It is not possible for the Board to estimate the number of businesses impacted, as this regulation will only affect LPCCs who wish to be allowed to treat couples and families. Choosing to do this is voluntary.

Reporting Requirements: The law (BPC Section 4999.20) mandates that LPCCs who wish to treat couples and families must complete additional coursework and supervised experience.

This regulatory proposal requires these licensees to submit documentation to the Board that proves that the coursework and experience satisfy the requirements.

Business Reporting Requirement: This proposal creates a reporting requirement for LPCC licensees, requiring them to report their education and experience that satisfy the requirements to treat couples and families. However, the requirement is on licensees, not businesses directly. The Board does not regulate businesses, only licensees, although some licensees may be employed by a business or own their own practice. The

Board finds that it is necessary for the health, safety, or welfare of the people of this state that Section 1820.7 of the proposed regulations, which requires a report, apply to licensees.

Comparable Federal Regulations: None.

Benefits: The benefits of this proposal cannot be quantified, but consumers, employers, and supervisees would benefit by being able to obtain verifiable written proof that an LPCC meets the education and experience requirements to treat couples and families.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or 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 alternatives considered were as follows:

1. Not adopt the regulations. This alternative was rejected because it leaves a number of questions left unanswered by current law. Confusion due to a lack of clarity in the law among stakeholders would continue. Lack of action may reduce the number of practitioners available to treat couples and families, and lead to fewer supervisors. It would leave practitioners left to guess on their own whether they have met the requirements, and there would continue to be no way for consumers and employers to verify qualifications. Through a committee process in which stakeholders had significant input, the solutions presented in this proposal were formulated, and have been determined to be the best method of providing consumer protection.
2. Adopt the regulations. The Board determined that this alternative is the most feasible because it creates a system whereby consumer protection is increased by ensuring that an LPCC's qualifications to treat couples and families have been adequately met. It provides a method for verification of qualifications for interested parties. The proposed framework would also help to ensure quality of supervised experience gained by LPCCs seeking to treat couples and families.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS
AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the person designated in the Notice under Contact Person or by accessing the Board's website, www.bbs.ca.gov.

AVAILABILITY AND LOCATION OF THE FINAL
STATEMENT OF REASONS AND
RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below. You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Name: Rosanne Helms
Address: 1625 N. Market Blvd., Suite S-200
Sacramento, CA 95834
Telephone No.: (916) 574-7897
Fax No.: (916) 574-8626
E-Mail
Address: Rosanne.Helms@dca.ca.gov

The backup contact person is:

Name: Christy Berger
Address: 1625 N. Market Blvd., Suite S-200
Sacramento, CA 95834
Telephone No.: (916) 574-7817
Fax No.: (916) 574-8626
E-Mail
Address: Christy.Berger@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.bbs.ca.gov.

TITLE 16. MEDICAL BOARD
OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Medical Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing at the Los Angeles Airport Marriot, 5855 West Century Blvd., Los Angeles, CA 90045, at 9:00 a.m., on May 8, 2015. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on April 20, 2015 or must be received at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 2018 of the Business and Professions Code, and to implement, interpret or make specific Sections 2190 and 2190.1 of said Code, the Medical Board of California is considering changes to Division 13 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

A. Informative Digest

This rulemaking action seeks to amend Division 13 of Title 16 of the California Code of Regulations (CCR) sections 1337 and 1338, to clarify what the Board will accept to satisfy continuing medical education (CME) requirements for renewal of a physician's and surgeon's license with the Board.

Existing law, CCR section 1336, requires each physician to complete a minimum of 50 hours of approved CME during each two-year period immediately preceding the expiration date of the license.

Existing law, CCR section 1337, identifies the programs that are approved by the Board for CME credit. Under Subsection (d) of this regulation, the Board grants CME credit for four consecutive years for physicians who pass a certifying or recertifying exam administered by a recognized specialty Board. Currently, however, this section does not recognize CME credit for physicians complying with Maintenance of Certifi-

cation (MOC) requirements required for certification by the American Board of Medical Specialties (ABMS) or other Board–approved specialty boards. Thus, physicians who are going through the rigorous MOC process still have to complete additional CME courses to be in compliance with the 50 hours of CME required under CCR section 1336, creating duplicative burdens and expenses for physicians.

Existing law, CCR section 1338, provides that the Board shall audit a random sample of physicians who have reported compliance with the CME requirements, and indicates that those physicians selected for audit shall be required to document their compliance on a form provided by the Board. Subsection (d) of 1338 allows the Board to obtain records of CME compliance from certain organizations, rather than directly from the physician. Currently, CCR section 1338 does not recognize ABMS and other Board–approved specialty boards as accepted sources for providing a physician’s proof of compliance with CME requirements to the Board.

On July 24, 2014, at the Board’s Licensing Committee meeting: Carol Clothier, Vice President, ABMS, made a presentation to the Licensing Committee Members regarding ABMS MOC requirements. Ms. Clothier’s presentation described the rigorous MOC requirements to the Licensing Committee Members and why the MOC CME requirements should satisfy the Board’s CME requirements for licensed physicians. A copy of Ms. Clothier’s PowerPoint presentation is contained in the rulemaking file.

On July 25, 2014, at the Board’s quarterly meeting, Board staff requested the Board authorize staff to proceed with amending CCR sections 1337 and 1338, to include MOC CME requirements as meeting the Board’s minimum CME requirements for physician license renewal, and to permit ABMS or other Board–approved specialty boards to provide proof of compliance with CME requirements to the Board. The Board granted the request to initiate the rulemaking process and authorized a hearing to be held after the 45–day comment period.

Accordingly, this proposal will amend CCR section 1337 by adding subsection (g) to accept CME credits achieved through MOC by ABMS affiliate boards or other specialty boards approved by the Board.

This proposal will also amend subsection (d) of CCR section 1338 to recognize ABMS and other Board–approved specialty boards as accepted sources for providing a physician’s proof of compliance with CME requirements to the Board.

B. Policy Statement Overview/Anticipated Benefits of Proposal

These proposed amendments will authorize the Board to accept MOC CME as meeting the Board’s CME requirements for renewal of physician licenses, and will streamline physicians’ ability to comply with an audit inquiry by allowing the Board to accept MOC CME proof directly from approved specialty boards.

The MOC requirements include CME and additional rigorous requirements to maintain ABMS affiliate board or other Board–approved specialty board certification. Under current regulations, licensed physicians who are participating in MOC to maintain specialty board certification could be required to complete an estimated 12.5 additional hours of CME per year than other physicians not participating in MOC to renew their license. Moreover, the extra CME is an additional expense for physicians and takes time away from their practices and being able to treat patients. Accordingly, under current regulations, physicians engaging in MOC CME have to take more CME, and suffer a greater financial and time burden, than physicians who are not pursuing or maintaining board certification. This is not consistent with the Board’s consumer protection goals.

MOC is based in the six ABMS/Accreditation Council for Graduate Medical Education (ACGME) competencies, which are: 1) professionalism; 2) patient care and procedural skills; 3) medical knowledge; 4) practice–based learning and improvement; 5) interpersonal and communication skills; and 6) systems–based practice. Physicians participating in MOC are expected to engage in continuous learning and assessment of their medical and surgical knowledge and judgment, their skills, and their professionalism.

Accordingly, the specific benefits anticipated by the proposed amendments include nonmonetary benefits, such as the protection of the public, since the proposed amendments will allow the Board to accept MOC CME for physicians who are engaging in the rigorous MOC process.

In addition, licensed physicians participating in MOC CME will not be required to complete approximately 12.5 more hours of CME than other physicians who are not participating in MOC. This will result in less cost to physicians, without a decrease in public safety, and will increase the amount of time physicians may attend to their practices and see patients.

Moreover, the proposed amendments will allow the Board to accept MOC CME proof directly from ap-

proved specialty boards, thereby streamlining the process for physicians complying with an audit inquiry.

C. Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations, the Board conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None.

Business Impact:

The Board has made an initial determination that the proposed regulatory action would most likely have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. However, there is the potential for loss of revenue for CME providers because the proposed amendments will allow the Board to recognize MOC CME, which will reduce the number of additional CME units in excess of the 50 units required by law that a physician must take in order to renew his or her license. The Board estimates that by recognizing MOC CME, physicians who meet the demanding requirements of MOC will not have to complete an additional 12.5 hours of CME each year. This results in a savings of approximately \$2,500 a year for impacted physicians, and a corresponding loss of potential revenue to CME providers of approximately \$26,000 per year.

The following studies/relevant data were relied upon in making the above determination:

According to the Board's 2013–2014 Annual Report, about 50,000 in-state, active physicians' licenses are renewed annually. Approximately 25,000 of those physicians are certified by an approved specialty board. Approximately 25% of those physicians, or 6,250, participate in MOC. Some of the MOC participants will have all of their CME coursework qualify for license renewal in California under the current regulations, others will not. Thus, with the proposed regulatory amendments, it is estimated that each of the 6,250 licensees will not have to complete an estimated 12.5 more hours

of CME per year than other physicians not participating in MOC to renew their licenses in California.

Cost Impact on Representative Private Person or Business:

If the proposed amendments to the regulations are approved, impacted physicians will save approximately \$2,500 each year that they complete their MOC CME requirements. The loss of potential revenue to California-based CME providers would average \$26,000 per business.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulatory amendments would not affect small businesses. While there is the potential for loss of revenue for CME providers, these providers are not considered small businesses.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

While there is a potential for California-based CME providers to lose income if the regulatory amendments to recognize MOC CME are adopted, the Board has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs or new businesses, or the expansion or elimination of businesses in California. The CME providers in California are not small businesses, and the annual income loss is estimated at \$26,000 per business.

Benefits of Regulation:

The Board has determined that these proposed regulatory amendments will likely benefit the health and welfare of California residents by accepting MOC CME credits for physicians choosing to participate in the rigorous MOC process and course of study for practice improvement. Additionally, these amendments will reduce the cost and burden on physicians by allowing the Board to accept MOC CME, thereby allowing physicians to devote more time to their practices and treating patients. Additionally, the proposed amendments will allow the Board to accept proof of MOC CME compliance directly from the approved specialty boards.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative has been identified and brought to its attention that 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 proposal described in this Notice, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

**INITIAL STATEMENT OF REASONS
AND INFORMATION**

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the person designated in this Notice under Contact Person or by accessing the Board's website: http://www.medbd.ca.gov/laws/regulations_proposed.html.

**AVAILABILITY AND LOCATION OF THE FINAL
STATEMENT OF REASONS AND
RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Name: Curtis Worden
 Medical Board of California
 Address: 2005 Evergreen Street, Suite 1200
 Sacramento, CA 95815
 Telephone No.: (916) 274-2986
 Fax No.: (916) 263-2387
 E-Mail
 Address: regulations@mbc.ca.gov

The backup contact person is:

Name: Kevin Schunke
 Medical Board of California
 Address: 2005 Evergreen Street, Suite 1200
 Sacramento, CA 95815
 Telephone No.: (916) 263-2368
 Fax No.: (916) 263-2387
 E-Mail
 Address: regulations@mbc.ca.gov

Website Access: Materials regarding this proposal can be found at http://www.mbc.ca.gov/laws/regulations_proposed.html.

TITLE 17. AIR RESOURCES BOARD

**NOTICE OF PUBLIC HEARING TO
CONSIDER AMENDMENTS TO
CERTIFICATION PROCEDURES FOR VAPOR
RECOVERY SYSTEMS AT GASOLINE
DISPENSING FACILITIES: ABOVEGROUND
STORAGE TANKS AND ENHANCED
CONVENTIONAL NOZZLES**

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider adoption of amendments to Certification and Test Procedures for Vapor Recovery Systems at Gasoline Dispensing Facilities (GDF).

DATE: April 23-24, 2015
 TIME: 9:00 a.m.
 PLACE: California Environmental
 Protection Agency
 Air Resources Board
 Byron Sher Auditorium
 1001 I Street
 Sacramento, California 95814

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., April 23, 2015, and may continue at 8:30 a.m., on April 24, 2015. This item may not be considered until April 24, 2015. Please consult the agenda for the hearing, which will be available at least 10 days before April 23, 2015, to determine the day on which this item will be considered.

**INFORMATIVE DIGEST OF PROPOSED ACTION
AND POLICY STATEMENT OVERVIEW
PURSUANT TO GOVERNMENT
CODE 11346.5(a)(3)**

Sections Affected: Proposed amendments to California Code of Regulations, title 17, sections 94010, 94011, and 94016, and proposed adoption of new section 94017.

Documents Incorporated by Reference:

The following documents are proposed for amendments and incorporated by reference in California Code of Regulations, title 17, sections 94010, 94011, 94016, and 94017.

1. Definitions for Vapor Recovery Procedures (D-200), last amended January 9, 2013 (Section 94010).
2. Certification Procedure (CP-201) — Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities, last amended January 9, 2013 (Section 94011).
3. Certification Procedure (CP-206) — Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities Using Aboveground Storage Tanks, last amended May 27, 2014 (Section 94016).

The following document is a newly-proposed ARB-drafted document that will be incorporated by reference into the Vapor Recovery Systems at Gasoline Dispensing Facilities Regulation.

4. Proposed New Certification Procedure (CP-207) — Certification Procedure for Enhanced Conventional (ECO) Nozzles and Low Permeation Conventional Hoses for Use at Gasoline Dispensing Facilities (Section 94017).

Summary of Current Laws, Background, and Effect of the Proposed Rulemaking:

California’s existing vapor recovery laws control emissions associated with the storage and transfer of gasoline from storage tanks at terminals or bulk plants to tanker trucks, from tanker trucks to storage tanks at gasoline dispensing facilities (GDF), and from GDF tank to the vehicle’s fuel tank during vehicle fueling. ARB and the air pollution control/air quality management districts (air districts) share responsibility for implementing the vapor recovery program. ARB staff certifies prototype vapor recovery systems installed at operating GDFs. State law requires that throughout California only ARB-certified systems be offered for sale, sold, and installed. Air district staff inspects and tests the vapor recovery system upon installation during the permit process and conducts regular inspections to check that systems are operating as certified.

ARB staff is now proposing to make amendments to several of the current vapor recovery certification procedures, and proposes adoption of a new certification procedure for enhanced conventional nozzles.

Objectives and Benefits of the Proposed Regulatory Action:

The proposed amendments to the certification procedures would:

1. Adopt new performance standards and specifications for nozzles used at non-retail GDFs that have been excluded by the air districts from Phase II vapor recovery, because they fuel a fleet of newer vehicles that process gasoline vapors on-board the vehicles (on-board refueling vapor recovery or ORVR). Establishing standards and specifications for these nozzles, which are referred to as Enhanced Conventional Nozzles (ECO Nozzles), would promote consistency statewide and yield further reductions in emissions.
2. Amend requirements to allow for the continued use of pre-Enhanced Vapor Recovery Phase I systems on certain aboveground storage tanks until the end of the useful life of those systems, thereby improving cost-effectiveness while achieving emission reductions in areas where they are most needed.
3. Clarify existing requirements for manufacturers of vapor recovery equipment used on underground storage tanks, aboveground storage tanks, and ORVR fleet fueling facilities. These clarifications would better allow ARB staff to ensure that mass-produced vapor recovery equipment matches the performance standards and specifications of the equipment as evaluated during ARB certification.

DETERMINATION OF INCONSISTENCY AND INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

During the process of developing the proposed regulatory action, ARB has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

COMPARABLE FEDERAL REGULATIONS

There are no federal regulations that are directly comparable to California’s Enhanced Vapor Recovery (EVR) program for ASTs, and there are no federal regulations establishing a maximum allowable spillage rate from gasoline dispensing nozzles that refuel ORVR vehicles. However, U.S. EPA has promulgated federal regulations mandating GDFs in certain areas outside of California to install Stage I systems that are similar to the Phase I systems certified by ARB. Other states or countries often require the installation of vapor recovery systems certified by ARB. Thus, changes to ARB EVR certification requirements may have a national and international impact.

AVAILABILITY OF DOCUMENTS AND
AGENCY CONTACT PERSONS

ARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: *Initial Statement of Reasons for Rulemaking Amendments to Certification Procedures for Vapor Recovery Systems at Gasoline Dispensing Facilities: Aboveground Storage Tanks and Enhanced Conventional Nozzles.*

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on ARB's website listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California 95814, (916) 322-2990, on March 3, 2015.

Final Statement of Reasons Availability

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on ARB's website listed below.

Agency Contact Persons

Inquiries concerning the substance of the proposed regulation may be directed to the designated agency contact persons, Mr. Scott Bacon at (916) 322-8949, or Mr. George Lew at (916) 327-0900.

Further, the agency representative to whom nonsubstantive inquiries concerning the proposed administrative action may be directed is Ms. Trini Balcazar, Regulations Coordinator, (916) 445-9564. The Board staff has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

Internet Access

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on ARB's website for this rulemaking at <http://www.arb.ca.gov/regact/2015/vapor2015/vapor2015.htm>.

DISCLOSURES REGARDING THE
PROPOSED REGULATION

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulatory action are presented below.

Fiscal Impact / Local Mandate

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action would create overall savings to both State and local agencies.

Overall, Staff estimates the proposed regulatory action would save local governments about \$1,102,566 over five years. Staff estimates the statewide savings associated with the proposed regulatory action would be about \$424,085 for state agencies over five years. Depending on each regulated entity's particular circumstances, the ECO Nozzle component of the proposed regulatory action could create some additional costs for local governments and school districts that maintain their own fleet of vehicles and which are currently allowed to operate with uncertified conventional nozzles. The potential costs and savings associated with the proposed regulatory action are described in greater detail in the ISOR and Appendix G to the ISOR. If any local government or school district's costs increase as a result of the proposed regulation, those costs would not be reimbursable under Government Code 17500 et seq. This is because the proposed regulatory action would apply generally to all entities in the state with equipment that is subject to the regulation. So while the proposed regulations would impose a mandate on local agencies (and potentially on school districts), the proposed regulatory action would not result in a reimbursable state-mandated program.

The proposed regulatory action would not create any cost or savings in federal funding to the state.

Significant Statewide Adverse Economic Impact Directly Affecting Business, Including Ability to Compete

The Executive Officer has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

Cost Impacts on Representative Private Persons or Businesses

In developing this regulatory proposal, ARB staff evaluated the potential economic impacts on representative private persons or businesses. Certain businesses that own aboveground storage tanks may experience a savings as a result of the proposed regulation, which would delay the existing requirement to install an EVR Phase I system. The savings is estimated to be an average of \$1,705 per affected AST, achieved through deferred compliance costs and the avoidance of capital losses. Businesses that operate a fueling facility that serves a private fleet of vehicles equipped with on-

board refueling vapor recovery (ORVR) may experience a cost of \$335 or a savings of \$920 over five years as a result of the ECO Nozzle provisions of the proposed regulation. Whether a cost or savings occurs is dependent on what type of dispensing equipment is currently required at the affected facility.

Result of the Economic Impact Analysis/Assessment Prepared Pursuant to Government Code Section 11346.3(b)

Effects on Jobs/Businesses:

The Executive Officer has determined that the proposed regulatory action would not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the ISOR.

Benefits of the Proposed Regulation:

The proposed regulation would improve cost effectiveness of the current Phase I EVR requirement for aboveground tanks, while retaining emission reductions where most needed. The proposed ECO Nozzle regulation would result in a cost savings and reduced emissions. A summary of these benefits is provided; please refer to "Objectives and Benefits," under the Informative Digest of Proposed Action and Policy Statement Overview Pursuant to Government Code 11346.5(a)(3) discussion on page 396 of this notice. A detailed assessment of the cost savings of the proposed regulatory action can be found in the Economic Impact Analysis in the ISOR.

Effect on Small Business

The Executive Officer has also determined, pursuant to California Code of Regulations, title 1, section 4, that the proposed regulatory action would result in a savings for affected small businesses that own aboveground storage tanks. Staff expects approximately 233 ASTs owned by small businesses would be affected by the proposal. These businesses are expected to save approximately \$1,705 each, for a statewide total of \$397,265. No small businesses are expected to be affected by the ECO Nozzle proposal.

Housing Costs

The Executive Officer has also made the initial determination that the proposed regulatory action will not have a significant effect on housing costs.

Alternatives

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the

Board, would be more effective in carrying out the purpose for which the action is proposed, or 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. ARB staff considered alternatives to the proposed amendments, as described in section VII of the Initial Statement of Reasons.

Environmental Analysis

ARB, as the lead agency for the proposed regulatory action, has prepared an environmental analysis (EA) under its certified regulatory program (Cal. Code Regs., tit. 17, §§60000 through 60008) to comply with the requirements of the California Environmental Quality Act (CEQA; Public Resources Code section 21080.5). The EA determined that the proposed regulatory action would not result in any significant adverse impacts on the environment. The basis for reaching this conclusion is provided in Section IV of the ISOR. Written comments on the EA will be accepted during a 45-day public review period starting on **March 6, 2015** and ending at **5 p.m. on April 20, 2015**.

SUBMITTAL OF COMMENTS AND WRITTEN COMMENT PERIOD

Interested members of the public may present comments orally or in writing at the hearing and may provide comments by postal mail or by electronic submittal before the hearing. The public comment period for this regulatory action will begin on Friday, March 6, 2015. To be considered by the Board, written comments not physically submitted at the meeting, must be submitted on or after March 6, 2015, and received no later than 5:00 p.m. on April 20, 2015, and must be addressed to the following:

Postal mail: Clerk of the Board, Air Resources Board
1001 I Street,
Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Gov. Code, § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

ARB requests that written and email statements on this item be filed at least 10 days prior to the hearing so that ARB staff and Board members have additional time to consider each comment. The Board encourages

members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

Additionally, the Board requests but does not require that persons who submit written comments to the Board reference the title of the proposal in their comments to facilitate review.

AUTHORITY AND REFERENCE

This regulatory action is proposed under the authority granted in Health and Safety Code, sections 25290.1.2, 39600, 39601, 39607, and 41954. This action is proposed to implement, interpret, and make specific sections 25290.1.2, 39515, 39605, 41952, 41954, 41956.1, 41959, 41960, and 41960.2.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Government Code, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340).

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with non-substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice and that the regulatory language as modified could result from the proposed regulatory action; in such event, the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322-2990.

SPECIAL ACCOMMODATION REQUEST

Consistent with California Government Code Section 7296.2, special accommodation or language needs may be provided for any of the following:

- An interpreter to be available at the hearing;
- Documents made available in an alternate format or another language; or
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 as

soon as possible, but no later than 10 business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Consecuente con la sección 7296.2 del Código de Gobierno de California, una acomodación especial o necesidades lingüísticas pueden ser suministradas para cualquiera de los siguientes:

- Un intérprete que esté disponible en la audiencia.
- Documentos disponibles en un formato alternativo u otro idioma.
- Una acomodación razonable relacionados con una incapacidad.

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al (916) 322-5594 o envíe un fax a (916) 322-3928 lo más pronto posible, pero no menos de 10 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Re-transmisión de Mensajes de California.

TITLE 22. EMERGENCY MEDICAL SERVICES AUTHORITY

DIVISION 9. PREHOSPITAL EMERGENCY MEDICAL SERVICES CHAPTER 1.9 LAY RESCUER EPHINEPHRINE AUTO-INJECTOR TRAINING CERTIFICATION STANDARDS

The Emergency Medical Services Authority ("EMSA") proposes to adopt regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

EMSA will hold a public hearing on April 21, 2015. The hearing will begin at 10:00 a.m. and end at 12:00 p.m. The location of the public hearing is: 10901 Gold Center Drive, Suite 400, Rancho Cordova, CA 95670. EMSA requests that persons making oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the EMSA. Comments may also be submitted by facsimile (FAX) at (916) 324-2875 or by e-mail to corrine.fishman@emsa.

ca.gov. The written comment period closes at **5:00 p.m.** on April 20, 2015. The EMSA will consider only comments received at the EMSA offices by that time. Submit comments to:

Corrine Fishman, Program Analyst
EMS Authority
10901 Gold Center Drive, Suite 400
Rancho Cordova, CA 95670

AUTHORITY AND REFERENCE

The EMSA proposes to add Chapter 1.9 to Division 9, of Title 22.

The Health and Safety Code, Section 1797.107 authorizes the EMSA to adopt the proposed regulations, which would implement, interpret, or make specific Section 1797.197a of the Health and Safety Code.

INFORMATIVE DIGEST/ POLICY STATEMENT OVERVIEW

Senate Bill 669 (Chapter 725, Statutes of 2013), requires the EMSA to adopt minimum standards for training and certification of prehospital emergency medical care persons and lay rescuers in the use and administration of the epinephrine auto-injector to render emergency care to another person as defined in Section 1797.197a of the Health and Safety Code. The statute also directs the EMSA to adopt reasonable fees for review and approval of epinephrine auto-injector training programs and establishes the Specialized First Aid Training Program Approval Fund into which these fees shall be deposited.

This rulemaking action clarifies and makes specific the minimum training and certification standards and requirements for the use and administration of epinephrine auto-injectors.

The regulations proposed in this rulemaking action intend to: Establish the procedures required to become an EMSA approved training program; specify subject matter areas that must be covered by a training program; specify requirements of a program director or instructor; specify the notification process for program approval and withdrawal and specify all fees. The regulations will also specify the certification requirements, application of training and fees required for a lay person to be certified to use and administer an epinephrine auto-injector.

Anticipated Benefits of the Proposed Regulation:

The broad objective of the regulation is anticipated to provide the lay person training in the use and administration of an epinephrine auto-injector. The specific benefit from the regulation is to protect the health and

safety of the public by allowing the lay person, who meets the prescribed qualifications, to use and administer an epinephrine auto-injector to any person suffering from an allergic emergency while also providing civil liability protection.

Determination of Inconsistency/Incompatibility with Existing State Regulations:

EMSA has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, EMSA has concluded that these are the only regulations that concern the use and administration of an epinephrine auto-injector by a lay person.

DISCLOSURES REGARDING THE PROPOSED ACTION

The EMSA has made the following initial determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any state agency: None.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the state: None.
- Cost impacts on a representative private person or business: There will be a cost to a private person representing the cost of the training course and the cost of the epinephrine auto-injector. Because this training is not required, there is no obligation that any individual should incur these costs. There will be administrative costs for a business that chooses to develop a course of training as prescribed by these regulations.
- Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.
- Significant effect on housing costs: None.
- The proposed regulations may affect small businesses.

Results of the Economic Impact Analysis/Assessment

The EMSA concludes that it is (1) unlikely that the proposal will eliminate any jobs, public safety personnel or epinephrine training providers, (2) likely that the proposal will create an unknown number of jobs for providers of epinephrine auto-injector training,

(3) likely that the proposal will create an unknown number of new businesses providing training in epinephrine auto-injector use and administration, (4) unlikely that the proposal will eliminate any existing businesses, and (5) unlikely that the proposed regulations will result in the expansion of businesses currently doing business within the state.

Benefits of the Proposed Action: The proposed regulations will benefit California residents by allowing a person suffering an allergic emergency to receive potentially lifesaving medical care by providing the lay person with a process to obtain a prescription for an epinephrine auto-injector that they may use and administer to any person in an allergic emergency situation. The regulations also increase public safety by specifying the minimum training standards and requirements to be met in order to use and administer an epinephrine auto-injector.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), EMSA must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or 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.

EMSA invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Corrine Fishman, Program Analyst
 EMS Authority
 10901 Gold Center Drive, Suite 400
 Rancho Cordova, CA 95670
 (916) 431-3727
Corrine.fishman@emsa.ca.gov

The backup contact person for these inquiries is:

Alternate Contact Person:
 Lisa Witchey, Manager
 EMS Authority
 10901 Gold Center Drive, Suite 400
 Rancho Cordova, CA 95670
Lisa.witchey@emsa.ca.gov

Please direct requests for copies of the proposed text (the “express terms”) of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Corrine Fishman at the above address.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The EMSA will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Corrine Fishman at the address or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the EMSA may adopt the proposed regulations substantially as described in this notice. If the EMSA makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the EMSA adopts the regulation as revised. Please send requests for copies of the modified regulations to the attention of Corrine Fishman at the address indicated above. The EMSA will accept written comments on the modified regulations for 15 days after the date on which they were made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Corrine Fishman at the address listed above.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in

underline and strikeout can be accessed through our website at www.emsa.ca.gov.

GENERAL PUBLIC INTEREST

DEPARTMENT OF PUBLIC HEALTH

TITLE: PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANT (PHHSBG) FOR FEDERAL FISCAL YEAR (FFY) 2015

ACTION: NOTICE OF HEARING FOR PROPOSED FUNDING

SUBJECT

The Centers for Disease Control and Prevention anticipates making funds available to the California Department of Public Health (CDPH) for the development and implementation of programs and activities to the development and implementation of programs and activities to decrease the morbidity and mortality that results from preventable disease and injury; and to optimize the health and well-being of the people in California. The purpose of this hearing is to discuss and receive comments on the State's recommendations for the use of these funds during State Fiscal Year 15/16 (FFY 2015).

PUBLIC HEARING PROCESS

Notice is hereby given that CDPH will hold a public hearing commencing at 2:00 p.m. PDT and ending at 4:00 p.m. PDT on Thursday, March 19, 2015 in Room 74.553 (Cosumnes Room), 1616 Capitol Avenue, Sacramento, California, at which time any person may present statements or arguments orally or in writing relevant to the action described in this notice. If you plan to attend the Public Hearing, please be sure to bring photo identification so you can be admitted into the building by the security guard. The Chronic Disease Control Branch (CDCB), CDPH, 1616 Capitol Avenue, MS 7208, P.O. Box 997377, Sacramento, CA 95899-7377 must receive any written statements or arguments by 5:00 p.m. March 20, 2015 which is hereby designated as the close of the written comment period. It is requested, but not required, that written statements or arguments be submitted in triplicate.

CONTACT

Inquiries concerning the action described in this notice may be directed to Ms. Anita Butler, PHHSBG Coordinator, at (916) 552-9964 or Anita.Butler@cdph.ca.gov or the CDCB at (916) 552-9900 or e-mail to: CDCB@cdph.ca.gov. In any such inquiries, please identify the action by using the Department Control letters "PHHSBG."

WEBINAR INFORMATION & AVAILABILITY OF INFORMATION FOR REVIEW

Please register for the PHHSBG Public Hearing, scheduled on Thursday, March 19, 2015 from 2:00 p.m.-4:00 p.m. PDT at <https://attendee.gototraining.com/r/5529269518355536130>. After registering you will receive a confirmation email containing information about joining the training. **Please contact (916) 552-9900 if you experience technical difficulties.**

The Agenda will be available for review at 1616 Capitol Avenue, Sacramento, California, from 8:00 a.m. to 5:00 p.m., March 5, 2015 through March 19, 2015. It will also be available on the following website [http://cdphinternet/programs/cdcb/Pages/CaliforniaPreventiveHealthandHealthServicesBlockGrant\(PHHSBG\).aspx](http://cdphinternet/programs/cdcb/Pages/CaliforniaPreventiveHealthandHealthServicesBlockGrant(PHHSBG).aspx) from 8:00 a.m. to 5:00 p.m., March 5, 2015 through March 19, 2015.

In addition, the notice will be made available in appropriate alternative formats, upon request by any person with a disability as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the applicable federal rules and regulations. Any request for such information must be received by the CDPH 14 days prior to March 19, 2015.

Please contact Anita Butler if you have any questions.

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

**Notice of Intent to Recertify:
Hazardous Waste Environmental Technology**

The California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) intends to recertify the following hazardous waste environmental treatment technology:

Scigen Neutralex Technology (Neutralex):

This technology is for treating aqueous formaldehyde in 10% neutral buffered Formalin waste resulting from histopathology tissue specimen preservation and automated processor activities.

Applicant: *SCIGEN, Inc.*
333 East Gardena Blvd.
Gardena, California 90249

Certification Program:

The Department of Toxic Substances Control (DTSC) has the authority to certify the performance of hazardous waste environmental technologies (Health and Safety Code, § 25200.1.5). DTSC only certifies technologies which DTSC has determined to not pose a significant potential hazard to public health and safety or to the environment when used under specified operating conditions. DTSC is currently not certifying any new treatment technology or accepting applications into the hazardous waste technology certification program due to the program being cut during the budget shortfall for the State of California. DTSC is considering this recertification request because Scigen treatment technology has already been certified and because according to Scigen, Scigen treatment technology has not changed: in design, formulation, or its operation. Review of product uses indicates the product is performing as certified.

DTSC's Certification program provides an independent technical evaluation of technologies to identify those meeting applicable quality standards, so as to facilitate regulatory and end-user acceptance and to promote and foster growth of California's environmental technology industry.

DTSC makes no express or implied warranties as to the performance of the manufacturer's product or equipment. The end-user is solely responsible for complying with the applicable federal, state, and local regulatory requirements. Certification does not limit DTSC's authority to require additional measures for protection of public health and the environment.

By accepting certification, the manufacturer assumes, for the duration of certification, the responsibilities for maintaining the quality of the technology, materials, and their operation at a level equal to or better than that used as the basis for certification and agrees to be subject to quality monitoring by DTSC as required by the statute under which certification is granted.

DTSC's proposed decision to recertify is subject to public review and comment. Written comments must be submitted to DTSC no later than 30 days after publication of this notice. All comments will be considered and appropriate changes will be made prior to publishing DTSC's final decision.

Additional information supporting DTSC's proposed decision is available for review. Requests for additional information or comments concerning this proposed decision should be submitted to the following address:

*California Environmental Protection Agency
Department of Toxic Substances Control
Hazardous Waste Management Program
P.O. Box 806
1001 I Street, 11th Floor
Sacramento, California 95812-0806
Attn: Donn Diebert (916) 322-2505*

Background:

Neutralex was originally certified on June 29, 1997, for a three-year term. The final decision to certify was published in the May 30, 1997, California Regulatory Notice Register, Volume 97, Number 22-Z. The original certification included a description of the technology; the certification statement and associated conditions and limitations; and the technical basis for the original certification decision.

Following re-evaluations and proposed decisions that were made after the 30-day public comment periods, DTSC published final decisions to recertify the Neutralex technology for another three-year term effective June 10, 2001, and, after a one-year extension, for another three-year term effective March 25, 2005. The technology was certified again on May 16, 2008 and again on May 1, 2011. (Documents and/or reports describing the basis for these recertification decisions are available from DTSC.)

DTSC has now re-evaluated Neutralex, and is proposing to recertify the technology for an additional three-year term.

Effect on Current Certification Status:

Pursuant to Title 22, California Code of Regulations, section 68100, the existing certification shall remain valid during the public comment period. After the public comment period, DTSC will respond to any comments received and will make a final recertification decision.

Basis for Recertification:

Previous recertification evaluation included laboratory testing on the effectiveness of Neutralex for treating 10% neutral buffered Formalin wastes, and discussions with end users. In addition, DTSC had numerous discussions with Scigen and according to Scigen; Neutralex has not changed since its original certification. For the current recertification evaluation, DTSC staff contacted numerous end users of Neutralex to confirm previous information on Neutralex performance under the conditions of use at health care facilities.

For this recertification, staff interviewed ten Neutralex end users and found that each had no problems with the technology; had used Neutralex for at least one year or more; and felt the instructions on how to use Neutralex were clear. Other questions were also asked and all results were consistently positive. Overall, DTSC has not received nor is aware of any complaints or reports of problems with the proper use of Neutralex.

Regulatory Considerations:

Title 22, California Code of Regulations, section 67450.20, specifies that treatment of formaldehyde by health care facilities using any technology certified as effective for that purpose is authorized for operation under a grant of conditional exemption. Under conditional exemption, treatment must operate according to the conditions imposed on the certification. In addition, the generator conducting treatment must comply with the provisions of section 25201.5 of the Health and Safety Code.

Certification Conditions:

The conditions of the original certification, published in the May 30, 1997, California Regulatory Notice Register, Volume 97, Number 22–Z remain in effect.

Certification Reference:

As a holder of a valid hazardous waste environmental technology certification, Scigen is authorized to use the certification seal (California Registered Service Mark Number 046720) during the term of the certification. Scigen shall cite the certification number and date of issuance in conjunction with the certification seal whenever it is used.

When providing information on the certification to an interested party, Scigen shall at a minimum provide the full text of the original and recertification decisions as published in the California Regulatory Notice Registers.

Duration of the Certification:

This recertification will remain in effect for the period of three years from the date of issuance, unless it is revoked for cause or amended.

FISH AND GAME COMMISSION

NOTICE OF FINDINGS

Flat-Tailed Horned Lizard
(*Phrynosoma mcallii*)

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2074.2 of the Fish and Game Code, the California Fish and Game Commission, at its February 12, 2015, meeting in Sacramento, California, accepted for consideration the petition submitted to list

the flat-tailed horned lizard as an endangered species. Pursuant to subdivision (a)(2) of Section 2074.2 of the Fish and Game Code, the aforementioned species is hereby declared a candidate species as defined by Section 2068 of the Fish and Game Code.

Within one year of the date of publication of this notice of findings, the Department of Fish and Wildlife shall submit a written report, pursuant to Section 2074.6 of the Fish and Game Code, indicating whether the petitioned action is warranted. Copies of the petition, as well as minutes of the February 12, 2015, Commission meeting, are on file and available for public review from Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244–2090, phone (916) 653–4899. Written comments or data related to the petitioned action should be directed to the Commission at the aforementioned address.

Fish and Game Commission

February 24, 2015

Sonke Mastrup
Executive Director

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

NOTICE TO INTERESTED PARTIES

RELEASE OF FINAL DOCUMENT

**AIR TOXICS HOT SPOTS PROGRAM
RISK ASSESSMENT GUIDANCE MANUAL**

March 6, 2015

The Office of Environmental Health Hazard Assessment (OEHHA) is releasing a final document, *Air Toxics Hot Spots Program Risk Assessment Guidelines, Guidance Manual for the Preparation of Risk Assessments* (Guidance Manual), February 2015. This Guidance Manual has been developed by OEHHA, in conjunction with the Air Resources Board, for use in implementing the Air Toxics Hot Spots Program (Health and Safety Code Section 44360 et seq.). The Guidance Manual underwent public review and was peer reviewed and approved by the Scientific Review Panel on Toxic Air Contaminants.

OEHHA is required to develop guidelines for conducting health risk assessments under Section 44360(b)(2). OEHHA earlier developed three Technical Support Documents (TSDs) that provide the scientific basis for numeric values used in assessing health risks from exposures to facility emissions. The three

TSDs describe non-cancer risk assessment (derivation of acute, 8-hour and chronic Reference Exposure Levels), derivation of cancer potency factors, and exposure assessment methodology including stochastic risk assessment. These TSDs underwent public and peer review, were approved by the State's Scientific Review Panel on Toxic Air Contaminants, and adopted by OEHHA for use in the Air Toxics Hot Spots program. The final Guidance Manual combines the critical information from the three TSDs into a guidance manual for the preparation of health risk assessments.

The document will be available on the OEHHA Home Page at <http://www.oehha.ca.gov> on **March 6, 2015**.

<p>RULEMAKING PETITION DECISION</p>
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**DEPARTMENT OF FOOD AND
AGRICULTURE**

(Government Code Section 11340.7)

By letter dated December 16, 2013, Justin Oldfield, Vice President, Government Relations, California Cattlemen's Association, (Petitioner) petitioned the Department of Food and Agriculture (Department) of the State of California in accordance with Government Code section 11340.6. The Petitioner requested the Department to repeal section 820.4 of Article 12, Chapter 2, Division 2, of Title 3 of the California Code of Regulations. Regulation section 820.4 pertains to the sale of bulls within California. It requires that all bulls over 18 months of age sold at public livestock markets to be sold for slaughter unless the bulls are accompanied by a negative test result for Trichomonosis taken within the last 60 days prior to sale.

By letter dated January 16, 2015, Justin Oldfield, Vice President, Government Relations, California Cattlemen's Association, (Petitioner) petitioned the Department to withdraw the original petition dated December 16, 2013 requesting the repeal of regulation section 820.4 and instead requested the Department to amend the regulation. Therefore, in accordance with Government Code section 11340.6, the Petitioner requested the amendment of regulation section 820.4 which pertains to the sale of bulls within California. It requires that all bulls over 18 months of age sold at public livestock markets to be sold for slaughter unless the

bulls are accompanied by a negative test result for Trichomonosis taken within the last 60 days prior to sale.

**PROVISIONS OF THE CODE OF REGULATIONS
REQUESTED TO BE AFFECTED**

Article 12 (Bovine Trichomonosis Control Program), of Chapter 2 (Livestock Disease Control [Animal Quarantine]), Division 2 (Animal Industry), Title 3, California Code of Regulations.

AUTHORITY AND REFERENCE

Authority: Sections 407 and 10610, Food and Agricultural Code.

Reference: Sections 9166, 9167, 9562 and 10610, Food and Agricultural Code.

CONTACT PERSON

Any interested person may obtain a copy of the petition by contacting the following person:

Nancy Grillo, Regulation Coordinator
Department of Food and Agriculture
Animal Health and Food Safety Services
1220 N Street,
Sacramento, CA 95814
Phone: (916) 900-5033
E-mail: nancy.grillo@cdfa.ca.gov

DEPARTMENT DECISION

On January 13, 2014, the Department responded to the original petition and accepted it in full and provided the reasons for the decision. The Department's decision was published in the California Regulatory Notice Register, Register 2014, No. 5-Z, January 31, 2014 [Notice File Number Z-2014-0115-01].

On February 6, 2015, the Department accepted the new petition in full for the reasons set forth below.

**REASONS SUPPORTING THE
DEPARTMENT'S DETERMINATION**

The Department consulted with the Cattle Health Advisory Task Force [pursuant to section 10610 of the Food and Agricultural Code] and in accordance with Government Code section 11340.7, the request to amend regulation section 820.4 was evaluated based on the following information:

- 1) Article 12, Chapter 2, Division 2, of Title 3 of the California Code of Regulations, specifies the requirements for the control of Trichomonosis in California. It specifies the requirements for bulls entering the state, vaccination, testing, and permit requirements, reporting of infected herds, and contains quarantine provisions for Trichomonosis infected cattle in the state. Section 820.4 of Article 12 pertains to the sale of bulls within California. It requires all bulls over 18 months of age sold at public livestock markets to be sold for slaughter unless the bulls are accompanied by a negative test result for Trichomonosis taken within the last 60 days prior to sale.
- 2) Trichomonosis is a venereal disease of cattle that causes infertility and occasional abortions in cows and heifers. It is caused by *Trichomonas fetus*, a small motile protozoan found only in the reproductive tract of the bull and cow. The most effective way to control Trichomonosis is to prevent the introduction of the organism into a herd. This is primarily accomplished through testing all new bulls prior to entry into the herd and preventing unwanted bulls from entering through damaged fence lines. A vaccine for Trichomonosis is available and labeled for use in controlling the disease in cows. Currently, the vaccine is not labeled for use in bulls. Producers are encouraged to work with their veterinarian to develop appropriate protocols for controlling Trichomonosis and other reproductive diseases in their herds.
- 3) The Department believes the amendments suggested by the Petitioner will enhance the effectiveness of the current Trichomonosis control program while rectifying deficiencies that might discriminate against the sale of bulls at public livestock auction markets.

The Department also agreed with the reasons provided in the petition to amend section 820.4 of Title 3 of the California Code of Regulations, which were stated in the Department's final decision to the Petitioner, which reads as follows:

February 6, 2015

Justin Oldfield
 Vice President, Government Relations
 California Cattlemen's Association
 1221 H Street
 Sacramento, CA 95814-1910

Dear Mr. Oldfield,

The California Department of Food and Agriculture (CDFA) received your letter to withdraw the petition dated December 16, 2013 to repeal section 820.4 of Article 12, Chapter 2, Division 2, of Title 3 of the California Code of Regulations and instead amend regulation section 820.4 (petition from the California Cattlemen's Association (CCA), dated January 16, 2015). Upon consultation with the Cattle Health Advisory Task Force and in accordance with the requirements of Government Code section 11340.7, CDFA has granted the petition. CDFA bases its decision upon the fact that it agrees with the arguments in favor of the amendments.

The original petition requested the repeal of the Trichomonosis testing requirements because some salesyards believed the regulation was unfair, as it only applied to bulls sold in the sale and salesyards could not sell the bull without a test (except to slaughter). This resulted in some bulls sold privately, not through the salesyard. Subsequently, the cattle industry and CDFA believed that bulls sold privately, not through the salesyards, could not effectively be tracked in cases of a Trichomonosis outbreak. CDFA agrees with the compromise as stated by CCA in its petition to amend regulation section 820.4 instead of repealing it. It would require the testing of all bulls changing ownership, and allow specific exemptions to match those for existing interstate movement.

CDFA agrees with CCA to amend regulation section 820.4, as follows:

- Initiate a mandatory color coded identification program for all bulls that undergo a Trichomonosis test;
- Require that any bull older than 18-months of age sold for breeding undergo a Trichomonosis test within 60 days preceding any change of ownership, irrespective if the animal is sold at a public livestock auction market or private treaty;
- Exempt the requirement of a mandatory Trichomonosis test for a bull older than 18-months of age used solely for artificial insemination using semen extension and preservation protocols that meet Certified Semen Services standards so long as the bull is confined and never exposed to sexually intact female cattle;
- Exempt the requirement of a mandatory Trichomonosis test for a bull older than 18-months of age used solely for exhibition purposes as defined so long as the animal remains under confinement and at no time is allowed

access or comingle with sexually intact female cattle; and,

- Exempt the requirement of a mandatory Trichomonosis test for a bull older than 18-months of age sold solely for slaughter to a recognized buyer with a signed bull slaughter channel agreement provided by the Department or to a feedlot where cattle are fed solely for slaughter so long as the animal is confined and never exposed to sexually intact female cattle.

CDFA believes that the amendments proposed by CCA will harmonize an effective Trichomonosis program because the proposal would require all bulls 18-months of age and over sold in California to be tested for Trichomonosis; current regulations only require this test for bulls sold through public sales. The proposal would exempt specific classes of sale bulls from the test requirement; current regulations allows these test-exemptions for bulls entering California from other states but fail to exempt California bulls from the test.

Accordingly, CDFA shall proceed with amending section 820.4 of Title 3 of the California Code of Regulations. The Department will promptly submit a rule-making action to the Office of Administrative Law for the amendment in accordance with the requirements of the Administrative Procedure Act.

Sincerely,

Annette Jones, D.V.M.
State Veterinarian and Director

cc:
Karen Ross, Secretary, CDFA
Dr. Kent Fowler, Chief, Animal Health Branch, CDFA
Cattle Health Advisory Task Force Members

<p>SUMMARY OF REGULATORY ACTIONS</p>

**REGULATIONS FILED WITH
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2015-0218-01
BOARD OF GOVERNORS, CALIFORNIA
COMMUNITY COLLEGES
Financial Assistance Awards

The Board of Governors of the California Community Colleges submitted to OAL this action dealing with financial assistance awards as a print only file. Pursuant to Education Code section 70901.5, this action was filed with the Secretary of State by the Board on February 18, 2015, is exempt from the Administrative Procedure Act and OAL review, and was submitted to OAL only for the purpose of publishing the regulation in the California Code of Regulations.

Title 5
California Code of Regulations
ADOPT: 58621 AMEND: 58601, 58612, 58620
Filed 02/18/2015
Effective 03/20/2015
Agency Contact: Julia Blair (916) 445-6272

File# 2015-0203-04
BUSINESS, CONSUMER SERVICES AND
HOUSING AGENCY
Conflict-of-Interest Code

This is an adoption to a Conflict-of-Interest Code that has been approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and printing in the California Code of Regulations only.

Title 2
California Code of Regulations
ADOPT: 59760
Filed 02/23/2015
Effective 03/25/2015
Agency Contact: Leslie Lopez (916) 653-3358

File# 2015-0209-03
CALIFORNIA HEALTH BENEFIT EXCHANGE
2016 Standard Benefit Design

This action adopts the 2016 Standard Benefit Plan Designs, which standardize the way health insurance issuers design their health plans.

Title 10
California Code of Regulations
ADOPT: 6432
Filed 02/19/2015
Effective 02/19/2015
Agency Contact: Andrea Rosen (916) 228-8343

File# 2015-0206-01
DEPARTMENT OF FOOD AND AGRICULTURE
Conflict-of-Interest Code

This Conflict-of-Interest Code filing by the Department of Food and Agriculture (DFA) was approved by

the Fair Political Practices Commission on January 28, 2015 and is being submitted to OAL for filing with the Secretary of State and printing in the California Code of Regulations only.

Title 3
California Code of Regulations
AMEND: 2
Filed 02/25/2015
Effective 03/27/2015
Agency Contact: Teresa Swafford (916) 403-6616

File# 2015-0115-01
DEPARTMENT OF FOOD AND AGRICULTURE
Section 4500 Noxious Weed Species

This action by the Department of Food and Agriculture amends Title 3, California Code of Regulations, section 4500, regarding the determination of noxious weed species. This rulemaking updates the current list of noxious weed species by adding certain new species and removing certain species which are currently listed.

Title 3
California Code of Regulations
AMEND: 4500
Filed 02/18/2015
Effective 04/01/2015
Agency Contact: Sara Khalid (916) 403-6625

File# 2015-0209-01
DIVISION OF WORKERS' COMPENSATION
Workers' Compensation-Official Medical Fee Schedule-Inpatient Hospital

The Division of Workers' Compensation amended section 9789.25 (Federal Regulations, Federal Register Notices, and Payment Impact File by Date of Discharge) within Article 5.3 (Official Medical Fee Schedule) of title 8 of the California Code of Regulations to make changes to the workers' compensation inpatient hospital fee schedule. This filing is submitted to the Office of Administrative Law only for the purpose of filing with the Secretary of State and publication in the California Code of Regulations in that it is exempt from the rulemaking provisions of the Administrative Procedure Act pursuant to Labor Code section 5307.1(g)(2).

Title 8
California Code of Regulations
AMEND: 9789.25
Filed 02/25/2015
Effective 03/05/2015
Agency Contact: Jarvia Shu (510) 286-0646

File# 2015-0109-01
FISH AND GAME COMMISSION
Sport Fishing 2015

The Fish and Game Commission amended sections 1.45, 2.09, 4.05, 5.00, 5.80, 7.50, 8.00, and 27.90 of title 14 of the California Code of Regulations on sport fishing in 2015.

Title 14
California Code of Regulations
AMEND: 1.45, 2.09, 4.05, 5.00, 5.80, 7.50, 8.00, 27.90
Filed 02/23/2015
Effective 02/23/2015
Agency Contact: Jon Snellstrom (916) 654-4899

File# 2015-0108-01
PUBLIC EMPLOYEES' RETIREMENT SYSTEM
Technical Clarifications to the CalPERS Plan in Accordance with the Internal Revenue Service Rules

In this rulemaking action, the Board of Administration of the California Public Employees' Retirement System (CalPERS) is modifying Title 2 of the California Code of Regulations in order to clarify technical provisions within a variety of retirement plans, including the Public Employees' Retirement Fund (PERF), the Legislators' Retirement Fund (LRF), the Judges' Retirement Fund (JRF), the Judges' Retirement System II Fund (JRF II), and the Supplemental Contributions Program (SCP). These changes are made to ensure conformance with federal law.

Title 2
California Code of Regulations
ADOPT: 553, 553.1, 553.2, 553.3, 553.4, 553.5, 553.6, 599.100, 599.101, 599.102, 599.120, 599.121, 599.122, 599.123, 599.124, 599.140, 599.141, 599.142, 599.143, 599.144, 599.145, 599.146, 599.160, 599.161, 599.162, 599.163, 599.164
Filed 02/23/2015
Effective 04/01/2015
Agency Contact: Anthony Martin (916) 795-9347

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN September 24, 2014 TO
February 25, 2015**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1
11/10/14 AMEND: 1, 14, 20

CALIFORNIA REGULATORY NOTICE REGISTER 2015, VOLUME NO. 10-Z

10/29/14	AMEND: 86	11/24/14	AMEND: 18705.2
Title 2		11/20/14	AMEND: 1859.73.2, 1859.76, 1859.78.7, 1859.82
02/23/15	ADOPT: 59760	11/03/14	ADOPT: 559.518
02/23/15	ADOPT: 553, 553.1, 553.2, 553.3, 553.4, 553.5, 553.6, 599.100, 599.101, 599.102, 599.120, 599.121, 599.122, 599.123, 599.124, 599.140, 599.141, 599.142, 599.143, 599.144, 599.145, 599.146, 599.160, 599.161, 599.162, 599.163, 599.164	10/29/14	AMEND: 18705.3
		10/27/14	AMEND: 10001, 10002, 10005, 10006, 10007, 10008, 10009, 10011, 10012, 10013, 10015, 10021, 10022, 10024, 10025, 10029, 10030, 10031, 10033, 10035, 10037, 10038, 10039, 10041, 10042, 10046, 10047, 10050, 10053, 10054, 10056, 10057, 10061, 10062, 10063, 10065
02/09/15	AMEND: 1859.76	10/20/14	AMEND: 18705.2
02/02/15	AMEND: 18705, 18705.3, 18705.4, 18705.5 REPEAL: 18704, 18704.1, 18704.5	10/17/14	AMEND: 3435
		10/17/14	AMEND: 3435(b)
02/02/15	AMEND: 18450.11	10/13/14	AMEND: 599.615, 599.615.1, 599.616, 599.616.1, 599.619, 599.621, 599.622, 599.623, 599.624, 599.624.1, 599.625, 599.625.1, 599.626, 599.626.1, 599.627, 599.627.1, 599.628, 599.628.1, 599.629, 599.629.1, 599.630, 599.631, 599.633, 599.633.1, 599.634, 599.635, 599.635.1, 599.636, 599.636.1, 599.637, 599.638, 599.638.1, 599.640, 599.641, 599.642, 599.643, 599.644, 599.645, 599.646, 599.647, 599.648, 599.649, 599.650, 599.651, 599.652, 599.655, 599.656, 599.657, 599.658, 599.659, 599.660, 599.661, 599.662, 599.663, 599.664, 599.665, 599.666, 599.666.1, 599.667, 599.668, 599.669, 599.670, 599.671, 599.672, 599.672.1, 599.673, 599.674, 599.675, 599.676, 599.676.1, 599.677, 599.678, 599.679, 599.680, 599.681, 599.682, 599.683, 599.684, 599.685, 599.686, 599.687, 599.688, 599.689, 599.690, 599.691, 599.700, 599.701, 599.702, 599.703, 599.703.1, 599.704, 599.705, 599.705.1, 599.706, 599.707, 599.708, 599.709, 599.710, 599.711, 599.714, 599.714.1, 599.715, 599.715.1, 599.716, 599.716.1, 599.717, 599.717.1, 599.718, 599.718.1, 599.719, 599.719.1, 599.720, 599.720.1, 599.721, 599.722, 599.723, 599.723.1, 599.723.2, 599.724, 599.724.1, 599.725, 599.726, 599.727, 599.728, 599.729, 599.730, 599.731, 599.732, 599.733, 599.734, 599.736, 599.737, 599.737.5, 599.738, 599.739, 599.739.1, 599.739.2, 599.740, 599.741, 599.742, 599.742.1, 599.743, 599.744, 599.745, 599.745.1, 599.746, 599.747, 599.748, 599.749, 599.750, 599.751,
01/22/15	AMEND: 54300		
12/31/14	ADOPT: 20620 AMEND: 20610, 20611, 20612, 20613, 20622 and renumber as 20621, 20623 and renumber as 20622, 20624 and renumber as 20623, 20625 and renumber as 20624, 20626 and renumber as 20625, 20627 and renumber as 20626, 20630, 20631, 20632, 20633, 20635 and renumber as 20634, 20636 and renumber as 20635, 20637 and renumber as 20636, 20638 and renumber as 20637, 20639 and renumber as 20638, 20640, 20641, 20642, 20645 and renumber as 20643, 20646 and renumber as 20644, 20650, 20651, 20652, 20653, 20654, 20660, 20661, 20662, 20663, 20670, 20672, 20680, 20681, 20682 REPEAL: 20620, 20621, 20671, Appendices A and B to Chapter 6		
12/18/14	ADOPT: 1859.167.1, 1859.167.2, 1859.167.3 AMEND: 1859.2, 1859.77.4, 1859.106.1, 1859.160, 1859.161, 1859.162, 1859.163, 1859.163.1, 1859.163.4, 1859.163.5, 1859.164, 1859.164.1, 1859.164.2, 1859.165, 1859.166, 1859.166.1, 1859.167, 1859.167.2 (renumbered as 1859.167.4), 1859.167.3 (renumbered as 1859.167.5), 1859.168, 1859.171, 1859.172		
12/16/14	ADOPT: 557		
12/15/14	AMEND: 18545, 18703.4, 18730, 18940.2		
12/15/14	AMEND: 18704.1, 18705.1		
12/15/14	AMEND: 18704		
12/10/14	ADOPT: 20700, 20701, 20702, 20703, 20704, 20705, 20706, 20707		
12/03/14	AMEND: 51.7		
11/24/14	AMEND: 18942		

599.752, 599.752.1, 599.752.2,
 599.752.3, 599.753, 599.754, 599.770,
 599.771, 599.772, 599.773, 599.774,
 599.775, 599.776, 599.776.1, 599.777,
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 599.888, 599.893, 599.910, 599.911,
 599.912, 599.913, 599.920.5, 599.920.6,
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 599.960, 599.961, 599.962, 599.963,
 599.964, 599.965, 599.966, 599.985,
 599.986, 599.987, 599.988, 599.990,
 599.992, 599.993, 599.994, 599.995

09/25/14 AMEND: 18438.5

Title 3

02/25/15 AMEND: 2
 02/18/15 AMEND: 4500
 02/12/15 AMEND: 3435(b)
 02/02/15 AMEND: 1392.8.1
 01/27/15 AMEND: 3591.13(a)
 01/26/15 AMEND: 3435(b)
 01/21/15 AMEND: 300, 301
 01/16/15 AMEND: 3435
 01/02/15 AMEND: 3435(b)
 12/23/14 AMEND: 1380.19, 1442.7
 12/01/14 AMEND: 1310, 1310.1

11/19/14 AMEND: 3435(b)
 11/03/14 AMEND: 3591.11(a)
 10/23/14 ADOPT: 2326.1, 2326.2
 10/23/14 AMEND: 3435(b)
 10/17/14 AMEND: 3435
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10/30/14	AMEND: 26000	01/20/15	AMEND: 2695.85
10/27/14	ADOPT: 15494, 15495, 15496, 15497	01/08/15	AMEND: 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2507.1, 2507.2, 2508, 2509
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10/15/14	ADOPT: 10390, 10391, 10392, 10393, 10414, 10416, 10417, 10470, 10548, 10549, 10552, 10555, 10563, 10563.1, 10592, 10760, 10995, 10996 10770 AMEND: 10397, 10561, 10593, 10740, 10750, 10751, 10753, 10754, 10755, 10770.1, 10845, 10957.1 REPEAL: 10213, 10241, 10246, 10253, 10256, 10294, 10227, 10230, 10233, 10236, 10240, 10243, 10244, 10250, 10251, 10252, 10254, 10260, 10272, 10275, 10280, 10281, 10295, 10296, 10561.5, 10958		
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12/29/14 AMEND: 1665.7
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11/17/14 AMEND: 1051(a)
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01/21/15	AMEND: 1387	12/31/14	AMEND: 95802, 95830, 95833, 95852, 95852.2, 95890, 95892, 95895, 95921, 95973, 95975, 95976, 95981, 95983, 95985, 95990
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