



California Regulatory Notice Register

REGISTER 2015, NO. 12-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

MARCH 20, 2015

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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.

CALIFORNIA REGULATORY NOTICE REGISTER (USPS 002–931), (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Barclays, a subsidiary of West, a Thomson Reuters Business, and is offered by subscription for \$205.00 (annual price). To order or make changes to current subscriptions, please call (800) 888-3600. “Periodicals Postage Paid in Saint Paul, MN.” **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Barclays, a subsidiary of West, a Thomson Reuters Business, P.O. Box 2006, San Francisco, CA 94126. The Register can also be accessed at <http://www.oal.ca.gov>.

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

MULTI-COUNTY: Tulare County Office of Education
Dublin San Ramon Services District

A written comment period has been established commencing on March 20, 2015, and closing on **May 4, 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 com-

ments must be received no later than **May 4, 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 10. CALIFORNIA HEALTH
BENEFIT EXCHANGE**

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

**CALIFORNIA CODE OF REGULATIONS,
TITLE 10, CHAPTER 12, ARTICLE 8
ADOPT SECTION(S) 6650, 6656, 6657, 6658,
6660, 6662, 6664, 6666, 6668, 6670**

The California Health Benefit Exchange/Covered California (the Exchange) Board proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Exchange has not scheduled a public hearing on this proposed action. However, the Exchange will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Exchange. The written comment period closes at **5:00 p.m. on May 5, 2015**. The Exchange will consider only comments received at the Exchange’s office by that time. Submit written comments to:

Tessa Hammer
Attorney
1601 Exposition Blvd
Sacramento, CA 95815

Comments may also be submitted by facsimile (FAX) at 916-228-8886, or by e-mail to regulations@covered.ca.gov.

AUTHORITY AND REFERENCE

Government Code Section 100504(a)(6) authorizes the California Health Benefit Exchange/Covered California (the Exchange) Board to adopt rules and regulations, as necessary. The proposed regulations implement, interpret, and make specific Government Code sections 100502 (l), and 100503 (a) and (l).

**Summary of Existing Laws, Policy Statement
Overview and Effect of the Proposed Rulemaking**

Under the federal Patient and Protection and Affordable Care Act (PPACA), each state is required, by January 1, 2014, to establish an American Health Benefit Exchange that makes available qualified health plans to qualified individuals and small employers. Existing state law, the California Patient Protection and Affordable Care Act, established the California Health Benefit Exchange within state government, and it specifies the powers and duties of the executive board of the Exchange.

The PPACA requires each Exchange to establish a Navigator Program. (§ 1311(i)) The California enabling legislation requires the Exchange to establish the navigator program in accordance with subdivision (i) of Section 1311 of the federal act (Gov. Code), and requires the Exchange to select and set performance standards and compensation for navigators. (Government Code §§ 100502(l), 100503(l)).

The Exchange has developed a Navigator Program consistent with these requirements and promulgated corresponding emergency regulations. Each Navigator, also referred to as Certified Enrollment Entity in the Navigator Program, will facilitate and contribute to the mission of the Exchange by assisting consumers with their applications for health care coverage through the Exchange at no cost to the consumer. Navigators will also provide outreach and education to consumers about their health care coverage options. The Exchange will compensate an each Navigator Entity for providing this assistance to consumers through grants.

This proposed rulemaking will amend definitions to the Navigator program; amend the list of Certified Enrollment Entities eligible for participation in the program; amend the requirements for applicants to the Navigator program and the Exchange’s selection process; and amend the regulations concerning compensation. The rulemaking as a whole removes reference to the In-Person Assistance program, as the Exchange has determined that program is no longer sustainable. This rulemaking addresses the Navigator program and its requirements.

**Evaluation Regarding Inconsistency/
Incompatibility**

After an evaluation of current regulations, the Exchange has determined that these proposed regulations are not inconsistent or incompatible with any existing regulations. The Exchange has determined these are the only regulations that concern the funding of Navigator Entities contracting with the Exchange.

Anticipated Benefits of the Proposed Rulemaking

It is anticipated that the proposed regulation will provide the following benefits: Navigator entities will facilitate the enrollment of individuals into the Exchange and insurance affordability programs, such as Medi-Cal, California’s Medicaid program, at no cost to the consumer. This program will contribute to the Exchange mission by ensuring that more Californians are aware of their health care coverage options and are able to enroll using a trained, certified counselor. Navigator entities are selected to target specific populations throughout California in order to ensure that individuals may access coverage regardless of which region of California they live in. Additionally, Navigator entities are required to conduct outreach and education to potential and existing consumers throughout the state of California. These activities will further the Exchange’s goal to ensure that all Californians may access affordable, high quality health care coverage.

Substantial Difference from Existing, Comparable Federal Regulation/Statute

This proposed regulation was developed with significant stakeholder engagement to implement and clarify information about the process authorized under 45 C.F.R. 155.210. The regulation duplicates text from 45 C.F.R. 155.210 and Government Code 100502(l) related to this process in order to include such information in the same source for clarity and improved access to information for individuals affected by this section pursuant to section 12(b), title 1, California Code of Regulations. Requirements outlined in 45 C.F.R. section 155.210 regarding the establishment of a Navigator program are incorporated to apply directly to Navigator entities in California, and made more specific.

DOCUMENTS TO BE INCORPORATED
BY REFERENCE

None.

DISCLOSURES REGARDING THE
PROPOSED ACTION

The Exchange has made the following initial determinations:

Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations

None.

Mandate on Local Agencies or School Districts

None. The Executive Director of the California Health Benefit Exchange has determined that this proposed regulatory action does not impose a mandate on local agencies or school districts.

Cost to Any Local Agency or School District Which Must Be Reimbursed in Accordance with Government Code Sections 17500 through 17630

None. This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

Cost or Savings to State Agencies

This proposal results in additional costs to the California Health Benefit Exchange, which is currently funded by federal grant money and will become financially self-sustaining in 2016.

Any Other Non-Discretionary Cost or Savings Imposed Upon Local Agencies

None.

Costs or Savings in Federal Funding to the State

None.

Significant Effect on Housing Costs

None.

Effect on Small Business

This rulemaking will likely have an effect on small businesses, allowing them to expand if they choose to do so. This rulemaking will furnish entities, some of them small businesses, with grant money.

Significant, Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete With Businesses in Other States

The Exchange has made an initial determination that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting business.

Known Cost Impacts on a Representative Private Person or Business

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

Business Reporting Requirement

None.

RESULTS OF THE ECONOMIC IMPACT
ASSESSMENT/ANALYSIS

The Exchange concludes regarding the proposed regulations:

- (1) They **may** create jobs in the State; they will not eliminate jobs in the State;
- (2) They **are unlikely to** create or eliminate businesses in the State;
- (3) They **may** impact the expansion of businesses currently doing business in California; and
- (4) They will likely benefit **the health and welfare of California residents.**

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Exchange must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Exchange 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.

The Exchange 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:

Tessa Hammer
Attorney
1601 Exposition Blvd
Sacramento, 95815
916-228-8232

The backup contact person for inquiries concerning the proposed administrative action may be directed to:

Mandy Garcia
Regulatory Analyst
1601 Exposition Blvd
Sacramento, 95815
916-228-8432

Please direct questions regarding the proposed text 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 Tessa Hammer at the above contact information.

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

The Exchange 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 regulation and the Initial Statement of Reasons. Copies may be obtained by contacting Mandy Garcia at the address or phone number listed above.

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**

After the hearing, if one is held, and after considering all timely and relevant comments received, the Exchange may adopt the proposed regulations substantially as described in this notice. If the Exchange makes modifications which are sufficiently related to the originally proposed text, it will make the modified text to the public at least 15 days before the Exchange adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Mandy Garcia at the address indicated above. The Exchange will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY OF THE FINAL STATEMENT
OF REASONS**

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Mandy Garcia at the above address.

**AVAILABILITY OF DOCUMENTS ON
THE INTERNET**

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons and the proposed text of the regulations in underline and strikeout can be accessed through the Exchange's website at <http://hbex.coveredca.com/regulations/>.

**TITLE 10. DEPARTMENT OF
BUSINESS OVERSIGHT**

NOTICE IS HEREBY GIVEN
[Government Code Section 11346.5,
Subdivision (a)(1)]

The Commissioner of Business Oversight (Commissioner) proposes to amend sections 1422.6.1, 1422.6.3, 1950.122.5.1 and 1950.122.5.3 of Title 10 of the California Code of Regulations, relating to licensure and renewal requirements for mortgage loan originators, after considering all comments, objections, and recommendations regarding the proposed action.

On July 1, 2013, the Department of Corporations and the Department of Financial Institutions merged to form the Department of Business Oversight. The Department of Business Oversight (Department) has all of the powers, authority, enforcement, jurisdiction, laws and regulations that were under the former Department of Corporations and former Department of Financial Institutions.

AUTHORITY

[Government Code Section 11346.5,
Subdivision (a)(2)]

Financial Code sections 22150 and 50304 authorize the Commissioner to amend the proposed regulations.

REFERENCE

[Government Code Section 11346.5,
Subdivision (a)(2)]

The proposed regulations implement, interpret and make specific sections 22109.1, 22109.2, 22109.3, 22109.4, 22109.5, 50141, 50142, 50143, 50144, and 50145 of the Financial Code.

PUBLIC HEARING

[Government Code Section 11346.5,
Subdivision (a)(17)]

A public hearing has not been scheduled. Any interested person or his or her duly authorized representative may request a public hearing no later than 15 days prior to the close of the written comment period. If the Department receives a request for a public hearing, the Department will provide notice of the time, date, and place of the hearing by mailing the notice to every person who has filed a request for notice with the Department.

WRITTEN COMMENT PERIOD

[Government Code Section 11346.5,
Subdivision (a)(15)]

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department addressed as follows:

Regular Mail

Department of Business Oversight
Attention: Dan Warren, Regulations Coordinator
1515 K St., Ste. 200
Sacramento, CA 95814

Electronic Mail

regulations@dbo.ca.gov

Fascimile

(916) 322-5875

Comments must be received by May 4, 2015 to be considered by the Department before it proceeds with this regulatory action.

INFORMATIVE DIGEST

[Government Code Section 11346.5,
Subdivision (a)(3)]

The Department of Business Oversight (Department) licenses and regulates lenders, brokers, and mortgage loan originators under the California Finance Lenders Law, (Fin. Code, §22000 et seq.), and residential mortgage lenders, servicers and mortgage loan originators under the California Residential Mortgage Lending Act, (Fin. Code, §50000 et seq.). Under the California Finance Lenders Law and the California Residential Mortgage Lending Act, the Commissioner must deny an application for a mortgage loan originator license unless the Commissioner makes specified findings, among other things, that the applicant has: (1) completed at least 20 hours of pre-licensing education; and (2) passed a qualified written test. In order to renew his or her license, a mortgage loan originator must comply with specified requirements, including completing at least eight hours of continuing education.

A. Mortgage Loan Originator Education and Testing Requirements Prior to Senate Bill 1459

Senate Bill 1459 (Chap. 123, Stats. 2014), amended the mortgage loan originator education and testing requirements. Prior to Senate Bill 1459, in order to meet the prelicensing education requirement, a person had to complete at least 20 hours of education that included: (1) three hours of federal law and regulations; (2) three hours of ethics, which included instruction on fraud, consumer protection, and fair lending issues; and (3) two hours of training related to lending standards for the nontraditional mortgage product marketplace. California did not prescribe the content of the remaining 12 hours of prelicensing education.

In order to meet the annual continuing education requirements, a state-licensed mortgage loan originator had to complete at least eight hours of education that included: (1) three hours of federal law and regulations; (2) two hours of ethics, which included instruction on fraud, consumer protection, and fair lending issues; and (3) two hours of training related to lending standards for the nontraditional mortgage product marketplace. California did not prescribe the content of the remaining two hours of continuing education.

In order to meet the written test requirement, an individual had to pass a qualified written test developed by the Nationwide Mortgage Licensing System and Registry (NMLS) to qualify for a mortgage loan originator license. A qualified written test must adequately measure the applicant's knowledge and comprehension in specified subject areas. The qualified written test includes two parts; a national component and a California component, based on the original test design of the NMLS. However, in response to industry concerns regarding

the regulatory burden associated with requiring separate individual state components, a Uniform State Test, which replaces the state-specific test components for states that adopt it, was developed and adopted on April 1, 2013, by the NMLS. While 40 other states have adopted the new Uniform State Test, California has not because its current regulations require applicants to pass a qualified written test that consists of a national component and a California component. The Uniform State Test only tests applicants on their knowledge of high level state-related content that is based on the federal *Secure and Fair Enforcement for Mortgage Licensing Act of 2008*¹, (SAFE Act) and the Model State Law, which many states, including California, used to implement the SAFE Act. The Uniform State Test would not test applicants on California specific laws.

B. Changes to Education and Testing Requirements Pursuant to Senate Bill 1459

Senate Bill 1459, which became effective January 1, 2015, modified the testing and education licensure and renewal requirements for mortgage loan originators. Specifically, Senate Bill 1459: (1) requires mortgage loan originator applicants to take two hours of training related to relevant California law and regulations; (2) requires mortgage loan originator licensees to complete one hour of training related to relevant California law and regulations; and (3) enables the Department to adopt qualified written tests that are “deemed acceptable” by the NMLS, in addition to tests that are “developed” by the NMLS.

The proposed regulatory action would confirm and clarify the education and testing requirements for licensure and renewals for mortgage loan originators, as updated by Senate Bill 1459. This regulatory action would update the Department’s mortgage loan originator regulations to include Senate Bill 1459’s education and testing requirements. The action would also authorize the Department to adopt the Uniform State Test, by removing the current requirement that a qualified written test include a “California component.”

C. Objectives and Benefits Anticipated from this Regulatory Action

The broad objectives and benefits anticipated from this regulatory action include providing nonmonetary benefits to California, protecting general welfare and protecting the public by (1) helping ensure that mortgage loan originators are knowledgeable about California lending laws by confirming that applicants must take California-specific prelicensing education and licensees must take California-specific continuing education; (2) confirming that the Department may require mortgage loan originators to take any test that is

“deemed acceptable” by the NMLS; and (3) clarifying that a test with national and “state specific” instead of “California specific” content meets the definition of a “qualified written test.” Specifically, the education provisions will protect borrowers and the state’s economy by helping educate mortgage loan originators on how to properly originate appropriate loans for borrowers. The testing provisions that allow for the adoption of the Uniform State Test will also help the state’s economy by encouraging mortgage loan originators to obtain licensure in California. Since passage of the test in one state satisfies the testing requirement for all states in which it is adopted, applicants that have passed the Uniform State Test would be considered to have met California’s qualified written test requirement.

D. Consistency with Existing Statutes and Regulations

The proposed regulatory action is consistent with existing mortgage loan originator regulations and laws, including Senate Bill 1459, and other Department regulations that set forth requirements for mortgage loan originator licensure and renewals. The Department’s existing regulations largely mirror the SAFE Act’s licensure and renewal requirements for mortgage loan originators. The proposed action would incorporate Senate Bill 1459’s modifications to these requirements. The action is consistent with the intent of the SAFE Act to provide additional consumer protections with respect to loan originating activities, while promoting revitalization of the housing market and providing uniform licensure and reporting requirements for state-licensed loan originators.

EXISTING FEDERAL REGULATION OR STATUTE
 [Government Code Section 11346.5, Subdivision (a)(3)(B)]

The licensing of mortgage loan originators is prescribed by the federal SAFE Act, regulations promulgated thereunder, and the State Model Language², which were largely adopted by all states. The SAFE Act is designed to enhance consumer protection and reduce fraud through the setting of minimum standards for the licensing and registration of state-licensed mortgage loan originators, as specified. Among other things, the SAFE Act requires state-licensed mortgage loan originators to pass a written qualified test, to complete pre-licensure education courses, and to take annual continuing education courses.

In order to meet the written test requirement, an individual must pass a qualified written test developed by

² The Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators drafted model language for legislation, which the states used as guidance in implementing the SAFE Act in their respective states.

¹ 12 U.S.C. §§ 5101–5116.

the NMLS and administered by an approved test provider. A qualified written test must adequately measure the applicant's knowledge and comprehension in appropriate subject areas, including: (1) ethics; (2) federal law and regulation pertaining to mortgage origination; (3) state law and regulation pertaining to mortgage origination; and (4) federal and state law and regulation, including instruction on fraud, consumer protection, the nontraditional mortgage marketplace, and fair lending issues.

In order to meet the pre-licensure education requirement, a person must complete at least 20 hours of education, which must include: (1) three hours of federal law and regulations; (2) three hours of ethics, which must include instruction on fraud, consumer protection, and fair lending issues, and (3) two hours of training related to lending standards for the nontraditional mortgage product marketplace.

In order to meet the annual continuing education requirements, a state-licensed loan originator must complete at least eight hours of education, which must include: (1) three hours of federal law and regulations; (2) two hours of ethics, which must include instruction on fraud, consumer protection, and fair lending issues; and (3) two hours of training related to lending standards for the nontraditional mortgage product marketplace.

EXISTING STATE REGULATIONS
 [Government Code Section 11346.5,
 Subdivision (a)(3)(D)]

The Department has conducted an evaluation of whether the proposed regulations are consistent with existing laws and has concluded that these regulations either complement or modify current regulations regarding mortgage loan originator testing and education licensure requirements under both the California Finance Lenders Law and the California Residential Mortgage Lending Act. The proposed regulatory action is consistent with existing regulations and policy considerations under the California Finance Lenders Law and the California Residential Mortgage Lending Act, and therefore the proposed amendments are neither inconsistent nor incompatible with existing state regulations.

FORMS INCORPORATED BY REFERENCE
 [Title 1, California Code of Regulations, Section 20,
 Subdivision (c)(3)]

This regulatory action does not incorporate any forms by reference.

**ANY OTHER MATTERS PRESCRIBED
 BY STATUTE**
 [Government Code 11346.5, Subdivision (a)(4)]

No other matters are prescribed by statute.

**DETERMINATION REGARDING MANDATE ON
 LOCAL AGENCIES OR SCHOOL DISTRICTS**
 [Government Code 11346.5, Subdivision (a)(5)]

This regulatory action does not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS
 [Government Code Section 11346.5,
 Subdivision (a)(6)]

State Agency

This regulatory action will likely be cost neutral. The adoption of the Uniform State Test through this action would result in a cost savings to the Department resulting from discontinued maintenance of the California state test every two years. The estimated costs to implement and maintain the state-specific pre-licensing education and continuing education requirements required by Senate Bill 1459 should be minimal and offset by the cost savings realized from discontinuing the California-specific test. This action does not propose new requirements for mortgage loan originators, but instead proposes to incorporate Senate Bill 1459's education requirements into the Department's mortgage loan originator regulations.

The Department will likely experience an increase in mortgage loan originator applications upon adoption of the Uniform State Test. Comparably populated states experienced a 29% increase in new applications after adopting the test. Currently, the Department consistently receives 600 to 700 new applications per month and has more than 23,000 licensed mortgage loan originators. The Department may need to shift staff in order to process the increase in applications and provide maintenance for the increased number of mortgage loan originators on an ongoing basis.

Other

This regulatory action will not result in any cost to any local agency or school district required to be reimbursed pursuant to 17500 et seq., will not result in other nondiscretionary cost or savings imposed on local agencies, and will not result in cost or savings in federal funding to the state.

**DETERMINATION REGARDING ADVERSE
ECONOMIC IMPACT**

[Government Code Section 11346.5,
Subdivision (a)(7) and (8)]

The Department has made an initial determination that this regulatory action 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.

**DESCRIPTION OF ALL COST IMPACTS ON
REPRESENTATIVE PRIVATE PERSON
OR BUSINESS**

[Government Code Section 11346.5
Subdivision (a)(9)]

This regulatory action will not negatively impact existing and future licensees. The proposed rulemaking action would only incorporate Senate Bill 1459's new mortgage loan originator education and testing provisions in the Department's mortgage loan originator regulations. The action may result in a cost savings and reduction in test preparation time for mortgage loan originators due to the proposed replacement of the California-specific test with the Uniform State Test.

**RESULTS OF ECONOMIC
IMPACT ASSESSMENT**

[Government Code Section 11346.5,
Subdivision (a)(10)]

The Department has assessed the potential for adverse economic impact on California business enterprises and individuals, with consideration of the ability of California businesses to compete with businesses in other states.

The Department has determined that:

- The proposed regulatory action will not result in the elimination of jobs within California, but may result in the creation of jobs in the state;
- The proposed action will not create new businesses or eliminate existing businesses within this state;
- The proposed action will not negatively affect the expansion of businesses currently doing business within California, but may encourage the expansion of such businesses; and
- No benefits or adverse impacts to worker safety or to the state's environment are anticipated from this regulatory action.

The Department has determined that this regulatory action will benefit the welfare of California residents. Specifically, the action will protect borrowers and the state's economy by helping ensure that mortgage loan originators are knowledgeable about California lending

laws by clarifying their education requirements. Additionally, the action will help the state's economy by encouraging mortgage loan originators to obtain licensure in California, as passage of the Uniform State Test in one state satisfies the testing requirement for all states, in which it is adopted.

**DETERMINATION OF EFFECT ON
SMALL BUSINESS**

[Section 4 of Title 1 of the
California Code of Regulations]

This regulatory action will not impact small business. Under subdivision (b)(1) of Government Code Section 11342.610, consumer finance companies, commercial finance companies and mortgage bankers are not small businesses.

FINDING REGARDING REPORT

[Government Code Section 11346.5,
Subdivision (a)(11)]

This regulatory action does not require a report.

EFFECT ON HOUSING COSTS

[Government Code Section 11346.5,
Subdivision (a)(12)]

This regulatory action will not have a significant effect on housing costs.

**STATEMENT REGARDING
REASONABLE ALTERNATIVES**

[Government Code Section 11346.5,
Subdivision (a)(13)]

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

**AVAILABILITY OF THE NOTICE, STATEMENT
OF REASONS, TEXT OF PROPOSED
REGULATIONS AND RULEMAKING FILE**

[Government Code Section 11346.5,
Subdivisions (a)(16) and (20), and (b)]

The Department has prepared a statement of reasons for the proposed action, and has available all the information upon which the proposal is based and the express terms of the proposed action. This notice of rulemaking, the text of the proposed regulatory action, and

the initial statement of reasons for the proposed regulatory action are available on the Department's website at www.dbo.ca.gov. To access the documents from the Department's Web site, click on the "Laws & Regs" tab at the top of the home page, click on the "Rulemaking" link under "Division of Corporations", and then click on the "California Finance Lenders Law" or "California Residential Mortgage Lending Act" link.

The initial statement of reasons and proposed text may also be obtained at the front counter of any of the Department's locations, below, by requesting Document PRO 11/13-B or 11/13-C. The documents are also available from the contact person designated at the end of this notice.

Los Angeles Office:

320 West 4th Street, Suite 750
Los Angeles, CA 90013-2344

San Diego Office:

1350 Front Street, Room 2034
San Diego, CA 92101-3697

Sacramento Office:

1515 K Street, Suite 200
Sacramento, CA 95814-4052

San Francisco Office:

One Sansome Street, Suite 600
San Francisco, CA 94104-4448

As required by the Administrative Procedure Act, the Legal Division maintains the rulemaking file. The rulemaking file is available for public inspection and copying throughout the rulemaking process at the Department of Business Oversight, Legal Division, 1515 K Street, Suite 200, Sacramento, California 95814.

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

[Government Code Section 11346.5,
Subdivision (a)(18)]

If the Department makes changes 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 Department adopts, amends, or repeals the regulations as revised. A request for a copy of any modified text should be addressed to the contact person designated below. The modified text will also be available on the Department's web site. The Department will accept written comments on the modified text for at least 15 days after the date on which it is made available.

AVAILABILITY OF THE FINAL STATEMENT
OF REASONS

[Government Code Section 11346.5,
Subdivision (a)(19)]

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the contact person named in this notice or may be accessed on the website listed above.

CONTACT PERSONS

[Government Code Section 11346.5,
Subdivision (a)(14)]

Inquiries concerning the proposed administrative action may be directed to:

Sherri Kaufman
Senior Counsel
1515 K Street, Suite 200
Sacramento, California 95814
Telephone: (916) 324-6965
e-mail: Sherri.Kaufman@dbo.ca.gov

The **backup contact person** for these inquiries is:

Dan Warren
Regulations Coordinator
1515 K Street, Suite 200
Sacramento, California 95814
Telephone: (916) 322-3553
e-mail: Dan.Warren@dbo.ca.gov

TITLE 16. BOARD OF PHARMACY

NOTICE IS HEREBY GIVEN that the Board of Pharmacy ("Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments relevant to the action proposed in writing. 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 of Pharmacy at its office not later than 5:00 p.m. on May 6, 2015.

The Board does not intend to conduct a Regulation Hearing on the matter, unless requested. Any interested person may submit a written request for a public hearing no later than 15 days prior to the close of the 45-day written comment period.

The Board, upon its own motion or at the insistence 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: Under the authority conferred by Business and Professions Code §4005, in order to implement, interpret and make specific Business and Professions Code §4005, §4231, and §4300, the Board is proposing to amend Articles 2 and 10 of Division 17 of Title 16 of the California Code of Regulations (“CCR”), as follows:

**INFORMATIVE DIGEST/ POLICY STATEMENT
OVERVIEW**

The Board proposes to amend §1715 and §1784 of Articles 2 and 10 of Division 17 of Title 16 of the California Code of Regulations to update and improve the self-assessment forms that pharmacies and wholesalers are required to complete (Form 17M–13, Form 17M–14, and Form 17M–26).

Revise and Update Three Self-Assessment Forms

16 CCR §1715 requires a pharmacist-in-charge (PIC) of a pharmacy licensed under Business & Professions Code (“B&P”) §4029 or §4037 to complete a self-assessment before July 1 of every odd-numbered year, and within 30 days whenever (1) a new pharmacy permit has been issued, or (2) there is a change in the PIC, and he or she becomes the new PIC of a pharmacy. The self-assessment forms are essentially a compilation of relevant laws that apply to community, hospital and compounding pharmacies licensed by the Board. When a PIC goes through the self-assessment form biennially, this helps insure the pharmacy’s operations conform to statutory and regulatory requirements, and makes the pharmacy site inspection process more meaningful by providing useful information about controlling statutes and regulations. Self-assessment forms also serve as an easy reference guide for a Pharmacist-in-Charge (“PIC”).

16 CCR §1784 requires the Designated Representative-in-Charge (“DRIC”) of a wholesaler to complete a self-assessment before July 1 of every odd-numbered year, or within 30 days of (1) a new wholesaler permit being issued; (2) when there is a change in the DRIC, and (3) when there is a change in the licensed location of a wholesaler to a new address. This self-assessment form assists wholesalers in improving their compliance with legal requirements. The self-assessment also makes the pharmacy inspection process more meaningful and provides relevant information to wholesalers and the DRIC.

Amend 16 CCR §1715

16 CCR §1715 makes reference to two forms, Form 17M–13 “*Community Pharmacy Self-Assessment/*

Hospital Outpatient Pharmacy Self Assessment” (Rev. 01/11) and Form 17M–14 “*Hospital Pharmacy Self-Assessment*” (Rev. 01/11). The proposed amendment of 16 CCR 1715 seeks to update both of the incorporated forms. To accomplish this, along with making changes in the forms themselves, 16 CCR §1715 must be amended so that where the forms are incorporated by reference the date of the latest revision must be updated. Thus, within 16 CCR §1715 the notation (Rev. 10/14) must be substituted for the previous revision date (Rev. 01/11) on both Form 17M–13 and 17M–14.

FORM 17M–13: The Board proposes changes that both remove out-of-date material and add new sections, items, and sub-paragraphs to set out new law and regulations in Form 17M–13 “*Community Pharmacy Self-Assessment/Hospital Outpatient Pharmacy Self-Assessment.*” The new law added to this self-assessment is summarized as follows: The Board is adding a specific requirement that pharmacies must be properly lighted, and free from rodents and insects. The Board is removing the word “injectable” from the phrase “sterile injectable drugs” so that the wording is consistent with pending compounding regulations which cover not only injectables, but also cover sterile compounded drugs which are applied in the eye or nose, or inhaled into the lungs.

The Board is shortening the notice period, from within 30 days to within 14 days for when a pharmacy must notify the Board of any licensed individual’s admission of theft, diversion or self-use of dangerous drugs, or of chemical, mental or physical impairment affecting their ability to practice. This notice period is similarly shortened for when a pharmacy must notify the Board of receipt of video or documentary evidence of impairment of a licensed individual or of theft, diversion, or self-use of dangerous drugs by a licensed individual. The notice period is also shortened for when a pharmacy terminates a licensed individual for chemical, mental or physical impairment affecting a licensed individual’s ability to practice, or the termination of a licensed individual based on theft, diversion or self-use of dangerous drugs. New language is being added to insure the PIC takes responsibility for insuring that all dangerous drugs and devices are not being adulterated, and/or misbranded, and are not expired.

New sections are added to provide guidance in dealing with Voluntary Drug Repository and Distribution (“VDRD”) Programs. Pharmacies that donate drugs to VDRD programs must be licensed by and not on probation with the Board, and their primary or sole type of pharmacy practice must be limited to skilled nursing facility, home health care, board and care or mail order. If the pharmacy utilizes a surplus medication collection and distribution intermediary, it must ensure the intermediary is licensed by the Board. No controlled sub-

stances shall be donated. Drugs that are donated must be unused, unexpired, and in unopened, tamper-evident packaging or modified unit dose containers with lot numbers and expiration dates affixed. Drugs must have been received directly from a manufacturer or wholesaler, and they must not have been adulterated, misbranded, or stored under any conditions other than those set by the USP or the product manufacturer. Drugs which were returned from a health facility where the drugs were centrally stored must have been under the control of a health facility staff member and never in the possession of a patient or individual member of the public. Donated medications that require refrigeration must have been stored, packaged and transported at appropriate temperatures and in accordance with USP standards and pharmacy law. Pharmacies that operate a county-approved VDRD program must be licensed by and not on probation with the Board, must be county owned or contract with the county to establish a VDRD program or be owned and operated by a primary care clinic licensed by the California Department of Public Health. Such pharmacies must provide the date they filed a “notice of intent” to participate in a VDRD program with the county health department, must comply with the county’s established written procedures, and must provide, on a quarterly basis, to the county health department the name and location of all sources of donated medication it receives.

Pharmacies that receive drugs under a VDRD program must segregate all donated medications from the participating entity’s other drug stock by physical means, for purposes that include inventory, accounting and inspection, and records of acquisition and disposition of donated medications must be kept separate from the participating entity’s other drug acquisition and disposition records. The participating pharmacy must follow the same procedural drug pedigree requirements for donated drugs as it does for drugs purchased from a wholesaler or directly from a drug manufacturer. No controlled substances may be received. Donated medications received must be unused, unexpired and in unopened, tamper-evident packaging or modified unit dose containers with lot numbers and expiration dates affixed. Drugs must have been received directly from a manufacturer or wholesaler, and they must not have been adulterated, misbranded, or stored under conditions other than those set by the USP or the product manufacturer. Drugs which were returned from a health facility where the drugs were centrally stored must have been under the control of a health facility staff member and never in the possession of a patient or individual member of the public. Donated medications that require refrigeration must have been stored, packaged and transported at appropriate temperatures and in accordance with USP standards and pharmacy law. Donated

medications must be maintained in the donated packaging until dispensed in a new and properly labeled container, specific to the eligible patient, who has presented a valid prescription. Donated medications received in open containers shall not be dispensed under the program or transferred to another participating entity; and once identified, must be quarantined immediately and disposed of in accordance with the Medical Waste Management Act. If a pharmacy transfers donated medications to another participating county-owned pharmacy within an adjacent county, it must have a written agreement outlining the protocols and procedures for the transfer of donated medications. Donated medication must not be transferred by any participating entity more than once. When transferring donated medications, documentation must accompany the medication that identifies the drug name, strength, quantity of medication, the donating facility from where the medication originated, and a statement that the medication may not be transferred to another participating entity.

New items are being added within existing sections which set out new law addressing additional services pharmacists are now able to supply to patients without a prescription from a physician. Pharmacists now need to be able to look up the controlled substance history of a patient in the CURES Prescription Drug Monitoring Program. Pharmacists are now allowed to perform clinical laboratory tests, both those that require CDPH registration and those that do not. An entire new section is added to set out the duties of an Advance Practice Pharmacist (“APP”) which include: pharmacists initiating or adjusting a controlled substance therapy must register with the federal Drug Enforcement Administration. An APP may do patient assessments and interpret drug therapy-related tests, refer patients to other health care providers, and collaborate with other health care providers to evaluate and manage diseases and health conditions. An APP may also initiate, adjust, or discontinue drug therapy, and order tests in coordination with a patient’s primary provider or diagnosing prescriber, while transmitting information to a record system shared with the patient’s primary care provider or diagnosing provider.

A new item is being added to remind pharmacists that intern pharmacists may not perform any discretionary duties nor act as a pharmacist during a temporary absence of a pharmacist on duty-free breaks or meal periods. Pharmacists are to supervise only one technician trainee for only 120 hours or less, and externship pharmacy technician trainees may perform packaging, manipulative, repetitive or other nondiscretionary tasks only under the direct supervision and control of a pharmacist.

Several new items concern labeling, and now the name of the patient, the drug and strength of the drug,

the directions for use of the drug, and the condition or purpose for which the drug was prescribed if indicated on the prescription, must be clustered into one area of the label and comprise at least 50 percent of the label. A label must be highlighted in bold typeface or color and use blank space to set off the mandatory information items, and where applicable, standardized directions must be used. A pharmacy must not dispense more than a 90-day supply of a dangerous drug under these circumstances: — where the prescription specifies an initial quantity of less than a 90-day supply followed by periodic refills, — where the prescriber has not indicated “no change to quantity” or words of similar meaning, — where the patient has completed an initial 30-day supply (not required where the prescription continues the same medication as previously dispensed in a 90-day supply), — where the total quantity dispensed does not exceed the total quantity authorized on the prescription, including refills, — where the prescriber has not specified on the prescription that dispensing the prescription in an initial amount, followed by periodic refills, is medically necessary, and — where the pharmacist is exercising his or her professional judgment. When dispensing more than a 90-day supply, the pharmacist must notify the prescriber of the increase in quantity dispensed. A pharmacist must include a label on the drug container which indicates the drug may impair a person’s ability to operate a vehicle or a vessel.

Internet prescriptions must only be dispensed on a prescription issued pursuant to a good faith prior examination and internet prescriptions for controlled substances are only dispensed if in compliance with the Ryan Haight Online Pharmacy Consumer Protection Act. All pharmacists must obtain approval to access information online regarding the controlled substance history of a patient that is stored on the Internet and maintained by the California Department of Justice.

New items are being added to the section regarding Record Keeping Requirements, which include when hypodermic needles and syringes are furnished by a pharmacy, or furnished by a Hypodermic Needle and Exchange Program (“HNEP”), without a prescription, the pharmacy or HNEP must provide the consumer with written information or verbal counseling on how to access drug treatment, testing and treatment for HIV and hepatitis C, and safe disposal of sharps waste; and provide one or more of the following disposal options: — onsite, safe, hypodermic needle and syringe collection and disposal program, — furnish or make available mail-back sharps containers, — furnish or make available sharps containers.

Several items were added to an existing section about epinephrine. A pharmacy dispensing epinephrine auto-injectors to a prehospital emergency medical care per-

son or lay rescuer for the purpose of rendering emergency care must follow certain record keeping guidelines. A physician/surgeon must provide a written order that specifies the quantity of epinephrine auto-injectors to be dispensed. The pharmacy must label epinephrine auto-injectors with the name of the person to whom the prescription was issued, the designation “Section 1797.197a responder” and “First Aid Purposes Only” along with the dosage, use and expiration date. Each dispensed prescription must include the manufacturer’s product information sheet for epinephrine auto-injector.

Among other new items, a pharmacy’s DEA-controlled substances inventory form must indicate whether the inventory was taken at the “open of business” or at the “close of business.” When furnishing controlled substances for physician office use, a pharmacist must ascertain that a prescription is not issued in order for an individual practitioner to obtain controlled substances for supplying the practitioner’s general dispensing to patients.

Additional new items concern where a pharmacist must take several steps before dispensing oral or electronically transmitted prescriptions for a Schedule II controlled substance for a patient in a licensed skilled nursing facility, licensed intermediate care facility, licensed home health agency, or a licensed hospice care. A pharmacist must first reduce the prescription to writing on a pharmacy-generated form, and the licensed facility must provide the pharmacy with a copy of the prescriber’s signed order, when available. The prescription must be endorsed by the pharmacist with the pharmacy’s name, license, and address, and the physician must have signed the original prescription or provide a facsimile signature on the prescription. The pharmacist must also obtain the signature of the person who receives the controlled substance for the licensed skilled nursing facility, licensed intermediate care facility, licensed home health agency or licensed hospice. Any computer generated prescription that is not an e-script and is printed out or faxed by the practitioner to the pharmacy must be manually signed. Controlled substance prescriptions written with the “11159.2 exemption” for the terminally ill must be only dispensed when the original prescription is received, and was tendered and partially filled within 60 days with no portion dispensed more than 60 days from the date issued.

Electronic prescriptions (e-scripts) for controlled substances which are received by the prescriber must meet federal requirements.

A new section adds standards of service for providers of blood clotting products for home use (“BCPHU”). Pharmacies that provide such products can be a health system pharmacy, a pharmacy affiliated with hemophilia treatment centers, a specialty home care pharmacy or

a retail pharmacy. To do so the pharmacy must have sufficient knowledge and understanding of bleeding disorders to accurately follow the instructions of the prescribing physician and ensure high-quality service for the patient. A pharmacy must dispense BCPHU to a provider that has sufficient clinical experience that enables the provider to know when patients have an appropriate supply of clotting factor on hand and must know about proper storage and refrigeration of clotting factors, and maintain a 24-hour on-call service 7 days a week, screening telephone calls for emergencies, acknowledging all telephone calls within one hour or less, and providing access to knowledgeable pharmacy staffing on call 24 hours a day.

To provide BCPHU, the pharmacy must be able to obtain all brands of blood clotting products approved by the FDA in multiple assay ranges and vial sizes, including products manufactured from human plasma and those manufactured with recombinant biotechnology techniques, provided manufacturer supply exists and payer authorization is obtained. The pharmacy supplies all necessary ancillary infusion equipment and supplies with each prescription, as needed. The pharmacy must store and ship, or otherwise deliver, all blood clotting products in conformity with all state and federally mandated standards, including those set forth in the product's approved package insert. Upon authorization for a nonemergency prescription, a pharmacy must ship the prescribed blood clotting products and ancillary infusion equipment and supplies to the patient within two business days or less.

Upon approved authorization to dispense a prescription of BCPHU for an emergency situation, provided manufacturer supply exists, a pharmacist delivers prescribed blood products, ancillary infusion equipment and supplies, and medications to the patient within 12 hours for patients living within 100 miles of a major metropolitan airport, and within one day for patients living more than 100 miles from a major metropolitan airport. A pharmacy provides patients who have ordered their products with a designated contact telephone number for reporting problems with a delivery, and responds to calls within a reasonable time period. A pharmacy that supplies patients with BCPHU must notify patients dispensed these products about Class 1 and Class 2 recalls and withdrawal of blood clotting products and ancillary infusion equipment within 24 hours of receiving such notice, and the pharmacy must participate in the National Patient Notification System for blood clotting recalls. A pharmacist who supplies BCPHU must provide language interpretive services over the telephone or in person, as needed by the patient, and must have a detailed plan for meeting the requirements of the Standards of Service for Providers of Blood Clotting Products for Home Use Act in the event

of a natural or manmade disaster or other disruption of normal business operations.

Pharmacies that furnish emergency contraceptives ("EC") must follow the protocol approved by the Board and the Medical Board, and provide the patient with a copy of the current Board-approved EC Fact Sheet. Pharmacies furnishing EC must maintain in the pharmacy EC medications and adjunctive medications (for nausea and vomiting when taken with EC containing estrogens) as listed in the protocol. Prior to furnishing EC, a pharmacist must have completed a minimum of one hour of continuing education ("CE") specific to emergency contraception. Pharmacists who decline to dispense EC or other prescription drug or device pursuant to a conscience clause must notify their employers in writing before interacting with members of the public seeking EC. If EC services are not immediately available whether because the mandatory CE has not been completed, or a pharmacist declines to dispense EC pursuant to a conscience clause, the pharmacist must refer the patient to another emergency contraception provider under a protocol that ensures a patient has timely access to the prescribed drug or device.

Pharmacies that furnish naloxone hydrochloride ("Naloxone"), must do so in accordance with the protocol approved by both the Board and the Medical Board of California, which requires providing a fact sheet and a mandatory consultation with the person to whom the drug is furnished. The mandatory consultation must explain opioid prevention, recognition and response, safe administration, potential side effects, or adverse events and the imperative to seek emergency medical care for the patient. Where possible with the patient's consent, pharmacists must notify the patient's primary care provider of any drug or device furnished to the patient, and if that is not possible, enter the appropriate information in a patient record system.

Form 17M-14: The Board proposes changes that both remove out-of-date material and add new sections, items, and sub-paragraphs to set out new law and regulations in Form 17M-14 "*Hospital Pharmacy Self Assessment*." The new law is summarized as follows: The Board is inserting language to allow an intern, or pharmacy technician, to complete the monthly inspections of all floor stock and drugs maintained in nursing stations.

The Board is shortening the notice period, from within 30 days to within 14 days for when a pharmacy must notify the Board of any licensed individual's admission of theft, diversion or self-use of dangerous drugs, or of chemical, mental or physical impairment affecting their ability to practice. This notice period is similarly shortened for when a pharmacy must notify the Board of receipt of video or documentary evidence of impairment of a licensed individual or of theft, diversion, or self-

use of dangerous drugs by a licensed individual. The notice period is also shortened for when a pharmacy terminates a licensed individual for chemical, mental or physical impairment affecting a licensed individual's ability to practice, or the termination of a licensed individual based on theft, diversion or self-use of dangerous drugs.

New items discuss that all unit-dose drugs received from a centralized hospital packaging pharmacy are required to be correctly labeled and barcoded, with the barcode being readable at the patient's bedside. All drugs must be maintained in accordance with national standards regarding the storage area and refrigerator or freezer temperature and manufacturer's guidelines.

A new section was added to cover hospital pharmacies that donate drugs to Voluntary Drug Repository and Distribution ("VDRD") programs. Those hospitals must be licensed by and not on probation with the Board, and their primary or sole type of pharmacy practice must be limited to skilled nursing facility, home health care, board and care or mail order. No controlled substances shall be donated. Drugs that are donated must be unused, unexpired, and in unopened, tamper-evident packaging or modified unit dose containers with lot numbers and expiration dates affixed. Drugs must have been received directly from a manufacturer or wholesaler, and they must not have been adulterated, misbranded, or stored under any conditions other than those set by the USP or the product manufacturer. Drugs which were centrally stored must have been under the control of a health facility staff member and never in the possession of a patient or individual member of the public. Donated medications that require refrigeration must have been stored, packaged and transported at appropriate temperatures and in accordance with USP standards and pharmacy law. Hospital pharmacies must follow the same procedural drug pedigree requirements for donated drugs as done for drugs purchased from a wholesaler or directly from a drug manufacturer.

An entire new section is being added which sets the duties of an Advance Practice Pharmacist ("APP"). Pharmacists initiating or adjusting a controlled-substance therapy must register with the federal Drug Enforcement Administration. An APP may do patient assessments and interpret drug therapy-related tests, refer patients to other health care providers, and participate in the evaluation and management of diseases and collaborate with other health care providers. An APP may initiate, adjust, or discontinue drug therapy, while transmitting information to a record system shared with the patient's primary care provider or diagnosing provider. Pharmacists may order tests in coordination with a patient's primary care provider or diagnosing provider, and must transmit that information to a record sys-

tem shared with the patient's primary care provider or diagnosing provider.

New items were added that allow Intern pharmacists to stock, replenish and inspect the emergency pharmaceutical supply container and the emergency medical system supplies, and inspect the drugs maintained in the health care facility at least once per month. Intern pharmacists may not perform any discretionary duties nor act as a pharmacist during a temporary absence of a pharmacist on duty-free breaks or meal periods. Pharmacy technicians may, at the discretion of the pharmacist, remain in the pharmacy while the pharmacist is on a duty-free break or meal period, but may only perform non-discretionary tasks. Any task performed by a pharmacy technician during the pharmacist's temporary absence must be reviewed by the pharmacist. Pharmacy technician duties are expanded to include packaging emergency supplies for use in the health care facility and the hospital's emergency medical system, sealing emergency containers for use in the health care facility, and performing monthly checks of the drug supplies stored throughout the health care facility and reporting any irregularities within 24 hours to the pharmacist-in-charge and to the director or chief executive officer.

New items added to existing sections require that the hospital pharmacy only furnish dangerous drugs or dangerous devices pursuant to preprinted or electronic standing orders, order sets and protocols established under policies and procedures. Records of centrally stored unused medications donated to a drug repository and distribution program must be kept for three years.

A new section is being added on Centralized Hospital Packaging Pharmacy Practices. A hospital pharmacy may package unit-dose medication for the pharmacy for inpatients of one or more hospitals under common ownership within a 75-mile radius: The pharmacy must prepare and store limited quantities of unit-dose drugs in advance of a patient-specific prescription in amounts necessary to ensure continuity of care. All unit-dose medications produced by a centralized hospital packaging pharmacy must be barcoded and readable at the inpatient's bedside. The barcode information must contain: the date the medication was prepared, the components used in the drug product, the lot number or control number, the expiration date, the National Drug Code Directory number, and the name of the centralized hospital packaging pharmacy. The label for each unit-dose medication produced by a centralized hospital packaging pharmacy contains the expiration date, the established name of the drug, the quantity of the active ingredient, and special storage or handling requirements. The centralized hospital packaging pharmacy and the pharmacists working in the pharmacy are responsible for the integrity, potency, quality, and labeled strength

of any unit-dose drug product prepared by the centralized hospital packaging pharmacy.

Amend 16 CCR §1784

16 CCR §1784 should be amended so that where it incorporates by reference Form 17M-26 “Wholesalers of Dangerous Drugs and Devices Self-Assessment (Rev. 01/11)” the reference to the last update of the form is changed to read “(Rev. 10/14).”

Form 17M-26: The Board proposes changes that both remove out-of-date material and add new sections, items, and subparagraphs setting out new laws and regulations in Form 17M-26 “Wholesalers of Dangerous Drugs and Devices Self-Assessment.” The new law is summarized below. Language was added requiring that the designated representative-in-charge must be at least 18 years of age to be responsible for the wholesaler’s compliance with all applicable laws. For license verification, the wholesaler may use the licensing information displayed on the board’s Internet web site.

An entire new section was added specifying the requirements to participate in voluntary drug repository and distribution (“VRDR”) programs. Wholesalers may donate medications to a county-approved VRDR program, provided no controlled substances are donated. Drugs that are donated must be unused, unexpired, and in unopened, tamper-evident packaging or modified unit-dose containers with lot numbers and expiration dates affixed. Drugs must have been stored under conditions that comply with the standards set by USP or the product manufacturer. Drugs must have never been in the possession of a patient or individual member of the public. Donated medications that require refrigeration must have been stored, packaged and transported at appropriate temperatures and in accordance with USP standards and pharmacy law.

A new item was added to note the change in federal law that requires, for controlled substances, that the biennial inventory record document must indicate that the inventory was taken at the “close of business” or “opening of business.”

Specific Benefits Anticipated: This regulatory proposal benefits the health and welfare of California residents because having pharmacies and wholesalers follow all applicable laws and regulations helps insure the safety, quality and proper tracking of controlled substances. This regulatory proposal benefits workers’ safety because having pharmacies and wholesalers follow all applicable laws and regulations makes the pharmacies and wholesale sites safer places to work. This regulatory proposal does not affect the state’s environment because it simply brings up-to-date mandatory forms which PICs and DRICs already must complete biennially.

While the Board website has updated versions of all three Self-Assessment Forms available for licensees to use, those updated versions have not been through the formal rulemaking process. All changes to the self-assessment forms incorporated by reference in the regulations herein are to be made to the 2011 version of each form, versions formally adopted through the rulemaking process. Superseded or deleted law and regulations are being removed, and new sections, items and subparagraphs are added to three self-assessment forms. There are also a number of common non-substantive changes on all three forms. Self-assessments do not impose the new laws. PICs and DRICs are already obligated to comply with new laws and regulations, and the self-assessment form is simply a tool provided by the Board to aid them in doing so. All of the proposed changes, taken together, work to reassure PICs and DRICs that the information and references contained in the forms are current as of the new revision date.

Consistency with and Compatibility with Existing State Regulations: During the process of reviewing and revising the regulations, and amending the self-assessment forms incorporated by reference in §1715 and §1784, the Board has conducted a search of any similar regulations on this topic and has determined that those two regulations, along with regulations concerning compounding and the Compounding Self-Assessment Form, are the only regulations which deal with the Board’s mandate requiring pharmacies and wholesalers to conduct self-assessments. The compounding regulations are presently being revised through the formal rulemaking process, and thus the Compounding Self-Assessment form is not the subject of this update. These proposed revisions and amendments to §1715 and §1784, and the forms incorporated by reference therein, are consistent and compatible with existing state regulations.

Forms Incorporated by Reference: 16 CCR §1715 incorporates by reference both Form 17M-13 “Community Pharmacy Self-Assessment/Hospital Outpatient Pharmacy Self-Assessment” (Rev. 01/11) and Form 17M-14 “Hospital Pharmacy Self-Assessment” (Rev. 01/11). 16 CCR §1784 incorporates by reference Form 17M-26 “Wholesaler Dangerous Drugs & Devices Self-Assessment” (Rev. 01/11).

Mandate on Local Agencies or School Districts: This regulatory action does not impose a mandate on local agencies or school districts.

FISCAL IMPACT

- A. Cost or savings to any state agency: NONE.
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: NONE.

- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: NONE.
- D. Other nondiscretionary cost or savings imposed to local agencies: NONE.
- E. Cost or savings in federal funds to the state: NONE.

Effect on Housing Costs: NONE.

Business Impact: The Board has made an initial determination that the proposed regulatory action will have no significant statewide adverse economic impact on directly affected businesses, including the ability of California businesses to compete with businesses in other states.

Results of Economic Impact Assessment: While this regulatory proposal affects pharmacies and wholesalers, it will not have a significant statewide adverse economic impact directly affecting business, or businesses' ability to compete.

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

Benefits of the Regulations: This regulatory proposal benefits the health and welfare of California residents because having pharmacies and wholesalers follow all applicable laws and regulations helps insure the safety, quality and proper tracking of controlled substances. This regulatory proposal benefits workers' safety because having pharmacies and wholesalers follow all applicable laws and regulations makes the pharmacies and wholesale sites safer places to work. This regulatory proposal does not affect the state's environment because it simply brings up-to-date mandatory forms the PICs and DRICs already must complete biennially.

Cost Impacts: 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.

Business Report: The proposed regulations do not require a new report to be made. The proposed regulations simply improve, by revising and updating, existing forms that PICs and DRICs must already fill out biennially and when certain enumerated conditions occur. Full compliance by pharmacies and wholesalers with laws and regulations will help insure the health and welfare of all CA residents and help to create a safer work environment for pharmacy and wholesaler employees.

Effect on Small Businesses: The Board has determined that the proposed regulations would not affect

small businesses. The Board already requires pharmacists and wholesalers to complete a self-assessment every two years, so the Board finds that correcting and updating the forms used to conduct self-assessments will have no impact on small businesses.

CONSIDERATION OF ALTERNATIVES

The Board of Pharmacy has determined that no reasonable alternative considered by the Board, or otherwise identified and brought to the Board's attention, would either be more effective in carrying out the purpose for which the actions are proposed, or would be as effective and less burdensome to affected private persons than the proposals described herein, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policies or other provision of law.

Any interested person may present statements or arguments in writing relevant to the above determinations to the Board at the address listed for the Contact Person.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board of Pharmacy has prepared an initial statement of the reasons for the proposed actions and has available all the information upon which the proposals are based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the person designated below as contact person, or by accessing the Board of Pharmacy's Web site at <http://www.pharmacy.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 Board of Pharmacy's Web site www.pharmacy.ca.gov.

CONTACT PERSON

Materials regarding this proposal can be found at www.pharmacy.ca.gov. Inquiries or comments concerning the proposed rulemaking actions may be addressed to:

Board of Pharmacy
 Attn: Karen Halbo
 1625 N. Market Blvd., N219
 Sacramento, CA 95834
 Telephone: 916-574-7948
 Fax No.: 916-574-8616
 E-Mail: Karen.Halbo@DCA.ca.gov

(Backup contact person)

Board of Pharmacy
 Attn: Lori Martinez
 1625 N. Market Blvd., N219
 Sacramento, CA 95834
 Telephone 916-574-7917
 Fax No.: 916-574-8616
 E-Mail: Lori.Martinez@DCA.ca.gov

**TITLE 16. PHYSICAL THERAPY
 BOARD OF CALIFORNIA**

NOTICE IS HEREBY GIVEN that the Physical Therapy Board of California (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments relevant to the action proposed in writing. 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 Physical Therapy Board of California at its office not later than **5:00 p.m. on May 4, 2015.**

Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at:

**Loma Linda University
 11072 Anderson Street
 Loma Linda, California 92350
 on
 Wednesday, May 13, 2015
 9:00 a.m.**

The Physical Therapy Board of California 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 2615 of the Business and Professions Code (BPC), and to implement, interpret or make specific Section 2688 of said Code, the Physical Therapy Board of California is considering changes to Division 13.2 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

BPC § 163.5 establishes the criteria to determine the delinquency fee for any licensee within the Department of Consumer Affairs.

BPC § 2615 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to enable the Board to carry out the provisions of the Physical Therapy Practice Act.

BPC § 2644 specifies that every person practicing physical therapy in California shall pay a biennial renewal fee.

BPC § 2648-2648.7 identifies those licensees who are exempt from payment of renewal fees.

BPC § 2682 provides that the funds received by the Treasurer under the authority of the Act, shall be placed in the Physical Therapy Fund.

BPC § 2688 sets the physical therapist and physical therapist assistant initial license application fee at \$125 and authorizes the board to increase the amount for administering the application process to no more than \$300; sets the fee for an application for licensure as a physical therapist and physical therapist assistant submitted under BPC § 2653 at \$200 and authorizes the board to increase the amount for administering the application process for those applications submitted under BPC § 2653 to no more than \$300; sets the physical therapist initial license fee at \$100 and authorizes the board to increase the amount to no more than \$150; sets the physical therapist/physical therapist assistant renewal fee at \$200 and authorizes the board to decrease or increase the amount to no more than \$300; and sets the delinquency fee at 50% of the renewal fee. There is no physical therapist assistant license fee.

Through this rulemaking, the Board will ensure sufficient resources to maintain current Board operations to meet its mandate of consumer protection until such time it can seek legislative authority to increase the caps imposed in current statutory language.

As already noted above, BPC § 2682 directs the Board to establish a fund to carry out the Board's mandate of consumer protection. A review of the Board's fund condition report demonstrates, since the last fee increase (2009), the overall revenue for the Board has increased by \$905,000 (38%), yet expenditures have increased by \$1,541,000 (83%). This creates a structural imbalance that is unsustainable without a fee increase. To emphasize this point, it is estimated that absent a fee

increase, the Board's fund condition will be reduced to a deficit of 0.7 months in reserve by the end of fiscal year 2017/18. However, to further exacerbate the problem, the Board anticipates additional expenditures for the implementation of BreEZe, the Department of Consumer Affairs online enterprise licensing and enforcement solution established to improve services to the Board's stakeholders, the Fund condition will be even more foreboding.

Additional factors attributing to the existing structural imbalance of the Physical Therapy Fund are the costs the Board incurs to deliver its services but most notable are Enforcement, Pro Rata and Personnel costs. A comparison of detailed expenditures between fiscal year 2008/09 (the last implementation of a fee increase) and 2013/14 reveal an overall increase in expenditures of 83%. More specifically, the Board has seen tremendous growth in its enforcement-related costs which increased from \$371,731 in fiscal year 2008/09 to \$1,339,997 (260%) in fiscal year 2013/14, an increase in pro rata services from \$229,447 in fiscal year 2008/09 to \$422,877 (84%) in fiscal year 2013/14 and personnel expenditures increased from \$955,024 in fiscal year 2008/09 to \$1,340,967 (40%) in fiscal year 2013/14. Eliminating personnel services or enforcement costs is not an option as that would have a significant impact in several areas of the Board's operations thereby hindering its ability to protect consumers.

Finally, effective January 1, 2014, SB 198 (Chapter 389, Statutes of 2013) amended the Physical Therapy Practice Act to allow a license renewal fee exemption of those licensees who are in the military, disabled, volunteers and retired. Unfortunately this created a revenue loss and generated another source of responsibility for the Board for which it is not staffed.

The revenue generated from these fees is placed in the Physical Therapy Fund and is utilized by the Board to carry out its responsibilities as required by the Physical Therapy Practice Act.

Anticipated Benefits of Proposed Regulations

The Board considered specific benefits anticipated by the proposed amendment of the section described, including, to the extent applicable, nonmonetary benefits such as the protection of public health and safety, worker safety, or the environment, the prevention of discrimination, the promotion of fairness or social equi-

ty, and the increase in openness and transparency in business and government, among other things. As stated above, this proposal ensures sufficient resources to maintain current Board operations to meet its consumer protection mandate.

Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, the Physical Therapy Board of California conducted a search of any similar regulations on this topic and has concluded 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:

It is anticipated that the proposed fee increase will result in an increase in Board revenues for fiscal year 2016/17 by approximately \$1,838,550 and an increase to ongoing annual revenue by approximately \$1,751,817.

The Board does not anticipate any impact on federal funding. This proposal does not impact any government owned business.

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.

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 and that are known to the Physical Therapy Board of California are as follows:

Fee Type	Existing Fee	Proposed Fees
Physical Therapist (PT) Application	\$125	\$300
PT Application (submitted under BPC § 2653)	\$200	\$300
Physical Therapist Assistant (PTA) Application and License	\$125	\$300
PTA Application and License (submitted under BPC § 2653)	\$200	\$300
Initial License for PT's	\$100	\$150
Renewal for Both License Types (PT & PTA)	\$200	\$300

Effect on Housing Costs: None.

**RESULTS OF ECONOMIC IMPACT
ASSESSMENT/ANALYSIS**

Impact on Jobs/Businesses:

The Physical Therapy Board of California has determined 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 Small Business:

The Physical Therapy Board of California has determined the proposed regulations could have an effect on small business if the small business physical therapist owner elected to pay the renewal fees of its employees.

Benefits of Regulation:

The Physical Therapy Board of California has determined this regulation will benefit the health and welfare of California residents if the Board has adequate funding to support its mandated mission to protect California consumers of physical therapy.

CONSIDERATION OF ALTERNATIVES

The Physical Therapy Board of California must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the 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 Physical Therapy Board of California 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 any document incorporated by reference, 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 Physical Therapy Board of California at 2005 Evergreen Street, Suite 1350, Sacramento, California 95815 or on the website at: http://www.ptbc.ca.gov/laws/prop_regs/index.shtml.

**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 rulemaking action may be addressed to:

Brooke Arneson
2005 Evergreen Street, Suite 1350
Sacramento, California 95815
Telephone: (916) 561-8260
Fax: (916) 263-2560
Email
Address: Brooke.Arneseon@dca.ca.gov

The backup contact person is:

Liz Constancio
2005 Evergreen Street, Suite 1350
Sacramento, California 95815
Telephone: (916) 561-8274
Fax: (916) 263-2560
Email
Address: Liz.Constancio@dca.ca.gov

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

TITLE 16. VETERINARY MEDICAL BOARD

NOTICE OF PROPOSED CHANGES CONCERNING

Civil Penalties for Citation, § 2043

NOTICE IS HEREBY GIVEN that the Veterinary Medical Board (hereafter, “Board”) is proposing to take the action described in the Informative Digest. The Board has not scheduled a public hearing on the proposed changes. However, any interested person or such person’s duly authorized representative may, no later than 15 days prior to the close of the written comment period, request a hearing, at which point the Board will schedule a hearing at which any interested person may present statements or arguments orally or in writing relevant to the action proposed.

COMMENT PERIOD

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 no later than 5:00 p.m. on May 4, 2015**, or must be received by the Board at any hearing.

AVAILABILITY OF MODIFICATIONS

The Board, upon its own motion or at the instance of any requested party, may adopt the proposals substantially as described herein, 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 CITATIONS

Pursuant to the authority vested by §§ 125.9, 4808, 4875.2, and 4875.4 of the Business and Professions Code (the “Code”), and to implement, interpret, or make specific § 125.9, 148 and 4875.4 of said Code, the Board is considering changes to § 2043, Article 5.5 of Division 20 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board is proposing the following amendments to existing regulations:

—Amend Section 2043 of Article 5.5, Division 20, Title 16, California Code of Regulations, as follows:

Recast the class of violations, establish new fine ranges for each class, increase the maximum amount of fine to \$5,000, and provide an administrative tool to deter unlicensed activity.

Specifically, the amendments and additions to § 2043 have the following effects:

- Amend opening paragraph: clarifies that it is the delegated authority of the executive officer to determine that a violation has occurred warranting an administrative citation and fine. Previous language referred to citations being issued, but not what sets the citation process in motion.
- Amend Paragraphs (a)–(c): recast the three categories of violations for which citations may be issued, making (a) the least serious and (c) the most serious offenses. The previous regulation had the three categories reversed. For each category of violation, the fines that may be assessed have been increased. Possible fines are now between \$250 and \$3,000 for a “class A” violation, between \$1,000 and \$4,000 for a “class B” violation, and between \$2,000 and \$5,000 for a “class C” violation. Previous fines were between \$50 and \$500 for the least serious violations, between \$501 and \$1,000 for the middle category of violations, and between \$1,001 and \$1,500 for the most serious violations. Amended subsections (b) and (c) also provide longer “lookback” periods for prior citations, allowing regulators to factor in all citations received in the previous five years.
- Amend Paragraph (d): eliminates “the good or bad faith exhibited by the cited person” as a criterion for assessing a civil penalty.

- Adopt Paragraph (e): Makes it a “class C” violation for an unlicensed person to practice veterinary medicine.
- Adopt Paragraph (f): Makes it clear that citations issued pursuant to § 2043 are public documents, and therefore subject to inspection by the public.
- Adopt Paragraph (g): Deals with orders of abatement: what they may require and the fact that they must fix a reasonable time for abatement of the violation.

Policy Statement Overview — Objectives of Regulation

The policy behind the proposed regulatory amendments and additions is consistent with the Board’s mission of protecting the public and their animals. To that end, the proposed regulations provide greater clarity as to when citations are issued; provide added deterrence against violations of the Act in the form of greater fines for the various offenses, including unlicensed activity; allow regulators to look back five years for a history of other citations for the more serious violations; eliminate a criterion for citations that is redundant and difficult to quantify; clarify the public nature of citations; and provide more guidance concerning abatements. Together, these proposed regulatory changes provide incentives to obey the laws and regulations governing veterinary medicine.

Benefits of Regulatory Action

In general, this regulatory action will strengthen the Board’s ability to enforce its laws and regulations and protect consumers from unlicensed activity. In the first full year of the regulation, the Board expects to issue approximately 100 citations, resulting in between \$50,000 and \$300,000 in fines. In the second year of the regulation, and for all the years that follow, the Board will issue approximately 120 citations, resulting in between \$60,000 and \$360,000 in fines.

The proposed regulation would also make clear the responsibilities of licensed veterinarians and registered veterinary technicians and spell out the penalties for unlicensed activity. These regulations exist for the protection of California consumers and their animal patients, as well as to inform Board licensees of their rights and responsibilities within the scope of the practice of veterinary medicine.

The proposed regulatory action will clearly delineate the severity of violations while creating a structure to

deter first offenses by the ability to levy a fine. Currently, a person could violate the Veterinary Medicine Practice Act and be subject to a fine as little as \$50. The proposed regulatory action better protects consumers by allowing the Board to levy fines that will more adequately deter the violations in the first place. Additionally, this proposed regulatory action protects the public from unlicensed activity by allowing the Board to issue a citation with a substantial fine instead of having to pursue a criminal or civil penalty through the court system.

Consistency and Compatibility with Existing State Regulations

After reviewing existing state regulations relating to or affecting this regulatory proposal, the Board has determined that this proposed regulatory action is neither inconsistent nor incompatible with existing state regulations.

LOCAL MANDATE

None.

FISCAL IMPACT ON PUBLIC AGENCIES

Cost to Local Agencies or School Districts Requiring Reimbursement

The Board has determined that this regulatory proposal will create no cost to any local agencies or school districts requiring reimbursement pursuant to Government Code Section 17500 *et seq.*

Cost or Savings to State Agencies

The Board will incur some expenses due to some cited individuals requesting an Administrative Hearing with the Office of Administrative Hearings and costs associated with the Attorney General providing legal services before and during hearings. However, the Board already incurs these expenses, and there is expected to be no material change to the expenses incurred by the Board. Roughly 21% of the Board’s citation orders are appealed, most of which are settled through an informal conference process, and roughly 2.1% end up at a full administrative hearing. The Board does not anticipate that the proposed changes will increase the number of appeals. Fines are assessed in virtually all citation actions.

The following is a snapshot of citation and fine information for the past three years:

Year	No. of Citations	Informal Conferences	Formal Appeals	Fines Collected
2012	56	13	2	\$21,750
2013	121	18	3	\$23,075
2014	100	28	1	\$20,500

All costs to the Board are expected to be fully absorbed due to the collection of higher fines associated with this regulation. No other State agencies will incur costs or savings as a result of this regulatory proposal.

Non-Discretionary Cost or Savings Imposed Upon Local Agencies

The Board has determined that this regulatory proposal will not create any non-discretionary costs or savings imposed on local agencies.

Cost or Savings in Federal Funding to the State

The Board has determined that there will be no significant costs or savings in federal funding to the state as a result of this regulatory proposal.

COST IMPACT ON AFFECTED PRIVATE PERSONS

Veterinarians, Registered Veterinary Technicians, or unlicensed persons who violate the Act and therefore incur a citation and fine would be affected by the higher fine amounts set forth in the proposed action. The amount assessed for each citation, however, would not be greater than \$5,000.

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

HOUSING COSTS

The proposed action will have no effect on housing costs.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations may affect small businesses. A veterinary practitioner who is also the managing licensee of a veterinary hospital may see his or her business affected by the issuance of a citation and fine. However, the regulatory proposal affects small businesses only if they are found to be in violation of any statutes or regulations enforced by the Board, which may result in the Board assessing

an administrative fine of no more than \$5,000 for each violation.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

Impact on Jobs/Businesses:

The Board has made an initial determination that the proposed regulatory action will not have any impact on the creation of jobs or new businesses, the elimination of jobs or existing businesses, or the expansion of businesses in the State of California.

Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

In addition to the benefits listed under the Informative Digest/Policy Statement Overview above, this proposed action would ultimately make clear the responsibilities of licensed veterinarians and registered veterinary technicians and spell out the penalties for unlicensed activity. These regulations exist for the protection of California's consumers and their animal patients. They also inform Board licensees of their rights and responsibilities within the scope of veterinary medical practice.

Adopting this regulatory proposal will assist the Board in enforcing the Act, deter harm to animal patients and consumers, and further the Board's goal of reducing the amount of unlicensed activity in California.

CONTACT PERSON

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

Name: Elizabeth Bynum
 Address: Veterinary Medical Board
 1747 N. Market Blvd., Ste. 230
 Sacramento, CA 95834
 Telephone No.: 916-515-5237
 Fax No.: 916-928-6849
 Email address: Elizabeth.Bynum@dca.ca.gov

The backup contact person is:

Name: Ethan Mathes
 Address: Veterinary Medical Board
 1747 N. Market Blvd., Ste. 230
 Sacramento, CA 95834
 Telephone No.: 916-515-5227
 Fax No.: 916-928-6849
 Email address: Ethan.Mathes@dca.ca.gov

REFERENCE TO TEXT AND INITIAL STATEMENT OF REASONS

An Initial Statement of Reasons explaining the reasons for the proposed action shall be available to the public upon request. The express terms of the proposed action and all information upon which that proposal is based are also available upon request.

BUSINESS IMPACT

The Board has made the initial determination that the proposed regulatory changes and adoptions would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the fact that citations are largely issued to individuals rather than businesses, and therefore they have a negligible effect on businesses in California.

IMPACT ON JOBS/NEW BUSINESSES

The Board has made the initial determination that the proposed regulatory changes and adoptions will have no significant impact on the creation of new jobs or new businesses, the elimination of jobs or existing businesses, or the expansion of business in the State of California. To the extent there will be any impact at all to jobs or new businesses, that impact would be as a result of violations of laws and regulations enforced by the Board.

FEDERAL MANDATE

None.

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 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 as effective

in implementing the statutory policy or other provisions of law.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The Board will prepare a Final Statement of Reasons after all public comments have been received and all substantially related comments have been incorporated into the proposed text. Copies of the Final Statement of Reasons, when available, may be obtained from the contact person whose information is listed herein.

WEBSITE ACCESS

The Veterinary Medical Board's website may be accessed at: <http://www.vmb.ca.gov>.

GENERAL PUBLIC INTEREST

DEPARTMENT OF HEALTH CARE SERVICES

THE DEPARTMENT OF HEALTH CARE SERVICES PROPOSES TO ENROLL REGISTERED DENTAL HYGIENISTS, REGISTERED DENTAL HYGIENISTS IN EXTENDED FUNCTIONS, REGISTERED DENTAL HYGIENISTS IN ALTERNATIVE PRACTICE INTO THE MEDI-CAL DENTAL PROGRAM AS PROVIDERS

This notice provides information of public interest about the California Department of Health Care Services' (DHCS') proposal to allow enrollment of Registered Dental Hygienists (RDHs), and Registered Dental Hygienists in Extended Functions (RDHEFs) into the Medi-Cal Dental Program as providers if they are employed by: (1) a public health program created by Federal, State, or local law; or (2) a public health program managed by a Federal, State, county, or local governmental entity. DHCS also proposes to allow Registered Dental Hygienists in Alternative Practice (RDHAPs) to enroll in the Medi-Cal Dental Program as billing and/or rendering providers.

PUBLIC REVIEW AND COMMENTS

Any written comments regarding the above proposal may be submitted to: Jon Chin, Acting Chief, Medi-Cal Dental Services Division; Department of Health Care Services; MS 4708, P.O. Box 997413, Sacramento, CA 95899-7413.

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(Proposition 65)**

NOTICE TO INTERESTED PARTIES

**EXTENSION OF PUBLIC COMMENT PERIOD
Availability of Hazard Identification Materials for
Bisphenol A (Female Reproductive Toxicity) to be
Considered by the Developmental and
Reproductive Toxicant Identification Committee**

*[NOTE: Posted on the OEHHA web site on
March 13, 2015]*

On February 20, 2015, the Office of Environmental Health Hazard Assessment (OEHHA) announced the availability for public review of the hazard identification document. This notice marked the beginning of a 45-day public comment period, which was to close on April 6, 2015. OEHHA has received a request from the American Chemistry Council seeking an extension of the comment period. **OEHHA hereby extends the public comment period until 5 p.m., Monday, April 20, 2015.**

OEHHA previously announced Bisphenol A will be considered for possible listing under Proposition 65 at the meeting of the Developmental and Reproductive Toxicant Identification Committee, which will be held on **May 7, 2015**, in the Coastal Hearing Room at the CalEPA Headquarters building, 1001 I Street, Sacramento, California. If the committee does not complete its deliberations on May 7, the meeting will be continued on **May 21, 2015**, at the same location. The meetings will begin each day at 10:00 a.m. and will last until all business is conducted or until 5:00 p.m. A full agenda listing all meeting items will be provided in a future public notice. If consideration of all agenda items is completed on May 7, the meeting will not be convened on May 21.

We encourage you to submit comments in electronic form, rather than in paper form. Comments transmitted by e-mail should be addressed to P65Public.Comments@oehha.ca.gov. Please include "BPA-female Reproductive Toxicity" in the subject line. Comments submitted in paper form may be mailed, faxed, or delivered in person to the addresses below:

Mailing
Address: Ms. Monet Vela
Office of Environmental Health
Hazard Assessment
P.O. Box 4010, MS-58D
Sacramento, California
95812-4010
Fax: (916) 323-2610
Street
Address: 1001 I Street
Sacramento, California 95814

OEHHA will send comments received on the Bisphenol A hazard identification document to DARTIC members prior to the meeting.

**OAL REGULATORY
DETERMINATION**

**OFFICE OF ADMINISTRATIVE LAW
DETERMINATION OF ALLEGED
UNDERGROUND REGULATION
(Summary Disposition)
(Pursuant to Government Code Section 11340.5
and
Title 1, section 270, of the
California Code of Regulations)**

The attachments are not being printed for practical reasons or space considerations. However, if you would like to view the attachments please contact Margaret Molina at (916) 324-6044 or mmolina@oal.ca.gov.

**DEPARTMENT OF CORRECTIONS
AND REHABILITATION**

Date: March 6, 2015
To: Aaron Bjorkstrand
From: Chapter Two Compliance Unit
Subject: **2015 OAL DETERMINATION
NO. 2 (S)
(CTU2015-0107-01)**
(Summary Disposition issued pursuant
to Gov. Code, sec. 11340.5;
Cal. Code Regs., tit. 1, sec. 270(f))

Petition challenging as an underground regulation Department of Corrections and Rehabilitation D.O.M. section 54010.14, titled

“Correspondence that is
Offensive/Threatening/Contains
Security Concerns.”

On January 7, 2015, the Office of Administrative Law (OAL) received your petition asking for a determination as to whether Department Operations Manual (D.O.M.) section 54010.14, issued by the Department of Corrections and Rehabilitations, constitutes an underground regulation. The challenged rule is attached hereto as Exhibit A.

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a “regulation” as defined in Government Code section 11342.600,¹ which should have been, but was not adopted pursuant to the Administrative Procedure Act (APA). Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment.

If a rule meets the definition of a regulation in Government Code section 11342.600, but was not adopted pursuant to the APA, it may be an “underground regulation” as defined in California Code of Regulations, title 1, section 250:

The following definitions shall apply to the regulations contained in this chapter:

(a) “Underground regulation” means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in Section 11342.600 of the Government Code, *but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA* and is not subject to an express statutory exemption from adoption pursuant to the APA. [Emphasis added.]

The rule you challenge as an underground regulation, D.O.M. section 54010.14, was duly adopted in title 15, section 3135 of California Code of Regulations as a regulation pursuant to the APA and filed with the Secretary

of State on July 17, 2008. The challenged rule is not, therefore, an underground regulation.²

The issuance of this summary disposition does not restrict your right to adjudicate the alleged violation of section 11340.5 of the Government Code.

/s/

Debra M. Cornez
Director

/s/

Thanh Huynh
Senior Attorney

Copy:

Dr. Jeffrey Beard
Tim Lockwood

**SUSPENSION OF
ACTION REGARDING
UNDERGROUND REGULATIONS**

**OFFICE OF ADMINISTRATIVE LAW
SUSPENSION OF ACTION REGARDING
UNDERGROUND REGULATIONS**

**(Pursuant to Title 1, section 280, of the
California Code of Regulations)**

**CONTRACTORS STATE
LICENSE BOARD**

On January 6, 2015, the Office of Administrative Law (OAL) received a petition challenging a document

² The rule challenged by your petition is the proper subject of a summary disposition letter pursuant to title 1, section 270 of the California Code of Regulations. Subdivision (f) of section 270 provides:

(f)(1) If facts presented in the petition or obtained by OAL during its review pursuant to subsection (b) demonstrate to OAL that the rule challenged by the petition is not an underground regulation, OAL may issue a summary disposition letter stating that conclusion. A summary disposition letter may not be issued to conclude that a challenged rule is an underground regulation.

(2) Circumstances in which facts demonstrate that the rule challenged by the petition is not an underground regulation include, but are not limited to, the following:

(A) The challenged rule has been superseded.

(B) The challenged rule is contained in a California statute.

(C) *The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions of the APA.*

(D) The challenged rule has expired by its own terms.

(E) An express statutory exemption from the rulemaking provisions of the APA is applicable to the challenged rule. [Emphasis added.]

¹ “Regulation” means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

titled “B — General Building Contractor” by the Contractors State License Board (CSLB) as an alleged underground regulation. The challenged rule discusses acceptable and unacceptable experience for a General Contractor’s license.

On March 4, 2015, CSLB certified to OAL that the challenged rule would not be issued, used, enforced or attempted to be enforced; therefore, pursuant to title 1, section 280 of the California Code of Regulations, OAL must suspend all action on this petition.

March 4, 2015

Office of Administrative Law
Elizabeth A. Heidig, Senior Staff Counsel

Subject: ctu2015-0106-01_Doyle
B — General Building Contractor

I, Cindi Christenson, am the Registrar of the Contractors State License Board. I am empowered and am making this certification pursuant to Title 1, California Code of Regulations, Section 280.

I hereby certify that the Contractors State License Board will not issue, use, enforce, or attempt to enforce the alleged underground regulation as identified in the attached notice “Exhibit A” (attached).

Dated: March 4, 2015

/s/
Cindi Christenson, Registrar
Contractors State License Board

EXHIBIT “A”

B — General Building Contractor

Acceptable B — General Building Contractor experience includes trades which are “significant components” of B work and makes a building or structure habitable. These trades include **CONCRETE & MASONRY** (includes but is not limited to slab foundations, tilt-ups concrete decks, masonry stem wall foundations and/or basements), **ELECTRICAL** (includes power plants/stations or substations, commercial, industrial and residential wiring, devices and controls), **FRAMING** (includes but is not limited to rough and finish carpentry [wood and/or structural steel], raised foundations, decking, gazebos, trellises, enclosures and roof framing and/or roof sheathing repairs), **HEATING, VENTILATING AND AIR CONDITIONING** (includes radiant heating systems) **ROOFING** and **PLUMBING** (includes but is not limited to gas and water, radiant heating systems, septic tank and other underground and above ground storage tanks and

boilers). [Experience in framing and at least any two (2) of these trades must be claimed in your application in order to qualify for the B license.]

Unacceptable experience, for example, includes claiming three unrelated minor trades such as “**DRY-WALL, LANDSCAPING and FLOORING**” or “**FENCING, INSULATION and PAINTING**” OR “**SHEETMETAL, PLASTERING AND SOLAR**” or any combination and not claiming at least two other significant building trades.

SUMMARY OF REGULATORY ACTIONS

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# 2015-0126-01
BOARD OF BARBERING AND COSMETOLOGY
Crossover Courses

This rulemaking action by the Board of Barbering and Cosmetology repeals sections 950.8 and 950.9 of title 16 of the California Code of Regulations. These sections govern “crossover courses” for barbers and cosmetologists, and are being repealed because the requirements conflict with existing state law.

Title 16
California Code of Regulations
REPEAL: 950.8, 950.9
Filed 03/06/2015
Effective 07/01/2015
Agency Contact: Kevin Flanagan (916) 575-7104

File# 2015-0219-01
BOARD OF EQUALIZATION
Conflict-of-Interest Code

This is an amendment 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 18
 California Code of Regulations
 AMEND: 6001
 Filed 03/04/2015
 Effective 04/03/2015
 Agency Contact:
 Richard E. Bennion (916) 445-2130

File# 2015-0227-01
**CALIFORNIA ALTERNATIVE ENERGY AND
 ADVANCED TRANSPORTATION FINANCING
 AUTHORITY**
 Residential Energy Efficiency Loan Assistance
 Program

This emergency rulemaking by the California Alternate Energy and Advanced Transportation Finance Authority adopts sections in Title 4 of the California Code of Regulations for the purpose of implementing the Residential Energy Efficiency Loan Assistance Program, approved by the California Public Utilities Commission under the 2013 – 2014 Energy Efficiency Pilot Program.

Title 4
 California Code of Regulations
 ADOPT: 10091.1, 10091.2, 10091.3, 10091.4,
 10091.5, 10091.6, 10091.7, 10091.8, 10091.9,
 10091.10, 10091.11, 10091.12, 10091.13,
 10091.14, 10091.15
 Filed 03/09/2015
 Effective 03/09/2015
 Agency Contact: Sarah Taheri (916) 651-5105

File# 2015-0226-06
CALIFORNIA ENERGY COMMISSION
 Amendment to EUDP Compliance Schedule

The California Energy Commission readopted the amendment of subdivision (c) of section 1682 of title 20 of the California Code of Regulations as an emergency regulatory action to change from July 1, 2014 to July 1, 2016 as the date when the disclosure requirements of Public Resources Code section 25402.10 apply for a nonresidential building with a total gross square foot area measuring 5,000 square feet up to 10,000 square feet.

Title 20
 California Code of Regulations
 AMEND: 1682(c)
 Filed 03/04/2015
 Effective 03/04/2015
 Agency Contact: Galen Lemei (916) 654-4873

File# 2015-0123-03
CALIFORNIA HORSE RACING BOARD
 Veterinarian's List

This rulemaking action by the California Horse Racing Board (CHRB) amends section 1866 of title 4 of the California Code of Regulations to state that a horse placed on the Veterinarian's List as sick or having received veterinary treatment shockwave therapy may not workout for 72 hours after being placed on the List without the permission of the official veterinarian. Additionally, this rulemaking action requires a horse to remain on the Veterinarian's List for a specific number of days after being placed on the List as lame or unsound before the horse is eligible to be removed from the List.

Title 4
 California Code of Regulations
 AMEND: 1866
 Filed 03/04/2015
 Effective 07/01/2015
 Agency Contact:
 Nicole Lopes-Gravely (916) 263-6397

File# 2015-0129-01
CALIFORNIA SCHOOL FINANCE AUTHORITY
 Charter School Revolving Loan Fund Program

This rulemaking action makes permanent emergency regulations originally adopted in OAL File No. 2014-0123-02E to implement the Charter School Revolving Loan Fund Program provided for in Education Code sections 41365 and 41366.5. This program provides for loans to charter schools, not to exceed \$250,000. These regulations establish definitions of key terms, eligibility requirements, describe materials needed to apply and identify additional requirements to apply for and receive a loan.

Title 4
 California Code of Regulations
 ADOPT: 10170.16, 10170.17, 10170.18, 10170.19,
 10170.20, 10170.21, 10170.22, 10170.23, 10170.24
 Filed 03/10/2015
 Effective 03/10/2015
 Agency Contact: Katrina Johantgen (213) 620-2305

File# 2015-0225-02
DEPARTMENT OF JUSTICE
 Firearm Safety Certificates and Safe Handling
 Demonstrations

This emergency rulemaking action implements Senate Bill 682, Chapter 761, Statutes of 2013, by adopting regulations establishing Department of Justice-Certified Instructor (Instructor) qualifications to administer Firearm Safety Certificate (FSC) testing and to observe safe firearm handling demonstrations by fire-

arms purchasers. The adopted emergency regulations also require Instructors to use the Firearms Certification System for the issuance of FSCs and specify FSC test applicant qualifications and fees and FSC test topics and provisions concerning FSC test administration, FSC issuance, and FSC duplicates and replacements. In addition, the adopted emergency regulations establish rules for safe handling demonstrations generally and regarding categories of firearms. Finally, the regulations specify the training qualifications, course content, and specifications of certificates of completion of entities deemed by the Department of Justice to be similar or equivalent to statutorily listed firearm-safety organizations.

Title 11
 California Code of Regulations
 ADOPT: 4250, 4251, 4252, 4253, 4254, 4255, 4256, 4257, 4258, 4259
 Filed 03/09/2015
 Effective 03/09/2015
 Agency Contact: Jeff Amador (916) 227-4217

File# 2015-0226-04
DEPARTMENT OF STATE HOSPITALS
 Interim Involuntary Medication Hearing Procedures
 The Department of State Hospitals submitted this emergency readoption action to maintain the effectiveness of amendments made to title 9, California Code of Regulations, section 4210 in OAL file no. 2014-0918-02E. The emergency amendments allow the department to conduct administrative hearings on hospital grounds to determine the necessity to administer interim, non-emergency, involuntary antipsychotic medications to patients admitted under a not guilty by reason of insanity plea under Penal Code Section 1026.

Title 9
 California Code of Regulations
 AMEND: 4210
 Filed 03/09/2015
 Effective 03/30/2015
 Agency Contact: Karen Gillham (916) 651-5578

File# 2015-0120-04
FAIR EMPLOYMENT AND HOUSING COUNCIL
 Proposed Amendments to CFRA Regulations
 This rulemaking action by the Fair Employment and Housing Council amends numerous sections in Title 2 of the California Code of Regulations that implement, interpret and make specific the California Family Rights Act (CFRA). The purpose of these amendments is to clarify rules, make technical amendments to ease readability and adopt and modify some of the parallel federal Family and Medical Leave Act regulations.

Title 2
 California Code of Regulations
 AMEND: 11087, 11088, 11089, 11090, 11091, 11092, 11093, 11094, 11095, 11096, 11097
 REPEAL: 11098
 Filed 03/04/2015
 Effective 07/01/2015
 Agency Contact: Brian Sperber (213) 337-4495

File# 2015-0224-01
FISH AND GAME COMMISSION
 Recreational Groundfish 2015-2016
 This action modifies fishing seasons and depth constraints in multiple management areas, adjusts the bag limit for lingcod, and makes changes without regulatory effect. This action conforms state law to federal regulations initiated by the Pacific Fishery Management Council (PMFC) and implemented by the National Marine Fisheries Service (NMFS) governing the Pacific Coast Groundfish Fishery Management Plan (FMP).

Title 14
 California Code of Regulations
 AMEND: 1.91, 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 27.51, 27.65, 28.26, 28.27, 28.28, 28.29, 28.48, 28.49, 28.54, 28.55, 58.56, 28.58, 28.90
 Filed 03/10/2015
 Effective 03/10/2015
 Agency Contact: Sherrie Fonbuena (916) 654-9866

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN October 8, 2014 TO
 March 11, 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
 10/29/14 AMEND: 86
Title 2
 03/04/15 AMEND: 11087, 11088, 11089, 11090, 11091, 11092, 11093, 11094, 11095, 11096, 11097 REPEAL: 11098
 02/23/15 ADOPT: 59760
 02/23/15 ADOPT: 553, 553.1, 553.2, 553.3, 553.4, 553.5, 553.6, 599.100, 599.101, 599.102,

CALIFORNIA REGULATORY NOTICE REGISTER 2015, VOLUME NO. 12-Z

	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	10/27/14	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		
02/02/15	AMEND: 18705, 18705.3, 18705.4, 18705.5 REPEAL: 18704, 18704.1, 18704.5	10/20/14	AMEND: 18705.2
02/02/15	AMEND: 18450.11	10/17/14	AMEND: 3435
02/02/15	AMEND: 18740	10/17/14	AMEND: 3435(b)
01/22/15	AMEND: 54300	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, 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, 599.778, 599.779, 599.779.1, 599.779.2,
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		
11/24/14	AMEND: 18705.2		
11/20/14	AMEND: 1859.73.2, 1859.76, 1859.78.7, 1859.82		
11/03/14	ADOPT: 559.518		
10/29/14	AMEND: 18705.3		

599.779.3, 599.779.4, 599.779.5,
 599.779.6, 599.779.7, 599.780, 599.781,
 599.782, 599.783, 599.784, 599.785,
 599.785.5, 599.786, 599.787, 599.788,
 599.789, 599.790, 599.791, 599.792.5,
 599.793, 599.794, 599.795, 599.796,
 599.796.1, 599.797, 599.798, 599.800,
 599.801, 599.802, 599.803, 599.804,
 599.805, 599.806, 599.807, 599.808,
 599.809, 599.810, 599.815, 599.817,
 599.818, 599.819, 599.825, 599.826,
 599.827, 599.828, 599.830, 599.831,
 599.832, 599.833, 599.834, 599.835,
 599.836, 599.837, 599.854, 599.854.1,
 599.854.2, 599.854.3, 599.854.4,
 599.856, 599.857, 599.858, 599.859,
 599.866, 599.867, 599.868, 599.870,
 599.873, 599.874, 599.876, 599.877,
 599.880, 599.881, 599.882, 599.883,
 599.888, 599.893, 599.910, 599.911,
 599.912, 599.913, 599.920.5, 599.920.6,
 599.921, 599.922, 599.922.1, 599.922.2,
 599.922.3, 599.923, 599.924, 599.924.5,
 599.925, 599.925.1, 599.925.5, 599.926,
 599.927, 599.929, 599.930, 599.931,
 599.933, 599.934, 599.935, 599.936,
 599.937, 599.937.1, 599.937.2,
 599.937.3, 599.937.4, 599.939, 599.940,
 599.941, 599.942, 599.943, 599.944,
 599.946, 599.947, 599.950, 599.951,
 599.952, 599.953, 599.954, 599.955,
 599.956, 599.957, 599.958, 599.959,
 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

Title 3

03/02/15 AMEND: 3435(b)
 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
 10/17/14 AMEND: 3435(b)
 10/14/14 AMEND: 3435(b)

Title 4

03/10/15 ADOPT: 10170.16, 10170.17, 10170.18,
 10170.19, 10170.20, 10170.21,
 10170.22, 10170.23, 10170.24
 03/09/15 ADOPT: 10091.1, 10091.2, 10091.3,
 10091.4, 10091.5, 10091.6, 10091.7,
 10091.8, 10091.9, 10091.10, 10091.11,
 10091.12, 10091.13, 10091.14, 10091.15
 03/04/15 AMEND: 1866
 03/02/15 AMEND: 1688
 02/26/15 ADOPT: 24465-3
 02/02/15 ADOPT: 12003, 12311, 12312, 12313,
 12315, 12316 AMEND: 12002
 REPEAL: 12400, 12401, 12402, 12403,
 12404, 12405, 12406, 12410
 01/30/15 AMEND: 10085
 01/13/15 ADOPT: 5600, 5610, 5620, 5630, 5640
 AMEND: 5000, 5144, 5170, 5200, 5205,
 5230, 5240, 5255, 5350, 5370
 01/13/15 AMEND: 1858
 12/24/14 AMEND: 106(d)
 12/15/14 AMEND: 10080, 10081, 10082, 10083,
 10084, 10085, 10086
 12/05/14 ADOPT: 10080, 10081, 10082, 10083,
 10084, 10085, 10086, 10087
 11/19/14 ADOPT: 12006, 12012, 12035, 12052,
 12054, 12056, 12058, 12060, 12062,
 12064, 12066, 12068 AMEND: 12002,
 12015, (Renumbered 12047), 12017,
 (Renumbered 12048), 12050 REPEAL:
 12218.5, 12234
 11/10/14 ADOPT: 8130, 8131, 8132, 8133, 8134,
 8135, 8136, 8137, 8138
 11/10/14 AMEND: 10030, 10031, 10032, 10033,
 10033, 10035, 10036
 10/27/14 ADOPT: 10170.16, 10170.17, 10170.18,
 10170.19, 10170.20, 10170.21,
 10170.22, 10170.23, 10170.24
 10/23/14 ADOPT: 4190, 4191

Title 5

02/18/15 ADOPT: 58621 AMEND: 58601, 58612,
 58620
 01/30/15 ADOPT: 71105, 71105.5, 71410, 71471,
 71775, 71775.5, 74240, 74250, 75140
 AMEND: 70000, 71400, 71650, 75150
 01/20/15 ADOPT: 80693, 80694
 01/08/15 ADOPT: 15494, 15495, 15496, 15497,
 15497.5
 12/04/14 AMEND: 76120
 12/04/14 AMEND: 30040, 30042.5

CALIFORNIA REGULATORY NOTICE REGISTER 2015, VOLUME NO. 12-Z

12/01/14	AMEND: 1514, 3380	02/02/15	AMEND: 3528
11/18/14	ADOPT: 27200, 27201, 27300, 27301, 27400, 27401, 27500, 27501, 27502, 27600, 27601, 27602	01/30/15	ADOPT: 2240.15, 2240.16, 2240.6, 2240.7 AMEND: 2240, 2240.1, 2240.4, 2240.5
11/10/14	AMEND: 80225	01/20/15	AMEND: 2695.85
11/05/14	ADOPT: 19810 REPEAL: 19810, 19812, 19813, 19814, 19815, 19816, 19816.1, 19817, 19817.1, 19817.2, 19817.5, 19818, 19819, 19820, 19821, 19821.5, 19822, 19823, 19824, 19824.1, 19825, 19825.1, 19827, 19828, 19828.1, 19828.2, 19828.3, 19828.4, 19829, 19829.5, 19830, 19830.1, 19831, 19832, 19833, 19833.5, 19833.6, 19834, 19835, 19836, 19837, 19837.1, 19837.2, 19837.3, 19838, 19840, 19841, 19843, 19844, 19845, 19845.1, 19845.2, 19846, 19846.1, 19847, 19848, 19849, 19850, 19851, 19851.1, 19852, 19853, 19854, 19854.1, 19855	01/08/15	AMEND: 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2507.1, 2507.2, 2508, 2509
10/30/14	AMEND: 26000	01/02/15	AMEND: 2698.95
10/27/14	ADOPT: 15494, 15495, 15496, 15497	12/12/14	ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472, 6474, 6476, 6478, 6480, 6482, 6484, 6486, 6490, 6492, 6494, 6496, 6498, 6500, 6502, 6504, 6506, 6508, 6510, 6600, 6602, 6604, 6606, 6608, 6610, 6612, 6614, 6616, 6618, 6620
Title 8		12/12/14	ADOPT: 6657, 6658, 6660, 6664, 6670
02/25/15	AMEND: 9789.25	12/10/14	AMEND: 2498.4.9
02/12/15	AMEND: 333, 336	12/08/14	AMEND: 2498.6
02/04/15	AMEND: 9789.10, 9789.11, 9789.20, 9789.21, 9789.22, 9789.23, 9789.25, 9789.50, 9789.60, 9789.70, 9789.110, 9789.111, 9790	12/04/14	AMEND: 2717
12/04/14	AMEND: 9789.39	11/25/14	ADOPT: 2548.7, 2548.8 AMEND: 2548.2, 2548.4, 2548.5, 2548.7 (renumbered to 2548.9), 2548.9 (renumbered to 2548.10), 2548.10 (renumbered to 2548.11), 2548.11 (renumbered to 2548.12), 2548.12 (renumbered to 2548.13), 2548.13 (renumbered to 2548.14), 2548.14 (renumbered to 2548.15), 2548.15 (renumbered to 2548.16), 2548.16 (renumbered to 2548.17), 2548.17 (renumbered to 2548.18), 2548.18 (renumbered to 2548.19), 2548.19 (renumbered to 2548.20), 2548.20 (renumbered to 2548.21), 2548.21 (renumbered to 2548.22), 2548.22 (renumbered to 2548.23), 2548.23 (renumbered to 2548.24), 2548.24 (renumbered to 2548.25), 2548.25 (renumbered to 2548.26), 2548.26 (renumbered to 2548.27), 2548.27 (renumbered to 2548.28), 2548.28 (renumbered to 2548.29), 2548.29 (renumbered to 2548.30), 2548.30 (renumbered to 2548.31), and 2548.31 (renumbered to 2548.32) REPEAL: 2548.8
12/02/14	AMEND: 5620, 6165, 6180, 6181, 6182, 6183, 6184		
12/01/14	AMEND: 1514, 3380		
11/26/14	AMEND: 5155		
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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03/09/15	AMEND: 4210	11/17/14	ADOPT: 6460
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02/19/15	ADOPT: 6432	11/10/14	AMEND: 2498.6
02/05/15	ADOPT: 8000, 8010, 8020, 8030, 8040	11/03/14	AMEND: 2318.6, 2353.1, 2354
02/05/15	ADOPT: 6428, 6430	10/22/14	ADOPT: 2187.31, 2188.10 AMEND: 2186, 2186.1, 2187, 2187.1, 2187.2,

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2188.4, 2188.5, 2188.5.5, 2188.50,
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01/21/15 AMEND: 1159
12/31/14 AMEND: 2025
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16.08, 16.10, 16.12, 16.14
10/29/14 AMEND: 1239
10/23/14 AMEND: 423.00
10/23/14 AMEND: 115.04
10/22/14 AMEND: 425.01
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01/21/15 AMEND: 1159
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03/10/15 AMEND: 1.91, 27.20, 27.25, 27.30,
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28.26, 28.27, 28.28, 28.29, 28.48, 28.49,
28.54, 28.55, 58.56, 28.58, 28.90
02/23/15 AMEND: 1.45, 2.09, 4.05, 5.00, 5.80,
7.50, 8.00, 27.90
01/30/15 AMEND: 465, 472
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01/28/15 AMEND: 4351.1 (renumbered as 4351),
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1783.3, 1784, 1784.1, 1784.2, 1785,
1785.1, 1786, 1787, 1788, 1789
12/29/14 AMEND: 1665.7
12/29/14 AMEND: 670.5
12/16/14 AMEND: 790, 791.6, 791.7, 795
12/10/14 AMEND: 895.1, 1038, 1039.1, 1041,
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11/26/14 AMEND: 923.2 [943.2, 963.2], 923.4
[943.4, 963.4], 923.5 [943.5, 963.5],
923.9 [943.9, 963.9]
11/25/14 AMEND: 1038, 1038.2
11/24/14 AMEND: 917.2, 937.2, 957.2

11/17/14 AMEND: 1051(a)
11/14/14 AMEND: 790, 817.02, 819.02, 819.03,
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11/13/14 AMEND: 895.1, 929.1, 949.1, 969.1,
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11/05/14 ADOPT: 5200, 5200.5, 5201, 5202,
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10/23/14 AMEND: 870.15, 870.17, 870.19,
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12/03/14 AMEND: Renumber Section 8002 to
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- 10/08/14 ADOPT: 3410.2 AMEND: 3000, 3173.2,
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- 03/06/15 REPEAL: 950.8, 950.9
- 01/21/15 AMEND: 1387
- 01/12/15 AMEND: 601.3, 601.5, 620, 621, 622,
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- 12/30/14 ADOPT: 832.22, 833
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- 11/05/14 ADOPT: 1032.7, 1032.8, 1032.9,
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- 02/05/15 AMEND: 6540
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- 12/31/14 AMEND: 95802, 95830, 95833, 95852,
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- 12/10/14 AMEND: 94014, 94016
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- 10/13/14 AMEND: 2606.4
- Title 18**
- 03/04/15 AMEND: 6001
- 02/09/15 AMEND: 1588
- 01/28/15 AMEND: 140.1
- 12/09/14 AMEND: 18662-0, 18662-3, 18662-4,
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- 11/05/14 AMEND: 1603
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- 10/08/14 AMEND: 2735.1, 2735.3, 2735.4,
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- 03/04/15 AMEND: 1682(c)
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- 02/12/15 ADOPT: 1469, 1470, 1471
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- 02/09/15 AMEND: 97177.15, 97244
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- 12/31/14 AMEND: 97174
- 12/17/14 AMEND: 51341.1
- 12/01/14 REPEAL: 63000.10, 63000.13,
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	63020,	63021,	63025,	11/19/14	AMEND: Appendix A of 25903
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10/30/14	AMEND: 1062, 1064, 1066, 3833.1				
10/29/14	ADOPT: 3979.8				
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