



California Regulatory Notice Register

REGISTER 2015, NO. 14-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

APRIL 3, 2015

PROPOSED ACTION ON REGULATIONS

TITLE 2. DELTA PROTECTION COMMISSION

Conflict-of-Interest Code — Notice File No. Z2015-0324-03 537

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

Setting the Commercial Feed License Fee — Notice File No. Z2015-0318-01 537

TITLE 4. CALIFORNIA DEBT LIMIT ALLOCATION COMMITTEE

Net Zero/TCAC Misc — Notice File No. Z2015-0324-04 540

TITLE 5. BOARD OF EDUCATION

Review of Proposed Revisions to Instruction Materials — Notice File No. Z2015-0324-05 543

TITLE 8. DIVISION OF WORKERS’ COMPENSATION

Workers’ Compensation — Qualified Medical Evaluators Regulations — Notice File No. Z2015-0323-01 545

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Section 5193.1, General Industry Safety Orders — Notice File No. Z2015-0323-02 550

TITLE 16. BOARD OF OCCUPATIONAL THERAPY

Accept CHT Certification for Advanced Practice — Notice File No. Z2015-0324-02 559

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

Monitoring California Least Tern Nesting Colonies — Matthew L. Amalong, Environmental Intelligence of Laguna Beach 561

OAL REGULATORY DETERMINATION

DEPARTMENT OF CORRECTIONS AND REHABILITATION

2015 OAL DETERMINATION NO. 4(S) — SUMMARY DISPOSITION

“Ironwood State Prison, C-Status Population, November 2014” Concerning Shopping at the Prison Canteen 562

(Continued on next page)

Time-Dated Material

DISAPPROVAL DECISION

CALIFORNIA PRISON INDUSTRY AUTHORITY

Personnel 563

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State 564

Sections Filed, October 22, 2014 to March 25, 2015 566

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

Information contained in this document is published as received from agencies and is not edited by Thomson Reuters.

TITLE 2. DELTA PROTECTION COMMISSION

NOTICE IS HEREBY GIVEN that the Delta Protection Commission (“Commission”) intends to amend its conflict-of-interest code pursuant to Government Code Sections 87300–87302 and 87306. Pursuant to Government Code Section 87302, the code will designate employees who must disclose certain investments, income, interests in real property and business positions, and who must disqualify themselves from making or participating in the making of governmental decisions affecting those interests.

The Commission is amending its Conflict-of-Interest Code to (1) add new positions; (2) reclassify positions; (3) revise titles of existing positions; (4) revise disclosure obligations; (5) delete titles of positions that are no longer applicable; and (6) make miscellaneous “clean-up” changes.

A written comment period has been established commencing on April 3, 2015 and terminating on May 18, 2015. Any interested person may present written comments concerning the proposed code no later than May 18, 2015 to the Delta Protection Commission, 2101 Stone Blvd., Suite 210, West Sacramento, CA 95691, Attn: Nicole Bert; telephone (916) 375–4886. No public hearing on this matter will be held unless any interested person or his or her representative requests, no later than 15 days prior to the close of the written comment period, a public hearing.

The Commission has prepared a written explanation of the reasons for the proposed amendments and has available all of the information upon which its proposal is based. Copies of the proposed amendment, the written explanation of the reasons, and the information upon which the amendments are based are posted on the Commission’s website at www.delta.ca.gov or may be obtained by contacting Nicole Bert at the phone number shown above.

The Commission has determined that the adoption of the proposed amendments will not impose a cost or savings on any state agency, local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Gov-

ernment code; will not result in any nondiscretionary cost or savings to local agencies; will not result in any cost or savings in federal funding to the state; will not impose a mandate on local agencies or school districts; and will not have any potential cost impact on private persons or businesses including small businesses.

The Commission has determined that no alternative considered by the Commission 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.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

Division 4. Plant Industry
Chapter 2. Field Crops
Subchapter 2. Commercial Feed
Article 11. Inspection Tax and Plant Licenses

NOTICE IS HEREBY GIVEN that the California Department of Food and Agriculture (Department) proposes to amend Section 2751(b) of the California Code of Regulations pertaining to Licensing.

PUBLIC HEARING

The Department has not scheduled a public hearing on this proposed action. However, the Department 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 period.

WRITTEN COMMIT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. Comments may also be submitted via facsimile (FAX) at (916) 900–5349 or by e-mail to jenna.areias@cdfa.ca.gov. The written comment period closes at **5:00 p.m. on May 18, 2015**. The Department will only consider comments received at the Department by that time. Submit comments to:

Jenna Areias, Agriculture Program Supervisor
Feed, Fertilizer, and Livestock Drug Regulatory Services Branch
California Department of Food and Agriculture
1220 N Street
Sacramento, CA 95814
Telephone: (916) 900–5022
Fax: (916) 900–5349

AUTHORITY AND REFERENCE

Notice is hereby given that the Department of Food and Agriculture, pursuant to the authority vested by Sections 407 and 15051 of the Food and Agricultural Code (FAC), proposes to amend regulations in Title 3 of the California Code of Regulations and to implement, interpret, or make specific Section 15053 of the Food and Agricultural Code.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Section 15053 of the California FAC authorizes the Secretary, with recommendation from the Feed Inspection Advisory Board, to set the feed license fee between \$100 and \$600 annually.

Within the authority of the California FAC, Section 15053, the Department is proposing to amend Section 2751(b) of the California Code of Regulations, effective July 1, 2015, to increase the feed license fee from four hundred dollars (\$400) to five hundred dollars (\$500) annually. Existing regulation: Section 2751(a) exempts retail stores who sell packaged commercial feed labeled by licensed feed manufacturers from the licensing requirement.

There is no existing, comparable federal regulation or statute regulating the commercial feed license fee. The Department is the only agency which can implement regulations pertaining to animal feed licensing. The additional funds will be used to hire staff necessary to maintain acceptable inspection frequency rates, feed sample collection levels, and expand feed safety outreach and education activities (Section 14961) to industry and farmers, and ensure the program reserve funds are maintained at a minimum of 25 percent as mandated in Food and Agriculture Code, Section 15053(b).

Benefits of the Proposed Action: This proposed regulatory action will benefit the regulated industry by ensuring the program is effective and properly funded as required by Government Code Section 11346.5(a)(3)(d). The Department has conducted an evaluation of this regulation and has determined that it is not inconsistent or incompatible with existing state regulations. These regulations will contribute to a clean and wholesome supply of milk, meat, and eggs, as well as providing assurance that the product received by the consumer is of the quality and quantity purported by the manufacturer.

**DISCLOSURES REGARDING THE
PROPOSED ACTION**

The Department has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

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

Cost impacts on a representative person or business: \$100 yearly.

**RESULTS OF THE ECONOMIC IMPACT
ASSESSMENT/ANALYSIS**

As of September 2014, there are approximately 1,800 commercial feed licensees. This number has remained fairly stable for a number of years and the Department does not anticipate a significant change in the number of licensees as a result of the proposed amendments of the regulations.

The Department has determined that the proposed increase in the commercial license fee will cost each commercial feed licensee one hundred dollars (\$100) per year to manufacture and/or distribute feed in California; hence the impact to the entire feed industry will be approximately \$180,000. The Department determined that the proposed increase in the commercial license fee will not have any impact on a person that makes only retail sales of commercial feed, or a person who manufactures feed exclusively for feeding to his or her own animals as they are exempt from obtaining a commercial feed license (FAC Section §15051(b)(c)).

The Department has approximately 800 licensees which qualify as small businesses in California, and the impact to these firms will be negligible. The program raised the tonnage tax from \$0.09 per ton to \$0.12 per ton effective October 1, 2013, to minimize the impact of the license fee increase. This provided some assistance, but increasing the license fee is an attempt to remedy the unbalanced fiscal dependence on tonnage tax and share the cost of the Feed Inspection Program with the commercial feed licensees. All commercial feed licensees have services provided by the program through inspection, label review for any feed product sold, and are also provided outreach and educational services by the Safe Animal Feed Education (SAFE) Program. Cost-saving measures by the program include: reassigning staff to

areas where animal feed production is greater, thereby minimizing travel distances and response times, and utilizing seasonal employees to assist in high feed tonnage reporting areas throughout the state.

These regulations will not:

- (1) Create or eliminate jobs within California;
- (2) Create new businesses or eliminate existing businesses within California; or
- (3) Affect the expansion of businesses currently doing business within California.
- (4) Affect the benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

Benefits of the Proposed Action: This proposed regulatory action will benefit the regulated industry by ensuring equity in the marketplace (Section 14901(a)(b)) and the increased funds will be focused on feed safety issues (Section 14961).

Statewide adverse economic impact directly affecting businesses and individuals: Although the proposed action will directly affect businesses statewide, including small businesses, the Department concludes that the adverse economic impact, including the ability of California businesses to compete with business in other states, *will not* be significant.

Significant effect on housing costs: None.

SMALL BUSINESSES

The proposed regulations will affect approximately 800 small businesses by one hundred dollars (\$100) annually by increasing in the commercial feed license fee.

CONSIDERATIONS OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative it has considered or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed, 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 Department considered leaving the feed license fee at the current annual rate of four hundred dollars (\$400) annually. If the fee remained the same, the program will not have sufficient funds to maintain and

carry out the legislative intent of the program to provide a clean and wholesome supply of milk, meat, and eggs and provide assurance that product received by consumers is of the quality and quantity purported by the manufacturer.

The Department additionally considered raising the tonnage tax modestly, to a rate of \$0.13 per ton which, at 19 million tons of feed sold would cost the industry \$190,000. However, like the alternative option above, only a small subset of the licensees pays the tonnage tax. This would place an unnecessary burden on a very small sector of the industry that is already paying a high percent of the overall tonnage tax to the program.

The Department also considered raising the tonnage tax to its maximum rate of \$0.15 per ton. However, only a small subset of the licensees pays the tonnage tax, and the Department raised the tonnage tax from nine cents (\$0.09) per ton to twelve (\$0.12) per ton in October 2013. This increase assisted the program in increasing revenue, but would be a disproportionate increase to only one sector of the industry. If the program raised the tonnage tax to fifteen cents (\$0.15), it would cost the industry, as a whole, \$570,000. The significant increase would be disproportionate to the needs of the program. Furthermore, it would place an unnecessary burden on a small sector of the industry that pays the tonnage tax to the program.

The Department has determined 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 these regulations are proposed, or would be effective as and less burdensome to affected private persons than the proposed regulations.

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period or, if requested, at a scheduled hearing.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Jenna Areias, Agriculture Program Supervisor
 Feed, Fertilizer, and Livestock Drugs Regulatory
 Services Branch
 California Department of Food and Agriculture
 1220 N Street
 Sacramento, CA 95814
 Telephone: (916) 900-5022
 Fax: (916) 900-5349

The backup contact person for these inquiries is:

Maria Tenorio, Agriculture Program Supervisor
Feed, Fertilizer, and Livestock Drugs Regulatory
Services Branch
California Department of Food and Agriculture
1220 N Street, Sacramento, CA 95814
Telephone: (916) 900-5022
Fax: (916) 900-5349

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

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

The Department will have the rulemaking file available for inspection and copying throughout the rulemaking process at 2800 Gateway Oaks Drive, Sacramento, CA 95833. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons, and Feed Inspection Advisory Board meeting minutes dated December 19, 2012, April 30, 2013, December 10, 2013, and September 23, 2014. Copies may be obtained by contacting Jenna Areias at the address or phone number provided.

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**

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

**AVAILABILITY OF FINAL STATEMENT
OF REASONS**

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Jenna Areias at the address provided above.

**AVAILABILITY OF DOCUMENTS ON
THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at: <http://www.cdfa.ca.gov/is/regulations.html>.

**TITLE 4. CALIFORNIA DEBT LIMIT
ALLOCATION COMMITTEE**

NOTICE IS HEREBY GIVEN that the California Debt Limit Allocation Committee (Committee) proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

The California Debt Limit Allocation Committee has complied with the requirements to provide notice of proposed rulemaking action pursuant to Government code section 11346.1(a)(2).

PUBLIC HEARING

The California Debt Limit Allocation Committee (Committee) has scheduled the following public hearing on this proposed action:

Public Comment Hearing
Tuesday, May 20, 2015 at 3:00 p.m.
915 Capitol Mall, Room 587
Sacramento, CA.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Committee. Comments may also be submitted by facsimile (FAX) at (915) 653-6827 or by e-mail to cdlac@treasurer.ca.gov. The written comment period begins on April 3, 2015 and closes at 5:00 p.m. on May 18, 2015. The Committee will consider only comments received at the Committee offices by that time. Submit comments to:

Brian Clark
CDLAC Regulations Analyst
California Debt Limit Allocation Committee
915 Capitol Mall, Room 311
Sacramento, CA 95814

AUTHORITY AND REFERENCE

Authority: Section 8869.94, California Government Code. Section 8869.94 of the Code authorizes the Com-

mittee to adopt regulations relating to an allocation system to administer the state unified volume ceiling as proposed regulations and instructs the Office of Administrative Law to consider such regulations to be “necessary for the immediate preservation of the public peace, health and safety or general welfare.”

Reference: Sections 8869.80 to 8869.94, California Government Code. These Regulations implement, interpret and make specific Sections, 8869.80 to 8869.94 of the Code.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

The existing regulations outline an allocation system to administer the state unified volume ceiling (California’s tax-exempt bond authority). However, the existing regulations include or are absent language that may prevent viable projects from obtaining an award of tax-exempt bond authority. The proposed changes to the regulations and associated applications would correct these deficiencies. More specifically, the proposed regulations will expand the methods for meeting minimum energy efficiency requirements and will expand access to the available point categories; thus allowing applicants to meet minimum requirements and to earn points where they previously would not have.

These proposed Regulations primarily address the statutory mandate, Section 8869.84(c) of the Code, to create an allocation system to administer the state unified volume ceiling. The proposed revisions to the existing allocation system will provide tax-exempt private activity bond allocation (state ceiling) to state and local agencies, and promote the following: housing for lower income families and individuals; and preserving and rehabilitating existing governmental assisted housing for lower income families and individuals.

The objective of these Proposed Regulations is to ensure applicants take full advantage of the Qualified Residential Rental Program application process, thus creating more low income housing developments for residents of California and to provide public benefits to the residents of these projects and programs. (Government Code 11346.5(a)(3)(C).

CDLAC has conducted an evaluation of existing state regulations and has determined that the Proposed Regulations are not inconsistent or incompatible with existing state regulations. (California Government Code 11346.5(a)(3)(D).

Anticipated Benefits of the Proposed Regulation:

The objective of these proposed regulations is to encourage the construction and rehabilitation of low income housing developments, to maximize the energy efficiency of such developments and to ensure that pub-

lic benefits are being provided to the residents of these projects. In addition, the implementation of the proposed minimum and/or optional energy efficiency requirements into low income housing developments will benefit the environment and the health and welfare of the citizens of California, including low income multifamily housing residents. To the extent that tax-exempt bonds are utilized to finance the production or rehabilitation of multifamily housing projects, the use of tax-exempt bond proceeds may increase economic activity and employment development. Furthermore, the underlying tax-exempt financing may encourage job creation during competitive allocation rounds. (Government Code 11346.5(a)(3)(C).

Evaluation of Whether the Proposed Regulations Are Inconsistent or Incompatible:

We have conducted a review of any related regulations in this area and have determined that these are the only regulations concerning this subject area. Therefore, the proposed regulations are not inconsistent or incompatible with existing state regulations. (California Government Code 11346.5(a)(3)(D).

List of forms to be incorporated by reference:

- Competitive Application For An Allocation Of The State Ceiling On Qualified Private Activity Bonds For A Qualified Residential Rental Project (QRRP) (01-21-15)
- Non-Competitive Application For Allocation Of The State Ceiling On Qualified Private Activity Bonds For A Qualified Residential Rental Project (QRRP) (01-21-15)
- Competitive Application For An Allocation Of The State Ceiling On Qualified Private Activity Bonds For A Qualified Residential Rental Project (QRRP) Universal Application Addendum (01-21-15)
- Non-Competitive Application For An Allocation Of The State Ceiling On Qualified Private Activity Bonds For A Qualified Residential Rental Project (QRRP) Universal Application Addendum (01-21-15)

DISCLOSURES REGARDING THE
PROPOSED ACTION

The Committee and/or Executive Director have made the following initial determinations:

Mandate on Local Agencies or School Districts: The Executive Director of the Committee has determined that the Regulations do not impose a mandate on local agencies or school districts.

Fiscal Impact: The Executive Director of the Committee has determined that the Regulations do not impose any additional cost or savings requiring reim-

bursement under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the California Government Code, any other non-discretionary cost or savings to any local agency or any cost or savings in federal funding to the State. Pursuant to the State Administrative Manual Section 6680, a Fiscal Impact Statement (Form 399) is submitted without the signature of a Project Budget Manager at the Department of Finance, as there are no fiscal impact disclosures required by State Administrative Manual Sections 6600–6670. There will be no cost or savings to any State Agency pursuant to Government Code Section 11346.1(b) or 11346.5(a)(6).

Housing Costs: The Executive Director of the Committee has determined that the Regulations do not have a significant effect on housing costs.

Significant, Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete: The Executive Director of the Committee has determined that the Regulations do not have an adverse economic impact affecting California businesses.

Cost Impacts on Representative Private Person or Businesses: The Committee 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: The proposed regulations do not require any reports by businesses other than those for which an award of Allocation was granted. The reporting required is limited to certifications of compliance with the Committee’s resolution that transferred the award to the business.

Small Business Determination: The proposed regulations will not have an adverse impact on small businesses in California as the awards of the state ceiling will only encourage the development of housing or facilities developed or operated primarily by small businesses.

Results of the Economic Impact Analysis: The proposed regulations will not have an effect on the creation or elimination of jobs within the State of California. The proposed regulations will not affect the creation of new businesses or the elimination of existing business within the State of California. The proposed regulations will not have an effect on the expansion of businesses currently doing business within the State of California. The proposed regulations will ensure low income housing developments are following building guidelines and that public benefits are being provided to the residents of these projects.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Committee must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice.

The Committee 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 regulatory action may be directed to:

Misti Armstrong
Program Manager
California Debt Limit Allocation Committee
915 Capitol Mall, Room 311
Sacramento, CA 95814
(916) 653–3255

The back-up contact person for these inquiries is:

Brian Clark
Regulations Analyst
California Debt Limit Allocation Committee
915 Capitol Mall, Room 308
Sacramento, CA 95814
(916) 653–8183

Please direct requests for copies of the proposed text (the “express terms”) of the regulations, the initial statement of reasons, forms to be incorporated by reference, or other information upon which the rulemaking is based to Brian Clark at the above address.

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

The Committee 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, the rulemaking file

consists of this notice, the proposed text of the regulations, the forms to be incorporated by reference, and the initial statement of reasons. Copies may be obtained by contacting Brian Clark.

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

After holding the written comment period hearing and considering all timely and relevant comments received, the Committee may adopt the proposed regulations substantially as described in this notice. If the Committee makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Committee adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Misti Armstrong at the address indicated above. The Committee 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 Misti Armstrong at the above address.

AVAILABILITY OF DOCUMENTS ON
THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at <http://www.treasurer.ca.gov/cdlac/index.asp>.

TITLE 5. BOARD OF EDUCATION

AMENDMENT TO CALIFORNIA CODE OF
REGULATIONS, TITLE 5, REGARDING
REGULATIONS FOR PROCEDURES FOR
REVIEWING PROPOSED REVISIONS TO
ADOPTED INSTRUCTIONAL MATERIALS

NOTICE IS HEREBY GIVEN that the State Board of Education (SBE) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

California Department of Education (CDE) staff, on behalf of the SBE, will hold a public hearing at 9:00 a.m. on May 19, 2015, at 1430 N Street, Room 1801, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests, but does not require, that persons who make oral comments at the public hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

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

Debra Thacker, Regulations Coordinator
Administrative Support and Regulations
Adoption Unit
California Department of Education
1430 N Street, Room 5319
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at 916-319-0155 or by e-mail to regcomments@cde.ca.gov.

Comments must be received by the Regulations Coordinator prior to 5:00 p.m. on May 19, 2015. All written comments received by CDE staff during the public comment period are subject to disclosure under the Public Records Act.

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the SBE may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposed regulations.

AUTHORITY AND REFERENCE

Authority: Sections 33031, 60200 and 60206, Education Code. References: Section 60200, Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Education Code section 60200(b)(2) states that the CDE shall assess a fee on publishers of instructional materials currently adopted by the SBE in the event they submit proposed revisions to their adopted materials. This law states that the fee “. . . shall not exceed the reasonable costs to the department to conduct a review. . . .” These proposed regulations establish the process for review and the associated fee.

These proposed regulations along with the authority granted in Education Code section 60200(b)(2) will allow publishers to revise their SBE-adopted instructional materials without having to wait the full eight years before the next SBE adoption in the same subject matter. This fact will benefit California’s students and educators.

In order for the CDE to comply with the requirements of Education Code section 60200, these proposed regulations must be established to provide both the details and mechanism for implementation.

Anticipated Benefits of the Proposed Regulation

These proposed regulations, along with the authority granted in Education Code section 60200(b)(2), will allow publishers to revise their SBE-adopted instructional materials without having to wait the full eight years before the next SBE adoption in the same subject matter. This fact will benefit California’s students and educators.

Determination of Inconsistency/Incompatibility with Existing State Regulations

The CDE reviewed all state regulations relating to instructional materials and found that none exist that are inconsistent or incompatible with these regulations regarding kindergarten through grade eight instructional materials.

DISCLOSURES REGARDING THE PROPOSED
ACTION/FISCAL IMPACT

The SBE has made the following initial determinations:

There are no other matters as prescribed by statute applicable to the specific state agency or to any specific regulations or class of regulations.

The proposed regulations do not require a report to be made.

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code: None.

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

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

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

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

Effect on housing costs: None.

Effect on small businesses: The proposed regulations may affect small business in that participation is not constrained by the size of a business. Participation is voluntary and cost/benefit analysis by potential participants will determine outcomes.

RESULTS OF THE ECONOMIC
IMPACT ANALYSIS

Adoption of these regulations will not 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.

The fiscal impact of the publisher fee on business may be offset by the potential gains, and therefore individual publishers will determine whether or not they wish to participate.

These proposed regulations, along with the authority granted in Education Code section 60200(b)(2), will allow publishers to revise their SBE-adopted instructional materials without having to wait the full eight years before the next SBE adoption in the same subject matter. This fact will benefit California’s students and educators.

CONSIDERATION OF ALTERNATIVES

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

The SBE 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 content of this regulation should be directed to:

David Almquist, Education Programs Consultant
Curriculum Framework & Instructional
Resources Division
California Department of Education
1430 N Street, Suite 3207
Sacramento, CA 95814
Telephone: 916-319-0444
E-mail: dalmquis@cde.ca.gov

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or Hillary Wirick, Regulations Analyst, by phone at 916-319-0860.

INITIAL STATEMENT OF REASONS
AND INFORMATION

The SBE has prepared an Initial Statement of Reasons for the proposed regulation and has available all information upon which the proposal is based.

TEXT OF PROPOSED REGULATION AND
CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulations, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the CDE's Web site at <http://www.cde.ca.gov/re/lr/rr/>.

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

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

You may obtain a copy of the Final Statement of Reasons, once it has been finalized, by making a written request to the Regulations Coordinator.

REASONABLE ACCOMMODATION FOR ANY
INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires

reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting the Curriculum Frameworks & Instructional Resources Division, 1430 N Street, Suite 3207, Sacramento, CA, 95814; telephone, 916-319-0881. Please request assistance at least two weeks prior to the hearing.

**TITLE 8. DIVISION OF WORKERS'
COMPENSATION**

**Subject Matter of Regulations: Qualified Medical
Evaluators
TITLE 8, CALIFORNIA CODE OF
REGULATIONS,
SECTIONS 30, 30.5, 31.1, 100, 104, 105, 106, and
109**

NOTICE IS HEREBY GIVEN that the Acting Administrative Director of the Division of Workers' Compensation (hereinafter "Acting Administrative Director") pursuant to the authority vested in her by Labor Code sections 53, 133, 139.2, 4060, 4061, 4062, 4062.1, 4062.2, 4062.3, 4064, 5307.3, and 5307.4, proposes to amend regulations to implement the provisions of Labor Code sections 139.2, 4061, 4062, 4062.1, 4062.2, and 4062.3, regarding the procedures for obtaining Qualified Medical Evaluator ("QME") medical-legal evaluations, that are used to resolve disputes in the workers' compensation system. The proposed changes involve both changes without regulatory effect ("non-substantive" changes), within the meaning of section 100 of Title 1 of the California Code of Regulations (e.g. grammatical, capitalization, punctuation, syntax, numbering and lettering sequencing and corrections of cross references), as well as substantive changes. The proposed amendments will implement an online system that will replace an existing paper system, for requesting and generating a panel of randomly selected QMEs in represented cases. The proposed regulations also make form changes to clarify and make uniform the specialty code listings on the QME application and request forms. The proposed regulations also simplify the form and process for requesting a QME panel in unrepresented cases.

PROPOSED REGULATORY ACTION

The Department of Industrial Relations, Division of Workers' Compensation, proposes to amend sections 30, 30.5, 31.1, 100, 104, 105, 106, and 109, of Chapter 1, Articles 3, 10, and 10.5, of Title 8 of the California Code of Regulations.

Section 30 QME Panel Requests

Section 30.5	Specialist Designation
Section 31.1	QME Panel Selection Disputes in Represented Cases
Section 100	The Application for Appointment as Qualified Medical Evaluator Form
Section 104	The Reappointment Application as Qualified Medical Evaluator Form
Section 105	The Request for Qualified Medical Evaluator Panel — Unrepresented Form
Section 106	The Request for Qualified Medical Evaluator Panel — Represented Form
Section 109	The Qualified Medical Evaluator Notice of Unavailability Form

comments. Equal weight will be accorded to oral comments and written materials.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department of Industrial Relations, Division of Workers' Compensation. The written comment period closes at **5:00 p.m., on May 22, 2015**. The Division of Workers' Compensation will only consider comments received at the Department of Industrial Relations, Division of Workers' Compensation by that time. Equal weight will be accorded to oral comments presented at the hearing and written materials.

Submit written comments concerning the proposed regulations prior to the close of the public comment period to:

Maureen Gray
 Regulations Coordinator
 Department of Industrial Relations
 P.O. Box 420603
 San Francisco, CA 94612

Written comments may be submitted via facsimile transmission (FAX), addressed to the above-named contact person at (510) 286-0687. Written comments may also be sent electronically (via e-mail) using the following e-mail address: dwcrules@dir.ca.gov.

Unless submitted prior to or at the public hearing, Ms. Gray must receive all written comments no later than **5:00 p.m., on May 22, 2015**.

TIME AND PLACE OF PUBLIC HEARING

A public hearing has been scheduled to permit all interested persons the opportunity to present statements or arguments, oral or in writing, with respect to the proposed regulatory action, on the following date:

Date: May 22, 2015
Time: 10:00 a.m. to 5:00 p.m., or until conclusion of business
Place: Elihu Harris State office Building — Auditorium
 1515 Clay Street
 Oakland, CA 94612

The State Office Building and its Auditorium are accessible to persons with mobility impairments. Alternate formats, assistive listening systems, sign language interpreters, or other type of reasonable accommodation to facilitate effective communication for persons with disabilities, are available upon request. Please contact the State Wide Disability Accommodation Coordinator, Kathleen Estrada, at 1-866-681-1459 (toll free), or through the California Relay Service by dialing 711 or 1-800-735-2929 (TTY/English) or 1-800-855-3000 (TTY/Spanish) as soon as possible to request assistance.

Please note that public comment will begin promptly at 10:00 a.m. and will conclude when the last speaker has finished his or her presentation or 5:00 p.m., whichever is earlier. If public comment concludes before the noon recess, no afternoon session will be held.

The Acting Administrative Director requests, but does not require, that any persons who make oral comments at the hearing also provide a written copy of their

AUTHORITY AND REFERENCE

Labor Code sections 53, 111, 122, 133, 139, 4060, 4061, 4061.5, 4062, 4062.1, 4062.2, 4062.3, 4062.5, 5307.3, 5307.4, and 5703.5 authorize the Acting Administrative Director to adopt, amend and repeal these proposed regulations. The proposed regulations implement, interpret, and make specific sections 139.2, 4060, 4061, 4062, 4062.2, 4062.3, and 4064.

Reference is to Labor Code sections 124, 139.2, 139.31, 139.4, 139.43, 3716, 4060, 4062.1, 4062.5, 4064.5, 4067, 4600, 4660, 4662, 4660-4664, 5307, and 5307.3.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Acting Administrative Director of the Division of Workers' Compensation proposes to amend various regulations that govern procedures for obtaining QME panels (list of 3 QMEs), as provided in sections 30,

30.5, 31.1, 105 and 106, of Title 8 of the California Code of Regulations. These changes improve the existing system by providing an online system for obtaining a panel QME for represented parties. The proposed rulemaking also simplifies the process and form for unrepresented parties. The specific benefits anticipated from the regulation is the elimination of the delay caused by the backlog in obtaining a panel QME. This will result in quicker evaluations with QMEs to help injured workers resolve disputes and obtain workers' compensation benefits more quickly. The proposed regulations would also make non-substantive changes to QME Forms 100, 104, and 109 to make the forms consistent and clear. A full summary of the proposed changes is provided in the Initial Statement of Reasons.

The following substantive changes are proposed:

Item 1— Section 30. QME Panel Requests

- This section is amended to no longer require unrepresented employees to attach a written objection identifying the primary treating physician, the date of the report, and a description of the medical dispute.
- This section is amended, in represented cases to require parties to submit requests for a QME panel electronically, utilizing the Division's online system.
- This section is amended to require parties to generate a list online and serve a copy of the panel and any supporting documentation to the opposing party.
- This section is amended to allow parties to make requests twenty-four (24) hours a day, seven days a week.

Item 2— Section 30.5. Specialist Designation

- This section is amended to reflect the online process.

Item 3 — Section 31.1. QME Panel Selection Disputes in Represented Cases

- This section is amended to allow disputes regarding the validity of the panel request to be resolved with a Workers' Compensation Administrative Law Judge (WCALJ).
- This section is amended to reflect that with an online process, this section will be obsolete as it will not allow parties to make duplicate requests.
- This section is amended to allow for specialty disputes to be resolved pursuant to section 31.5 (a)(10) of the regulations.

Item 4 — Section 100. The Application for Appointment as Qualified Medical Evaluator Form

- This section is the form to apply for appointment as a QME.
- This form is amended to add "INITIALS" on page 2 and the top of page 3, as applicants fail to initial those items and the application is returned.
- Page 4 of this form is amended to delete "MMO Orthopaedic Surgery — Oncology," "MMO Radiology — Oncology," because these specialties are no longer offered to the public. The deletion of these specialties is a clarifying change.
- Page 4 of this form is amended to delete "PSN Psychology — Clinical Neuropsychology" to conform to Labor Code section 139.2 as the California Medical Board does not recognize Clinical Neuropsychology as a specialty. The QMEs listed in this specialty code will be merged into the existing code "PSY-Psychology."
- Page 4 of this form is amended to add "MOQ — Medicine Otherwise Qualified" to provide a general category for QMEs who are otherwise qualified to be a QME but do not fall into any other specialty category.

Item 5 — Section 104. The Reappointment Application as Qualified Medical Evaluator Form

- This section is the form to apply for reappointment as a QME.
- This section is amended to add "INITIALS" on page 2 of the form to clarify that the applicants must initial the boxes.
- Page 3 of this form is amended to delete "MMO Orthopaedic Surgery — Oncology," "MMO Radiology — Oncology," because these specialties are no longer offered to the public. The deletion of these specialties is a clarifying change.
- Page 3 of this form is amended to delete "PSN Psychology — Clinical Neuropsychology" to conform to Labor Code section 139.2 as the California Medical Board does not recognize Clinical Neuropsychology as a specialty. The QMEs listed in this specialty code will be merged into the existing code "PSY-Psychology."
- Page 3 of this form is amended to add "MOQ — Medicine Otherwise Qualified" to provide a general category for QMEs who are otherwise qualified to be a QME but do not fall into any other specialty category.

Item 6 — Section 105. The Request for Qualified Medical Evaluator Panel — Unrepresented Form

- This section is the form used to request a QME Panel in unrepresented cases.
- The entire text of the existing form 105 is being reformatted.
- The proposed new QME Form 105 no longer requires the unrepresented employee to attach a written objection to a determination made by the primary treating physician.
- The proposed new QME Form 105 also has clear instructions on the top of the form and a simpler proof of service.
- Page 3 of this form is amended to delete “MMO Orthopaedic Surgery — Oncology,” “MMO Radiology — Oncology,” because these specialties are no longer offered to the public. The deletion of these specialties is a clarifying change.
- Page 3 of this form is amended to delete “PSN Psychology — Clinical Neuropsychology” to conform to Labor Code section 139.2 as the California Medical Board does not recognize Clinical Neuropsychology as a specialty. The QMEs listed in this specialty code will be merged into the existing code “PSY–Psychology.”
- Page 3 of this form is amended to add “MOQ — Medicine Otherwise Qualified” to provide a general category for QMEs who are otherwise qualified to be a QME but do not fall into any other specialty category.

Item 7 — Section 106. The Request for Qualified Medical Evaluator Panel — Represented Form

- This section is amended to reflect that this form will be utilized only for injuries occurring on or before January 1, 2005.
- This form is amended to add “MOQ — Medicine Otherwise Qualified” to provide a general category for QMEs who are otherwise qualified to be a QME but do not fall into any other specialty category.
- This form is amended to delete “PSN Psychology — Clinical Neuropsychology” to conform to Labor Code section 139.2 as the California Medical Board does not recognize Clinical Neuropsychology as a specialty. The QMEs listed in this specialty code will be merged into the existing code “PSY–Psychology.”
- This form is amended to add “Gastroenterology” to MMG Internal Medicine, which was inadvertently left out.

Item 8 — Section 109. The Qualified Medical Evaluator Notice of Unavailability Form

- This section is the form used by QMEs to request unavailability status.
- Page 1 of the form is amended to indicate 90 “calendar days” and not the “QME fee period.” This amendment is made to conform to existing regulation section 33.

Objective and Anticipated Benefits of the Proposed Regulations:

The objective of the proposed regulations is to implement an online panel process for initial panel requests for represented cases only. The proposed process will provide for a more efficient process because a paper form will no longer be needed and will not be submitted by mail. The regulations also update existing forms.

The proposed regulations will be beneficial to the health and welfare of California residents, worker safety, and the state’s environment by ensuring injured workers with a more efficient and simpler process for resolving medical disputes.

Determination of Inconsistency/Incompatibility with Existing State Regulations

The Acting Administrative Director has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Acting Administrative Director has concluded that these are the only regulations that concern Qualified Medical Evaluators.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Acting Administrative Director has made the following initial determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any state agency: It is estimated that the proposed regulations will result in a savings of \$165,000 for the Division and State Compensation Insurance Fund, a quasi–state agency, per year in the Fiscal Year 2015–2016. The Division may also experience unquantifiable savings based on a reduced delay in obtaining a panel list resulting in early resolution of disputed claims.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code section 17500 through 17630: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.

- Cost or savings in federal funding to the state: None.
- Cost impacts on a representative private person or business: Most of the affected businesses are law firms, third-party administrators, self-insured employers, and insurers. There is no measurable increase in cost for private businesses; minimal costs may include postage, envelopes and paper.
- Statewide adverse economic impact directly affecting businesses and individuals: Although the proposed action will directly affect businesses statewide, including small businesses, and individuals, the Acting Administrative Director concludes that the adverse economic impact, including the ability of California businesses to compete with business in the other states, will not be significant. The proposed regulation changes will change existing procedures by which represented injured workers apply for a QME panel from a manual process to an electronic process.
- Significant effect on housing costs: None.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The Acting Administrative Director concludes that it is (1) unlikely the proposal will create any jobs within the State of California, (2) unlikely that the proposal will eliminate any jobs within the State of California, (3) unlikely that the proposal will create any new businesses within the State of California, (4) unlikely that the proposal will eliminate any existing businesses within the State of California, and (5) unlikely the proposal would cause the expansion of businesses currently doing business within the State of California.

Benefits of the Proposed Action: The proposed regulations will be beneficial to the health and welfare of California residents, worker safety, and the state's environment by ensuring workers with a more efficient and simpler process for resolving medical disputes. The specific benefit anticipated from the regulation is the elimination of the delay caused by the backlog in obtaining a panel QME with the exiting paper process. This will result in quicker evaluations with QMEs to help injured workers resolve disputes and obtain workers' compensation benefits more quickly.

Small Business Determination: The Acting Administrative Director has determined that the proposed regulations will not affect small businesses to a significant degree. The regulations allow represented parties to request a QME panel electronically rather than by mail.

The proposed regulations also simplify the form and panel process for unrepresented injured workers.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Acting Administrative Director must determine that no reasonable alternative considered or brought to the Acting Administrative Director's attention 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 Acting Administrative Director invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period, or at the public hearing.

CONTACT PERSON FOR GENERAL QUESTIONS

Non-substantive inquiries concerning this action, such as requests to be added to the mailing list for rule-making notices, requests for copies of the text of the proposed regulations, the Initial Statement of Reasons, and any supplemental information contained in the rulemaking file may be directed to:

Maureen Gray, Regulations Coordinator
 Department of Industrial Relations
 Division of Workers' Compensation
 P.O. Box 420603
 San Francisco, CA 94612
 E-mail: mgray@dir.ca.gov
 Telephone: (510) 286-7100

CONTACT PERSON FOR SUBSTANTIVE QUESTIONS

In the event the contact person is unavailable, or for questions regarding the substance of the proposed regulations, inquiries should be directed to:

Karen Pak
 Department of Industrial Relations
 Division of Workers' Compensation
 P.O. Box 420603
 San Francisco, CA 94142
 Email: kpak@dir.ca.gov
 Telephone: (510) 286-7100

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

An Initial Statement of Reasons and the text of the proposed regulations in plain English have been prepared and are available from the contact person named in this Notice. As of the date of this Notice, the rulemaking file consists of the Notice, the Initial Statement of Reasons, proposed text of the regulations, and pre-rulemaking comments. Also included are any studies, documents or information relied upon in drafting the proposed regulations.

This Notice, the Initial Statement of Reasons, and the text of the proposed regulations may also be accessed and downloaded from the Division's website at www.dir.ca.gov. To access them, click on the "Proposed Regulations — Rulemaking" link and scroll down the list of rulemaking proceedings to find the Qualified Medical Evaluator Regulations.

Any interested person may inspect a copy or direct questions about the proposed regulations and any supplemental information contained in the rulemaking file. The rulemaking file will be available for inspection at the Department of Industrial Relations, Division of Workers' Compensation, 1515 Clay Street, 17th Floor, Oakland, California 94612, between 9:00 a.m. and 4:30 p.m., Monday through Friday. Copies of the proposed regulations, Initial Statement of Reasons and any information contained in the rulemaking file may be requested in writing to the contact person.

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

After considering all timely and relevant comments received, the Acting Administrative Director may adopt the proposed regulations substantially as described in this notice. If the Acting Administrative Director makes modifications which are sufficiently related to the originally proposed text, the Acting Administrative Director will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Administrative Director adopts the regulations as received.

AVAILABILITY OF FINAL STATEMENT
OF REASONS

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 Division's website at www.dir.ca.gov.

AUTOMATIC MAILING

A copy of this Notice, the Initial Statement of Reasons, and the text of the regulations, will automatically be sent to those interested persons on the Administrative Director's mailing list.

If adopted, the regulations as amended, will appear in California Code of Regulations, Title 8, commencing with section 30. The text of the final regulations also may be available through the website of the Office of Administrative Law at www.oal.ca.gov.

**TITLE 8. OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

Section 5193.1, General Industry Safety Orders
Sexually Transmitted Infections

NOTICE IS HEREBY GIVEN that the Occupational Safety and Health Standards Board (Board) proposes to adopt, amend or repeal the foregoing provisions of Title 8 of the California Code of Regulations in the manner described in the Informative Digest, below.

PUBLIC HEARING

The Board will hold a public hearing starting at 10:00 a.m. on **May 21, 2015** in **Room 310** of the **County Administration Center, 1600 Pacific Highway, San Diego, California**. At this public hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. The written comment period commences on **April 3, 2015**, and closes at 5:00 p.m. on **May 21, 2015**. Comments received after that deadline will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments are to be submitted as follows:

- By mail to Sarah Money, Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; or
- By fax at (916) 274-5743; or
- By e-mail sent to oshsb@dir.ca.gov.

AUTHORITY AND REFERENCE

Labor Code Section 142.3 establishes the Board as the only agency in the State authorized to adopt occupational safety and health standards. In addition, Labor Code Section 142.3 requires the adoption of occupational and health standards that are at least as effective as federal occupational safety and health standards.

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

Pursuant to California Labor Code Section 142.3, the Occupational Safety and Health Standards Board (Board) may adopt, amend, or repeal occupational safety and health standards or orders. Section 142.3 permits the Board to prescribe, where appropriate, suitable protective equipment and control or technological procedures to be used in connection with occupational hazards and provide for monitoring or measuring employee exposure for their protection.

In December 2009, Michael Weinstein, on behalf of the AIDS Healthcare Foundation (AHF), filed Petition No. 513, requesting the Board to amend Section 5193 to specifically address hazards in the adult film industry. On March 18, 2010, the Board adopted a petition decision which requested the Division to convene an advisory committee to consider possible regulatory changes and to prepare language if appropriate. From March 2010 through June 2011, the Division held six advisory committee meetings to gather information regarding how employers can better protect employees that are exposed to sexually transmitted diseases, and to assess whether adopting new regulatory language would more specifically address those hazards. There was strong participation by employees and employers, as well as medical and public health professionals, researchers, academics, and advocacy groups. Evidence was presented by public health agencies and others that employees who engage in sexual activities in the course of their work are at significant increased risk of sexually transmitted infections (STIs) including the human immunodeficiency virus (HIV), gonorrhea and Chlamydia. Participants also complained that the language of the Bloodborne Pathogen regulation (8 CCR 5193) was not specific to their work exposures. Medical experts agreed that occupational exposure to STIs, including bloodborne and non-bloodborne pathogens, should be prevented by feasible controls mandated in a regulation. Since Section 5193 addresses only bloodborne diseases, the Board is proposing a separate Section 5193.1 to address this type of occupational exposure that includes bloodborne pathogens and other STIs. The proposed regulation would apply wherever employees, as part of their authorized work activity, engage in sexu-

al activity with one or more other persons. Its application is not based upon the content or the intended audience of any media production, and, like the current standard, does not address any published content. The proposed regulation also provides for medical confidentiality and contains means to protect the identity of persons who take an HIV test, in order to be consistent with the requirements of the Health and Safety Code.

This proposed rulemaking action is not inconsistent or incompatible with existing state regulations. This proposal is part of a system of occupational safety and health regulations. The consistency and compatibility of that system's component regulations is provided by such things as: (1) the requirement of the federal government and the Labor Code to the effect that the State regulations be at least as effective as their federal counterparts, and (2) the requirement that all state occupational safety and health rulemaking be channeled through a single entity (the Standards Board).

This proposed rulemaking action differs from existing federal regulations, in that federal OSHA does not have a specific counterpart standard for protecting employees against occupational exposure to sexually transmitted infections.

The specific changes are as follows:

New Section 5193.1 Sexually Transmitted Infections.

Subsection (a) Scope and Application.

Proposed subsection (a) establishes that all workplaces, in which employees have occupational exposure to bloodborne pathogens and/or sexually transmitted pathogens due to one or more employees engaging in sexual activity with another individual, are required to comply with the provisions of this section. This includes activities that occur during the production of any film, video, multi-media or other recorded or live representation. Currently, employees who engage in sexual activity are protected by Section 5193, Bloodborne Pathogens, which requires a written program, certain engineering controls, personal protective equipment, medical services, training and record-keeping. However, Section 5193 does not specify control measures to be used in this industry and also does not address non-bloodborne sexually transmitted pathogens.

This section will apply to employers whose employees engage in sexual activity with another individual, including employees in entertainment. Employees are exposed to chronic and life-threatening illnesses when they engage in unprotected sexual activities. This places them at risk for acquiring infections with bloodborne pathogens including, but not limited to, human immunodeficiency virus (HIV), hepatitis B (HBV) and hepatitis C (HCV) infection. It also places them at risk for acquiring infections, including repeated infections,

with other sexually transmitted pathogens such as human papillomavirus (HPV), Chlamydia trachomatis (CT), and Neisseria gonorrhoeae (GC), hepatitis A virus (HAV), trichomonas vaginalis, and genital herpes simplex virus (HSV). The presence of these infections may also increase the risk of acquisition of bloodborne pathogens. The risk of infection is further increased due to work practices such as multiple and concurrent sex partners over short periods with whom they engage in frequent and often prolonged sex acts, and by the infrequent use of barrier methods to prevent exposure to infectious body fluids. A number of HIV infections have been associated with this work activity. In a 2007 article, Taylor stated that in 2004 the Centers for Disease Control and Prevention (CDC) documented transmission of HIV infection from one performer to three other performers, despite industry testing protocols.¹ A high incidence of infection with non-bloodborne sexually transmitted pathogens has also been recorded among performers engaged in sexual activity while working in the production of “adult” entertainment. A study based on cases reported to the Los Angeles County Department of Public Health (LACDPH) found that between midyear 2004 and 2008, 2,848 sexually transmitted diseases (STDs) were diagnosed among 1,868 performers who tested at Adult Industry Medical (AIM). Chlamydia was the most frequent diagnosis (57.5% of performers), followed by gonorrhea (34.7%) and co-infection with both STDs (7.8%). The same study documented that CT and GC infections are recurrent among performers and that the reinfection rate within one year was 26.1%. Female performers were 27% more likely to be reinfected than male performers.² Approximately 70% of STIs occurred in female performers. Several cases of syphilis were also reported. The Los Angeles County Department of Public Health believes that these disease rates are significant underestimates of the true disease rates because oral and rectal anatomic sites are not routinely screened, are often asymptomatic, and are likely to serve as disease reservoirs for repeated infections.³ HBV and HPV are recognized carcinogens.

Subsection (a)(1) establishes the scope of workplaces to be covered by the standard. The proposal identifies those workplaces which will be required to implement protective measures to reduce the incidence and control the transmission of sexually transmitted infections.

¹ Taylor M et al., Epidemiologic Investigation of a Cluster of Workplace HIV Infections in the Adult Film Industry: Los Angeles, California, 2004. HIV/AIDS, CID 2007:44(15 January).

² Goldstein, Binh et al., High Chlamydia and Gonorrhea Incidence and Reinfection Among Performers in the Adult Film Industry Sexually Transmitted Infections, July, 2011, Vol. 38. No. 7.

³ Goldstein, Binh, Sexually Transmitted Infections in the Adult Film Industry. Presented at Preventive Medicine 2009.

Subsection (a)(2)(A) establishes that all workers, including but not limited to performers, employees who are present when sexual activity occurs, or who are responsible for cleaning or decontaminating the work area, equipment or laundry, are covered by the requirements of the proposed section. The proposal identifies those affected employees who are at risk of contracting sexually transmitted infections.

Subsection (a)(2)(B) states that compliance with this section constitutes compliance with Section 5193 for the workplaces in which it applies. The effect is to ensure that workplaces in which employees engage in sexual activity follow the appropriate precautions to protect employees against sexually transmitted diseases. This subsection also specifies that where workplaces use sharps, other than personal care sharps, the employer must also comply with the relevant provisions of Section 5193. The effect is to ensure safe procedures for handling and disposal of sharps where they are used, and to continue to provide equivalent safety to the federal bloodborne pathogen standard, 29 CFR 1910.1030.

Subsection (a)(3) establishes that the employer shall provide all safeguards required by this section, including barriers, personal protective equipment, training, and medical services, at no cost to the employee, at a reasonable time and place for the employee, and during the employee’s working hours. This is intended to provide notice to the regulated public of an existing requirement of Labor Code Section 6311, as interpreted by the courts.⁴ The proposal will ensure that employees are not deterred by cost or logistical barriers from participating in the medical surveillance and training programs, and are provided with all necessary safeguards.

Subsection (b) Definitions.

The standard proposes a number of definitions that are intended to explain the terminology and concepts that have been incorporated into the text. Some of the terms have been defined to be consistent with existing definitions in other titles of the California Code of Regulations, and are intended to be interpreted consistently with their use in those sections. The proposed definitions will clarify to the employer and employees the meanings for the terms used within the context of the requirements of Section 5193.1 and help ensure compliance with this standard, and protect employees from STIs.

Subsection (c) Exposure Prevention and Response.

Subsection (c)(1)(A) requires that employers establish, implement, and maintain an effective Exposure Control Plan (Plan), designed to eliminate or minimize employee exposure and which is consistent with Sec-

⁴ *Bendix Forest Products Corporation v. Division of Occupational Safety and Health* (1979), 25 Cal. 3d 465.

tion 3203. The proposal will ensure that employers establish, implement, and maintain a Plan; and that employers and employees follow all required control measures.

Subsection (c)(1)(B)(1–7) establishes that the Plan shall be in writing and identifies the basic elements that an employer would be responsible for incorporating into the exposure control plan. The effect of this subsection is to establish how the employer will provide the required control measures.

Subsection (c)(1)(C) requires each employer to ensure that a copy of the Plan is available at the worksite at all times that employees are present. The effect of this subsection is to enable covered employees to refer to procedures that should be followed to protect them against sexually transmitted infections.

Subsection (c)(1)(D) establishes that the Plan shall be reviewed and updated at least annually and whenever necessary, and that employees be involved in the plan review. The Division has found that periodic review of exposure control plans with the involvement of affected employees provides an important mechanism to improve the employer's health and safety program and protect workers. The effect of this provision is to require that the employer have effective procedures for reviewing the Plan and for ensuring employee participation in that review.

Subsection (c)(1)(E) requires each employer to review the Plan after each exposure incident to determine the cause of the incident and to determine whether any change in control measure is necessary. The effect of this subsection is to ensure that exposure incidents are effectively investigated and that any changes necessary to prevent future incidents are implemented in the Plan.

Subsection (c)(1)(F) requires that the employer make the Plan available to affected employees and their representatives, to the Chief of the Division of Occupational Safety and Health (Division) and to the National Institute for Occupational Safety and Health, U.S. Department of Health and Human Services (NIOSH). The intent is to provide the Plan to employees and their representatives to ensure that they can play their appropriate roles in Plan implementation, and discover any problems in the Plan. The effect is also to provide access to the Chief in order that the Division may effectively enforce this standard. It is necessary to provide access to NIOSH so that NIOSH may effectively perform its statutory role in evaluating health and safety hazards and the methods of control.

Proposed subsection (d) Methods of Compliance.

Subsection (d)(1) is intended to establish that universal precautions shall be observed to prevent contact with blood or other potentially infectious materials — sexually transmitted infections (OPIM–STI). Universal

precautions is an approach to infection control which treats all human blood and certain bodily fluids as infectious, regardless of the source individual. This subsection also clarifies that under circumstances in which differentiation between bodily fluid types is difficult or impossible, all bodily fluids will be considered potentially infectious materials. This effect is to ensure that control measures are taken to protect employees against sexually transmitted infections.

Subsection (d)(2) requires that each employer maintain engineering and work practice controls sufficient to protect employees from exposure to blood and/or OPIM–STI. When simulation of sexual activity using acting, production, and postproduction techniques are not used, or do not prevent all occupational exposure, additional control measures will be required. The effect is to establish that this section requires the use of engineering and work practice controls that physically prevent infectious materials from contacting another person and to identify acceptable protective barriers and the procedures that must be followed during use, to ensure that condoms and other barriers are used effectively and that the protection that they provide is not compromised through improper use.

Subsection (d)(3) provides a list of additional prohibited practices so that employers and employees understand which practices must be avoided to prevent disease transmission. This list is intended to reduce the risk of sexually transmitted diseases and is needed to identify which control measures should be used.

Subsection (d)(4) establishes a list of specific control measures that address contaminated items, cleaning, and decontamination. This list includes the following: (A) requirements to handle contaminated sharps; (B) requirements to handle contaminated waste; (C) requirements to address the cleaning and decontamination of the worksite; (D) requirements to provide hygiene facilities; (E) requirements applicable to the handling of contaminated laundry; and (F) requirements to address personal protective equipment (PPE). The effect is to assure that employers administer work practice controls that reduce the likelihood that individuals will be exposed to infectious materials by physically reducing the amount of infectious materials on that person, and by reducing the contact time with infectious materials that may be on the skin or mucous membranes.

Proposed subsection (e) Medical Services and Post-Exposure Follow-Up.

The purpose of proposed subsection (e) is to establish the appropriate medical services, post-exposure evaluation and follow-up that must be provided to employees who have occupational exposure. The effect is to reduce the likelihood that employees will acquire in-

fection and develop disease by providing access to medical services, appropriate vaccination, and post-exposure evaluation and follow-up.

Subsection (e)(1) establishes general requirements to ensure access to medical services. The effect of this subsection is to ensure that employees are provided with appropriate medical services to prevent infection and that occupational injuries and illnesses are appropriately recorded and treated. The effect is also to ensure that employees do not refuse medical evaluation due to cost, confidentiality, or other concerns. The intent of this subsection is to protect employees against sexually transmitted infections, to prevent further transmission, and ensure that the Division and local health departments are able to control infectious disease hazards at places of employment covered by the standard.

Subsection (e)(2) establishes requirements for vaccinations. The effect of this subsection is to ensure that vaccines are provided in a timely manner at no cost to the employee, and to allow an employee to reconsider a decision to decline a vaccination. This is intended to assure that the number of employees who ultimately become vaccinated is maximized in order to reduce the risk of acquiring or transmitting vaccine preventable diseases.

Subsection (e)(3) establishes requirements for periodic medical services and outlines the documentation that employer shall obtain regarding the provision of these services. This proposal will ensure that employees with occupational exposure be provided confidential medical services at no cost, in accordance with Appendix C and D, to limit the spread of disease.

Subsection (e)(4) establishes requirements for post-exposure evaluation and follow-up. The intent of this subsection is to establish that following a report of an exposure incident, the employer must make immediately available to the exposed employee a confidential medical evaluation and follow-up. The effect of this subsection is to protect employees against life threatening sexually transmitted infections and to prevent further transmission. The effect of this subsection is also to ensure that employees receive medical evaluations after an incident and that necessary information is provided to the health care provider to assist that professional in the evaluation of the employee's medical status. The intent of this subsection is to protect employees against sexually transmitted infections and limit the spread of disease. This is also necessary to permit the Division and public health agencies to investigate occupational infections and take preventive action.

Subsection (e)(5) establishes requirements for information that must be provided to the Physician or other Licensed Health Care Professional (PLHCP). The effect is to ensure that the health care provider be given the information necessary to assist that professional in

the evaluation of the employee's medical status and for consistency with Section 5193.

Subsection (e)(6) establishes requirements for the written opinion of the PLHCP. The intent of this subsection is to establish that the employer shall obtain and provide the employee with a copy of the evaluating healthcare professional's written opinion within 15 days of the completed evaluation. The effect of this subsection is to ensure that information necessary to the employer's program be transmitted in a timely manner, without compromising the employee medical privacy and confidentiality provisions, and for consistency with Section 5193 Bloodborne Pathogens.

Subsection (e)(7) establishes requirements regarding medical recordkeeping. The intent of this subsection is to establish that the employer shall maintain medical records in accordance with subsection (g)(1). The effect of this subsection is to ensure that employers create records which can be used to track employee medical information and which can help the Division effectively enforce this section.

Proposed subsection (f) Communication of Hazards to Employees.

The purpose of proposed subsection (f) is to establish the requirements for training and communicating hazards to employees. The effect of this subsection is to ensure that employees are provided with training as necessary to correctly utilize control measures and protect themselves and others from sexually transmitted infections. This is necessary because appropriate employee actions are critical to protecting their own health and preventing further transmission.

Subsection (f)(1) addresses requirements regarding labels and signs and references Section 5193(g)(1). The intent is to assure employees are effectively notified about the hazard through signage and labeling. The effect is to ensure that contaminated sharps are appropriately handled on-site, and by downstream handlers.

Subsection (f)(2) addresses requirements regarding information and training. The intent of this subsection is to ensure that employees are provided with training as necessary to correctly utilize control measures and protect themselves and others from sexually transmitted infections.

Subsection (f)(2)(A) requires that employers ensure that all employees with occupational exposure participate in a training program which must be provided at no cost to the employee and during working hours. The effect is to ensure that employees are provided with training, as necessary and at no cost to the employee, to correctly utilize control measures and protect themselves and others from sexually transmitted infections.

Subsection (f)(2)(B) provides the timeframe for required training. The effect is to ensure that employees

have an adequate understanding of new exposure control measures implemented by the employer and are made aware of changes in exposure scenarios that may require additional control measures. This is intended to assure that employees can protect themselves and others from sexually transmitted infections.

Subsection (f)(2)(C) requires that annual training be provided to all employees within 12 months of the previous training. The effect is to ensure that employees are trained at least once every 12 months.

Subsection (f)(2)(D) requires that the person conducting the training be knowledgeable in the subject matter covered by the elements contained in the training program as it relates to the workplace. The intent is to ensure that the trainer can provide information that is accurate and relevant to the site, facility, and operational procedures of the employer.

Subsection (f)(2)(E) requires that the employer conduct a safety meeting prior to any employee engaging in sexual activity. This subsection also establishes that the employer provide information to all individuals who participate in the activity or the production regarding the control measures to be used, and specific information regarding the employer's procedures for emergencies, exposure incidents, and post-exposure evaluation and follow-up. The effect is to require employers to inform employees of the specific safety measures to be used for the activities.

Subsection (f)(2)(F) requires that appropriate training materials be used. Appropriate content and vocabulary to educational level, literacy, and language of employees is needed to ensure that employees are provided with a basic understanding of the disease process and the mechanisms of transmission of STIs, which will improve their ability to recognize the diseases. The effect is to ensure that employees have sufficient knowledge to implement control measures to protect themselves against disease.

Subsection (f)(2)(G) specifies the minimum content of the training. The purpose and effect of this subsection is to ensure that employees are provided with training as necessary to correctly utilize control measures and to protect themselves and others from sexually transmitted infections.

Subsection (f)(2)(H) requires that employees be given an opportunity for interactive questions and answers with the person conducting the training session. The effect is to ensure that the employees can have questions answered by a person who is knowledgeable about the work activities and the employer's exposure control plan, and that they be provided this opportunity during the training, so that the employee can get answers to their questions as they come up and in the context of other information being provided.

Subsection (f)(2)(I) establishes that, due to the intermittent nature of employment in this industry, one or more employers may arrange to conduct training as a consortium, so long as each employer ensures that the training provided meets the requirements stated in subsection (f)(2)(G). The effect of this subsection is to provide a means by which employers can maximize training resources by consolidating general training, while still ensuring that employees are provided with the necessary training to protect themselves and others from sexually transmitted infections.

Proposed subsection (g) Recordkeeping.

Subsection (g) establishes the requirements for creating and maintaining the records that have been identified within this proposed standard. The effect is to ensure that employers create records which can be used to assess the effectiveness of the program and to track employee medical information. These records are also necessary for the Division to be able to effectively enforce this section.

Subsection (g)(1) establishes requirements for medical records. This is intended to ensure consistency with Sections 5193 and 3204, and with medical privacy provisions of California and federal law.

Subsection (g)(2) establishes requirements for training records. The effect is to clearly inform the employer of the required content of the record of training and the required time to maintain the record for each employee.

Subsection (g)(3) establishes requirements for maintaining records of the implementation of the exposure control plan. This effect is to ensure that the employer will be able to evaluate the effectiveness of its program and to demonstrate whether the control measures are working. These records are also necessary for the Division to be able to effectively enforce the provisions of this section.

Subsection (g)(4) establishes requirements for maintaining records regarding the production, sale or purchase of materials in which employees are engaged in sexual activity. This subsection requires that the employer create and maintain a log for each segment of footage or other representation produced or purchased, and the required information for the log. The effect is to ensure that records are created and maintained that will permit the Division to effectively enforce the provisions of this section.

Subsection (g)(5) establishes requirements for the availability of employee medical and training records. The effect is to ensure that records will be made available to employees, employers, the Division, and public health agencies, as appropriate and consistent with other regulations and laws.

Subsection (g)(6) establishes requirements for the transfer of records. The effect of this subsection is to provide a means of notification of employees of the employer's intent to dispose of employee exposure and medical records consistent with Section 3204, require transfer of employee exposure and medical records to a successor employer, consistent with Section 3204, and provide a means by which NIOSH or the Division can request records from an employer who notifies them that the employer is ceasing to do business, and there is no successor employer.

Subsection (h) establishes that the appendices to this section are mandatory. This includes Appendices A1, A2, and A3, which contain vaccine declination statements, Appendix B, which contains specific work practice requirements for use of barrier protection, Appendix C, which contains minimum requirements for medical services, and Appendix D, which contains a declination statement for an employee who chooses not to participate in medical services. These appendices are necessary elaborations on requirements referenced in the body of the standard.

Appendix A1 — Hepatitis B Vaccine Declination (Mandatory)

This proposed appendix is intended to provide the appropriate language to be used in the statement that will be signed when an employee declines to accept an HBV vaccination. This declination provides specific language that ensures that the employee is aware of the nature of the vaccine, the fact that it is being provided free of charge, and the right to receive the vaccination at a later date. This declination is also intended to provide a record confirming that the vaccine was appropriately offered. The effect is to ensure that employees are aware of the risk they take by refusing an offered vaccine, and that they have a right to request the vaccine later if they continue to have occupational exposure.

Appendix A2 — Human Papilloma Virus Vaccine Declination (Mandatory)

This proposed appendix is intended to provide the appropriate language to be used in the statements that will be signed when an employee declines to accept an HPV vaccination. This declination provides specific language that ensures that the employee is aware of the nature of the vaccine, the fact that it is being provided free of charge, and the right to receive the vaccination at a later date. This declination is also intended to provide a record confirming that the vaccine was appropriately offered. The effect is to ensure that employees are aware of the risk they take by refusing an offered vaccine, and that they have a right to request the vaccine later if they continue to have occupational exposure.

Appendix A3 — Hepatitis A Vaccine Declination (Mandatory)

This proposed appendix is intended to provide the appropriate language to be used in the statements that will be signed when an employee declines to accept an HAV vaccination. This declination provides specific language that ensures that the employee is aware of the nature of the vaccine, the fact that it is being provided free of charge, and the right to receive the vaccination at a later date. This declination is also intended to provide a record confirming that the vaccine was appropriately offered. The effect is to ensure that employees are aware of the risk they take by refusing an offered vaccine, and that they have a right to request the vaccine later if they continue to have occupational exposure.

Appendix B — Use of Protective Barriers (Mandatory)

This proposed appendix is intended to identify acceptable protective barriers and the procedures that must be followed during use to comply with this section. The effect is to ensure that condoms and other barriers are used effectively, to maximize the protection they provide, and to ensure that they do not become a source of exposure.

Appendix C — Minimum Requirements for Medical Services (Mandatory)

This proposed appendix is intended to identify medical services and the specific testing that must be offered to an employee to detect infections, in order to provide effective treatment and prevent the spread of the disease.

Appendix D — Declination of Periodic or Post-Exposure Medical Services (Mandatory)

This proposed appendix is intended to provide the appropriate language to be used in the statements that will be signed when an employee declines to accept periodic or post-exposure medical services, services which play a critical role in preventing the spread of the disease. This proposal will protect the employee's health, ensure that employees are aware of the risks they take by refusing these services and prevent further transmission. It also provides a means for the Division to determine whether the services were offered as required without compromising the employee's medical privacy.

Anticipated Benefits

The proposal will render California general industry bloodborne pathogens and sexually transmitted infection standards clearer and easier to understand by both employers and the Division who have the responsibility to enforce the standard. It will also enhance the safety and health of employees with the implementation of engineering and work practice controls, an exposure con-

trol plan, hepatitis B, hepatitis A and human papilloma-virus vaccinations, medical services, and information and training on health and safety without compromising or reducing the effectiveness of Section 5193 or the current Bloodborne Pathogens federal standard. This proposal would also provide for appropriate medical services for affected employees and will provide for medical confidentiality and protect the identity of persons who take an HIV test in order to be consistent with the requirements of the Health and Safety Code.

DOCUMENTS INCORPORATED
BY REFERENCE

None.

DISCLOSURES REGARDING THE
PROPOSED ACTION

Mandate on Local Agencies and School Districts:
None.

Cost or Savings to State Agencies: None.

Cost to any Local Government or School District which must be Reimbursed in Accordance with Government Code Sections 17500 through 17630:
None.

Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None.

Cost or Savings in Federal Funding to the State:
None.

Cost Impacts on a Representative Private Person or Business:

Currently, employers covered by this standard are required to comply with Section 5193, which includes requirements for a written program, the use of engineering and work-practice controls, prevention of all contact with the mouth, eyes, skin, and mucous membranes with blood, semen, or vaginal secretions, use of personal protective equipment, medical services including post-exposure evaluation and follow-up, training, and record-keeping. By limiting requirements to those relevant to sexual transmission, this proposal may reduce costs to covered employers. There may be additional costs related to provision of HAV and HPV vaccine; however, those costs will be offset by lowering the costs to employers of occupationally acquired infections. In addition, this standard provides savings by permitting the use of consortium PLHCPs and trainers.

Statewide Adverse Economic Impact Directly Affecting Businesses and Individuals, Including the Ability of California Businesses to Compete:

The Board has made an initial determination that this proposal should not result in a significant, statewide ad-

verse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. Two factors provide the basis for the Board's determination: (1) this new standard, while more tailored to a specific industry, is based on a pre-existing national bloodborne pathogen standard that is already enforced in California; and (2) the regulated community has a unique legal status nationally, resulting in no states suitable to the relocation of the industry.

All states are covered by either 29 CFR 1910.1030 or an equivalent state standard, that would require the use of condoms or other engineering controls by employees who engage in sexual activity in the course of employment. Employers are also required to offer hepatitis B vaccine, and post-exposure follow-up, training, and other protection in all states.

Additional Vaccinations and Medical Services:

The only additional costs associated with this standard involve vaccination for HPV and HAV. Under the existing Bloodborne Pathogens standard, employers are already required to provide HBV vaccinations to all employees with occupational exposure to HBV. Section 5193.1 would expand coverage to include vaccination for HPV and HAV. According to the Center for Disease Control and Prevention, the private sector costs per dose for each vaccine are as follows:

- HAV: \$63.10, requiring two doses for a complete series.
- HPV4: \$141.38, requiring three doses for a complete series.

Therefore, in order to vaccinate one employee with a complete series for HAV and HPV4 would cost approximately \$550.34. Providing annual STD screening tests for employees should average less than \$800 per business. These costs are a small percentage of gross income per business that averages over \$100 million per year.

In addition, this standard provides cost reduction measures to covered employers, which should lower the projected vaccination costs for employers. First, Section 5193.1 allows employers to use a consortium PLHCP in order to share costs among employers. Second, some employees will either decline the vaccination or have already received the complete series. Finally, due to the intermittent nature of employment in the industry, it is anticipated that the majority of employers will only employ an individual for the duration of one shot in the series for each vaccination. These savings will offset any potential additional costs of HPV or HAV vaccine.

Finally, since employers in all states are required to bear the costs of occupational infections, generally

through a workers' compensation system, reducing the incidence of infection will achieve additional savings.

Training and Written Procedures:

Current regulations require employers to provide training and have written procedures covering bloodborne pathogens such as HIV, Hepatitis B and C. Additionally, the IIPP requires that employers implement an effective injury and illness prevention program which must include a written program, communication and training. This standard provides cost reduction measures to covered employers by permitting the use of consortium PLHCPs to train their employees. Thus, any costs regarding the additional coverage of STIs should be insignificant.

Significant Effect on Housing Costs: None.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standard does not impose a local mandate. There are no costs to any local government or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630.

SMALL BUSINESS DETERMINATION

The Board has determined that the proposed amendment does not affect small businesses because Government Code section 11342.610 excludes entertainment businesses from the definition of small business.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The proposed regulation will not have any effect on the creation or elimination of California jobs or the creation or elimination of California businesses or affect the expansion of existing California businesses.

BENEFITS OF THE PROPOSED ACTION

The proposal will render California general industry bloodborne pathogens and sexually transmitted infection standards clearer and easier to understand by both employers and the Division who have the responsibility to enforce the standard. It will also enhance the safety and health of employees with the implementation of engineering and work practice controls, an exposure control plan, hepatitis B, hepatitis A and human papillomavirus vaccinations, medical services, and information and training on health and safety without compromising or reducing the effectiveness of Section 5193 or the cur-

rent Bloodborne Pathogens federal standard. This proposal would also provide for appropriate medical services for affected employees and will provide for medical confidentiality and protect the identity of persons who take an HIV test in order to be consistent with the requirements of the Health and Safety Code.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled public hearing or during the written comment period.

CONTACT PERSONS

Inquiries regarding this proposed regulatory action may be directed to Marley Hart (Executive Officer) or the back-up contact person Michael Manieri (Principal Safety Engineer) at the Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; (916) 274-5721.

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

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the Initial Statement of Reasons, supporting documents, or other information upon which the rulemaking is based. Copies may be obtained by contacting Ms. Hart or Mr. Manieri at the address or telephone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt

the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public at least 15 days before the Board adopts the regulations as revised. Please request copies of any modified regulations by contacting Ms. Hart or Mr. Manieri at the address or telephone number listed above. The Board will accept written comments on the modified regulations for at least 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 Ms. Hart or Mr. Manieri at the address or telephone number listed above or via the internet.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

The Board will have rulemaking documents available for inspection throughout the rulemaking process on its website. Copies of the text of the regulations in an underline/strikeout format, the Notice of Proposed Action and the Initial Statement of Reasons can be accessed through the Standards Board's website at <http://www.dir.ca.gov/oshsb>.

TITLE 16. BOARD OF OCCUPATIONAL THERAPY

NOTICE IS HEREBY GIVEN that the California Board of Occupational Therapy (Board) is proposing to take the action described in the Informative Digest. Any person interested may submit statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or email to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on May 19, 2015.

The Board does not intend to hold a hearing in this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the CBOT. The request must be received in the Board office not later than 5:00 p.m. on May 4, 2015.

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

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

Authority and Reference: Pursuant to the authority vested by sections 2570.3 and 2570.20 of the Business and Professions Code (BPC), and to implement, interpret or make specific sections 2570.2 and 2570.3, the Board is proposing to revise Division 39, Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST

Informative Digest

The Board is the regulatory entity that regulates the practice of occupational therapy in the State of California. Existing law, BPC section 2570.25, mandates protection of the public shall be the highest priority of the Board in exercising its licensing, regulatory, and disciplinary functions.

Policy Statement Overview

Existing law, BPC section 2570.3(d) establishes that an occupational therapist may provide advanced practice services (e.g. hand therapy, physical agent modalities, or swallowing assessment, evaluation, and intervention) if the therapist has the knowledge, skill, and ability to do so and has demonstrated to the satisfaction of the Board that he or she has met post-professional educational and supervised training.

This proposed action will amend 16 CCR Section 4151, which establishes and defines the requirements for occupational therapists to qualify for the Board's approval to provide advanced practice services in the area of hand therapy. The Board's proposed amendment will establish that occupational therapists that provide proof of current certification as a Certified Hand Therapist, issued by the Hand Therapy Certification Commission, shall be deemed to have met the education and training requirements of this Section. This proposed action also makes other technical amendments to clarify that an application must be filed pursuant to existing regulations in Section 4155 and makes other minor formatting and renumbering edits to effect these amendments.

This proposed action will amend Section 4152, which establishes and defines the requirements for occupational therapists to qualify for Board approval to use physical agent modalities in their practice. The proposed amendment will establish that occupational therapists that provide proof of current certification as a Certified Hand Therapist, issued by the Hand Therapy Certification Commission, shall be deemed to have met the education and training requirements of this Section. This proposed action also makes other technical

amendments to clarify that an application must be filed pursuant to existing regulations in Section 4155 and makes other minor formatting and renumbering edits to effect these amendments.

Benefit of Proposed Regulations

This regulatory action lessens the burden placed on out-of-state licensed occupational therapists that are certified by the Hand Therapy Certification Commission. To become a Certified Hand Therapist (CHT), a practitioner must be licensed for at least five years and complete 4,000 or more hours of direct practice in hand therapy in order to be eligible to take a rigorous evidence-based examination. Successful completion of a four-hour comprehensive, computer-based test consisting of 200 multiple-choice items, testing knowledge of advanced clinical skills and theory in upper quarter rehabilitation, is required to become a CHT.

These requirements are much more strenuous than the Board's approval requirements: 480 hours required for hand therapy and 240 hours required for physical agent modalities. Thus, the Board is satisfied that the occupational therapists that are CHTs possess the knowledge, skill, and ability to provide advanced practice services in the areas of hand therapy and physical agent modalities that are consistent with the Board's consumer protection mandate. This regulatory action will also make the advanced practice application review process easier for Board staff to perform for advanced practice applicants that are CHTs.

Consistency and Compatibility with Existing State Regulations

The Board has conducted a review of any related regulations and has determined that these are the only regulations dealing with the qualifications and approval of Occupational Therapists providing advanced practice services. Therefore, this regulatory proposal is consistent and compatible 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:

This proposed action will reduce California Board of Occupational Therapy staff time (resources) reviewing and evaluating hand therapy and physical agent modality advanced practice applications for applicants who are Certified Hand Therapists.

Nondiscretionary Costs/Savings to Local Agencies:
None.

Local Mandate: None.

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 not have a statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

RESULTS OF ECONOMIC IMPACT ANALYSIS

Impact on Jobs/New Business:

The Board has determined that this regulatory proposal will not have an adverse 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.

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

The proposed regulatory action eases regulatory requirements for an out-of-state occupational therapist that is seeking licensure in California and who is a CHT with the Hand Therapy Certification Commission. Existing regulations require occupational therapists licensed in California to secure Board "approval" to provide advanced practice services in the areas of hand therapy and the use of physical agent modalities. Applicants seeking Board approval must have 480 hours of supervised training in hand therapy and/or 240 hours of supervised training in the use of physical agent modalities; all training hours must be gained within the five-year period preceding the date they file an application to the Board seeking approval. In most cases this adversely affects out-of-state licensed practitioners who are CHTs because their training occurred outside the five-year rule even though they have been actively engaged in providing hand therapy services in their respective state(s) of licensure. This proposed action will promote access to competent practitioners that can provide advanced practice services in hand therapy and physical agent modalities.

Cost Impact on Affected Private Persons:

The proposed action does not increase costs for affected individuals (occupational therapists that are CHTs) and may result in a cost savings. The Board is unable to quantify the savings because it does not maintain data on the number of licensees that have applied for advanced practice approval who were CHTs. Nor does the Board monitor the costs of courses or training that may be taken in order to seek Board approval.

The Board has determined that this regulatory proposal promotes access for occupational therapists who are CHTs, by streamlining the application process for

them to secure Board approval to provide advanced practice services in California. Existing regulations adversely affect these practitioners because in most cases the training that they completed to obtain certification as a hand therapist falls outside the Board's five-year rule. Thus, these occupational therapists are compelled to meet the State requirement by paying for additional courses and training under a California-approved therapist hindering independent practice and not making them as competitive in the market place due to their need to be under supervision.

Effect on Housing Costs: None.

Effect on Small Business:

The Board has made an initial determination that the proposed regulatory action would have no statewide adverse economic impact on small business. The proposed regulatory action affects occupational therapy practitioners who wish to provide advanced practice services to California consumers.

CONSIDERATION OF ALTERNATIVES

The CBOT must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposal described in this Notice or would be more cost-effective to the 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 within the timeframes identified in this Notice, or at a hearing in the event that such a request is made by the public.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulation, 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 from the contact person listed below.

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

All the information upon which the proposed regulation is 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's website as listed below.

CONTACT PERSON

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

Jeff Hanson
California Board of Occupational Therapy
2005 Evergreen Street, Suite 2050
Sacramento, CA 95815
(916) 263-2294 (Tel)
(916) 263-2701 (Fax)

The backup contact person is:

Heather Martin
[Same contact information as above]

Website Access: All materials regarding this proposal can be found on-line at www.bot.ca.gov > Laws and Regulations > Proposed Regulations.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

PROPOSED RESEARCH ON FULLY PROTECTED SPECIES

Monitoring California Least Tern Nesting Colonies

The Department of Fish and Wildlife (Department) received a proposal on March 19, 2015, from Matthew L. Amalong, on behalf of Environmental Intelligence of Laguna Beach, California, requesting authorization to take California Least Terns (*Sternula antillarum browni*; tern), for research purposes, consistent with the protection and recovery of the species. The tern is a Fully Protected bird, and is also listed as Endangered under the California Endangered Species Act and Endangered under the federal Endangered Species Act.

Mr. Amalong is planning to conduct research on the tern throughout the range of the species, in accordance with the methods approved by the Department and the U.S. Fish and Wildlife Service (Service; under a current Recovery Permit). The proposed research activities include monitoring reproductive output of terns using binoculars and spotting scopes, passive survey tech-

niques such as transects, point counts, and area searches, and active survey techniques including entering active tern nesting areas to visually survey, mark, and monitor nests, determine age class of individuals, and capture, handle and band adult and juvenile terns. Tern carcasses and non-viable tern eggs found during research and nest monitoring activities will be salvaged and donated to a public scientific institution as designated by the Department and the Service. No adverse effects on individual terns or tern populations are expected.

The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) to authorize qualified professional wildlife researchers, with Mr. Amalong as the Principal Investigator, to carry out the proposed activities. The applicants are also required to have a valid federal recovery permit and federal bird banding lab permit for the tern, and a scientific collecting permit (SCP) to take other terrestrial species in California.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected bird species after 30 days' notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, it would issue the authorization on or after May 4, 2014, for an initial and renewable term of up to, but not to exceed four years. Contact: Nancy Frost, Nancy.Frost@wildlife.ca.gov, Phone (858) 467-4208.

**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 23, 2015
 To: Anthony Jimenez
 From: Chapter Two Compliance Unit
 Subject: **2015 OAL DETERMINATION
NO. 4 (S)
(CTU2015-0120-02)**
 (Summary Disposition issued pursuant to Gov. Code, sec. 11340.5; Cal. Code Regs., tit. 1, sec. 270(f))

Petition challenging as an underground regulation a document titled: "Ironwood State Prison, C-Status Population, November 2014" concerning shopping at the prison canteen.

On January 20, 2015, the Office of Administrative Law (OAL) received your petition asking for a determination as to whether the document titled "Ironwood State Prison, C-Status Population, November 2014" concerning shopping at the prison canteen, constitutes an underground regulation. The document was issued by the Warden and the Prison Canteen Manager at Ironwood State Prison and 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).² Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

Generally, a rule which meets the definition of a "regulation" in Government Code section 11342.600 is required to be adopted pursuant to the APA. In some

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.

² Such a rule is called an "underground regulation" as defined in California Code of Regulations, title 1, section 250, subsection (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.

cases, however, the Legislature has chosen to establish exemptions from the requirements of the APA. Penal Code section 5058, subdivision (c), establishes exemptions expressly for the California Department of Corrections and Rehabilitation (CDCR):

(c) The following are deemed not to be “regulations” as defined in Section 11342.600 of the Government Code:

(1) Rules issued by the director applying solely to a particular prison or other correctional facility. . . .

This exemption is called the “local rule” exemption. It applies only when a rule is established for a single correctional institution.

In *In re Garcia* (67 Cal.App.4th 841, 845), the court discussed the nature of a “local rule” adopted by the warden for the Richard J. Donovan Correctional Facility (Donovan) which dealt with correspondence between inmates at Donovan:

The Donovan inter-institutional correspondence policy applies solely to correspondence entering or leaving Donovan. It applies to Donovan inmates in all instances.

...

The Donovan policy is not a rule of general application. It applies solely to Donovan and, under Penal Code section 5058, subdivision (c)(1), is not subject to APA requirements.

Similarly, the rule challenged by your petition was issued by Neil McDowell, Warden, at Ironwood State Prison and applies solely to the inmates of the Ironwood State Prison. Inmates housed at other institutions are governed by those other institutions’ criteria for canteen shopping. Therefore, the rule is a “local rule” and is exempt from compliance with the APA pursuant to Pe-

nal Code section 5058(c)(1). It is not an underground regulation.³

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/

Elizabeth A. Heidig
Senior Attorney

Copy:

Dr. Jeffrey Beard
Tim Lockwood

DISAPPROVAL DECISION

DECISION OF DISAPPROVAL OF REGULATORY ACTION

Printed below is the summary of an Office of Administrative Law disapproval decision. The full text of the disapproval decision is available at www.oal.ca.gov under the “Publications” tab. You may also request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339, (916) 323-6225 — FAX (916) 323-6826. Please request by OAL file number.

³ 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.]

**CALIFORNIA PRISON INDUSTRY
AUTHORITY**

FOR: DEBRA M. CORNEZ
Director

Original: Charles Pattillo
Copy: Dawn Eger

State of California Office of Administrative Law

In re: California Prison Industry Authority

Regulatory Action: Title 15
California Code of Regulations

Adopt sections: 8100, 8101, 8102, 8104, 8105, 8106,
8107, 8108, 8110, 8111, 8112, 8113, 8114, 8115, 8116,
8117, 8118, 8119, 8119.1, 8120

Amend section: 8000

**DECISION OF DISAPPROVAL OF REGULA-
TORY ACTION**

Government Code Section 11349.3

OAL File No. 2015-0130-02 SR

SUMMARY OF REGULATORY ACTION

The California Prison Industry Authority (CALPIA) proposed this action to amend title 15 of the California Code of Regulations. These "Personnel" regulations govern employee conduct, including scheduling restrictions, interaction with ex-offenders, and both on- and off-duty behavior, emergency procedures, and light-duty assignments and reasonable accommodations. Also included are CALPIA's incompatible activity and personal information access regulations.

DECISION

On March 16, 2015, the Office of Administrative Law (OAL) notified CALPIA of the disapproval of this regulatory action. The reason for the disapproval was failure to comply with the "Authority," "Clarity," and "Necessity" standards of Government Code section 11349.1.

CONCLUSION

For the reasons set forth above, OAL has disapproved this regulatory action. If you have any questions, please contact me at (916) 322-3761.

Date: March 23, 2015

Eric Partington
Attorney

**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# 2015-0204-02

BOARD OF EQUALIZATION

Valuation of Real Property Interests in Timeshare Estates

This change without regulatory effect filing by the Board of Equalization (BOE) revises section 472 of title 18 of the California Code of Regulations (CCR) to update a statutory reference and authority citation. This filing also revises sections 902 and 904 of title 18 of the CCR to update the name of the Board's Valuation Division to the State-Assessed Property Division.

Title 18

California Code of Regulations

AMEND: 472, 902, 904

Filed 03/19/2015

Agency Contact:

Richard E. Bennion

(916) 445-2130

File# 2015-0204-01

CALIFORNIA ARCHITECTS BOARD

Fees

This action by the California Architects Board/Landscape Architects Technical Committee (LATC), amends Title 16, California Code of Regulations, section 2649, relating to fees for landscape architect applicants. In order to comply with Business and Professions Code section 128.5, LATC approved a temporary license renewal fee reduction for licenses expiring on or after July 1, 2015, from \$400.00 to \$220.00. The \$400.00 renewal fee is reinstated for licenses expiring on or after July 1, 2017. The rulemaking also removes outdated references to fees.

Title 16
 California Code of Regulations
 AMEND: 2649
 Filed 03/18/2015
 Effective 07/01/2015
 Agency Contact: Trish Rodriguez (916) 575-7230

File# 2015-0312-01
CALIFORNIA HEALTH BENEFIT EXCHANGE
 2016 Standard Benefit Design

This action re-adopts and amends the 2016 Standard Benefit Design, which standardizes the way health insurers design their health plans. The re-adoption amends drug plans to establish four drug tiers and define the criteria Qualified Health Plans must use for selecting which drugs shall be in which tier. The amendments also make minor clarification to the endnotes to the 2016 Standard Benefit Design, which guide a plan's application and implementation of applicable cost-sharing requirements.

Title 10
 California Code of Regulations
 ADOPT: 6432
 Filed 03/18/2015
 Effective 03/18/2015
 Agency Contact: Andrea Rosen (916) 228-8343

File# 2015-0303-05
COMMISSION ON STATE MANDATES
 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 2
 California Code of Regulations
 AMEND: 1189.10
 Filed 03/23/2015
 Effective 04/22/2015
 Agency Contact: Heidi Palchik (916) 323-3562

File# 2015-0319-02
DEPARTMENT OF FOOD AND AGRICULTURE
 Asian Citrus Psyllid Interior Quarantine

This emergency regulatory action by the Department of Food and Agriculture ("DFA") expands the quarantine area for the Asian Citrus Psyllid ("ACP") *Diaphorina citri* in the Madera County area by approximately 79 square miles. This expansion of the quarantine area is in response to the identification of one adult ACP from the Bonnadelle Ranchos-Madera area of Madera County. The emergency action provides authority for the State

to perform quarantine activities against ACP within this additional area.

Title 3
 California Code of Regulations
 AMEND: 3435(b)
 Filed 03/20/2015
 Effective 03/20/2015
 Agency Contact: Sara Khalid (916) 403-6625

File# 2015-0212-01
DEPARTMENT OF INSURANCE
 Credit for Reinsurance

In this change without regulatory effect the Department of Insurance is amending multiple sections in Title 10 of the California Code of Regulations. The changes are in response to SB 1216 which made changes to the reinsurance statutes. One of the changes removed the Insurance Commissioner's authority to impose reinsurance accounting requirements on foreign insurers. The Department of Insurance is therefore removing the reinsurance accounting requirements for foreign insurers. Other changes include updated citations and cross references, punctuation fixes and formatting.

Title 10
 California Code of Regulations
 AMEND: 2303, 2303.1, 2303.2, 2303.3, 2303.4, 2303.5, 2303.6, 2303.7, 2303.8, 2303.9, 2303.10, 2303.11, 2303.12, 2303.13, 2303.14, 2303.16, 2303.17, 2303.18, 2303.19, 2303.20, 2303.21, 2303.22, 2303.23, 2303.24, 2303.25
 Filed 03/25/2015
 Agency Contact: Monica Macaluso (415) 538-4118

File# 2015-0309-03
GOVERNOR'S OFFICE OF BUSINESS AND ECONOMIC DEVELOPMENT
 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 2
 California Code of Regulations
 AMEND: 59740
 Filed 03/23/2015
 Effective 04/22/2015
 Agency Contact:
 Grace Arupo-Rodriguez (916) 322-0673

File# 2015-0210-01
MEDICAL BOARD OF CALIFORNIA
 Implementation of SB 1441

This resubmitted rulemaking action by the Medical Board of California (MBOC) amends section 1361 and

adopts six new sections in title 16 of the California Code of Regulations (CCR) to implement the Uniform Standards Regarding Substance–Abusing Healing Arts Licensees, April 2011 in accordance with Business and Professions Code section 315. The Uniform Standards were developed by the Substance Abuse Coordination Committee that was established by the Department of Consumer Affairs pursuant to Senate Bill 1441 (Stats. 2008, ch. 548).

Title 16
California Code of Regulations
ADOPT: 1361.5, 1361.51, 1361.52, 1361.53, 1361.54, 1361.55 AMEND: 1361
Filed 03/25/2015
Effective 07/01/2015
Agency Contact: Kerrie Webb (916) 263–2389

File# 2015–0209–02
STATE LANDS COMMISSION
CPI formula for calculating adjusted rent

The State Lands Commission (SLC) submitted this action without regulatory effect, pursuant to 1 CCR sec. 100, to amend a mathematical formula in title 2, California Code of Regulations, section 1900(m). The mathematical formula is called the adjustment formula and is based on the California Consumer Price Index (CPI). The amendment changes the formatting of the formula from a stacked format to a single–line format, due to the fact that publication of the formula in the on–line CCR, Westlaw, and Lexis is in a single–line format, which changes the way the calculation of the formula is supposed to be done. SLC’s amendment of the formula to a single–line format adds several parentheses so that the order of the formula is performed correctly, as originally approved in OAL file no. 2014–0131–01S.

Title 2
California Code of Regulations
AMEND: 1900
Filed 03/24/2015
Agency Contact: Warren Crunk (916) 574–1935

File# 2015–0205–01
STATE WATER RESOURCES CONTROL BOARD
TMDL for Chloride in the Upper Santa Clara River

The State Water Resources Control Board submitted this Government Code section 11353 action to amend the Los Angeles Regional Water Quality Control Board basin plan containing total maximum daily loads (TMDLs) and site–specific objectives (SSOs) for chloride in the Upper Santa Clara River (USCR), and to amend title 23, California Code of Regulations, section 3939.10 to add a concise summary of the basin plan amendment. The amendments to the basin plan (1) re-

vised the existing water quality objectives of 100 mg/L as an instantaneous maximum for chloride in Reaches 4B, 5, and 6 of the USCR to include a three–month rolling averaging period; (2) add conditional SSOs and corresponding TMDL waste load allocations for chloride of 150 mg/L for Reach 6 and Reach 5 of the USCR above the Valencia River Water Reclamation Plant outfall, and (3) extend the TMDL implementation schedule, applicable to the Santa Clarita Valley Sanitation District, for achieving these waste load allocations until July 2019.

Title 23
California Code of Regulations
AMEND: 3939.10
Filed 03/18/2015
Agency Contact: Jenny Newman (213) 576–6691

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN October 22, 2014 TO
March 25, 2015**

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

Title 1

11/10/14 AMEND: 1, 14, 20
10/29/14 AMEND: 86

Title 2

03/24/15 AMEND: 1900
03/23/15 AMEND: 1189.10
03/23/15 AMEND: 59740
03/17/15 AMEND: 549
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, 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
02/09/15 AMEND: 1859.76
02/02/15 AMEND: 18705, 18705.3, 18705.4, 18705.5 REPEAL: 18704, 18704.1, 18704.5
02/02/15 AMEND: 18450.11

02/02/15 AMEND: 18740
 01/22/15 AMEND: 54300
 12/31/14 ADOPT: 20620 AMEND: 20610, 20611, 20612, 20613, 20622 and renumber as 20621, 20623 and renumber as 20622, 20624 and renumber as 20623, 20625 and renumber as 20624, 20626 and renumber as 20625, 20627 and renumber as 20626, 20630, 20631, 20632, 20633, 20635 and renumber as 20634, 20636 and renumber as 20635, 20637 and renumber as 20636, 20638 and renumber as 20637, 20639 and renumber as 20638, 20640, 20641, 20642, 20645 and renumber as 20643, 20646 and renumber as 20644, 20650, 20651, 20652, 20653, 20654, 20660, 20661, 20662, 20663, 20670, 20672, 20680, 20681, 20682 REPEAL: 20620, 20621, 20671, Appendices A and B to Chapter 6
 12/18/14 ADOPT: 1859.167.1, 1859.167.2, 1859.167.3 AMEND: 1859.2, 1859.77.4, 1859.106.1, 1859.160, 1859.161, 1859.162, 1859.163, 1859.163.1, 1859.163.4, 1859.163.5, 1859.164, 1859.164.1, 1859.164.2, 1859.165, 1859.166, 1859.166.1, 1859.167, 1859.167.2 (renumbered as 1859.167.4), 1859.167.3 (renumbered as 1859.167.5), 1859.168, 1859.171, 1859.172
 12/16/14 ADOPT: 557
 12/15/14 AMEND: 18545, 18703.4, 18730, 18940.2
 12/15/14 AMEND: 18704.1, 18705.1
 12/15/14 AMEND: 18704
 12/10/14 ADOPT: 20700, 20701, 20702, 20703, 20704, 20705, 20706, 20707
 12/03/14 AMEND: 51.7
 11/24/14 AMEND: 18942
 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
 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

Title 3

03/20/15 AMEND: 3435(b)
 03/17/15 AMEND: 1428.6, 1428.7, 1428.8, 1428.10, 1428.12
 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)

Title 4

03/13/15 AMEND: 5205, 5230
 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,

CALIFORNIA REGULATORY NOTICE REGISTER 2015, VOLUME NO. 14-Z

(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

03/12/15 AMEND: 19810
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
12/01/14 AMEND: 1514, 3380
11/18/14 ADOPT: 27200, 27201, 27300, 27301,
27400, 27401, 27500, 27501, 27502,
27600, 27601, 27602
11/10/14 AMEND: 80225
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
10/30/14 AMEND: 26000
10/27/14 ADOPT: 15494, 15495, 15496, 15497

Title 8

02/25/15 AMEND: 9789.25
02/12/15 AMEND: 333, 336
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: 9789.39
12/02/14 AMEND: 5620, 6165, 6180, 6181, 6182,
6183, 6184

12/01/14 AMEND: 1514, 3380
11/26/14 AMEND: 5155

Title 9

03/09/15 AMEND: 4210

Title 10

03/25/15 AMEND: 2303, 2303.1, 2303.2, 2303.3,
2303.4, 2303.5, 2303.6, 2303.7, 2303.8,
2303.9, 2303.10, 2303.11, 2303.12,
2303.13, 2303.14, 2303.16, 2303.17,
2303.18, 2303.19, 2303.20, 2303.21,
2303.22, 2303.23, 2303.24, 2303.25
03/18/15 ADOPT: 6432
03/16/15 ADOPT: 6426, 6434
02/19/15 ADOPT: 6432
02/05/15 ADOPT: 8000, 8010, 8020, 8030, 8040
02/05/15 ADOPT: 6428, 6430
02/02/15 AMEND: 3528
01/30/15 ADOPT: 2240.15, 2240.16, 2240.6,
2240.7 AMEND: 2240, 2240.1, 2240.4,
2240.5
01/20/15 AMEND: 2695.85
01/08/15 AMEND: 2500, 2501, 2502, 2503, 2504,
2505, 2506, 2507, 2507.1, 2507.2, 2508,
2509
01/02/15 AMEND: 2698.95
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
12/12/14 ADOPT: 6657, 6658, 6660, 6664, 6670
12/10/14 AMEND: 2498.4.9
12/08/14 AMEND: 2498.6
12/04/14 AMEND: 2717
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	12/30/14	ADOPT: 1751, 1761, 1777.4, 1780,
	(renumbered to 2548.26), 2548.26		1781, 1782, 1783, 1783.1, 1783.2,
	(renumbered to 2548.27), 2548.27		1783.3, 1784, 1784.1, 1784.2, 1785,
	(renumbered to 2548.28), 2548.28		1785.1, 1786, 1787, 1788, 1789
	(renumbered to 2548.29), 2548.29	12/29/14	AMEND: 1665.7
	(renumbered to 2548.30), 2548.30	12/29/14	AMEND: 670.5
	(renumbered to 2548.31), and 2548.31	12/16/14	AMEND: 790, 791.6, 791.7, 795
	(renumbered to 2548.32) REPEAL:	12/10/14	AMEND: 895.1, 1038, 1039.1, 1041,
	2548.8		1092.01, 1092.28 REPEAL: 1038
11/17/14	ADOPT: 6460	11/26/14	AMEND: 923.2 [943.2, 963.2], 923.4
11/17/14	ADOPT: 8000, 8010, 8020, 8030, 8040		[943.4, 963.4], 923.5 [943.5, 963.5],
11/10/14	AMEND: 2498.6		923.9 [943.9, 963.9]
11/03/14	AMEND: 2318.6, 2353.1, 2354	11/25/14	AMEND: 1038, 1038.2
10/22/14	ADOPT: 2187.31, 2188.10 AMEND:	11/24/14	AMEND: 917.2, 937.2, 957.2
	2186, 2186.1, 2187, 2187.1, 2187.2,	11/17/14	AMEND: 1051(a)
	2187.3, 2187.4, 2187.5, 2187.6, 2187.7,	11/14/14	AMEND: 790, 817.02, 819.02, 819.03,
	2188, 2188.1, 2188.2, 2188.25, 2188.3,		819.04, 820.01
	2188.4, 2188.5, 2188.5.5, 2188.50,	11/13/14	AMEND: 895.1, 929.1, 949.1, 969.1,
	2188.6, 2188.65, 2188.7, 2188.8, 2188.9		1052
Title 11		11/05/14	ADOPT: 5200, 5200.5, 5201, 5202,
03/09/15	ADOPT: 4250, 4251, 4252, 4253, 4254,		5203, 5204, 5205, 5206, 5207, 5208,
	4255, 4256, 4257, 4258, 4259		5209, 5210, 5211, 5300, 5301, 5302,
			5303, 5304, 5304.5, 5305, 5306, 5307
Title 13		10/24/14	ADOPT: 786.9
01/23/15	AMEND: 553.70	10/23/14	AMEND: 870.15, 870.17, 870.19,
01/21/15	AMEND: 1159		870.21
12/31/14	AMEND: 2025	10/23/14	ADOPT: 180.6
12/17/14	ADOPT: 2416, 2417, 2418, 2419,		
	2419.1, 2419.2, 2419.3, 2419.4	Title 15	
12/17/14	ADOPT: 2416, 2417, 2418, 2419,	03/17/15	ADOPT: 3410.2 AMEND: 3000, 3173.2,
	2419.1, 2419.2, 2419.3, 2419.4		3287, 3410.1
12/01/14	ADOPT: 16.00, 16.02, 16.04, 16.06,	03/16/15	ADOPT: 1830.1, 1840.1, 1847.1, 1848.5,
	16.08, 16.10, 16.12, 16.14		1849.1, 1850.1 AMEND: 1800, 1806,
10/29/14	AMEND: 1239		1812, 1814, 1830, 1831, 1840, 1847,
10/23/14	AMEND: 423.00		1848, 1849, 1850, 1851 1852, 1853,
10/23/14	AMEND: 115.04		1854, 1856, 1860, 1866, 1867, 1868,
10/22/14	AMEND: 425.01		1870, 1872, 1876, 1878, 1888, 1890,
			1892 REPEAL: 1857
Title 13, 17		03/12/15	REPEAL: 3999.13
01/23/15	AMEND: 553.70	02/11/15	REPEAL: 3999.11
01/21/15	AMEND: 1159	02/09/15	ADOPT: 8121
12/05/14	AMEND: Title 13: 1900, 1956.8, 2036,	01/28/15	ADOPT: 3364.1, 3364.2 AMEND: 3351,
	2037, 2112, 2139, 2140, 2147, 2485; Title		3364
	17: 95300, 95301, 95302, 95303, 95305	12/22/14	ADOPT: 3620, 3621, 3622, 3623, 3624,
			3625, 3626 AMEND: 3000, 3521.1,
			3521.2, 3545, 3800.2 REPEAL: 3620,
			3625
		12/04/14	AMEND: Renumber 8125 to 8199
Title 14		12/03/14	AMEND: Renumber Section 8002 to
03/10/15	AMEND: 1.91, 27.20, 27.25, 27.30,		8901
	27.35, 27.40, 27.45, 27.50, 27.51, 27.65,	12/01/14	AMEND: 4604, 4605
	28.26, 28.27, 28.28, 28.29, 28.48, 28.49,	11/26/14	REPEAL: 2600, 2603, 2604, 2605, 2606,
	28.54, 28.55, 58.56, 28.58, 28.90		2615, 2616, 2617, 2618, 2619, 2620,
02/23/15	AMEND: 1.45, 2.09, 4.05, 5.00, 5.80,		2635, 2635.1, 2636, 2638, 2639, 2640,
	7.50, 8.00, 27.90		2641, 2642, 2643, 2644, 2645, 2646,
01/30/15	AMEND: 465, 472		
01/29/15	AMEND: 1665.1, 1665.2, 1665.3,		
	1665.4, 1665.5, 1665.6, 1665.7, 1665.8		
01/28/15	AMEND: 4351.1 (renumbered as 4351),		
	4360 REPEAL: 4351		

CALIFORNIA REGULATORY NOTICE REGISTER 2015, VOLUME NO. 14-Z

2646.1, 2647, 2647.1, 2648, 2649, 2710, 2711, 2712, 2714
 11/06/14 ADOPT: 1712.2, 1714.2, 1730.2, 1740.2
 AMEND: 1700, 1706, 1712, 1712.1, 1714, 1714.1, 1730, 1730.1, 1731, 1747, 1747.1, 1747.5, 1748, 1748.5, 1749, 1749.1, 1750, 1750.1, 1751, 1752, 1753, 1754, 1756, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788, 1790, 1792
 11/05/14 ADOPT: 1

Title 16

03/25/15 ADOPT: 1361.5, 1361.51, 1361.52, 1361.53, 1361.54, 1361.55 AMEND: 1361
 03/18/15 AMEND: 2649
 03/06/15 REPEAL: 950.8, 950.9
 01/21/15 AMEND: 1387
 01/12/15 AMEND: 601.3, 601.5, 620, 621, 622, 628, 631, 631.1
 01/08/15 AMEND: 1707.5
 12/30/14 ADOPT: 832.22, 833
 12/23/14 AMEND: 116
 12/22/14 AMEND: 1948
 12/17/14 AMEND: 109
 12/17/14 AMEND: 1399.541
 12/03/14 AMEND: 2610
 11/19/14 AMEND: 950.2, 950.9
 11/13/14 AMEND: 3003
 11/10/14 AMEND: 3005
 11/05/14 ADOPT: 1032.7, 1032.8, 1032.9, 1032.10, 1036.01 AMEND: 1021, 1028, 1030, 1031, 1032, 1032.1, 1032.2, 1032.3, 1032.4, 1032.5, 1032.6, 1033, 1033.1, 1034, 1034.1, 1035, 1036
 10/22/14 AMEND: 1018

Title 17

02/27/15 AMEND: 13675, 13676
 02/11/15 AMEND: 2643.5, 2643.10, 2643.15
 02/05/15 AMEND: 6540
 01/21/15 ADOPT: 6550, 6551, 6553, 6553.1, 6555, 6557, 6557.1, 6557.2, 6557.3
 12/31/14 AMEND: 95802, 95830, 95833, 95852, 95852.2, 95890, 95892, 95895, 95921, 95973, 95975, 95976, 95981, 95983, 95985, 95990
 12/31/14 AMEND: 95201, 95202, 95203, 95204
 12/31/14 AMEND: 95101, 95102, 95103, 95104, 95111, 95112, 95113, 95114, 95115, 95119, 95121, 95122, 95124, 95130, 95131, 95132, 95133, 95152, 95153, 95156, 95157
 12/30/14 ADOPT: 30180.1, 30180.2, 30180.3, 30180.4, 30180.5, 30180.6, 30180.7,

30181, 30192.7, 30195.4, 30196, 30237, 30332.9 AMEND: 30180, 30190, 30192.1, 30194, 30195, 30195.2, 30195.3, 30235, 30253, 30254, 30257, 30330, 30332, 30332.5, 30332.6, 30332.8, 30333, 30333.1, 30334, 30336, 30336.1, 30336.5, 30346, 30346.2, 30348.1, 30350 REPEAL: 30192, 30210.2, 30237
 12/10/14 AMEND: 94014, 94016
 12/05/14 ADOPT: 95660, 95661, 95662, 95663, 95664

Title 18

03/19/15 AMEND: 472, 902, 904
 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, 18662-5, 18662-6, 18662-8
 11/05/14 AMEND: 1603

Title 20

03/12/15 AMEND: 3103
 03/04/15 AMEND: 1682(c)

Title 21

02/12/15 ADOPT: 1469, 1470, 1471

Title 22

02/09/15 AMEND: 97177.15, 97244
 02/05/15 ADOPT: 100018, 100020, 100025, 100026, 100027, 100028, 100029, 100030 AMEND: 100005, 100007, 100009, 100014, 100015, 100016, 100017, 100018, 100020, 100021, 100025, 100026, 100027 REPEAL: 100013, 100019, 100022, 100023, 100024, 100028
 12/31/14 AMEND: 97174
 12/17/14 AMEND: 51341.1
 12/01/14 REPEAL: 63000.10, 63000.13, 63000.16, 63000.17, 63000.19, 63000.25, 63000.28, 63000.31, 63000.34, 63000.35, 63000.37, 63000.40, 63000.43, 63000.46, 63000.47, 63000.48, 63000.49, 63000.62, 63000.65, 63000.66, 63000.67, 63000.68, 63000.70, 63000.71, 63000.74, 63000.77, 63000.80, 63000.81, 63000.83, 63000.84, 63000.85, 63000.86, 63000.87, 63000.88, 63000.89, 63000.90, 63000.92, 63000.95, 63010, 63011, 63012, 63013, 63014, 63015, 63020, 63021, 63025, 63026, 63027, 63028, 63029, 63030, 63040, 63050,

CALIFORNIA REGULATORY NOTICE REGISTER 2015, VOLUME NO. 14-Z

63051, 63052, 63055, 63056, 63057, 63058		Title 28	
11/18/14 AMEND: 97240, 97241, 97246		12/22/14 ADOPT: 1300.65.2, 1300.89.21 AMEND: 1300.65, 1300.65.1	
Title 22, MPP		Title MPP	
11/10/14 AMEND: 85001, 85075.1, 85075.2, 85075.3		01/23/15 AMEND: 11-403	
Title 23		01/22/15 ADOPT: 42-708, 42-709 AMEND: 42-302, 42-701, 42-711, 42-712, 42-714, 42-716, 42-720, 42-721, 42-722, 42-802, 42-1009, 42-1010, 44-111	
03/18/15 AMEND: 3939.10		12/12/14 ADOPT: 40-039 AMEND: 22-071, 22-072, 22-305, 40-103, 40-105, 40-107, 40-119, 40-125, 40-128, 40-173, 40-181, 40-188, 40-190, 41-405, 42-209, 42-213, 42-221, 42-406, 42-407, 42-716, 42-721, 42-751, 42-769, 44-101, 44-102, 44-111, 44-113, 44-115, 44-133, 44-205, 44-207, 44-211, 44-304, 44-305, 44-313, 44-315, 44-316, 44-318, 44-325, 44-327, 44-340, 44-350, 44-352, 48-001, 80-301, 80-310, 82-612, 82-812, 82-820, 82-824, 82-832, 89-110, 89-201	
03/17/15 ADOPT: 3919.15		11/13/14 AMEND: 30-763	
02/17/15 ADOPT: 3919.14			
01/23/15 ADOPT: 3939.37			
01/05/15 ADOPT: 3946(b), 3946(c), 3946(d) AMEND: 3946(a)			
11/25/14 AMEND: 2050, 2050.5, 2051			
10/30/14 AMEND: 1062, 1064, 1066, 3833.1			
10/29/14 ADOPT: 3979.8			
10/29/14 ADOPT: 3929.13			
10/27/14 AMEND: 2200, 2200.2, 2200.5, 2200.6, 2200.7, 3833			
Title 25			
03/03/15 AMEND: 4514			
Title 27			
11/19/14 AMEND: Appendix A of 25903			

