



California Regulatory Notice Register

REGISTER 2014, NO. 20-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

MAY 16, 2014

PROPOSED ACTION ON REGULATIONS

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE
Custom Livestock Slaughter — Notice File No. Z2014-0506-05 917

TITLE 4. CALIFORNIA ALTERNATIVE ENERGY AND ADVANCED TRANSPORTATION
 FINANCING AUTHORITY
Sales and Use Tax Exclusion — Notice File No. Z2014-0506-06 920

TITLE 8. DIVISION OF WORKERS’ COMPENSATION
Copy Service Fee Schedule — Notice File No. Z2014-0505-02 923

TITLE 8. DIVISION OF WORKERS’ COMPENSATION
Medical Treatment Utilization Schedule — Notice File No. Z2014-0505-01 928

TITLE 14. STATE MINING AND GEOLOGY BOARD
San Luis Obispo-Santa Barbara Production-Consumption (P-C) Region — Notice File No. Z2014-0506-07 936

TITLE 15. BOARD OF STATE AND COMMUNITY CORRECTIONS
Standards and Training of Local Corrections and Probation Officers — Notice File No. Z2014-0506-03 942

TITLE 16. CALIFORNIA ACUPUNCTURE BOARD
Consumer Protection Enforcement Initiative (CPEI) — Notice File No. Z2014-0430-01 944

GENERAL PUBLIC INTEREST

DEPARTMENT OF HEALTH CARE SERVICES/DEPARTMENT OF REHABILITATION
Traumatic Brain Injury Waiver 949

DECISION NOT TO PROCEED

STATE ATHLETIC COMMISSION
Concerning Therapeutic Use Exemption 950

(Continued on next page)

*Time-Dated
Material*

SUSPENSION OF ACTION REGARDING UNDERGROUND REGULATIONS

CALIFORNIA HIGHWAY PATROL

Highway Patrol Manual 81.2 950

CALIFORNIA HORSE RACING BOARD

Directive 01–09; License Refusals and Denials 950

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State 951

Sections Filed, December 4, 2013 to May 7, 2014 954

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 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture (Department) is proposing to take the action described in the Informative Digest. A public hearing is not scheduled for this proposal. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Any person interested may present statements or arguments in writing relevant to the action proposed to the person designated in this Notice as the contact person beginning May 16, 2014 and ending at 5:00 p.m., June 30, 2014. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the Department, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by sections 407, 18693, 18735, 18960, 18961 and 19014, Food and Agricultural Code, and to implement, interpret or make specific sections 18669, 18721, 18722, 18725, 18726, 18731, 18736, 18738, 18753, 18971, 18972, 18973, 18976, 18991, 19012, 19014 and 19017 of the Food and Agricultural Code, the Department is proposing to make various changes to Subchapter 1, Chapter 4, Division 2, of Title 3 of the California Code of Regulations, to read as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW/BENEFITS

Existing law, Chapter 4 (commencing with section 18650), Chapter 4.1 (commencing with section 18940); and Chapter 6 (commencing with section 19501), of Part 3, Division 9, and Chapter 3 (commencing with section 24951) of Part 1, Division 12, Food and Agricultural Code, authorize the Department of Food and Agriculture (Department) to regulate Custom Livestock Slaughterhouses and meat and poultry processing plants. The facilities are exempt from inspection by the United States Department of Agriculture (USDA) but require a license and inspection in California.

Existing regulations for the slaughter of livestock and other animals and the processing of meat and poultry are found under Subchapter 1 (commencing with section 900) of Chapter 4, Division 2, of Title 3 of the California Code of Regulations.

This proposal will augment the sanitation and safe handling procedures for meat and poultry at Custom Livestock Slaughterhouses and require that safe handling instructions are to be provided to the customer for the proper handling, storing and cooking of meat and poultry. This proposal would adopt sections 901.12, 901.13 and 908.12, and amend sections 900 and 904.15 of Subchapter 1, Chapter 4, Division 2, of Title 3 of the California Code of Regulations.

Anticipated Benefits of the Proposal: This proposal benefits the public and the Custom Livestock industry. The purpose is to augment the sanitation, pathogen reduction and consumer education procedures at Custom Livestock Slaughterhouses due to recent Salmonella outbreaks associated with these State-licensed and inspected slaughter facilities. The proposed requirements will serve to ensure that meat and poultry products are clean, safe and wholesome for human consumption. Custom Livestock Slaughterhouses are defined in section 18946 of the Food and Agricultural Code, to mean a licensed establishment where (a) cattle, sheep, swine, or goats are slaughtered and prepared for the owners of the livestock, and (b) fallow deer are slaughtered and prepared for transportation and/or sale. Conditions at slaughter facilities must be sanitary, as defined in section 18948 of the Food and Agricultural Code, which states that "sanitary" means free from dirt, filth, and contamination and free from any other substance or organisms which are known to be injurious to human health or which would render the product adulterated. If meat and poultry at slaughter are not properly handled, packaged, and labeled to describe safe handling of the raw meat could cause contamination of the products. If the meat is not refrigerated and cooked properly, it could cause food-borne illnesses, such as Salmonella,

which is the most common form of food poisoning. This proposal also requires that safe handling statements must be provided to customers which are meant to educate customers that meat might have pathogenic bacteria on it and they need to refrigerate, handle and cook meat in a way that will protect them from food-borne illness.

Consistency and Compatibility with Existing State Regulations: The Department has evaluated this proposal and it is not inconsistent or incompatible with existing state regulations.

Documents Incorporated by Reference: None.

Documents Relied Upon in Preparing Regulations:

- Custom Livestock Slaughter Illustration & General Information
- Economic Impact Assessment

FISCAL IMPACT ESTIMATES

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

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Business Impact: The Department has made an initial determination that the proposed regulatory action will have no significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the fact that the proposed regulation augments the safe handling procedures of meat and poultry at Custom Livestock Slaughterhouses in accordance with sections 407, 18693, 18735, 18960, 18961, and 19014 of the Food and Agricultural Code.

Cost Impacts on Representative Private Persons or Businesses: The Department is not aware of any cost impacts that a representative private person or businesses would necessarily incur in reasonable compliance with the proposed action. The proposed regulation augments the safe handling procedures of meat and poultry at Custom Livestock Slaughterhouses in accordance with sections 407, 18693, 18735, 18960, 18961, and 19014 of the Food and Agricultural Code. There are approximately 38 licensed Custom Livestock Slaughterhouses in California. In Fiscal Year 2012/13 approximately 112,384 head of livestock were slaughtered that weighed a total of approximately 22,127,014 pounds. There are approximately 119 Livestock Meat

Inspectors licensed by the Department who conduct ante mortem and post mortem inspections at Custom Livestock Slaughterhouses in California. The anticipated compliance requirements as a result of this proposal are as follows:

- *Paperwork requirement:* Safe handling instructions are to be provided to customers after the meat is cut, packaged, and labeled. The instructions can be a part of the label, or a separate flyer provided to the customer. The instructions outline the proper refrigeration of raw meat, and the cooking and reheating temperatures to prevent the growth of harmful bacteria that could cause food-borne illnesses, as specified in this proposal. The Department believes the cost to businesses is minimal to insignificant, as labeling of the product is an existing requirement under section 909.9 (Custom Prepared Products) of Title 3 of the California Code of Regulations.

Effect on Housing Costs: None.

Effect on Small Businesses: The Department's proposal may affect small businesses.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

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

The Department has made a determination that this regulatory proposal:

- Will have no significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states by making it more costly to produce goods or services, and that it will not create or eliminate jobs or occupations.
- Will not affect the creation of new businesses or the elimination of existing businesses within the State of California, and does not affect the expansion of businesses currently doing business within the State of California.
- Does not impact multiple industries.
- Benefits the custom livestock slaughter industry and the public by augmenting existing pathogen reduction measures by specifying the safe handling of meat and poultry at Custom Livestock Slaughterhouses in accordance with sections 407, 18693, 18735, 18960, 18961, and 19014 of the Food and Agricultural Code.

Benefits of the proposed regulation to the health and welfare of California residents, worker safety, and the State's environment: This proposal will enhance the health and welfare of California residents, worker safety, and the State's environment by implementing pathogen reduction measures at Custom Livestock Slaughterhouses. The proposal contains cleaning and sanitizing requirements to ensure worker safety at slaughterhouses and the safety of licensed Livestock Meat Inspectors who conduct ante mortem and post mortem inspections of carcasses and meat from carcasses that is intended for human consumption. The proposal is intended to reduce any potential disease outbreaks from harmful bacteria, such as Salmonella, which is the most common form of food poisoning. This proposal also requires consumer education on the safe handling of fresh raw meat that might have pathogenic material on it and the need to refrigerate, handle and cook meat in a way that will protect consumers from food-borne illness. Implementing pathogen-reduction intervention measures will make meat safer and will prolong the shelf life of the product. When handled properly, such meat and poultry products are safe and wholesome for human consumption.

Occupations/Businesses Impacted: The Department has made an initial determination that this regulatory proposal will impact State-inspected Custom Livestock Slaughterhouses. The proposal augments the safe handling of meat and poultry at Custom Livestock Slaughterhouses in accordance with sections 407, 18693, 18735, 18960, 18961, and 19014 of the Food and Agricultural Code.

Business Reporting Requirement: The regulation does not require a report, which shall apply to businesses.

Comparable Federal Regulations: This proposal does not duplicate or conflict with federal regulations. State-inspected Custom Livestock Slaughterhouses are exempt from mandatory federal inspection. The Department may adopt regulations made under federal acts with such changes therein as appropriate to make them applicable to operations and transactions relating to meat and poultry slaughter and processing facilities in accordance with Food and Agricultural Code section 18961.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed 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 proposal augments the safe handling of meat and poultry at Custom Livestock Slaughterhouses in accordance with sections 407, 18693, 18735, 18960, 18961, and 19014 of the Food and Agricultural Code.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the hearing (if a hearing is requested) or during the written public comment period.

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all the information upon which the proposal is based, may be obtained by contacting the persons named below or by accessing the Department of Food and Agriculture's website as indicated below in this Notice.

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

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

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

CONTACT PERSONS

Inquiries concerning the substance of the proposed regulations, or any written comments concerning this proposal are to be addressed to the following:

Dr. Douglas Hepper, Branch Chief
 Department of Food and Agriculture
 Meat, Poultry, and Egg Safety Branch
 1220 N Street, Sacramento, CA 95814
 Telephone: (916) 900-5004
 E-mail: douglas.hepper@cdfa.ca.gov

The backup contact person is:

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

Website Access: Materials regarding this proposal can be found by accessing the following Internet address: <http://www.cdfa.ca.gov/ahfss/regulations.html>.

TITLE 4. CALIFORNIA ALTERNATIVE ENERGY AND ADVANCED TRANSPORTATION FINANCING AUTHORITY

The California Alternative Energy and Advanced Transportation Financing Authority (“CAEATFA” or “Authority”) — pursuant to the authority vested in it by Public Resources Code Section 26009 to promulgate regulations and Public Resources Code Section 26011.8 to establish a sales and use tax exclusions (“STE”) program for Qualified Property utilized for the design, manufacture, production or assembly of Advanced Transportation Technologies or Alternative Source products, components or systems or in an Advanced Manufacturing process — proposes to amend and adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Authority proposes to amend Title 4, Division 13, Article 2, Sections 10030, 10031, 10032, 10033, 10034, 10035 and 10036 of the California Code of Regulations (“Regulations”) concerning the implementation of the Program. These regulations were initially adopted under the emergency rulemaking process on October 7, 2013 (OAL File No. 2013-0927-06E) and re-adopted on April 3, 2014 (OAL File No. 2014-0328-02 EE), pursuant to Public Resources Code Section 26011.8. This certificate of compliance will complete the current rulemaking process.

AUTHORITY AND REFERENCE

Authority: Public Resources Code Section 26011.8; Revenue and Taxation Code Section 6010.8. Public Resources Codes Section 26011.8 provides CAEATFA the authority to develop the Sales and Use Tax Exclusion Program. Revenue and Taxation Code Section 6010.8 provides CAEATFA the ability to provide financial as-

sistance in the form of sales and use tax exclusions. In addition, pursuant to Public Resources Code Section 26009, the Authority shall adopt regulations for purposes of this Section as emergency regulations in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. Section 26009 further states that the adoption, amendment, or repeal of the regulations is conclusively presumed to be necessary for the immediate preservation of the public peace, health, safety, or general welfare within the meaning of Section 11346.1 of the Government Code.

Reference: Section 26011.8 of the Public Resources Code. This regulation will implement and make specific section 26011.8 of the Public Resources Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law establishes the California Alternative Energy and Advanced Transportation Financing Authority and authorizes the Authority to provide financial assistance, as defined, to Participating Parties (as defined in Public Resources Code Section 26003(a)(7)) for alternative source and advanced transportation technology Projects. (See Public Resources Code Sections 26003(a) and 26011.8(a).)

Existing law, SB 1128, as codified in Public Resources Code Section 26011.8, expanded the pre-existing Sales and Use Tax Exclusion Program (“Program”), which initially enabled CAEATFA to award a sales and use tax exclusion to manufacturers of alternative source and advanced transportation products, to include advanced manufacturing projects. This authority was originally provided under Senate Bill 71 (Padilla, Chapter 10, Statutes of 2010). The proposed regulations will incorporate advanced manufacturing projects into the existing Program.

The proposed regulations will also clarify the eligibility and evaluation criteria for reviewing applications from manufacturers of energy efficiency products, which are considered alternative source products.

Subsequent to the passage of SB 1128, staff issued a request for comments in February 2013, and conducted public workshops in June and September 2013, to solicit input on appropriate program design to facilitate the inclusion of advanced manufacturing technologies and energy efficiency projects. The proposed modifications to the regulations further clarify and specify the provisions set forth in statute, and address “lessons learned” from earlier implementation of the Program. The proposed amendments and objectives for each section are below.

The proposed regulations will allow the Authority to continue to offer financial assistance to alternative

source, advanced transportation, and advanced manufacturing projects. By promoting these types of projects the Authority promotes California-based manufacturing, California-based jobs, the reduction of greenhouse gases, or the reduction in air and water pollution or energy consumption. As such the Program will continue to benefit the state's environment and fiscal health by incentivizing the manufacture of beneficial products as well as the adoption of beneficial manufacturing processes that save resources.

Government Code Section 11346.5(a)(3)(D) requires that the notice of proposed rulemaking shall include, "an evaluation of whether the proposed regulation is inconsistent or incompatible with existing state regulations." CAEATFA staff reviewed the California Code of Regulations and found no existing regulations dealing with this issue. Therefore, CAEATFA believes that the proposed regulation is neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Executive Director of the Authority has made the following determinations regarding the effect of the Regulations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: The authorizing statute and Program regulations require that the Authority's approval of Financial Assistance be limited to applications/projects that produce a net fiscal and environmental benefit to the State. It is anticipated that this Program will produce a net fiscal benefit.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code section 17561: None.

Other non-discretionary cost or savings imposed on local agencies: None. While the sales and use tax that is excluded could be seen as "lost revenue"; the program regulations limit the financial assistance to those applications/projects that are anticipated to have a net fiscal and environmental benefit for the State.

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

Significant effect on housing costs: None.

Significant, statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states: The Authority has made the determination that the Regulations will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. In

fact, the Authority finds that the proposed regulation will have a positive effect on certain businesses that are awarded financial assistance and on the state's economy and environment generally as a result of the increased economic activity and production of Alternative Source and Advanced Transportation products and utilization of Advanced Manufacturing processes.

RESULTS OF ECONOMIC IMPACT ANALYSIS

Assessment regarding effect on jobs/businesses: The Regulations will not have a negative effect on the creation or elimination of jobs in California, significantly affect the creation of new businesses or elimination of existing businesses within California, or significantly affect the expansion of businesses currently doing business within California. The Authority finds that the proposed regulation will have a positive effect on certain businesses that are awarded financial assistance and on the state's economy and environment generally as a result of the increased economic activity and production of Alternative Source and Advanced Transportation products and utilization of Advanced Manufacturing Processes. This determination is unquantifiable at this time, and is based on a review of the public comments received and analysis performed by the consultant hired by the Authority to assist with the development of these proposed regulations.

Cost impact on a representative private person or business: The Authority is not aware of any cost impacts that a representative private person would incur as a result of compliance with the proposed action. Business entities applying for an award through the Program would incur costs associated with applying for Financial Assistance and complying with the proposed regulations, however, these costs would constitute a small fraction of the amount of Financial Assistance awarded.

Small Business: The Regulations will not have an adverse impact on small business in California and will not affect small businesses since they do not impose additional restrictions or cost on small businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13) the Authority must determine that no reasonable alternative to the Regulations considered by the Authority or that has otherwise been identified and brought to the attention of the Authority would be more effective in carrying out the purpose for which the Regulations are 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 Authority invites interested persons to present statements with respect to alternatives to the Regulations during the written comment period.

AGENCY CONTACT PERSON

Written comments, inquiries and any questions regarding the substance of the Regulations shall be submitted or directed to:

Alejandro Ruiz,
Associate Treasury Program Officer
California Alternative Energy and
Advanced Transportation Financing Authority
915 Capitol Mall, Room 457
Sacramento, California 95814
Telephone: 916-651-5101
Email: alejandro.ruiz@treasurer.ca.gov

Nancee Trombley, Treasury Program Manager II
California Alternative Energy and
Advanced Transportation Financing Authority
915 Capitol Mall, Room 457
Sacramento, California 95814
Telephone: 916-653-3303
Email: nancee.trombley@treasurer.ca.gov

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the Regulations to the Authority. The written comment period on the Regulations ends on **June 30, 2014**. All comments must be submitted in writing to the Agency Contact Person identified in this Notice by that time in order for them to be considered by the Authority.

In the event that substantial changes are made to the fee structure during the written comment period, the Authority will also accept additional written comments limited to any changed or modified regulations for fifteen (15) calendar days after the date on which such regulations, as changed or modified, are made available to the public pursuant to Title 1, Chapter 1, Article 2, Section 44 of the California Code of Regulations. Such additional written comments should be addressed to the Agency Contact Person identified in this Notice.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF THE PROPOSED REGULATIONS

The Authority has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the Authority's office at 915 Capitol Mall, Room 457, Sacramento, California 95814, during normal business working hours. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons and the proposed text of the Regulations. Copies of these items are available upon request from the Agency Contact Person designated in this Notice or at the Authority's website located at <http://www.treasurer.ca.gov/caeatfa/>.

PUBLIC HEARING

A public hearing regarding the Regulations has been scheduled for **2:00 p.m. until business is concluded on June 30 at 915 Capitol Mall, Room 587, Sacramento, CA 95814**.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the public hearing and the written comment period ends, the Authority may adopt the Regulations substantially as described in this Notice, without further notice. If the Authority makes modifications that 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 fifteen (15) calendar days before the Authority adopts the proposed Regulations, as modified. Inquiries about and requests for copies of any changed or modified regulations should be addressed to the Agency Contact Person identified in this Notice. The Authority will accept written comments on the modified regulations for fifteen (15) calendar days after the date on which they are made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon completion, a copy of the Final Statement of Reasons may be requested from the Agency Contact Person designated in this Notice or at the Authority's website at <http://www.treasurer.ca.gov/caeatfa/>.

TITLE 8. DIVISION OF WORKERS' COMPENSATION

Subject Matter of Regulations: Copy Service Fee Schedule

TITLE 8, CALIFORNIA CODE OF REGULATIONS, SECTIONS 9980-9984, 9990, 9992, 9994, and 10208.7

NOTICE IS HEREBY GIVEN that the Acting Administrative Director of the Division of Workers' Compensation ("DWC") pursuant to the authority vested in her by Labor Code sections 59, 133, 4616, 5307.3, and 5307.9 proposes to amend, adopt and repeal the proposed regulations described below to implement the provisions of Labor Code section 5307.9, of Senate Bill 863 (Chapter 363, stats. of 2012, effective January 1, 2013). Labor Code section 5307.9 mandates this Copy Service Fee Schedule for copy and related services and provides that the schedule shall specify the services allowed and shall require specificity in billing for these services. The proposed amendments provide for a maximum flat fee of \$180 for records up to 500 pages and includes all associated services such as pagination, witness fees for delivery of records, and subpoena preparation. For excess over 500 pages, an additional per page fee of ten cents per page is allowed. Certificates of no records would be payable at a maximum of \$75. The proposed changes to regulations also include allowing DWC to bill \$85.00 an hour instead of \$40.00 for electronic requests made under the Public Records Act and to charge \$1.00 for CDs of those records. In addition, the proposed changes include an allowance for DWC to dispose of paper adjudication documents after 20 years and replaces deposits required for DWC transcripts with an up-front \$150 fee for transcripts of 50 pages and under. For transcripts over 50 pages, an extra \$3.00 a page would be paid before the transcript is released.

PROPOSED REGULATORY ACTION

The Department of Industrial Relations, Division of Workers' Compensation, proposes to adopt, Article 11, Subchapter 1, of Title 8, California Code of Regulations, sections 9980-9984, amend sections 9990, and 9992, and repeal section 9994, and amend Article 8, Subchapter 1.8.5, of Title 8, California Code of Regulations, section 10208.7.

- Adopt Section 9980 Definitions
- Adopt Section 9981 Bill for Copy Services
- Adopt Section 9982 Allowable Services

- Adopt Section 9983 Fees for Copy and Related Services
- Adopt Section 9984 Declaration of Completion of Records Obtained by Authorization
- Amend Section 9990 Division Fees for Transcripts; Copies of Documents; Certification; Case File Inspection; Electronic Transactions
- Amend Section 9992 Payment of Fees in Advance to the Division
- Repeal Section 9994 Payment of Transcripts
- Amend Section 10208.7 Retention, Return and Destruction of Records and Exhibits

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:** Tuesday, July 1, 2014
- 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 types of reasonable accommodations 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 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 July 1, 2014. 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 July 1, 2013.

AUTHORITY AND REFERENCE

The Acting Administrative Director is undertaking this regulatory action pursuant to the authority vested in her by Labor Code sections 59, 133, 5307.3, and 5307.9.

Reference is to Labor Code sections 5307.3, and 5307.9; Business and Professions Code section 22450; Code of Civil Procedure section 2019.030; and Evidence Code sections 1562 and 1563.

INFORMATIVE DIGEST/POLICY OVERVIEW

The regulations are required by legislative enactment — Senate Bill 863 (Chapter 363, stats. of 2012, effective January 1, 2013), which directed the Administrative Director to adopt a schedule of reasonable maximum fees payable for copy and related services.

Labor Code section 5307.9 mandates this Copy Service Fee Schedule for copy and related services and provides that the schedule shall specify the services allowed and shall require specificity in billing for these services.

To implement this SB 863 fee schedule, DWC proposes to add sections 9980–9984, and to make some related changes to sections 9990, 9992, and 10208.7, and to repeal section 9994.

The proposed new regulations provide for a maximum flat fee of \$180 for records up to 500 pages and includes all associated services such as pagination, witness fees for delivery of records, and subpoena preparation. For excess over 500 pages, an additional per-page fee of ten cents per page is allowed. Certificates of no record would be payable at a maximum of \$75. The maximum fee for release of information services of witness costs is controlled by Evidence Code section 1563.

The proposed changes to regulations include allowing DWC to bill \$85.00 an hour instead of \$40.00 an hour for electronic requests made under the Public Records Act and to charge \$1.00 for CDs of these records. The proposed changes also include an allowance for DWC to dispose of paper adjudication documents after 20 years. The proposed changes also replace deposits required for DWC transcripts with an up-front \$150 fee for transcripts of 50 pages and under. For transcripts over 50 pages, an extra \$3.00 a page would be paid before the transcript is released.

Labor Code section 5307.9 provides that the schedule must not allow payment for services provided within 30 days of a request by an injured worker or his or her authorized representative to an employer, claims administrator or workers' compensation insurer for copies of records in the employer's, claims administrators', or workers' compensation insurer's possession that are relevant to the employee's claim. It is not uncommon for an employee's attorney to subpoena records even though they have been subpoenaed by defendant. If the claims adjuster fails to provide notice to the employee that records are being sought either by subpoena or authorization, then the fee schedule would allow the employee to obtain those records. Without notice that records are being sought, the employee would not know that the second request for records was a duplicate request.

The schedule will apply to all copy and related services regardless of whether the costs are claimed under the authority of medical treatment, which is governed by Labor Code section 4600, medical-legal, which is governed by Labor Code section 4620, or costs, which are governed by Labor Code section 5811. Labor Code section 5307.9 allows the employer and the copy service provider to contract for costs outside the fee schedule.

The proposed regulations, amendments to the regulations, and repeal of a regulation are intended to implement, interpret or make specific Labor Code section 5307.9 as follows:

Proposed Section 9980 — Definitions

- This section defines key terms used in the copy service fee schedule.
- “Copy and related services,” “claims administrator,” “custodian of records,” “set of records,” and “Professional Photocopier” are defined to ensure that their meanings, as used in the regulations, will be clear to the regulated public.

Proposed Section 9981 Bill for Copy Services

- This section makes billing for copy services specific.
- Billing codes must be used for administrative and copy fees.
- Bills must include a statement that there was no violation of Labor Code section 139.32, and must include a copy of the professional photocopier certificate.

Proposed Section 9982 Allowable Services

This section covers what services are included in the copy service fee schedule.

- The fee schedule covers copy and related services for records that are relevant to an injured worker’s claim.
- The fee schedule covers records which were not timely served.
- The fee schedule excludes payment for services provided within 30 days of a request by an injured worker for copies of records in defendants’ possession.
- The fee schedule excludes records from the Workers’ Compensation Insurance Rating Bureau, the DWC’s Electronic Data Exchange System, and the Employment Development Department.

Proposed Section 9983 Fees for Copy and Related Services

This section is the fee schedule for copy and related services.

- A \$180 flat fee covers a set of records up to 500 pages and is inclusive of all associated services such as pagination, witness fees, subpoena preparation, and release of information services.
- For excess over 500 pages, an additional per page fee of ten cents per page is allowed.
- For additional sets of records ordered within 30 days, \$50.00 is allowed for paper form records.
- For additional sets of records ordered within 30 days, \$5.00 is allowed for electronic form records.
- If electronic copies are available after 30 days, \$30 is allowed.

- For certificates of no record, or cancellations, \$75 is allowed.
- The maximum fee for release of information services of witness costs is controlled by Evidence Code section 1563.

Proposed Section 9984 Declaration of Completion of Records Obtained by Authorization

- This section requires the custodian of records to issue a declaration that all responsive documents have been produced with pre-lawsuit production of documents via authorization.
- This section will reduce duplicate requests using a subpoena following the filing of an Application for Adjudication.

Proposed Amendments to Section 9990 Division Fees for Transcripts; Copies of Documents; Certifications; Case File Inspection; Electronic Transactions

This section has been amended to clarify that it covers fees charged by DWC.

- Allows DWC to bill \$85.00 an hour instead of \$40.00 an hour for electronic requests made under the Public Records Act.
- Allows DWC to charge \$1.00 for CDs containing electronic copies of documents.

Proposed Amendments to Section 9992 Payment of Fees in Advance to the Division

- Amended to clarify that the regulation covers fees paid to DWC.

Proposed Repeal of Section 9994 Payment for Transcripts to the Division

- This section has been repealed because deposits are no longer needed to order transcripts from DWC.

Proposed Section 10208.7 Retention, Return and Destruction of Records and Exhibits

This section has been amended to allow DWC to dispose of paper adjudication documents after 20 years.

OBJECTIVE AND ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS

The objective of the proposed regulations is to reduce disputes among copy service providers and payors in the workers’ compensation system, thereby making the system more efficient. The proposed fee schedule will reduce litigation and will provide more certainty to copy service providers and parties in the workers’ compensation system. A 2011 report by the Commission on Health and Safety and Workers’ Compensation described a lien problem that was “choking the system.” The study also found that the large number of copy ser-

vice liens added burden on the courts and that much litigation could be avoided with a copy service fee schedule.

The proposed regulations will be beneficial to California employers and workers by reducing disputes and making the system more efficient.

This rulemaking also updates the hourly billing rate for electronic requests made under the Public Records Act to reflect more current costs, allows the DWC to dispose of paper adjudication documents after 20 years to reduce storage costs, and provides a more efficient payment method for DWC transcripts.

DETERMINATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

The Acting Administrative Director has determined that the proposed regulations are not inconsistent or incompatible with existing regulations, except Workers' Compensation Appeals Board Rule 10740 which will be amended in a separate rulemaking. 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 a copy service fee schedule for purposes of Labor Code section 5307.9.

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: The State Compensation Insurance Fund will have reduced workers' compensation costs. To the extent that state agencies are employers, there will be reduced workers' compensation costs.
- 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: The Acting Administrative Director is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: The Acting Administrative Director initially determines that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- 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 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 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 fee schedule will reduce litigation and will provide more certainty to copy service providers and parties in the workers' compensation system.

Small Business Determination: The Acting Administrative Director has determined that the proposed regulations may affect small businesses, although not to a significant degree. There will be an impact on copy service providers.

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 attention of 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 requested in writing at the same address. The contact person is:

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:

Carol N. Finuliar
Industrial Relations Counsel
Division of Workers' Compensation
P.O. Box 420603
San Francisco, CA 94142
Email: cfinuliar@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. The entire rulemaking file will be made available for inspection and copying at the address indicated below.

As of the date of this Notice, the rulemaking file consists of the Notice, the Initial Statement of Reasons, proposed text of the regulations, pre-rulemaking comments and the Economic Impact Statement (Form STD

399). In addition, the Notice, Initial Statement of Reasons, and proposed text of the regulations being proposed may be accessed and downloaded from the Division's website at http://www.dir.ca.gov/dwc/Laws_Regulations.htm. To access them, click on the "Proposed Regulations" link and scroll down the list of rule-making proceedings to find the Copy Service Fee Schedule link.

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 Acting 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 9980. 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. DIVISION OF WORKERS' COMPENSATION

Subject Matter of Regulations: Medical Treatment Utilization Schedule

TITLE 8, CALIFORNIA CODE OF REGULATIONS SECTIONS 9792.20–9792.26

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 59, 133, 4604.5, 5307.3 and 5307.27, proposes to amend and adopt the proposed regulations contained in Article 5.5.2 of Chapter 4.5, Subchapter 1, Division 1, of Title 8, California Code of Regulations, sections 9792.20 through 9792.26, relating to the medical treatment utilization schedule (MTUS). These proposed amendments do the following: revise regulatory definitions and add new definitions primarily for terms used in the strength of evidence section, clarify that the MTUS constitutes the standard for the provision of medical care in accordance with Labor Code section 4600, set forth the process to determine if medical care is reasonable and necessary when the MTUS is silent on a particular medical condition or diagnostic test or when the MTUS is successfully rebutted, establish a minimum standard for conducting a medical literature search, explicitly set forth a systematic methodology to determine the strength of evidence used to support the recommendations of a medical condition, and finally, amend the composition of the Medical Evidence Evaluation Advisory Committee (MEEAC) to include two additional members, one from the pharmacology field and one from the nursing field.

PROPOSED REGULATORY ACTION

The Department of Industrial Relations, Division of Workers' Compensation, proposes to amend Article, 5.5.2 of Chapter 4.5, Subchapter 1, Division 1, of Title 8, California Code of Regulations, Sections 9792.20 through 9792.26, and adopt Article 5.5.2 of Chapter 4.5, Subchapter 1, of Title 8, California Code of Regulations, and Sections 9792.20 through 9792.26.

Amend Section 9792.20 Medical Treatment Utilization Schedule — Definitions

Amend Section 9792.21 Medical Treatment Utilization Schedule; Medical Literature Search Sequence

Amend Section 9792.25 Strength of Evidence — Definitions

Adopt Section 9792.25.1 Strength of Evidence — Method for Evaluating the Quality of Evidence Used to Support a Recommendation; MTUS Hierarchy of Evidence for Different Clinical Questions

Amend Section 9792.26 Medical Evidence Evaluation Advisory Committee

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 follow date:

Date: July 1, 2014

Time: 10:00 a.m. to 5:00 p.m., or until conclusion of business

**Place: Elihu Harris State office Building — Auditorium
515 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, Maureen Gray, 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 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 July 1, 2014. 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 July 1, 2014.

AUTHORITY AND REFERENCE

The Acting Administrative Director is undertaking this regulatory action pursuant to the authority vested in her by Labor Code sections 59, 133, 4600, 4604.5, 5307.3 and 5307.27.

Reference is to Labor Code sections 4600, 4604.5 and 5307.27, Labor Code.

INFORMATIVE DIGEST/POLICY OVERVIEW

Pursuant to Labor Code section 4600(a), the employer is required to provide medical treatment to the injured worker that is reasonably required to cure or relieve the effects of the industrial injury. Labor Code section 4600(b) provides that the medical treatment that is reasonably required to cure or relieve the injured worker from the effects of his or her injury means treatment that is based upon the MTUS.

Labor Code section 5307.27 required the Administrative Director to adopt a Medical Treatment Utilization Schedule (MTUS) that is "scientific and evidenced-based, peer-reviewed, and nationally recognized." The Administrative Director conducted formal rulemaking and the MTUS was adopted effective June 15, 2007.

This notice addresses the following specific sections of the MTUS: section 9792.20 revises and adds regulatory definitions, section 9792.21 describes how the MTUS is based on the principles of Evidenced-Based Medicine (EBM) and constitutes the standard for the provision of medical care in accordance with Labor Code section 4600 for all injured workers diagnosed with industrial conditions. This section sets forth the scientific process used to determine when medical care is reasonable and necessary when the MTUS is silent on a particular medical condition or diagnostic test or when the MTUS is successfully rebutted pursuant to Labor Code section 4604.5. The scientific process begins with a medical literature search sequence to guide those making treatment decisions find recommendations applicable to the injured worker's medical condition. Section 9792.25 adds additional regulatory definitions for terms used in determining the strength of medical evidence that supports a recommendation, section 9792.25.1 explicitly sets forth a systematic methodology to determine the strength of evidence used to support the recommendations of a medical condition, and finally, section 9792.26 addresses the role and duties of the Medical Evidence Evaluation Advisory Committee (MEEAC). All other MTUS sections remain unchanged and are not the subject of this notice of rule-making.

The proposed amendments to the regulations are intended to implement, interpret or make specific the applicable Labor Code sections as follows:

Proposed Amendments to Section 9792.20 Medical Treatment Utilization Schedule — Definitions

- This section defines key terms used in the MTUS regulations.
- This section is re-lettered to accommodate additional definitions.
- Definitions for the terms "Evidenced-Based Medicine" and "ODG" are added to ensure that its meaning, as used in the regulations, will be clear to the public.
- Subdivision (e) the definition of "Evidence-Based" is deleted and replaced with the definition for "Evidence-Based Medicine (EBM)" to provide a term that describes the broader systematic approach to making clinical decisions which allows the integration of best available research evidence with clinical expertise and patient values.

- Subdivision (f) the definition of “Functional improvement” is amended to delete the phrase “evaluation and management visit billed under the Official Medical Fee Schedule (OMFS) pursuant to section 9789.10–9789.111” and replaced with the phrase “medical evaluation and treatment” to provide a more comprehensive definition.
- Subdivision (j) the definition of “Nationally recognized” is amended to delete the phrase “; or currently adopted for use by one or more U.S. state governments or by the U.S. federal government” for clarity and precision to the definition.
- Subdivision (k) the definition for “ODG” is added to clarify the Official Disability Guidelines published by the Work Loss Data Institute contains evidence-based medical treatment guidelines for conditions commonly associated with the workplace. The street address and website address are included to inform the public where guidelines may be obtained.
- Subdivision (l) is re-lettered from (k) and the definition of “Peer reviewed” is amended to delete the specific reference to “medical” studies and broadening the term to include any study’s content, methodology, and results that have been evaluated and approved prior to publication by an editorial board of qualified experts.
- Subdivision (m) is re-lettered from (l) and the definition of “Scientifically based” is amended to delete the phrase “in MEDLINE” because a literature search involves more than literature found in MEDLINE. In addition, the phrase “for the guideline” is deleted and replaced with the phrase “to support a recommendation” for accuracy because scientific literature can be used as the basis for a guideline and to support a recommendation in a peer-reviewed published study.
- Subdivision (n) is re-lettered from (m).
- Subdivision (b) clarifies the MTUS provides a framework for the most effective treatment of work-related illness or injury to achieve functional improvement, return-to-work, and disability prevention.
- Subdivision (c) describes EBM as a systematic approach to making clinical decisions which allows the integration of the best available research evidence with clinical expertise and patient values. EBM requires the evaluation of medical evidence by applying an explicit systematic methodology to determine the strength of evidence used to support the recommendations for a medical condition. The best available evidence is then used to guide clinical decision making.
- Subdivision (d) is re-lettered from (c). The previous subdivision (c) is deleted and replaced with the clarification that the MTUS is presumptively correct on the issue of extent and scope of medical treatment and diagnostic services and that the MTUS constitutes the standard for the provision of medical care in accordance with Labor Code section 4600.
- Subdivision (e) is added to acknowledge the MTUS does not address every medical condition or diagnostic test and the MTUS’s presumption of correctness may be successfully rebutted.
- Subdivision (e)(1) is added to specify the MTUS’s presumption of correctness may be rebutted if medical evidence is cited that contains a recommendation applicable to the specific medical condition or diagnostic test requested by the injured worker and the recommendation is supported with a higher level of evidence than the medical evidence used to support the MTUS’s recommendation.
- Subdivision (f) is added to clarify when the MTUS is silent on a particular medical condition or diagnostic test or when the MTUS is successfully rebutted, medical care shall be in accordance with the best available medical evidence found in scientifically and evidenced-based medical treatment guidelines and/or peer-reviewed published studies that are nationally recognized by the medical community.
- Subdivision (g) requires a medical literature search be conducted by medical reviewers making treatment decisions and should be conducted by the requesting provider to find the recommendation supported with the highest level of evidence that is applicable to the injured

Proposed Amendments to Section 9792.21 — Medical Treatment Utilization Schedule; Medical Literature Search Sequence

- This section sets forth the role of the MTUS in providing a framework for the evaluation and treatment of injured workers and the process to follow when the MTUS is silent on a particular medical condition or diagnostic test or when the MTUS is successfully rebutted. This section also provides a minimum standard when conducting a medical literature search. The title of the section is amended to add “Medical Literature Search Sequence”.

worker’s specific medical condition when there is a situation described in subdivision (f).

- Subdivision (h) acknowledges a comprehensive medical literature search is resource-intensive. For purposes of this section and in the interest of efficiency and consistency, the medical literature search sequence set forth in subdivision (i) shall be sufficient.
- Subdivisions (i)(1–3) set forth a medical literature search sequence that, at a minimum, shall be followed: (1) Search the most current version of ACOEM or ODG to find a recommendation applicable to the injured worker’s specific medical condition. Choose the recommendation that is supported with the highest level of evidence according to the strength of evidence methodology set forth in section 9792.25.1. Continue to step two if the current version is more than five years old, or if no applicable recommendation is found, or if the medical reviewer or treating physician believes there is another recommendation supported by a higher level of evidence; (2) Search the most current version of other evidence-based medical treatment guidelines that are recognized by the national medical community and are scientifically based to find a recommendation applicable to the injured worker’s specific medical condition. Choose the recommendation that is supported with the highest level of evidence according to the strength of evidence methodology set forth in section 9792.25.1. Continue to step three if the current version is more than five years old, or if no applicable recommendation is found, or if the medical reviewer or treating physician believes there is another recommendation supported by a higher level of evidence; (3) Search for current studies, five years old or less, that are scientifically based, peer-reviewed, and published in journals that are nationally recognized by the medical community to find a recommendation applicable to the injured worker’s specific medical condition. Choose the recommendation that is supported with the highest level of evidence according to the strength of evidence methodology set forth in section 9792.25.1.
- Subdivision (j) requires that Utilization Review decisions and Independent Medical Review decisions shall cite the medical treatment guideline or peer-reviewed published study that contains the recommendation supported with the highest level of evidence. Treating physicians may cite the medical treatment guideline or peer-reviewed published study with the

recommendation supported with the highest level of evidence in the chart notes or Request for Authorization, particularly if barriers to getting authorization are anticipated.

- Subdivision (j)(1) clarifies that the citation shall include information that clearly identifies the source of the recommendation.
- Subdivision (k) makes clear when there is a discrepancy between recommendations cited, the underlying medical evidence supporting the differing recommendations shall be evaluated by using the explicit systematic methodology set forth in sections 9792.25.1 to determine which recommendation is supported with the highest level of evidence. Medical care shall then be in accordance with the recommendations supported by the best available medical evidence.

Proposed Amendments to Section 9792.25 — Strength of Evidence — Definitions

- This section adds definitions specific to sections 9792.25–9792.26. The title of the section was originally “Presumption of Correctness, Burden of Proof and Strength of Evidence” and has been amended to “Strength of Evidence — Definitions” to reflect the correct subject of the amended section. This section defines key terms to ensure that its meaning, as used in the regulations, will be clear to the public and to assist the regulated public in the understanding of the proposed methodology to evaluate the strength of evidence used to support the recommendations of a medical condition.
- This section is re-lettered and renumbered to accommodate the deletion of previous subdivisions and the addition of new definitions.
- Subdivision (a) specifies the additional definitions shall apply to sections 9792.25–9792.26.
- Subdivisions (a)(1)–(29) set forth the definitions for the following key terms “Appraisal of Guidelines for Research & Evaluation II (AGREE II) Instrument,” “Bias,” “Biologic plausibility,” “Blinding,” “Case-control study,” “Case report,” “Case-series,” “Cohort study,” “Concealment of allocation,” “Confounding variable,” “Cross-sectional study,” “Diagnostic test,” “Disease incidence,” “Disease prevalence,” “Expert opinion,” “Inception cohort study,” “Index test,” “Intention to treat,” “Low risk of bias,” “Meta-analysis,” “Post-marketing surveillance,” “Prognosis,” “Randomized trial,” “Reference standard,” “Risk of bias,” “Selective outcome reporting,” “Systematic review,” “Treatment benefits,” and “Treatment harms”.

Proposed Adoption of Section 9792.25.1 — Strength of Evidence — Method for Evaluating the Quality of Evidence used to Support a Recommendation; MTUS Hierarchy of Evidence for Different Clinical Questions

- This section sets forth a systematic methodology to determine the strength of evidence used to support the recommendations of a medical condition replacing the Strength of Evidence methodology that was previously set forth in section 9792.25(c)(1)(A). The proposed strength of evidence methodology is called the MTUS Hierarchy of Evidence for Different Clinical Questions.
- Subdivision (a) requires the application of the MTUS Hierarchy of Evidence for Different Clinical Questions to evaluate the quality of evidence used to support a recommendation found in a medical treatment guideline or in a study published in the medical or scientific literature.
- Subdivision (a)(1) sets forth the first step in applying the MTUS Hierarchy of Evidence for Different Clinical Questions. Determine if the recommendation is applicable to the specific medical condition or diagnostic test requested by the injured worker. The recommendation that evaluates a population, setting or intervention most similar to the injured worker should be used and the reasoning documented.
- Subdivision (a)(2) requires the consideration bias may have had in the study used to support a recommendation. Bias factors include, but are not limited to, vested interests such as financial interests, academic interests, industry influence, and the methodological safeguards to protect against biases related to the generation of the randomization sequence, concealment of allocation, blinding, selective outcome reporting, early stopping, intention to treat, and confounding bias. A study that is determined to be of poor quality due to the presence of these factors shall not be used as justification for a medical treatment decision.
- Subdivision (a)(3) sets forth the third step in applying the MTUS Hierarchy of Evidence for Different Clinical Questions. Determine the design of the study used to support the recommendation. Study designs are categorized as systematic reviews of randomized controlled trials or prospective or cohort studies. Observational studies include prospective or cohort studies, cross-sectional studies, case-control studies, case series, uncontrolled or observational studies and case reports. Finally,

published expert opinions may be used to support a recommendation.

- Subdivisions (a)(4)(A–D) sets forth the process to determine which of the four clinical questions is being answered by the study being evaluated as described in the MTUS Hierarchy of Evidence for Different Clinical Questions. The corresponding hierarchy of evidence under Treatment Benefits, Diagnostic Test, Prognosis or Treatment Harms shall then be applied.
- Subdivision (a)(5) requires the levels of evidence shall be applied in the order listed from highest to lowest. Recommendations for or against medical treatment based on a lower level of evidence shall be permitted only if every higher ranked level of evidence is inapplicable to the employee’s medical condition.
- Subdivision (a)(5)(A) requires the documentation of the level of evidence for each published study and the study’s citation.
- Subdivision (a)(5)(B) requires a written statement when relying on lower levels of evidence that states higher levels of evidence are absent.
- Subdivision (b) sets forth the MTUS Hierarchy of Evidence for Different Clinical Questions.

Proposed Amendments to Section 9792.26 — Medical Evidence Evaluation Advisory Committee

- This section addresses the role and duties of the Medical Evidence Evaluation Advisory Committee (MEEAC).
- Subdivision (a) re-numbered from (a)(1) by deleting “(1)” as this is a mistake in the numbering of the current regulations. The lower case first letters for the Medical Evidence Evaluation Advisory Committee have been deleted and replaced with capital letters. MEEAC is then set forth in parenthesis to indicate for expediency this acronym will be used in later references to the Medical Evidence Evaluation Advisory Committee.
- Subdivision (a)(1) is re-lettered from (a)(1)(A) by deleting “(A)” as this is a mistake in the lettering of the current regulations.
- Subdivision (a)(2) is amended by deleting “medical evidence evaluation advisory committee” and replacing it with the acronym “MEEAC” for expediency. The number “17” has been deleted and replaced with the number “19” to accommodate the two additional proposed members of MEEAC, a “Pharmacologist (PharmD)” and a “Nurse Practitioner (NP) or Registered Nurse (RN) or equivalent”.

- Subdivision (a)(2)(P) is added to state “One member shall be from the pharmacology field.”
- Subdivision (a)(2)(Q) is added to state “One member shall be from the nursing field.”
- Subdivision (a)(2)(R) is re-lettered from (a)(2)(P).
- Subdivision (a)(3) is amended by deleting “seventeen” and replacing it with “nineteen” members and the acronym “MEEAC” replaces “the medical evidence evaluation advisory committee” twice for expediency.
- Subdivision (b) is amended by deleting “the medical evidence evaluation advisory committee” and replacing it with the acronym “MEEAC” for expediency.
- Subdivision (c) is amended by deleting the phrase “To evaluate evidence when making recommendations to revise, update or supplement the MTUS, the members of the medical evidence evaluation advisory committee shall:” and replacing it with the phrase, “Members of MEEAC shall make advisory recommendations to the Medical Director or his or her designee to revise, update or supplement the MTUS” to better match the structure and flow of changes to subsequent subdivisions.
- Subdivisions (c)(1–3) are deleted as these processes are no longer necessary because they have been deleted and changed.
- Subdivision (d) is added to replace former (c)(1) and clarifies MEEAC’s advisory recommendations shall be supported by the best available medical evidence found in scientifically and evidenced-based medical treatment guidelines or peer-reviewed published studies that are nationally recognized by the medical community.
- Subdivision (e) is added to replace former (c)(2) and clarifies MEEAC shall use a modified version of the Appraisal of Guidelines for Research & Evaluation II (AGREE II) Instrument to assess the quality and methodological rigors used to develop a medical treatment guideline.
- Subdivision (e)(1) is added to clarify the modified AGREE II consists of the same six domains and two global rating items as the original AGREE II Instrument but includes two additional domains and additional key items.
- Subdivision (e)(1)(A) is added to clarify the additional domain in the modified AGREE II Instrument is Conflict of Interest.
- Subdivision (e)(1)(A)1. is a key item and is added to clarify that all conflicts of interest of each guideline development group member were reported and discussed by the prospective group prior to the onset of his or her work.
- Subdivision (e)(1)(A)2. is a key item and is added to clarify that each panel member explains how his or her conflict of interest could influence the clinical practice guideline development process or specific recommendations.
- Subdivision (e)(1)(A)3. is a key item and is added to clarify that the chairperson of the guideline development group had no conflicts of interest.
- Subdivision (e)(1)(B) is added to clarify the other additional domain in the modified AGREE II Instrument is Currency of Guideline.
- Subdivision (e)(1)(B)1. is a key item and is added to clarify that the guideline is being updated in a timely fashion, typically at least every three years and, if the guideline is more than five years old, it should be considered out of date.
- Subdivision (f) is added to clarify those recommendations in guidelines that have a low AGREE II overall score may still be considered by MEEAC provided that the evidence supporting the recommendation is the best available medical evidence.
- Subdivision (g) is added to clarify the process to be followed by MEEAC to determine the best available medical evidence is the strength of evidence methodology set forth in section 9792.25.2. MEEAC shall choose the recommendation supported by the best available medical evidence.
- Subdivision (h) is re-lettered from (d) and is amended by deleting the phrase “the medical evidence evaluation advisory committee” and replacing it with the acronym “MEEAC” for expediency. The phrase term “of two year period” is deleted and replaced with a “two-year” term for grammar and stylistic purposes. The minimum number of MEEAC meetings per year is amended from “four (4)” to “three (3)” times a year.
- Subdivision (i) is re-lettered from (e).

Objective and Anticipated Benefits of the Proposed Regulations:

The objective of the proposed regulations is to improve the way in which medical evidence is evaluated in order to clarify the process in which clinical decisions are made for injured workers diagnosed with industrial conditions. The proposed MTUS Hierarchy of Evidence for Different Clinical Questions sets forth a methodology for the evaluation of medical evidence

supported by various study designs. The current strength of evidence methodology is limited because it only provides a methodology to evaluate scientific evidence supported by randomized controlled trials.

The proposed regulations will be beneficial to the health and welfare of California residents by providing clearer guidance for medical decision-makers in situations where the scientific evidence on a particular treatment question is in dispute. Better informed treatment decisions are expected to produce improved health outcomes for affected injured workers and non-quantifiable savings in disability costs and treatment utilization.

Determination of Inconsistency/Incompatibility with Existing State Regulations:

The Acting Administrative Director has determined that these proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Acting Administrative Director has concluded that these are the only regulations that provide a systematic methodology to evaluate the strength of evidence supporting a medical treatment recommendation.

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: None.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the state: None.
- Cost impacts on a representative private person or business: The Acting Administrative Director has determined that the proposed regulations will not have a significant adverse economic impact on representative private persons or directly affected businesses. These representative private persons or directly affected businesses are physicians and other medical providers. Although there may be minor costs to disseminate the revised criteria to serve as reference material in those processes, those minor costs will likely be offset by the

savings from the clearer guidance for medical providers making treatment decisions. Better-informed treatment decisions should save costs with the avoidance of inappropriate medical treatment.

- Statewide adverse economic impact directly affecting businesses and individuals: Although the proposed action will directly affect business statewide, specifically physicians and other medical providers, the Acting Administrative Director 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.

Results of the Economic Impact Analysis/Assessment:

- The Acting Administrative Director concludes that it is (1) unlikely the proposal will create some 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 some 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 the businesses currently doing business within the State of California.
- Benefits of the Proposed Action: The benefit anticipated from the regulations is clarification of the scientific process in which clinical decisions are made for injured workers resulting in clearer guidance for medical providers making treatment decisions. Better-informed decisions are expected to produce improved health outcomes for affected injured workers, the delivery of state-of-the-art treatment when appropriate for the patient, and reduced overall cost of caring for chronic conditions, and non-quantifiable savings in disability costs and treatment utilization.
- Small Business Determination: The Acting Administrative Director has determined that the proposed regulations will not affect small businesses to a significant degree. Physicians and other medical providers may incur minor costs to disseminate the revised criteria to serve as reference material in those processes but those minor costs will likely be offset by the savings from the clearer guidance for medical providers making treatment decisions. Better-informed treatment decisions should save costs with the avoidance of inappropriate medical treatment.

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 requested in writing at the same address. The contact person is:

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:

John Cortes
 Division of Workers' Compensation
 P.O. Box 420603
 San Francisco, CA 94142
 E-mail: jcortes@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. The entire rulemaking file will be made available for inspection and copying at the address indicated below.

As of the date of this Notice, the rulemaking file consists of the Notice, the Initial Statement of Reasons, proposed text of the regulations, pre-rulemaking comments and the Economic Impact Statement (Form STD 399). In addition, the Notice, Initial Statement of Reasons, and proposed text of the regulations being proposed may 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 Medical Treatment Utilization Schedule (MTUS) link.

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 upon which the proposed rulemaking file is based 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 Acting 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 Acting Administrative Director's mailing list.

If adopted, the regulations as amended will appear in California Code of Regulations, title 8, commencing with section 9792.25. 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 14. STATE MINING AND GEOLOGY BOARD

PROPOSED NEW REGULATIONS FOR DESIGNATION OF MINERAL LANDS IN THE SAN LUIS OBISPO –SANTA BARBARA PRODUCTION–CONSUMPTION REGION, COUNTIES OF SAN LUIS OBISPO AND SANTA BARBARA

NOTICE IS HEREBY GIVEN that the State Mining and Geology Board (SMGB) proposes to amend regulations described below after considering all comments and recommendations regarding the proposed action.

REGULATORY ACTION

The SMGB has adopted, by regulation set forth in CCR Section 3550 the designation of certain mineral resource sectors within geographical areas to be of regional significance. Designation is the formal recognition by the SMGB of lands containing mineral resources of regional or statewide economic significance that are needed to meet the demands of the future. The SMGB proposes to present new regulations which would add Section 3550.17 to Title 14, Article 2, of the California Code of Regulations (CCR), and provide a description of the locations of mineral resources areas designated to be of statewide significance, and areas where designation will be terminated, within the San Luis Obispo Production–Consumption (P–C) Region, Counties of San Luis Obispo and Santa Barbara.

PREVIOUS PUBLIC HEARINGS

At its March 8, 2012 regular business meeting, the SMGB accepted the State Geologist's recommendations for designation of select mineral resource lands in the San Luis Obispo–Santa Barbara P–C Region. The areas identified as candidates for designation were identified as Sectors A through I, and comprise 79 individual sectors and subsectors. These candidates, or

areas, were determined to meet or exceed the SMGB's threshold economic value, thus, each area may be considered for designation as an area of regional or statewide significance by the SMGB. The SMGB subsequently directed its Executive Officer to notice a public hearing to receive comments on the proposed regulatory action. The 60–day public comment period commenced on June 7, 2012, and ended on July 31, 2012. A public hearing was held to receive comment in the County of Santa Barbara on July 11, 2012. At its April 11, 2013 regular business meeting, the SMGB received further comments regarding the proposed designations. All comments have been reviewed and addressed. At its July 11, 2013 regular business meeting, the SMGB deferred taking action until its next scheduled meeting and requested a review by its legal counsel of previous counsel's analysis noting that designation is not a project under the California Environmental Quality Act (CEQA). At its September 12, 2013, regular business meeting, the SMGB approved the regulatory language but requested this matter be continued so as to allow sufficient time to address whether Sector C should be considered of statewide in lieu of regional significance. The SMGB approved the proposed new regulatory language at its November 14, 2013, regular business meeting.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the SMGB. Comments may also be submitted by facsimile (FAX) at (916) 445–0738 or by e–mail to stephen.testa@conservation.ca.gov. The 45–day comment period will commence on May 16, 2014 and closes at 5:00 p.m. on June 30, 2014. The SMGB will consider only comments received at the SMGB office by that time. No public hearing is scheduled, but any person can request a public hearing no later than 15 days before the close of the written comment period.

AUTHORITY AND REFERENCE

The SMGB proposes to adopt a regulation that amends Section 3350.17 to Article 2 of the CCR, Title 14, Division 2, Chapter 8, Subchapter 1, pursuant to its authority granted in PRC Sections 2790 and 2207 (Reference PRC Sections 2726, 2761–2763, 2790–2791, and 2793).

INFORMATIVE DIGEST

The SMGB has adopted, by regulation set forth in CCR Section 3550 the designation of certain mineral resource sectors within geographical areas to be of re-

gional significance. Designation is the formal recognition by the SMGB of lands containing mineral resources of regional or statewide economic significance that are needed to meet the demands of the future.

In 1989, the California Division of Mines and Geology (CDMG; now California Geological Survey, CGS) as Special Report 162 — *Mineral Land Classification: Portland Cement Concrete Aggregate and Active Mines of All Other Mineral Commodities in the San Luis Obispo–Santa Barbara Production–Consumption Region*. At its December 8, 2011 regular business meeting, the SMGB accepted CGS Special Report 215, a classification report on Portland cement concrete–grade (PCC) aggregate in the San Luis Obispo–Santa Barbara P–C Region, which updated information on PCC–grade aggregate in the San Luis Obispo–Santa Barbara P–C Region previously presented in SR 162.

The updated report presented the following conclusions:

- Seventy–five (75) million tons of currently permitted construction aggregate reserves are projected to last through the year 2026, 16 years from the present (2010);
- An additional 2,991 acres of land containing concrete aggregate resources are identified in areas in and near the San Luis Obispo–Santa Barbara P–C Region;
- Anticipated consumption of construction aggregate in the San Luis Obispo–Santa Barbara P–C Region for the next 50 years (through the year 2060) is estimated to be 263 million tons, of which 137 million tons must be concrete–grade. This is 57 million tons more than the prior 50–year projection made in 1989; and
- An estimated 10,700 million tons of concrete aggregate resources are identified in the San Luis Obispo–Santa Barbara P–C Region.

Special Report 162 identified 35,888 acres of land containing 11.2 billion tons of PCC–grade aggregate resources. Reevaluation and revisions for updated Special Report 215 identified 40,895 acres of land containing 10.7 billion tons of AC– and PCC–grade aggregate resources. From 1989 to 2011, 90 million tons of AC– and PCC–grade aggregate were removed due to production, 273 million tons (1,275 acres) removed as a result of incompatible land uses, and 425 million tons removed as a result of revised calculations. In addition, 260 million tons of AC aggregate was included along with 5 million tons resulting from newly classified areas. In this updated study, three newly identified areas containing AC– and PCC–grade aggregate resources have been classified MRZ–2. These areas include 2,991 acres containing approximately 380 million tons of

newly identified AC– and PCC–grade aggregate resources.

Aggregate resources in the San Luis Obispo–Santa Barbara P–C Region were not designated subsequent to the publication of Special Report 162 in 1989; therefore, the information on concrete–grade construction aggregate resources identified in Special Report 215 was used as a basis for consideration of potential designation actions by the SMGB. The P–C Region will need 263 million tons of construction aggregate (all grades) in the next 50 years. 137 million tons (52%) of that will need to be AC– and PCC–grade. 75 million tons of concrete–grade aggregate resources are currently permitted (reserves). Considering recent trends, these reserves will be depleted in about 16 years from the forecast date or in the year 2026.

The State Geologist has recommended several candidates, or areas, which meet or exceed the SMGB’s threshold economic value, thus, each area may be considered for designation as an area of regional or statewide significance by the SMGB. These areas are Sectors A through I, and comprise 79 individual sectors and subsectors.

POLICY STATEMENT OVERVIEW

The proposed regulations would allow consideration of new information obtained since the publication of the 1989 Mineral Land Classification study. The proposed amended regulations reflect information provided in California Geological Survey (CGS) Special Report 215, a classification report on Portland cement concrete–grade (PCC) aggregate in the San Luis Obispo–Santa Barbara Production–Consumption (P–C) Region. This report updated information previously published in 1989 by the California Division of Mines and Geology (CDMG; now CGS) as Special Report 162 — *Mineral Land Classification: Portland Cement Concrete Aggregate and Active Mines of All Other Mineral Commodities in the San Luis Obispo–Santa Barbara Production–Consumption Region*. Reevaluation and revisions for updated Special Report 215 identified 40,895 acres of land containing 10.7 billion tons of AC– and PCC–grade aggregate resources. The areas identified as candidates for designation are Sectors A through I, comprised of 79 individual sectors and subsectors.

Each Sector may be considered for designation as an area of regional or statewide significance by the SMGB pursuant to Article 6, Section 2790 *et seq.* (SMARA), meets or exceeds the threshold value as established by the SMGB. This proposed regulation is necessary in order for the State to meet its aggregate availability and sustainability needs.

The proposed regulatory language is consistent and compatible with existing state regulations. The SMGB

considered any other possible related regulations, and concluded that these are the only regulations dealing in this subject area (State Mining and Geology Board — Areas Designated to be of Regional Significance), and therefore, the SMGB finds that these proposed regulations are compatible and consistent with the intent of the Legislature, as well as with existing state regulations.

The specific benefits anticipated by the proposed amendment provides nonmonetary benefits to the environment by avoiding species conservation areas and habitat sensitive areas, while contributing to efforts to reduce greenhouse gas emissions, and does not conflict with the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity, and the increase in openness and transparency in business and government, among other things.

CEQA COMPLIANCE

The SMGB has determined that this rule making action is not a project as defined in the California Environmental Quality Act (CEQA) and is exempt from the requirements of CEQA, Title 14, CCR, Section 15061(b)(3).

DISCLOSURES REGARDING THE PROPOSED ACTION

The SMGB’s Executive Officer has made the following preliminary determinations:

Mandate on local agencies and school districts:

The adoption of this regulation does not impose any new mandates on local agencies or on local school districts.

Costs or savings to any State agency: The proposed regulation imposes no savings or additional expenses to state agencies.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: The proposed regulation does not impose any additional cost obligations on local agencies or on local school districts.

Other non-discretionary costs or savings imposed upon local agencies: No other non-discretionary costs or savings to local agencies are imposed by the proposed regulation.

Cost or savings in Federal funding to the State: There are no costs or savings in Federal funding to the State.

Significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: No statewide adverse impacts to California businesses result from the adoption of this proposed regulatory language.

Potential cost impact on private persons or directly affected businesses: The imposition of the proposed language on a directly affected local mining operation will have a positive cost impact to that operation by the recognition of designated mineral land of regional significance which in some circumstances may reduce the amount of time, thus cost, in acquiring a permit to mine from its lead agency. Therefore, the agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Results of Economic Impact Analysis: The adoption of this regulation will not:

- Create nor eliminate jobs within California;
- Create new nor eliminate existing businesses within California;
- Expand businesses currently doing business in California.

The adoption of this regulation will, however, benefit the health and welfare of California residents and the state’s environment by avoiding species conservation and habitat sensitive areas, as well as reducing greenhouse gas emissions related to transportation.

Article 6 of SMARA, commencing with PRC Section 2790, provides for the SMGB, based upon mineral information from the State Geologist pursuant to subdivision (c) of PRC Section 2761, to adopt in regulation specific geographic areas of the state as areas of statewide or regional mineral resource significance and specify the boundaries of those areas. PRC Section 2793 also provides a mechanism for the SMGB after a public hearing to terminate, partially or wholly, the designation of any area of state wide or regional significance on a finding that the direct involvement of the SMGB is not longer required.

Designation is the formal recognition by the SMGB of lands containing mineral resources of regional or statewide economic significance that are needed to meet the demands of the future. The purpose of the amended regulations to Article 2 CCR Section 3550.17 is to clarify and make specific those mineral lands that are to be designated by the SMGB as having regional significance within the San Luis Obispo–Santa Barbara P–C Region, and areas where designation is to be termi-

nated due to local land use decisions that have been made that are deemed incompatible with mining.

Creation or Elimination of Jobs Within the State of California: The purpose of the proposed regulations to Article 2 CCR Section 3550.17 is to designate mineral lands of regional significance, and terminate designation of mineral lands previously designated as a result of the existing incompatible land use within the San Luis Obispo–Santa Barbara P–C Region. No jobs in California will be created or eliminated in regards to the proposed regulation, but rather serves as a planning tool for local government (counties and cities) and considering future land use as it relates to surface mining.

Creation of New or Elimination of Existing Businesses Within the State of California: The purpose of the proposed regulations to Article 2 CCR Section 3550.17 is to designate mineral lands of regional significance, and terminate designation of mineral lands previously designated as a result of the existing incompatible land use within the San Luis Obispo–Santa Barbara P–C Region. The imposition of the proposed regulation will have no cost impact on small businesses. There will be no new businesses created or existing businesses eliminated. This regulation allows lead agencies to consider the regional significance of mineral lands designated by the SMGB when making land use decisions, but does not impose any fees or costs to business as part of that consideration.

Expansion of Businesses or Elimination of Existing Businesses Within the State of California: The purpose of the proposed regulations to Article 2 CCR Section 3550.17 is to designate mineral lands of regional significance, and terminate designation of mineral lands previously designated as a result of the existing incompatible land use within the San Luis Obispo–Santa Barbara P–C Region. The imposition of the proposed regulation will have no cost impact on businesses, and no existing businesses in California will be expanded or eliminated. The proposed regulation serves as a planning tool for local government (counties and cities) and considering future land use as it relates to surface mining.

Benefits of the Regulation: The purpose of the proposed regulation to Article 2 CCR Section 3550.17 is to clarify and make specific those mineral lands that are to be designated by the SMGB as having regional significance within the San Luis Obispo–Santa Barbara P–C Region, or

areas where designation is to be terminated. The proposed regulation will not adversely affect the health and welfare of California residents, worker safety, or the State’s environment. The adoption of this proposed new regulation will benefit the health and welfare of California residents and the state’s environment by assuring that all ordinances are in accordance with state policy. This regulation serves as a planning tool for local government (counties and cities) and considering future land use as it relates to surface mining.

Significant effect on housing costs: The adoption of this regulation will have no significant effect on housing costs, but may reduce such costs by providing a source of PCC–grade aggregate closer to users and market areas.

Effects on small businesses: The imposition of the proposed regulation will have no cost impact on small businesses. The SMGB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. There are no costs related or associated with the proposed designation of mineral lands. Such considerations require a lead agency to consider the regional significance of mineral lands designated by the SMGB when making land use decisions, but does not impose any fees or costs to small businesses as part of that consideration.

CONSIDERATION OF ALTERNATIVES

The SMGB must determine that no reasonable alternative that it considers or that has otherwise been identified and brought to the attention of the SMGB 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 the statutory policy or other provision of law. The SMGB’s Executive Officer has not identified any adverse impacts resulting from the proposed regulation.

No alternatives have been considered by the SMGB at this time that would be more effective in carrying out the purpose for which the regulatory action is proposed, nor have any other alternatives been proposed that would be as effective and less burdensome to affected private persons, lead agencies, or small businesses.

CONFLICT WITH FEDERAL REGULATIONS

This regulation change does not duplicate or conflict with existing Federal statutes or regulations. Also, by Memorandum of Understanding with the Federal Bureau of Land Management, the U.S. Forest Service,

the Department of Conservation, and the SMGB, SMARA and federal law are coordinated to eliminate duplication.

GENERAL PURPOSE AND CONDITION ADDRESSED

Article 6 of the Surface Mining and Reclamation Act of 1975 (SMARA), commencing with PRC Section 2790, provides for the SMGB, based upon mineral information from the State Geologist pursuant to subdivision (c) of PRC Section 2761, to adopt in regulation specific geographic areas of the state as areas of statewide or regional mineral resource significance and specify the boundaries of those areas.

At its December 8, 2011, regular business meeting, the SMGB accepted California Geological Survey (CGS) Special Report 215, a classification report on Portland cement concrete-grade (PCC) aggregate in the San Luis Obispo–Santa Barbara Production–Consumption (P–C) Region. This report updated information previously published in 1989 by the California Division of Mines and Geology (CDMG; now CGS) as Special Report 162 — *Mineral Land Classification: Portland Cement Concrete Aggregate and Active Mines of All Other Mineral Commodities in the San Luis Obispo–Santa Barbara Production–Consumption Region*.

At its March 8, 2012, regular business meeting, the SMGB accepted the State Geologist recommendations for designation of select mineral resource lands in the San Luis Obispo–Santa Barbara P–C Region. The State Geologist recommended several candidates, or areas, which meet or exceed the SMGB’s threshold economic value, thus, each area may be considered for designation as an area of regional or statewide significance by the SMGB. The areas identified as candidates for designation are Sectors A through I, comprised of 79 individual sectors and subsectors. The SMGB subsequently directed its Executive Officer to notice a public hearing to receive comments on the proposed regulatory action. The 60–day public comment period commenced on June 7, 2012, and ended on July 31, 2012. A public hearing to receive comment was held in the County of Santa Barbara on July 11, 2012. At its November 14, 2013, regular business meeting, the SMGB accepted the proposed regulation with modification in consideration of public comments received.

SPECIFIC PURPOSE

The proposed new regulations to Section 3550.17, Article 2 CCR, is intended to clarify and make specific those mineral lands that are to be designated by the SMGB as having regional significance within the San

Luis Obispo–Santa Barbara P–C Region. These regulations are contained under Article 2, titled Areas Designated to be of Regional Significance.

The proposed amended regulations reflect information provided in updated Special Report 215 which identified 40,895 acres of land containing 10.7 billion tons of AC– and PCC–grade aggregate resources. From 1989 to 2011, 90 million tons of AC– and PCC – grade aggregate were removed due to production, 273 million tons (1,275 acres) removed as a result of incompatible land uses, and 425 million tons removed as a result of revised calculations. In addition, 260 million tons of AC aggregate was included along with 5 million tons resulting from newly classified areas. In this updated study, three newly identified areas containing AC– and PCC–grade aggregate resources have been classified MRZ–2. These areas include 2,991 acres containing approximately 380 million tons of newly identified AC– and PCC–grade aggregate resources.

Aggregate resources in the San Luis Obispo–Santa Barbara P–C Region were not designated subsequent to the publication of Special Report 162 in 1989; therefore, the information on concrete–grade construction aggregate resources identified in Special Report 215 was used as a basis for consideration of potential designation actions by the SMGB. The P–C Region will need 263 million tons of construction aggregate (all grades) in the next 50 years. 137 million tons (52%) of that will need to be AC– and PCC–grade. 75 million tons of concrete–grade aggregate resources are currently permitted (reserves). Considering recent trends, these reserves will be depleted in about 16 years from the forecast date or in the year 2026.

Proposed new regulations, CCR Section 3550.17, notes reference to four plates (maps). These four plates form an integral part of the regulation.

STATEMENT OF NECESSITY

PRC Section 2790 provides the SMGB the authority to adopt regulations that establish state policy for the designation of mineral lands of statewide or regional significance, in accordance with Article 6 (commencing with Section 2790) of this chapter, and pursuant to PRC Section 2761. PRC Section 2790 states that after receipt of mineral information from the State Geologist, the SMGB may by regulation adopted after a public hearing designate specific geographic areas of the state as areas of statewide or regional significance and specify the boundaries thereof. Such designation shall be included as a part of the state policy and shall indicate the reason for which the particular area designated is of significance to the state or region, the adverse effects that might result from premature development of incompatible land uses, the advantages that might be achieved

from extraction of the minerals of the area, and the specific goals and policies to protect against the premature incompatible development of the area. PRC Section 2791 also requires the SMGB to seek the recommendations of concerned federal, state, and local agencies, educational institutions, civic and public interest organizations, and private organizations and individuals in the identification of areas of statewide and regional significance. PRC Section 2793 allows the SMGB by regulation adopted after a public hearing, to terminate, partially or wholly, the designation of any area of statewide or regional significance on a finding that the direct involvement of the board is no longer required.

In 2012, the California Geological Survey (CGS) in their statewide report titled “*Map Sheet 52 (Updated 2012), Aggregate Sustainability in California*” noted that the San Luis Obispo–Santa Barbara P–C Region 50–year demand for aggregate was on the order of 240 million tons. Permitted aggregate resources were on the order of 75 million tons. The percentage of permitted aggregate resources, as compared to the 50–year demand, was 31 percent, significantly lower than the projected demand.

Special Report 162 — “*Mineral Land Classification: Portland Cement Concrete Aggregate and Active Mines of All Other Mineral Commodities in the San Luis Obispo–Santa Barbara Production–Consumption Region*,” was published by the California Division of Mines and Geology (CDMG; now CGS) in 1989. Special Report 162 identified 35,888 acres of land containing 11.2 billion tons of PCC–grade aggregate resources.

Special Report 215 updated the classification portion of the two–step *Classification–Designation process* mandated by the Surface Mining and Reclamation Act (SMARA). In review of the reevaluation and update in Special Report 215 updated information on Portland cement concrete–grade (PCC) aggregate in the San Luis Obispo – Santa Barbara Production–Consumption (P–C) Region previously presented in SR 162, the State Geologist has recommended several candidates, or areas, which meet or exceed the SMGB’s threshold economic value, thus, each area may be considered for designation as an area of regional or statewide significance by the SMGB. These areas, or candidates for designation are Sectors A through I, and comprise 79 individual sectors and subsectors.

The State Geologist recommended several candidates, or areas, which meet or exceed the SMGB’s threshold economic value, thus, each area may be considered for designation as an area of regional or statewide significance by the SMGB. The areas identified as candidates for designation are Sectors A through I, comprised of 79 individual sectors and subsectors.

IDENTIFICATION OF
TECHNICAL/THEORETICAL/EMPIRICAL
STUDIES, REPORTS, OR DOCUMENTS UPON
WHICH THE SMGB HAS RELIED

Designation is the formal recognition by the SMGB of lands containing mineral resources of regional or statewide economic significance that are needed to meet the demands of the future. In consideration of the proposed regulatory language, the SMGB relied on several documents including California Geological Survey (CGS) Special Report 162 and updated Special Report 215, recommendations set forth by the State Geologist, and Economic Impact Analysis prepared for this proposed amended regulation.

At its December 8, 2011, regular business meeting, the SMGB accepted California Geological Survey (CGS) Special Report 215, a classification report on Portland cement concrete–grade (PCC) aggregate in the San Luis Obispo–Santa Barbara Production–Consumption (P–C) Region. This report updated information previously published in 1989 by the California Division of Mines and Geology (CDMG; now CGS) as Special Report 162 — *Mineral Land Classification: Portland Cement Concrete Aggregate and Active Mines of All Other Mineral Commodities in the San Luis Obispo–Santa Barbara Production–Consumption Region*.

The updated report presented the following conclusions:

- Seventy–five (75) million tons of currently permitted construction aggregate reserves are projected to last through the year 2026, 16 years from the present (2010);
- An additional 2,991 acres of land containing concrete aggregate resources are identified in areas in and near the San Luis Obispo–Santa Barbara P–C Region;
- Anticipated consumption of construction aggregate in the San Luis Obispo–Santa Barbara P–C Region for the next 50 years (through the year 2060) is estimated to be 263 million tons, of which 137 million tons must be concrete–grade. This is 57 million tons more than the prior 50–year projection made in 1989; and
- An estimated 10,700 million tons of concrete aggregate resources are identified in the San Luis Obispo–Santa Barbara P–C Region.

The State Geologist has recommended several candidates, or areas, which meet or exceed the SMGB’s threshold economic value, thus, each area may be considered for designation as an area of regional or statewide significance by the SMGB. These areas, or candi-

dates for designation are Sectors A through I, and comprise 79 individual sectors and subsectors.

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**

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

CONTACT PERSON

Any interested person may request a copy of the proposed amended regulation and the Initial Statement of Reasons. Questions about the proposed regulation and Initial Statement of Reasons can be directed to the SMGB's office. All supplemental information, upon which the regulation is based, is contained in the rule-making file.

The rulemaking file is available for inspection at the SMGB Office at 801 K Street, Suite 2015, Sacramento, California, between 9:00 A.M. and 4:00 P.M., Monday through Friday except during state holidays. Copies of the proposed regulation and the Initial Statement of Reasons may be requested by writing to the above address, or viewed on the SMGB's Internet Web Site at: <http://www.conservation.ca.gov/smgb>.

Inquiries concerning the substance of the proposed amended regulation should be directed to:

Mr. Stephen M. Testa, Executive Officer
State Mining and Geology Board
801 K Street, Suite 2015
Sacramento, California 95814
Phone: (916) 322-1082
Fax: (916) 445-0738
Stephen.Testa@conservation.ca.gov

OR

Amy Scott, Executive Assistant
State Mining and Geology Board
801 K Street, Suite 2015
Sacramento, California 95814
Phone: (916) 322-1082
Fax: (916) 445-0738
Amy.Scott@conservation.ca.gov

**TITLE 15. BOARD OF STATE AND
COMMUNITY CORRECTIONS**

**NOTICE OF PROPOSED AMENDMENT TO
TITLE 15, MINIMUM STANDARDS FOR
STANDARDS AND TRAINING OF LOCAL
CORRECTIONS AND PROBATION OFFICERS,
CALIFORNIA CODE OF REGULATIONS, BY
THE BOARD OF STATE AND COMMUNITY
CORRECTIONS**

Pursuant to the authority granted by Penal Code Section 6035 and 6036, Board of State and Community Corrections (BSCC) proposes to amend Title 15, California Code of Regulations, Division 1, Chapter 1, Subchapter 1, concerning Standards and Training for Local Corrections and Probation Officers after considering all comments, objections, and recommendations regarding these regulations.

PUBLIC HEARING

The BSCC will hold the following public hearing:

Tuesday, July 1, 2014

10:00 a.m.

Board of State and Community Corrections
660 Bercut Drive
Sacramento CA 95811

This location 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 BSCC 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. The hearing will remain open only as long as persons in attendance are presenting testimony.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the BSCC. The written comment period closes at **5:00 p.m. on June 30, 2014**. The BSCC will consider only comments received at BSCC offices by that time. Submit comments to:

Barbara Fenton, Field Representative
600 Bercut Drive
Sacramento CA 95811
(916) 445-5073
barbara.fenton@bscc.ca.gov

Sukie Dhillon, Field Representative
600 Bercut Drive
Sacramento CA 95811
(916) 445-5073
sukie.dhillon@bscc.ca.gov

AUTHORITY AND REFERENCE

Penal Code Section 6035 and 6036 authorizes the BSCC to adopt and amend the proposed regulations, which would implement, interpret, or make specific Sections 6035 and 6036 of the Penal Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws

Penal Code Sections 6035 and 6036 authorize the BSCC to establish minimum standards for local corrections and probation officers.

Summary of Existing Regulations

Existing standards which prescribe requirements for the selection and training of local corrections and probation officers are contained in Title 15 — Crime Prevention and Corrections, Division 1, Chapter 1, Subchapter 1 of the California Code of Regulations (CCR).

Summary of Effects

The proposed action would update Title 15, Division 1, Chapter 1, Subchapter 1 CCR and replace “Corrections Standards Authority” with “Board of State and Community Corrections,” reflecting legislative change. Nonsubstantive grammatical corrections are made throughout, and definitions have been added, deleted or modified to provide clarity and consistency.

Several terms throughout the regulations have been replaced or deleted to reflect current and more appropriate language. For instance, the terms “Juvenile Counselor” have been replaced with “Juvenile Corrections Officer.”

Other revisions include aligning regulation with current statutory requirements and updating regulations to reflect evidence-based and best practices.

Comparable Federal Statute or Regulations

There are no comparable federal regulations or statutes.

Policy Statement Overview

The broad objective of the proposed action is to maintain selection and training regulations for local corrections and probation officers in conformance with sound correctional practices.

Proposed revisions reflect current best practices in selection and training and are intended to enhance the professionalism of local corrections and probation officers throughout the state. Specific benefits include clear and detailed regulations that will provide local administrators with guidance to raise the level of competence of local corrections and probation officers. Proposed revisions will continue to provide improvements to local corrections systems, ultimately ensuring the public’s health and safety.

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

DISCLOSURES REGARDING THE PROPOSED ACTION

The BSCC 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 costs or savings imposed on local agencies: None.
- Costs or savings in federal funding to the state: None.
- Significant effect on housing costs: None.
- Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The BSCC concludes that it is unlikely that adoption of these regulations will (1) create or eliminate jobs within California, (2) create new businesses, (3) eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

Benefits of the Proposed Action:

These regulations will benefit the local corrections and probation officers by providing clear guidance related to the staff competencies and appropriate selection and training standards. Proposed revisions reflect

current best practices intended to improve operations. Ensuring adherence to standardized course development and delivery along with selection standards will continue to benefit the health, safety and welfare of California's residents.

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

Business report: These regulations do not require a report to be made; they do not apply to businesses.

Small Business Determination:

The BSCC has determined that the proposed regulations will have no effect on small businesses. These proposed regulations affect the selection and training of local corrections and probation officers.

CONSIDERATION OF ALTERNATIVES

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

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Barbara Fenton, Field Representative
600 Bercut Drive
Sacramento CA 95811
(916) 445-5073
barbara.fenton@bscc.ca.gov

The back-up contact person is:

Sukie Dhillon, Field Representative
600 Bercut Drive
Sacramento CA 95811
(916) 445-5073
sukie.dhillon@bscc.ca.gov

Questions on the substance of the proposed regulation may be directed to Mrs. Fenton.

Please direct requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, or other information upon which this rulemaking is based to Barbara Fenton at the above address.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Rulemaking File, which includes all the information on which this proposal is based, is available for viewing at the BSCC's office at the above address.

AVAILABILITY OF MODIFIED TEXT

If the BSCC makes modifications that 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 BSCC adopts the regulations as revised.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be accessed through the BSCC website at: <http://www.bscc.ca.gov>. Those persons who do not have access to the Internet may submit a written request to Barbara Fenton at the above address.

AVAILABILITY OF DOCUMENTS; INTERNET ACCESS

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in strikeout and underline can be accessed through our website at: <http://www.bscc.ca.gov>. Those persons who do not have access to the Internet may submit a written request to Barbara Fenton at the above address.

TITLE 16. CALIFORNIA ACUPUNCTURE BOARD

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

**Department of Consumer Affairs
1747 North Market Blvd., 1st floor hearing room
Sacramento, CA 95834
June 30, 2014 at 9:00 a.m.**

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than June 30, 2014 or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 4933 of the Business and Professions Code, and to implement, interpret or make specific Sections 4928.1 and 4955 of the Business and Professions Code, the Board is considering changes to Division 13.7 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board currently regulates a total of 16,678 licensees, all of whom have been issued a license to practice Acupuncture in California. The Board's highest priority is the protection of the public when exercising its licensing, regulatory, examination, school approval and disciplinary functions. The primary methods by which the Board achieves this goal are: issuing licenses to eligible applicants; investigating complaints against licensees and disciplining licensees for violating the Acupuncture Licensure Act (hereinafter "ALA"); monitoring licensees whose license has been placed on probation; overseeing approval of Acupuncture Schools and training programs; and administering the California Acupuncture Licensing Exam (CALE).

Business and Professions Code (hereafter "BPC") section 4928.1 states that protection of the public shall be the highest priority for the Board in exercising its licensing, regulatory and disciplinary functions. BPC section 4933 authorizes the Board to adopt, amend, or repeal, such rules and regulations as may be reasonably necessary to enable the Board to carry into effect the provisions of the ALA.

The Department of Consumer Affairs (Department) encouraged the healing arts boards to pursue regulatory action to assist the boards with investigating and prosecuting complaints in a timely manner, and to provide the boards with tools to improve the enforcement process and ensure patient safety.

The main purpose of the proposed language is to provide the Board with the means to expedite the enforcement process by further defining unprofessional conduct, allowing the Executive Officer to approve settlement agreements, requiring actions against registered sex offenders, and by permitting the Board to require the examination of an applicant who may be impaired by a physical or mental illness affecting competency. Existing laws do not provide the Board with the authority to receive reports or require examinations of applicants. These changes have been proposed to provide the Board with the ability to provide better public protection by receiving more timely information from licensees and the authority to examine applicants for possible physical or mental illness affecting competency.

Therefore, the Board is proposing the following changes:

Amend Section 1399.405 of Article 1 of Chapter 13.7 of Title 16 of the California Code of Regulations (Delegation of Functions to Executive Officers):

Existing law authorizes the Board to hire an Executive Officer. Existing regulations delegate certain functions to its Executive Officer relative to actions taken in connection with the Administrative Procedures Act.

This proposal amends Section 1399.405 for the purpose of delegating to the Executive Officer (or her designee) the authority to approve settlement agreements for the revocation, surrender, or interim suspension of a license.

Policy Statement Overview/Anticipated Benefits:

Adoption of this proposed amendment is expected to shorten the timeframe for the settlement of these types of cases, protecting public health and safety and also allowing quicker resolution of these cases for licensees.

Amend Section 1399.419 of Article 2 of Chapter 13.7 of Title 16 of the California Code of Regulations (Application Review and Criteria for Evaluation Rehabilitation)

This proposal amends Section 1399.419 to provide the Board the authority to require an examination of an applicant by a physician and surgeon, or psychologist if it appears the applicant may be unable to safely practice due to a mental illness or a physical illness that affects competency. If the applicant does not comply with the evaluation, the application would be deemed incomplete. The report of the evaluation would be provided to the applicant, and the Board is responsible for the cost of the examination. The Board's proposal would also

authorize the Board to deny the application if the evaluation demonstrates that the applicant is unable to safely practice.

Policy Statement Overview/Anticipated Benefits:

Adoption of the proposed amendment is expected to increase public protection by allowing the Board to screen license applicants with mental or physical illness that might affect their ability to safely practice. This allows the Board to protect public safety by ensuring qualified practitioners are licensed.

Adopt Section 1399.469.1 of Article 2 of Chapter 13.7 of Title 16 of the California Code of Regulations (Required Actions Against Registered Sex Offenders):

This proposal adopts a new Section 1399.469.1, which provides the Board with the authority to revoke a license or deny an application for licensure upon finding that an applicant or licensee was convicted of a sex offense. It would also require the Board to deny a petition to reinstate or reissue a license if the petitioner was convicted of a sex offense.

This proposal would also require that in specific cases of a licensee having sexual contact with a person or any finding that a licensee has committed a sex offense, or been convicted of a sex offense, a proposed decision would contain an order revoking the license. The proposed order could not contain an order staying the revocation of the license.

Policy Statement Overview/Anticipated Benefits:

Adoption of this proposed amendment is expected to increase public protection. Specifically, this regulatory change will protect the public by ensuring that current licensees who are in direct contact with vulnerable populations are ineligible for licensure, renewal, or the reinstatement of a license if the Board finds that they have been convicted of a sex offense.

Adopt Section 1399.469.2 of Article 2 of Chapter 13.7 of Title 16 of the California Code of Regulations (Unprofessional Conduct Defined):

This proposal adopts a new Section 1399.469.2 to define the term “conviction” for the purposes of this Section, and to specify that the following acts constitute unprofessional conduct:

- Including or permitting to be included in a civil settlement agreement provisions that prevent a person from contacting, cooperating with, or filing a complaint with the Board, or requiring that a person attempt to withdraw a complaint already filed with the Board;
- Failure to provide records requested by the Board within 15 days;
- Failure to cooperate and participate in any board investigation pending against the licensee;

- Failure of a licensee to report an indictment within 30 days;
- Failure of a licensee to report an arrest within 30 days;
- Failure of a licensee to report a felony charge within 30 days;
- Failure of a licensee to report a felony or misdemeanor conviction within 30 days;
- Failure of a licensee to report disciplinary action taken by another professional licensing entity or other specified agency within 30 days; and
- Failure or refusal to comply with a court order issued in the enforcement of a subpoena.

Policy Statement Overview/Anticipated Benefits:

Adoption of these proposed amendments regarding unprofessional conduct is expected to enhance public protection. Specifically, this regulatory change will protect the public by enabling the Board to take action against a licensee who refuses to cooperate in Board investigations or licensees who actively subvert Board investigations.

Consistency Evaluation

After conducting an evaluation of the regulations that are related to or would affect this area, the Board has determined that the regulatory proposal is not inconsistent nor incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

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

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The Board currently regulates a total of 16,678 licensees, all of whom have been issued a license to practice Acupuncture in California. The Board only regulates activities that appear to affect small businesses as defined in California Government Code Section 14837.

Licensees may incur a nominal fee for the copying and mailing of records requested by the Board. However, current statute requires licensees to comply with the Board’s records request or they risk being fined. Since

current statute previously required the copying and submission of records, there should be no additional fiscal impact to the licensee or their business as a result of this regulation.

Licensees will be considered to have committed unprofessional conduct if they fail to provide records requested by the Board within 15 days. As a result, licensees may face disciplinary action against their license.

Licensees may incur a nominal fee when reporting an indictment, felony charge, conviction, or disciplinary action by another professional licensing entity to the Board. This regulation does not specifically state the manner of how a licensee is to report to the Board. Licensees may choose from a variety of methods to notify the Board, including email or mailing a letter. A licensee may incur nominal costs associated with mailing their notification to the Board. Licensees will be considered to have committed unprofessional conduct if they fail to report an indictment, felony charge, conviction, or disciplinary action by another professional licensing entity to the Board within 30 days. As a result, licensees may face disciplinary action against their license.

A license that has been revoked, suspended, reprimanded or placed on probation may cause a significant fiscal impact on the business where the licensee worked depending on the nature and severity of the violation. A business owned by a licensee who faces disciplinary action may incur a significant fiscal impact depending on the nature and severity of the violation. The Board does not maintain data relating to the number or percentage of licensees who own a business; therefore the number or percentage of businesses that may be impacted cannot be predicted. The Board only has authority to take administrative action against a licensee and not a business. Accordingly, the initial or ongoing costs for a small business owned by a licensee who is the subject of disciplinary action cannot be projected. Businesses operated by licensees who are in compliance with the law will not incur any fiscal impact.

Applicants required by the Board to be examined by a physician and surgeon or psychologist will not incur a fiscal impact. The Board is responsible for the full cost of the examination. Existing law, Section BPC Section 820, authorizes the Board to examine licensees for mental illness or physical illness that may affect competency. Since licensees may already be subject to such an examination, the Board has determined that the proposed regulation will not have a significant statewide adverse economic impact on the businesses of the physicians and surgeons or psychologist designated to perform the examination. The physicians and surgeons or the psychologist designated to perform the examination have the necessary equipment to perform the examination and will not experience additional costs as a result of this regulation. However, the physician and surgeons

or psychologist may incur more revenue as a result of this regulation, depending on how many applicants are required to be examined.

Impact on Jobs/New Businesses:

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

Licensees who have committed unprofessional conduct may face disciplinary action against their license. A license that has been revoked, suspended, reprimanded or placed on probation may cause a significant fiscal impact on the business where the licensee worked depending on the nature and severity of the violation. A business owned by a licensee who faces disciplinary action may incur a significant fiscal impact depending on the nature and severity of the violation. Licensees who are in compliance with the law will not incur any fiscal impact.

Applicants required by the Board to be examined by a physician and surgeon or psychologist will not incur a fiscal impact. The Board is responsible for the full cost of the examination. If an examination finds that the applicant is unable to safely practice, their application may be denied by the Board.

Cost Impact on Representative Private Person or Business:

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

Licensees who have committed unprofessional conduct may face disciplinary action against their license. A license that has been revoked, suspended, reprimanded or placed on probation may cause a significant fiscal impact on the business where the licensee worked depending on the nature and severity of the violation. A business owned by a licensee who faces disciplinary action may incur a significant fiscal impact depending on the nature and severity of the violation. The Board does not maintain data relating to the number or percentage of licensees who own a business; therefore the number or percentage of businesses that may be impacted cannot be predicted. The Board only has authority to take administrative action against a licensee and not a business. Accordingly, the initial or ongoing costs for a small business owned by a licensee who is the subject of disciplinary action cannot be projected. Businesses operated by licensees who are in compliance with the law will not incur any fiscal impact.

Applicants required by the Board to be examined by a physician and surgeon or psychologist will not incur a fiscal impact. The Board is responsible for the full cost

of the examination. Existing law, BPC Section 820, authorizes the Board to examine licensees for mental illness or physical illness that may affect competency. Since licensees may already be subject to such an examination, the Board has determined that the proposed regulation will not have a significant statewide adverse economic impact on the businesses of the physicians and surgeons or psychologists designated to perform the examination. The physicians and surgeons or the psychologists designated to perform the examination have the necessary equipment to perform the examination and will not experience additional costs as a result of this regulation. However, the physician and surgeons or psychologist may incur more revenue as a result of this regulation, depending on how many applicants are required to be examined.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulation would not have a significant economic impact on small businesses. The Board only regulates activities that appear to affect small businesses as defined in California Government Code Section 14837.

Small businesses owned by licensees may incur a nominal fee for the copying and mailing of records requested by the Board. However, current statute requires licensees to comply with the Board's records request or they risk being fined. Since current statute previously required the copying and submission of records, there should be no additional fiscal impact to the licensee's small business as a result of this regulation.

Licensees found to have committed unprofessional conduct may face disciplinary action against their license. A license that has been revoked, suspended, reprimanded or placed on probation may cause a significant fiscal impact on the small business where the licensee works depending on the nature and severity of the violation. A small business owned by a licensee who faces disciplinary action may incur a significant fiscal impact depending on the nature and severity of the violation. The Board does not maintain data relating to the number or percentage of licensees who own a small business; therefore the number or percentage of small businesses that may be impacted cannot be predicted. The Board only has authority to take administrative action against a licensee and not a small business. Accordingly, the initial or ongoing costs for a small business owned by a licensee who is the subject of disciplinary action cannot be projected. Small businesses operated

by licensees who are in compliance with the law will not incur any fiscal impact.

Existing law, BPC Section 820, authorizes the Board to examine licensees for mental illness or physical illness that may affect competency. Since licensees may already be subject to such an examination, the Board has determined that the proposed regulation will not have a significant statewide adverse economic impact on the small businesses of the physicians and surgeons or psychologists designated to perform the examination. The physicians and surgeons or the psychologists designated to perform the examination have the necessary equipment to perform the examination and will not experience additional costs as a result of this regulation. However, the physician and surgeons or psychologist may incur more revenue as a result of this regulation, depending on how many applicants are required to be examined.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The proposal will not create or eliminate jobs within the State of California; will not create or eliminate existing businesses within the state; will not affect the expansion of businesses currently doing business within the State of California; will not affect worker safety; and do not affect the state's environment.

Benefits of the Proposed Regulation

This regulatory proposal affects individual acupuncturists who may be or are the subject of a Board complaint. The proposed regulations will expedite the enforcement process and authorize the Board to examine applicants for possible physical or mental illnesses affecting competency, thus enhancing consumer protection.

CONSIDERATION OF ALTERNATIVES

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

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

INITIAL STATEMENT OF REASONS
AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from:

California Acupuncture Board
1747 North Market Blvd, Suite 180
Sacramento, CA 95834
Telephone no: (916) 515-5200
Website: www.acupuncture.ca.gov

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

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

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

CONTACT PERSON

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

Name: Marc Johnson,
Policy Coordinator
Address: 1747 North Market Blvd,
Suite 180
Sacramento, CA 95834
Telephone No.: (916) 515-5200
Fax No.: (916) 928-2204
E-Mail Address: marc.johnson@dca.ca.gov

The back-up contact person is:

Name: Terri Thorfinnson,
Executive Officer
Address: 1747 North Market Blvd,
Suite 180
Sacramento, CA 95834
Telephone No.: (916) 515-5200
Fax No.: (916) 928-2204
E-Mail Address: acupuncture@dca.ca.gov

Website access:

Materials regarding this proposal can be found at the Board's Web site at: www.acupuncture.ca.gov.

GENERAL PUBLIC INTEREST

**DEPARTMENT OF HEALTH CARE
SERVICES**

THE CALIFORNIA DEPARTMENT OF HEALTH
CARE SERVICES INTENDS TO SUBMIT A
1915(c) HOME AND COMMUNITY-BASED
SERVICES WAIVER APPLICATION TO DELIVER
SERVICES TO TRAUMATIC BRAIN
INJURY SURVIVORS

This notice provides information of public interest with respect to the Department of Health Care Services (DHCS), in partnership with Department of Rehabilitation (DOR), seeking approval from the federal Centers for Medicare & Medicaid Services (CMS) to establish a new Medi-Cal home and community-based services (HCBS) waiver program for traumatic brain injury (TBI) survivors. This waiver is described more fully in Assembly Bill 398, which amends sections 4354, 4354.5, 4357.1, 4358.5, 4359 and 14132.992 of the Welfare and Institutions Code and adds sections 4355 and 4356.

The purpose of the TBI waiver application is to limit or prevent the need to utilize institutional services such as skilled nursing facilities for TBI survivors through a program specific to the needs of this target population. Eligible TBI survivors who have service needs at the nursing facility level of care will be able to access services from qualified providers in the community. Types of services available in the waiver program will include community reintegration, supportive living, extended vocational supports (excluding services available from the federal vocational rehabilitation program), and rehabilitative therapies that are not otherwise covered as a Medi-Cal State Plan service.

The TBI Waiver Program Application will not be submitted any sooner than June 30, 2014. This proposal would be effective upon approval from CMS.

Public Review and Comment

The draft waiver discussed above can be made available for public review upon request. Written comments may be submitted to DOR, attention Karen Jacoby, TBI Coordinator, at Karen.Jacoby@dor.ca.gov.

The DOR will continue to hold quarterly public meetings to allow for public input on the topic of traumatic brain injury.

DECISION NOT TO PROCEED

STATE ATHLETIC COMMISSION

Re: Notice of Proposed Rulemaking concerning Therapeutic Use Exemption

Pursuant to Government Code Section 11347, the State Athletic Commission hereby gives notice that it has decided not to proceed with the rulemaking action published in the California Regulatory Notice Register on May 9, 2014, Register 2014, No. 19–Z. The proposed rulemaking concerned Therapeutic Use Exemption. (OAL Notice Z2014–0423–01.)

Any interested person with questions concerning this rulemaking should contact Vern Hines at either 916–263–2195 or by e-mail at: vern.hines@dca.ca.gov.

The Commission will also post this Notice of Decision Not to Proceed on its website: www.dca.ca.gov/csac.

SUSPENSION OF ACTION REGARDING UNDERGROUND REGULATIONS

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

CALIFORNIA HIGHWAY PATROL

On February 24, 2014, the Office of Administrative Law (OAL) received a petition challenging Highway Patrol Manual (HPM) 81.2, concerning dismissals of charges pursuant to Penal Code section 1203.4, issued by the California Highway Patrol (CHP) as an alleged underground regulation.

On April 29, 2014, CHP certified to OAL that the HPM 81.2, was rescinded and the California Highway Patrol will not issue, use, enforce, or attempt to enforce

the alleged underground regulation described above; therefore, pursuant to California Code of Regulations, title 1, section 280, OAL must suspend all action on this petition.

Memorandum

Date: April 29, 2014

To: Office of Administrative Law
Attention: Ms. Elizabeth Heidig
300 Capitol Mall, Suite 1250
Sacramento, CA 95814

From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**
Office of the Commissioner

File No.: 01.9486.12642.061.14–0310

Subject: CERTIFICATION PURSUANT TO TITLE 1, SECTION 280, REMOVAL OF PENAL CODE SECTION 1203.4(A) FROM HIGHWAY PATROL MANUAL 81.2, VEHICLE PROCEDURES MANUAL

This memorandum is submitted in response to a petition filed with the Office of Administrative Law on February 24, 2014, by Mr. Victor Vargas. The petition alleges Highway Patrol Manual (HPM) 81.2, Chapter 7, contains verbiage indicating a dismissal of charges pursuant to Penal Code Section (PC) 123.4(a) is not a dismissal for the purposes of this policy and is an “underground regulation.”

A revision of HPM 81.2 is currently in review with references to Section 1203.4(a) PC having been removed. Section 1203.4(a) PC was adopted into the Rotation Tow Program (RTP) as a result of California Vehicle Code (CVC) Section 13377 in an effort to protect the motoring public. Section 13377 CVC outlines justification for denials of tow truck driver certificates for the Freeway Service Patrol program. Section 13377 CVC states “a dismissal pursuant to Section 1203.4(a) PC is not a dismissal for purposes of this section.”

Pursuant to Title 1 of the California Code of Regulations, Section 280(a), I certify the references to Section 1203.4(a) PC have been removed from HPM 81.2 and the California Highway Patrol will not issue, use, enforce, or attempt to enforce the alleged underground regulation described above.

/s/

J. A. FARROW
Commissioner
cc: Mr. Victor Vargas

CALIFORNIA HORSE RACING BOARD

On March 6, 2014, the Office of Administrative Law (OAL) received a petition challenging as an alleged underground regulation, Directive 01–09, dated January

6, 2009, regarding License Refusals and Denials issued by the California Horse Racing Board (CHRB).

On April 30, 2014, CHRB certified to OAL that it would not issue, use, enforce, or attempt to enforce the alleged underground regulation; therefore, pursuant to California Code of Regulations, title 1, section 280, OAL must suspend all action on this petition.

Memorandum

Date: April 30, 2014
To: Elizabeth Heidig
 Office of Administrative Law
From: Vicky Thornton
 CHRB Public Records Coordinator
Subject : Underground regulations

Enclosed is the Certification Regarding Suspension of Actions Regarding Underground Regulations signed by the CHRB Executive Director, Rick Baedeker.

Mr. Carlo Fisco has been sent a copy by certified mail.

Please contact me if you have any questions. My e-mail is VEThornton@chrb.ca.gov or telephone 916-263-6008. Thank you.

**CERTIFICATION TO THE OFFICE OF
 ADMINISTRATIVE LAW REGARDING
 SUSPENSION OF ACTIONS REGARDING
 UNDERGROUND REGULATIONS**

On or about January 6, 2009, the California Horse Racing Board's (CHRB) Executive Director, Kirk E. Breed issued CHRB Directive 01-09 "LICENSE REFUSALS AND DENIALS" to CHRB Investigative and Licensing Staff. The Directive referred to the denial of licensure to applicants with criminal convictions.

This document is being sent as certification to the Office of Administrative Law that the California Horse Racing Board will not issue, use, enforce or attempt to enforce the alleged underground regulation.

/s/
 Rick Baedeker
 Executive Director

<p>SUMMARY OF REGULATORY ACTIONS</p>
--

File# 2014-0321-06
 BOARD OF EDUCATION
 Special Education

This rulemaking action by the State Board of Education (Board) amends 36 sections, adopts 6 sections, and repeals one section within title 5 of the California Code

of Regulations relating to special education. The primary intent of the proposed changes is to bring these special education regulations in line with the numerous statutory and regulatory changes that have occurred at both the state and federal level.

Title 5
 California Code of Regulations
 ADOPT: 3051.19, 3051.20, 3051.21, 3051.22, 3051.23, 3051.24
 AMEND: 3001, 3023, 3025, 3029, 3030, 3031, 3040, 3043, 3051, 3051.1, 3051.2, 3051.3, 3051.4, 3051.5, 3051.6, 3051.7, 3051.75, 3051.8, 3051.9, 3051.10, 3051.11, 3051.12, 3051.13, 3051.14, 3051.15, 3051.16, 3051.17, 3051.18, 3060, 3061, 3064, 3065, 3068, 3083, 3084, 3088 REPEAL: 3054
 Filed 05/05/2014
 Effective 07/01/2014
 Agency Contact: Debra Thacker (916)319-0642

File# 2014-0321-05
 BOARD OF EDUCATION
 Civic Center Act

The Board of Education adopted six sections under title 5 of the California Code of Regulations to implement the Civic Center Act (Education Code section 38130 et seq.). Recent amendments made to the Civic Center Act in SB 1404 (Stats.2012, c. 764) expanded the definition of "direct costs" that a school district governing board may collect from an entity for use of school facilities or grounds to include, in addition to a share of supplies, utilities, janitorial services, and other operational costs, as specified, a share of the maintenance, repair, restoration, and refurbishment costs of school facilities or grounds, proportional to an entity's use of the school facilities or grounds. The action sets forth mathematical calculations of direct cost user fees pursuant to the Civic Center Act.

Title 5
 California Code of Regulations
 ADOPT: 14037, 14038, 14039, 14040, 14041, 14042
 Filed 05/05/2014
 Effective 07/01/2014
 Agency Contact: Hillary Wirick (916)319-0644

File# 2014-0429-01
 CALIFORNIA ARCHITECTS BOARD
 Architect Registration Examination

In this regulatory action, the Board is amending section 120 of the California Code of Regulations to specify that credit for divisions of the Architect Registration Examination (ARE) will expire on July 1, 2014 unless all divisions of the ARE have been passed and credited. This regulation aligns the Board's regulations with the national standard for the ARE.

Title 16
California Code of Regulations
AMEND: 120
Filed 05/05/2014
Effective 07/01/2014
Agency Contact: Timothy Rodda (916)575-7217

File# 2014-0325-05
DEPARTMENT OF INSURANCE
Changes to the California Auto Assigned Risk Plan
Plan of Operations

This action by the Department of Insurance amends section 2498.4.9 of Title 10 of the California Code of Regulations and sections 3, 14, 19, 20, 23, 27, 28, 41, 46, 60, and 61 and the Preface to the Appendix for the Plan of Operations for the California Automobile Assigned Risk Plan pursuant to Insurance Code section 11620.

Title 10
California Code of Regulations
AMEND: 2498.4.9
Filed 05/07/2014
Effective 05/07/2014
Agency Contact: Mike Riordan (415)538-4226

File# 2014-0328-01
DEPARTMENT OF MANAGED HEALTH CARE
Clean Up of Title 28

This rulemaking action amends sections of Title 28 of the California Code of Regulations so as to, among other things, enable ambulance service plans to contract for ambulance services to persons who do not live or work within the plan's service area but who will be in the service area temporarily.

Title 28
California Code of Regulations
AMEND: 1300.43.3, 1300.65, 1300.71, 1300.80.10
Filed 05/07/2014
Effective 07/01/2014
Agency Contact: Jennifer Willis (916)324-9014

File# 2014-0417-01
DEPARTMENT OF MOTOR VEHICLES
Ignition Interlock Devices

This action without regulatory effect conforms regulations to legislative changes in Chapter 661, Statutes of 2012 (SB 1576) concerning persons authorized to install, calibrate, service, maintain and monitor ignition interlock devices.

Title 13
California Code of Regulations
AMEND: 125.02
Filed 05/01/2014
Agency Contact: Randi Calkins (916)657-8898

File# 2014-0327-01
DEPARTMENT OF PUBLIC HEALTH
California School Immunization Record, Section 100

The Department of Public Health (DPH) submitted this Section 100 action to amend sections 6050, 6051, and 6070 of title 17 of the California Code of Regulations to make the regulations consistent with the updated immunization records requirements enumerated in section 120365 of the California Health and Safety Code. This action also revises the structure of the aforementioned sections, amends a typographical error found in the reference note of section 6050, and renumbers subdivisions contained within section 6070. This action also amends the California School Immunization Record Form (PM 286 (1/02)) to reflect the new requirements itemized in section 120365 of the California Health and Safety Code and repeals the Personal Beliefs Exemption Form (CDPH 8261 (03/11)), which no longer complies with the requirements of section 120365 of the California Health and Safety Code.

Title 17
California Code of Regulations
AMEND: 6050, 6051, 6070
Filed 05/05/2014
Agency Contact: Lesya Vorobets (916)440-7371

File# 2014-0402-02
ENVIRONMENTAL PROTECTION AGENCY
Conforming Amendment to Environmental Training
Account

This rulemaking by the California Environmental Protection Agency makes changes without regulatory effect by amending sections of Title 27 of the California Code of Regulations relating to the Environmental Enforcement Training Account. Senate Bill 428 amended the allocations formula set forth in Penal Code section 14314. The non-substantive changes in this rulemaking bring the regulations into conformity with that statute.

Title 27
California Code of Regulations
AMEND: 10013, 10014
Filed 04/30/2014
Agency Contact: Alice Reynolds (916)322-7326

File# 2014-0424-02
FAIR POLITICAL PRACTICES COMMISSION
Reasonably Foreseeable

This action amends the FPPC's existing regulation governing whether a financial effect is reasonably fore-

seeable. This action also adopts a regulation that states the possession of a real estate or professional license does not in itself make a financial effect on the official's economic interest reasonably foreseeable.

Title 2
 California Code of Regulations
 ADOPT: 18706.1
 AMEND: 18706
 Filed 05/01/2014
 Effective 05/31/2014
 Agency Contact:
 Virginia Latteri-Lopez (916)322-5660

File# 2014-0424-05
FAIR POLITICAL PRACTICES COMMISSION
 Gift to Agency and Travel Regulations

Amendments made by the Fair Political Practices Commission in this change without regulatory effect filing dealt with correcting a grammatical error.

Title 2
 California Code of Regulations
 AMEND: 18950.1
 Filed 05/01/2014
 Effective 05/01/2014
 Agency Contact:
 Virginia Latteri-Lopez (916)322-5660

File# 2014-0424-03
FAIR POLITICAL PRACTICES COMMISSION
 Determining Indirectly Involved Economic Interests

Amendments made by the Fair Political Practices Commission in this change without regulatory effect filing dealt with correcting a cross-reference.

Title 2
 California Code of Regulations
 AMEND: 18704
 Filed 04/30/2014
 Effective 04/30/2014
 Agency Contact:
 Virginia Latteri-Lopez (916)322-5660

File# 2014-0424-04
FAIR POLITICAL PRACTICES COMMISSION
 Technical Changes

Amendments made by the Fair Political Practices Commission in this change without regulatory effect filing dealt with a change to a cross-reference.

Title 2
 California Code of Regulations
 AMEND: 18707.9
 Filed 04/30/2014
 Effective 04/30/2014
 Agency Contact:
 Virginia Latteri-Lopez (916)322-5660

File# 2014-0424-01
FAIR POLITICAL PRACTICES COMMISSION
 Material Financial Effect on a Real Property

This action amends the FPPC's existing regulation governing material financial effect on a real property.

Title 2
 California Code of Regulations
 AMEND: 18705.2
 REPEAL: 18704.2
 Filed 05/01/2014
 Effective 05/31/2014
 Agency Contact:
 Virginia Latteri-Lopez (916)322-5660

File# 2014-0422-02
FISH AND GAME COMMISSION
 Ocean Salmon Sportfishing — May–November 2014

This rulemaking action by the Fish and Game Commission (Commission) amends section 27.80 of title 14 of the California Code of Regulations to adopt the open fishing days, bag limits, and minimum size for ocean salmon sport fishing in effect beginning May 1, 2014.

In addition, text is added to subdivision 27.80(d)(1)(A) to provide latitude and longitude coordinates for the Klamath River control zone identified in section 27.75 of title 14 of the California Code of Regulations.

Other non-substantive changes are also included in this regulatory action in order to improve clarity and consistency of the regulation text.

Title 14
 California Code of Regulations
 AMEND: 27.80
 Filed 04/30/2014
 Effective 05/01/2014
 Agency Contact: Sherrie Fonbuena (916)654-9866

File# 2014-0321-11
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
 Federal Final Rule, Globally Harmonized System — Update to Hazard Communication

The Occupational Safety and Health Standards Board (OSHSB) submitted this rulemaking action to amend 36 title 8 sections and the appendices to many of these sections to conform them to recent amendments in federal standards that address updates to the Hazard Communication Standard (HCS) and related sections. The amendments update requirements for hazard communication that are at least as effective as the federal standards for HCS programs, which include warning labels, signs, and safety data sheets, and employee training to inform workers and other downstream users of manufactured and imported chemical products, and are

intended to be consistent with the United Nations Globally Harmonized System Classification and Labeling of Chemicals (GHS), Revision 3. The proposed standards also update hazard communication standards for welding, brazing, and cutting.

Title 8
 California Code of Regulations
 AMEND: 1529, 1532, 1532.1, 1532.2, 1535, 3204, 5150, 5157, 5161, 5189, 5190, 5191, 5192, 5194, 5197, 5198, 5200, 5201, 5202, 5206, 5207, 5208, 5208.1, 5209, 5210, 5211, 5212, 5213, 5214, 5215, 5217, 5218, 5219, 5220, 8358, 8359
 Filed 05/05/2014
 Effective 05/06/2014
 Agency Contact: Marley Hart (916)274-5721

File# 2014-0321-10
 OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
 Federal Final Rule GHS-Update to Hazard Communication Safety

The Occupational Safety and Health Standards Board adopted section 1929 and amended sections 1504, 1930, 1931, 1932, 1934, 1935, 1936, 5154, 5191, 5194, 5415, 5417, 5449, 5451, 5531, 5532, 5533, 5534, 5535, 5537, 5538, 5541, 5542, 5543, 5545, 5546, 5547, 5549, 5555, 5556, 5558, 5560, 5566, 5568, 5569, 5570, 5573, 5574, 5575, 5576, 5577, 5578, 5579, 5580, 5583, 5585.1, 5589, 5590, 5592, 5593, 5594, 5595, 5596, 5597, 5598, 5599, 5600, 5601, 5602, 5606, 5607, 5608, 5616, 5617, 5618, 5619, 5620, 5621, 5622, and 5624 of title 8 of the California Code of Regulations to make them consistent with the federal Hazard Communication Standard and the Globally Harmonized System of Classification and Labeling of Chemicals while retaining more protective provisions where they exist.

Title 8
 California Code of Regulations
 ADOPT: 1929 AMEND: 1504, 1930, 1931, 1932, 1934, 1935, 1936, 5154, 5191, 5194, 5415, 5417, 5449, 5451, 5531, 5532, 5533, 5534, 5535, 5537, 5538, 5541, 5542, 5543, 5545, 5546, 5547, 5549, 5555, 5556, 5558, 5560, 5566, 5568, 5569, 5570, 5573, 5574, 5575, 5576, 5577, 5578, 5579, 5580, 5583, 5585.1, 5589, 5590, 5592, 5593, 5594, 5595, 5596, 5597, 5598, 5599, 5601, 5602, 5606, 5607, 5608, 5616, 5617, 5618, 5619, 5620, 5621, 5622, 5624
 Filed 05/05/2014
 Effective 05/06/2014
 Agency Contact: Marley Hart (916)274-5721

File# 2014-0325-01
 STATE WATER RESOURCES CONTROL BOARD
 Lower Salinas River & Reclamation Canal Basin
 Nutrient TMDLs

The State Water Resources Control Board (Board) submitted this Government Code section 11353 action to provide a concise summary of a basin plan amendment adopted by the Central Coast Regional Water Quality Control Board on March 14, 2013 in Resolution No. R3-2013-0008. The basin plan amendment was approved by Board on February 4, 2014 in Resolution No. 2014-0008. The concise summary of the basin plan amendment will be added to title 23 of the California Code of Regulations in new section 3929.10. The basin plan amendment establishes total maximum daily loads and an implementation plan for nitrate, nitrogen, un-ionized ammonia, orthophosphate, dissolved oxygen, chlorophyll a, and microcystins impairing a number of beneficial uses in the lower Salinas River and Reclamation Canal Basin and the Moro Cojo Slough Subwatershed.

Title 23
 California Code of Regulations
 ADOPT: 3929.10
 Filed 05/07/2014
 Agency Contact: Peter Osmolovsky (805)543-3699

CCR CHANGES FILED WITH THE SECRETARY OF STATE WITHIN December 4, 2013 TO May 7, 2014

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 2
 05/01/14 ADOPT: 18706.1 AMEND: 18706
 05/01/14 AMEND: 18950.1
 05/01/14 AMEND: 18705.2 REPEAL: 18704.2
 04/30/14 AMEND: 18704
 04/30/14 AMEND: 18707.9
 04/16/14 ADOPT: 599.760.1 AMEND: 599.757, 599.759, 599.761, 599.768, 599.769 REPEAL: 599.755, 599.760, 599.764, 599.765, 599.766, 599.767
 03/10/14 AMEND: 1900, 2002, 2003

CALIFORNIA REGULATORY NOTICE REGISTER 2014, VOLUME NO. 20-Z

03/05/14	ADOPT: 630, 632.5, 632.11 AMEND: 631, 631.5, 632, 632.6, 632.7, 632.8, 632.9, 632.10 REPEAL: 632.5, 632.11	02/03/14	ADOPT: 10170.16, 10170.17, 10170.18, 10170.19, 10170.20, 10170.21, 10170.22, 10170.23, 10170.24
02/10/14	AMEND: 58000	01/21/14	ADOPT: 10170.1, 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.11, 10170.12, 10170.13, 10170.14, 10170.15
01/27/14	AMEND: 56800	12/26/13	ADOPT: 8034(d)
01/21/14	AMEND: 1194	12/24/13	AMEND: 8070, 8072
01/13/14	AMEND: 55300	12/23/13	AMEND: 5000, 5170, 5190, 5205, 5212, 5230, 5250
12/23/13	ADOPT: 18950.2 AMEND: 18942, 18944, 18950, 18950.1, 18950.4 REPEAL: 18727.5, 18950.3	12/19/13	AMEND: 10325
12/23/13	AMEND: 18351	12/04/13	AMEND: 12200.20, 12220.20, 12480, 12482, 12500, 12505, 12508 REPEAL: 12488
Title 3		Title 5	
04/24/14	AMEND: 3435(b)	05/05/14	ADOPT: 14037, 14038, 14039, 14040, 14041, 14042
04/04/14	AMEND: 3435(b)	05/05/14	ADOPT: 3051.19, 3051.20, 3051.21, 3051.22, 3051.23, 3051.24 AMEND: 3001, 3023, 3025, 3029, 3030, 3031, 3040, 3043, 3051, 3051.1, 3051.2, 3051.3,.4, 3051.5, 3051.6, 3051.7, 3051.75, 3051.8, 3051.9, 3051.10, 3051.11, 3051.12, 3051.13, 3051.14, 3051.15, 3051.16, 3051.17, 3051.18, 3060, 3061, 3064, 3065, 3068, 3083, 3084, 3088 REPEAL: 3054
03/19/14	AMEND: 3406(b)	04/15/14	AMEND: 70020
03/18/14	ADOPT: 6471 AMEND: 6000, 6400	04/01/14	AMEND: 80303
03/18/14	AMEND: 3423(b)	04/01/14	ADOPT: 15498, 15498.1, 15498.2, 15498.3
03/10/14	AMEND: 3589(a)	02/28/14	ADOPT: 19843, 19844, 19848, 19849, 19855 AMEND: 19815, 19816, 19816.1, 19817.2, 19819, 19820, 19824, 19828.4, 19840, 19845.2, 19850, 19851, 19852, 19853 REPEAL: 19839
03/05/14	ADOPT: 1358.3	02/13/14	ADOPT: 80033
02/26/14	AMEND: 3434(b)(c)(d)	02/06/14	ADOPT: 15494, 15495, 15496, 15497
02/25/14	AMEND: 3417(b)	02/05/14	ADOPT: 80691, 80692
02/25/14	AMEND: 3700(b)	02/03/14	AMEND: 850, 851, 852, 853, 853.5, 855, 857, 858, 859, 861, 862, 862.5, 863, 864 REPEAL: 854, 864.5, 865, 866, 867, 867.5, 868
02/20/14	AMEND: 3423(b)	01/23/14	AMEND: 22000
02/20/14	AMEND: 3701, 3701.1, 3701.2, 3701.3, 3701.4, 3701.5, 3701.6, 3701.7, 3701.8	12/04/13	AMEND: 15440, 15444, 15445, 15446, 15447, 15448, 15450, 15451, 15453, 15455, 15456, 15460, 15461, 15463, 15464, 15467, 15468, 15469, 15471, 15471.2, 15472, 15473, 15474, 15475, 15480, 15483, 15484, 15485, 15486, 15490, 15493
02/12/14	AMEND: 3700(c)		
02/10/14	AMEND: 3435(b)		
02/05/14	AMEND: 3435(b)		
01/27/14	AMEND: 3406(b)		
01/23/14	AMEND: 3591.11		
01/14/14	ADOPT: 1392.13		
01/09/14	AMEND: 1300, 1300.1, 1300.3, 1300.11, 1300.12, 1300.13, 1300.14, 1300.15 REPEAL: 1300.2, 1300.4		
12/16/13	AMEND: 3591.12(a) & (b)		
12/05/1	ADOPT: 1280, 1280.1, 1280.8, 1280.10 AMEND: 1280.73		
Title 4			
04/07/14	AMEND: 1656, 1658		
04/03/14	AMEND: 10030, 10031, 10032, 10033, 10034, 10035, 10036		
04/02/14	AMEND: 2066		
03/28/14	AMEND: 10302, 10305, 10315, 10317, 10320, 10322, 10325, 10326, 10327, 10328, 10337		
03/24/14	ADOPT: 10170.1, 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.11, 10170.12, 10170.13, 10170.14, 10170.15		
03/11/14	ADOPT: 1927.1		
03/10/14	ADOPT: 10080, 10081, 10082, 10083, 10084, 10085, 10086, 10087		

CALIFORNIA REGULATORY NOTICE REGISTER 2014, VOLUME NO. 20-Z

Title 7

02/27/14 AMEND: 213

Title 8

05/05/14 AMEND: 1529, 1532, 1532.1, 1532.2, 1535, 3204, 5150, 5157, 5161, 5189, 5190, 5191, 5192, 5194, 5197, 5198, 5200, 5201, 5202, 5206, 5207, 5208, 5208.1, 5209, 5210, 5211, 5212, 5213, 5214, 5215, 5217, 5218, 5219, 5220, 8358, 8359

05/05/14 ADOPT: 1929 AMEND: 1504, 1930, 1931, 1932, 1934, 1935, 1936, 5154, 5191, 5194, 5415, 5417, 5449, 5451, 5531, 5532, 5533, 5534, 5535, 5537, 5538, 5541, 5542, 5543, 5545, 5546, 5547, 5549, 5555, 5556, 5558, 5560, 5566, 5568, 5569, 5570, 5573, 5574, 5575, 5576, 5577, 5578, 5579, 5580, 5583, 5585.1, 5589, 5590, 5592, 5593, 5594, 5595, 5596, 5597, 5598, 5599, 5601, 5602, 5606, 5607, 5608, 5616, 5617, 5618, 5619, 5620, 5621, 5622, 5624

04/28/14 AMEND: 2940.2, 2940.7, 8602, 8610, 8611, 8615

04/16/14 AMEND: 10205.14 REPEAL: 9788.01, 9788.1, 9788.11, 9788.2, 9788.3, 9788.31, 9788.32, 9788.4, 9788.45, 9788.5, 9788.6, 9788.7, 9788.8, 9788.9, 9788.91

04/14/14 AMEND: 3650

04/14/14 AMEND: 5001

04/09/14 AMEND: 1619.1(b)

04/03/14 AMEND: 4355

04/01/14 AMEND: 1520, 3384

02/12/14 ADOPT: 9785.5, 9792.6.1, 9792.9.1, 9792.10.1, 9792.10.2, 9792.10.3, 9792.10.4, 9792.10.5, 9792.10.6, 9792.10.7, 9792.10.8, 9792.10.9
AMEND: 9785, 9792.6, 9792.7, 9792.9, 9792.10, 9792.11, 9792.12, 9792.15

02/12/14 ADOPT: 9792.5.4, 9792.5.5, 9792.5.6, 9792.5.7, 9792.5.8, 9792.5.9, 9792.5.10, 9792.5.11, 9792.5.12, 9792.5.13, 9792.5.14, 9792.5.15 AMEND: 9792.5.1, 9792.5.3, 9793, 9794, 9795

02/12/14 AMEND: 9780, 9780.1, 9783, 9783.1, 9785

02/05/14 AMEND: 10133.32, 10133.33, 10133.35, 10133.36

01/21/14 AMEND: 334

01/21/14 AMEND: 344, 344.1

01/09/14 AMEND: 8495, 8496, 8497, 8500

01/09/14 AMEND: 5155

01/07/14 AMEND: 4297

12/26/13 AMEND: 9789.12.2, 9789.12.3, 9789.12.4, 9789.12.8, 9789.19

12/16/13 ADOPT: 10206, 10206.1, 10206.2, 10206.3, 10206.4, 10206.5, 10206.14, 10206.15, 10207, 10208, 10208.1
AMEND: 10205, 10205.12

Title 9

01/28/14 ADOPT: 7005.5 AMEND: 7005
REPEAL: 7144, 7145, 7146, 7147

01/14/14 AMEND: 7214.1, 7220.7, 7227.2

Title 10

05/07/14 AMEND: 2498.4.9

04/29/14 AMEND: 2509.1, 2509.3, 2509.4, 2509.5, 2509.6, 2509.7, 2509.8, 2509.9, 2509.10, 2509.11, 2509.12, 2509.13, 2509.14, 2509.15, 2509.16, 2509.17, 2509.18, 2509.19, 2509.20

04/28/14 AMEND: 2498.6

04/23/14 AMEND: 3541, 3568

04/23/14 AMEND: 2498.5

04/21/14 ADOPT: 2907.1, 2907.2, 2907.3, 2907.4

04/10/14 ADOPT: 2562.1, 2562.2, 2562.3, 2562.4

04/01/14 ADOPT: 6700, 6702, 6704, 6706, 6708, 6710, 6712, 6714, 6716, 6718

04/01/14 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

04/01/14 ADOPT: 6800, 6802, 6804, 6806

04/01/14 ADOPT: 6520, 6522, 6524, 6526, 6528, 6530, 6532, 6534, 6536, 6538

03/25/14 ADOPT: 6456

03/17/14 ADOPT: 6458

03/10/14 ADOPT: 6424, 6440

03/06/14 ADOPT: 6420, 6422

02/25/14 ADOPT: 2218.30

02/24/14 ADOPT: 2594, 2594.1, 2594.2, 2594.3, 2594.4, 2594.5, 2594.6, 2594.7

02/20/14 ADOPT: 8000, 8010, 8020, 8030, 8040, 8050, 8060, 8070

02/11/14 AMEND: 3500, 3523, 3525, 3527, 3528, 3529, 3530, 3541, 3542, 3543, 3561, 3563, 3565, 3568, 3569, 3570, 3571, 3575, 3576, 3577, 3581, 3582, 3601, 3602, 3603, 3621, 3661, 3662, 3663, 3664, 3665, 3666, 3668, 3681, 3702, 3704, 3721, 3723, 3724, 3725, 3726, 3728, 3729, 3730, 3732, 3741, 3761

02/10/14 ADOPT: 6650, 6652, 6654, 6656, 6657,
6658, 6660, 6662, 6664, 6666, 6668,
6670
01/28/14 AMEND: 2318.6, 2353.1
01/28/14 AMEND: 2318.6, 2353.1, 2354
01/24/14 ADOPT: 217, 217.5, 217.10, 217.15,
217.20, 217.25, 217.30, 217.35, 217.40,
217.45 AMEND: 202, 216, 218, 219, 221
REPEAL: 217
01/07/14 ADOPT: 1430 AMEND: 260.210,
260.211, 260.211.1, 260.231, 1422,
1422.7, 1423, 1581, 1582, 1805.204,
1950.122.8
12/30/13 AMEND: 260.237
12/27/13 AMEND: 2699.100, 2699.200,
2699.201, 2699.205, 2699.207,
2699.209, 2699.210, 2699.400
REPEAL: 2699.202, 2699.208, 2699.211
12/24/13 ADOPT: 2598.3(b), 2598.3(c)
12/23/13 ADOPT: 6456
12/19/13 AMEND: 2698.200
12/19/13 AMEND: 2698.602
12/09/13 ADOPT: 2594, 2594.1, 2594.2, 2594.3,
2594.4, 2594.5, 2594.6, 2594.7

Title 11

02/27/14 AMEND: 20
02/19/14 AMEND: 999.10
01/14/14 AMEND: 1015(c)
12/26/13 ADOPT: 4200, 4210, 4220, 4230, 4240
12/18/13 AMEND: 4001, 4002
12/12/13 AMEND: 1001, 1005, 1006, 1007, 1008,
1055, 1070, 1071, 1950
12/12/13 AMEND: 44.3
12/12/13 ADOPT: 51.28

Title 13

05/01/14 AMEND: 125.02
03/13/14 AMEND: 1239
02/24/14 AMEND: 1
02/24/14 AMEND: 553.70
12/30/13 AMEND: 423.00
12/16/13 AMEND: 2262.9, 2263, 2282

Title 14

04/30/14 AMEND: 27.80
04/11/14 AMEND: 3550.15
04/07/14 AMEND: 790, 820.01
04/01/14 AMEND: 27.80
03/26/14 AMEND: 916.9(g)(2)(A),
936.9(g)(2)(A), 956.9(g)(2)(A)
03/25/14 ADOPT: 5200, 5201, 5202, 5203, 5204,
5205, 5206, 5207, 5208, 5209, 5210,
5211, 5300, 5301, 5302, 5303, 5304,
5305, 5306, 5307
03/24/14 AMEND: 228(a)
03/18/14 AMEND: 601, 702(a)(1)

02/19/14 AMEND: 7.00, 7.50, 8.00
02/10/14 AMEND: 701
02/06/14 AMEND: 1665.6(b)
01/21/14 AMEND: 7.50
01/16/14 ADOPT: 3100, 3101, 3102, 3103, 3104,
3105, 3106, 3107, 3108, 3109, 3110,
3111, 3112, 3113, 3114, 3115, 3116, 3117
01/14/14 AMEND: 165, 165.5
01/13/14 ADOPT: 4000
01/13/14 ADOPT: 2830, 2831, 2831.1, 2831.2,
2831.3, 2831.4, 2831.5, 2832, 2833,
2834, 2835 AMEND: 2000, 2085, 2501
12/26/13 AMEND: 228(a)
12/30/13 ADOPT: 1761, 1780, 1781, 1782, 1783,
1783.1, 1783.2, 1783.3, 1783.4, 1788
12/23/13 AMEND: 5.79, 27.92
12/20/13 ADOPT: 2012 AMEND: 2010, 2015,
2030, 2040, 2045, 2405, 2505
12/19/13 AMEND: 705
12/19/13 AMEND: 790, 818.02, 825.03, 827.02
12/17/13 AMEND: 2530, 2535
12/09/13 AMEND: 820.01

Title 15

04/21/14 REPEAL: 3999.12
03/28/14 ADOPT: 3999.17
03/24/14 AMEND: 3044, 3190, 3282, 3335
03/18/14 AMEND: 3290, 3315
02/11/14 ADOPT: 3999.15
02/11/14 ADOPT: 3999.16
02/06/14 ADOPT: 3750, 3751, 3752, 3753, 3754,
3756, 3760, 3761, 3761.1, 3762, 3763,
3764, 3765, 3766 AMEND: 3000,
3075.2, 3768.2, 3768.3
01/23/14 AMEND: 3000, 3075
01/15/14 REPEAL: 3999.9
01/09/14 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
01/08/14 AMEND: 3044, 3190, 3315
01/08/14 AMEND: 3000, 3006, 3084.7, 3165,
3176, 3177, 3294.5, 3310, 3315, 3352,
3376, 3376.1, 3377.1, 3379, 3426, 3430,
3434
12/09/13 AMEND: 3000, 3190, 3213, 3334

Title 16

05/05/14 AMEND: 120
04/24/14 AMEND: 1495.1, 1495.2
04/23/14 AMEND: 940
04/22/14 AMEND: 1419(c)

CALIFORNIA REGULATORY NOTICE REGISTER 2014, VOLUME NO. 20-Z

04/21/14	AMEND: 1508.1	5262, 5264, 5266, 5267, 5270, 5311,
04/14/14	AMEND: 1749	5322, 5323.6, 5323.8, 5324, 5325.6,
02/24/14	ADOPT: 1762 AMEND: 1745, 1769	5332, 5332.6, 5333, 5333.4, 5333.6,
02/19/14	AMEND: 1021	5334, 5334.4, 5334.6, 5335, 5336.5,
01/17/14	AMEND: 475, 476, 3065	5345, 5421, 5435, 5444, 5450, 5451,
01/16/14	ADOPT: 1138	5452, 5460, 5463, 5510, 5511, 5512,
01/13/14	AMEND: 70	5522.8, 5523.6, 5551, 5561, 5562, 5563,
01/07/14	AMEND: 1524	5570, 5573, 5574 REPEAL: 5450, 5512,
01/07/14	ADOPT: 1018.01 AMEND: 1018	5563
12/31/13	ADOPT: 4172	02/20/14 ADOPT: 19266
12/23/13	ADOPT: 4128 AMEND: 4122, 4130	01/08/14 AMEND: 25106.5-1
12/18/13	ADOPT: 5.5, 18, 19, 20, 21, 22 AMEND: 21 (renumbered to 36.1), 26, 98	12/24/13 AMEND: 263, 462.020, 462.060, 462.160, 462.180, 462.220, 462.240
12/04/13	AMEND: 1065	12/09/13 AMEND: 17951-4, 17951-6, 25101, 25106.5-9, 25106.5-10, 25128, 25137-1, 25137-2, 25137-4.2, 25137-7, 25137-8.2, 25137-9, 25137-10, 25137-11, 25137-14
Title 17		
05/05/14	AMEND: 6050, 6051, 6070	12/09/13 AMEND: 1642
04/16/14	AMEND: 1230, 2641.57	Title 20
04/16/14	AMEND: 54342	04/22/14 AMEND: 1601, 1602, 1602.1, 1603, 1604, 1605, 1605.1, 1605.2, 1605.3, 1606, 1607, 1608
04/10/14	AMEND: 60201, 60203, 60205, 60207, 60210	01/28/14 AMEND: 2401, 2402
03/12/14	ADOPT: 56068, 56069, 56070, 56071, 56072, 56073, 56074, 56620, 56621, 56622, 56623, 56624, 56625 AMEND: 56101	01/08/14 AMEND: 1660, 1661, 1662, 1663, 1664, 1665
01/28/14	ADOPT: 54521, 54522, 54523, 54524, 54525, 54526, 54527, 54528, 54529, 54530, 54531, 54532, 54533, 54534, 54535 AMEND: 54500, 54505, 54520 REPEAL: 54521, 54522, 54523, 54524, 54525	01/08/14 AMEND: 1.2, 1.5, 1.9, 1.10, 1.13, 2.4, 3.3, 3.6, 4.2, 8.3, 13.1, 13.8, 13.11, 13.13, 14.1, 14.2, 14.5, 14.6, 15.2, 16.6, 18.1
01/27/14	AMEND: 100600, 100601, 100602, 100608	Title 21
12/31/13	ADOPT: 95124 AMEND: 95101, 95102, 95103, 95104, 95105, 95110, 95111, 95112, 95113, 95114, 95115, 95116, 95117, 95118, 95119, 95120, 95121, 95122, 95123, 95129, 95130, 95131, 95132, 95133, 95150, 95151, 95152, 95153, 95154, 95155, 95156, 95157	01/07/14 ADOPT: 2653, 2654, 2655, 2656, 2657, 2658
12/17/13	AMEND: 1230, 2641.57	Title 22
Title 18		
04/09/14	REPEAL: 18641, 19513	04/07/14 REPEAL: 75040, 75041, 75042, 75043, 75044
04/02/14	AMEND: 1705	04/03/14 AMEND: 97212, 97215, 97225, 97226, 97227, 97228, 97229, 97244, 97248, 97258, 97259, 97260, 97261
03/10/14	ADOPT: 18662-0, 19002 AMEND: 18662-1, 18662-2, 18662-3, 18662-4, 18662-5, 18662-6, 18662-8 REPEAL: 18662-7, 18662-11, 18662-12, 18662-13, 18662-14	03/25/14 AMEND: 97225, 97226, 97227
03/04/14	AMEND: 1502	03/17/14 AMEND: 51516.1
02/25/14	ADOPT: 5255, 5256, 5453, 5552 AMEND: 5200, 5212, 5215, 5215.4, 5215.6, 5216, 5217, 5218, 5219, 5220, 5222, 5224, 5225, 5230, 5233, 5235, 5237, 5240, 5241, 5242, 5247, 5250,	02/26/14 AMEND: 53800, 53810 REPEAL: 53830
		02/13/14 AMEND: 51003
		12/24/13 AMEND: 51510, 51510.1, 51510.2, 51510.3, 51511, 51511.5, 51511.6, 51535, 51535.1, 54501
		12/17/13 ADOPT: 70438.2
		12/16/13 AMEND: 50090, 50260, 50262.3, 50951, 50953, 51008, 51008.5, 51015, 51159, 51200, 51303, 51341.1, 51458.1, 51476, 51490.1
		12/05/13 ADOPT: 70951, 70952, 70953, 70954, 70955, 70956, 70957, 70958, 70958.1, 70959, 70960, 71701, 71702, 71703

Title 23

05/07/14 ADOPT: 3929.10
 03/11/14 ADOPT: 3969.4
 02/27/14 AMEND: 2922
 02/04/14 AMEND: 2921
 01/09/14 ADOPT: 13.2, 21, 22, 23, 24, 25, 27, 29
 AMEND: 13, 13.1, 13.2 (renumbered to 13.3), 20, 21 (renumbered to 26), 26 (renumbered to 28), 28 (renumbered to 30) REPEAL: 23, 24, 25, 27

Title 25

04/07/14 AMEND: 4353, 4369
 03/24/14 ADOPT: 6932 REPEAL: 6932

Title 27

04/30/14 AMEND: 10013, 10014
 04/16/14 AMEND: 25302, 25304
 02/20/14 AMEND: 27001
 12/17/13 ADOPT: 15186.1 AMEND: 15100, 15110, 15150, 15170, 15180, 15185, 15186, 15187, 15188, 15190, 15200, 15210, 15220, 15240, 15242, 15250, 15260, 15280, 15290, 15300, 15330, Appendix B, Div. 3, Subd. 1, Ch. 1, Ch. 2, Ch. 3, Ch. 4, Ch. 5, Ch. 6 REPEAL: 15189, 15400, 15400.1, 15400.3, 15400.4, 15410, 15600, 15610, 15620

Title 28

05/07/14 AMEND: 1300.43.3, 1300.65, 1300.71, 1300.80.10
 04/28/14 ADOPT: 1300.67.241
 04/14/14 ADOPT: 1300.67.005
 12/16/13 ADOPT: 1300.67.005

Title MPP

04/23/14 AMEND: 40-105, 42-422, 82-504
 04/23/14 AMEND: 40-105, 42-422, 82-504
 12/24/13 ADOPT: 40-038 AMEND: 22-071, 22-072, 22-305, 40-036, 40-103, 40-105, 40-107, 40-119, 40-125, 40-128, 40-131, 40-173, 40-181, 40-188, 40-190, 41-405, 42-209, 42-213, 42-221, 42-302, 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, 44-314, 44-315, 44-316, 44-317, 44-318, 44-325, 44-327, 44-340, 44-350, 44-352, 47-220, 47-320, 48-001, 80-301, 80-310, 82-612, 82-812, 82-820, 82-824, 82-832, 89-110, 89-201 REPEAL: 44-400, 44-401, 44-402, 44-403

