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

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PROPOSED ACTION ON REGULATIONS

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TITLE 5. BUREAU FOR PRIVATE POSTSECONDARY EDUCATION

NOTICE IS HEREBY GIVEN that the Bureau for Private Postsecondary Education (hereinafter “Bureau”), Department of Consumer Affairs, 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 the Department of Consumer Affairs, Evergreen Facility Hearing Room, Room 1150, 2005 Evergreen St., Sacramento, CA 95815, at 10 a.m., or as soon as practicable thereafter, on July 21, 2015. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under [Contact Person](#) in this Notice, must be received by the Bureau at its office not later than 5 p.m. on July 20, 2015, or must be received by the Bureau at the hearing. The Bureau, 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 94877, 94928, 94929.5, 94929.7, 94929.8, 94934 and 94941 of the Education Code, and to implement, interpret or make specific Sections 94874.8, 94902, 94910, 94928, 94929, 94929.5, 94929.7, 94932, 94934 and 94941 of said Code, the Bureau is considering changes to Division 7.5 of Title 5 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

AB 2296, Chapter 585, Statutes of 2012, expanded the disclosure requirements for institutions under the

Bureau related to unaccredited programs; expanded disclosure requirements for all regulated institutions; established more stringent criteria for determining gainful employment and calculating job placement rates; required certain financial aid information disclosures; and increased institutional documentation and reporting requirements around completion rates, job placement/license exam passage rates, and salary/wage information for graduates.

The regulatory proposal is as follows:

1. Amend section 74110(a) of Title 5 of the California Code of Regulations

This provides an overview of requirements for Annual Reports which includes information required by California Education Code sections 94929.5 and 94934. Additionally, this provides a list of additional information required to be included in the Annual Report.

2. Amend section 74110(b) of Title 5 of the California Code of Regulations

This adds a requirement that information required by this section be included in the Annual Report.

3. Amend section 74110(c) of Title 5 of the California Code of Regulations

This changes the deadline for submitting the Annual Report.

4. Amend section 74110(d) of Title 5 of the California Code of Regulations

This requires that the Annual Report be submitted via online form at the Bureau’s website. It also requires that enrollment agreements be part of the included materials. It removes alternative submission methods.

5. Amend section 74112(a) of Title 5 of the California Code of Regulations

This provides reporting exceptions recently created by statute.

6. Adopt section 74112(b) of Title 5 of the California Code of Regulations

This provides instructions for reporting by institutions which are too new to have the required data for reporting.

7. Adopt section 74112(c) of Title 5 of the California Code of Regulations

This provides instructions to schools which are newly approved but not required to provide data from before approval for reporting.

8. Re-number section 74112(b) to section 74112(d) and amend new section 74112(d) of Title 5 of the California Code of Regulations

This renumbers this subsection and provides a definition for “gainfully employed.”

9. Re-number section 74112(c) to section 74112(e) and amend new section 74112(e) of Title 5 of the California Code of Regulations

This changes the deadline for Performance Fact Sheets. It also provides two years as a minimum requirement for Performance Fact Sheets. It identifies which group of students is to be used for the Performance Fact Sheets.

10. Adopt section 74112(f) of Title 5 of the California Code of Regulations

This adds Total Charges to the Performance Fact Sheet and provides a reporting example.

11. Adopt section 74112(g) of Title 5 of the California Code of Regulations

This adds Student Loan/Debt Information to the Performance Fact Sheet and provides a reporting example. It also provides an example if an institution does not participate in federal financial aid programs.

12. Re-number section 74112(d) to section 74112(h) and amend new section 74112(h) of Title 5 of the California Code of Regulations

This renumbers this subsection. It also reflects minor changes caused by renumbering and changes in definitions. It removes the footnotes from the associated reporting chart.

13. Re-number section 74112(e) to section 74112(i) and amend new section 74112(i) of Title 5 of the California Code of Regulations

This renumbers this subsection and provides minor changes caused by renumbering and changes in definitions. It also adds provisions for measuring employment when the occupation requires taking an exam. It adds a requirement that prospective students are provided relevant job classifications to the program with the Performance Fact Sheet. It removes the last two columns of the reporting chart. It removes the footnotes from the associated reporting chart. It adds a disclosure requirement for programs which may lead to self-employment or freelance work-styles.

14. Re-number section 74112(f) to section 74112(j) and amend new section 74112(j) of Title 5 of the California Code of Regulations

This renumbers this subsection. It also reflects minor changes caused by renumbering and changes in definitions. It removes the footnotes from the associated reporting charts.

15. Re-number section 74112(g) to section 74112(k) and amend new section 74112 (k) of Title 5 of the California Code of Regulations

This renumbers this subsection. It also reflects minor changes caused by renumbering and changes in definitions. It removes the footnotes from the associated reporting chart. It also adds a notification that a list of sources used to substantiate the information in the associated chart is available to a prospective student.

16. Adopt section 74112(l) of Title 5 of the California Code of Regulations

This provides a list of definitions for the reporting charts used as part of the Performance Fact Sheet, thus replacing the removed footnotes. It also requires that this list of definitions be included in the Performance Fact Sheet and be in the same format as required for the Performance Fact Sheet.

17. Re-number section 74112(h) to section 74112(m) and amend new section 74112(m) of Title 5 of the California Code of Regulations

This renumbers this subsection. It also requires that documentation supporting reported data be retained electronically and that it shall be provided to the Bureau upon request. It also provides a list of the minimum data to be retained.

Anticipated Benefits of the Proposal

All institutions approved to operate in California by the Bureau are required to make an Annual Report and provide prospective students with a Performance Fact Sheet which is updated annually. The proposal provides expanded disclosures including institutional participation in federal financial aid programs and provides a more stringent and meaningful definition of gainful employment as required by statute. Additionally, the reporting is reworked to help add clarity for prospective students.

Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, the Bureau 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.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding: 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 Bureau has made 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.

Impact on Jobs/New Businesses: None.

Cost Impact on Representative Private Person or Business: The Bureau is not aware of any cost impact that a representative private person or business would

necessarily incur in reasonable compliance with the proposed regulations.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Bureau has determined that the proposed regulations would not affect small businesses. Institutions that qualify as small businesses are already required to provide students with a performance fact sheet and to make an annual report to the Bureau. The proposed regulations require additional information to be provided in the performance fact sheet and the annual report but it is not difficult to obtain.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

The Bureau has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Benefits of Regulation:

The Bureau has determined that this regulatory proposal will benefit the health and welfare of California residents by providing clarification and updated definitions for reporting requirements to comply with current law. The proposal will have no effect on worker safety or the State's environment.

CONSIDERATION OF ALTERNATIVES

The Bureau 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 provisions 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 Bureau 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 any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Bureau for Private Postsecondary Education, P.O. Box 980818, West Sacramento, CA 95798-0818.

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

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

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

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Kent Gray
 Address: Legislative/Regulatory Analyst
 P.O. Box 980818
 West Sacramento, CA 95798-0818
 Telephone No.: (916) 246-3907
 Fax No.: (916) 263-1897
 E-Mail
 Address: Kent.Gray@dca.ca.gov

The backup contact person is:

Name: Joanne Wenzel
 Address: P.O. Box 980818
 West Sacramento, CA 95798-0818
 Telephone No.: (916) 431-6905
 Fax No.: (916) 263-1897
 E-Mail
 Address: Joanne.Wenzel@dca.ca.gov

Website Access: <http://bppe.ca.gov>. Materials regarding this proposal can be found at <http://bppe.ca.gov/>.

**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 N. Market Blvd, 2nd floor, Sapphire Room
Sacramento, CA 95834
July 20, 2015 at 9 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 July 20, 2015 or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by sections 4933 of the Business and Professions Code, and to implement, interpret or make specific section 138 of the Business and Professions Code, the Board is considering changes to Division 15 of Title 16 of the California Code of Regulations as follows:

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

The Board currently regulates a total of 17,200 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 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 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 Acupuncture Practice Act.

The primary purpose of these proposed regulations is to implement, interpret, and make specific the provisions of section 138 of the Business and Professions Code relative to providing conspicuous notification to consumers that acupuncturists are licensed and regulated by the Board, require that the notice include a statement to that effect, and contain the Board’s telephone number and its Web Site address.

The Board is proposing the following changes:

Adopt Section 1399.469.3 of Division 5 of Title 16 of the California Code of Regulations (Notice to Consumers):

The proposed regulations require a licensed acupuncturist engaged in the practice of acupuncture to provide notice to each patient of the fact that he or she is licensed and regulated by the Board. This proposal would require the notice include a statement that acupuncturists are licensed and regulated by the Board and contain the Board’s telephone number and Web site address.

The proposed regulations would specify that the notice is required to be prominently posted in an area visible to patients on the premises where services are provided in at least 48–point type font.

Benefits

As previously specified, the protection of the public is the Board’s highest priority when exercising its licensing, regulatory, examination, and disciplinary functions. This proposal is consistent with the Board’s priority of protecting the public. An informed consumer is in a better position to make a reasoned choice relating to acupuncture care. Additionally, an informed consumer would be able to assist the Board in regulating the practice of Acupuncture via the Board’s complaint process, should a problem arise.

During the process of developing these regulations and amendments, the Acupuncture Board 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.

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

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. Although many businesses will be required to comply, the economic impact will be minor. Acupuncturists would only be required to prominently post a sign, indicating that they are licensed by the Board, and the notice would include a statement that acupuncturists are licensed and regulated by the Board and contain the Board’s telephone number and Web site address.

Cost Impact on Representative Private Person or Business:

Specifically, this proposed regulation requires acupuncturists to notify their patients that they are licensed and regulated by the Board and to provide the Board’s contact information. Acupuncturists may provide the notice by posting of a sign. The Board believes that the vast majority of acupuncturists would implement this regulation via the easiest means by posting a sign in a visible place, such as a reception/check-in area or waiting room. The most “professional” way to achieve this would be for a practice setting to print the sign on a laser jet printer (less than \$0.05 per page) and then buy a simple black plastic “document” frame (estimated to cost \$4.50 at an office supply store). Thus, per office, the cost would be less than \$5.00 to implement. The Board does not maintain data relating to the number or percentage of licensees who own a business; therefore, a number or percentage of businesses that may be impacted cannot be predicted. The estimated expense of less than \$5.00 per office would be minor and absorbable.

Effect on Housing Costs: None.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the fact that the proposed regulation has an estimated expense of less than \$5.00 per office, which would be minor and absorbable. This minimal cost is outweighed by the benefits to the

public of providing accessible information that fully informs consumers about the license status of their acupuncture health practitioner and the regulatory agency who is responsible for regulating Acupuncture in the State of California.

As part of its Economic Impact Analysis, the Board has determined that its proposal will not affect the ability of California businesses to compete with other states by making it more costly to produce goods or services, that it will not create or eliminate jobs or occupations in California, that it will not impact the creation of new businesses or the elimination of existing businesses, that it will not impact the expansion of businesses in California, and the proposal will not affect the ability of California businesses to compete with other states by making it more costly to produce goods or services. The Board’s proposal does not impact multiple industries.

Benefits of the Regulation: As previously specified, the protection of the public is the Board’s highest priority when exercising its licensing, regulatory, examination, and disciplinary functions. This proposal is consistent with the Board’s priority of protecting the public. An informed consumer is in a better position to make a reasoned choice relating to acupuncture care. Additionally, an informed consumer would be able to assist the Board in regulating the practice of Acupuncture via the Board’s complaint process, should a problem arise.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulation would not have a significant economic impact on small businesses.

Although many small businesses will be required to comply, the economic impact will be minor. Acupuncturists would only be required to prominently post a sign in a conspicuous location in the treatment area. The proposed regulation permits the acupuncturist to choose how he or she will comply with the notice requirements. The Board believes that the vast majority of acupuncturists would implement this regulation via the easiest means: posting a sign in a visible place, such as a reception/check-in area or waiting room. The most “professional” way to achieve this would be for a practice setting to print the sign on a laser jet printer (less than \$0.05 per page) and then buy a simple black plastic “document” frame (estimated to cost \$4.50 at an office supply store). Thus, per office, the cost would be less than \$5.00 to implement. The Board does not maintain data relating to the number or percentage of licensees who own a small business; therefore, a number or percentage of small businesses that may be impacted cannot be predicted. The estimated expense of less than \$5.00 per office would be minor and absorbable.

Occupations/Businesses Impacted: The Board has made an initial determination that this regulatory proposal will impact acupuncturists. As of January 2015, the Board had approximately 17,200 licenses issued in the state.

Reporting Requirements: None.

Comparable Federal Regulations: None.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

This regulation does not mandate the use of specific technologies or equipment.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative that is considered to the regulation or that has otherwise been identified or brought to its attention would be either 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 than the proposed regulations.

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California Acupuncture Board at 1747 N. Market Blvd, Suite 180, Sacramento, CA 95834, or by accessing the Board's website at 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: acupuncture@dca.ca.gov

The backup 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 http://www.acupuncture.ca.gov/about_us/dpop.html.

TITLE 16. CALIFORNIA ACUPUNCTURE BOARD

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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 July 20, 2015 or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such

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

Authority and Reference: Pursuant to the authority vested by Sections 901 and 4933 of the Business and Professions Code (hereafter ‘BPC’), and to implement, interpret or make specific Sections 901 of the BPC, the Board is considering changes to Division 15 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board currently regulates a total of 17,200 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 ‘ALM’); monitoring licensees whose license has been placed on probation; overseeing approval of Acupuncture Schools and training programs; and administering the California Acupuncture Licensing Exam (hereafter ‘CALE’).

BPC section 4928.1 states that protection of the public shall be the highest priority for the Board in exercising its licensing, regulatory, examination, school approval 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.

There is not an existing federal regulation or statute comparable to this proposal.

AB 2699 (Bass, Chapter 270, Statutes of 2010), enacting BPC Section 901, was passed by the legislature and signed into law on September 15, 2010. BPC Section 901 provides an exemption for a health-care practitioner, licensed or certified in another state, from the licensing and regulatory requirements of the applicable California healing arts board. To be exempted from California licensure requirements, a health-care practitioner may provide services at a sponsored healthcare event to uninsured or underinsured people on a short-term, voluntary basis. Section 901 requires the out-of-

state health-care provider to seek authorization from the applicable healing arts board in California. Section 901 also provides the regulatory framework for the approval of an out-of-state health-care practitioner and a sponsoring entity to seek approval from the applicable healing arts boards. However, each individual healing arts board is responsible for promulgating regulations to prescribe the specific requirements for the approval of an out-of-state practitioner and a sponsoring entity.

According to the author of AB 2699, “Thousands of low-income children, families, and individuals in California are uninsured or underinsured and do not receive basic health, vision, and acupuncture care and screenings. Lack of basic services and preventive care may lead to more serious and costly health, acupuncture, and vision problems. In August 2009, the Remote Area Medical (RAM) Volunteer Corps conducted an eight-day health event in Los Angeles County. Volunteer medical, acupuncture and other health-care practitioners provided \$2.9 million in free services to over 14,000 individuals during the event. While the event was extremely successful, RAM experienced a shortage of volunteer medical, acupuncture, and vision providers because of restrictions in state laws which prohibit volunteer out-of-state licensed medical personnel from providing short-term services. As a result, thousands of residents needing services were turned away.” To prevent future volunteer shortages at sponsored free health-care events such as RAM, AB 2699 was introduced to permit health-care providers licensed in other states, who are willing to help, to practice in California for a limited time.

1. The primary purpose of these proposed regulations is to implement, interpret, and make specific the provisions of BPC section 901, as it pertains to licensed acupuncturists, by adopting proposed sections 1399.480, 1400.1, 1400.2, and 1400.3. These regulations would impose new requirements, including the application and registration requirements, disciplinary actions, recordkeeping requirements, and provisions for termination for the exemption of out-of-state licensed acupuncturists who wish to participate in a sponsored free health-care event. The “Registration of Sponsoring Entity Under Business and Professions Code 901” Form 901-A (DCA/2014 — revised) and the “Request For Authorization To Practice Without A License At A Registered Free Health Care Event” Form 901-B (CAB/2014) are incorporated by reference. The Board’s highest priority is the protection of the public, and these proposed regulations are intended to implement BPC Section 901 in a manner that will provide the greatest protection for the people of California.

Therefore, the Board is proposing the following changes:

Adopt Section 1399.480 of Article 7 of Chapter 13.7 of Title 16 of the California Code of Regulations (Definitions):

This proposal adopts a new Article 7, Section 1399.480 to define the terms “community based organization” and “out-of-state practitioner” for the purposes of this Section. These terms are either not currently defined in the statute or require further clarification.

Policy Statement Overview/Anticipated Benefits:

This proposed section will help to clarify in regulations the definition of “community based organization” and “Out-of-state practitioner”.

Adopt Section 1400.1 of Article 7 of Chapter 13.7 of Title 16 of the California Code of Regulations (Definitions):

This proposal adopts a new Article 7, Section 1400.1, which establishes a timeframe for submission of a sponsoring entity’s registration form, which is 90 days prior to the event, prescribes the “Registration of Sponsoring Entity Under Business and Professions Code 901,” Form 901-A (DCA/2014 — revised) to be used, and incorporates the form by reference. Form 901-A would include the following:

- Provide filing requirements and disclosures regarding qualifications for registration as well as deadlines for filing a completed application 90 days in advance of the event.
- Part 1 — Requires the applicant to disclose organization name, organization contact information, type of organization, the organization’s tax identification number and if the organization is community-based, disclose its mission, goals and activities.
- Part 2 — Requires the applicant to provide a list of responsible organization officials that includes the name, address, title, phone number and email address of each responsible official.
- Part 3 — Requires the applicant to disclose event details including: name of the event, date(s) of the event, location(s) of the event, a description of the intended event, a list of all out-of-state health-care practitioners the organization currently intends to apply for the event (name, profession and state of licensure required), and disclose each licensing authority that will have jurisdiction over an out-of-state licensed health-care practitioner.
- Provides a notice regarding collection and use of personal information given on the application.

- Provide notice regarding requirements for each out-of-state practitioner practicing at the event, including submission of the required Form DCA-901-B in advance of the event.
- Provide notice of the requirements for the maintenance of records for 5 years in California and for filing a report with the Board within 15 calendar days of the completion of the event.
- Require the applicants to certify their statements under penalty of perjury and attest that the individual is authorized to sign on behalf of the organization.

This section would also allow the board to, by resolution, delegate to the Department of Consumer Affairs the authority to receive and process Form 901-A on behalf of the board and specify that the board shall inform the sponsoring entity within 15 days of receipt that the form is either complete and the entity is registered or that the form is deficient and what specific information or documentation is required to complete the form and be registered. The proposed section allows the board or its delegates to reject the form if all of the identified deficiencies have not been corrected at least 30 days prior to the event. This proposed section implements and makes specific the recordkeeping requirements of sponsoring entities set forth in Section 901(g) and clarifies that authorization must be provided before a sponsoring entity may allow an out-of-state practitioner to participate in a sponsored event. This proposed section specifies the information to be provided in the report required under Section 901(f). Finally, the proposed section requires that the sponsoring entity shall not permit an out-of-state acupuncturist to participate unless they have received written approval from the Board.

Policy Statement Overview/Anticipated Benefits:

The Board’s highest priority is the protection of the public, and these proposed regulations are intended to implement BPC Section 901 in a manner that will provide the greatest protection for the people of California. This proposed section will increase public protection at these free and sponsored health-care events by requiring organizers to disclose and submit all required information about the event to the Board and DCA. It also allows for the Board to determine completeness of the form, requiring full disclosure of details about the event and putting procedures in place for recordkeeping after the event.

Adopt Section 1400.2 of Article 7 of Chapter 13.7 of Title 16 of the California Code of Regulations (Out-of-State Practitioner Authorization to Participate in Sponsored Event):

1. This proposed section adopts a new Article 7, Section 1400.2, which provides the mechanism by

which an out-of-state practitioner may request authorization to participate in a sponsored event: completion of “Request For Authorization To Practice Without A License At A Registered Free Health Care Event,” Form 901-B (CAB/2014).

Form 901-B would include the following:

- Part 1 — Requires the applicant to provide: a completed application, a \$25 processing fee to the board (or \$49 fee if using “ink on cards” to have fingerprints made), a copy of each current license authorizing the applicant to engage in the practice of acupuncture in another jurisdiction, a copy of a valid photo identification issued from another jurisdiction, any documents or statements requested on the application, and fingerprints.
- Part 2 — Requires the applicant to disclose: name, social security number, contact information, employer, and employer’s contact information.
- Part 3 — Requires the applicant to respond regarding: current licensure in another state, district or territory of the United States; any pending investigations by any governmental entity; any past or pending charges against an Acupuncture license; disciplinary actions taken against any healing arts license; surrender of an Acupuncture license; malpractice settlements or judgments; criminal convictions; permits to prescribe controlled substances from the federal Drug Enforcement Agency (DEA); current physical or mental impairment related to drugs or alcohol; and, mental incompetency or conservatorship.
- Part 4 — Requires the applicant to provide: name of non-profit or community-based organization hosting the event, name of event, date(s) and location(s) of the event, date(s) and location(s) applicant will be performing health-care services, the health-care services the applicant intends to provide, and the name and phone number of the contact person with the sponsoring entity.
- Part 5 — Requires the applicant to acknowledge and certify the following: (1) agree to comply with applicable practice requirements and regulations of the board; (2) agree to practice only within the scope of his/her licensure; (3) agree to provide services only to uninsured or underinsured persons at no cost; (4) agree to provide services only in association with the sponsoring entity and the event(s); (5) agree to be responsible for knowing and complying with California law and practice standards; (6) agree to permit the board to notify the licensing authority of the applicant’s home jurisdiction of any potential grounds for discipline associated with the event; (7)

acknowledge that practice without proper licensure may subject the applicant to administrative, civil and/or criminal penalties; and, (8) certify that the applicant has read the questions in the application and that all information is true and complete to the best of the applicant’s knowledge.

- Notification that completion and submission of the application grants permission to the board to verify and investigate any information provided.
- Notification regarding collection and use of personal information given on the application.
- Notification that the applicant’s signature on the application authorizes the National Practitioner Data Bank (NPDB) and the DEA to release any and all information required by the board.
- Notification that authorization will not be issued until clearance has been received from the California Department of Justice and the Federal Bureau of Investigation.

This proposal would also set forth the standard 20-day timeframe from the receipt of a completed application in which the board shall grant or deny the authorization request. This section would set forth the criteria under which the board must or may deny a request for authorization to participate and would provide an appeal procedure for an applicant who has had a request for authorization to participate denied by the board.

Policy Statement Overview/Anticipated Benefits:

The Board’s highest priority is the protection of the public, and these proposed regulations are intended to implement BPC section 901 in a manner that will provide the greatest protection for the people of California. This proposed section will increase public protection through registration of out-of-state volunteer acupuncturists, by requiring those acupuncturists to disclose all practice information, contact info and their qualifications for temporary authorization in California. Also, these proposed regulations will ensure that sponsored free health-care events will not be hampered by shortages of health-care practitioners, and will allow more of these individuals to volunteer.

Adopt Section 1400.3 of Article 7 of Chapter 13.7 of Title 16 of the California Code of Regulations (Termination of Authorization and Appeal):

This proposed section adopts a new Article 7, Section 1400.3, which provides the grounds upon which the board may terminate the authorization to participate previously granted to an out-of-state practitioner, specifies that written notice of termination, including the basis for the termination, shall be given to both the sponsoring entity and the out-of-state practitioner. If the written notice is provided during the sponsoring event, then this proposal would permit the board to pro-

vide notice to any representative of the sponsored event on the premises of the event. This provision would also set forth the consequences of a termination of authorization to participate and how the board will report the fact of such termination to the NPDB and the applicable out-of-state licensing entity, and provides the procedure for appealing denials of authorization and terminations of authorizations to participate, including an informal hearing under the Administrative Procedure Act (APA) for appeals submitted by out-of-state practitioners.

Policy Statement Overview/Anticipated Benefits:

The Board’s highest priority is the protection of the public, and these proposed regulations are intended to implement BPC section 901 in a manner that will provide the greatest protection for the people of California. This proposed section will increase public protection through registration of out-of-state volunteer Acupuncturists and allows the Board to reject authorization of those Acupuncturists on various grounds. It also allows the Board to report the rejection to out-of-state licensing entities and the NPDB, therefore helping to increase public protection.

Consistency and Compatibility with Existing State Regulations

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.

INCORPORATION BY REFERENCE

- “Registration of Sponsoring Entity Under Business and Professions Code 901” Form 901-A (DCA/2014—revised)
- “Request For Authorization To Practice Without A License At A Registered Free Health Care Event” Form 901-B (CAB/2014)

FISCAL IMPACT ESTIMATES

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

It is unknown how many sponsors of free health-care events and how many volunteer out-of-state acupuncturists may apply to the Board as a result of these regulations. The Board is proposing to limit the health-care events to four times a year.

However, the Board estimates that it will receive at least 75 applications per year from out-of-state acupuncturists seeking authorization to provide services at sponsored free health-care events. While the workload

is minor and absorbable, the Board will need to charge a \$25.00 non-refundable processing fee (plus \$49.00 for individuals who have to submit fingerprints on hard cards and not via Live Scan). This fee will offset the costs associated with staffs processing of the application.

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:

These proposed regulations will provide the Board with the means to implement, interpret, and make specific BPC section 901, as it pertains to licensed acupuncturists, including application and registration requirements, disciplinary actions, recordkeeping requirements and provisions for termination of authorization for an out-of-state licensed acupuncturist who wishes to participate in a sponsored free health-care event. 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 17,200 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.

Sponsoring entities may incur nominal expenses associated with submitting the registration form to the Board, and complying with recordkeeping requirements and reporting requirements. Sponsoring entities shall be responsible for submitting the “Registration of Sponsoring Entity Under Business and Professions Code 901,” Form 901-A (DCA/2014—revised) to the Board. Expenses associated with submitting the registration form include printing and mailing; these expenses are minimal and should not have a significant fiscal impact on sponsoring entities. Additionally, sponsoring entities shall be responsible for maintaining copies of all records required by BPC section 901, as well as the copy of the authorization for participation issued by the Board to an out-of-state practitioner at a physical location in California. The records must be maintained for a period of at least five years after the date the sponsored event ended; the records may be kept in electronic or paper form. The sponsoring entity shall also be responsible for maintaining copies of all records required by BPC Section 901(g) at the physical location of the sponsored event. Expenses associated with these recordkeeping requirements are nominal and include

storage and transportation of the required records; these expenses are minimal and should not have a significant fiscal impact on sponsoring entities. Finally, the sponsoring entity shall be responsible for providing a report to the Board summarizing the details of the sponsored event within fifteen days after the conclusion of such event. The report may be provided to the Board on a form of the sponsoring entity's choosing. Expenses associated with these reporting requirements are nominal and include printing and postage; these expenses are minimal and should not have a significant fiscal impact on sponsoring entities.

Out-of-state Acupuncturists seeking authorization from the Board to participate in a sponsored event will incur a \$25.00 fee for application processing. Additionally, applicants will incur costs associated with furnishing fingerprints for the purpose of the Board conducting a criminal history check. These costs are necessary for the protection of the public, and to provide staff time and resources for registration of sponsored events and volunteer out-of-state practitioners in the short timeframes set in the statute.

This regulation will have a positive impact on the health of uninsured or under-insured Californians that are currently unable to receive health care due to lack of funding and resources, particularly those who prefer a holistic and natural approach to their health care.

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.

Cost Impact on Representative Private Person or Business:

Sponsors of free health-care events and out-of-state practitioners will incur minimal costs to apply and register with the Board in compliance with the statute and these regulations. Out-of-state acupuncturists seeking authorization from the Board to participate in a sponsored event will incur a \$25.00 fee for application processing. Additionally, applicants will incur costs associated with furnishing fingerprints for the purpose of the Board conducting a criminal history check. The cost for a person to get fingerprinted is \$49.00. Of this fee, \$32.00 goes to the Department of Justice for conducting the background check and providing criminal record reports to the Board. The vendor's fee ranges from \$5.00 to \$45.00. For those out-of-state acupuncturists who are not able to submit fingerprints electronically via Live Scan, the fee for the Board to process "hard cards" fingerprints is \$49.00. These fees will have to be factored into the cost of the individual's vol-

unteered services. The fees may be covered by sponsoring entities.

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. Instead, the impact of this rulemaking is to offer free health care to uninsured or under-insured Californians by volunteer health-care practitioners coming from out of state to provide acupuncture services. These services may benefit small businesses that do not provide acupuncture care to their employees.

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 REGULATION

The Board has determined that this regulatory proposal benefits the health and welfare of California residents, specifically, uninsured or under-insured Californians that are currently unable to receive Acupuncture care due to lack of funding and resources who prefer an alternative approach to medicine. These proposed regulations will permit sponsoring entities to have access to out-of-state acupuncturists as an additional resource for volunteer recruitment purposes. This will prevent a shortage of acupuncturists at sponsored free health-care events, in turn increasing access to care. There may also be benefits to private businesses that are not able to provide basic health care. These regulations will benefit the health of Californians who attend sponsored events, in addition to providing public protection through registration of out-of-state volunteer Acupuncturists.

CONSIDERATION OF ALTERNATIVES

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

burdensome to affected private persons than the proposal described in this Notice, or would be more cost-effective to affected private persons and equally 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 any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board at 1747 North Market Blvd, Suite 180, Sacramento, CA 95834.

**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: acupuncture@dca.ca.gov

The backup 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 http://www.acupuncture.ca.gov/about_us/dpopp.shtml.

**TITLE 16. CEMETERY AND
FUNERAL BUREAU**

NOTICE IS HEREBY GIVEN that the Cemetery and Funeral Bureau (hereinafter "Bureau") 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 the hearing to be held at:

Cemetery and Funeral Bureau
1625 North Market Boulevard
1st Floor Hearing Room
Sacramento, CA 95834
Wednesday, July 22, 2015
1:30-2:30 p.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 Bureau at its office not later than 5:00 p.m. on Monday, July 20, 2015, or must be received by the Bureau at the hearing.

The Bureau, 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 7606 and 7616 of the Business and Professions Code (BPC), and to implement, interpret or make specific section 7606, 7615, 7616, 7640, 7641, 7685, 7685.1, 7702, 7704, 7707, and 7745 of said code, the Bureau is considering changes to Division 12 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

A. Informative Digest

The Bureau is proposing the following regulatory changes:

Amend Section 1209 of Article 2 of Title 16 of the California Code of Regulations:

This section currently includes ambulances, which are no longer used as decedent removal vehicles (also known as hearses, first-call or pickup cars). It further states that such vehicles shall be kept clean and sanitary so as not to endanger the public health or safety.

The proposed amendment would strike ambulances from inclusion, and would add “under the control and operation of the funeral establishment” when referencing removal vehicles and equipment to clarify ownership of the vehicle(s) in question. It would also add “noxious” to deleterious odor in describing the conditions the vehicle should be kept free of.

Amend Section 1214 of Article 3 of Title 16 of the California Code of Regulations:

This section describes how to authorize disposition with or without embalming, including a short definition of embalming and details where a decedent may be transported to for storage or embalming purposes.

The proposed amendment would change the title of the section to clearly state that embalming can be accepted or declined, and that language would be added to the section as well. The current title of the form “Authorization for Disposition With or Without Embalming” is misleading because the form does not authorize the entire disposition of a decedent, it merely requests approval for embalming or allows embalming to be declined. Therefore, the form title is being changed to “Authorization to Accept or Decline Embalming” and has been assigned a form number and revision date, 12-AUTH (rev. 11/14). In order to reduce paper consumption, the Bureau added language allowing the licensee to print another form, such as the Disclosure of Preneed Agreement required by California Code of Regulation Section 1277.5, on the back of the Authorization to Accept or Decline Embalming form. Revisions on the form include: “Licensed funeral establishment” being replaced by “location” to reflect the availability of decedent storage and/or embalming at locations other than at a funeral establishment (such as a crematory for storage or a Bureau approved off-site location for embalming); language regarding fees for transport is deleted as redundant as this information would be included on the contract; and language on the form is added or amended for consistency and clarity, such as changing “Relationship” to “Relationship to Decedent” and “Phone” to “Telephone number”.

Amend Section 1216 of Article 3 of Title 16 of the California Code of Regulations:

This section defines the type of facilities utilized by funeral establishments for decedents, and sets sanitation standards for those facilities.

The proposed amendment would update the list of facilities to include refrigeration facilities, as bodies can either be embalmed or refrigerated under California law.

Amend Section 1221 of Article 3 of Title 16 of the California Code of Regulations:

This section discusses the need for the care and preparation of a body for burial or other disposition to be private.

The proposed amendment would modernize the regulation by updating the terms used to describe mortuary science students, by removing references to nurses as unnecessary, and by allowing the person with the right to control disposition under Health and Safety Code section 7100 to authorize any person to be present, not just immediate family members.

Amend Section 1255 of Article 7 of Title 16 of the California Code of Regulations:

This section details where a placard containing California Code of Regulation Section 1221 must be posted. The locations required correlate to the locations contained in California Code of Regulation Section 1216.

The proposed amendment would include refrigeration facilities along with the current preparation, embalming, and storage room(s).

Amend Section 1258 of Article 7 of Title 16 of the California Code of Regulations:

This section defines what must be stated regarding a sealing device on a casket having such a device or represented as having one, and where the statement must be included and in what font size.

The proposed amendment modifies the casket disclaimer by deleting excess verbiage and simplifying the language. It also ensures that the following statement “There is no evidence that any casket represented as having protective features, which may include a gasket, will preserve human remains.” is placed on the Casket Price List (CPL) when a casket or caskets having a sealing device are offered for sale, and that those caskets are identified. The CPL is given to the consumer for retention, so the requirement that the same statement be on a separate card on or in a physically displayed casket, or at the beginning of a photographically displayed casket catalog, is redundant and therefore deleted.

Amend Section 1258.1 of Article 7 of Title 16 of the California Code of Regulations:

This section details the CPL described by BPC section 7685 and 7685.1, including color and composition description requirements.

The proposed amendments would delete the provision in subdivision (b) requiring the exterior wood color of a casket to be described as light, medium, or dark. The Bureau has not received consumer complaints regarding this issue, and it has proven unwieldy and confusing to licensees and consumers alike. In subdivision (c)(1), the Bureau finds that requiring all caskets “regularly offered for sale” to be included on the CPL is reasonable. A funeral establishment may be able to order hundreds of different caskets upon request, but only offer twenty popular models for sale on a continuous basis. (Subdivision (h) defines “regularly offered for sale” to prevent any confusion.) Further, the requirement that an infant and child casket price range and a rental casket price range be separately listed is confusing, and instead the CPL should include a price range for all caskets offered for sale, and a price range for all alternative containers offered for sale. Subdivision (f) defines “casket” and subdivision (g) defines “alternative container” for clarity. In subdivision (d), “representation of caskets” is added to include the current industry practice of utilizing a display that includes only a representative portion of a casket to save space in the funeral establishment’s casket selection room.

Amend Section 1258.2 of Article 7 of Title 16 of the California Code of Regulations:

This section defines and discusses a rental casket. It also includes a definition of “casket”.

The proposed amendments would delete the definition of casket found in subdivision (b) and move it to California Code of Regulation Section 1258.1. The language in subdivision (a) is edited to reflect the fact that a funeral establishment may or may not offer a rental casket. The necessary subdivisions are lettered to reflect the deletion of (b), and a new subdivision (f), more clearly states that the rental casket needs to be on the CPL and that it needs to be on the funeral goods and services contract when utilized. The contractual requirement negates the need for a separate rental casket agreement, so that portion of the proceeding subdivision is deleted as redundant.

Repeal Section 1258.3 of Article 7 of Title 16 of the California Code of Regulations:

This section requires a contract for funeral goods and services offered by a funeral establishment which contains charges for both funeral goods and services and cemetery or crematory goods and services to have the

information from BPC section 9662 (the contact information for the Bureau) printed on the first page.

The proposed repeal of this section would remove requirements that were imposed when the Cemetery Board and the Board of Funeral Directors and Embalmers were two separate entities. BPC section 7685.3 was amended by Assembly Bill 408 (Correa, Chapter 305, Statutes of 2001) to require the necessary information on contracts. Therefore, this section is duplicative and unnecessary.

Amend Section 1258.4 of Article 7 of Title 16 of the California Code of Regulations:

This section contains a reference to BPC section 7685(b), which is no longer accurate due to the passage of Senate Bill 658 (Negrete McLeod, Chapter 386, Statutes of 2011).

The proposed amendment makes a technical change to reference the subdivision.

B. Policy Statement Overview/Anticipated Benefits of Proposal

The regulations enforced by the Bureau exist for the protection of California consumers and to inform the Bureau licensees of their rights and responsibilities within the scope of practice. The Bureau has determined that this regulatory proposal will benefit California consumers and maintain consumer protection by modernizing language to reflect current industry standards and practices, clarifying terms and definitions, clearly stating consumer rights, and simplifying regulatory language.

C. Consistency and Compatibility with Existing State Regulations

After conducting a review for any regulations that would relate to or affect this area, the Bureau has evaluated this regulatory proposal and it is not inconsistent or 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 Bureau 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.

AND

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

The Bureau currently licenses approximately 6,027 (as of October 5, 2014) funeral establishments, funeral directors, embalmers, and apprentice embalmers in the State of California. There will be no significant impact to the licensees, as the proposed regulatory changes modernize language to reflect current industry standards and practices, clarify terms and definitions, clearly stating consumer rights, and simplify regulatory language. These changes are the culmination of a series of stakeholder meetings where licensees, consumer advocates, and members of the public weighed in on the proposed regulatory language.

Cost Impact on Representative Private Person or Business

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

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Bureau has determined that the proposed regulations would not adversely affect small businesses because the proposed changes focus on clarifying and streamlining existing funeral regulations under the jurisdiction of the Bureau.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

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

Benefits of Regulation:

The Bureau has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents, worker safety, and the State's environment:

The proposed amendments to existing regulations found within the California Code of Regulations under the Bureau's jurisdiction exist to make clear the respon-

sibility of licensed funeral establishments, funeral directors, embalmers, and apprentice embalmers. These regulations exist for the protection of California consumers and to inform Bureau licensees of their rights and responsibilities within the scope of practice. As they currently exist, these regulations have been determined, through a series of stakeholder meetings, to be unclear and cumbersome. Therefore, the Bureau is seeking to be responsive to changes in practice by updating the regulations for clarity, and streamlining where possible, including the repeal of a regulation that is duplicative. The proposed amendment and repeal of regulation Sections 1209, 1214, 1216, 1221, 1255, 1258, 1258.1, 1258.2, 1258.3, and 1258.4 is consistent with State law, and will not adversely affect the health of California's residents, worker safety, or the State's environment. The proposed regulatory action will, as described above, benefit the general welfare of California residents by clarifying and streamlining the existing funeral regulations under the jurisdiction of the Bureau.

CONSIDERATION OF ALTERNATIVES

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

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

INITIAL STATEMENT OF REASONS AND INFORMATION

The Bureau 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, any document incorporated by reference, the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Cemetery and Funeral Bureau at 1625 North Market Boulevard, Suite S-208, Sacramento, California 95834.

**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 Web site listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Cheryl Jenkins
Address: 1625 North Market Boulevard,
Suite S-208
Sacramento, CA 95834
Telephone No.: (916) 574-8203
Fax No.: (916) 928-7988
E-mail
Address: Cheryl.Jenkins@dca.ca.gov

The back-up contact person is:

Name: Linda Kassis
Address: 1625 North Market Boulevard,
Suite S-208
Sacramento, CA 95834
Telephone No.: (916) 574-7878
Fax No.: (916) 928-7988
E-mail
Address: Linda.Kassis@dca.ca.gov

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

**TITLE 16. CEMETERY AND
FUNERAL BUREAU**

NOTICE IS HEREBY GIVEN that the Cemetery and Funeral Bureau (hereinafter "Bureau") 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 the hearing to be held at:

Cemetery and Funeral Bureau
1625 North Market Boulevard
Hearing Room S-102
Sacramento, CA 95834
Wednesday, July 22, 2015
3:00-4:00 p.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 Bureau at its office not later than 5:00 p.m. on Monday, July 20, 2015, or must be received by the Bureau at the hearing.

The Bureau, 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 9630, 9717, and 9783 of the Business and Professions Code (BPC), and to implement, interpret or make specific sections 136, 9653.5, 9653.6, 9715, 9716, 9717, 9723, 9723.2, 9761, 9781, 9782, 9783, 9787, and 9787.2 of the BPC; sections 16956 and 17701.13 of the Corporations Code; and section 8738.1 of the Health and Safety Code (HSC), the Bureau is considering changes to Division 23 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

A. Informative Digest

The Private Cemeteries Act (HSC section 8250 et seq.) regulates the ownership, control, and maintenance of private cemeteries in the state. Under the Private Cemeteries Act, it is unlawful for any corporation, co-partnership, firm, trust, association, or individual to engage in or transact any of the businesses of a cemetery within the state except by means of a corporation duly organized for such purposes (HSC section 8252). This statute was enacted in 1939 and amended in 1959, to make minor changes in the language of the statute.

A cemetery, as defined in HSC section 7003, is an area of land that is used or intended to be used and dedicated for cemetery purposes such as: a burial park, for earth interments; a mausoleum, for crypt or vault interments; a columbarium, for cinerary interments; or a place where six or more human bodies are buried.

A cemetery authority, as defined in HSC section 7018, includes a cemetery association, corporation sole, limited liability company (added by Senate Bill [SB] 1225 as discussed below), or other person owning or controlling cemetery lands or property.

The Bureau issues a license called a "certificate of authority" to applicants that have met licensing require-

ments to own and operate a private or fraternal cemetery in the State of California.

The Legislature enacted the Beverly–Killea Limited Liability Company Act in 1994 (SB 469 [Beverly, Chapter 1200, Statutes of 1994]) allowing businesses in the state to organize in the form of a limited liability company (LLC). Until then, businesses could organize as sole proprietors, partnerships, limited partnerships, and corporations. As of January 1, 2014, the Beverly–Killea Limited Liability Company Act was repealed and replaced with the California Revised Uniform Limited Liability Company Act (SB 323 [Vargas, Chapter 419, Statutes of 2012]).

An LLC allows one or more owners to conduct a business without any owner having personal liability for the obligations of the business. The salient nontax characteristics of an LLC are limited liability for its owners (as in a corporation) and freedom to structure management rights and financial interests in the entity in virtually any configuration the parties wish (as in a partnership). An LLC can have different classes of ownership, and income, gain, loss, and other items may be allocated disproportionately to ownership interests without affecting the LLC’s pass-through tax treatment. Further, in contrast to a Subchapter S corporation that allows individuals, estates, and certain types of trusts or tax-exempt organizations to be shareholders in order to maintain its pass-through tax treatment advantage, membership in an LLC is not restricted.

While LLCs may generally engage in any lawful business activity (except banking, insurance, or trust company operations), the California Revised Uniform Limited Liability Company Act prohibits a foreign or domestic LLC from rendering professional services in this state unless expressly authorized under applicable provisions of law. “Professional services” are those services for which a license, certification, or registration is required under the BPC, the Chiropractic Act, or the Osteopathic Act.

SB 1225 (Harman, Chapter 114, Statutes of 2008) added BPC sections 9653.5 and 9653.6 and amended HSC sections 7018 and 8252 effective January 1, 2009. These statutes authorize the Bureau to issue licensure to an LLC to own, control, and maintain a private cemetery in the state. In order to allow an LLC owned cemetery to conduct cemetery business requiring licensed services, SB 1225 imposes similar insurance or security requirements on an LLC licensed as a cemetery as the law imposes on a limited liability partnership that provides accountancy, architecture, or legal services. Specifically, an LLC that organizes to own and control cemetery land and property and to offer other cemetery services through its licensed employees is required to provide a minimum \$1,000,000 in insurance or other security deposits for five or fewer licensees, plus an

additional \$100,000 per additional licensee, up to a maximum of \$5,000,000. The LLC may, instead of the insurance or bank deposits, show evidence of a net worth of at least \$10,000,000 as of the most recently completed fiscal year of the LLC. Lastly, SB 1225 restricts the membership of a person licensed to provide cemetery and funeral related services. A licensee may not have an ownership interest in the LLC. If the Bureau determines that a licensee has an ownership interest in the LLC, the Bureau is required to suspend or terminate the cemetery license until the licensed person has been divested of their ownership interest or has voluntarily surrendered their license.

To implement the requirements of SB 1225, the Bureau is proposing the following regulatory changes:

Amend Section 2326 of Article 3 of Title 16 of the California Code of Regulations:

Section 2326 allows for a corporation to apply for a certificate of authority to operate a cemetery via a form furnished by the Bureau accompanied by specific documents. The proposed amendment specifies that the Application for Certificate of Authority, form 23–COA (rev. 1/15), shall be used to apply for licensure and adds language to allow an LLC to apply for a certificate of authority to operate a cemetery. An LLC applying for licensure must submit additional information that a corporation is not required to submit. Subsection (b) has been added to include the four additional requirements, listed as 1 through 4 in subsection (b), for an LLC. These requirements include: (1) providing a completed form 23–LE (1/15), Bureau Licensed Employee, for each employee issued a license by the Bureau to ensure no licensed employee holds an ownership interest in the LLC; (2) providing either a completed Certification of Insurance Coverage, form 23–INS (1/15), or Certification of Net Worth, form 23–NW (1/15); (3) providing the names and addresses of all LLC members along with a completed Certification Affidavit, form 16–CA (rev. 1/15), for each member; and (4) providing an operating agreement for the LLC (if a corporation is a member of the LLC the articles of incorporation must also be submitted).

Existing law requires a certified copy of each of the following documents be submitted with the application for a cemetery license:

1. Articles of Incorporation.
2. Application for permit to sell and issue securities.
3. Permit to sell and issue securities.
4. Application to the city or county planning commission for a cemetery use permit or rezoning for cemetery purposes, or both.
5. Land use or zoning permit.
6. Declaration of dedication to cemetery purposes certified by the county recorder.

7. Deed to the property, contract of purchase or any other instrument which provides the applicant with merchantable title thereto.
8. Endowment care trust agreement executed by the board of directors of the cemetery authority.

The proposed amendments require a copy of each document be submitted and add language to the specific documents that are required to be certified and state who shall certify the document. The language requiring an application to sell and issue securities and for land use or zoning is being removed as it is unnecessarily duplicative; the Bureau only needs the permits that were issued. A cemetery is not required to sell and issue securities so the Bureau has modified the language to provide that a statement certifying securities will not be issued or sold may be provided in lieu of a permit.

In addition, the Bureau is making non-substantive changes in (a)(2)(D) and (a)(2)(F), changing board to bureau and or to of, respectively.

Amend Section 2326.1 of Article 3 of Title 16 of the California Code of Regulations:

Section 2326.1 requires each cemetery to have a cemetery manager. The proposed amendment states the cemetery manager of a cemetery owned and operated by an LLC shall not have an ownership interest as a member of the LLC. In addition, the current language refers to managing officer where the Bureau is referencing a cemetery manager. To eliminate any potential confusion between corporate officers and managing officers, the Bureau has updated all references related to a “managing officer” to now reflect “cemetery manager” to be consistent with BPC section 9605.1.

Add Section 2326.2 of Article 3 of Title 16 of the California Code of Regulations:

Section 2326.2 is added to implement reporting requirements for an LLC to ensure they maintain compliance with BPC section 9653.5. An LLC that owns and operates a cemetery must maintain a policy or policies of insurance against liability imposed on or against it by law for damages arising out of claims or have a net worth equal to or exceeding ten million dollars as of the most recently completed fiscal year. The LLC will be required to annually submit either Certification of Insurance Coverage, form 23-INS (1/15), certifying the LLC has the minimum insurance required or Certification of Net Worth, form 23-NW (1/15), certifying the LLC has a net worth equal to or exceeding ten million dollars.

Add Section 2326.3 of Article 3 of Title 16 of the California Code of Regulations:

Section 2326.3 is added to implement recordkeeping and reporting requirements for cemeteries. Subsections (a) and (b) only apply to LLCs that own and operate a

cemetery and require the LLC to maintain a designated office for service and the names and addresses of all members. If the LLC changes its address by filing a statement of information with the Secretary of State, the LLC shall also provide the information to the Bureau. Subsection (e) requires an LLC to file Bureau Licensed Employee, form 23-LE (1/15), for each employee that is a licensee. This form is required for all Bureau licensees upon initial application and within 30 days of employing a Bureau licensed employee or upon the resignation or termination of a Bureau licensed employee.

Subsections (c) and (d) apply to all cemeteries and implement a filing fee of \$25 as authorized under BPC section 9761. These subsections require any change of or addition to corporate officers, LLC members, or trustees of the endowment care fund be reported to the Bureau within 30 days on the Cemetery Notification of Change, form 23-NC (1/15), along with a filing fee of \$25. If the corporate officer, LLC member, or trustee has not previously been fingerprinted by the Bureau, they will also need to provide a Certification Affidavit, form 16-CA (rev. 1/15).

Amend Section 2326.5 of Article 3 of Title 16 of the California Code of Regulations:

Section 2326.5(c) allows cemeteries within a certain geographical distance to share a cemetery manager. The proposed amendment would require that the geographical distance between cemeteries shall be within a one-hour driving distance, not to exceed 60 miles, from the designated main office instead of within a 60-mile radius. The Bureau determined this change was necessary due to the ambiguity of the term “radius” for purposes of establishing a reasonable driving distance between cemetery locations throughout California. The time it takes a cemetery manager to drive from one cemetery to another within a 60-mile radius can greatly vary throughout the State of California. Limiting the distance between cemetery locations overseen by a cemetery manager to an hour driving distance will ensure the cemetery manager can reach each location in a reasonable amount of time.

The proposed amendment to subsection (d) adds language stating the cemetery manager shall not have an ownership interest as a member of the LLC. Any person licensed to perform services related to cemeteries and funerals is prohibited from having an ownership interest in an LLC that is a cemetery authority.

The Bureau is repealing subsections (e)(1) through (e)(3). This change is needed because the Permit Reform Act which required this information was repealed by Assembly Bill 1757 (Chapter 229, Statutes of 2003).

B. Policy Statement Overview/Anticipated Benefits of Proposal

The regulations enforced by the Bureau exist for the protection of California consumers and to inform the Bureau licensees of their rights and responsibilities within the scope of practice. The proposed regulatory amendments will clarify and add to existing regulations to incorporate the provisions and procedures for cemeteries to be licensed as an LLC. This will allow an LLC to apply for and be designated by the Bureau as a cemetery authority for the purpose of owning and controlling cemetery lands and properties in the State of California.

C. Consistency and Compatibility with Existing State Regulations

After conducting a review for any regulations that would relate to or affect this proposal, the Bureau has evaluated this regulatory proposal and it is not inconsistent or incompatible with existing state regulations.

INCORPORATION BY REFERENCE

The following documents are incorporated by reference in the proposed regulatory text:

- Application for Certificate of Authority, form 23-COA (rev. 1/15)
- Cemetery Notification of Change, form 23-NC (1/15)
- Certification Affidavit, form 16-CA (rev. 1/15)
- Limited Liability Company Bureau Licensed Employee, form 23-LE (1/15)
- Limited Liability Company Certification of Insurance Coverage, form 23-INS (1/15)
- Limited Liability Company Certification of Net Worth, form 23-NW (1/15)

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 Bureau 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.

SB 1225 added BPC sections 9653.5 and 9653.6. This authorizes an LLC to organize and operate as a cemetery authority and to employ Bureau licensed persons to provide services related to cemeteries and funerals. BPC section 9653.5 requires the LLC to maintain an insurance policy or policies or other security in the amount of \$1,000,000 for an LLC that employs five or fewer licensed individuals, plus an additional \$100,000 for each additional licensed person employed, up to a maximum of \$5,000,000, to cover any liability resulting from acts, errors, or omissions of those licensed employees. Alternately, the LLC may satisfy the security requirement by certifying that, as of the most recently completed fiscal year, it had a net worth equal to or exceeding ten million dollars. The LLC is required to notify the Bureau of any changes to the Bureau licensed employees using Bureau Licensed Employee, form 23-LE (1/15), within 30 days of the change. In addition, the LLC is required to annually submit either Certification of Insurance Coverage, form 23-INS (1/15), certifying they have the minimum insurance required or Certification of Net Worth, form 23-NW (1/15), certifying the LLC has a net worth equal to or exceeding ten million dollars.

Any person licensed to perform services related to cemeteries and funerals is prohibited from having an ownership interest in an LLC that is a cemetery authority. The Bureau is required to suspend or terminate the certification of the LLC to operate as a cemetery authority in the event a licensed individual becomes an owner or member of the LLC, until the licensed person has been divested of his or her ownership interest or the licensed person has voluntarily surrendered his or her license.

Any change of or addition to corporate officers, LLC members, or trustees of the endowment care fund shall be reported to the Bureau within 30 days using the Cemetery Notification of Change, form 23-NC (1/15) along with a \$25 filing fee.

AND

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

The Bureau currently licenses approximately 201 (as of January 1, 2014) private and fraternal cemeteries in the State of California.

The Department of Consumer Affairs' Annual Report for the Cemetery and Funeral Bureau show that the Bureau licensed 186 cemeteries in fiscal year 2009-10, 188 cemeteries in fiscal year 2010-11, and 192 cemeteries in fiscal year 2011-12. The Bureau received six to eight applications each of these years to either license a new cemetery or process a change of ownership for an existing cemetery. The number of licensed cemeteries

has remained consistent, with no significant increase or decrease from year to year. Based upon licensing trends, the Bureau does not anticipate a significant increase in licensing by allowing LLCs to apply for and become licensed as a cemetery authority.

The proposed additions and amendments do not alter the licensing requirements for corporations and therefore have no significant adverse economic impact on businesses. The licensing requirements for an LLC to apply for and become licensed as a cemetery authority are similar to the requirements for corporations with the exception that an LLC must disclose the names of all Bureau licensed employees on form 23-LE (1/15) and provide proof of adequate security on form 23-INS (1/15) or form 23-NW (1/15), depending upon if they use insurance or net worth, as required by SB 1225.

Cost Impact on Representative Private Person or Business:

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action, and that are known to the Bureau, are minimal. Existing law, BPC section 9715, requires an application for a certificate of authority to be made in writing on the form prescribed by the Bureau and to be accompanied by the fee provided for in this act.

The Application for Certificate of Authority, form 23-COA (rev. 1/15), delineates the documents and/or permits that an applicant must submit along with the filing fee of \$400. A representative business may be required to incur fees to obtain the documents and/or permits needed for the application process. The actual cost for documents and/or permits may vary from county to county, depending upon the business location, and are not within the Bureau's control.

SB 1225 added BPC sections 9653.5 and 9653.6. This authorizes an LLC to organize and operate as a cemetery authority and to employ Bureau licensed persons to provide services related to cemeteries and funerals. BPC section 9653.5 requires the LLC to maintain an insurance policy or policies or other security in the amount of \$1,000,000 for an LLC that employs five or fewer licensed individuals, plus an additional \$100,000 for each additional licensed person employed, up to a maximum of \$5,000,000, to cover any liability resulting from acts, errors, or omissions of those licensed employees. Alternately, the LLC may satisfy the security requirement by certifying that, as of the most recently completed fiscal year, it had a net worth equal to or exceeding ten million dollars.

The LLC is required to notify the Bureau of any changes to the Bureau licensed employees using Bureau Licensed Employee, form 23-LE (1/15), within 30 days of the change. In addition, the LLC is required to

annually submit either Certification of Insurance Coverage, form 23-INS (1/15), certifying they have the minimum insurance required or Certification of Net Worth, form 23-NW (1/15), certifying the LLC has a net worth equal to or exceeding ten million dollars.

The application requirements for a corporation and an LLC are similar, with the exception that an LLC must disclose the names of all Bureau licensed employees on form 23-LE (1/15) and provide proof of adequate security on form 23-INS (1/15) or form 23-NW (1/15) depending upon if they use insurance or net worth. The application filing fee and annual renewal fee for a cemetery authority are the same for both a corporation and a LLC.

Any person licensed to perform services related to cemeteries and funerals would be prohibited from having an ownership interest in an LLC that is a cemetery authority. The Bureau is authorized to suspend or terminate the certification of the LLC to operate as a cemetery authority in the event a licensed individual, as specified, becomes an owner or member of the LLC, until the licensed person has been divested of his or her ownership interest or the licensed person has voluntarily surrendered his or her license.

Any change of or addition to corporate officers, LLC members, or trustees of the endowment care fund shall be reported to the Bureau within 30 days using the Cemetery Notification of Change, form 23-NC (1/15) along with a \$25 filing fee.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Bureau has determined that the proposed regulations may affect small businesses. The regulatory proposal affects small businesses if they elect to organize as an LLC to apply for and be designated by the Bureau as a cemetery authority for the purpose of owning and controlling cemetery lands and properties in the State of California.

SB 1225 added BPC sections 9653.5 and 9653.6. This authorizes an LLC to organize and operate as a cemetery authority and to employ Bureau licensed persons to provide services related to cemeteries and funerals. BPC section 9653.5 requires the LLC to maintain an insurance policy or policies or other security in the amount of \$1,000,000 for an LLC that employs five or fewer licensed individuals, plus an additional \$100,000 for each additional licensed person employed, up to a maximum of \$5,000,000, to cover any liability resulting from acts, errors, or omissions of those licensed employees. Alternately, the LLC may satisfy the security requirement by certifying that, as of the most recently completed fiscal year, it had a net worth equal to or exceeding ten million dollars. The LLC is required to

notify the Bureau of any changes to the Bureau licensed employees using Bureau Licensed Employee, form 23-LE (1/15), within 30 days of the change. In addition, the LLC is required to annually submit either Certification of Insurance Coverage, form 23-INS (1/15), certifying they have the minimum insurance required or Certification of Net Worth, form 23-NW (1/15), certifying the LLC has a net worth equal to or exceeding ten million dollars.

Any person licensed to perform services related to cemeteries and funerals is prohibited from having an ownership interest in an LLC that is a cemetery authority. The Bureau is required to suspend or terminate the certification of the LLC to operate as a cemetery authority in the event a licensed individual becomes an owner or member of the LLC, until the licensed person has been divested of his or her ownership interest or the licensed person has voluntarily surrendered his or her license.

Any change of or addition to corporate officers, LLC members, or trustees of the endowment care fund shall be reported to the Bureau within 30 days using the Cemetery Notification of Change, form 23-NC (1/15) along with a \$25 filing fee.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

The Bureau has determined that this regulatory proposal may have an impact on the creation of jobs or new businesses but not the elimination of jobs, existing businesses, or the expansion of businesses in the State of California.

Benefits of Regulation:

The Bureau has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents, worker safety, and state's environment:

The proposed additions and amendments to existing regulations found within the California Code of Regulations under the Bureau's jurisdiction exist to make clear the responsibility of applicants and licensees in the Cemetery Act. These regulations exist for the protection of California consumers and to inform Bureau applicants and licensees of their rights and responsibilities within the scope of practice. SB 1225 added BPC sections 9653.5 and 9653.6, which allow LLCs to become licensed as and operate a cemetery in California, as an alternative to the already existing provisions for licensure as a corporation. The proposed regulatory action will, as described above, benefit the general wel-

fare of California residents by clarifying and streamlining the existing cemetery regulations related to the cemetery licensure process under the jurisdiction of the Bureau for LLCs, adding the fewest regulations necessary to still ensure adequate consumer protection.

CONSIDERATION OF ALTERNATIVES

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

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

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Cemetery and Funeral Bureau at 1625 North Market Boulevard, Suite S-208, Sacramento, California 95834.

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 Web site listed below.

CONTACT PERSON

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

Name: Cheryl Jenkins
 Address: 1625 North Market Boulevard,
 Suite S-208
 Sacramento, CA 95834
 Telephone No.: (916) 574-8203
 Fax No.: (916) 928-7988
 E-mail
 Address: Cheryl.Jenkins@dca.ca.gov

The back-up contact person is:

Name: Linda Kassis
 Address: 1625 North Market Boulevard,
 Suite S-208
 Sacramento, CA 95834
 Telephone No.: (916) 574-7878
 Fax No.: (916) 928-7988
 E-mail
 Address: Linda.Kassis@dca.ca.gov

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

TITLE 16. MEDICAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Medical Board of California (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 San Francisco Airport Marriott Waterfront, 1800 Old Bayshore Hwy, Burlingame, CA 94010, at 9:00 a.m., on July 31, 2015.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on July 20, 2015, or must be received at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 2018 of the Business and Professions

Code, and to implement, interpret or make specific section 2177 of said Code, the Board is considering adding to Division 13 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

A. Informative Digest

This rulemaking proposes to add Title 16, Division 13, Chapter 1, Article 8, California Code of Regulations (CCR) section 1328.1 to further define Business and Professions Code (BPC) section 2177 regarding the minimum passing score of a licensing examination and to eliminate the need for the Board to pass a resolution every year regarding the minimum passing examination score.

B. Policy Statement Overview/Anticipated Benefits of Proposal

The proposed CCR section 1328.1 defines the minimum passing examination score the Board will accept to be the minimum passing score as determined by the licensing examination organizations that are approved by the Board. This will provide clarity regarding the minimum passing score for each required licensing examination(s) step.

C. Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, the Board 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.

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.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessari-

ly incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulation would not affect small businesses, since the proposed CCR section 1328.1 only will further define BPC section 2177 and eliminate the need for the Board to make a yearly resolution regarding what the Board will accept as passing scores.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

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

Benefits of Regulation:

The benefit of adding CCR section 1328.1 is to further define BPC section 2177 regarding the minimum passing score of a licensing examination and to eliminate the need for the Board to pass a resolution every year regarding the minimum passing examination score. This will leave the determination of the minimum passing score to the approved licensing examination organizations that already ensure the examination's content is relevant, is psychometrically valid and is conducted in secure testing environments. This regulatory action furthers the goal of the board which is to protect health-care consumers through the proper licensing and regulation of health-care professionals as well as enforcing the Medical Practice Act.

CONSIDERATION OF ALTERNATIVES

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

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

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board 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 any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the person designated in the Notice under Contact Person, below, or by accessing the Board's website at [http://www.mbc.ca.gov/About Us/Laws/Proposed Regulations](http://www.mbc.ca.gov/About_Us/Laws/Proposed_Regulations).

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

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

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

CONTACT PERSON

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

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

The backup contact person is:

INFORMATIVE DIGEST

Name: Kevin A Schunke, Regulations
 Manager
 Address: Medical Board of California
 2005 Evergreen St., Ste. 1200
 Sacramento, CA 95815
 Telephone No.: (916) 263-2368
 Fax No.: (916) 263-8936
 E-Mail
 Address: regulations@mbc.ca.gov

Website Access: Materials regarding this proposal can be found at [http://www.mbc.ca.gov/About Us/Laws/Proposed Regulations](http://www.mbc.ca.gov/About_Us/Laws/Proposed_Regulations).

TITLE 16. MEDICAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Medical Board of California (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 San Francisco Airport Marriott Waterfront, 1800 Old Bayshore Hwy, Burlingame, CA 94010, at 9:10 a.m., on July 31, 2015.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on July 20, 2015, or must be received at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 2018 of the Business and Professions Code, and to implement, interpret or make specific section(s) 803.1 and 2027 of said Code, the Board is considering changes to Section 1355.35, Division 13 of Title 16 of the California Code of Regulations as follows:

A. Informative Digest

Business and Professions Code section 803.1 requires the Board to disclose to the public information regarding any enforcement actions taken against a licensee, including a former licensee, by the Board or by another state or jurisdiction. Additionally, pursuant to Business and Professions Code section 2027, the Board is required to post on the internet information on the current status of the license for all current and former licensees. Under the existing regulation, Title 16 of the California Code of Regulations (CCR), section 1355.35(a), there are no definitions or explanatory information regarding court orders, misdemeanor convictions, licenses issued with a Public Letter of Reprimand, or probationary licenses.

Existing law under section 1355.35(a)(2) lists the address for the Board’s Central File Room as 1426 Howe Avenue, Suite 54, Sacramento, CA 95825.

Existing law under section 1355.35(c) provides a chart that defines the terms related to the status of a license for purposes of information released about a license. Currently, there are no descriptions for temporary licenses issued for noncompliance with a judgement or order for family support, or for a suspended license due to noncompliance with a judgement or order for family support.

This rulemaking proposes to amend Title 16 CCR section 1355.35(a) to bring current the list of disclaimers and explanatory information provided with public disclosure information released on the internet to include court orders, misdemeanor convictions, licenses issued with a Public Letter of Reprimand, and probationary licenses. It will also amend section 1355.35(a)(2) to provide the public with the current address for the Board’s Central File Room, 2005 Evergreen Street, Suite 1200, Sacramento, CA 95815. Further, it will amend Section 1355.35(c) to add public disclosure screen types for court orders related to family support issues.

This proposal was reviewed and considered at the Board’s Quarterly Board Meeting in May 2015 and the members voted to direct staff to notice the proposed regulatory language and hold a hearing to amend these regulations.

This rulemaking will enable the Board to provide health-care consumers with more complete information regarding definitions and explanatory information related to license status codes and administrative disciplinary action taken against physicians’ licenses. It will also reduce timeframes experienced by the public when submitting requests to the Board’s Central File Room for public documents related to administrative disciplinary action taken against physicians’ licenses.

B. Policy Statement Overview/Anticipated Benefits of Proposal

An anticipated benefit of this proposal will be the public's ability to retrieve more thorough information from the Board's website regarding license disclaimers and administrative disciplinary actions. An anticipated benefit of updating the address of the Board's Central File Room is a decrease in the timeframe experienced by the public when seeking copies of public documents.

C. Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, the Board 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.

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.

Cost Impact on Representative Private Person or Business:

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

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses as it will only add needed license status information to the Board's website.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

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

Benefits of Regulation:

The Board has determined that this regulatory proposal will benefit the health and welfare of California residents, worker safety, and state's environment by providing them with more thorough information regarding definitions and explanatory information related to license status codes and administrative disciplinary action taken against physicians' licenses. It will also reduce timeframes experienced by the public when submitting requests to the Board's Central File Room for public documents related to administrative disciplinary action taken against physicians' licenses.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considers to the regulation or that is otherwise identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the 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 reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

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

http://www.mbc.ca.gov/About_Us/Laws/Proposed_Regulations.

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: Paulette Romero, Enforcement
Program Manager
Address: 2005 Evergreen St., Ste. 1200
Sacramento, CA 95815
Telephone No.: (916) 263-2437
Fax No.: (916) 263-2435
E-Mail
Address: paulette.romero@mbc.ca.gov

The backup contact person is:

Name: Kevin A. Schunke, Regulations
Manager
Address: Medical Board of California
2005 Evergreen St., Ste. 1200
Sacramento, CA 95815
Telephone No.: (916) 263-2368
Fax No.: (916) 263-8936
E-Mail
Address: regulations@mbc.ca.gov

Website Access: Materials regarding this proposal can be found at http://www.mbc.ca.gov/About_Us/Laws/Proposed_Regulations.

TITLE 16. MEDICAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Medical Board of California (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 a San Francisco Airport Marriott Waterfront,

1800 Old Bayshore Hwy, Burlingame, CA 94010, at 9:05 a.m., on July 31, 2015.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on July 20, 2015, or must be received at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 2018 of the Business and Professions Code, and to implement, interpret or make specific sections 1248.15 and 1248.35 of Health and Safety Code, the Board is considering changes to Division 13 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

A. Informative Digest

Current Health and Safety Code (HSC) section 1248.15 requires that an outpatient surgery setting regulated by the Board with multiple locations must have all of its sites inspected.

In regards to the site inspections, the Board's current regulations allow the actual sample size to be determined by the accreditation agency.

The Board is amending its regulations by deleting 16 CCR 1313.4(a)(3), thereby allowing the statute to dictate that all sites must be inspected.

In addition, HSC section 1248.35 now requires an accreditation agency to report to the Board additional violations issued against outpatient surgery settings and requires the accreditation agency to report some violations to the Board within 24 hours.

At present, 1313.4(c) specifies that denials and revocations must be reported to the Board.

The Board is amending that section to add reprimands, probations, and suspension as additional events that have to be reported, in order to be consistent with statutes.

B. Policy Statement Overview/Anticipated Benefits of Proposal

This proposed rulemaking would benefit public health and safety by the increased scope of inspections on outpatient surgery settings, as well as the additional reporting requirements and the requirement that some

of the violations must be reported to the Board within 24 hours.

In addition, the rulemaking is being proposed in order to maintain consistency in language between HSC section 1248.15 and 1248.35 and CCR section 1313.4. The consistency will eliminate conflicts within the HSC and CCR sections.

C. Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, the Board 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. The amendments proposed in this rulemaking will make the Board's regulations consistent with HSC 1248.15 and 1248.35.

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.

Cost Impact on Representative Private Person or Business:

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

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would affect small businesses.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

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

Benefits of Regulation:

The Board has determined that this regulatory proposal will benefit the health and welfare of California residents, worker safety, and state's environment by ensuring that outpatient settings with multiple locations shall have all sites inspected. Further, an accreditation agency shall, within 24 hours, report to the Board when it has issued a reprimand, suspended, placed on probation, or revoked any outpatient setting.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost-effective to affected private persons and equally 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 reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the person designated in the Notice under Contact Person, below, or by accessing the Board's website at http://www.mbc.ca.gov/About_Us/Laws/Proposed_Regulations.

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

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

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

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

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

The backup contact person is:

Name: Kevin A. Schunke, Regulations
Manager
Address: Medical Board of California
2005 Evergreen St., Ste. 1200
Sacramento, CA 95815
Telephone No.: (916) 263-2368
Fax No.: (916) 263-8936
E-Mail
Address: regulations@mbc.ca.gov

Website Access: Materials regarding this proposal can be found at <http://www.mbc.ca.gov/About Us/Laws/Proposed Regulations>.

**TITLE 16. STRUCTURAL PEST
CONTROL BOARD**

NOTICE IS HEREBY GIVEN that the Structural Pest Control Board (Board) is proposing to take action as 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:

**Sheraton Ontario Airport
Orchid Ballroom
429 N. Vineyard Avenue
Ontario, CA 91764
July 23, 2015
8:00 a.m.**

Any interested person, or his or her authorized representative may submit written comments relevant to the proposed regulatory action to the Board. Comments may also be submitted by facsimile to the Board at (916) 263-2469 or by email to pestboard@dca.ca.gov. The written comment period closes at **5:00 p.m. on Wednesday, July 22, 2015**. The Board will only consider comments received at the Board Office by that time. Submit comments to:

**David Skelton, Administrative Analyst
Structural Pest Control Board
2005 Evergreen Street, Suite 1500
Sacramento, CA 95815**

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 granted by Business and Professions (B&P) Code Section 8525 and to implement, interpret, or make specific B&P Code Sections 8505.7, 8505.13, and 8538 the Board is proposing to amend Section 1970.4 of Division 19, of Title 16, of the California Code of Regulations (CCR).

INFORMATIVE DIGEST

Currently, CCR Section 1970.4 requires that a properly signed form or copy thereof of an Occupant Fumigation Notice (OFN) (Form 43M-8) be in the possession of the licensed fumigator at the time the fumigant is released.

As currently written, CCR Section 1970.4 makes no allowance for the properly signed form or copy thereof to be in electronic form.

In order to clarify its meaning and intent, and to update its regulatory language in consideration of available industry technology, the Board seeks to amend CCR Section 1970.4 by adding language to make it explicitly clear that an electronic copy of the OFN is permissible.

Policy Statement Overview/Anticipated Benefits of the Proposed Regulation

The regulations enforced by the Board exist for the protection of California consumers and to inform licensees of their rights and responsibilities within the scope of practice. Currently, the regulations are silent as to whether an OFN can be in electronic format. As such, signed paper copies of the OFN have to be given physically to the licensed fumigator before fumigation can begin. The proposed regulation would allow licensed fumigators to begin their fumigation work if they have signed copies of the OFN in an electronic format.

The Board anticipates that the proposed change will have the benefit of clarifying regulatory language that has become vague. As currently written, CCR Section 1970.4 requires a signed form or copy of the OFN to be present at the time the fumigant is released. Technology that is commonly used today allows for documents to be stored and displayed electronically; however, the current language makes no allowance for that technology to be employed.

Consistency and Compatibility with Existing State Regulations:

During the process of developing the proposed regulation the Board conducted a search for any similar regulations relating to this topic. The Board determined that the proposed regulatory action is not inconsistent or incompatible with existing regulations. The Board is the only state agency authorized to require that a signed copy of the OFN be present at the time the fumigant is released; therefore the proposed regulation will not conflict with any existing regulations on that topic.

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 STATEMENT

The Board has determined that the proposed regulation will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

The Board made this determination because the proposed regulation seeks only to make a clarifying change

in the regulatory language and will impose no new requirements, monetary or otherwise.

The following reporting, recordkeeping, or other compliance requirements are projected to result from the proposed regulation: None.

Cost Impact on Representative Private Person or Business

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

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The Board has determined that the proposed regulatory action will not affect the creation or elimination of jobs within the state. The Board made this determination because the proposed regulation seeks only to clarify existing language and imposes no new requirements on the regulated public.

The Board has determined that the proposed regulatory action will not affect the creation of new businesses or the elimination of existing businesses within the state. The Board made this determination because the proposed regulation seeks only to clarify existing language and imposes no new requirements on the regulated public.

The Board has determined that the proposed regulatory action will not affect the expansion of businesses currently doing business within the state. The Board made this determination because the proposed regulation seeks only to clarify existing language and imposes no new requirements on the regulated public.

The Board has determined that the proposed regulatory action will benefit the health or welfare of California’s residents, worker safety, and the state’s environment in the following ways:

By clarifying vague regulatory language to allow electronically stored and displayed documents to satisfy the existing regulatory requirements of CCR Section 1970.4. More specifically, by making it clear that an electronic copy of the signed OFN is acceptable.

BUSINESS REPORTING REQUIREMENT STATEMENT

The Board has determined that the proposed regulation will not create a reporting requirement for businesses. The Board made this determination because the proposed regulation seeks only to clarify existing language and imposes no new requirements on the regulated public.

EFFECT ON HOUSING COSTS

The Board has determined that the proposed regulation will have no effect on housing costs. The Board made this determination because the regulatory effect of the proposal is not relevant to housing costs.

EFFECT ON SMALL BUSINESS

The proposed regulation will not have an effect on small businesses because it will only clarify existing language and imposes no new requirements that would affect small businesses.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost-effective to affected private persons and equally 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 any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board's office located at 2005 Evergreen Street, Suite 1500, Sacramento, California, 95815, or by visiting the Board's website at <http://www.pestboard.ca.gov/forms/index.shtml>.

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

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

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

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: **David Skelton**
Address: **Structural Pest Control Board
2005 Evergreen Street,
Suite 1500
Sacramento, CA 95815**

Telephone
Number: **(916) 561-8722**
Fax Number: **(916) 263-2469**
Email
Address: david.skelton@dca.ca.gov

The backup contact person is:

Name: **Ronni O'Flaherty**
Address: **Structural Pest Control Board
2005 Evergreen Street,
Suite 1500
Sacramento, CA 95815**

Telephone
Number: **(916) 561-8736**
Fax Number: **(916) 263-2469**
Email
Address: ronni.oflaherty@dca.ca.gov

Website access: Materials regarding this proposal can be found at the Board's website at <http://www.pestboard.ca.gov/forms/index.shtml>.

TITLE 16. STRUCTURAL PEST CONTROL BOARD

NOTICE IS HEREBY GIVEN that the Structural Pest Control Board (Board) is proposing to take the action as 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:

**Sheraton Ontario Airport
Orchid Ballroom
429 N. Vineyard Avenue
Ontario, CA 91764
July 23, 2015
8:00 a.m.**

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m., on Wednesday, July 22, 2015, or must be received by the Board at the hearing. The Board upon its own motion or at the instance of any interested party may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by section 8525 of the Business and Professions Code and to implement, interpret or make specific sections 114.5, 115.5, 480, 8560–8566, 8610, and 8674 of the Business and Professions Code and sections 11361.5 and 11361.7 of the Health and Safety Code, the Board is considering changes to sections 1936, 1936.1, and 1936.2, Division 19 of Title 16 of the California Code of Regulations, and more specifically, forms 43L–1 (Rev 8/06), 43L–14 (Rev 8/90), 43L–26 (Rev 3/90), and 43E–21 (Rev 5/95) as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current law requires applicants for licensure or registration with the Structural Pest Control Board to disclose various information concerning their possible criminal history, military service, and work experience that is related to the license for which they are applying.

The Board seeks to revise licensure application forms 43L–1 (Rev 8/06), 43L–14 (Rev 8/90), 43L–26 (Rev 3/90), and 43E–21 (Rev 5/95) in order to determine whether an applicant is eligible for expedited military or veteran status and, pursuant to Health and Safety Code sections 11361.5 and 11361.7, to make clear that certain arrests and convictions do not need to be disclosed on the application.

Additionally, the Board seeks to revise its licensure application forms by adding questions that attempt to ascertain whether an applicant has the requisite experience for the license being sought as well as the applicant’s criminal and licensure history in order to determine if they are eligible to be licensed.

Further, there are some minor changes such as the Board’s address and the current governor. Finally, the Board is proposing to revise its licensure application forms in order to make them consistent for each license type offered by the Board; specifically, Operator (OPR), Field Representative (FR), Applicator (RA), and Principle Registration (PR).

ANTICIPATED BENEFITS

The benefit of the proposed regulation will be to ensure compliance with existing California law. Currently, the Board’s licensure applications do not inquire about military or veteran status, nor do they inquire about a spouse or domestic partner’s military status. Revising the Board’s licensure applications will benefit licensure applicants by allowing the Board to ascertain their military or veteran status. This will better enable the Board to avail them of the benefits their designation allows.

Additionally, the Board’s licensure applicants will benefit from the exclusion of questions concerning certain minor marijuana possession arrests or convictions older than two years. Currently, the Board’s licensure applications do not advise applicants that they do not need to disclose certain minor marijuana possession arrests or convictions older than two years. The revised questions make it clear that such convictions and/or arrests do not need to be disclosed.

Lastly, consumers will benefit from the addition of questions that will better enable the Board to determine licensure eligibility as it relates to applicant experience and criminal and licensure background information.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

During the process of developing these regulations and amendments, the Board has conducted a search of any similar regulations on this topic and has concluded that these regulations are not inconsistent or incompatible with existing state regulations. The Board is the only state agency authorized to require applicants to complete licensure applications forms to be licensed in the practice of structural pest control; therefore, the proposed regulations will not conflict with any other regulations.

DOCUMENTS INCORPORATED
BY REFERENCE

1. Application for Operator's License — Form 43L-1 (Rev. 10/15)
2. Application for Field Representative's License — Form 43L-14 (Rev. 10/15)
3. Application for Registration of Company — Form 43L-26 (Rev. 10/15)
4. Application for Applicator's License — Form 43L-21 (Rev. 10/15)

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 regulation would not have a significant state-wide economic impact affecting business, including the ability of California businesses to compete with businesses in other states.

The following reporting, recordkeeping, or other compliance requirements are projected to result from the proposed action: None.

Cost Impact on Representative Private Person or Business:

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

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations will affect small businesses because the company registration application is being revised. However, this will be an insignificant effect.

RESULTS OF ECONOMIC IMPACT
ASSESSMENT/ANALYSIS

The Board has determined that this regulatory proposal will not have a significant 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. The Board has made this determination because the proposed regulation is not relevant to 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.

The proposed regulation will benefit applicants who are veterans of the military by allowing the Board to ascertain their veteran status and avail them of the benefits that designation allows.

Additionally, the proposed regulation will benefit applicants by informing them that certain criminal convictions do not need to be disclosed.

Further, the proposed regulation will benefit consumers in California by providing the Board the means to ascertain the relevant criminal and work history of its applicants.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost-effective to affected private persons and equally 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 any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board's office located at 2005 Evergreen Street, Suite 1500, Sacramento, California 95815, or by visiting the Board's website at <http://www.pestboard.ca.gov/forms/index.shtml>.

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

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

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

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: David Skelton (Administrative Analyst)
Address: Structural Pest Control Board
2005 Evergreen Street, Suite 1500
Sacramento, CA 95815
Telephone Number: 916-561-8700
Fax Number: 916-263-2469
Email Address: david.skelton@dca.ca.gov

The backup contact person is:

Name: Ronni O'Flaherty (Administrative Analyst)
Address: Structural Pest Control Board
2005 Evergreen Street, Suite 1500
Sacramento, CA 95815
Telephone Number: 916-561-8700
Fax Number: 916-263-2469
Email Address: ronni.oflaherty@dca.ca.gov

**TITLE 16. STRUCTURAL PEST
CONTROL BOARD**

NOTICE IS HEREBY GIVEN that the Structural Pest Control Board (Board) is proposing to take action as 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:

**Sheraton Ontario Airport
Orchid Ballroom
429 N. Vineyard Avenue
Ontario, CA 91764
July 23, 2015
8:00 a.m.**

Any interested person, or his or her authorized representative may submit written comments relevant to the proposed regulatory action to the Board. Comments may also be submitted by facsimile to the Board at (916) 263-2469 or by email to pestboard@dca.ca.gov. The written comment period closes at **5:00 p.m. on Wednesday, July 22, 2015**. The Board will only consider comments received at the Board Office by that time. Submit comments to:

**David Skelton, Administrative Analyst
Structural Pest Control Board
2005 Evergreen Street, Suite 1500
Sacramento, CA 95815**

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 granted by Business and Professions (B&P) Code Section 8525 and to implement, interpret, or make specific B&P Code Sections 144 and 8520.1 and Penal Code (PC) Section 11105(b)(10), the Board is considering the addition of Section 1960 to Title 16, Division 19 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST

On July 1, 2004, B&P Code Section 144 became effective and the Board began requiring licensure applicants to submit their fingerprints for the purpose of conducting a criminal history record check. However, some individuals who were licensed prior to July 1, 2004 may have not submitted their fingerprints for the purpose of conducting a criminal history record check.

In order to fully implement the fingerprint requirement mandate outlined in B&P Code Section 144, the Board is proposing to add Title 16, Division 19, Section 1960 to the CCR to require all licensees who have not submitted their fingerprints for purposes of conducting a criminal history check be required to do so as a condition of license renewal.

Policy Statement Overview/Anticipated Benefits of the Proposed Regulation:

Pursuant to B&P Code Section 8520.1, the Board’s highest priority is protection of the public when exercising its regulatory functions. The Board anticipates that the proposed regulatory action will benefit the public by providing the Board a means to ascertain the possible criminal history of its applicants for renewal of licensure.

Consistency and Compatibility With Existing State Regulations:

During the process of developing the proposed regulation the Board conducted a search for any similar regulations relating to this topic. The Board determined that the proposed regulatory action is not inconsistent or incompatible with existing regulations. The Board is the only state agency authorized to require applicants for a Structural Pest Control license to submit fingerprints for the purpose of conducting a criminal history record check; therefore, the proposed regulation will not conflict with any existing regulation related to that topic.

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 Statement

The Board has determined that the proposed regulation will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

The Board made this determination based on the regulatory effect of the proposed regulation applying only to individual licensees, and more specifically, only individual licensees who have never submitted fingerprints for the purpose of conducting a criminal history record check.

The following reporting, recordkeeping, or other compliance requirements are projected to result from the proposed regulation: None.

Cost Impact on Representative Private Person or Business

The cost impact that a representative private person would necessarily incur to be in reasonable compliance

with the proposed regulation and that are known to the Board are:

Structural Pest Control Board Licensees Who Have Never Submitted a Set of Fingerprints For the Purpose of Conducting a Criminal History Record Check

As of February, 2015 the Board regulates 20,504 licensees. Of these, the Board estimates that 5,058 were licensed prior to July 1, 2004 and have therefore never submitted their fingerprints for the purpose of conducting a criminal history record check.

In order to submit a set of fingerprints for the purpose of conducting a criminal history record check, an individual must complete a Livescan, whereby their fingerprints are electronically submitted to the Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI).

The cost associated with completing a Livescan is as follows — The DOJ and FBI charge a combined total of \$49, and the location that electronically transmits the fingerprints charges a “rolling fee” that generally ranges from \$20 to \$35. Therefore, for an individual affected by the proposed regulation, there will be a one-time cost of \$69 to \$84.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

The Board has determined that the proposed regulatory action will not affect the creation or elimination of jobs within the state. The Board made this determination because the regulatory effect of the proposal will apply only to individual applicants and not to businesses.

The Board has determined that the proposed regulatory action will not affect the creation of new businesses or the elimination of existing businesses within the state. The Board made this determination because the regulatory effect of the proposal will apply only to individual applicants and not to businesses.

The Board has determined that the proposed regulatory action will not affect the expansion of businesses currently doing business within the state. The Board made this determination because the regulatory effect of the proposal will apply, only to individual applicants and not to businesses.

The Board has determined that the proposed regulatory action will benefit the health or welfare of California’s residents, worker safety, and the state’s environment in the following ways:

The Board’s highest priority in exercising its regulatory authority is protection of the public. The proposed regulation will enable the Board to require its license renewal applicants to submit a set of fingerprints for the purpose of conducting a criminal history record check if

they have never done so. The health and safety of California's residents will benefit from the Board being able to ascertain the possible criminal history of license renewal applicants.

**BUSINESS REPORTING
REQUIREMENT STATEMENT**

The Board has determined that the proposed regulation will not create a reporting requirement for businesses. The Board made this determination because the regulatory effect of the proposal will apply only to individual applicants and not to businesses.

EFFECT ON HOUSING COSTS

The Board has determined that the proposed regulation will have no effect on housing costs. The Board made this determination because the regulatory effect of the proposal is not relevant to housing costs.

EFFECT ON SMALL BUSINESS

The proposed regulation will not have an effect on small businesses because it will apply only to individuals who are applying for renewal of licensure who have never submitted a set of fingerprints for the purpose of conducting a criminal history record check.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost-effective to affected private persons and equally 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 any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board's office located at 2005 Evergreen Street, Suite 1500, Sacramento, California 95815, or by visiting the Board's website at <http://www.pestboard.ca.gov/forms/index.shtml>.

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

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

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

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: **David Skelton**
Address: **Structural Pest Control Board
2005 Evergreen Street,
Suite 1500
Sacramento, CA 95815**

Telephone
Number: **(916) 561-8722**
Fax Number: **(916) 263-2469**
Email
Address: **david.skelton@dca.ca.gov**

The backup contact person is:

Name: **Ronni O'Flaherty**
Address: **Structural Pest Control Board
2005 Evergreen Street,
Suite 1500
Sacramento, CA 95815**

Telephone
Number: **(916) 561-8736**
Fax Number: **(916) 263-2469**
Email
Address: **ronni.oflaherty@dca.ca.gov**

Website access: Materials regarding this proposal can be found at the Board's website at <http://www.pestboard.ca.gov/forms/index.shtml>.

**TITLE 17. DEPARTMENT OF
PUBLIC HEALTH**

**DPH-05-012 Forensic Alcohol Testing
Laboratories**

PUBLIC PROCEEDINGS

The California Department of Public Health (Department) is conducting a 45-day written public proceeding during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions (all of which are hereinafter referred to as comments) relevant to the action described in the Informative Digest/Policy Statement overview section of this notice.

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any written comments pertaining to these regulations, regardless of the method of transmittal, must be received by the Office of Regulations by 5 p.m. on July 20, 2015, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely. Persons wishing to use the California Relay Service may do so at no cost by dialing 711.

Written comments may be submitted as follows:

1. By email to: regulations@cdph.ca.gov. It is requested that email transmission of comments, particularly those with attachments, contain the regulation package identifier "DPH-05-012" in the subject line to facilitate timely identification and review of the comment;
2. By fax transmission: (916) 440-5747;
3. By Postal Service to: California Department of Public Health, Office of Regulations, MS 0507, P.O. Box 997377, Sacramento, CA 95899-7377;
4. Hand-delivered to Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814.

All submitted comments should include the regulation package identifier, DPH-05-012, author's name and mailing address.

AUTHORITY AND REFERENCE

This rulemaking action implements, interprets, and makes specific the California statutes governing the operation of forensic alcohol testing laboratories in California. The statutory authorities cited for this regulatory proposal are found in California Health and Safety Code sections 100703 and 100725. The reference cited in this regulatory proposal is California Health and Safety Code section 100700.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Senate Bill 1623, Chapter 337 (statutes of 2004), created section 100703 of the California Health and Safety Code, which took away the State Department of Public Health's (Department's) involvement in licensing forensic alcohol testing laboratories. The legislation created the requirement that the Department establish a review committee (Forensic Alcohol Review Committee; FARC) to evaluate Group 8 (commencing with section 1215) of subchapter 1 of Chapter 2 of Division 1 of Title 17 of the California Code of Regulations.

FARC has the mandate to revise those regulations to ensure the competence of laboratories that perform forensic alcohol testing. The revisions to the regulations must ensure the proper performance of the employees in testing, analyzing, and reporting the results of the tests and ensure those laboratories and employees comply with applicable laws. The California Health and Human Services Agency reviews the revisions to the regulations and has 90 days to disapprove of any of the revisions. When the revisions are finalized, the Department must adopt the revisions as regulations, all pursuant to section 100703.

The purpose of this proposal is to amend the regulations governing the requirements laboratories are held to when performing forensic alcohol testing. Those laboratories provide key information used in prosecutions for driving under the influence of alcohol, particularly when there have been traffic accidents.

The amendments update the regulations to reflect changes in the applicable Health and Safety Code statutes. For instance, the Department no longer licenses laboratories to conduct forensic alcohol testing. In addition, equipment used to determine breath alcohol concentrations must now be listed as conforming products in the Federal Register by the National Highway Traffic Safety Administration of the United States Department of Transportation. Also, the proficiency testing of the laboratories must now conform to the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB) guidelines for proficiency testing. The revised regulations reflect these changes in the statutes.

POLICY STATEMENT OVERVIEW

Problem Statement: The regulations that make specific, interpret, and implement the broad Health and Safety statutes located at section 100700, et seq., are in Title 17 of the California Code of Regulations. These regulations were last updated in 1986.

In the previous 25 years, technology, educational requirements for college degrees, and California law with regard to forensic alcohol testing have changed dramatically. For instance, the advent of advanced data processing systems and mobile breath instruments has enabled alcohol testing to reach new levels of efficiency and accuracy. Instruments run diagnostics, run calibration checks, and prompt officers to follow the precautionary checklist, all automatically.

The introduction of National Institute of Standards and Technology (NIST) traceable dry gas standards in late 1990's¹ has allowed breath testing to become significantly easier to perform and allows for scientists to check the calibration of their instruments with every single subject breath test. This is in contrast to the current Department regulations from the 1980's, which require calibration every 10 days with a solution, an antiquated process. NIST is a national standards-setting federal agency in the Department of Commerce. NIST traceable standards for blood alcohol testing can be purchased, standards with exceptional levels of accuracy and precision, standards that can replace the time consuming and less accurate titrated solution standards. These standards can be purchased with many different concentrations, allowing for better instrument calibration and therefore more accurate tests.²

Improvement in technology includes the capability for instruments to reject a test when a test parameter is not met. Instruments have become mobile, allowing for roadside breath testing. Data can be downloaded, transferred, collated, and compiled, allowing for better and more modern data management. This also facilitates the discovery process, much of which is becoming electronic.

In addition, college degrees, course work, class titles, and curricula have advanced and changed to the point that it is difficult to correlate modern students' coursework with the requirements of the 1986 regulations.

California law addressing driving under the influence has changed, creating the need for altered criteria in alcohol testing. Whereas the current regulations center on a 0.1% level, the pertinent legal limit is actually at 0.08%.³ Driving under the influence laws for juvenile

and commercial drivers require alcohol programs that check the accuracy of their levels down to a 0.01%. These changes in California law serve to further diminish the relevance of the current regulations.

Laws regarding the Department's role in the regulation of forensic alcohol analysis laboratories have also changed. The changes and updates to these regulations reflect these changes.

For instance, proficiency testing. Proficiency testing is an integral part of an effective quality-assurance program. It is one of many measures used by a laboratory to monitor its own performance and to identify areas in which improvement may be needed. It verifies that technical procedures are valid and that the quality of the work product is maintained at a high level. Therefore, crime laboratories must take proficiency testing very seriously and must have stringent criteria for employing a proficiency-testing program. In these proposed regulations, laboratories must now meet the proficiency-testing criteria of the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB), which means they are held to national standards.⁴ ASCLD/LAB is a national and international crime laboratory accreditation organization. Greater than 95% of California's crime laboratories are accredited by ASCLD/LAB.

Another change is that the Department will no longer require forensic alcohol laboratories to have on file with the Department written descriptions of the methods it uses for forensic alcohol analysis. The laboratories will, however, still be required to maintain detailed, up-to-date written descriptions of each method and to make these available to the Department on request.

Because 25 years have passed since the last revision of forensic alcohol testing regulations, the forensic community finds itself in a new era of technology, education, proficiency testing, and oversight.

Objectives: The broad objectives of this proposed regulatory action are to accomplish the following:

- Codify in the regulations the removal of the authority of the Department over the licensing of the state's forensic alcohol laboratories.
- Adopt updated standards pertaining to forensic alcohol laboratory operations, including maintenance of records, testing protocols, proficiency testing, and training and supervision of laboratory staff, proposed by the review committee as necessary to effectuate the enabling legislation.

Benefits: The anticipated benefits from this proposed regulatory action are the following:

- Clarification of the Department's role in the oversight of forensic alcohol testing laboratories.

¹ *Journal of Analytical Toxicology*. 1997; 21(5):369-372. [http://www.ncbi.nlm.nih.gov/pubmed/?term=Journal+Analytical+Toxicology+21\(5\)%3A369](http://www.ncbi.nlm.nih.gov/pubmed/?term=Journal+Analytical+Toxicology+21(5)%3A369).

² Soliman, Mary (2008).

³ Vehicle Code § 23152.

⁴ Health and Safety Code §§ 100700 to 100775.

- Clarification of the educational and experience requirements for forensic alcohol analysts.
- Clarification of the testing procedure.
- Creating a more-uniform and more-accurate testing environment, which will lead to better results in the prosecution and defense of alcohol-related offenses.
- Allowing the state to better control drunk driving.

**EVIDENCE SUPPORTING THAT THE
PROPOSED REGULATORY ACTION IS
COMPATIBLE WITH EXISTING
STATE REGULATIONS**

FARC and the Department have evaluated whether the proposed regulations are inconsistent or incompatible with existing State regulations. This evaluation included a review of the Department's laws and specifically those statutes and regulations related to forensic alcohol testing. The Department and FARC also conducted a review of California Vehicle Code statutes related to prosecutions for driving under the influence of alcohol and considered several research publications and reports.

No statute or regulation conflicts with this proposed regulatory update. No other State regulation addresses the same subject matter, and this proposal is not inconsistent or incompatible with other State regulations.

**MANDATED BY FEDERAL LAW
OR REGULATIONS**

Currently, there are no existing federal regulations or statutes applicable to the regulations.

FORMS INCORPORATED BY REFERENCE

None.

OTHER STATUTORY REQUIREMENTS

None.

BUSINESS REPORTING REQUIREMENT

None.

LOCAL MANDATE

FARC and the Department have determined that the regulations would not impose a mandate on local agencies or school districts, nor are there any costs for which

reimbursement is required by part 7 (commencing with section 17500) of division 4 of the California Government Code.

FISCAL IMPACT ASSESSMENT

- A. Cost to any Local Agency or School District: None. The Department is not aware of any cost impacts that a local government agency or school district that would necessarily incur in complying with the proposed action.
- B. Cost or Savings to any State Agency: Yes. See 399. The Department anticipates a reduction in costs as a result of the Department staff that will no longer be needed to perform the licensing and oversight duties that were previously performed, before SB 1623. The Department is not aware of any other cost impacts that state government would necessarily incur in complying with the proposed action.
- C. Cost or Savings in Federal Funding to State: None.
- D. Other nondiscretionary cost or savings imposed on local agencies: There are no known costs or savings imposed on local agencies in connection to this proposed action.

**COST IMPACTS ON REPRESENTATIVE
PERSON OR BUSINESS**

FARC and the Department are not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT OF HOUSING

FARC and the Department have determined that the proposed regulations will not have a financial impact on housing.

EFFECT ON SMALL BUSINESS

FARC and the Department have determined that there will be a small financial impact on small businesses who must comply with the regulations.

**RESULTS OF THE ECONOMIC
IMPACT ANALYSIS**

FARC and the Department have made an initial determination that the proposed regulations would not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Based on the economic impact analysis, FARC and the Department have determined that the regulation would not significantly affect the following:

1. The creation or elimination of jobs within the State of California.
2. The creation of new businesses or the elimination of existing businesses within the State of California.
3. The expansion of businesses currently doing business within the State of California.

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

The proposed regulations are necessary to protect the health and welfare of California residents. This modernization of the laws applicable to forensic alcohol testing will work to ensure that the evidence presented against those charged with driving under the influence is accurate and that justice is served. The ability to present accurate evidence will further serve to protect Californians from the harms of drunk driving, by enabling more prosecutions to go forward when, previous to these updated regulations, some prosecutions failed because of poor forensic alcohol analysis.

ALTERNATIVES INFORMATION

FARC and the Department determined that no reasonable alternative considered or otherwise identified and brought to its attention would be more effective in carrying out the purpose for which this action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the intent of the enabling legislation, Senate Bill 1623, Chapter 337, statutes of 2004.

SB 1623 created an independent review committee that was charged with considering a narrow range of alternatives when crafting these proposed regulations to carry out the purposes of the statute. As intended by the enabling legislation, the review committee did consider, as explained in detail elsewhere in this document, matters involving laboratory procedures, proficiency testing, training and oversight of laboratory staff, and maintenance of records.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDIES, REPORTS OR DOCUMENTS RELIED UPON

- ▶ American Society of Crime Laboratory Directors (2008). *Proficiency Review Program*. Version 2.1. <http://www.ascl-d-lab.org/overview-proficiency-review-program/>
- ▶ American Society of Crime Laboratory Directors (2008). *Proficiency Test Provider Program*. Ver 2.0. <http://www.ascl-d-lab.org/approved-proficiency-test-provider-program/>
- ▶ American Society of Crime Laboratory Directors, International (2006). *General Requirements for the Competence of Testing and Calibration Laboratories and Supplemental Requirements for the Accreditation of Forensic Science Testing Laboratories*. 2nd ed. <http://www.ascl-d-lab.org/international-testing-program/>
- ▶ American Society of Crime Laboratory Directors/Laboratory Accreditation Board (2006). *2006 Supplemental Requirements for the Accreditation of Forensic Science Testing Laboratories*. Section 3, p. 5. <http://www.ascl-d-lab.org/international-testing-program/>
- ▶ American Society of Crime Laboratory Directors/Laboratory Accreditation Board (2008). *Approved Proficiency Test Providers*. Retrieved from: <http://www.ascl-d-lab.org/approved-proficiency-test-provider-program/>
- ▶ California Association of Criminalists (2008). *California Association of Criminalist Lab Directory*. Retrieved from: http://www.cacnews.org/membership/lab_directory.shtml
- ▶ California Food and Drug Laboratory Branch (2004). *List of Licensed Forensic Alcohol Analysis Laboratories*.
- ▶ California State Auditor (1999). *Department of Health Services: The Forensic Alcohol Program Needs to Reevaluate Its Regulatory Efforts — Report 97025.1*. Sacramento: Bureau of State Audits. <http://www.bsa.ca.gov/pdfs/reports/97025.1.pdf>
- ▶ Larson, Clay (2002). *Collection of Blood Samples for Forensic Alcohol Analysis, Suitable Aqueous Disinfectants*. *Department of Health Services*,

Food and Drug Laboratory Branch. Revised: May 24, 2002. http://remotehealthatlas.nt.gov.au/collection_of_blood_for_alcohol_or_drug_forensic_analysis.pdf

- ▶ National Institute of Standards and Technology. *Certificate of Analysis, Standard Ref. Material 1828b*. March 26, 2004. <https://www-s.nist.gov/m-srmors/certificates/1828b.pdf>
- ▶ *People v. Bransford*, 884 P. 2d 70 (Cal. Supr. Ct. 1994)
http://scholar.google.com/scholar_case?case=1732976132662815944&q=%EF%83%98%09People+v.+Bransford,+884+P.+2d+70&hl=en&as_sdt=2006&as_vis=1
- ▶ Soliman, Mary (2008). Reporting Results of Laboratories' Annual Participation in Proficiency Testing Conducted by an ASCLD/LAB Approved Proficiency Test Provider. *California Department of Public Health*. Revised: September 23, 2008.
- ▶ State of California Department of Health Services: Food and Drug Laboratory. *Proficiency Test and Written Examination (Forensic Alcohol Analyst)*. Revised September 1987.
- ▶ Silverman LJ, Confirmation of ethanol compressed gas standard concentrations by an NIST-traceable, absolute chemical method and comparison with wet breath alcohol simulators. *Journal of Analytical Toxicology*. 1997;21(5):369-372.
[http://www.ncbi.nlm.nih.gov/pubmed/?term=Journal+Analytical+Toxicology+21\(5\)%3A369](http://www.ncbi.nlm.nih.gov/pubmed/?term=Journal+Analytical+Toxicology+21(5)%3A369).

CONTACT PERSON

Steve Woods, Center for Environmental Health, (916) 440-7883. All other inquiries concerning the action described in this notice may be directed to Dawn Basciano, Office of Regulations, at (916) 440-7367, or to the designated backup contact person, Linda Cortez (916) 440-7683.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF REGULATIONS

The Department has prepared and has available for public review an initial statement of reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the text of the proposed regulations. The Office of Regulations, at the address noted above, will be the location of public records, including reports, documentation, and other material related to the proposed regulations (rulemaking file).

In order to request that a copy of this public notice, the regulation text, and the initial statement of reasons or alternate formats for these documents be mailed to you, please call (916) 440-7367 (or the California Relay Service at 711), send an email to regulations@cdph.ca.gov, or write to the Office of Regulations at the address previously noted. Upon specific request, these documents will be made available in Braille, large print, audiocassette, or computer disk.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

FINAL STATEMENT OF REASONS

A copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations.

INTERNET ACCESS

Materials regarding the action described in this notice (including this public notice, the regulation text, and the initial statement of reasons) that are available via the Internet may be accessed at www.cdph.ca.gov by clicking on these links, in the following order: Decisions Pending and Opportunity for Public Participation, Regulations, Proposed.

GENERAL PUBLIC INTEREST

DEPARTMENT OF HEALTH CARE SERVICES

THE DEPARTMENT OF HEALTH CARE SERVICES IS UPDATING THE MEDI-CAL APR-DRG HOSPITAL REIMBURSEMENT METHODOLOGY

This notice is to provide information of public interest about the California Department of Health Care Services' (Department) intent to update Year 3 Diagnosis Related Group (DRG) payment parameters for general acute inpatient services provided by hospitals, includ-

ing out-of-state hospitals and hospitals designated by Medicare as critical access hospitals.

The Year 3 DRG payment parameters will take effect for hospital admissions on or after July 1, 2015, which are reimbursed using the APR-DRG methodology. Updates to the payment parameters include the following:

- Changes in the APR-DRG grouping algorithm from Version 31 to Version 32.
- V.32 relative weights under the hospital-specific relative value (HSRV) methodology.
- Increase to policy adjustor for Obstetric Medicaid Care Category
- Tier 1 cost outlier threshold increased by 7% and Tier 2 increased by 10% for DRG hospitals.
- Adoption of the most recent hospital-specific CA wage area index values from the Centers for Medicare and Medicaid Services, adjusted by a neutrality factor of 0.9797, while the out-of-state wage area index values remains unchanged at 1.00.
- Increase base rates for CA remote rural hospitals by 20%.

PUBLIC REVIEW AND COMMENTS

Copies of the State Plan Amendment that amends California's Medicaid State Plan may be requested, in writing, from Mr. John Mendoza, Department of Health Care Services, Safety Net Financing Division, MS 4518, P.O. Box 997436, Sacramento, CA 95899-7436.

Written comments concerning the proposal may be mailed to Mr. Mendoza at the above address and must be received on or before July 6, 2015.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

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

File# 2015-0504-01
BOARD OF PAROLE HEARINGS
 Parole Reconsideration Hearings (Previously Penal Code 3000.1 Proc.)

This regulatory action by the Board of Parole Hearings (Board) amends section 2275 of title 15 of the California Code of Regulations. The purpose of this action is to clarify the Board's new role Parole Reconsideration Hearings (previously, "Penal Code section 3000.1 proceedings") resulting from recent statutory reforms including the Chelsea King Child Predator Prevention Act of 2010 and "Criminal Justice Realignment" legislation.

Title 15
 California Code of Regulations
 AMEND: 2275
 Filed 05/26/2015
 Effective 07/01/2015
 Agency Contact: Heather McCray (916) 650-6409

File# 2015-0413-03
BOARD OF STATE AND COMMUNITY CORRECTIONS
 Standards and Training of Local Corrections and Probation Officers

In this regulatory action, the Board amends section 233 of Title 15 of the California Code of Regulations to change the duration of a valid certification from one year to two years.

Title 15
 California Code of Regulations
 AMEND: 233
 Filed 05/26/2015
 Effective 07/01/2015
 Agency Contact: Barbara Fenton (916) 323-8620

File# 2015-0413-04
CALIFORNIA ENERGY COMMISSION
 Alternative and Renewable Fuel and Vehicle Technology Program

This action by the California Energy Commission makes changes without regulatory effect to Section 3103, in title 20 of the California Code of Regulations to correct typographical errors in cross-referenced regulation sections.

Title 20
 California Code of Regulations
 AMEND: 3103
 Filed 05/21/2015
 Agency Contact: Samantha Arens (916) 651-9410

File# 2015-0413-01
CALIFORNIA PRISON INDUSTRY AUTHORITY
 Personnel

In this rulemaking action, the California Prison Industry Authority (CALPIA) sets forth personnel requirements for CALPIA employees in title 15 of the California Code of Regulations. These new rules cover

employee conduct, including interaction with ex-offenders, on- and off-duty behavior, and light-duty assignments and reasonable accommodations.

Title 15
 California Code of Regulations
 ADOPT: 8100, 8102, 8104, 8105, 8106, 8107, 8108, 8110, 8111, 8112, 8114, 8118, 8119, 8119.1, 8120
 AMEND: 8000
 Filed 05/26/2015
 Effective 07/01/2015
 Agency Contact: Dawn Eger (916) 358-1612

File# 2015-0416-02
 CALIFORNIA STATE AUDITOR'S OFFICE
 High Risk Local Government Agency Audit Program

This file and print action adopts sections in California Code of Regulations, title 2, regarding the State Auditor's authority to implement high risk local government agency audits pursuant to Government Code section 8546.10. This filing is exempt OAL's review pursuant to Government Code section 8546(g).

Title 2
 California Code of Regulations
 ADOPT: 61100, 61101, 61102, 61103, 61104, 61105, 61106, 61107, 61108, 61109, 61120, 61121, 61122, 61130, 61131, 61132, 61140
 Filed 05/27/2015
 Effective 07/01/2015
 Agency Contact: Donna Neville (916) 445-0255

File# 2015-0414-02
 DEPARTMENT OF HEALTH CARE SERVICES
 Section 52000 (CCR)

The Department of Health Care Services (DHCS) submitted this action pursuant to title 1, California Code of Regulations, section 100 to make a change without regulatory effect to section 52000 of title 22 of the California Code of Regulations. The change is a correction of an erroneous cross-reference in subdivision (n) of section 52000, which qualifies as a nonsubstantive change under Section 100(a)(4).

Title 22
 California Code of Regulations
 AMEND: 52000
 Filed 05/20/2015
 Agency Contact: Kenneisha Moore (916) 440-7695

File# 2015-0415-02
 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
 Income Limits

This regulatory action is the annual update of income limits for households of varying sizes. The regulation

was transmitted to OAL for filing with the Secretary of State and publication in the California Code of Regulations pursuant to Health & Safety Code section 50093. This filing is exempt from the rulemaking requirements of articles 5 and 6 of chapter 3.5 of the Administrative Procedure Act, and is not subject to OAL's review. (Health & Saf. Code, sec. 50093.) This regulation is effective 4/15/2015, the date the regulation was filed with OAL pursuant to Health & Safety Code section 50093.

Title 25
 California Code of Regulations
 ADOPT: 6932 REPEAL: 6932
 Filed 05/26/2015
 Effective 04/15/2015
 Agency Contact: Tamara Tran (916) 263-7475

File# 2015-0413-02
 DEPARTMENT OF INSURANCE
 Independent Medical Review Fee Assessment

The Department of Insurance proposed to adopt section 2563 on the independent medical review system fee assessment in title 10 of the California Code of Regulations.

Title 10
 California Code of Regulations
 ADOPT: 2563
 Filed 05/26/2015
 Effective 07/01/2015
 Agency Contact: Steven Feinstein (415) 538-4431

File# 2015-0422-05
 DEPARTMENT OF PUBLIC HEALTH
 Standard Admission Agreement

This change without regulatory effect deletes language from sections 72516(d) and 73518(d) of Title 22 of the California Code of Regulations which, along with the underlying statute, was found by the United States District Court to be unconstitutional in *Valley View Health Care, Inc. et al. v. Ronald Chapman, M.D., et al.* (E.D. Cal. 2014) 992 F.Supp.2d 1016.

Title 22
 California Code of Regulations
 AMEND: 72516, 73518
 Filed 05/27/2015
 Agency Contact: Linda M. Cortez (916) 440-7807

File# 2015-0428-01
 DEPARTMENT OF REHABILITATION
 Conflict-of-Interest Code

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

OAL Filed this regulation(s) or order(s) or repeal in the California Code of Regulations.

Title 9
California Code of Regulations
AMEND: 7400
Filed 05/27/2015
Effective 06/26/2015
Agency Contact: Shelly Risbry (916) 445-4466

File# 2015-0511-04
EDUCATION AUDIT APPEALS PANEL
Audits of K-12 LEAs — FY 2015-16

The Education Audit Appeals Panel (EAAP) submitted this emergency rulemaking action to amend title 5 of the California Code of Regulations, section 19810, specifically to update the audit guide that is used for auditing K-12 Local Education Agencies (LEAs), pursuant to Education Code section 14502.1. The updated guide will be applicable to FY 2015-2016.

Title 5
California Code of Regulations
AMEND: 19810
Filed 05/21/2015
Effective 05/21/2015
Agency Contact:
Timothy E. Morgan (916) 445-7745

File# 2015-0414-01
FISH AND GAME COMMISSION
Junior Hunt Conformance

This action by the Fish and Game Commission makes changes without regulatory effect pursuant to section 100, title 1, of the California Code of Regulations (CCR) relating to junior hunting licenses. These changes are intended to make the regulations consistent with Fish and Game Code section 3031, as amended by Statutes 2014, Chapter 456 (AB 1709), effective January 1, 2015 and operative July 1, 2015.

Title 14
California Code of Regulations
AMEND: 708.3, 708.10, 708.11
Filed 05/21/2015
Agency Contact: Jon Snellstrom (916) 653-4899

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN December 24, 2014 TO
May 27, 2015**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with

the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

- Title 2**
- 05/27/15 ADOPT: 61100, 61101, 61102, 61103, 61104, 61105, 61106, 61107, 61108, 61109, 61120, 61121, 61122, 61130, 61131, 61132, 61140
 - 05/18/15 AMEND: 18703 REPEAL: 18703.2, 18703.4, 18703.5, 18707, 18707.1, 18707.2, 18707.4, 18707.5, 18707.6, 18707.7, 18707.9, 18707.10
 - 05/04/15 ADOPT: 1701, 1702 AMEND: 1700
 - 04/27/15 AMEND: 18700, 18700.1, 18700.2, 18700.3, 18701, 18701.1, 18702, 18702.1, 18702.2, 18702.3, 18702.4, 18702.5, 18703.3, 18704, 18704.1, 18704.2, 18704.3, 18704.4, 18704.5, 18704.6, 18705, 18705.1, 18705.2, 18705.3, 18705.4, 18705.5, 18706, 18706.1, 18708, 18709
 - 04/09/15 AMEND: 57400
 - 04/08/15 AMEND: 212
 - 04/07/15 ADOPT: 59780
 - 04/02/15 AMEND: 18215
 - 04/02/15 AMEND: 18530.4, 18530.45
 - 03/24/15 AMEND: 1900
 - 03/23/15 AMEND: 1189.10
 - 03/23/15 AMEND: 59740
 - 03/17/15 AMEND: 549
 - 03/04/15 AMEND: 11087, 11088, 11089, 11090, 11091, 11092, 11093, 11094, 11095, 11096, 11097 REPEAL: 11098
 - 02/23/15 ADOPT: 59760
 - 02/23/15 ADOPT: 553, 553.1, 553.2, 553.3, 553.4, 553.5, 553.6, 599.100, 599.101, 599.102, 599.120, 599.121, 599.122, 599.123, 599.124, 599.140, 599.141, 599.142, 599.143, 599.144, 599.145, 599.146, 599.160, 599.161, 599.162, 599.163, 599.164
 - 02/09/15 AMEND: 1859.76
 - 02/02/15 AMEND: 18705, 18705.3, 18705.4, 18705.5 REPEAL: 18704, 18704.1, 18704.5
 - 02/02/15 AMEND: 18450.11
 - 02/02/15 AMEND: 18740
 - 01/22/15 AMEND: 54300
 - 12/31/14 ADOPT: 20620 AMEND: 20610, 20611, 20612, 20613, 20622 and renumber as 20621, 20623 and renumber as 20622,

20624 and renumber as 20623, 20625 and renumber as 20624, 20626 and renumber as 20625, 20627 and renumber as 20626, 20630, 20631, 20632, 20633, 20635 and renumber as 20634, 20636 and renumber as 20635, 20637 and renumber as 20636, 20638 and renumber as 20637, 20639 and renumber as 20638, 20640, 20641, 20642, 20645 and renumber as 20643, 20646 and renumber as 20644, 20650, 20651, 20652, 20653, 20654, 20660, 20661, 20662, 20663, 20670, 20672, 20680, 20681, 20682 REPEAL: 20620, 20621, 20671, Appendices A and B to Chapter 6

04/09/15 AMEND: 10176, 10177, 10178, 10179, 10180, 10181, 10182, 10183, 10187
 04/07/15 AMEND: 87102, 87455, 87465, 87469, 87615, 87616, 87632, 87633
 04/06/15 ADOPT: 10080, 10081, 10082, 10083, 10084, 10085, 10086, 10087
 04/06/15 AMEND: 278
 03/30/15 ADOPT: 8078.3, 8078.4, 8078.5, 8078.6, 8078.7
 03/13/15 AMEND: 5205, 5230
 03/10/15 ADOPT: 10170.16, 10170.17, 10170.18, 10170.19, 10170.20, 10170.21, 10170.22, 10170.23, 10170.24
 03/09/15 ADOPT: 10091.1, 10091.2, 10091.3, 10091.4, 10091.5, 10091.6, 10091.7, 10091.8, 10091.9, 10091.10, 10091.11, 10091.12, 10091.13, 10091.14, 10091.15
 03/04/15 AMEND: 1866
 03/02/15 AMEND: 1688
 02/26/15 ADOPT: 24465-3
 02/02/15 ADOPT: 12003, 12311, 12312, 12313, 12315, 12316 AMEND: 12002 REPEAL: 12400, 12401, 12402, 12403, 12404, 12405, 12406, 12410
 01/30/15 AMEND: 10085
 01/13/15 ADOPT: 5600, 5610, 5620, 5630, 5640 AMEND: 5000, 5144, 5170, 5200, 5205, 5230, 5240, 5255, 5350, 5370
 01/13/15 AMEND: 1858
 12/24/14 AMEND: 106(d)

Title 3

05/19/15 ADOPT: 3441
 05/13/15 AMEND: 3435(b)
 05/08/15 AMEND: 3435(b)
 05/06/15 AMEND: 3435(b)
 05/06/15 AMEND: 6400
 04/30/15 AMEND: 3435(b)
 04/30/15 AMEND: 3435
 04/16/15 AMEND: 6512
 04/15/15 ADOPT: 6738.1, 6738.2, 6738.3, 6738.4 AMEND: 6000, 6702, 6720, 6724, 6738, 6739, 6764, 6771, 6793, 6795 REPEAL: 6486.7, 6736
 04/09/15 AMEND: 3435(b)
 04/08/15 AMEND: 3435(b)
 04/06/15 AMEND: 3
 03/20/15 AMEND: 3435(b)
 03/17/15 AMEND: 1428.6, 1428.7, 1428.8, 1428.10, 1428.12
 03/02/15 AMEND: 3435(b)
 02/25/15 AMEND: 2
 02/18/15 AMEND: 4500
 02/12/15 AMEND: 3435(b)
 02/02/15 AMEND: 1392.8.1
 01/27/15 AMEND: 3591.13(a)
 01/26/15 AMEND: 3435(b)
 01/21/15 AMEND: 300, 301
 01/16/15 AMEND: 3435
 01/02/15 AMEND: 3435(b)

Title 5

05/21/15 AMEND: 19810
 05/18/15 AMEND: 19810
 03/12/15 AMEND: 19810
 02/18/15 ADOPT: 58621 AMEND: 58601, 58612, 58620
 01/30/15 ADOPT: 71105, 71105.5, 71410, 71471, 71775, 71775.5, 74240, 74250, 75140 AMEND: 70000, 71400, 71650, 75150
 01/20/15 ADOPT: 80693, 80694
 01/08/15 ADOPT: 15494, 15495, 15496, 15497, 15497.5

Title 4

05/19/15 ADOPT: 8130, 8131, 8132, 8133, 8134, 8135, 8136, 8137, 8138
 05/07/15 AMEND: 10325
 05/07/15 AMEND: 10315, 10322, 10325, 10327
 05/04/15 AMEND: 8035(e)-(f)
 04/27/15 AMEND: 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.11
 04/21/15 AMEND: 150

Title 8

04/30/15 ADOPT: 9980, 9981, 9982, 9983 AMEND: 9990, 9992, 10208.7 REPEAL: 9994
 04/30/15 AMEND: 4345, 4351, 4352, 4354
 04/30/15 AMEND: 1618.1(e)
 04/20/15 ADOPT: 9792.21.1, 9792.25.1 AMEND: 9792.20, 9792.21, 9792.23, 9792.24.1, 9792.24.3, 9792.25, 9792.26
 04/06/15 AMEND: 9701, 9702

04/06/15 ADOPT: 17300, 17301, 17302, 17303, 17304, 17305, 17306, 17307, 17308, 17309, 17310
 04/03/15 AMEND: 3395
 02/25/15 AMEND: 9789.25
 02/12/15 AMEND: 333, 336
 02/04/15 AMEND: 9789.10, 9789.11, 9789.20, 9789.21, 9789.22, 9789.23, 9789.25, 9789.50, 9789.60, 9789.70, 9789.110, 9789.111, 9790

Title 9

05/27/15 AMEND: 7400
 03/09/15 AMEND: 4210

Title 10

05/26/15 ADOPT: 2563
 05/11/15 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, 6622
 04/27/15 REPEAL: 3530
 04/27/15 ADOPT: 6900, 6901, 6902, 6903, 6904, 6905, 6906, 6907, 6908
 04/13/15 ADOPT: 5508, 5509, 5510, 5511, 5512, 5513, 5514, 5515, 5516
 03/25/15 AMEND: 2303, 2303.1, 2303.2, 2303.3, 2303.4, 2303.5, 2303.6, 2303.7, 2303.8, 2303.9, 2303.10, 2303.11, 2303.12, 2303.13, 2303.14, 2303.16, 2303.17, 2303.18, 2303.19, 2303.20, 2303.21, 2303.22, 2303.23, 2303.24, 2303.25
 03/18/15 ADOPT: 6432
 03/16/15 ADOPT: 6426, 6434
 02/19/15 ADOPT: 6432
 02/05/15 ADOPT: 8000, 8010, 8020, 8030, 8040
 02/05/15 ADOPT: 6428, 6430
 02/02/15 AMEND: 3528
 01/30/15 ADOPT: 2240.15, 2240.16, 2240.6, 2240.7 AMEND: 2240, 2240.1, 2240.4, 2240.5
 01/20/15 AMEND: 2695.85
 01/08/15 AMEND: 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2507.1, 2507.2, 2508, 2509
 01/02/15 AMEND: 2698.95

Title 11

05/13/15 AMEND: 51.14
 05/13/15 AMEND: 51.17
 05/13/15 AMEND: 51.22
 03/09/15 ADOPT: 4250, 4251, 4252, 4253, 4254, 4255, 4256, 4257, 4258, 4259

Title 13

04/09/15 AMEND: 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629
 01/23/15 AMEND: 553.70
 01/21/15 AMEND: 1159
 12/31/14 AMEND: 2025

Title 13, 17

01/23/15 AMEND: 553.70
 01/21/15 AMEND: 1159

Title 14

05/21/15 AMEND: 708.3, 708.10, 708.11
 05/01/15 AMEND: 27.80
 04/28/15 AMEND: 28.20, 28.95
 04/27/15 AMEND: 1273.01, 1273.02, 1273.05, 1273.06, 1273.07, 1273.08, 1273.10, 1273.11, 1274.01, 1274.09, 1275.00, 1275.01, 1275.10, 1275.15, 1276.00, 1276.03
 04/24/15 AMEND: 7.50
 04/20/15 ADOPT: 1760.1, 1779.1
 04/06/15 AMEND: 15411
 04/01/15 AMEND: Heading of Division 7
 04/01/15 AMEND: 1.73, 27.75, 27.80
 03/30/15 ADOPT: 3550.17
 03/10/15 AMEND: 1.91, 27.20, 27.25, 27.30, 27.35, 27.40, 27.45, 27.50, 27.51, 27.65, 28.26, 28.27, 28.28, 28.29, 28.48, 28.49, 28.54, 28.55, 58.56, 28.58, 28.90
 02/23/15 AMEND: 1.45, 2.09, 4.05, 5.00, 5.80, 7.50, 8.00, 27.90
 01/30/15 AMEND: 465, 472
 01/29/15 AMEND: 1665.1, 1665.2, 1665.3, 1665.4, 1665.5, 1665.6, 1665.7, 1665.8
 01/28/15 AMEND: 4351.1 (renumbered as 4351), 4360 REPEAL: 4351
 12/30/14 ADOPT: 1751, 1761, 1777.4, 1780, 1781, 1782, 1783, 1783.1, 1783.2, 1783.3, 1784, 1784.1, 1784.2, 1785, 1785.1, 1786, 1787, 1788, 1789
 12/29/14 AMEND: 1665.7
 12/29/14 AMEND: 670.5

Title 15

05/26/15 ADOPT: 8100, 8102, 8104, 8105, 8106, 8107, 8108, 8110, 8111, 8112, 8114, 8118, 8119, 8119.1, 8120 AMEND: 8000
 05/26/15 AMEND: 2275
 05/26/15 AMEND: 233
 04/30/15 AMEND: 3006, 3134.1, 3135
 04/27/15 ADOPT: 3999.18
 04/22/15 AMEND: 3001, 3042, 3043, 3084.7, 3379, 3768.2
 04/16/15 ADOPT: 3410.1 AMEND: 3173.2

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03/17/15 ADOPT: 3410.2 AMEND: 3000, 3173.2, 3287, 3410.1
 03/16/15 ADOPT: 1830.1, 1840.1, 1847.1, 1848.5, 1849.1, 1850.1 AMEND: 1800, 1806, 1812, 1814, 1830, 1831, 1840, 1847, 1848, 1849, 1850, 1851 1852, 1853, 1854, 1856, 1860, 1866, 1867, 1868, 1870, 1872, 1876, 1878, 1888, 1890, 1892 REPEAL: 1857
 03/12/15 REPEAL: 3999.13
 02/11/15 REPEAL: 3999.11
 02/09/15 ADOPT: 8121
 01/28/15 ADOPT: 3364.1, 3364.2 AMEND: 3351, 3364

Title 16

04/10/15 ADOPT: 1746.3
 04/09/15 ADOPT: 1399.326, 1399.329, 1399.343, 1399.344, 1399.345, 1399.346 AMEND: 1399.301, 1399.350, 1399.351, 1399.352, 1399.395
 04/09/15 AMEND: 4161
 04/08/15 AMEND: 3306, 3310, 3340.10, 3351.1
 04/01/15 ADOPT: 914.1, 914.2 AMEND: 918, 921, 921.1, 921.2
 03/26/15 ADOPT: 977, 980.4 AMEND: 978, 979, 980, 980.1, 980.2, 980.3, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994
 03/26/15 AMEND: 3373
 03/25/15 ADOPT: 1361.5, 1361.51, 1361.52, 1361.53, 1361.54, 1361.55 AMEND: 1361
 03/18/15 AMEND: 2649
 03/06/15 REPEAL: 950.8, 950.9
 01/21/15 AMEND: 1387
 01/12/15 AMEND: 601.3, 601.5, 620, 621, 622, 628, 631, 631.1
 01/08/15 AMEND: 1707.5
 12/30/14 ADOPT: 832.22, 833

Title 17

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

95131, 95132, 95133, 95152, 95153, 95156, 95157
 12/30/14 ADOPT: 30180.1, 30180.2, 30180.3, 30180.4, 30180.5, 30180.6, 30180.7, 30181, 30192.7, 30195.4, 30196, 30237, 30332.9 AMEND: 30180, 30190, 30192.1, 30194, 30195, 30195.2, 30195.3, 30235, 30253, 30254, 30257, 30330, 30332, 30332.5, 30332.6, 30332.8, 30333, 30333.1, 30334, 30336, 30336.1, 30336.5, 30346, 30346.2, 30348.1, 30350 REPEAL: 30192, 30210.2, 30237

Title 18

05/13/15 AMEND: 1685.5
 05/06/15 AMEND: 1598.1
 05/06/15 AMEND: 1533.2
 04/30/15 AMEND: 1621
 03/19/15 AMEND: 472, 902, 904
 03/04/15 AMEND: 6001
 02/09/15 AMEND: 1588
 01/28/15 AMEND: 140.1

Title 20

05/21/15 AMEND: 3103
 05/15/15 AMEND: 1601, 1602, 1604, 1605.1, 1605.2, 1605.3, 1606
 03/12/15 AMEND: 3103
 03/04/15 AMEND: 1682(c)

Title 21

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

Title 22

05/27/15 AMEND: 72516, 73518
 05/20/15 AMEND: 52000
 05/12/15 ADOPT: 51193.1, 51193.3 AMEND: 51051, 51113, 51311, 51511.6, 51531
 04/30/15 AMEND: 97232
 04/07/15 AMEND: 51516.1
 02/09/15 AMEND: 97177.15, 97244
 02/05/15 ADOPT: 100018, 100020, 100025, 100026, 100027, 100028, 100029, 100030 AMEND: 100005, 100007, 100009, 100014, 100015, 100016, 100017, 100018, 100020, 100021, 100025, 100026, 100027 REPEAL: 100013, 100019, 100022, 100023, 100024, 100028
 12/31/14 AMEND: 97174

Title 23

05/19/15 AMEND: 2919
 05/19/15 ADOPT: 3949.10
 05/18/15 ADOPT: 863, 864, 865, 866
 05/15/15 AMEND: 2916
 05/04/15 AMEND: 3939.21

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05/04/15 AMEND: 3939.18, 3939.20
04/22/15 ADOPT: 600, 600.1, 600.2, 600.3, 600.4,
601, 602, 603, 603.5, 604, 605, 606,
607.1, 607.2, 607.3, 608.1, 608.2, 608.3,
610.1, 610.2, 610.3, 610.4, 610.5, 610.6,
610.7, 610.8, 610.9, 610.10, 610.11,
612.1, 612.2, 612.3, 612.4, 612.5, 612.6,
612.61, 612.62, 612.63, 612.64, 612.65,
612.66, 612.67, 615.1, 615.2, 615.3, 618,
620, 625.1, 625.2, 625.3, 625.4, 625.5,
625.6, 625.7, 635.0
03/30/15 ADOPT: 877, 878, 878.1, 878.2, 879,
879.1, 879.2
03/27/15 AMEND: 879(c)
03/27/15 ADOPT: 863, 864, 865
03/18/15 AMEND: 3939.10
03/17/15 ADOPT: 3919.15

02/17/15 ADOPT: 3919.14
01/23/15 ADOPT: 3939.37
01/05/15 ADOPT: 3946(b), 3946(c), 3946(d)
AMEND: 3946(a)

Title 25
05/26/15 ADOPT: 6932 REPEAL: 6932
03/03/15 AMEND: 4514

Title MPP
05/12/15 AMEND: 31-502
05/06/15 AMEND: 31-502
01/23/15 AMEND: 11-403
01/22/15 ADOPT: 42-708, 42-709 AMEND:
42-302, 42-701, 42-711, 42-712,
42-714, 42-716, 42-720, 42-721,
42-722, 42-802, 42-1009, 42-1010,
44-111

