



California Regulatory Notice Register

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

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**PROPOSED ACTION ON
REGULATIONS**

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**TITLE 2. FAIR POLITICAL PRACTICES
COMMISSION**

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

CONFLICT OF INTEREST CODES

AMENDMENT

MULTI-COUNTY: Angiola Water District
Westlands Water District
Yucaipa Valley Water District

A written comment period has been established commencing on **June 14, 2013** and closing on **July 29, 2013**. Written comments should be directed to the Fair Political Practices Commission, Attention Adrienne Tackley, 428 J Street, Suite 620, Sacramento, California 95814.

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

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

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the

proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict of interest code(s). Any written comments must be received no later than **July 29, 2013**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

**EFFECT ON HOUSING COSTS
AND BUSINESSES**

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

AUTHORITY

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

REFERENCE

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

CONTACT

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

AVAILABILITY OF PROPOSED CONFLICT OF INTEREST CODES

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

TITLE 2. PUBLIC EMPLOYEES' RETIREMENT SYSTEM

NOTICE IS HEREBY GIVEN that the Board of Administration (Board) of the California Public Employees' Retirement System (CalPERS) proposes to take the regulatory action described below in the Informative Digest after considering public comments, objections, or recommendations regarding the proposed regulatory action.

I. PROPOSED REGULATORY ACTION

In this filing, the Board proposes the amendment to section 579.2 to add subdivision (b), and the addition of sections 579.3, 579.21, 579.22, and 579.25, under the Article 6, "2013 Public Employees' Pension Reform Implementation," of the California Code of Regulations (CCR). By proposing these regulations in this Article, CalPERS seeks to implement, administer, interpret, and make certain the provisions contained within Assembly Bill (AB) 340 (Stats. 2012, Ch. 296) known as the California Public Employees' Pension Reform Act (PEPRA) of 2013 and the related pension reform changes to the Public Employees' Retirement Law (PERL) and the Legislators' Retirement Law (LRL).

II. WRITTEN COMMENT PERIOD

Any interested person may submit written comments relevant to the proposed regulatory action. The written comment period has been established commencing on June 14, 2013 and closing on July 29, 2013 at 5:00 p.m. The Regulation Coordinator must receive all written comments by the close of the comment period. Comments may be submitted via fax at (916) 795-4607; E-mail at PEPRA_Regulations@CalPERS.CA.GOV or mailed to the following address:

Christina Nutley, Regulation Coordinator
California Public Employees' Retirement System
P.O. Box 942702
Sacramento, CA 94229-2702
Phone: (916) 795-2397

III. PUBLIC HEARING

A public hearing will not be scheduled unless an interested person, or his or her duly authorized representative, submits a written request for a public hearing to CalPERS no later than 15 days prior to the close of the written comment period.

IV. ACCESS TO HEARING ROOM

The hearing room will be accessible to persons with mobility impairments, and it can be made accessible to persons with hearing or visual impairments upon advance request to the CalPERS Regulation Coordinator.

V. AUTHORITY AND REFERENCE

California Government Code section 7522.02 provides that the PEPRA provisions (Government Code sections 7522 through 7522.74) shall apply to all specified public retirement systems, including CalPERS. Specifically, Government Code section 7522.02(a)(1) provides in part that, "Notwithstanding any other law, except as provided in this article, on and after January 1, 2013, this article shall apply to all state and local public retirement systems and to their participating employers, including the Public Employees' Retirement System."

Additional pension reform changes undertaken by AB 340 to the PERL (Government Code sections 20281.5, 20516, 20516.5, 20677.96, 20683.2, 20791, 21076, 21076.5, and 21400) and the LRL (Government Code sections 9355.4 through 9355.45) must be administered by the Board pursuant to existing provisions in the PERL (Government Code sections 20000 et seq.) and in the LRL (Government Code sections 9350 et seq.). The Board's authority to propose an amendment to section 579.2 and to add the proposed regulations sections 579.3, 579.21, 579.22, and 579.25 to the CCR derives from the Board's plenary authority and fiduciary responsibility over the assets of the public retirement system and exclusive responsibility to administer the System in a manner that will assure prompt delivery of benefits and related services to the members and their beneficiaries, pursuant to the California Constitution (Section 17 of Article XVI) and in accordance with the PERL (California Government Code Title 2, Division 5, Part 3, sections 20120-20124). The proposed regulations implement, interpret, and make specific several provisions of the PEPRA.

VI. INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

As a result of the pension reform legislation that became effective January 1, 2013, CalPERS proposes five

regulations (which includes the amendment to one previously approved proposed regulation) that interpret and implement certain provisions in the pension reform statutes. CalPERS has received many questions related to the pension reform legislation which highlighted the need to pursue regulations for certain terms and phrases and to establish formal procedures for certain processes related to pension reform. The proposed regulations in this regulatory action interpret key phrases and certain processes that CalPERS finds necessary for the implementation of the new pension reform laws. These proposed regulations will provide clarity and ensure uniformity in the application of key pension reform statutes for CalPERS, its members, and CalPERS-covered employers. The proposed regulations will also ensure that individuals are properly enrolled into CalPERS membership from the beginning of their employment so that proper contributions are collected from employees and their employers, and will help ensure that the correct level of benefits will be provided to these members at the time they retire. Additionally, the proposed regulations make clear the various processes that will be used by CalPERS to implement the pension reform laws which should make CalPERS administration of these new statutes more efficient.

These proposed regulations are not inconsistent or incompatible with existing law or existing state regulations. There are no other comparable existing State regulations that address the topics at issue here and therefore pursuant to Government Code section 11346.5, subdivision (a), paragraph (3)(D) there are no other comparable existing regulations.

The proposed addition of subdivision (b) to section 579.2 to the CCR provides clarification to the term “retirement plan” as that term is used in PEPRA but not statutorily defined. The term “retirement plan” shall include all benefits as that term is defined by Government Code section 20020 and “optional benefits” which are additional benefits as established by the PERL that agencies may offer employees. In Government Code section 20020, “benefit” is defined as the “retirement allowance, basic death benefit, limited death benefit, special death benefit, any monthly allowance for survivors or a member or retired person, the insurance benefit, the partial disability retirement program payments, or refund of accumulated contributions.” The optional benefits exist in numerous sections in the PERL (Government Code sections 20000 et seq.), and may be provided to employees either by contract amendment (through the Government Code section 20474 amendment process), by resolution (as provided for Employer Paid Member Contributions through regulation section 569), or by statute.

The proposed addition of section 579.3 to the CCR clarifies the term “subject to reciprocity” as the term

will be interpreted by CalPERS and the procedure to be used by CalPERS-covered employers to determine whether members are “new members” therefore subject to PEPRA (Government Code section 7522.04(f)) or “classic members” subject to the PERL (2 C.C.R. section 579.1) to implement pension reform and to administer the System. At a minimum, “reciprocity” means recognition by CalPERS of a member’s payrate during a period of service as a member of the other public retirement system for purposes of computing final compensation upon retirement. The proposed language of section 579.3 further clarifies that “reciprocity” is established by statute or by an agreement between CalPERS and the other public retirement system, which includes agreements between CalPERS and the California State Teachers’ Retirement System, the Legislators’ Retirement System, the Judges’ Retirement System I, the Judges’ Retirement System II, and the University of California Retirement Plan. “Subject to reciprocity” means that, on the “applicable date,” an individual is eligible for reciprocity pursuant to the terms of a statute or reciprocity agreement to which CalPERS is a party, provided he or she did not have a break in service of more than six months immediately preceding the “applicable date.” “Applicable date” for purposes of this section, shall mean the individual’s appointment date for the most recent employment resulting in active membership in CalPERS; the “applicable date” may be a date later than the individual’s original CalPERS membership date, such as when an individual was employed by a CalPERS covered employer prior to being a member of the reciprocal retirement system.

Section 579.3 further clarifies that to be “subject to reciprocity,” an individual need not have made an affirmative election to invoke reciprocity rights at such time, nor must the individual actually exercise the reciprocity rights when he or she retires. Lastly, the proposed language of section 579.3 outlines the procedure that shall be used to determine whether a newly hired individual is “subject to reciprocity” pursuant to Government Code sections 7522.02(c) and 7522.04, and the proposed regulation also provides a list of information that the newly hired individual must provide to his or her employer to assist CalPERS in making such a determination, and states that the information shall be retained by the employer.

The proposed addition of section 579.21 to the CCR seeks to clarify how CalPERS will determine the final compensation amounts for new members as required by Government Code section 7522.32. Section 7522.32 establishes a 36-month final compensation period for new members and Government Code section 7522.10 caps the amount of pensionable compensation that can be used for the purposes of calculating retirement benefits for new members. Read together, these provisions

therefore require CalPERS to establish the process it will use to calculate final compensation for new members. Under the process articulated in the proposed regulation, CalPERS will determine the new member's final compensation by calculating the member's total final compensation and divide it by three to represent the annual average of the member's total final compensation over the three year period; CalPERS will use three years instead of thirty-six months because final compensation is calculated on an annual basis and not monthly.

The proposed addition of section 579.22 to the CCR seeks to clarify the process to be used to limit pensionable compensation and associated contributions for "new members." Government Code section 7522.10(a) requires each public retirement system to modify its plan to comply with the requirements of Government Code section 7522.10. This regulation seeks to accomplish that requirement. Government Code section 7522.10 establishes caps on the amounts of pensionable compensation that can be used to calculate retirement benefits for new members. It also requires retirement systems to adjust the cap on January 1st each year as provided for in the statute. The final compensation period (as provided for in Government Code section 7522.32) for a new member will span either the 36-month period immediately preceding the member's retirement date, or the 36-month period resulting in the highest pensionable compensation, if different. Since the 36-month period typically begins on a date other than January 1, CalPERS must establish the process to be used for determining the caps on pensionable compensation for new members so that the member's final compensation can be appropriately calculated.

The method in this proposed regulation section 579.22 works in tandem with the proposed regulation section 579.21 above regarding the calculation of final compensation. Under the process articulated in the proposed regulation: if the 36-month final compensation period spans four (4) calendar years (where the period begins on a date other than January 1st), one hundred percent (100%) of the pensionable compensation cap will be applied for each of the two full calendar years within the 36-month period. For the two portions of the remaining calendar years within the 36-month period, CalPERS will take the maximum pensionable compensation cap for the particular calendar year, and multiply the cap by a fraction (which is the number of days of the final compensation period that falls within that calendar year divided by the total number of days of that calendar year). The resulting amount will be the portion of the pensionable compensation cap that applies for purposes of determining a new member's final compensation calculation according to the method described in proposed regulation section 579.21. This in-

terpretation provides the highest possible final compensation for the new member based on actual contributions made to the retirement system.

The proposed addition of section 579.25 to the CCR seeks to implement CalPERS interpretation of the meaning of the phrase "public safety officer" (as the term is used in Government Code section 7522.56 (f)(4)) for the purpose of determining which retirees may be eligible for the exception to the 180-day wait period for post-retirement employment. The proposed regulation defines the phrase "public safety officer" to include all peace officers identified in Government Code section 3301 for purposes of the exception to the 180-day wait period required by PEPPRA for post-retirement employment. Government Code section 3301 defines the scope of the term "public safety officers" in the Public Safety Officers Procedural Bill of Rights Act (Gov. Code sections 3000-3313).

VII. EFFECT ON SMALL BUSINESS

The proposed regulatory action does not affect small business because it applies only to CalPERS-covered employers and CalPERS members.

VIII. DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

- A. **MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS:** The proposed regulatory action does not impose mandates on local agencies and school districts.
- B. **COSTS OR SAVINGS TO ANY STATE AGENCY:** State agencies may incur minimal costs to implement internal processes in support of these proposed regulations. However, at this point, CalPERS is unable to determine 1) the extent of the impacts, if any, that may specifically arise as a result of the proposed regulatory action; 2) whether the workload impacts might result in costs or savings to any State agency; or 3) whether the State agencies may be able to absorb these impacts, if any, with existing resources.
- C. **COSTS TO ANY LOCAL AGENCY OR SCHOOL DISTRICT:** Though the proposed regulatory action may result in minimal costs associated with complying with the proposed regulations to local agencies or school districts that participate in CalPERS, the proposed regulatory action does not result in costs or savings for any local agency program or school district that would qualify for reimbursement under Government Code section 17500, et seq.

- D. **NONDISCRETIONARY COSTS OR SAVINGS IMPOSED ON LOCAL AGENCIES:** The proposed regulatory action does not impose nondiscretionary costs or savings on local agencies.
- E. **COSTS OR SAVINGS IN FEDERAL FUNDING TO THE STATE:** The proposed regulatory action will not result in costs or savings in federal funding to the State of California.
- F. **ADVERSE ECONOMIC IMPACT:** The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses including the ability of business in California to compete with businesses in other states. CalPERS relied upon the plain text of the statutes and the proposed regulations to make this determination.
- G. **COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES:** CalPERS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulatory action because the pension reform laws and the proposed regulatory action only apply to CalPERS, CalPERS-covered employers and CalPERS members.
- H. **RESULTS OF THE ECONOMIC IMPACT ANALYSIS:** The proposed regulatory action will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; (3) affect the expansion of businesses currently doing business within California; or (4) affect the health and welfare of California residents, worker safety, or the state's environment.
- I. **EFFECT ON HOUSING COSTS:** The proposed regulatory action has no effect on housing costs.

IX. CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the regulatory 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 statutory policy or other provision of law. The Board invites interested persons to present statements or arguments with respect to alter-

natives to the proposed regulations at the above-mentioned public hearing or during the written comment period.

X. CONTACT PERSON

Please direct inquiries concerning the substance of the proposed regulatory action to:

Renee Ostrander,
 PEPR Implementation Coordinator
 California Public Employees' Retirement System
 P.O. Box 942715
 Sacramento, CA 94229-2715
 Telephone: (916) 795-7373
 Fax: (916) 795-2330
 E-mail: Renee.Ostrander@calpers.ca.gov

Please direct requests concerning the processing of this regulatory action to Christina Nutley, Regulation Coordinator, at the address shown above in Section II.

XI. AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The entire rulemaking file is available for public inspection through the Regulation Coordinator at the address shown in section II. To date, the file consists of this Notice, the proposed text of the regulations, the Initial Statement of Reasons (ISOR), and the Economic Impact Assessment. A copy of the proposed text, the ISOR, and the Economic Impact Assessment is available at no charge upon telephone or written request to the Regulation Coordinator. The Final Statement of Reasons can be obtained, once it has been prepared, by written request to Christina Nutley, Regulation Coordinator, at the address shown above in Section II.

For immediate access, the regulatory material regarding this action can be accessed at CalPERS' website at www.calpers.ca.gov.

The Board may, on its own motion or at the recommendation of any interested person, modify the proposed text of the regulations after the public comment period closes.

If the Board modifies its regulatory action, it will prepare a comparison of the original proposed text and the modifications for an additional public comment period of not less than 15 days prior to the date on which the Board adopts, amends, or repeals the resulting regulation. A copy of the comparison text will be mailed to all persons who submitted written comments or asked to be kept informed as to the outcome of this regulatory action.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

The Department of Food and Agriculture amended subsection 3435(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Asian Citrus Psyllid Interior Quarantine as an emergency action which was effective on April 2, 2013. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than July 1, 2013.

This notice is being provided to be in compliance with Government Code Section 11346.4.

PUBLIC HEARING

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to Lindsay.rains@cdfa.ca.gov. The written comment period closes at 5:00 p.m. on July 29, 2013. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Lindsay Rains
Department of Food and Agriculture
Plant Health and Pest Prevention Services
1220 N Street
Sacramento, CA 95814
lindsay.rains@cdfa.ca.gov
916.654.1017
916.654.1018 (FAX)

Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not gener-

ally distributed within this state and determine the probability of its spread and the feasibility of its control or eradication (FAC Section 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (FAC Sections 401, 403, 407 and 5322).

Anticipated Benefits from This Regulatory Action

Existing law, FAC section 403, provides that the department shall prevent the introduction and spread of injurious insect or animal pests, plant diseases, and noxious weeds.

Existing law, FAC section 407, provides that the Secretary may adopt such regulations as are reasonably necessary to carry out the provisions of this code which she is directed or authorized to administer or enforce.

Existing law, FAC section 5321, provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this State and determine the probability of its spread, and the feasibility of its control or eradication.

Existing law, FAC section 5322, provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and such other regulations as are in her opinion necessary to circumscribe and exterminate or prevent the spread of any pest which is described in FAC section 5321.

The existing law obligates the Secretary to investigate and determine the feasibility of controlling or eradicating pests of limited distribution but establishes discretion with regard to the establishment and maintenance of regulations to achieve this goal. This amendment provides the necessary regulatory authority to prevent the artificial spread of a serious insect pest which is a mandated statutory goal.

The amendment of this regulation benefits the citrus industries (nursery, fruit growers, wholesalers, retailers, exporters) and the environment by having a quarantine program to prevent the artificial spread of ACP over long distances. Most all of the commercial citrus fruit and nursery stock production is located outside this proposed quarantine boundary area.

The California, national and international consumers of California citrus benefit by having high quality fruit available at lower cost. It is assumed that any increases in production costs will ultimately be passed on to the consumer.

The amendment of this regulation benefits homeowners who grow citrus for consumption and host material which is planted as ornamentals in various rural and urban landscapes.

FAC Section 401.5 states, “the department shall seek to protect the general welfare and economy of the state and seek to maintain the economic well-being of agriculturally dependent rural communities in this state.” The amendment of this regulation is preventing the artificial spread of ACP to uninfested areas of the State. Huanglongbing (HLB) is generally distributed in Florida due to ACP being generally distributed there. The University of Florida IFAS Extension calculated and compared the impact of having and not having HLB present in Florida and concluded HLB had a total impact of \$3.64 billion and eliminated seven percent of the total Florida workforce. The overall California economy benefits by the amendment of this regulation which is intended to prevent ACP from becoming generally distributed in California and resulting in a similar effect on our economy as to what happened in Florida. This is now critical as HLB has been introduced into California.

There is no existing, comparable federal regulation or statute regulating the intrastate movement.

The Department is the only agency which can implement plant quarantines. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of this regulation and has determined that it is not inconsistent or incompatible with existing state regulations.

AMENDED TEXT

This proposed emergency action expanded the quarantine area for ACP by approximately 609 square miles in Riverside and San Bernardino counties. The effect of the amendment of this regulation is to provide authority for the State to perform quarantine activities against ACP within these additional areas. The total area which would be under regulation is now approximately 22,147 square miles.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None and no nondiscretionary costs or savings to local agencies or school districts.

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

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

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

Small Business Determination

The Department has determined that the proposed regulations may affect small business.

Significant effect on housing costs: None.

Results of the Economic Impact Analysis

Amendment of these regulations will not:

- (1) Create or eliminate jobs within California;
- (2) Create new businesses or eliminate existing businesses within California; or
- (3) Affect the expansion of businesses currently doing business within California

The Department is not aware of any specific benefits the amendment of this regulation will have on worker safety or the health of California residents. The Department believes the amendment of this regulation benefits the welfare of California residents by protecting the economic health of the entire citrus industry. In 2010 the estimated value was \$2.1 billion for citrus fruit and \$28.5 million for citrus nursery stock without all the upstream buyers and downstream retailers included (*Reference: John Gilstrap of California Citrus Nursery Board for citrus nursery stock value and USDA–National Agricultural Statistics Service 2010 data for citrus fruit*). This is a needed source of revenue for the State’s economic health and this amendment will help protect this source of revenue.

ALTERNATIVES CONSIDERED

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

AUTHORITY

The Department proposes to amend Section 3435(b) pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the Food and Agricultural Code.

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5301, 5302 and 5322 of the Food and Agricultural Code.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed is: Lindsay Rains, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room 210, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: Lindsay.rains@cdfa.ca.gov. In her absence, you may contact Stephen Brown at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet Web site (www.cdfa.ca.gov/plant/Regulations.html).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed actions, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

The Department of Food and Agriculture proposes to amend subsections 3434(b) and 3434(c) of the regulations in Title 3 of the California Code of Regulations pertaining to Light Brown Apple Moth Interior Quarantine.

This notice is being provided to be in compliance with Government Code Section 11346.4.

PUBLIC HEARING

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to sbrown@cdfa.ca.gov. The written comment period closes at 5:00 p.m. on July 29, 2013. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Stephen Brown
Department of Food and Agriculture
Plant Health and Pest Prevention Services
1220 N Street
Sacramento, CA 95814
sbrown@cdfa.ca.gov
916.654.1017
916.654.1018 (FAX)

Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this State and determine the probability of its spread, and the feasibility of its control or eradication (Food and Agricultural Code Section 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (Food and Agricultural Code, Sections 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any portion of the State as an eradication area and set forth the boundaries, the pest, its hosts and the methods to be used to eradicate said pest (Food and Agricultural Code Section 5761).

There is no existing, comparable federal regulation or statute regulating the intrastate movement.

The Department is the only agency which can implement plant quarantines. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of this regulation and has determined that it is not inconsistent or incompatible with existing state regulations.

Anticipated Benefits from This Regulatory Action

Existing law, FAC section 24.5. states that “Inasmuch as plants growing in native stands or planted for ornamental purposes contribute to the environmental and public health and welfare needs of the people of the state, the Legislature hereby finds and declares that such plants shall be considered as a part of the agricultural industry for the purpose of any law that provides for the protection of the agricultural industry from pests.”

Existing law, FAC section 407, provides that the Secretary may adopt such regulations as are reasonably necessary to carry out the provisions of this code which she is directed or authorized to administer or enforce.

Existing law, FAC section 5321, provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this State and determine the probability of its spread, and the feasibility of its control or eradication.

Existing law, FAC section 5322, provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and such other regulations as are in her opinion necessary to circumscribe and exterminate or prevent the spread of any pest which is described in FAC section 5321.

The existing law obligates the Secretary to investigate and determine the feasibility of controlling or eradicating pests of limited distribution but establishes discretion with regard to the establishment and maintenance of regulations to achieve this goal. The amendment of this regulation benefits all of the affected businesses located outside the regulated area and the environment by having a quarantine program to prevent the artificial spread of LBAM over long distances. The

amendment of this regulation also protects the native plant stands and ornamental plantings in the general environment from damage due to the artificial long distance spread of LBAM.

FAC Section 401.5 states, “the department shall seek to protect the general welfare and economy of the state and seek to maintain the economic well-being of agriculturally dependent rural communities in this state.” The amendment of this regulation protects the agriculturally dependent rural communities located outside the regulated area.

This amendment will ensure the regulated and quarantined areas may be established and removed in an efficient, transparent and timely manner.

This amendment will enable any interested party to receive an automatic email notification when any boundary is changed.

The United States Department of Agriculture (USDA) maintains a federal domestic quarantine and orders regulating the interstate movement of host material. If the State does not have a parallel interior quarantine which is substantially the same as the federal domestic regulation, the USDA cannot regulate less than the entire State. The amendment of this State regulation will prevent the USDA from having to unnecessarily regulate the entire State.

AMENDED TEXT

This proposed amendment will remove the existing text for the current areas designated as quarantine areas and regulated areas. In its place, the regulated and quarantine area designation and removal procedures will be established including: when survey results indicate an infestation is present, the area is defined by the Department, the local affected California County Commissioner(s) and other interested parties will be notified, and the area description is posted to the Department’s website at: <http://www.cdffa.ca.gov/plant/lbam/regulation.html>. This proposed amendment defines the criteria for what constitutes an infestation, the minimum radius used of 1.5 miles surrounding any qualifying epicenters, the criteria used for describing the affected area(s), the option to receive notice of any changes through a list serve feature, the procedures for an interested party or local entity to appeal the area designation and the criteria for removing a given quarantine or regulated area. The effect of this proposed change to the regulation will be to establish transparent procedures for designating or removing regulated and quarantine areas and enable the description of these areas to be maintained on the Department’s website and provide for immediate notification of any interested parties through a list serve feature.

**DISCLOSURES REGARDING THE
PROPOSED ACTION**

The Department has made the following initial determinations:

Mandate on local agencies and school districts: None.
Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None and no nondiscretionary costs or savings to local agencies or school districts.

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

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

Cost impacts on a representative private person or business: The cost impact of the amended regulation on a representative private person or business located within the regulated area may be significant. An average infested ornamental nursery producing plants in one-gallon containers may incur initial costs of \$140 to \$218 per acre in eliminating the light brown apple moth to be in reasonable compliance with the proposed action. Approximately 65,000 one-gallon containers may be placed upon one acre. This translates into an initial increased production cost of \$0.002 to \$0.003 per one gallon container. The actual costs may vary with the type of material used and the size and production practices of the affected businesses.

However, nursery stock that is infested with the light brown apple moth does not meet the current requirements of Section 3060.2, Standards of Cleanliness, California Code of Regulations. Therefore, even without this regulation these costs would be incurred.

Significant effect on housing costs: None.

Small Business Determination

The Department has determined that the proposed regulations may affect small business.

Results of the Economic Analysis

Amendment of these regulations will not:

- (1) Create or eliminate jobs within California;
- (2) Create new businesses or eliminate existing businesses within California; or
- (3) Affect the expansion of businesses currently doing business within California

The specific benefits of the amendment of this regulation are to:

- Ensure the regulated and quarantined areas may be established and removed in an efficient, transparent and timely manner.

- Enable any interested party to receive an automatic email notification when any boundary is changed.
- Prevent the USDA from unnecessarily regulating the entire State for LBAM by being able to establish regulated or quarantine areas in a timely manner.
- Prevent the long distance artificial spread of LBAM from newly infested areas into uninfested areas thereby protecting the agricultural industry and environment from any direct damage due to the presence of LBAM.
- Provide for more immediate relief of regulatory restrictions when they are no longer necessary.
- Protect the agricultural industry from unnecessary export restrictions by Canada and Mexico.
- Facilitate the sales of host material from within the regulated and quarantine areas which generates needed tax revenue without using any general fund money [Gov. Code sec. 11346.5(a)(3)(C)].

The Department is not aware of any specific benefits the amendment of this regulation will have to the health of California residents or worker safety. Based upon the economic analysis, the Department believes the amendment of this regulation benefits the general welfare of California residents. [Gov. Code sec. 11346.3(b)].

The Department has evaluated and determined that the amendment of this regulation is not inconsistent with existing State regulations. There are no other comparable existing State regulations [Gov. Code sec. 11346.5(a)(3)(D)].

ALTERNATIVES CONSIDERED

The Department 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, 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 proposal described in this Notice. To date, no other interested party has come forth with any alternative regulation.

AUTHORITY

The Department proposes to amend Section 3434 pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the Food and Agricultural Code.

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5301, 5302 and 5322 of the Food and Agricultural Code.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room 210, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Lindsay Raines at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet Web site (<http://www.cdfa.ca.gov/plant/Regulations.html>).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed actions, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 5. COMMISSION ON TEACHER CREDENTIALING

Proposed Addition of 5 California Code of Regulations §80033 Pertaining to Intern Teaching Credentials

The Commission on Teacher Credentialing (Commission) proposes to take the regulatory action de-

scribed below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

A public hearing on the proposed actions will be held:

August 2, 2013

8:30 a.m.

Commission on Teacher Credentialing

1900 Capitol Avenue

Sacramento, California 95811

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments by fax, through the mail, or by e-mail relevant to the proposed action. The written comment period closes at 5:00 p.m. on July 29, 2013. Comments must be received by that time or may be submitted at the public hearing. You may fax your response to (916) 322-0048; write to the Commission on Teacher Credentialing, attn. Tammy A. Duggan, 1900 Capitol Avenue, Sacramento, California 95811; or submit an email at tduggan@ctc.ca.gov.

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

AUTHORITY AND REFERENCE

Education Code section 44225 authorizes the Commission to adopt these proposed regulation amendments. The proposed amendments implement, interpret, and make specific Education Code sections 44325, 44326, 44452, 44453, 44454, 44455, 44461, 44464 and 44465.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws and Regulations

This rulemaking action proposes the addition of §80033 to Title 5 of the California Code of Regulations pertaining to intern teaching credentials as approved by the Commission at the April 2013 meeting.

The Commission has historically relied on the provisions of the Education Code (EC) for the issuance of intern teaching credentials. The proposed addition of §80033 to Title 5 of the California Code of Regulations (CCR) is to clarify, interpret, and make specific the EC sections pertaining to intern teaching credentials and to

implement recent policy decisions made by the Commission with respect to the English learner authorization and the support/mentoring and supervision of intern teachers.

At its March 2013 meeting, the Commission directed staff to consult with stakeholders to develop policy recommendations addressing a variety of issues pertaining to intern teaching credentials. The results of the stakeholder meeting that was held on March 21, 2013, the policy recommendations made by Commission staff, and draft regulatory language were presented to the Commission at the April 2013 meeting. Links to the April 2013 Commission agenda item 3C and the two agenda inserts are available in the *Documents Relied Upon* section on page 10.

The Commission issues two types of intern teaching credentials: university and district. The purpose of an intern teaching credential is to allow the holder to provide instructional services in California's public schools while simultaneously completing a Commission-approved teacher preparation program. Completion of an intern program results in the issuance of a preliminary teaching credential. Intern programs must meet the same Commission-adopted program standards as other teacher preparation programs. Issuance of an intern teaching credential requires satisfaction of minimum requirements, enrollment in a Commission-approved program based on the Standards of Program Quality and Effectiveness, and support/mentoring and supervision provided by the employer and program sponsor. Intern teaching credentials are available for multiple subject, single subject, and education specialist placements.

The Commission has issued university intern teaching credentials since 1967. The university intern programs are cooperative teaching programs between a college/university and an employing agency that are administered by the college/university. University intern programs receive Commission approval and are then administered by the individual colleges and universities.

The Commission has issued district intern teaching credentials since 1982. District intern programs are an alternative route to teacher certification in California and are administered by employing agencies whose programs may or may not involve university coursework. District intern programs receive Commission approval and are then administered by the individual employing agency.

Objectives and Anticipated Benefits of the Proposed Regulations

The objectives of the proposed regulations amendments are to clarify and make specific the following as related to intern teaching credentials:

- types of available intern teaching credentials;
- support/mentoring and supervision requirements;
- minimum requirements for initial issuance;
- term and employer restriction; and
- authorization(s) for each intern teaching credential type, including the addition of an authorization statement for transparency purposes

The Commission anticipates that the proposed amendments will benefit the welfare of students attending public schools in the State of California by ensuring that intern teachers meet the minimum requirements prior to assuming daily teaching responsibilities, receive adequate support/mentoring and supervision for the entire time they serve on an intern credential, and receive additional support/mentoring and supervision if they enter the program without a previously issued English learner authorization.

The proposed regulations will promote fairness and prevent discrimination by ensuring consistency as to the support/mentoring and supervision requirements, minimum requirements for initial issuance, and authorizations of intern teaching credentials. The proposed regulations will also increase openness and transparency in government through the inclusion of a statement on every intern teaching credential verifying that the holder has completed intern preservice preparation, is participating in an approved intern preparation program, must be supported by the program sponsor and employer, and must make satisfactory progress toward program completion for the duration of the intern credential. The Commission does not anticipate that the proposed regulations will result in the protection of public health and safety, worker safety, or the environment, the prevention of social inequity or an increase in openness and transparency in business.

Determination of Inconsistency/Incompatibility with Existing State Regulations

The Commission has determined that the proposed regulations are not inconsistent or incompatible with existing regulations. There are no other 5 CCR sections that detail the requirements for or authorizations of intern teaching credentials.

DOCUMENTS INCORPORATED
BY REFERENCE

Education Specialist Teaching and Other Related Services Credential Program Standards (rev. 5/13): <http://www.ctc.ca.gov/educator-prep/standards/Special-Education-Standards-2013.pdf>

SB 2042 Multiple Subject and Single Subject Preliminary Credential Program Standards (rev. 5/13): <http://www.ctc.ca.gov/educator-prep/standards/AdoptedPreparationStandards-2013.pdf>

Standards of Quality and Effectiveness for Programs Leading to Bilingual Authorization (rev. 1/13): <http://www.ctc.ca.gov/educator-prep/standards/Bilingual-Authorization-Handbook.pdf>

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

PRECONDITIONS

Preconditions are requirements that must be met in order for an accrediting association or licensing agency to consider accrediting a program sponsor or approving its programs or schools. Some preconditions are based on state laws, while other preconditions are established by Commission policy. Preconditions can be found within each program’s standards document.

COMMON STANDARDS

The Common Standards deal with aspects of program quality that cross all approved educator preparation programs. The institution responds to each Common Standard by providing pertinent information, including information about individual programs. When a new program is proposed, the institution submits a Common Standards Addendum to address how the new program will integrate with the already approved programs.

EDUCATOR PREPARATION PROGRAM STANDARDS

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

DOCUMENTS RELIED UPON IN PREPARING REGULATIONS

April 2013 Commission agenda item 3C and the two agenda inserts: <http://www.ctc.ca.gov/commission/agendas/2013-04/2013-04-3C.pdf>

<http://www.ctc.ca.gov/commission/agendas/2013-04/2013-04-3C-insert.pdf>
<http://www.ctc.ca.gov/commission/agendas/2013-04/2013-04-3C-insert2.pdf>

DISCLOSURES REGARDING THE PROPOSED ACTIONS

The Commission has made the following initial determinations:

Mandate to local agencies or school districts: None.

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

Cost or savings to any state agency: None.

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

Significant effect on housing costs: None.

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

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

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

Statement of Results of the Economic Impact Assessment [Govt. Code § 11346 5(a)(10)]: The Commission concludes that it is (1) unlikely that the proposal will create any jobs within the State of California; 2) unlikely that the proposal will eliminate any jobs within the State of California; 3) unlikely that the proposal will create any new businesses with the State of California; 4) unlikely that the proposal will eliminate any existing businesses within the State of California; and 5) unlikely the proposal would cause the expansion of businesses currently doing business within the State of California.

Benefits of the Proposed Action: The Commission anticipates that the proposed amendments will benefit the welfare of students attending public schools in the State of California by ensuring that intern teachers meet the minimum requirements prior to assuming daily teaching responsibilities, receive adequate support/mentoring and supervision for the entire time they serve on an intern credential, and receive additional support/mentoring and supervision if they enter the program without a previously issued English learner authorization.

Effect on small businesses: The proposed regulations will not have a significant adverse economic impact upon business. The proposed regulations apply only to

individuals applying for intern teaching credentials that authorize service in California's public schools.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSON/FURTHER INFORMATION

General or substantive inquiries concerning the proposed action may be directed to Tammy A. Duggan by telephone at (916) 323-5354 or Tammy A. Duggan, Commission on Teacher Credentialing, 1900 Capitol Avenue, Sacramento, CA 95811. General question inquiries may also be directed to Janet Bankovich at (916) 323-7140 or at the address mentioned in the previous sentence. Upon request, a copy of the express terms of the proposed action and a copy of the initial statement of reasons will be made available. This information is also available on the Commission's website at www.ctc.ca.gov. In addition, all the information on which this proposal is based is available for inspection and copying.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The entire rulemaking file is available for inspection and copying throughout the rulemaking process at the Commission office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of the Notice of Proposed Rulemaking, the proposed text of regulations, the Initial Statement of Reasons, an economic impact assessment/analysis contained in the Initial Statement of Reasons, Commission agenda item 3C, including the two agenda inserts, from the April 2013 meeting. Copies may be obtained by contacting Tammy Duggan at the address or telephone number provided above.

MODIFICATION OF PROPOSED ACTION

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

AVAILABILITY OF FINAL STATEMENT OF REASONS

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

AVAILABILITY OF DOCUMENTS ON THE INTERNET

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

TITLE 5. EDUCATION AUDIT APPEALS PANEL

Audits of K-12 Local Education Agencies Fiscal Year 2013-14

The Education Audit Appeals Panel (EAAP) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

A public hearing regarding this proposal is not currently scheduled. Not later than 15 days prior to the close of the written comment period, any interested person, or his or her authorized representative, may make a written request for a public hearing pursuant to Government Code section 11346.8, and a public hearing will be held. Requests for a public hearing should be addressed to Timothy Morgan.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action. The written comment peri-

od closes at **5:00 p.m. on Monday, July 29, 2013.** EAAP will consider only written comments received by that time. Written comments for EAAP’s consideration should be directed to:

Christine Pentoney, AGPA
 Education Audit Appeals Panel
 770 L Street, Suite 1100
 Sacramento, CA 95814
 Fax: (916) 445-7626
 e-mail: cpentoney@eaap.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Section 14502.1, Education Code; Cal. Const., Art. XIII, Section 36(e)(7). Reference: sections 14502.1, 14503, and 41020, Education Code; Cal. Const., Art. XIII, Section 36(e).

**INFORMATIVE DIGEST/POLICY STATEMENT
 OVERVIEW**

The regulations in Title 5 of the California Code of Regulations, Division 1.5, Chapter 3, constitute the audit guide required by Education Code sections 14503 and 41020. The audit guide provides guidance, through definitions of terms and specification of procedures, to auditors in the conduct of statutorily required financial and compliance audits of local education agencies. The affected sections and purpose of amendment or adoption is set out below.

**TITLE 5, DIVISION 1.5
 CHAPTER 3. AUDITS OF CALIFORNIA K-12
 LOCAL EDUCATION AGENCIES
 ARTICLE 2. AUDIT REPORTS**

In Article 2, Audit Reports, Section 19816 defines terms and lists numbers of recommended audit steps by category. Section 19816.1 specifies which sections of the audit guide are applicable to each audit year. Amendments are proposed to add paragraph (h)(3) to section 19816 subdivision (h) to designate the numbers of audit procedures by subject area for 2013-14. Amendments are proposed to section 19816.1 to add sections that are applicable to audits of fiscal year 2013-14, including new paragraph (a)(11) for Article 3, new paragraph (b)(11) for Article 3.1, and new paragraph (c)(9) for Article 4.

**ARTICLE 3. STATE COMPLIANCE
 REQUIREMENTS:
 LOCAL EDUCATION AGENCIES OTHER THAN
 CHARTER SCHOOLS**

§ 19818. Kindergarten Continuation.

This section addresses the audit steps to be performed to verify compliance with Education Code Sections 48011 and 46300(g) for pupils enrolled in kindergarten in more than one year. The amendments are necessary to account for the addition of the optional transitional kindergarten pursuant to Education Code Section 48000(c) and amendments to Education Code Section 46300(g) that permit pupils to be in one year of kindergarten after one year of transitional kindergarten without the need for a signed parental agreement form for the second year.

§ 19824. Instructional Time.

This section sets out audit procedures to confirm length of school day and number of school days provisions. Those provisions include, for most but not all LEAs, the Longer Day incentives pursuant to Education Code Section 46201.5 and/or Longer Year incentives pursuant to Education Code Section 46200.5(a). Parallel technical amendments are made to paragraphs (a)(7), (b)(6) and various locations in subdivisions (c) and (d) to replace language regarding whether the LEA “received incentive funding” under these programs with a determination whether the LEA “participated in” those programs to reflect their requirements more accurately. Confusion has arisen because some school districts and county offices of education which participated in Longer Day and/or Longer Year did not actually receive funding in particular years pursuant to those incentive laws even though they had made the election to participate at the statutory times.

§ 19829. Ratios of Administrative Employees to Teachers.

Section 19829 sets out procedures for testing compliance with the limits on the ratio of “administrative employees” to teachers among those in positions requiring a teaching certificate. Technical amendments are necessary to avoid confusing the term “administrative employee” as defined by Education Code Section 41401(a) with the misnomer “administrator.” Not all administrators fall within the defined term, and not all “administrative employees” administer, i.e., are in charge of, programs or operations. Subdivision (2) was also amended to include a reference to the definitions section as well as the process specified in Education Code Section 41403 for verifying the proper classification of certificated employees and the ratio calculation.

§ 19837.3. School Accountability Report Card.

School Accountability Report Cards are generated after the end of the fiscal year to which they apply. Amendments to this section make clear that the School Accountability Report Card to be reviewed under this section is the one issued in the year being audited, which accordingly reports information from a prior fiscal year. Subdivision (b) calls for the auditor to compare information on complaints about teacher misassignment or vacancies to that reflected on the Report Card; that subdivision is amended to make clear that the complaint data in question should likewise pertain to the year before the audit year in which the Report Card was issued.

**ARTICLE 3.1. STATE COMPLIANCE
PROCEDURES: SCHOOL DISTRICTS AND
CHARTER SCHOOLS**

§ 19847. Education Protection Account Funds.

The Schools and Local Public Safety Protection Act of 2012 (Proposition 30) added Section 36 to Article XIII of the California Constitution. Subdivision (e) of that Section creates an Educational Protection Account in the State’s General Fund “to receive and disburse” specified revenues from incremental tax increases enacted by the initiative. Of that subdivision, paragraph (3) dictates that all Education Protection Account funds are “continuously appropriated for the support of school districts, county offices of education, charter schools, and community college districts;” and paragraph (e)(6) states that school districts, county offices of education, and community college districts “shall not use any of the funds from the Education Protection Account for salaries or benefits of administrators or any other administrative costs.” The section calls for verification that such funds have been properly disbursed and expended as required by law.

PUBLIC BENEFITS

We do not anticipate that these proposed amendments would create specific benefits for the protection of public health and safety, worker safety, or the environment, the prevention of discrimination, the promotion of fairness or social equity, nor the increase in openness and transparency in business and government.

CONSISTENCY EVALUATION

These regulations make technical and conforming changes to the K–12 audit guide to ensure its consistency and compatibility with existing state statutes and regulations, and to improve the quality and consistency

of K–12 audits. EAAP has conducted an evaluation and has determined that these regulations are not inconsistent or incompatible with existing state regulations.

**RESULTS OF THE ECONOMIC
IMPACT ANALYSIS**

These regulations will be part of the audit guide for California K–12 LEAs, as required by Education Code sections 14502.1 and 14503. The audit guide provides guidance, through definitions of terms and specification of procedures, to auditors in the conduct of the annual financial and compliance audits required of K–12 local education agencies (LEAs) by Education Code Section 41020. The proposed amendments to these regulations for the 2013–14 fiscal year are made pursuant to Education Code Section 14502.1.

Staff performed an economic impact assessment of the proposed regulations amending sections 19816, 19816.1, 19818, 19824, 19829 and 19837.3, and adding new section 19847 to, Chapter 3 of Division 1.5 of Title 5, of the California Code of Regulations, relating to audits of California local education agencies (LEAs) that serve kindergarten and any of grades 1 through 12 (K–12). This assessment was performed in compliance with Government Code section 11346.3(b).

The assessment determined that the regulations will not create specific benefits for the health and welfare of California residents, worker safety, or the environment, the prevention of discrimination, the promotion of fairness or social equity, nor the increase in openness and transparency in business and government. Further, adoption of these regulations will not:

- create or eliminate jobs within California
- create new businesses or eliminate existing businesses within California
- affect the expansion of businesses currently doing business within California
- impact small businesses

**DISCLOSURES REGARDING THE
PROPOSED ACTION**

1. Mandate on local agencies and school districts pursuant to Government Code Section 17500 et seq.: None.
2. Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: None.
3. Cost or savings to any state agency: None.
4. Other non–discretionary cost or savings imposed upon local educational agencies: None.
5. Cost or savings in federal funding to the state: None.

6. Significant effect on housing costs: EAAP has made an initial determination that the proposed regulatory action would not affect housing costs.
7. Effect on small businesses: The proposed regulations will have no effect on small businesses because they do not materially alter the requirements for LEA audits.
8. Effects on costs that a representative private person or business would necessarily incur in reasonable compliance with the proposed action: None.
9. Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

CONSIDERATION OF ALTERNATIVES

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

EAAP invites interested persons to present statements or arguments regarding alternatives to the proposed regulations during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed action, requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, and other technical information upon which the rulemaking is based, and questions on the proposed administrative action may be directed to Timothy Morgan, Staff Counsel, at (916) 445-7745. The back-up contact person for general inquiries is Mary Kelly, Executive Officer, at (916) 445-7745.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The entire rulemaking file will be available for inspection and copying throughout the rulemaking process at EAAP's office at the above address. As of the

date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. A copy may be obtained by contacting Timothy Morgan at the above address.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the comment period, and a hearing, if requested, and consideration of all timely and relevant comments received, EAAP may adopt the proposed regulations substantially as described in this notice. If EAAP makes modifications that are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) will be available to the public for at least 15 days before EAAP adopts the regulations as revised. Requests for copies of any modified regulations should be sent to the attention of Timothy Morgan at the address stated above. EAAP will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon completion of the Final Statement of Reasons, a copy may be obtained by contacting Timothy Morgan at the above address, or from EAAP's website.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, Initial Statement of Reasons, text of the regulations in underline and strikeout, any changed or modified text, and Final Statement of Reasons will be accessible through the EAAP website: www.eaap.ca.gov.

TITLE 10. DEPARTMENT OF INSURANCE

COMMISSIONER'S REVIEW OF COMPLAINTS OF UNLAWFUL CANCELLATION, RESCISSION, OR NONRENEWAL OF HEALTH INSURANCE POLICIES

SUBJECT OF PROPOSED RULEMAKING

The Insurance Commissioner proposes to adopt the regulations described below after considering comments from the public. The Commissioner proposes to

add to Title 10, Chapter 5, Subchapter 2 of the California Code of Regulations the new Article 10: Commissioner's Review of Complaints of Unlawful Cancellation, Rescission, or Nonrenewal of Health Insurance Policies, consisting of new Sections 2274.50, 2274.51, 2274.52, 2274.53, 2274.54, 2274.55, 2274.56, 2274.57, 2274.58, 2274.59, and 2274.60. The regulations set forth a framework for the Commissioner's review of consumer complaints of health insurance terminations, broadly described in Insurance Code section 10273.7, to operate fairly, efficiently, and in a straightforward manner. The regulations also clarify notice and grace period standards, and list specific types of evidence that insurers must submit to support rescissions of health insurance.

PUBLIC HEARING

The Commissioner will hold a public hearing to provide all interested persons an opportunity to present statements or arguments, orally or in writing, with respect to the proposed regulations as follows

Date and Time: July 29, 2013
10:00 a.m.

Location: San Diego Room
300 Capitol Mall, 2nd Floor
Sacramento, CA 95814

The hearing will continue on the date noted above until all testimony has been submitted or 4:00 p.m., whichever is earlier.

ACCESS TO HEARING ROOMS

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person in order to make special arrangements, if necessary.

PRESENTATION OF WRITTEN COMMENTS; CONTACT PERSONS

All persons are invited to submit written comments on the proposed regulations during the public comment period. The public comment period will end at **5:00 p.m. on July 29, 2013**. Please direct all written comments to the following contact person.

Eugene Kalinsky, Attorney
California Department of Insurance
45 Fremont Street, 21st Floor
San Francisco, California 94105
Telephone: (415) 538-4113

Questions regarding procedure, comments, or the substance of the proposed action should be addressed to the above contact person. In the event the contact person is unavailable, inquiries regarding the proposed action may be directed to the following backup contact person:

Jamie Katz, Attorney
California Department of Insurance
45 Fremont Street, 21st Floor
San Francisco, California 94105
Telephone: (415) 538-4180

DEADLINE FOR WRITTEN COMMENTS

All written materials must be received by the Insurance Commissioner, addressed to the contact person at his address listed above, no later than 5:00 p.m. on July 29, 2013. Any written materials received after that time may not be considered.

COMMENTS TRANSMITTED BY EMAIL OR FACSIMILE

The Commissioner will accept written comments transmitted by email provided they are sent to the following email address: kalinskye@insurance.ca.gov. The Commissioner will also accept written comments transmitted by facsimile provided they are directed to the attention of Eugene Kalinsky and sent to the following facsimile number: (415) 904-5490. **Comments sent to other e-mail addresses or other facsimile numbers will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline set forth above for written comments.**

AUTHORITY AND REFERENCE

The proposed regulations will implement, interpret, and make specific the provisions of Insurance Code Sections 10273.4, 10273.6, 10273.7, 10384, 10384.17, and 10713, as enacted or modified by Assembly Bill 2470 (2010).

Insurance Code Sections 10273.4, 10273.6, 10273.7, 10291.5, 10384, 10384.17, and 10713 provide authority for this rulemaking, as do the following decisions of the California Supreme Court: *CalFarm Ins. Co. v. Deukmejian*, 48 Cal.3d 805 (1989); and *20th Century Ins. Co. v. Garamendi*, 8 Cal. 4th 216 (1994).

INFORMATIVE DIGEST

SUMMARY OF EXISTING LAW

Existing law provides for the regulation of health insurers by the Department of Insurance. The passage of

AB 2470 in 2010 added section 10273.7 to the California Insurance Code, allowing a health insurance policyholder whose coverage was canceled, rescinded, or not renewed to request the Commissioner to review the lawfulness of the termination. While the Commissioner is reviewing the termination, the policyholder's coverage remains in effect, as long as the termination was not due to the policyholder's failure to pay premium. Upon review, the Commissioner may order an insurer to reinstate the policyholder's coverage if he finds the termination to be unlawful.

AB 2470 also amended Insurance Code sections 10273.4, 10273.6, and 10713, placing several other requirements upon health insurers regarding the lawfulness of terminations, all of which are subject to the Commissioner's review. This includes provisions that an insurer, before canceling or nonrenewing a policy for nonpayment of premiums, must notify the policyholder of the impending nonrenewal, and provide a 30-day grace period following the notification. The insurer must continue to provide coverage during this grace period.

AB 2470 modified Insurance Code section 10384.17 to require an insurer that is rescinding a policy due to a policyholder's fraud or intentional misrepresentation of a material fact to demonstrate fraud or an intentional misrepresentation of a material fact.

These requirements built upon existing law in Insurance Code section 10384, which prohibits insurers from engaging in "postclaims underwriting," defined as canceling, rescinding, or nonrenewing a policy due to the insurer's failure to complete medical underwriting and resolve all reasonable questions arising from written information submitted on or with the application before issuing the policy or certificate.

EFFECT OF PROPOSED ACTION

The proposed regulations establish a comprehensive procedural framework for the Commissioner's review process found in Insurance Code Section 10273.7. This includes specifying the form of notice that insurers must provide prior to termination, how a policyholder can request a Commissioner's review, how the Commissioner determines whether a request for review constitutes a proper complaint, how the Commissioner and the insurer will communicate before and during the review process, submission of evidence by the insurer to the Commissioner, timelines for the Commissioner and the insurer to perform certain acts, how the Commissioner can order the insurer to reinstate a wrongfully terminated policy, and how the insurer can appeal such an order, among other requirements.

Substantively, the proposed regulations clarify the notification and grace period requirements in the event that an insurer intends to cancel or nonrenew due to

nonpayment of premiums. The proposed regulations also set forth the evidentiary showings that will be required of an insurer in connection with the Commissioner's review of a consumer complaint of rescission of health insurance.

COMPARABLE FEDERAL LAW

On March 23, 2010, President Obama signed the Affordable Care Act (ACA) into law. The ACA significantly reforms the health insurance market. A few aspects of the proposed regulations are comparable to the ACA, but the ACA focuses on much broader reform of health insurance.

The greatest similarity between the proposed regulations and the ACA are that both prohibit rescissions. The ACA explicitly prohibits rescissions unless an individual "performed an act or practice that constitutes fraud or makes an intentional misrepresentation of material fact. . . ." (42 U.S.C. 300gg-12.) In response to the ACA, AB 2470 amended California Insurance Code Section 10384.17 to require an insurer to demonstrate fraud or intentional misrepresentation of material fact if it wishes to rescind a policy.

In addition, AB 2470 requires insurers to provide the policyholder with notice of its intent to rescind at least 30 days before it takes action. The federal Department of Health and Human Services issued a regulation implementing the same provision in the ACA, specifying that an insurer "must provide at least 30 day advance written notice" before rescinding coverage. (45 C.F.R. §147.128 (2010).)

The two statutory schemes are also similar in the provisions governing the guaranteed renewability of health insurance policies, unless otherwise specified. Pursuant to the ACA, for policy years on or after January 1, 2014, policies are guaranteed renewable. Generally, a policy cannot be canceled or nonrenewed, except at the option of the plan sponsor or individual. However, a policy can be canceled or nonrenewed under the following circumstances: nonpayment of premiums, fraud or intentional misrepresentation of material fact, violation of participation or contribution rates, the insurers ceases to provide coverage, the movement of an individual outside a service area, and when association membership ceases. (42 U.S.C. § 300gg-2(b).) In addition, the ACA provides for uniform termination of coverage if an insurer discontinues offering a type of health insurance coverage, or if an insurer exits the insurance market. (42 USC § 300gg-2(c).) AB 2470 added guaranteed renewability in California and codified the exceptions, specified above in Insurance Code sections 10273.4, 10273.6, and 10713.

Lastly, the ACA does allow individuals who are receiving subsidies through the state's Health Benefit Exchange to have a 90-day grace period. (45 CFR

§ 156.270 (2012).) However, the ACA contains no provision that is comparable to the California Insurance Commissioner's power to review terminations and order reinstatement where the terminations were unlawful. The ACA does provide for policyholder appeals of adverse coverage determinations to independent review organizations that may be selected by a state insurance commissioner, but that only relates to denials of claims. (42 USC § 300gg-19 & 45 CFR § 147.136 (2011).) Accordingly, these provisions of the ACA are unrelated to the review process under these regulations, because the proposed regulations are concerned only with terminations of health insurance policies and are silent with respect to claims handling.

POLICY STATEMENT OVERVIEW

The specific policy underlying the proposed action is articulated by the following statement by the bill's author:

[T]his bill protects consumers from having their health insurance coverage canceled or rescinded when they need care by maintaining their current coverage while allowing regulators to independently analyze and adjudicate on any rescission, cancellation, or limitation of a policy. The time has come to have an unbiased analysis on whether a policy should be rescinded or cancelled, and to provide the utmost protection to patients whenever their . . . insurers want to [terminate] their health coverage.

(Assem. Com. on Health, Rep. on Assem., Bill No. 2470 (2009-2010 Reg. Sess.) March 23, 2010, p.5.) The benefits anticipated to result from the adoption of the proposed regulations include the protection of public health, the promotion of fairness, and an increase in openness and transparency in business by requiring insurers to provide the basis for health care terminations that are the subject of consumer complaints. Specifically, residents of the State will be better able to avoid health insurance terminations by virtue of being better informed about their insurers' intent to terminate their policies and by being provided an opportunity to challenge the insurer's action (or intended action) by filing a request for review by the Commissioner. In some cases, the insurer will be required to provide coverage to insureds in circumstances where, prior to the enactment of AB 2470, the insurer would not have been required to do so.

CONSISTENCY OR COMPATIBILITY WITH EXISTING STATE REGULATIONS

The Department has conducted an evaluation of existing law and determined that the proposed regulations are not inconsistent or incompatible with any existing state regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The proposed regulations do not impose any mandate on local agencies or school districts. There are no costs to local agencies or school districts for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement.

COST OR SAVINGS TO STATE AGENCIES, LOCAL AGENCIES OR SCHOOL DISTRICTS, OR IN FEDERAL FUNDING

The Commissioner has determined that the proposed regulations will result in a cost of approximately \$113,000 to the California Department of Insurance in Fiscal Years 2013-2014 and 2014-2015. The majority of these costs may be incurred regardless of whether the proposed regulations are adopted, since the statutes enacted or modified by AB 2470 set out the termination review process in broad form.

The Commissioner has determined that the proposed regulations will result in no cost or savings to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code. There is no other nondiscretionary cost or savings imposed on local agencies, and no cost or savings in federal funding to the State.

ECONOMIC IMPACT ON BUSINESS AND THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE

The Commissioner has made an initial determination that the adoption of the proposed regulations may have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The types of businesses that may be affected are health insurers. Compliance requirements include sending consumers certain notices in connection with actual or impending health care insurance terminations, reinstating coverage or requesting a hearing by the Commissioner upon receiving notice from the Department that there is a proper complaint against the insurer in connection with the insurer's termination of a health insurance policy or contract, submitting documentation in support of the insurer's decision to terminate coverage in cases where the insurer opts not to reinstate coverage, and providing coverage during the pendency of the Department's review of certain health care insurance terminations. The Commissioner has not considered proposed alternatives that would lessen any adverse economic impact on business and invites you to

submit proposals. Submissions may include the following considerations:

- (i) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- (ii) Consolidation or simplification of compliance and reporting requirements for businesses.
- (iii) The use of performance standards rather than prescriptive standards.
- (iv) Exemption or partial exemption from the regulatory requirements for businesses.

POTENTIAL COST IMPACT ON PRIVATE PERSONS OR ENTITIES/BUSINESSES

The Commissioner is not aware of any cost impacts that representative private person would necessarily incur in reasonable compliance with the proposed regulations. Estimates of the costs to health insurers of complying with the proposed regulations in 2014 range from \$297,000 to \$1.76 million. These costs arise out of the requirement in both statute and the proposed regulations that insurers provide coverage in circumstances where, prior to the enactment of AB 2470, they would not have been required to do so. Insurers may also incur costs in responding to Department inquiries, and possibly appearing at hearings before an administrative law judge. The majority of these costs may be incurred regardless of whether the proposed regulations are adopted, since the statutes enacted or modified by AB 2470 set out the termination review process in broad form. CDI has evaluated the overall costs of insurers complying with the proposed regulation, as discussed in the Department's economic impact assessment, including specifically the costs of generating and sending the notices as required by the proposed regulation, and concluded that the costs associated with generating and sending such notices will be immaterial.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The Commissioner is required to assess any impact the regulations may have on the creation or elimination of jobs in the State of California, the creation of new businesses, the elimination of existing businesses, the expansion of businesses currently operating in the state and the benefits of the regulation to the health and welfare of California residents, worker safety and the state's environment.

The Commissioner has made an initial determination that the adoption of the proposed regulations may result in the elimination of between 4 and 23.5 jobs within the

State of California. These job losses may result even if the proposed regulations are not adopted, due to the terms of the statutes enacted or modified by AB 2470.

The Commissioner has made an initial determination that the adoption of the proposed regulations will not impact the creation of new businesses or the elimination of existing businesses within the State of California, the expansion of businesses currently doing business within the State of California, worker safety, and the state's environment.

The benefits anticipated to result from the adoption of the proposed regulations include the protection of public health, the promotion of fairness, and an increase in openness and transparency in business by requiring insurers to provide the basis for health care terminations that are the subject of consumer complaints. The adoption of the proposed regulations will result in a benefit to the health and welfare of California residents by allowing them to retain their insurance coverage in certain cases. Specifically, residents of the State will be better able to avoid health insurance terminations by virtue of being better informed about their insurers' intent to terminate their policies and by being provided an opportunity to challenge the insurer's action (or intended action) by filing a request for review by the Commissioner. In some cases, the insurer will be required to provide coverage to insureds in circumstances where, prior to the enactment of AB 2470, the insurer would not have been required to do so.

FINDING OF NECESSITY

The Commissioner finds that it is necessary for the health, safety, or welfare of the people of the State that the proposed regulations apply to businesses.

IMPACT ON SMALL BUSINESS

The Commissioner has determined the proposed action will not affect small business since the regulations only apply to the conduct of insurers doing business in California, and pursuant to Government Code section 11342.610(b)(2), an insurer by definition is not a small business.

IMPACT ON HOUSING COSTS

The proposed regulations will have no significant effect on housing costs.

ALTERNATIVES

The Commissioner must determine that no reasonable alternative considered by the Commissioner or that

has otherwise been identified and brought to the attention of the Commissioner would be more effective in carrying out the purpose for which this action is proposed; would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

TEXT OF REGULATIONS AND STATEMENTS OF REASONS

The Department has prepared an initial statement of reasons that sets forth the reasons for the proposed action. Upon request, the initial statement of reasons will be made available for inspection and copying. Requests for the initial statement of reasons or questions regarding this proceeding should be directed to the contact person listed above. Upon request, the final statement of reasons will be made available for inspection and copying once it has been prepared. Requests for the final statement of reasons should be directed to the contact person listed above.

The file for this proceeding, which includes a copy of the express terms of the proposed regulations, the statement of reasons, the information upon which the proposed action is based, and any supplemental information, including any reports, documentation and other materials related to the proposed action that is contained in the rulemaking file, is available by appointment for inspection and copying at 45 Fremont Street, 21st Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday.

MODIFIED LANGUAGE

If the regulations adopted by the Department differ from those which have originally been made available but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Interested persons should request a copy of these regulations prior to adoption from the contact person listed above.

AUTOMATIC MAILING

A copy of this notice, including the informative digest, which contains the general substance of the proposed regulations, will automatically be sent to all persons on the Insurance Commissioner's mailing list.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Documents concerning these proposed regulations are available on the CDI's website. To access them, go to <http://www.insurance.ca.gov>. Find at the right-hand side of the page the heading 'QUICK LINKS.' The third item in this column under this heading is 'For Insurers'; on the drop-down menu for this item, select 'Legal Information.' When the 'INSURERS: LEGAL INFORMATION' screen appears, click the third item in the list of bulleted items near the top of the page: 'Proposed Regulations.' The 'INSURERS: PROPOSED REGULATIONS' screen will be displayed. Select the only available link: 'Search for Proposed Regulations.' Then, when the 'PROPOSED REGULATIONS' screen appears, you may choose to find the documents either by conducting a search or by browsing for them by name.

To browse, click on the 'Currently Proposed Regulations' link. A list of the names of regulations for which documents are posted will appear. Find in the list the link to 'Review of Complaints of Health Insurance Terminations' and click it. Links to the documents associated with these regulations will then be displayed.

To search, enter "REG-2012-00027" (the CDI's regulation file number for these regulations) in the search field. Alternatively, search by keyword ("health insurance terminations," for example). Then, click on the 'Submit' button to display links to the various filing documents.

TITLE 14. DEPARTMENT OF FISH AND WILDLIFE

NOTICE IS HEREBY GIVEN that the Department of Fish and Wildlife (Department) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action. The Department invites interested persons to present statements or arguments with respect to alternatives to the regulations at the scheduled hearing or during the written comment period.

PUBLIC HEARING

The Department will hold a public hearing meeting on July 30, 2013, from 1:30-3:30 p.m., at the Resources Building located at 1416 9th Street, Sacramento, California, in the first floor auditorium. The auditorium is wheelchair accessible. At the public hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Department requests, but does

not require, that the persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. All written comments must be received by the Department at the office below not later than 5:00 p.m. on July 30, 2013. All written comments must include the true name and mailing address of the commenter.

Written comments may be submitted by mail, fax, or e-mail as follows:

Department of Fish and Wildlife
 Mike Randall
 1416 9th Street, Room 1208
 Sacramento, CA 95814
 Fax: (916) 653-9890
 E-mail: mike.randall@wildlife.ca.gov

AUTHORITY

Fish and Game Code sections 395, 396, 713, 1002, 1050, 1053, 2118, 2120, 2122, 2150, 2150.2 and 2157 authorize the Department to adopt these proposed regulations.

REFERENCE

The proposed regulations implement, interpret, and make specific sections 355, 356, 395, 396, 398, 713, 1050, 1053, 2116, 2116.5, 2117, 2118, 2120, 2125, 2150, 2150.2, 2150.4, 2151, 2157, 2190, 2193, 2271, 3005.5, 3007, 3031, 3503, 3503.5, 3511, 3513, 3950, 10500, 12000 and 12002 of the Fish and Game Code.

Title 50, Code of Federal Regulations, Parts 21.29 and 21.30.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Background:

The Department of Fish and Wildlife (Department) and the Fish and Game Commission (Commission) are

in the process of promulgating new regulations for the practice of falconry in California. In order to comply with federal requirements, the Commission adopted new regulations for the practice of falconry in the state on March 6, 2013, in Section 670, Title 14, CCR. The regulations currently proposed by the Department in Section 703 provide for the establishment of falconry fees and forms in accordance with the new provisions of Section 670. The effective date for the new regulations in both sections 670 and 703 is January 1, 2014.

The actions proposed will allow the Department to recover its costs for licensing, permitting and inspection activities associated with the practice of falconry in California. The action will increase the workload and costs to the Department; however these costs will be borne by the permit holders. Pursuant to sections 1050 and 2150.2 of the Fish and Game Code, the Department has set forth in Section 703 fees for permits, permit applications and facility inspections in amounts sufficient to cover the costs of administering, implementing, and enforcing the falconry regulations in Section 670.

Additionally, in accordance with Section 700.4, Title 14, CCR, all licenses, tags, permits, reservations or other entitlements purchased via the Automated License Data System (ALDS) shall be subject to a three percent nonrefundable application fee, not to exceed seven dollars and fifty cents (\$7.50) per item, to pay the Department's costs for issuing that license, tag, permit, reservation or other entitlement. The total cost including ALDS will appear on the relevant form.

Proposed Amendments To Section 703:

The Department is proposing to amend Section 703, Title 14, CCR, by adding a new subsection 703(b)(1) to provide falconry fees, forms and permits, in accordance with Section 670 which establishes a State falconry permitting program. The effective date for the new regulations in Section 703 is January 1, 2014 simultaneous with Section 670. The proposed regulatory changes are needed to allow the Department to recover its costs in implementing a falconry program in California.

The following is a summary of the fees proposed in Section 703(b)(1):

703(b)(1)(A) 2013-2014 Falconry Fees	New Fee (Eff. 1/1/14)
1. License Application	\$ 13.75
2. Examination	\$ 50.00
3. Inspection Fee for 1 to 5 enclosures	\$ 259.00
Each enclosure over 5	\$ 12.75
4. Re-inspection	\$ 216.00
5. Data Entry of Federal Form 3-186A	\$ 12.75
6. Special Raptor Capture Drawing Application	\$ 7.50
7. Special Raptor Capture Permit	\$ 12.75
8. Nonresident Falconer Raptor Capture Permit	\$ 319.00

The forms are proposed to be incorporated by reference in Section 703(b)(1):

703(b)(1) Forms	New Form (date)
(B) Falconry License Renewal Application	FG 360 (New 2/13)
(C) New Falconry License Application	FG 360b (New 2/13)
(D) Apprentice Falconer’s Annual Progress Report	FG 360c (New 2/13)
(E) Raptor Facilities and Falconry Equipment Inspection Report	FG 360d (New 2/13)
(F) Resident Falconer Raptor Capture Recapture and Release Report	FG 360f (New 2/13)
(G) Falconry Hunting Take Report	FG 360h (New 2/13)
(H) Special Raptor Capture Drawing Application	FG 360i (New 2/13)
(I) Nonresident Falconer Application for Raptor Capture Permit	FG 361 (New 2/13)
(J) Nonresident Falconer Raptor Capture Permit and Report	FG 361a (New 2/13)

Benefits of the proposed regulation:

Regulations for the practice of falconry in California are contained in Title 14, CCR, Section 670. Under these regulations, the Department issues licenses and permits, inspects facilities, and monitors falconry activities. The new provisions of Section 703 set forth the necessary fees and forms in accordance with Section 670. The benefits of the proposed regulations are concurrence with Federal law, and sustainable management of the State’s raptor populations while continuing to provide recreational opportunity. Fees proposed under Section 703 will ensure that adequate funding is available for the Department to continue issuing licenses, inspecting falconry facilities, and monitoring the capture and disposition of wild raptors for the practice of falconry.

Consistency with existing regulations:

The Fish and Game Commission adopted new regulations for falconry on March 6, 2013, in Section 670, Title 14, CCR. The new regulations were developed to meet federal requirements of the U.S. Fish and Wildlife Service as outlined in 50 CFR 21.29 and 21.30. The Department conducted a search of the CCR and the proposed regulations are neither inconsistent nor incompatible with existing State regulations related to the practice of falconry. The proposed regulations are compatible with existing federal falconry regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies or school districts: None.

Costs or savings to any state agency: The fees established by the Department are in an amount sufficient to recover all reasonable administrative and implementation costs relating to the falconry program.

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

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

Costs or savings in federal funding to the state: There are no related costs or savings in Federal Funding to the State.

Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states:

The proposed action will affect a relatively small number of individuals engaged in the practice of falconry in California, primarily for recreation. The Department anticipates that the proposed regulations will affect very few, if any, businesses that rely on raptors. Therefore the proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Considering the small number of permits issued over the entire state, this proposal is economically neutral to business.

Effect on small business: The Department concludes that the proposed regulations are unlikely to affect small business. The proposed action will affect a relatively small number of individuals engaged in the practice of falconry in California, primarily for recreation. The Department anticipates that the proposed regulations will affect very few, if any, businesses that rely on raptors.

Cost impacts on a representative private person or business: There will be costs to private persons (e.g. falconers) who are among the 575 current licensees, and new applicants, who must comply with this proposed regulation. However, generally, the new fees are not charged annually but are charged one time dependent on the service extended by the state. Those one-time fees, listed as 1–3, are: initial License Application, \$13.75; Examination, \$50.00; and initial Inspection, \$259.00 (and \$12.75 for additional enclosures); totaling \$322.75. The re-inspection fee, 4, is only charged when there is a failed inspection. The other fees, listed

as 5–8, are charged based on the falconer’s request for the service.

The fees established by the Department are in an amount sufficient to recover all reasonable administrative and implementation costs relating to the falconry program.

Significant effect on housing costs: None.

RESULTS OF THE ECONOMIC
IMPACT ANALYSIS

Impact on the creation or elimination of jobs within the state, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses in California:

The Department does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses, the expansion of businesses in California, or benefits to worker safety.

Benefits of the regulation to the health and welfare of California residents, and the state’s environment:

The Department expects that the proposed regulations concerning falconry fees and permits will provide non-monetary benefits to the environment and to the health and welfare of California residents by improving the monitoring and reporting of raptor captures and the take of wildlife under a falconry permit. It is the policy of this state to encourage the conservation, maintenance, and utilization of existing raptor populations for their ecological values and for their use and enjoyment by the public. Adoption of a self-supporting falconry program in California, including raptor species harvest quotas and inspection of raptor housing facilities, supports preservation of sustainable raptor populations for their continued existence in California.

The Department does not anticipate benefits to worker safety, the prevention of discrimination, the promotion of fairness and social equity, or to the increase in openness and transparency in business and government.

CONSIDERATION OF ALTERNATIVES

The intent of the proposed regulation is to implement new Department fees and forms in accordance with the Commission’s newly adopted falconry regulations in Section 670. The Department must determine that no reasonable alternative it considered 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 as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to af-

ected private persons and equally effective in implementing the statutory policy or other provision of law.

MITIGATION MEASURES REQUIRED BY
REGULATORY ACTION

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

CONTACT PERSONS

Mike Randall
1416 9th Street
Sacramento, CA 95814
Telephone: (916) 653-4678
Fax: (916) 653-9890
E-mail: mike.randall@wildlife.ca.gov

The backup contact person is:

Craig Martz
1416 9th Street
Sacramento, CA 95814
Telephone: (916) 653-4674
Fax: (916) 653-9890
E-mail: craig.martz@wildlife.ca.gov

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

The Department will have the entire rulemaking file available for inspection and copying at its office at 1416 9th Street, Sacramento. As of the date this notice is published, the rulemaking file consists of this notice, the proposed text of the regulations, the proposed Falconry Forms, the Economic Impact Analysis, the Economic and Fiscal Impact Assessment (STD. Form 399) and the Initial Statement of Reasons. Please direct requests for copies of the rulemaking file to Mike Randall as indicated above.

AVAILABILITY OF DOCUMENTS ON
THE INTERNET

Website Access: The entire rulemaking file can be found at:
www.dfg.ca.gov/news/pubnotice

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

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

adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Mike Randall as indicated above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Mike Randall as indicated above.

TITLE 16. BOARD OF OCCUPATIONAL THERAPY

NOTICE IS HEREBY GIVEN that the California Board of Occupational Therapy (Board) is proposing to take the action described in the Informative Digest. Any person interested may submit statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or email to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on July 29, 2013.

The Board does not intend to hold a hearing in this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the CBOT. The request must be received in the Board office not later than 5:00 p.m. on July 15, 2013.

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 2570.3 and 2570.20 of the Business and Professions Code (BPC), and to implement, interpret or make specific sections 2570.28, the Board is proposing to revise Division 39, Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST

Informative Digest

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

Policy Statement Overview

This proposed regulatory action clarifies and implements Assembly Bills AB 1588 (Chapter 742, Statutes 2012) pertaining to temporary license renewal exemptions for California licensed occupational therapy practitioners that are on active duty in the military when their license expires and AB 1904 (Chapter 399, Statutes 2012) pertaining to expedited licensing for applicants who are married to, or in a legal union with, an active duty member of the military who is assigned to a duty station in California.

This proposed regulatory action will reduce the time period from 10 days to 5 days, for a Limited Permit holder to notify the Board who their employer and supervising occupational therapist are, or when there is a change in employer and/or supervisor. This proposed regulatory action will establish the Board shall not deny a limited permit to an applicant that has met all requirements for licensure in situations where the college or university is unable to issue an official transcript in a prompt or timely manner, due to no fault of the applicant. This proposed regulatory action makes several minor technical edits by eliminating obsolete references to occupational therapy assistants being "certified," deleting unnecessary language or acronyms, and adding the title and form number of the Board's application for licensure to section 4110.

This proposed regulatory action also seeks to clarify and make specific the effective date of a license renewed delinquent and clarifies, updates, and makes technical amendments to the provisions for placing a license on inactive status, and for activating an inactive license.

Anticipated Benefits of Proposal

The proposed regulations implement, clarify, and establish rules pertaining to recent legislation (AB 1588 and AB 1904) to provide for a temporary license renewal waiver to occupational therapy practitioners that are on active duty with the military and provide expedited license application processing for any spouse that is married to, or in a legal union with, an active duty member of the military that is serving in California. This proposed regulation extends consideration and appropriate allowances to those serving on active duty in the military and their spouses in appreciation of their service to the country.

The proposed regulatory action reduces any barrier to issue a limited permit to an applicant due to the applicant's qualifying degree program being unable to issue an official transcript to the Board (required for issuance of a license) in a timely manner. The proposed regulatory action enhances and promotes public safety by establishing a narrower time period for limited permit holders to notify the Board of their employer and supervisors and any subsequent changes.

The proposed regulatory action will reduce or eliminate illegal and unauthorized practice in situations where a licensee renews their license delinquent. It also provides clarity and specific direction to licensees to restore an inactive license to active status.

Consistency and Compatibility with Existing State Regulations

This regulatory proposal is consistent and compatible with existing state regulations.

Documents Incorporated by Reference: Initial Application for Licensure, Form ILA, Rev 8/2012.

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.

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

Business Impact:

The Board has made an initial determination that the proposed regulatory action would not have a statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

RESULTS OF ECONOMIC IMPACT ANALYSIS

Impact on Jobs/New Business:

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

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

The proposed regulatory action will benefit individuals who are serving on active duty in the Armed Forces by providing a temporary license renewal exemption and for expedited licensing of spouse of an individual that is serving on active duty in California. The pro-

posed regulatory action will benefit applicants that have met the requirements for licensure by allowing the Board to issue a limited permit in situations when the applicant's college or university cannot issue an official transcript (a requirement to issue a license) in a timely manner to allow them to practice as a limited permit holder until a license can be issued, thus eliminating a barrier to practice. The proposed regulatory action clarifies rules, processes, and procedures relating to providing the Board notice of changes in supervision and employment of limited permit holders, the effective date of delinquent license renewals, and activating an inactive license to enhance and promote the Board's administration of its licensing, regulatory and disciplinary functions.

Cost Impact on Affected Private Persons:

The Board has determined that this regulatory proposal will not adversely impact affected private persons (licensed occupational therapy practitioners and applicants). The proposed regulations do not establish any additional costs to affected private persons and actually provide a cost savings to licensees who are, or were, on active duty with the military by exempting them from paying any delinquent renewal fees as prescribed in the proposed regulation.

Effect on Housing Costs: None.

Effect on Small Business:

The Board has made an initial determination that the proposed regulatory action would have no statewide adverse economic impact on small business. The proposed regulatory action does not implement any new fees that would be imposed on occupational therapy practitioners or any employers. The proposed regulatory action is administrative in nature and is designed to implement or update processes and procedures to promote and enhance administration of the Board's licensing, regulatory, and disciplinary functions.

CONSIDERATION OF ALTERNATIVES

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

Any interested person may present statements or arguments orally or in writing relevant to the above determinations within the timeframes identified in this Notice, or at a hearing in the event that such a request is made by the public.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulation, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained from the contact person listed below.

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

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

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

CONTACT PERSON

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

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

The backup contact person is:

Heather Martin
[Same contact information as above]

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

TITLE 16. BOARD OF PHARMACY

NOTICE IS HEREBY GIVEN that the Board of Pharmacy is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under contact person in this Notice, must be received by the Board of Pharmacy at its office not later than 5:00 p.m. on July 29, 2013.

Any person interested may present statements or arguments orally or in writing relevant to the action pro-

posed at a hearing to be held at the Department of Consumer Affairs, First Floor Hearing Room, 1625 N. Market Blvd., Sacramento, CA 95834, on July 30, 2013 at 1:00 p.m.

The Board of Pharmacy, 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 4005 of the Business and Professions Code and to implement, interpret and make specific reference sections 122, 163.5, 4127.5 and 4400 of the Business and Professions Code, the Board of Pharmacy is considering changes to Division 17 of Title 16 of the California Code of Regulations as discussed below.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 4005 generally authorizes the board to amend rules and regulations pertaining to the practice of pharmacy and the administration of Chapter 9, Division 2 of that code.

Business and Professions Code section 122 allows the board to charge a fee for the processing and issuance of a duplicate copy of any certification of licensure or other form evidencing licensure or renewal of licensure.

Business and Professions Code section 163.5 establishes the criteria to determine the delinquency fee for any licensee within the Department of Consumer Affairs.

Business and Professions Code section 4400 establishes the statutory minimum and maximum fee schedule for application, renewal and other fees for additional board applicants and licensees. This statute was last amended in 2009 and the fees therein went into effect on January 1, 2010.

Title 16 of the California Code of Regulations section 1749 specifies fee schedules for various application, renewal and other fees for board licensees and applicants. That regulation was last updated January 2008. As noted above, the board's statutory fee schedule found at Section 4400 of the Business and Professions Code

(statutory minimums and maximums) was amended in 2009. As a result, since January 1, 2010, the board has been charging applicants and licensees the minimum fees specified in statute. The fee for a centralized hospital packaging pharmacy went into effect on January 1, 2013, as a new license category. Through this rulemaking, the regulation at 16 CCR Section 1749 is being updated to reflect the statutory maximum for each fee category. This proposal is necessary to ensure sufficient resources to maintain current board operations to meet its consumer protection mandate.

Business and Professions Code 4400(p) directs that the board shall seek to maintain a reserve in its fund equal to approximately one year's expenditure. The fund balance for the board provides specific information on the board's current fund as well as projections for future years. A review of the board's fund condition report (provided as underlying data in this rulemaking file) demonstrates that overall revenue for the board has increased by \$4,066,259 (54.9%), yet expenditures have increased by \$5,763,111 (63.78%) since FY 2007/2008. This creates a structural imbalance that is unsustainable without a fee increase. To emphasize this point, it is estimated that absent a fee increase, the board's fund condition will be reduced to a two and one half month reserve by the end of fiscal year 2014/15 and will be in a deficit of four months by the end of fiscal year 2016/17. A fund simply cannot go into a negative balance. That is the equivalent of an individual writing a check when there is no money in his or her checking account and no money forthcoming. The board can only spend up to the amount of cash that is in its fund, which supports the need for this regulation.

The board identified several factors that contributed to the existing structural imbalance, including the costs the board incurs to deliver its services. A comparison of detailed expenditures between FY 2007/08 and FY 2012/13 revealed an overall increase in expenditures of 63.78%. More specifically, the board's personnel expenditures have increased from \$4.8M to a projected \$8.3M; a 72% increase. Additionally, the board has experienced a significant increase in the amount of pro rata charges assessed for both department services as well as statewide services. Specifically, pro rata charges the board must pay have increased 93% — from paying about \$1.2M in FY 2007/08 to a projected \$2.4M in FY 2012/13. A third area in which the board has seen tremendous growth is in its enforcement-related costs, which have increased from about \$1.1M to a projected \$2.3M for FY 2012/2013 — a 102% increase. Eliminating personnel services or enforcement costs is not an option as that would have a significant impact in several areas of the board operations including issuing licenses as well as regulating licensees and taking appropriate

enforcement and disciplinary actions against errant licensees. Further, the board can neither control nor negotiate pro rata costs that are determined by its control agency.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS

The board considered specific benefits anticipated by the proposed amendment of the section described, including, to the extent applicable, nonmonetary benefits such as the protection of public health and safety, worker safety, or the environment, the prevention of discrimination, the promotion of fairness or social equity, and the increase in openness and transparency in business and government, among other things. As stated above, this proposal ensures sufficient resources to maintain current board operations to meet its consumer protection mandate.

CONSISTENCY AND COMPATIBILITY WITH EXISTING REGULATIONS

The board conducted a search of the California Code of Regulations and determined that the proposed regulation is neither inconsistent nor incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

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

It is estimated that the proposed fee increase will result in an increase in board revenues for FY 14/15 by approximately \$3.2 million and an increase to ongoing annual revenue by approximately \$3.2 million.

The board does not anticipate any impact on federal funding.

This proposal does not impact any government-owned business as by current law, as government-owned pharmacies, hospitals and clinics are exempt from paying licensure and renewal fees to the board.

Nondiscretionary Costs/Savings to Local Agencies:

None.

Local Mandate:

None.

Cost to Any Local Agency or School district for Which Government Code Section 17561 Requires 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 businesses, including the ability of California businesses to compete with businesses in other states. The following types of businesses would be affected by this regulation: pharmacies, drug wholesalers, distributors of hypodermic needles and syringes, clinics, veterinary–food animal drug retailers, and compounders of sterile injectable drug products.

Cost Impact on Representative Private Person or Business:

The Board of Pharmacy has made an initial determination that proposed regulatory action would increase fees for individuals and businesses as detailed below.

Pharmacist

Examination: \$200 (current) to \$260 (proposed)
 Examination Regrade: \$90 (current) to \$115 (proposed)
 Initial License: \$150 (current) to \$195 (proposed)
 Renewal: \$150 (current) to \$195 (proposed)/biennial
 Delinquent Fee: \$75 (current) to \$97.50 (proposed)

Designated Representative

Application: \$255 (current) to \$330 (proposed)
 Renewal: \$150 (current) to \$195 (proposed)/annually
 Delinquent Fee: \$75 (current) to \$97.50 (proposed)

Designated Representative (Food Animal–Drug Retailer)

Application: \$255 (current) to \$330 (proposed)
 Renewal: \$150 (current) to \$195 (proposed)/annually
 Delinquent Fee: \$75 (current) to \$97.50 (proposed)

Pharmacy Technician

Application: \$80 (current) to \$105 (proposed)
 Renewal: \$100 (current) to \$130 (proposed)
 Delinquent Fee: \$50 (current) to \$65 (proposed)

Pharmacy Intern

Application: \$75 (current) to \$115 (proposed)

Transfer of Hours: \$35 (current) to \$45 (proposed)

Reissuance of a License that has been lost, destroyed or a name changed

\$35 (current) to \$45 (proposed)

Resident, Nonresident and Hospital Pharmacy

Application: \$400 (current) to \$520 (proposed)
 Renewal: \$250 (current) to \$325 (proposed)/annually
 Temporary License: \$250 (current) to \$325 (proposed)
 Delinquent Fee: \$125 (current) to \$150 (proposed)

Centralized Hospital Packaging Pharmacy

Application: \$600 (current) to \$800 (proposed)
 Renewal: \$600 (current) to \$800 (proposed)/annually
 Temporary License: \$250 (current) to \$325 (proposed)
 Delinquent Fee: \$0 (current) to \$150 (proposed)

Resident and Nonresident Wholesalers

Application: \$600 (current) to \$780 (proposed)
 Renewal: \$600 (current) to \$780 (proposed)/annually
 Temporary License: \$550 (current) to \$715 (proposed)
 Application for over 20 facilities: \$225 (current) to \$300 (proposed)

Hypodermic Needle and Syringe

Application: \$125 (current) to \$165 (proposed)
 Renewal: \$125 (current) to \$165 (proposed)/annually
 Delinquent Fee: \$62.50 (current) to \$82.50 (proposed)

Clinic

Application: \$400 (current) to \$520 (proposed)
 Renewal: \$250 (current) to \$325 (proposed)/annually
 Delinquent Fee: \$125.00 (current) to \$150 (proposed)

Veterinary Food–Animal Drug Retailer

Application: \$405 (current) to \$425 (proposed)

Renewal: \$250 (current) to \$325 (proposed)
 Delinquent Fee: \$125 (proposed)

Compound Sterile Injectable Drug Products

Application: \$600 (current) to \$780 (proposed)
 Renewal: \$600 (current) to \$780 (proposed)/annually
 Temporary License: \$550 (current) to \$715 (proposed)
 Delinquent Fee: \$150 (proposed)

Reissuance of a Business License resulting from a change in information

\$100 (current) to \$130 (proposed)

Reissuance of a Business License that has been lost, destroyed or the business name has changed

\$35 (current) to \$45 (proposed)

Effect on Housing Costs:

None.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The Board of Pharmacy conducted an Economic Impact Analysis (EIA) and has made an initial determination that the proposed regulatory action would 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.

Business and Professions Code section 4005 states that “the board may adopt rules and regulations. . . . pertaining to the practice of pharmacy. . . .” As specified in Business and Professions Code Section 4001.1, protection of the public shall be the highest priority for the California State Board of Pharmacy in exercising its licensing, regulatory, and disciplinary functions. This section further states that whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount. To ensure the solvency of and adequate reserve funds, the board regularly monitors its fund condition. As described in this Notice, overall revenue for the board has increased by \$4,066,259 (54.9%), yet expenditures have increased by \$5,763,111 (63.78%) since FY 2007/2008, creating a structural imbalance that no longer sustains board operations. Absent a fee increase, the board’s fund condition will be reduced to a two and one half month reserve by the end of fiscal year 2014/15 and will be in a deficit of four months by the end of FY 2016/17.

Impact on Jobs/Business

The Board of Pharmacy has determined that this regulatory proposal will not have a significant impact on

the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California. This determination has been made based upon the absence of public testimony during public meetings where this proposal has been discussed, most recently during the April 2013 Public Board Meeting.

EFFECT ON SMALL BUSINESS

The board’s proposal may affect small businesses; however, the board does not have nor does it maintain data to determine if any of its licensed pharmacies are “small businesses” as defined in Government Code Section 11342.610. This determination has been made based upon the absence of public testimony to this effect during public meetings where this proposal has been discussed, most recently during the April 2013 Public Board Meeting.

CONSIDERATION OF ALTERNATIVES

The Board of Pharmacy must determine that no reasonable alternative it considered 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 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 statutory policy or other provision of law.

Any interested person may present written statements relevant to the above determinations to the Board of Pharmacy at the address indicated under contact person.

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons may be obtained upon request from the Board of Pharmacy at 1625 N. Market Blvd. N-219, Sacramento, California 95834, or from the Board of Pharmacy web site (www.pharmacy.ca.gov).

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

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

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

CONTACT PERSON

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

Anne Sodergren
1625 N. Market Blvd. N-219
Sacramento, CA 95834
Phone: (916) 574-7910
Fax: (916) 574-8618
Email: anne.sodergren@dca.ca.gov

The backup contact person is:

Carolyn Klein
1625 N. Market Blvd. N-219
Sacramento, CA 95834
Phone: (916) 574-7913
Fax: (916) 574-8618
Email: carolyn.klein@dca.ca.gov

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

**TITLE 16. BOARD FOR
PROFESSIONAL ENGINEERS, LAND
SURVEYORS AND GEOLOGISTS**

NOTICE IS HEREBY GIVEN that the Board for Professional Engineers, Land Surveyors, and Geologists (Board) is proposing to take the action described in the Informative Digest. The Board does not intend to hold a hearing in this matter. If an interested party wishes that a hearing be held, he or she must make the request in writing to the Board no later than 5 p.m. on July 15, 2013. 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 per-

son designated in the Notice as the 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.

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 29, 2013.

Authority and Reference: Pursuant to the authority vested in Sections 6716, 7818, and 8710 of the Business and Professions Code and Section 11400.20 of the Government Code, and to implement, interpret or make specific Sections 125.3, 475, 480, 481, 482, 490, 493, 494, 6775, 6776, 7860, 7861, 7862, 7863, 7872, 8780 and 8781 of the Business and Professions Code, and Sections 11400.20, 11415.60, 11425.50 and 11519 of the Government Code, the Board is considering changes to Division 5 and Division 29 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST

California Business and Professions (B&P) Code sections 6716, 7818, and 8710 authorize the Board to adopt, amend, and repeal regulations as may be reasonably necessary to enable the Board to implement laws relating to the practices of engineering, land surveying, geology, and geophysics.

Pursuant to B&P Code sections 6710.1, 7810.1, and 8710.1, the Board's highest priority is the protection of the public through the administration of its licensing, regulatory, and disciplinary functions. The intent of the proposed amendments is to strengthen the Board's enforcement regulations by standardizing the Board's regulations (among the professions that the Board regulates), clarify language that is unclear or vague, and make the language easily accessible to the public, in an overall effort to strengthen public safety.

The Board's intent is to also ensure that all regulations are clear, relevant, unambiguous, and functional and to implement regulatory actions that provide consistency among all of the Board's regulated professions, in accordance with the Board's 2011-2014 Strategic Plan. Since the implementation of ABX4 20 (Strickland and Huber, Chapter 18, Statutes of 2009-2010 Fourth Extraordinary Session), which eliminated the Board for Geologists and Geophysicists and transferred the jurisdiction to regulate the practices of geology and geophysics to the Board for Professional Engineers and Land Surveyors (now the Board for Professional Engineers, Land Surveyors and Geologists), the Board has made an ongoing effort to standardize regulations where necessary and applicable.

The proposed regulatory action provides consistency and standardization among the enforcement regulations

of Division 29 of Title 16 of the California Code of Regulations (Regulations Relating to the Practices of Geology and Geophysics), and Division 5 of Title 16 of the California Code of Regulations (Board Rules and Regulations Relating to the Practices of Professional Engineering and Professional Land Surveying). The standardization eliminates confusion for licensees and the public, and makes it easier to follow the law, strengthens the regulations by making amendments where information is lacking, updates outdated language, and promotes consistency among the application of the law for Professional Engineers, Land Surveyors, Geologists and Geophysicists.

The proposed changes are as follows:

- 16 CCR 3060—Substantial Relationship Criteria
The proposed amendments would specify that aiding and abetting any person in a violation of the Geologist and Geophysicist Act and a conviction of a crime arising from or in connection with the practice of professional geology or geophysics are grounds for denial, suspension, or revocation of a license.

Terminology was also updated throughout the regulation in order to reflect the current terminology used for a licensee. For example, the word “registration” has been changed to “license.” Also, “professional” and “specialty” have been added in order to reflect the current license titles that are specified in statute. Effective January 1, 2005, with the passage of SB 1914 (Committee on Business and Professions, Chapter 865, Statutes of 2004), the title for a licensed geologist in the State of California changed from Registered Geologist (RG) to Professional Geologist (PG).
- 16 CCR 3061—Criteria for Rehabilitation
The proposed amendments would (1) add the total criminal record and evidence of expungement as factors of consideration when denying an applicant for licensure; (2) include any act(s) committed prior to or subsequent to the act(s) or offense(s) under consideration as grounds for suspension or revocation under B&P Code section 490; and (3) include the criteria to be taken into account when considering a petition for reinstatement, such as educational courses taken; work done under the responsible charge of a licensee or a person legally authorized to practice; payment of restitution to the consumer; the potential harm that could be caused by the reinstatement; disciplinary history, other than criminal actions, after the revocation; the recognition by the petitioner of his or her actions/behavior that led to the revocation; and

correction of the actions/behavior that led to the revocation.

- 16 CCR 3064 and 419—Disciplinary Orders
Sections 3064 and 419 outline what the Board can order as disciplinary action against a licensee. Existing law indicates that the Board shall consider the Board’s “Disciplinary Guidelines” for deciding how to carry out disciplinary action against a licensee. Section 3064 does not elaborate regarding how to carry out disciplinary action, except to refer to the “Disciplinary Guidelines” and indicate that deviation from the guidelines can occur at the Board’s discretion based on the facts of a case. Currently, in order for consumers or licensees to read information regarding Professional Geologist and Professional Geophysicist disciplinary orders, they have to seek out the “Disciplinary Guidelines” document on the Board’s website or request a copy from the Board. The disciplinary orders regarding Professional Engineers and Professional Land Surveyors are easily accessible because they are outlined in 16 CCR 419. It is a benefit to the consumers and licensees to have the disciplinary orders outlined within the code section, as opposed to in a separate document, so that the information is easier to find and the information is readily available in several locations (such as in law books and law websites).

The proposed amendments to 16 CCR 3064 would include the following information regarding disciplinary orders: minimum and maximum disciplinary orders; probationary conditions if the action is stayed; and probationary conditions for stayed orders.

16 CCR 419 has been amended to change the terminology from “supervising” to “reviewing” professional and from “supervision” to “review” when describing the terms of probation for a licensee that displays signs of incompetency. The purpose of this change is to update incorrect terms to better clarify the intent of the Board. The intent is for the licensee on probation to still be in responsible charge of work, but for another licensee to act as a mentor or peer reviewer, not as a supervisor to the probationer.

POLICY STATEMENT
OVERVIEW/ANTICIPATED BENEFITS
OF PROPOSAL

The better clarity and accessibility of the Board’s enforcement regulations promotes the Board’s mission to safeguard the life, health, property, and welfare of the

public. It is anticipated that the conformity of the enforcement regulations will make it easier for consumers, the Board's applicants, licensees, and certificate holders to understand and follow the regulations. Further, the amendments put the current enforcement practices of the Professional Engineers and Professional Land Surveyors into effect for Professional Geologists and Professional Geophysicists, which allows for equal application of the enforcement law in regards to all of the professions that the Board regulates. In addition, the proposed amendments put regulations into effect for the geology and geophysicist side, which have already proven to be effective on the engineering and land surveying side.

Consistency and Compatibility with Existing State Regulations

The Board has evaluated this regulatory proposal and it is 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. The proposed changes do not affect the current practice in regards to fiscal matters; therefore, there is no additional fiscal cost or savings to the state as a result of the proposed changes.

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.

Impact on Jobs/New Businesses:

The Board has determined that this proposed regulatory action will not have an 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:

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. There will be an economic impact on the small number of licensees that have disciplinary action taken

against them because they would have to pay cost recovery (recovery of the Board's investigative and enforcement costs) to the Board in accordance with B&P Code section 125.3; however, collecting cost recovery is current practice, therefore, there would be no change.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. The amendments to 16 CCR sections 3060, 3061, 3064 and 419 update the enforcement language regarding the licensees of the Board. The Board does not license businesses; the Board licenses individuals.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact of Jobs/Businesses:

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.

Benefits of the Regulations:

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

The better clarity and accessibility of the Board's enforcement regulations promotes the Board's mission to safeguard the life, health, property, and welfare of the public. It is anticipated that the conformity of the enforcement regulations will make it easier for consumers, the Board's applicants, licensees, and certificate holders to understand and follow the regulations. Further, the amendments put the current enforcement practices of the Professional Engineers and Professional Land Surveyors into effect for Professional Geologists and Professional Geophysicists, which allows for equal application of the enforcement law in regards to all of the professions that the Board regulates.

CONSIDERATION OF ALTERNATIVES

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

**INITIAL STATEMENT OF REASONS
AND INFORMATION**

The Board has prepared an Initial Statement of Reasons for the proposed action and has available all of 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 upon request from the Board at 2535 Capitol Oaks Drive, Suite 300, Sacramento, CA 95833.

**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: Erin LaPerle
 Address: 2535 Capitol Oaks Drive,
 Suite 300
 Sacramento, CA 95833
 Telephone No.: (916) 263-1848
 Fax No.: (916) 263-2246
 E-Mail Address: Erin.LaPerle@dca.ca.gov

The backup contact person is:

Name: Larry Kereszt
 Address: 2535 Capitol Oaks Drive,
 Suite 300
 Sacramento, CA 95833
 Telephone No.: (916) 263-2240
 Fax No.: (916) 263-2246
 E-Mail Address: Larry.Kereszt@dca.ca.gov

WEBSITE ACCESS

The Board's website is: <http://www.bpelsg.ca.gov/>. Materials regarding this proposal can be found at: http://www.bpelsg.ca.gov/about_us/rulemaking.shtml.

**TITLE 16. BOARD OF REGISTERED
NURSING**

NOTICE IS HEREBY GIVEN that the Board of Registered Nursing (Board) is proposing to take the action described in the Informative Digest. Any person interested may submit written statements or arguments relevant to the proposed action to the Board. Written comments may be sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice and must be received by the Board at its office not later than 5:00 p.m. on July 29, 2013.

The Board does not intend to hold a hearing in this matter. If an interested party wishes that a hearing be held, he or she must make the request in writing to the Board no later than 5:00 p.m. on July 12, 2013.

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 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 2708.1 and 2715, 2761(a)(4) and 2761(f) of the Business and Professions Code, and to implement, interpret or make specific Sections 2715, 2761(f), 2765, and 2811 of said Code, the Board is considering changes to Division 14 of Title 16 of the California Code of Regulations as follows:

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Amend Section 1419(c), of Title 16, Division 14, Article 2, to increase the fine level of traffic infractions that the registered nurse is required to report at the time of license renewal.

Current law requires that registered nurses renew their licenses biennially. As a condition of renewal, the registered nurse must disclose whether, since the last renewal, he or she has been convicted of any violation of the law, except for traffic infractions under \$300 not involving alcohol, dangerous drugs, or a controlled sub-

stance. The purpose of the mandatory reporting requirement is to identify renewal applicants who have been convicted of a violation/crime that might be grounds for license discipline by the Board.

Since adoption of the regulation in 2009, the fines for traffic infractions have increased, thus resulting in renewal applicants reporting violations, such as illegal turns, texting while driving, and running a red light, which would not be grounds for license discipline. The proposed regulation will increase the level of reportable traffic infraction fines from \$300 to \$1000.

The benefit of raising the fine level is threefold: 1) decreases burden for license renewal applicants, who will no longer be required to report traffic violations that would not be grounds for license discipline, 2) increases Board effectiveness and efficiency due to decrease in the number of renewals requiring special handling, and 3) enhances consumer protection, the Board's primary function, as a result of staff being able to focus on other enforcement-related activities, including ongoing backlogs.

The Board has evaluated this regulatory proposal and determined that it is not inconsistent nor incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

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

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Business Impact:

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

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. The regulatory

proposal affects registered nurse renewal applicants only; therefore, businesses will not be impacted.

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 raising the fine level is threefold: 1) decreases burden for license renewal applicants, who will no longer be required to report traffic violations that would not be grounds for license discipline, 2) increases Board effectiveness and efficiency due to decrease in the number of renewals requiring special handling, and 3) enhances consumer protection, the Board's primary function, as a result of staff being able to focus on other enforcement-related activities, including ongoing backlogs.

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 upon request from the person designated in this Notice under Contact Person or accessing the Board's website, www.rn.ca.gov/regulations/proposed.

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

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

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

CONTACT PERSON

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

Name: Alcidia Valim
 Address: 1747 N. Market Blvd., Suite 150
 Sacramento, CA 95834
 Telephone No.: 916-574-7684
 Fax No.: 916-574-7700
 E-Mail Address: Alcidia.valim@dca.ca.gov

The backup contact person is:

Name: Geri Nibbs
 Address: 1747 N. Market Blvd., Suite 150
 Sacramento, CA 95834
 Telephone No.: 916-574-7682
 Fax No.: 916-574-7700
 E-Mail Address: geri.nibbs@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.rn.ca.gov/regulations/proposed.

**TITLE 22. DEPARTMENT OF PUBLIC
HEALTH**

ACTION: Notice of Emergency Rulemaking
 Title 22, California Code of Regulations
SUBJECT: Cardiac Catheterization Laboratory,
 DPH-12-006E

The California Department of Public Health has adopted the regulations described in this notice on an emergency basis, and they are now in effect.

PUBLIC PROCEEDINGS

Notice is hereby given that the California Department of Public Health will conduct a written comment period during which time any interested person or such person's duly authorized representative may submit statements, arguments or contentions (all of which are hereinafter referred to as comments) relevant to the action

described in this notice. No hearing has been scheduled; however any interested person or his or her duly authorized representative may request in writing, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Government Code Section 11346.8. For individuals with disabilities, should a public hearing be scheduled, the Department will provide assistive services such as sign-language interpretation, real-time captioning, note takers, reading or writing assistance, and conversion of written public hearing materials into Braille, large print, or onto audiocassette or computer disk. Note: The range of assistive services available may be limited if requests are received less than ten business days prior to a public hearing.

COMMENTS

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 29, 2013, 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-12-006E" in the subject line to facilitate timely identification and review of the comment; or
2. By fax transmission: (916) 440-5747; or
3. By mail to: Office of Regulations, California Department of Public Health, MS 0507, P.O. Box 997377, Sacramento, CA 95899-7377; or hand-delivered to: 1616 Capitol Avenue, Sacramento, CA, 95814. It is requested but not required that written comments sent by mail or hand-delivered be submitted in triplicate.

All comments, including email or fax transmissions, should include the author's name and U.S. Postal Service mailing address in order for the Department to provide copies of any notices for proposed changes to the regulation text on which additional comments may be solicited.

INQUIRIES

Inquiries regarding the substance of the proposed regulations described in this notice may be directed to Keith Van Wagner, Office of Legal Services, at (916) 445-2012.

All other inquiries concerning the action described in this notice may be directed to Linda M. Cortez, Office of Regulations, at (916) 440-7807.

CONTACTS: In any inquiries or written comments, please identify the action by using the Department regulation package identifier, DPH-12-006E.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides for the licensure and regulation of health facilities, including general acute care hospitals, administered by the Department. The Department is authorized under existing law to approve a general acute care hospital to offer specified special services, including, but not limited to, cardiac catheterization laboratory services, in addition to the basic services offered under the general acute care hospital's license. Current law requires a cardiac catheterization laboratory to be located within a general acute care hospital and prohibits, except as provided, cardiac catheterizations to be performed outside a general acute care hospital or a multispecialty clinic, as defined. Existing regulations require that cardiac catheterization laboratory services may be approved in a general acute care hospital that is not authorized to deliver cardiac surgery service, provided that the general acute care hospital maintains a written transfer agreement. The type of cardiac catheterization laboratory procedures a general acute care hospital without cardiac surgery facilities may provide is limited by existing regulations to certain diagnostic procedures.

PURPOSE

The effect of these regulations will be to establish certain standards for the limited expansion of cardiac catheterization laboratory service. Expanded cardiac catheterization service will allow for cardiac catheterization laboratory service outside of a general acute care hospital, so long as the service is performed in a facility that is connected to the general acute care hospital by an enclosed all-weather passageway. These regulations provide two qualifying general acute care hospitals to expand cardiac catheterization laboratory service with standards relating to the enclosed all-weather passageway. In addition, these regulations provide certain limitations on cardiac catheterization procedures performed on general acute care hospital inpatients.

OBJECTIVE

The broader objective of these regulations is to provide additional capacity for cardiac catheterization pro-

cedures for those patients who are in need of such care. Under these regulations, patients receiving expanded cardiac catheterization laboratory service will have access to a similar level of care and expertise available to them at the general acute care hospital.

BENEFITS

Anticipated benefits, including nonmonetary benefits to the protection of public health and safety, worker safety, the environment, the prevention of discrimination, or the promotion of fairness or social equity, from this proposed regulatory action are:

- Additional cardiac catheterization laboratory space will provide greater access for patients to these potentially life-saving procedures.
- Increased access to cardiac catheterization procedures to both patients with emergent needs and those seeking diagnostic services.
- Patients seeking diagnostic services will receive the diagnostic services they need before their health issues worsen.
- Positive patient outcomes.

EVALUATION AS TO WHETHER THE PROPOSED REGULATIONS ARE INCONSISTENT OR INCOMPATIBLE WITH EXISTING STATE REGULATIONS

The regulations are consistent and compatible with existing state regulations that pertain to cardiac catheterization laboratories in that they do not create competing or contradictory standards. Cardiac catheterization laboratories within general acute care hospitals and those covered in the proposed regulation text must comply with the same existing regulatory framework.

AUTHORITY AND REFERENCE

The Department is proposing to adopt, amend, or repeal the regulation sections identified under the authority provided in sections 1255, 131200, 131050, and 131051, of the Health and Safety Code. This proposal implements, interprets and makes specific section 1255, of the Health and Safety Code.

The Department proposes to adopt Section 70438.2 to implement the regulations required under the Law regarding expanded cardiac catheterization laboratory space, as follows:

Adopt subsection (a)(1) which adds the term "expanded cardiac catheterization laboratory space" to clarify its use within the section.

Adopt subsection (b)(1)(A) which establishes the transportation time from a cardiac catheterization labo-

ratory in an attached setting to a cardiovascular surgical space, or other such definitive care option of a patient that is in need of emergent care. Transporting a patient to the suggested treatment as quickly as possible should reduce negative health outcomes, including, but not limited to, death of the patient. Furthermore, while most emergent care needs will be resolved through cardiovascular surgery, there may be other current or future treatment options available and thus the Department uses the term “definitive care option” as it is commonly understood within the healthcare industry.

Adopt subsection (b)(1)(B)–(F) which provides additional requirements for the enclosed all-weather passageway connecting the general acute care hospital and the expanded cardiac catheterization laboratory space. The Department proposes this regulation text to provide for patient safety and to enable patients to be transported through the passageway as easily and as quickly as possible.

Adopt subsection (b)(2) to require the general acute care hospital to create policies and procedures for the expanded cardiac catheterization laboratory space that are consistent with existing hospital protocols as well as industry standards for adequate quality of patient care.

Adopt subsection (b)(2)(A) as cardiac catheterization inpatients are generally at greater health risks than outpatients.

Adopt subsection (b)(3) to limit procedures performed on inpatients in the expanded cardiac catheterization laboratory space to only those instances when the general acute care hospital’s cardiac catheterization laboratory space schedule has reached its maximum capacity. If, however, that schedule has reached capacity, the proposed regulation text would permit the inpatient to undergo a cardiac catheterization procedure in the expanded cardiac catheterization laboratory space. The proposed regulation would potentially reduce transportation times for the higher risk inpatients, should the inpatient experience an emergent event.

Adopt subsection (b)(4) which prohibits cardiac catheterization procedures to be performed on children in the expanded cardiac catheterization laboratory space, in accordance with Health and Safety Code Sections 1255.5 (d) and (e). This proposed regulation subsection is included to expressly state that for the purposes of pediatric cardiac catheterization laboratory services, the expanded cardiac catheterization laboratory space shall not be considered a part of the general acute care hospital, where such procedures are authorized.

Adopt subsection (c) which restates the Law’s requirement that no more than 25% of the general acute care hospital’s inpatients in need of cardiac catheterization laboratory services may have such procedures performed in the expanded cardiac catheterization laboratory space, but also provides that the hospital must

maintain records demonstrating compliance with this requirement. Such a condition is consistent with existing practices where hospitals maintain records to demonstrate compliance with regulatory requirements and this subsection merely codifies this expressly for the expanded cardiac catheterization laboratory space.

Adopt subsection (d) because the Law requires that the same standards and regulations prescribed by the Department for cardiac catheterization laboratories located inside general acute care hospitals apply to the expanded cardiac catheterization laboratory space. The sections provided for within the proposed regulations make up the existing regulatory framework with which the cardiac catheterization laboratories must comply.

TECHNICAL, THEORETICAL, AND EMPIRICAL
STUDY, REPORT, OR SIMILAR
DOCUMENTATION

Cedars–Sinai Health Systems. “AHSP Simulation Code Blue Team and RRT Responses Plus Travel Times with Gurneys/Elevator Transitions.” 2012. Microsoft Word file.

American Heart Association. “AHA Statistical Update: Heart Disease and Stroke Statistics — 2013.” 2013.

FORMS INCORPORATED BY REFERENCE

N/A

MANDATED BY FEDERAL LAW
OR REGULATIONS

N/A

OTHER STATUTORY REQUIREMENTS

N/A

MANDATE ON LOCAL AGENCIES OR
SCHOOL DISTRICTS

The Department has 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 Government Code.

FISCAL IMPACT ESTIMATE

- A. Fiscal Effect on Local Government: None.
- B. Fiscal Effect on State Government: None.

- C. Fiscal Effect on Federal Funding of State Programs: None.
- D. Fiscal Effect on Private Persons or Business Directly Affected: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- E. Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None.
- F. Fiscal Effect on Small Businesses: These proposed regulations will not affect small businesses because General Acute Care Hospitals are not small businesses.

RECORDKEEPING REQUIREMENT

The proposed regulations contain a reporting requirement that was determined to be necessary for the health, safety, or welfare of the people of California. The proposed regulations provide that the general acute care hospital's inpatients in need of cardiac catheterization laboratory service may have certain procedures performed in the expanded cardiac catheterization laboratory space. The general acute care hospital shall maintain records that provide the number of cardiac catheterization procedures performed in the expanded cardiac catheterization laboratory space, and the patient's status as an inpatient or outpatient. The reporting requirement expressly for the expanded cardiac catheterization laboratory space is consistent with existing practices where hospitals maintain records to demonstrate compliance with regulatory requirements.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING THE ABILITY TO COMPETE

The Department has determined that the proposed regulatory action would have no significant adverse economic impact on California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states. Thus, there will be no significant adverse economic impact on California businesses.

RESULT OF ECONOMIC IMPACT ANALYSIS

The Department has determined that the regulations would not significantly affect the following:

- (A) The creation or elimination of jobs within the State of California.

- (B) The creation of new businesses or the elimination of existing businesses within the State of California.
- (C) The expansion of businesses currently doing business within the State of California.
- (D) The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment. Please see "Benefits" discussion under the Informative Digest/Policy Statement Overview.

STATEWIDE EFFECT ON HOUSING COSTS

The Department has determined that the regulations will have no impact on housing costs.

ALTERNATIVES CONSIDERED

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

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

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

Materials regarding the action described in this notice (including this public notice, the regulation text, and the initial statement of reasons) are available via the Internet and 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.

In order to request that a copy of this public notice, the regulation text, and the initial statement of reasons or al-

ternate formats for these documents be mailed to you, please call (916) 440-7807 (or the California Relay Service at 711), send an email to regulations@cdph.ca.gov, or write to the Office of Regulations at Office of Regulations, MS 0507, P.O. Box 997377, Sacramento, CA 95899-7377. Upon specific request, these documents will be made available in Braille, large print, and 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.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

Department of Fish and Wildlife —
Public Interest Notice
For Publication June 14, 2013
PROPOSED RESEARCH ON FULLY PROTECTED SPECIES
Ecology and Movements of Bald Eagles

The Department of Fish and Wildlife (Department) received a proposal on June 2, 2013 from Ron Jackman, Garcia and Associates, Redding, CA, requesting authorization to take (capture, mark, release) the bald eagle (*Haliaeetus leucocephalus*) (eagle), Fully Protected bird, for research purposes consistent with the protection and recovery of this species.

The applicant is in the process of obtaining the required Scientific Collecting Permit (SCP) to take protected species of wildlife. Permit conditions require that the holder of an SCP obtain special authorization from the Department for research on Fully Protected species. The proposed activities in Shasta County include capturing adult and juvenile eagles for banding, color-banding, and radio-marking; climbing nests to band, color-band, and radio-mark nestlings; collecting prey remains for food habits analysis; and reconstructing

nest supports on artificial nest structures. Work in the future may also include additional field techniques as approved by the Department. The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) that would authorize the applicant to carry out the proposed activities.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected birds after 30 days' notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, it would issue the authorization on or after July 11, 2013 for an initial and renewable term of three years. Contact: Wildlife Branch, 1812 9th Street, Sacramento, CA 95811, Attn.: Esther Burkett.

AVAILABILITY OF INDEX OF PRECEDENTIAL DECISIONS

DEPARTMENT OF HEALTH CARE SERVICES

ACTION: Notice of Availability of Precedential Decisions and Decision Index
Government Code Section 11425.60(b)

SUBJECT: No Right to a Notice of Action, Fair Hearing, and Aid Paid Pending When Benefits End by Operation of Federal or State Law, DHCS-13-001

PUBLIC NOTICE:

NOTICE IS HEREBY GIVEN that the Department of Health Care Services (DHCS), pursuant to the requirements of section 11425.60 of the Government Code, has designated as precedential specific portions of a fair hearing decision relating to Medi-Cal beneficiaries. This precedential decision affirms that Medi-Cal beneficiaries do not have a right to a Notice of Action, Fair Hearing, and Aid Paid Pending when benefits end by operation of Federal or State law.

NOTICE IS ALSO GIVEN that the Department maintains an index of precedential decisions. The public may access the index and text of the precedential decisions through the DHCS website <http://www.dhcs.ca.gov>. Additionally, the public may request copies of the index and precedential decisions by submitting a Public Records Act request to:

Ms. Jeannie Smalley, Chief
Monitoring and Oversight Section
Long-Term Care Division
Department of Health Care Services
MS 0018
P.O. Box 997413
Sacramento, CA 95899-7413

Title 4
California Code of Regulations
AMEND: 5170, 5190, 5205, 5212, 5230, 5250
Filed 06/03/2013
Effective 06/03/2013
Agency Contact: Leslie J. Campaz (916) 653-8018

**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# 2013-0523-06
CALIFORNIA CONSERVATION CORPS
Conflict of Interest Code

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

Title 2
California Code of Regulations
AMEND: 43000, 43001, 43002, 43003, 43004, 43005, 43006, 43007, 43008, 43009
Filed 06/03/2013
Effective 07/03/2013
Agency Contact: Sheila Middleton (916) 341-3162

File# 2013-0523-03
CALIFORNIA DEBT LIMIT ALLOCATION
COMMITTEE
QRRP Program Changes

This emergency rulemaking by the California Debt Limit Allocation Committee amends sections of Title 4 relating to an allocation system to administer the state unified volume ceiling and updates four forms incorporated by reference. The changes provide tax exempt private activity bond allocation to state and local agencies to promote housing for lower income families and individuals and to preserve and rehabilitate existing government assisted housing.

File# 2013-0419-03
CALIFORNIA GAMBLING CONTROL
COMMISSION
Implementation of the Governor's Reorganization Plan
No. 2 of 2012

The California Gambling Control Commission (Commission) submitted this change without regulatory effect to amend Title 4 of the California Code of Regulations to implement the Governor's Reorganization Plan No. 2 (GRP No. 2) of 2012. GRP No. 2 made numerous changes to the Gambling Control Act (Business and Professions Code section 19800, et seq.) and sections 326.3 and 326.5 of the Penal Code that consolidated the support, investigatory, auditing and compliance functions of the Commission and transferred these duties to the Department of Justice, Bureau of Gambling Control (Bureau). This amendment makes conforming changes throughout Title 4 by changing references in regulatory text and associated forms from the Commission to the Bureau, related to the consolidation and reassignment of responsibilities. Other non-substantive grammatical and editorial changes are also included in this amendment.

Title 4
California Code of Regulations
AMEND: 12101, 12120, 12122, 12126, 12130, 12132, 12140, 12142, 12200, 12200.3, 12200.5, 12200.6, 12200.10B, 12200.14, 12200.20, 12202, 12203, 12203A, 12203.2, 12203.3, 12205.1, 12218, 12218.7, 12218.8, 12218.9, 12220, 12220.3, 12220.5, 12220.6, 12220.14, 12220.20, 12222, 12223, 12225.1, 12233, 12235, 12238, 12239, 12301, 12301.1, 12302, 12303, 12304, 12305, 12309, 12310, 12342, 12345, 12349, 12350, 12351, 12352, 12354, 12357, 12358, 12359, 12370, 12372, 12401, 12402, 12403, 12404, 12464, 12480, 12492, 12496, 12500, 12503, 12505, 12508, 12591
Filed 06/03/2013
Effective 07/01/2013
Agency Contact: James Allen (916) 263-4024

File# 2013-0523-01
DELTA STEWARDSHIP COUNCIL
Conflict-of-Interest Code

This is an amendment to a Conflict of Interest Code that has been approved by the Fair Political Practices Commission and is being submitted for filing with the

Secretary of State and printing in the California Code of Regulations only.

OAL filed this regulation(s) or order(s) of repeal with the Secretary of State, and will publish the regulation(s) or order(s) of repeal in the California Code of Regulations.

Title 23
 California Code of Regulations
 AMEND: 5000
 Filed 06/03/2013
 Effective 07/03/2013
 Agency Contact: Lynn Darby (916) 445-5565

File# 2013-0425-01
 DEPARTMENT OF PUBLIC HEALTH
 TB Screening Testing

This rulemaking action by the Department of Public Health amends title 22 of the California Code of Regulations to replace outdated tuberculosis screening terms with the requirement that screening tests be licensed by the Federal Food and Drug Administration (FDA) and recommended by the Centers for Disease Control (CDC).

Title 22
 California Code of Regulations
 AMEND: 70723, 71523, 71835, 72535, 73525, 74723, 75051, 75335, 76539, 76874, 76919, 78429, 79331, 79781, 79795, 79805
 Filed 05/30/2013
 Effective 05/30/2013
 Agency Contact: Dawn Basciano (916) 440-7367

File# 2013-0430-01
 EDUCATION AUDIT APPEALS PANEL
 Supplement to Audits of K-12 LEAs — FY 2012-13

The Education Audit Appeals Panel (EAAP) submitted this certificate of compliance to permanently adopt its prior emergency rulemaking action (OAL file no. 2013-0205-01E) that updated the audit guide that is used for auditing California K-12 Local Education Agencies (LEAs), pursuant to Education Code section 14502.1. In particular, the rulemaking action removes from the 2012-2013 audit guide the audit steps related to determining whether LEAs conducted public hearings as directed by Education Code section 42605.

Title 5
 California Code of Regulations
 AMEND: 19816, 19816.1, 19839
 Filed 06/05/2013
 Effective 06/05/2013
 Agency Contact:
 Timothy E. Morgan (916) 445-7745

File# 2013-0510-01
 FRANCHISE TAX BOARD
 Child and Dependent Care Expenses Credit

This rulemaking action adds section 17052.6 to Title 18 of the California Code of Regulations to provide specifics as to what are the “adequate records” a taxpayer must retain and potentially produce to claim a state income tax credit for child or dependent care expenses.

Title 18
 California Code of Regulations
 ADOPT: 17052.6
 Filed 05/31/2013
 Effective 07/01/2013
 Agency Contact: Colleen Berwick (916) 845-3306

File# 2013-0422-03
 OCCUPATIONAL SAFETY AND HEALTH
 STANDARDS BOARD
 Hoisting, Use of Cribbing, ASME Reference Correction

This rulemaking by the Occupational Safety and Health Standards Board amends section 4994 of Title 8 relating to hoisting, the use of cribbing, and corrects an incorrect reference. The amendment deletes incorrect and outdated references, distinguishing between “outriggers” and “stabilizers,” and allows the use of cribbing based upon necessity.

Title 8
 California Code of Regulations
 AMEND: 4994
 Filed 05/30/2013
 Effective 07/01/2013
 Agency Contact: Marley Hart (916) 274-5721

File# 2013-0422-02
 STATE WATER RESOURCES CONTROL BOARD
 TMDL for Algae, Nutrients, and Eutrophic Conditions in the Ventura River

This Government Code section 11353 rulemaking by the State Water Resources Control Board (Board) amends the Water Quality Control Plan for the Los Angeles Region as adopted by the Los Angeles Regional Water Resources Control Board (Regional Board) on December 6, 2012, pursuant to Resolution No. R12-011 and approved by the Board on February 19, 2013, pursuant to Resolution No. 2013-0005. These basin plan amendments establish a Total Maximum Daily Load (TMDL) for algae, nutrients, and eutrophic conditions in the Ventura River including the river’s estuary and tributaries. The TMDL established in this action allows for an implementation schedule of six to twelve years depending on the source.

Title 23
 California Code of Regulations
 ADOPT: 3939.45
 Filed 06/04/2013
 Effective 06/04/2013
 Agency Contact: Jenny Newman (213)576-6691

02/14/13 ADOPT: 1896.71, 1896.76, 1896.77,
 1896.78, 1896.81, 1896.82, 1896.83,
 1896.84, 1896.88, 1896.91, 1896.92,
 1896.95, 1896.96, 1896.97 AMEND:
 1896.60, 1896.61, 1896.62, 1896.70,
 1896.72, 1896.73, 1896.74, 1896.75,
 1896.80, 1896.90, 1896.99.100,
 1896.99.120 REPEAL: 1896.63,
 1896.64, 1896.85, 1896.98
 01/31/13 AMEND: 649.28
 01/09/13 ADOPT: 18756

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN January 9, 2013 TO
 June 5, 2013**

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

06/03/13 AMEND: 43000, 43001, 43002, 43003,
 43004, 43005, 43006, 43007, 43008,
 43009
 05/16/13 ADOPT: 59740
 05/15/13 AMEND: 599.500, 599.501, 599.502,
 599.508
 04/16/13 AMEND: 23000
 04/12/13 ADOPT: 51.4, 52.11, 56.5, 58.12, 58.13,
 61 AMEND: 51.2, 51.6, 52.1, 52.4, 52.8,
 53.2, 53.3, 54.1, 55.2, 56.3, 56.4, 57.1,
 58.2, 59.1, 59.3, 60.1, 60.3
 03/29/13 REPEAL: 26100
 03/26/13 ADOPT: 20202, 20203, 20208, 20212,
 20217, 20220.5, 20249.5 AMEND:
 20200, 20201, 20203, 20204, 20205,
 20206, 20207, 20208, 20209, 20210,
 20211, 20212, 20213, 20214, 20215,
 20216, 20220, 20221, 20222, 20223,
 20224, 20225, 20226, 20227, 20230,
 20235, 20236, 20245, 20247, 20249,
 20250, 20251, 20252, 20253, 20254,
 20255, 20256, 20257, 20258, 20259,
 20260, 20261, 20262, 20265, 20266,
 20267 REPEAL: 20237, 20238
 03/25/13 ADOPT: 1859.90.3 AMEND: 1859.2,
 1859.51, 1859.61, 1859.90.2, 1859.90.4,
 1859.104, 1859.164.2, 1859.184.1
 03/20/13 AMEND: 1897
 03/12/13 AMEND: 1859.2, 1859.77.3
 03/11/13 ADOPT: 1859.95.1 AMEND: 1859.2,
 1859.95
 02/21/13 AMEND: 599.506

Title 3

05/23/13 ADOPT: 6558, 6577, 6880, 6884, 6886
 AMEND: 6452, 6452.2, 6452.4
 (renumbered to 6881), 6890 (renumbered
 to 6864)
 05/22/13 AMEND: 3434(b)
 05/20/13 AMEND: 3434(b)
 05/06/13 ADOPT: 1350 AMEND: 1354
 04/16/13 AMEND: 3435(b)
 04/04/13 AMEND: 3435(b)
 04/02/13 AMEND: 3435(b)
 02/28/13 AMEND: 3437(b)
 02/27/13 AMEND: 3435(b)
 02/25/13 ADOPT: 1180.24 AMEND: 1180.1,
 1180.3.2, 1180.20 REPEAL: 1180.24

Title 4

06/03/13 AMEND: 12101, 12120, 12122, 12126,
 12130, 12132, 12140, 12142, 12200,
 12200.3, 12200.5, 12200.6, 12200.10B,
 12200.14, 12200.20, 12202, 12203,
 12203A, 12203.2, 12203.3, 12205.1,
 12218, 12218.7, 12218.8, 12218.9,
 12220, 12220.3, 12220.5, 12220.6,
 12220.14, 12220.20, 12222, 12223,
 12225.1, 12233, 12235, 12238, 12239,
 12301, 12301.1, 12302, 12303, 12304,
 12305, 12309, 12310, 12342, 12345,
 12349, 12350, 12351, 12352, 12354,
 12357, 12358, 12359, 12370, 12372,
 12401, 12402, 12403, 12404, 12464,
 12480, 12492, 12496, 12500, 12503,
 12505, 12508, 12591
 06/03/13 AMEND: 5170, 5190, 5205, 5212, 5230,
 5250
 05/23/13 ADOPT: 12364 AMEND: 12004
 05/22/13 ADOPT: 10050, 10051, 10052, 10053,
 10054, 10055, 10056, 10057, 10058,
 10059, 10060
 05/16/13 AMEND: 10192, 10193, 10194, 10195,
 10196, 10197, 10198
 05/16/13 ADOPT: 5255, 5256 AMEND: 5170,
 5230, 5250, 5560, 5580
 05/03/13 AMEND: 1843.2

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05/02/13	AMEND: 1658	05/07/13	AMEND: 17000 Appendix
04/23/13	AMEND: 8035(e)	05/06/13	AMEND: 1529, 1532, 1532.1, 1532.2, 1535, 5150, 5189, 5190, 5191, 5192, 5194, 5198, 5200, 5201, 5202, 5206, 5207, 5208, 5209, 5210, 5211, 5212, 5213, 5214, 5217, 5218, 5220, 8358, 8359
04/08/13	ADOPT: 8035.5	04/24/13	AMEND: 2940.8
04/02/13	AMEND: 10032, 10033, 10034, 10035	04/15/13	AMEND: 354, 371.2, 373, 376.1, 386
03/21/13	AMEND: 10178, 10179, 10181, 10182, 10185, 10188	03/29/13	AMEND: 9789.31, 9789.34, 9789.35, 9789.39
03/20/13	AMEND: 1462	03/18/13	ADOPT: 32056, 32121, 32998, 93000, 93005, 93010, 93015, 93020, 93025, 93030, 93035, 93040, 93045, 93050, 93055, 93060, 93065, 93070, 93075, 93080 AMEND: 32150, 32155, 32300, 32305, 32310, 32315, 32320, 32350, 32360, 32370, 32375, 32380, 32410 REPEAL: 15800, 15805, 15810, 15815, 15820, 15825, 15830, 15835, 15840, 15845, 15850, 15855, 15860, 15865, 15870, 15875, 15875.1, 17300
03/19/13	AMEND: 10302, 10315, 10322, 10323, 10325, 10326, 10327, 10337	03/18/13	ADOPT: 32091, 61215, 61255, 61275 AMEND: 32132, 32135, 32140, 32147, 32169, 32305, 32320, 32450, 32455, 32615, 32620, 32661, 32798, 61090, 61210, 61220, 61240, 61250, 61260, 61270 REPEAL: 32613, 32810, 32811, 32812, 32813
03/12/13	AMEND: 5000, 5052	03/18/13	AMEND: 344, 344.1
02/11/13	AMEND: 10325	03/14/13	AMEND: 3381
02/11/13	AMEND: 8072	03/13/13	AMEND: 9789.23, 9789.24, 9789.25
02/07/13	ADOPT: 7100, 7101, 7102, 7103, 7104, 7105, 7106, 7107, 7108, 7109, 7110, 7111, 7112	02/28/13	AMEND: 4309
02/04/13	AMEND: 8070, 8071, 8072, 8078, 8078.2	01/28/13	ADOPT: 4993.1 AMEND: 1610.3, 1616.3, 4885, 4999, 5001
01/28/13	ADOPT: 10050, 10051, 10052, 10053, 10054, 10055, 10056, 10057, 10058, 10059, 10060	01/24/13	AMEND: 3210, 3900
01/24/13	ADOPT: 5255, 5256 AMEND: 5170, 5230, 5250, 5560, 5580		
Title 5		Title 9	
06/05/13	AMEND: 19816, 19816.1, 19839	05/09/13	AMEND: 7156, 7158.8, 7159, 7160, 7160.5, 7161.5, 7162, 7163, 7211, 7263, 7302, 7310, 7312, 7320, 7321, 7322, 7330, 7332
05/23/13	ADOPT: 30000.5, 30010, 30040, 30040.2, 30040.6, 30041, 30041.5, 30042, 30042.5, 30044.5 AMEND: 30000, 30001, 30002, 30005, 30009, 30020, 30021, 30022, 30030, 30032, 30033	03/13/13	AMEND: 7071.2, 7017.5, 7021, 7051, 7053
05/14/13	ADOPT: 30737, 30738 AMEND: 30730, 30731, 30733, 30734, 30736	03/05/13	AMEND: 7141.5, 7143, 7227, 7350, 7351, 7353.6, 7354, 7355, 7356, 7357, 7358
05/01/13	AMEND: 80054	01/17/13	AMEND: 7141.5, 7143, 7227, 7350, 7351, 7353.6, 7354, 7355, 7356, 7357, 7358
04/03/13	ADOPT: 41906.6		
03/13/13	AMEND: 20135, 20136, 20140 REPEAL: 20145, 20300, 20301, 20302, 20303, 20304, 20305, 20306, 20307, 20308, 20309, 20310, 20311, 20312, 20313, 20314, 20315, 20316, 20317, 20318, 20319, 20320, 20321, 20322, 20323, 20324, 20325, 20326, 20327, 20328, 20329, 20330, 20331, 20332		
02/12/13	AMEND: 19816, 19816.1, 19839		
02/11/13	AMEND: 40405.1, 40405.4, 40500, 40501, 40505, 40506, 40507, 40508		
02/07/13	ADOPT: 40203		
02/07/13	ADOPT: 42740		
02/06/13	ADOPT: 9517.3		
01/17/13	ADOPT: 80053.1 AMEND: 80024.6, 80053		
01/14/13	ADOPT: 80048.3.2 AMEND: 80048.3.1		
Title 8			
05/30/13	AMEND: 4994		
05/08/13	AMEND: 5004(d)(2)		
			Title 10
		05/20/13	AMEND: 2698.95(a)
		05/13/13	AMEND: 2632.19
		03/29/13	REPEAL: 2690.65
		03/29/13	REPEAL: 2690.5

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03/29/13 REPEAL: 2690.6
 03/29/13 REPEAL: 2690.4
 03/29/13 ADOPT: 6426
 03/29/13 ADOPT: 6446
 03/13/13 AMEND: 2318.6, 2353.1, 2354
 03/11/13 ADOPT: 2562.1, 2562.2, 2562.3, 2562.4
 03/11/13 AMEND: 2318.6, 2353.1, 2354
 03/04/13 AMEND: 2690, 2690.1, 2690.2
 01/17/13 ADOPT: 6410, 6420, 6422, 6424, 6440, 6442, 6444
 01/11/13 AMEND: 2498.4.9, 2498.5, 2498.6

Title 11

03/27/13 AMEND: 80.3

Title 13

05/07/13 ADOPT: 426.00
 04/18/13 AMEND: 1956.8
 03/07/13 AMEND: 125.12, 125.16, 126.00, 126.02, 127.00, 127.08
 02/07/13 AMEND: 2193
 01/28/13 ADOPT: 426.00
 01/24/13 AMEND: 425.01

Title 14

04/29/13 AMEND: 27.80
 04/25/13 ADOPT: 709, 709.1
 04/12/13 AMEND: 1.74, 701
 03/27/13 ADOPT: 132.1, 132.2, 132.3, 132.4, 132.5
 03/25/13 AMEND: 27.80
 03/25/13 ADOPT: 1667.1, 1667.2, 1667.3, 1667.4, 1667.5, 1667.6
 03/06/13 ADOPT: 1299.01, 1299.02, 1299.03, 1299.03(a), 1299.03(b)(1) and most of the document incorporated therein by reference, 1299.03(b)(2)(B), 1299.03(b)(2)(C), 1299.03(c), 1299.04, 1299.05 REPEAL: 1299
 03/06/13 ADOPT: 1665.1, 1665.2, 1665.3, 1665.4, 1665.5, 1665.6, 1665.7, 1665.8
 03/05/13 AMEND: 265, 365, 366, 478, 708.12, 708.16
 02/27/13 AMEND: 670.7(e) & (f)
 02/25/13 AMEND: 670.5
 02/14/13 ADOPT: 15183.3, Appendix M, Appendix N
 02/14/13 AMEND: 27.25, 27.30, 27.35, 27.45, 27.50, 27.65, 28.26, 28.27, 28.28, 28.29, 28.49, 28.54, 28.55, 28.56, 28.58
 01/31/13 AMEND: 1270, 1270.02, 1270.03, 1270.04, 1270.05, 1270.06, 1270.07, 1270.08, 1270.09

Title 15

05/16/13 AMEND: 3173.2, 3174

03/11/13 AMEND: 3000, 3002, 3021, 3041, 3041.2, 3045.3, 3075.1, 3075.2, 3082, 3103, 3144, 3172.2, 3177, 3230, 3270, 3275, 3278, 3288, 3324, 3338, 3367, 3368, 3369, 3371.1, 3376, 3379, 3380, 3401.5, 3404, 3415 and CDC 345 (Rev. 5/95)

03/04/13 REPEAL: 3999.10

02/25/13 ADOPT: 3375.6 AMEND: 3000, 3375

02/25/13 ADOPT: 3078, 3078.1, 3078.2, 3078.3, 3078.4, 3078.5, 3078.6 AMEND: 3000, 3043, 3075.2, 3097, 3195, 3320, 3323

02/21/13 AMEND: 3000, 3190, 3213, 3334

02/12/13 ADOPT: 8004, 8004.1, 8004.2, 8004.3, 8004.4 AMEND: 8000

01/17/13 AMEND: 3000, 3076.1, 3076.3, 3375, 3375.1, 3375.2, 3375.3, 3375.4, 3375.5, 3377.2, 3521.2

01/15/13 AMEND: 3999.14

Title 16

05/20/13 AMEND: 4402

05/17/13 ADOPT: 3340.4 AMEND: 3340.1, 3340.43

05/08/13 AMEND: 1380.1

05/02/13 ADOPT: 3340.17.1, 3340.17.2, AMEND: 3340.1, 3340.16, 3340.16.4, 3340.16.5, 3340.17, 3340.18, 3340.42, 3340.42.2, 3340.45, 3394.5

04/22/13 AMEND: 2268.2, 2271

04/16/13 ADOPT: 1364.50

04/16/13 AMEND: 1132

04/15/13 ADOPT: 1508, 1508.1, 1508.2, 1508.3

04/10/13 ADOPT: 1149, 1150, 1151, 1152, 1153

04/08/13 AMEND: 2614

04/08/13 AMEND: 40, 43, 45

04/02/13 AMEND: 1888

03/25/13 ADOPT: 1823, 1888.1 AMEND: 1803, 1845, 1858, 1881

03/14/13 ADOPT: 1399.110, 1399.130, 1399.130.1, 1399.156.5 AMEND: 1399.131, 1399.150.3, 1399.151, 1399.155, 1399.156

03/13/13 AMEND: 1746

02/27/13 AMEND: 3340.29

02/27/13 AMEND: 1575

02/13/13 ADOPT: 4187 AMEND: 4184

02/07/13 AMEND: 1495.2

02/06/13 AMEND: 1735.1, 1735.2, 1735.3, 1751.2

01/22/13 AMEND: 1399.15

01/15/13 ADOPT: 1399.99.1, 1399.99.2, 1399.99.3, 1399.99.4

01/14/13 AMEND: 1566.1

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01/10/13	AMEND: 1399.536	64655, 64656, 64660, 64662, 64663,
01/09/13	AMEND: 1811, 1870, 1887.3	64664, 64666 REPEAL: 64657,
Title 17		64657.10, 64657.20, 64657.30,
05/06/13	ADOPT: 54521, 54522, 54523, 54524,	64657.40, 64657.50
	54525, 54526, 54527, 54528, 54529,	05/15/13 ADOPT: 66274.1, 66274.2, 66274.3,
	54530, 54531, 54532, 54533, 54534,	66274.4, 66274.5, 66274.7, 66274.8
	54535 AMEND: 54500, 54505, 54520	03/25/13 AMEND: 97232
	REPEAL: 54521, 54522, 54523, 54524,	03/14/13 AMEND: 50273(c)
	54525	03/12/13 AMEND: 70055, 70217, 70263, 70275,
04/25/13	AMEND: 94508, 94509	70405, 70483, 70485, 70579, 70619,
04/02/13	ADOPT: 54311 AMEND: 54302, 54310,	70706.1, 70707.8, 70747, 71053, 71215,
	54314, 54320, 54326, 54332, 54370	71245, 71547, 72003, 72013, 72035,
03/21/13	AMEND: 100303, 100403, 100603	72037, 72057, 72059, 72075, 72083,
03/11/13	ADOPT: 58884, 58886, 58887, 58888	72085, 72087, 72089, 72097, 72105,
	AMEND: 50604, 54355, 58543	72107, 72329, 72329.1, 72351, 72361,
02/25/13	AMEND: 94010, 94011, 94016, 94150,	72465, 72467, 73009, 73023, 73031,
	94168	73057, 73059, 73073, 73075, 73081,
02/11/13	ADOPT: 6300.1, 6300.3, 6300.5, 6300.7,	73083, 73085, 73087, 73103, 73109,
	6300.9, 6300.11, 6300.13, 6300.15,	73319, 73411, 73483, 74011, 74013,
	6300.17, 6300.19, 6300.21, 6300.23,	74023, 74405, 74615, 74617, 74623,
	6301.1, 6301.3, 6301.5, 6301.7, 6301.9,	74631, 74633, 74635, 74641, 74643,
	6303.1, 6303.3	74645, 74647, 74653, 74657, 75002,
02/07/13	ADOPT: 54521, 54522, 54523, 54524,	75006, 75011, 75012, 75015, 75016,
	54525, 54526, 54527, 54528, 54529,	75018, 75020, 75054, 75081, 75301,
	54530, 54531, 54532, 54533, 54534,	75305, 75307, 75341, 76003, 76013,
	54535 AMEND: 54500, 54505, 54520	76043, 76049, 76051, 76089, 76109,
	REPEAL: 54521, 54522, 54523, 54524,	76111, 76117, 76119, 76121, 76123,
	54525	76130, 76131, 76141, 76149, 76151,
01/22/13	AMEND: 60201, 60210	76800, 76808, 76809, 76825, 76832,
Title 18		76894, 76896, 76916, 78033, 78037,
05/31/13	ADOPT: 17052.6	78057, 78067, 78071, 78077, 78081,
05/28/13	AMEND: 1685.5	78083, 78089, 78091, 78097, 78103,
03/11/13	AMEND: 1620	78347, 79001, 79023, 79070, 79073,
01/14/13	AMEND: 101, 171, 252, 1045	79215, 79311, 79347, 79501, 79519,
Title 19		79523, 79539, 79541, 79543, 79551,
03/26/13	REPEAL: 2300, 2301, 2302, 2303, 2304,	79559, 79563, 79565, 79573, 79803
	2305, 2324, 2325, 2325.1, 2326, 2327,	02/19/13 ADOPT: 70438.2
	2328, 2329, 2330, 2331, 2350, 2351,	02/11/13 ADOPT: 100144 AMEND: 100135,
	2352	100136, 100137, 100139, 100140,
Title 20		100141, 100142, 100143, 100144,
04/18/13	ADOPT: 1680, 1681, 1682, 1683, 1684	100145, 100146, 100147, 100148,
Title 21		100149, 100150, 100151, 100152,
02/07/13	AMEND: 1301, 1310, 1312	100153, 100154, 100155, 100156,
Title 22		100157, 100158, 100159, 100160,
05/30/13	AMEND: 70723, 71523, 71835, 72535,	100161, 100162, 100163, 100164,
	73525, 74723, 75051, 75335, 76539,	100165, 100166, 100167, 100168,
	76874, 76919, 78429, 79331, 79781,	100169, 100170, 100171, 100172,
	79795, 79805	100173, 100174, 100175
05/22/13	ADOPT: 64651.12, 64651.13, 64651.15,	01/25/13 AMEND: 100058, 100060, 100063,
	64651.48, 64651.52, 64651.54,	100066, 100074, 100075, 100078,
	64651.61, 64651.62, 64654.8, 64656.5,	100079, 100080, 100081
	64664.2, 64665.5 AMEND: 63011,	01/09/13 AMEND: 70110, 70215, 70841, 71110,
	63012, 63020, 63021, 63052, 64650,	71645, 72203, 72641, 73208, 73639,
	64651.88, 64652, 64652.5, 64653,	74108, 74669, 76211, 76525, 76555,

76651, 76846, 76915, 78437 REPEAL:
70111, 70114, 71111, 73209, 74109

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06/04/13 ADOPT: 3939.45
06/03/13 AMEND: 5000
04/25/13 AMEND: 2920
03/28/13 AMEND: 3930
02/21/13 ADOPT: 3929.9
01/28/13 ADOPT: 3677, 3677.1, 3677.2, 3677.3,
3677.4, 3677.5, 3677.6, 3680.1, 3680.2,
3681, 3682, 3682.1, 3682.2, 3682.3,
3682.4, 3682.5, 3682.6, 3683, 3683.1,
3683.2, 3683.3, 3683.4, 3684, 3685,
3686, 3687, 3689, 3700, 3701, 3701.1,
3701.2, 3702, 3702.1, 3702.2, 3702.3,
3702.4, 3702.5, 3702.6, 3702.7, 3703,
3709, 3712, 3712.1, 3712.2, 3715, 3716,
3719.6, 3719.8, 3719.10, 3719.11,
3719.14, 3719.15 AMEND: 3670,
3670.1, 3671, 3675, 3676, 3680, 3710,
3711, Renumber 3712 as
3711.1, Renumber 3713 as 3711.2,
Renumber 3714 as 3713, Renumber 3715
as 3714, 3717, 3718, 3719, Renumber
3719.10 as 3719.1, Renumber 3719.11 as
3719.2, Renumber 3719.12 as 3719.3,
Renumber 3719.13 as 3719.4, Renumber
3719.14 as 3719.5, Renumber 3719.15 as
3719.7, Renumber 3719.16 as 3719.9,
Renumber 3719.17 as 3719.12,

Renumber 3719.18 as 3719.13,
Renumber 3719.19 as 3719.16 REPEAL:
3670.2, 3683, 3684, 3685, 3686, 3700,
3701, 3702, 3702.1, 3702.2, 3702.3,
3702.4, 3702.5, 3703, 3704, 3707, 3708,
3709, 3716

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03/27/13 ADOPT: 6932 REPEAL: 6932
02/19/13 ADOPT: 1142, 1336.4, 2142, 4041.5
AMEND: 1002, 1018, 1020.9, 1034,
1038, 1048, 1102, 1180, 1317, 1320,
1333, 1335.5, 1336.2, 1422, 1438, 1462,
1606, 1750, 2002, 2018, 2020.9, 2034,
2038, 2048, 2102, 2112, 2317, 2327,
2328, 2422, 2438, 2496, 2750, 4011,
4040, 4050

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04/10/13 AMEND: 25805
03/04/13 AMEND: 27000
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04/08/13 ADOPT: 1300.74.73

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01/16/13 AMEND: 40-107, 42-301, 42-302,
42-431, 42-712, 42-713, 42-721,
44-133, 44-307, 44-316, 82-833
01/14/13 AMEND: 40-105.4(g)(1), 44-111.23,
44-113.2, 44-113.54(QR),
44-315.39(QR), 89-201.513