



# 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**

*Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.*

**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:** **East Bay Municipal Utility District**  
**East Bay Regional Park District**

A written comment period has been established commencing on **June 25, 2004** and closing on **August 9, 2004**. Written comments should be directed to the Fair Political Practices Commission, Attention Cynthia A. Jones, 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 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 or 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 or 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 **August 9, 2004**. 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 Cynthia A. Jones, 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 Cynthia A. Jones, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

**TITLE 3. DEPARTMENT OF  
FOOD AND AGRICULTURE**

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture amended Section 3423(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Oriental Fruit Fly Interior Quarantine as an emergency action. The Department proposes to continue the regulation as amended and submit a certificate of compliance no later than September 24, 2004.

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. 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 may certify that there was compliance with provisions of Section 11346.1 of the Government Code within 120 days of the emergency regulation.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before August 9, 2004.

**INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW**

Existing law obligates the Department of Food and Agriculture to protect the agricultural industry of California and prevent the spread of injurious pests (Food and Agricultural Code Sections 401 and 403). Existing law provides the Secretary may establish, maintain, and enforce quarantine regulations, as he deems necessary, to circumscribe and exterminate or prevent the spread of pests (Food and Agricultural Code, Sections 5301, 5302 and 5322).

Existing regulations established a portion of San Bernardino (Ontario area) and Los Angeles (Pomona area) counties as the quarantine area for Oriental fruit fly. This amendment removed the quarantine area for Oriental fruit fly of approximately 137 square miles in the Ontario area of San Bernardino County and Pomona area of Los Angeles County. The effect of the amendment is to remove authority for the State to regulate movement of hosts and possible carriers of Oriental fruit fly within and from these areas, because it is no longer necessary to protect California's agricultural industry since the fly has been eradicated from these areas. The proposed action does not differ from any existing, comparable federal regulation or statute.

**COST TO LOCAL AGENCIES AND  
SCHOOL DISTRICTS**

The Department of Food and Agriculture has determined that Section 3423 does not impose a mandate on local agencies or school districts, except that an agricultural commissioner of a county under quarantine has a duty to enforce Section 3423. No reimbursement is required for Section 3423 under Section 17561 of the Government Code because this amendment removes the portions of Los Angeles and San Bernardino counties that were in the area under quarantine from the regulation; therefore, enforcement is no longer necessary. There are no mandated costs associated with the removal of these areas (Ontario and Pomona) from the regulation.

The Department also has determined that no savings or increased costs to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from the proposed action.

**EFFECT ON HOUSING COSTS**

The Department has made an initial determination that the proposed action will not affect housing costs.

**EFFECT ON BUSINESSES**

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

**COST IMPACT ON REPRESENTATIVE  
PRIVATE PERSON OR BUSINESS**

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

**ASSESSMENT**

The Department has made an assessment that the proposed amendments to the regulations would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

**ALTERNATIVES CONSIDERED**

The Department of Food and Agriculture 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 or would be as effective and less burdensome to affected private persons than the proposed action.

#### AUTHORITY

The Department proposes to amend Section 3423(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.

#### EFFECT ON SMALL BUSINESS

The amendment of this regulation may affect small businesses.

#### CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed action, location of the rulemaking file, request for a public hearing, and final statement of reasons may be directed is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: [sbrown@cdfa.ca.gov](mailto:sbrown@cdfa.ca.gov). In his absence, you may contact Kris Peeples at (916) 654-1017. Questions regarding the substance of the proposed regulations should be directed to Stephen S. Brown.

#### INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website ([www.cdfa.ca.gov/cdfa/pendingregs](http://www.cdfa.ca.gov/cdfa/pendingregs)).

#### 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 action, 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 repealed 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 repeal. 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

#### NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture (Department), pursuant to rulemaking authority granted by Sections 407 and 61341, Food and Agricultural Code (FAC), in order to implement, interpret, and make specific Sections 61381 through 61391 of the FAC, proposes to adopt, amend or repeal sections in Articles 1 through 7 in Title 3, Chapter 3, California Code of Regulations relating to unlawful practices in marketing milk and dairy products.

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

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department, addressed to Eric Erba, Department of Food and Agriculture, Dairy Marketing Branch, 1220 N Street, Sacramento, CA, 95814, no later than 5:00 p.m. Monday, August 9, 2004. Written comments may also be sent to Eric Erba via electronic mail at [eerba@cdfa.ca.gov](mailto:eerba@cdfa.ca.gov) or via FAX (916) 341-6697.

#### CONTACT PERSONS

Inquiries concerning this action may be directed to Eric Erba or Mary Riley at (916) 341-5988.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

**Authority and Reference:** FAC Sections 407 and 61341 authorize the Department to adopt and amend the regulations as proposed. The regulations would implement, interpret, or make specific Sections 61381-61391 of the FAC.

The enactment of SB 1381, Statutes of 2000, repealed a number of statutory restrictions regarding the marketing of milk and dairy products. However,

the Legislature retained other longstanding restrictions to discourage predatory marketing practices, such as selling milk and other dairy products below cost.

SB 1381 also requires the Department to establish, through regulation, procedures for determining compliance with this law. These regulations propose adoption of cost accounting procedures to be used to determine compliance with sales below cost statutes, propose the repeal of various sections which reference statutes which have been repealed, and propose amendments to the remaining sections to update them.

Sections 1804, 1806, 1808, 1809, 1831, 1930, 1931, 1932, and 1950 will be amended for consistency with current industry marketing practices and for clarity.

These sections reference FAC Sections 61391, which prohibits solicitation, collusion, or joint participation; 61441-61443, regarding record keeping; 61306 regarding definitions; and 61382-61384, regarding sales below cost and meeting competition.

Sections 1811, 1812, and 1850 will be adopted to establish procedures and methods for evaluating and determining costs of various components and marketing activities for manufacturers, distributors, handlers, and wholesale customers.

These sections reference FAC Sections 61382-61384, which prohibit price discrimination and sales below cost, and which require accounting and other procedures to be established by the Department for enforcement purposes; and Sections 61441-61443 regarding record keeping requirements.

Sections 1810, 1851, 1851.1, 1870.1, 1870.2, 1871, 1872, 1873, 1951, and Article 7 will be repealed, as they are either outdated or lack statutory authority due to changes made by SB 1381.

#### 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 accord with Government Code Section 17500-17630: None
- Other non-discretionary cost or savings imposed on local agencies: None.
- 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

- 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.
- Adoption of these regulations will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.
- Significant effect on housing costs: None.

#### SMALL BUSINESS DETERMINATION

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

#### CONSIDERATION OF ALTERNATIVES

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

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

#### CONTACT PERSON

Inquiries concerning the substance of the proposed action may be directed to:

Eric Erba or Mary Riley  
Dairy Marketing Branch  
Department of Food and Agriculture  
1220 N Street  
Sacramento, CA 95814  
Telephone: (916) 341-5988

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to:

Mary Riley  
Dairy Marketing Branch  
Department of Food and Agriculture  
1220 N Street  
Sacramento, CA 95814  
Telephone (916) 341-5988

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department will make available the entire rulemaking file for inspection and copying throughout the rulemaking process at its office at 560 J Street, Suite 150, Sacramento, CA 95814. The text of

proposed regulations, notice, and initial statement of reasons are also available on the Internet, at [www.cdfa.ca.gov/dairy](http://www.cdfa.ca.gov/dairy). The final statement of reasons will be posted at the same location when it has been prepared. 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. Copies may be obtained by contacting Mary Riley at the address or phone number listed above.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the original 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 Mary Riley at the address 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 Mary Riley at the above address.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, Initial Statement of Reasons, and the text of the proposed regulations in underline and strikeout can be accessed through the Department's website at [www.cdfa.ca.gov/dairy](http://www.cdfa.ca.gov/dairy).

### **TITLE 5. COMMISSION ON TEACHER CREDENTIALING**

#### **Proposed Additions to California Code of Regulations, Title 5 Sections 80089.3 and 80089.4, Pertaining to Introductory and Specific Subject Matter Authorizations**

#### NOTICE OF PROPOSED RULEMAKING

The California Commission on Teacher Credentialing proposes to amend regulatory action described 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 12, 2004

11:00 am

California Commission on Teacher Credentialing  
1900 Capitol Avenue

Sacramento, California 95814

Oral comments on the proposed action will be taken at a public hearing. We would appreciate 14 days advance notice in order to schedule sufficient time on the agenda for all speakers. Please contact Terri H. Fesperman at 916-323-5777 regarding this. Any person wishing to submit written comments at the public hearing may do so. It is requested, but not required, that persons submitting such comments provide fifty copies to be distributed to the commissioners and interested members of the public. All written statements submitted at the hearing will, however, be given full consideration regardless of the number of copies submitted.

#### 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 on the proposed action. The written comment period closes at 5:00 p.m. on August 10, 2004. 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 California Commission on Teacher Credentialing, attn. Terri H. Fesperman, 1900 Capitol Avenue, Sacramento, California 95814-4213; or submit an email at [tfesperman@ctc.ca.gov](mailto:tfesperman@ctc.ca.gov).

Any written comments received 14 days prior to the public hearing will be reproduced by the Commission's staff for each Commissioner 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 promulgate rules and regulations, which will implement, interpret or make specific Sections 44256 and 44349 of the Education Code and govern the procedures of the Commission.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

##### Summary of Existing Laws and Regulations

Education Code Section 44225 provides that the Commission may promulgate rules and regulations. Existing laws and regulations allows the Commission to issue two types of supplementary authorizations, introductory and specific, that may be added to

multiple subject and single subject teaching credentials. Specific Supplementary Authorizations require the entire 10 or 20 unit requirement be in the specific subject requested. The Introductory Supplementary Authorizations require at least one course in specified areas within the 10 or 20 unit requirement. A second option to obtaining a supplementary authorization is for the individual to hold a bachelor's or higher degree in the area being requested as a supplementary authorization.

Since supplementary authorizations do not require an individual to hold a degree in the subject area of the supplementary authorization, teachers qualifying for the supplementary authorization in subject areas that fall under the federal No Child Left Behind (NCLB) Act core academic subject areas are not NCLB compliant unless the holder qualified by holding a degree in the subject area.

**Section 80089.3**

**80089.3(a)** Staff is proposing the Commission allow individuals that hold multiple and single subject credentials to add an introductory subject matter authorization.

**80089.3(a)(1)** Staff is proposing one of the options to meet the requirements for an introductory subject matter authorization is by completion of a degree from a regionally accredited university in a subject directly related to the subject area requested.

**80089.3(a)(2)** Staff is proposing one of the options to meet the requirements for an introductory subject matter authorization is by completion of 32 semester units with course work in specific content areas.

**80089.3(b)** Staff is proposing a list of introductory subject matter authorization subject areas in the NCLB core academic subject areas that may be added to multiple or single subject credentials.

**80089.3(c)** Staff is proposing that the Commission allow individuals with the introductory subject matter authorization to teach only the subject matter content typically included for that subject in curriculum guidelines and textbooks for study in grades 9 and below to students in preschool, kindergarten, grades 1–12, or in classes organized primarily for adults.

**Section 80089.4**

**80089.4(a)** Staff is proposing the Commission allow individuals that hold multiple and single subject credentials to add a specific subject matter authorization.

**80089.4(a)(1)** Staff is proposing one of the options to meet the requirements for a specific subject matter authorization is by completion of a degree from a regionally accredited university in a subject directly related to the subject area requested.

**80089.4(a)(2)** Staff is proposing one of the options to meet the requirements for a specific subject matter authorization is by completion of 32 semester units with course work in subject area requested.

**80089.4(b)** Staff is proposing a list of specific subject matter authorization subject areas in the NCLB core academic subject areas that may be added to multiple or single subject credentials.

**80089.4(c)** Staff is proposing that the Commission allow individuals with the specific subject matter authorization to teach courses in the specific subject in departmentalized classes in grades preschool and K–12 or in classes organized primarily for adults.

**Documents Incorporated by Reference:** None

**Documents Relied Upon in Preparing Regulations:** None

**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 persons 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.

*Assessment regarding the creation or elimination of jobs in California [Govt. Code § 11346.3(b)]:* The Commission has made an assessment that the proposed amendments to the regulation would not (1) create nor eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

*Effect on small businesses:* The Commission has determined that the proposed amendment to the regulations does not affect small businesses. The regulations are not mandatory but an option that affects school districts and county offices of education.

#### CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or small businesses than the proposed action. Interested individuals may present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

#### CONTACT PERSON/FURTHER INFORMATION

General or substantive inquiries concerning the proposed action may be directed to Terri H. Fesperman by telephone at (916) 323-5777 or Terri H. Fesperman, California Commission on Teacher Credentialing, 1900 Capitol Ave, Sacramento, CA 95814. General question inquiries may also be directed to Debra Moss 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 web site at [www.ctc.ca.gov](http://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 of Register, the rulemaking file consists of this notice, the proposed text of regulations, and the initial statement of reasons.

#### MODIFICATION OF PROPOSED ACTION

If the Commission proposes to modify the actions hereby proposed, the modifications (other than non-substantial 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. When it is available, it will be placed on the Commission's web site at [www.ctc.ca.gov](http://www.ctc.ca.gov) or you may obtain a copy by contacting Terri H. Fesperman at (916) 323-5777.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons and the text of the regulations in

underline and strikeout can be accessed through the Commission's web site at [www.ctc.ca.gov](http://www.ctc.ca.gov).

## TITLE 14. BOARD OF FORESTRY AND FIRE PROTECTION

### NOTICE OF PROPOSED RULEMAKING

#### AB 47 Mapping Requirements, 2004

The Board of Forestry and Fire Protection (Board) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

#### PROPOSED REGULATORY ACTION

The Board proposes to amend the following sections of Title 14 of the California Code of Regulations (14 CCR):

#### Amend:

**§ 898 reference: Board of Forestry Technical Rule Addendum No. 2, Cumulative Impacts Assessment, Past and Future Activities, C.**

#### PUBLIC HEARING

The Board will hold a public hearing starting at 9:00 A.M., on Wednesday, September 1, 2004, at the Resources Building Auditorium, 1<sup>st</sup> Floor, and 1416 Ninth Street, Sacramento, California. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the *Informative Digest*. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. Additionally, pursuant to Government Code 11125.1, any information presented to the Board during the open hearing in connection with a matter subject to discussion or consideration becomes part of the public record. Such information shall be retained by the Board and shall be made available upon request.

#### WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period ends at 5:00 P.M., on Monday, August 9, 2004. The Board will consider only written comments received at the Board office by that time (in addition to those written comments received at the public hearing). The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection  
Attn: Christopher Zimny  
Regulations Coordinator  
P.O. Box 944246  
Sacramento, CA 94244-2460

Written comments can also be hand delivered to the contact person listed in this notice at the following address:

Board of Forestry and Fire Protection  
Room 1506-14  
1416 9<sup>th</sup> Street  
Sacramento, CA

Written comments may also be sent to the Board via facsimile at the following phone number:

(916) 653-0989

Written comments may also be delivered via e-mail at the following address:

board.public.comments@fire.ca.gov

#### AUTHORITY AND REFERENCE

Public Resources Code (PRC) 4551 and 4554.5 authorizes the Board to adopt such rules and regulations as it determines are reasonably necessary to enable it to implement, interpret or make specific sections 4512, 4513 and 4561 of the Public Resources Code. Reference: Public Resources Code sections 4513, 4551.5, 4561 and 21080.5.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The proposed changes to the Forest Practice Rules (FPRs) are related to amending the Board of Forestry Technical Rule Addendum No. 2, Cumulative Impacts Assessment, Past and Future Activities. The technical rule addendum is referenced in section 14 CCR § 898 of the FPRs. The amendment includes adding a subsection C. to the Past and Future Activities, to include a map(s) and associated legend(s) depicting location and boundaries of past, present, and reasonably foreseeable future timber harvesting projects on land owned or controlled by the timberland owner within the planning watershed of the proposed project.

While the current Technical Rule Addendum #2 requires description of geographic assessment area and the past and future projects, along with identifiable significant environmental impacts, it does not require a map of the projects or known problem. Creation of a such a map, which professionals and the public can use to evaluate potential watershed impacts, was determined by legislature to be an important component for watershed assessments and is required as part of a Timber Harvest Plan (THP) beginning January 1, 2005. The proposed amendment is statutorily

required by enactment of California Assembly Bill (AB) 47 which adds Section 4551.9 to the Public Resource Code.

#### SPECIFIC PURPOSE OF THE REGULATION

The Forest Practice Rules require a full spectrum of information, including description of past projects. In accordance with AB 47, the proposed subsections of the regulation provide creation of a new/additional map of past, present, and reasonably foreseeable future timber harvesting projects on land owned or controlled by the timberland owner within the planning watershed of the proposed project. The proposed regulation subsections strive to encourage informative, non-redundant presentations by plan submitters and be a useful resource for agencies reviewing plans and the interested public.

Subsection C. 1. specifies that a legal description (Township and Range information) be provided as part of the base map. This is needed to provide geographic orientation to the location of the mapped activities.

Subsection C. 2. requires the map to show the boundary of the planning watershed(s) within which the plan area is located along with the CALWATER 2.2 identification number, the listing of which is required in accordance with 14 CCR section 1034 (g). Planning watershed boundaries are a standardized common reference area from which other watershed based information is evaluated.

Subsection C. 3. requires mapping the boundaries of past, present, and reasonably foreseeable probable future timber harvesting projects on land owned or controlled by the timberland owner. This is the primary objective of the proposed regulation, and is required by the enabling legislation.

Subsection C. 4. requires labeling of the silvicultural methods for each of the timber harvesting projects depicted in section C. 3. required by enabling legislation. Such labeling is necessary to identify the relative impact of harvesting for the various activities mapped.

Subsection C. 5. and 6. require north arrow, map scale, and disclosure of information sources. These are standard informational components to provide clarity of interpretation and source information if additional follow-up analysis is needed.

The remaining purpose of the rule is related to establishment of mapping standards for map clarity, utility and cost effectiveness. Requirements include: the map scale shall be large enough to clearly represent one planning watershed per page and not exceed a scale of 1:48,000; multiple maps to achieve clarity when necessary; and map(s) shall be reproducible on black & white copiers, and submitted on an 8 ½ x 11 page(s). These standards will ensure clear map presentation for analysis and convenient paper

size conducive to routine THP processing and reduce cost to preparers and the Department.

An option was provided for Board consideration to evaluate another mapping scale (Option 1: 63,360). This option was included as it is a commonly used map scale (1" = 1 mile), compared to the 1:48,000 scale and provide better efficiency for map production. However, mapping at 1:63,360 may not provide map clarity for very small project areas.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has determined the proposed action will have the following effects:

- Mandate on local agencies and school districts: None
- Costs or savings to any State agency: None
- Cost to any local agency or school district which must be reimbursed in accordance with the applicable Government Code (GC) sections commencing with GC 17500: None
- Other non-discretionary cost or savings imposed upon local agencies: None
- Cost or savings in federal funding to the State: None
- The Board has made an initial determination that there will be a no statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- Cost impacts on representative private persons or businesses: The Board has made an initial determination that there will be minor adverse financial impacts on a representative private persons or businesses in reasonable compliance with the proposed action.
- Significant effect on housing costs: None
- Adoption of these regulations will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.
- Effect on small business: None. The Board has determined that the proposed amendments will not affect small business. This determination is based on the projected minor additional cost related to the proposed mapping requirements for a small business. Cost will be minor because small businesses submit few Timber Harvests Plans each year, and have smaller land bases that require mapping.
- The proposed rules do not conflict with, or duplicate Federal regulations.

#### BUSINESS REPORTING REQUIREMENT

The regulation does not require a report, which shall apply to businesses.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code 11346.5(a)(13), the Board must determine that no reasonable alternative it considers 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 action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### CONTACT PERSON

Requests for copies of the proposed text of the regulations, the *Initial Statement of Reasons*, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Board of Forestry and Fire Protection  
 Attn: Christopher Zimny  
 Regulations Coordinator  
 P.O. Box 944246  
 Sacramento, CA 94244-2460  
 Telephone: (916) 653-9418

The designated backup person in the event Mr. Zimny is not available is Doug Wickizer, California Department of Forestry and Fire Protection, at the above address and phone.

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board has prepared an *Initial Statement of Reasons* providing an explanation of the purpose, background, and justification for the proposed regulations. The statement is available from the contact person on request.

When the *Final Statement of Reasons* has been prepared, the statement will be available from the contact person on request.

A copy of the express terms of the proposed action using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion, is also available from the contact person named in this notice.

The Board will have the entire rulemaking file, including all information considered as a basis for this proposed regulation, available for public inspection and copying throughout the rulemaking process at its office at the above address. All of the above referenced information is also available on the CDF web site at:

[http://www.fire.ca.gov/BOF/board/board\\_proposed\\_rule\\_packages.html](http://www.fire.ca.gov/BOF/board/board_proposed_rule_packages.html)

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text,

it will make the modified text—with the changes clearly indicated—available to the public for at least 15 days before the Board adopts the regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who:

- a) testified at the hearings,
- b) submitted comments during the public comment period, including written and oral comments received at the public hearing, or
- c) requested notification of the availability of such changes from the Board of Forestry and Fire Protection.

Requests for copies of the modified text of the regulations may be directed to the contact person listed in this notice. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

## **TITLE 14. RESOURCES AGENCY**

DEPARTMENT OF CONSERVATION  
DIVISION OF OIL, GAS, AND  
GEOTHERMAL RESOURCES

### **NOTICE OF PROPOSED RULEMAKING**

Notice is hereby given that the Department of Conservation (Department), Division of Oil, Gas, and Geothermal Resources (Division), pursuant to the authority in sections 3013 and 21082 of the Public Resources Code (PRC), proposes to amend and delete existing regulations in Title 14 of the California Code of Regulations (CCR) after considering all comments, objections, or recommendations regarding the proposed action.

### **PROPOSED REGULATORY ACTION**

The Division proposes to amend sections 1682, 1682.1, 1683, 1683.1, 1683.2, and 1683.6 and repeal sections 1681.2, 1681.3, 1682.2 and 1683.3 in Title 14 of the CCR. These sections pertain to environmental review of geothermal project applications.

### **PUBLIC HEARING**

The Division will conduct a public hearing to consider the adoption of amendments to and the repeal of the above regulations. The public hearing will be held at:

Place: The Division of Oil, Gas, and  
Geothermal Resources  
801 K Street, 20th Floor  
Division Conference Room  
Sacramento, California

Date: **August 9, 2004**

Time: **8:00 a.m. until 4:00 p.m.**

The Conference Room is wheelchair accessible.

Any interested person may present statements or arguments, orally or in writing, relevant to the proposed regulatory action. Persons making oral comments are encouraged but not required to 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 Division.

**The written comment period closes at  
5:00 p.m. on August 9, 2004.**

All comments must be received by that time at the Division office listed below. Comments received after 5:00 p.m. on August 9 may be reviewed, but the Division is not required to prepare a response.

Submit comments to:

Marilu Habel  
Department of Conservation  
Division of Oil, Gas, and Geothermal Resources  
MS 20-20  
801 K Street, 20th Floor  
Sacramento, CA 95814

### **AUTHORITY AND REFERENCE**

Sections 3013, 3106 and 3714 of the PRC provide that the State Oil and Gas Supervisor (Supervisor) shall have all the powers that may be necessary, including the authority to adopt regulations, to supervise the drilling, operation, maintenance, and abandonment of oil, gas and geothermal wells. This supervision includes the permitting, surveillance, and utilization of methods and practices to prevent damage to life, health, property, and natural resources. As lead agency for geothermal exploratory projects, the Division is responsible for preparing environmental documents and for reviewing and approving projects that may have a significant effect on the environment. These proposed regulations implement, interpret and make specific Sections 3715.5, and 21000–21176 of the PRC.

### **INFORMATIVE DIGEST**

The proposed changes to the existing regulations correct, bring up to date, or clarify regulatory procedures related to the Division's environmental review of geothermal exploratory projects. Section 3013 of the PRC authorizes the Department Director and the Supervisor to adopt rules and regulations that may be necessary to carry out their statutory responsibilities. Section 21082 of the PRC authorizes the Division to adopt regulations to implement its responsibilities under the California Environmental Quality Act (CEQA). Section 3106 of the PRC

requires the Supervisor to supervise the drilling, operation, maintenance, and abandonment of oil, gas, and geothermal wells and facilities in the state, to prevent damage to life, health, property, and natural resources. Section 3715.5 of the PRC provides that the Division shall be the lead agency for geothermal exploratory projects as defined in section 21065.5 of the PRC.

Geothermal operators are required to obtain written approval of proposed operations prior to the drilling of an exploratory geothermal well. Approval is issued in the form of a permit that details requirements for the construction, testing, and other special operating conditions of the well and the well pad and for safety measures to be implemented. For geothermal wells, the construction of the well site must comply with other site specifications. Environmentally protective measures, subject to public review, are determined and imposed as conditions to permit approval.

Existing regulations, found in Articles 1, 2 and 3 of Title 14, Division 2 of the CCR, address procedures required for the preparation of environmental documents prior to exploration for geothermal resources. These procedures include application requirements, environmental review procedures, and the responsibilities of the Division under CEQA.

As a lead agency for exploratory geothermal projects, the Division has certain specific responsibilities concerning environmental review and preparation of environmental documents. Current regulations provide procedures that operators and the Division must follow prior to project approval. These procedures are necessary and required by statute to ensure that safe and environmentally protective measures are implemented prior to and during geothermal resource development. Current regulations identify these procedures. Proposed changes are necessary to make the regulations more clear, to remove duplication, and bring existing regulations up-to-date with CEQA statutes, such as the change requiring the Division to consult with, rather than convene a meeting with, other agencies to discuss the proposed project. The advent of the Internet and e-mail have improved the way information is shared between the Division and other state and local agencies and other interested parties.

Section 1683.2 applies only to geothermal exploratory projects where the Division is the lead agency. Its language, however, does not convey this limitation. The amended regulation would clarify that geothermal exploratory projects are discretionary where the Division is the lead agency. Other permitting activities of the Division, where the Division is not the lead agency, do not always involve discretionary actions.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: *None*

Cost or savings to any state agency: *None*

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

Other nondiscretionary cost or savings imposed upon local agencies: *None*

Cost or savings in federal finding to the state: *None*

Cost impact on private persons or directly affected businesses: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. *None*

Effect on small business: *None. The proposed regulations do not impose additional requirements on geothermal operators than those already existing.*

Significant effect on housing costs: *None*

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

The adoption of the proposed regulations and proposed amendments to the regulations will neither create nor eliminate jobs in the State of California, nor result in the elimination of existing businesses or create or expand businesses in the State of California.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Division 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 and less burdensome to affected private persons than the proposed action.

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

CONTACT PERSON

Inquiries concerning the substance of the proposed action may be directed to:

Marilu Habel  
 Division of Oil, Gas, and Geothermal Resources  
 MS 20-20  
 801 K Street, 20<sup>th</sup> Floor  
 Sacramento, CA 95814-3530  
 Telephone (916) 445-9686  
 FAX (916) 323-0424  
 Additional contact: Linda Campion (916) 324-1268

REQUESTS FOR DOCUMENTS AND  
ADDITIONAL INFORMATION

Requests for copies of the proposed text of the regulations, the initial statement of reasons, and questions concerning the proposed adoption of these regulations should be directed to:

Marilu Habel  
Department of Conservation  
Division of Oil, Gas, and Geothermal Resources  
MS 20-20  
801 K Street, 20<sup>th</sup> Floor  
Sacramento, CA 95814-3530  
Phone: (916) 445-9686  
FAX: (916) 323-0424  
Additional Contact: Linda Campion (916) 324-1268

AVAILABILITY OF STATEMENT OF REASONS  
AND TEXT OF PROPOSED REGULATIONS

The Division will have the entire rulemaking file available for inspection and copying throughout the rulemaking process on its website

([www.conservation.ca.gov](http://www.conservation.ca.gov))

and at its office, at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting the Division at the address or phone number listed above.

AVAILABILITY OF CHANGED  
OR MODIFIED TEXT

Following the public review period and the hearing, the Division may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the original proposed text, the modified text will be made available to the public for at least 15 days prior to the date on which the Division adopts the regulations. Requests for the modified regulations, if any, can be made by contacting the Division at the address and phone number listed above. The Division will accept written comments on the modified text for 15 days after the date on which they are made available.

FINAL STATEMENT OF REASONS

Following the public review period, the Division will have the Final Statement of Reasons available for the public on its website ([www.conservation.ca.gov](http://www.conservation.ca.gov)) and at its office, at the above address. Copies may be obtained by contacting the Division at the address or phone number listed above.

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF  
HEALTH SERVICES**

NOTICE OF GENERAL PUBLIC INTEREST

THE DEPARTMENT OF HEALTH SERVICES TO  
ADOPT 2004 HEALTHCARE COMMON  
PROCEDURE CODING STRUCTURE (HCPCS)  
BILLING CODES FOR MEDI-CAL AND  
ELIMINATE INTERIM CODES FOR  
DURABLE MEDICAL EQUIPMENT  
AND RELATED ACCESSORIES

This notice is being given to provide information of public interest with respect to the billing codes accepted by the Medi-Cal program, in compliance with the 2004 Healthcare Common Procedure Coding System (HCPCS) Update and the Transactions and Code Sets Rule of the federal Health Insurance Portability and Accountability Act (HIPAA) of 1996. These proposed changes will be effective for dates of service on or after November 1, 2004.

- It is the intent of the Department of Health Services (DHS) to adopt the 2004 HCPCS Level II codes and modifiers for Durable Medical Equipment (DME) and related accessories.
- It is the intent of DHS to require that all claims for DME and related accessories be billed with HCPCS Level II codes and modifiers, as mandated by HIPAA. Reimbursement for DME and related accessories will be made in compliance with W&I Code, section 14105.48. All Medi-Cal interim (local) codes for DME and accessories will be terminated.

These proposed changes will impact the following provider categories:

Durable medical equipment dealers, hospital outpatient departments and clinics, long-term care facilities, other outpatient clinics, orthotists and prosthetists, pharmacies/pharmacists, physicians, and providers of services under the California Children's Services/ Genetically Handicapped Persons Program.

PUBLIC REVIEW

The changes discussed above are available for public review at local county welfare offices throughout the State. Copies of this notice may be requested in writing to Kathleen Menda, Chief, Professional Provider Unit, Department of Health Services, 1501 Capitol Avenue, MS 4600, P.O. Box 942732, Sacramento, CA 94234-7320. Billing codes and

proposed reimbursement rates for Durable Medical Equipment may be viewed on the Medi-Cal website at: [www.medi-cal.ca.gov](http://www.medi-cal.ca.gov).

Written comments must be submitted within 45 days from the publication date of these changes in the California Administrative Notice Register as follows:

- E-mail: Medi-Cal Comment Forum at [www.medi-cal.ca.gov](http://www.medi-cal.ca.gov). Submission instructions are provided on the website.
- Mail: P.O. Box 526029, Sacramento, CA 95826-6029
- FAX: (916) 638-8976

All comments should include the author's name, organization or affiliation, phone number and Provider ID number, if appropriate.

The Department will hold public meetings on these proposed changes on Monday, August 9, 2004, in the Auditorium at 1500 Capitol Avenue, Sacramento, California. Durable Medical Equipment providers may present oral and/or written comments from 8:00 a.m.–12:00 p.m.; the general public may present oral and/or written comments from 1:00–5:00 p.m.

**RULEMAKING PETITION  
DECISIONS**

**DEPARTMENT OF CORRECTIONS**

NOTICE OF DECISION ON PETITION TO  
AMEND REGULATIONS

**Title 15, Crime Prevention and Corrections  
Division 3**

PETITIONER

Paul Hebbe.

AUTHORITY

Under authority established in Penal Code (PC) Section 5058, the Director may prescribe and amend regulations for the administration of prisons. PC Section 5054 vests with the Director the supervision, management, and control of the prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein.

CONTACT PERSON

Please direct any inquiries regarding this action to Rick Grenz, Chief, Regulation and Policy Management Branch, Department of Corrections, P.O. Box 942883, Sacramento, CA 94283-0001, or telephone (916) 322-9702.

AVAILABILITY OF PETITION

The petition to amend regulations is available upon request directed to the Department's contact person.

SUMMARY OF PETITION

Petitioner requests the Department of Corrections to amend regulations in the California Code of Regulations (CCR), Title 15, Division 3, Sections 3391(b), and 3084.7 requesting the time period be extended to one year for prisoners to file Citizens Complaints.

DEPARTMENT DECISION

The Director of Corrections denies the petition to amend regulations in Title 15, Division 3, Sections 3391(b), and 3084.7 of the CCR.

The Petitioner requests that the Department amend regulations relative to citizen's complaints authorizing inmates to extend the filing period from 15 days to one year. The Petitioner argues the current regulations are not consistent with filing times of non-prisoners who have 12 months to file a citizens complaint and alleges it "does not make sense."

Section 3084.6(c) Appeal Time Limits, indicates all appellants (inmates) must submit the appeal within 15 working days of the event. Also, Section 3084.7, Exceptions to the Regular Appeal Process, provides for exceptions to the 15 days filing period from the date of the event consistent with departmental guidelines and legislative intent. Section 3391(d), Employee Conduct, provides the authority for inmates to make a complaint against a departmental peace officer within 12 months for any alleged improper peace officer conduct and the required form to be signed by the complainant. The Department's regulations confined within this Section provide clearly established procedures and time frames necessary for inmates to file a complaint against a Department employee consistent with Penal Code Section (PC) 832.5.

The Department contends the aforementioned existing regulations adequately address inmates right to file citizens complaints against departmental employees. Currently inmate appeal forms required by the Department and Board of Prison Terms are readily available to all inmates. It is the position of the Department that current regulations presents inmates viable access to the Department's appeal process including their right to appeal, appeal preparation, time limits, etc.

Pursuant to CCR, Section 3084.1, any inmate may pursue a remedy through the Inmate Appeal process, which they can demonstrate as having an adverse effect upon their welfare.

**DEPARTMENT OF CORRECTIONS**

NOTICE OF DECISION ON PETITION TO  
AMEND REGULATIONS

**California Code of Regulations  
Title 15, Crime Prevention and Corrections  
Division 3**

PETITIONER

Paul Thomas

AUTHORITY

Under authority established in Penal Code (PC) Section 5058, the Director may prescribe and amend regulations for the administration of prisons. PC Section 5054 vests with the Director, the supervision, management, and control of the prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein.

CONTACT PERSON

Please direct any inquiries regarding this action to Rick Grenz, Chief, Regulation and Policy Management Branch, Department of Corrections, P.O. Box 942883, Sacramento, CA 94283-0001, or telephone (916) 322-9702.

AVAILABILITY OF PETITION

The petition to amend regulations is available upon request directed to the Department's contact person.

SUMMARY OF PETITION

Petitioner requests the Department of Corrections to amend regulations in the California Code of Regulations (CCR), Title 15, Division 3, and Sections 3210(a)(1)(2)(3), and 3062(e).

DEPARTMENT DECISION

The Director of Corrections denies the petition to amend regulations in Title 15, Division 3, and Sections 3210(a)(1)(2)(3), and 3062(e) of the CCR.

The Petitioner requests that the Department amend regulations to allow inmates belonging to a "Recognized Religious Faith" shall be permitted to wear their hair at any length beyond the collar but, above the waist." The Petitioner recommends inmates must continue to wear their hair in a neatly groomed style that facilitates hygiene, safety, and security. The petitioner further recommends changes to the CCR relative to inmate photos and exclusion of grooming standards applied to inmates housed in Administrative Segregation and/or Segregated Housing Unit placement.

Section 3210, Establishment of Religious Programs, established the responsibility of Institution heads to make every effort to provide for the religious and

spiritual welfare of all interested inmates. It further recommends reasonable time shall be allowed for religious services in keeping with the safety and security of the institution. The Department's regulations confined within this Section do not apply to inmate's grooming standards. Section 3062, and subsequent subsections, establishes inmate's grooming standards inclusive of length, style, grooming, shaving, and female inmate's hair regulations.

The Department contends the aforementioned existing regulations are necessary to protect the safety and security of the institutions and the public. Grooming standards provide the Department the ability to fulfill their penological objectives by preventing inmates from cutting hair in a particular style, which demonstrates their association with a particular gang or disruptive group. Grooming standards provide correctional staff the ability to visually inspect inmate's hair for contraband, a common location for weapons, drugs, etc. Requiring inmate's hair not to exceed three inches minimizes contact with inmates on a daily basis, reduces physical contact between inmates and staff, thereby reducing potential for assaults on staff. It is the Department's responsibility to protect the safety of the public, and grooming standards provides the means to quickly identify inmates during emergency situations such as escapes, melees/riots, security checks, and inmate counts.

Pursuant to CCR, Section 3084.1, any inmate may pursue a remedy through the Inmate Appeal process, which they can demonstrate as having an adverse effect upon their welfare.

**DIVISION OF  
WORKERS' COMPENSATION**

June 14, 2004

David A. Nevins  
California Ambulance Association  
8421 Auburn Boulevard Suite 256  
Citrus Heights, CA 95610

RE: Decision on Petition for Repeal of Ambulance  
Fee Schedule, Title 8, CCR § 9789.70

Dear Mr. Nevins,

The Division of Workers' Compensation has received your petition dated April 14, 2004 requesting repeal of Title 8, California Code of Regulations Section 9789.70. Your petition states that the Division has incorporated by reference a fee schedule that does not exist. We have evaluated your contention and determined that the Center for Medicare and Medicaid Services ("CMS") does indeed have the ambulance fee schedule posted on its website. This fee schedule is set forth in the "CY 2004 Ambulance Fee Schedule

Public Use File” and “CY 2004 Ambulance Reasonable Charge File”. Therefore, the Division is denying your request for repeal of this regulation.

Although repeal of the regulation is not warranted, you have correctly pointed out that the web address set forth in the regulation is not a direct link to the current Ambulance Fee Schedule. We will therefore be asking the Office of Administrative Law to make corrections to the text of the regulation. The address provided in the current text leads to the CMS’ “Payment Systems and Coding Files” page that contains links for many fee schedules. Unfortunately, the link for the Ambulance Fee Schedule does not lead directly to the ambulance fee schedule, but links to the “Fee Schedule Negotiated Rulemaking” page. This appears to be an erroneous link on the CMS web page. We are therefore asking the Office of Administrative Law to make a technical non-substantive change to the regulation to set forth the correct web site and make conforming changes to the text of the regulation, including correcting the typographical error that says “2006” rather than “2004” fee schedule. The correct website is:

<http://www.cms.hhs.gov/suppliers/ambulance/>

We have considered your contention that the regulation should be repealed because of passage of the Medicare Prescription Drug Improvement and Modernization Act of 2003. As you have indicated, the changes to the Ambulance Schedule by virtue of the Act are not scheduled to go into effect until July 1, 2004. Once the Medicare changes go into effect, the Administrative Director will examine them in light of Labor Code Section 5307.1, subdivision (g)(1)(A) which states in relevant part that “the official medical fee schedule shall be adjusted to conform to any relevant changes in the Medicare and Medi-Cal payment systems no later than 60 days after the effective date of those changes. . .” The Administrative Director would then update the rules as determined to be appropriate. (See Title 8, CCR Section 9789.110—Update of Rules to Reflect Changes in the Medicare Payment System.)

Your letter states that providers already “are receiving severely reduced compensation for these [911] calls from insurance carriers citing the Regulation. Continued underpayments for these transports will place a serious financial strain on EMS systems throughout California and may result in a reduction in the level of service that is available to all citizens of the state.” Your letter does not state how the adoption of the Medicare-based regulation has created underpayments” and does not provide justification for repeal of the ambulance fee schedule. Please note that the legislature has mandated that fee schedules be adopted for all medical services provided to workers’ compensation patients, and that these schedules (aside

from physician and pharmacy services) be based on the fee-related structure and rules of Medicare. Labor Code Sections 5307.1, 4600.

Pursuant to Government Code Section 11340.7, you or any other interested person may request reconsideration of any part or all of the Division’s decision on this petition, no later than 60 days after the date of this letter. Interested persons may obtain a copy of the petition from:

Minerva Krohn, Esq.  
Division of Workers’ Compensation  
P.O. Box 420603  
San Francisco, CA 94142

We do appreciate your comments on the Ambulance Fee Schedule that will assist us in making technical corrections to the text of the regulation. The contact person for the Ambulance Fee Schedule is Industrial Relations Counsel Minerva Krohn. You may reach her at (415) 703-4600 if you have any questions.

Sincerely,

Richard P. Gannon  
Acting Administrative Director

cc: Victoria Bradshaw, Acting Secretary, California Labor and Workforce Development Agency  
John Rea, Acting Director, Department of Industrial Relations  
Andrea Lynn Hoch, Administrative Director, Division of Workers’ Compensation

**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.

CALIFORNIA LABOR AND WORKFORCE DEVELOPMENT AGENCY  
Conflict of Interest Code

The California Labor and Workforce Development Agency is adopting its conflict of interest code found at Title 2, Div. 8, Ch. 99, Sec. 58800, The adoption of this conflict of interest code was approved for filing by the Fair Political Practices Commission on April 16, 2004.

Title 2  
California Code of Regulations  
ADOPT: Div. 8, Ch. 99, Sec. 58800  
Filed 06/15/04  
Effective 07/15/04  
Agency Contact: Bob Dresser (916) 327-9064

**DEPARTMENT OF FOOD AND AGRICULTURE**  
Oak Mortality Disease Control

This action is the Certificate of Compliance filing making permanent the December 2003 emergency revisions to the Oak Mortality Disease Control regulation. The prior emergency regulation was OAL file number 03-1229-03E.

Title 3  
California Code of Regulations  
AMEND: 3700(c)  
Filed 06/09/04  
Effective 06/09/04  
Agency Contact: Stephen Brown (916) 654-1017

**DEPARTMENT OF MANAGED HEALTH CARE**  
Geographic Accessibility Standards

The regulatory action deals with geographic accessibility standards. (Department of Managed Health Care File 2002-0017.)

Title 28  
California Code of Regulations  
AMEND: 1300.67.2.1  
Filed 06/10/04  
Effective 07/10/04  
Agency Contact:  
Elaine Paniewski (916) 324-9024

**DEPARTMENT OF SOCIAL SERVICES**  
Residential Care Facilities for the Elderly, Health Related Conditions

This is the certification of compliance for an action that amends the lists of prohibited and restricted health conditions allowable in a residential care facility for the elderly, loosening some restrictions and requirements for obtaining DHS approval before accepting or retaining a resident with specified health conditions.

Title  
California Code of Regulations  
ADOPT: 87701.2 AMEND: 87101, 87218, 87561, 87575.1, 87577, 87578, 87691, 87701, 87701.1, 87701.2, 87701.3, 87702, 87702.1, 87703, 87705, 87707, 87708, 87709, 87710, 87711, 87713  
Filed 06/10/04  
Effective 06/10/04  
Agency Contact:  
Maureen Miyamura (916) 653-1925

**DIVISION OF WORKERS COMPENSATION**  
Official Medical Fee Schedule

Senate Bill 228 (Chapter 639, Statutes of 2003) concerning Workers' Compensation provides that the maximum reasonable fees for medical services commencing January 1, 2004, other than physician services, are 120 percent of the estimated aggregate fees prescribed in the relevant Medicare payment system or 100 percent of the fees prescribed in the relevant Medi-Cal payment system. Subdivision (k) of new section 5307.1 of the Labor Code provides that for the Calendar Years 2004 and 2005 the maximum reimbursable fees set forth in the Official Medical Fee Schedule for physician services shall be reduced by 5%. This filing is a certificate of compliance for an emergency regulatory action which implemented changes necessitated by SB 228 going into effect on January 1, 2004.

Title 8  
California Code of Regulations  
ADOPT: 9789.10, 9789.11, 9789.20, 9789.21, 9789.22, 9789.23, 9789.24, 9789.30, 9789.31, 9789.32, 9789.33, 9789.34, 9789.35, 9789.36, 9789.37, 9789.38, 9789.40, 9789.50, 9789.60, 9789.70, 9789.80, 9789.90, 9789.100, 9789.110, 9789.111  
Filed 06/15/04  
Effective 07/01/04  
Agency Contact:  
Destie Overpeck (415) 703-4659

**FAIR POLITICAL PRACTICES COMMISSION**  
Public Generally

The Fair Political Practices Commission is amending section 18707.1, title 2, California Code of Regulations entitled "Public Generally. General Rule."

Title 2  
California Code of Regulations  
AMEND: 18707.1  
Filed 06/15/04  
Effective 06/15/04  
Agency Contact:  
Natalie Bocanegra (916) 322-5660

**FISH AND GAME COMMISSION**  
Dog Training and Field Trials

In this regulatory action, the Fish and Game Commission amends a regulation pertaining to dog training and field trials and the release and take of birds.

Title 14  
California Code of Regulations  
AMEND: 677

Filed 06/15/04  
 Effective 07/15/04  
 Agency Contact: Tracy L. Reed (916) 653-4899

**OFFICE OF ENVIRONMENTAL HEALTH  
 HAZARD ASSESSMENT  
 Specific Regulatory Levels Posing No Significant  
 Risk**

This action adopts Proposition 65 “No Significant Risk Levels” for eight chemicals in the class of chemicals termed polycyclic aromatic hydrocarbons.

Title 22  
 California Code of Regulations  
 AMEND: 12705  
 Filed 06/10/04  
 Effective 07/10/04  
 Agency Contact: Susan Luong (916) 327-3015

**PHYSICAL THERAPY BOARD OF CALIFORNIA  
 Electronmyography Reports**

This action amends provisions governing electromyography reports by adding a requirement that such reports include a statement that the findings in the report do not represent diagnostic interpretations or medical diagnoses. This action is the resubmittal of previously withdrawn OAL file number 03-1104-04S.

Title 16  
 California Code of Regulations  
 ADOPT: 1399.70  
 Filed 06/15/04  
 Effective 07/15/04  
 Agency Contact: Rebecca Marco (916) 263-2550

**STATE WATER RESOURCES CONTROL BOARD  
 Control of Diazinon and Orchard Pesticides in Sacto  
 and Feather Rivers**

This basin plan amendment establishes site-specific, numeric water quality objectives for diazinon in the Sacramento and Feather Rivers. It also establishes a diazinon Total Maximum Daily Load and associated allocations, establishes a program of implementation designed to meet the diazinon water quality objectives, and establishes a surveillance and monitoring program to evaluate compliance with the revised diazinon objectives and to determine whether alternatives are causing water quality problems.

Title 23  
 California Code of Regulations  
 ADOPT: 3947  
 Filed 06/09/04  
 Effective 06/09/04  
 Agency Contact: Greg Frantz (916) 341-5553

**CCR CHANGES FILED WITH THE  
 SECRETARY OF STATE  
 WITHIN FEBRUARY 11, 2004  
 TO JUNE 16, 2004**

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

**Title 1**

03/29/04 ADOPT: 1395, 1398 AMEND: 1314, 1321, 1322, 1323, 1324, 1332, 1334, 1354, 1390, 1392

**Title 2**

06/15/04 ADOPT: Div. 8, Ch. 99, Sec. 58800  
 06/15/04 AMEND: 18707.1  
 06/03/04 AMEND: 2270, 2271  
 06/01/04 ADOPT: 20107  
 06/01/04 ADOPT: 1859.163.1, 1859.163.2, 1859.164.2, 1859.167.1 AMEND: 1859.2, 1859.145, 1859.145.1, 1859.160, 1859.161, 1859.162, 1859.163, 1859.164, 1859.164.1, 1859.165, 1859.166, 1859.167, 1859.168, 1859.171  
 05/25/04 ADOPT: 59152  
 05/21/04 ADOPT: 1859.123.1 AMEND: 1859.2, 1859.73.1, 1859.81, 1859.83, 1859.90, 1859.120, 1859.121, 1859.122, 1859.122.1, 1859.122.2, 1859.123, 1859.124, 1859.124.1, 1859.125, 1859.125.1, 1859.126, 1859.127, 1859.129, 1859.130  
 05/17/04 AMEND: 50  
 05/17/04 ADOPT: 250  
 05/17/04 AMEND: 48000  
 05/17/04 AMEND: 18616  
 05/17/04 AMEND: 50  
 05/13/04 ADOPT: 18531.61 AMEND: 18531.6  
 05/11/04 ADOPT: 22100 (renumbered to 22100 and 22100.1), 22110 (renumbered to 22100.2), 22120 (renumbered to 22100.3), and 22130 (renumbered to 22100.4)  
 04/26/04 ADOPT: 585  
 04/22/04 AMEND: 1142  
 04/15/04 AMEND: 599.508  
 04/13/04 ADOPT: 599.511 AMEND: 599.500  
 03/23/04 ADOPT: 1859.160, 1859.161, 1859.162, 1859.162.1, 1859.163, 1859.164, 1859.164.1, 1859.165, 1859.166,

1859.166.1, 1859.167, 1859.168,  
1859.169, 1859.170, 1859.171 AMEND:  
1859.2, 1859.51, 1859.103, 1859.106,  
1859.145.1  
03/23/04 ADOPT: 649.23, 649.24, 649.25, 649.26,  
649.27, 649.28  
03/23/04 AMEND: 1859.2, 1859.20, 1859.21,  
1859.74.2, 1859.74.3, 1859.74.4,  
1859.75, 1859.75.1, 1859.78.3, 1859.79,  
1859.81.1, 1859.83, 1859.107, 1859.145  
03/22/04 AMEND: 1859.77.2  
03/22/04 ADOPT: 599.517  
03/11/04 AMEND: 18703.1, 18703.2, 18703.3,  
18703.4, 18703.5  
03/11/04 AMEND: Div. 8, Ch. 53, Section 54200  
03/09/04 ADOPT: 22500, 22501, 22502, 22503,  
22504, 22505, 22506, 22507, 22508,  
22509, 22510, 22511, 22512, 22513,  
22514, 22515, 22516, 22517, 22518,  
22519  
03/02/04 ADOPT: 1859.77.3 AMEND: 1859.2,  
1859.77.2  
03/01/04 AMEND: 1555  
02/26/04  
02/23/04 AMEND: 1181.1  
02/23/04 AMEND: 59150  
02/20/04 ADOPT: 58600  
02/20/04 AMEND: Div. 8, Ch. 4, Sec. 25001

**Title 3**

06/09/04 AMEND: 3700(c)  
05/27/04 AMEND: 3423(b)  
05/27/04 AMEND: 3428(b)  
05/27/04 AMEND: 1180(a)  
05/17/04 ADOPT: 6450, 6450.1, 6450.2, 6450.3,  
6784 AMEND: 6000 REPEAL: 6450,  
6450.1, 6450.2, 6450.3, 9784  
05/13/04 AMEND: 3700(b)  
05/03/04 AMEND: 3700(c)  
04/27/04 ADOPT: 6487.1, 6487.2, 6487.3, 6487.4,  
6487.5, 6609 AMEND: 6000, 6416, 6800,  
6486.6 REPEAL: 6486.1, 6486.2, 6486.3,  
6486.4, 6486.5, 6486.8, 6557, 6570, 6802  
04/26/04 AMEND: 3601(g)  
04/26/04 AMEND: 6130  
04/23/04 ADOPT: 797.5 AMEND: 820.8 RE-  
PEAL: 820.7  
04/20/04 AMEND: 2676, 2681, 2735, 2783  
04/20/04 AMEND: 3700(c)  
04/01/04 AMEND: 3700(d)  
03/23/04 AMEND: 6462  
03/23/04 AMEND: 3423(b)  
02/17/04 AMEND: 3430(b)

**Title 4**

06/01/04 ADOPT: 12370, 12371  
04/26/04 ADOPT: 10300, 10302, 10305, 10310,  
10315, 10317, 10320, 10322, 10325,  
10326, 10327, 10328, 10330, 10335,  
10337  
04/22/04 ADOPT: 4145, 4146, 4147, 4148  
AMEND: 4140  
04/13/04 ADOPT: 144  
03/29/04 ADOPT: 10163, 10164 AMEND: 10152,  
10153, 10154, 10155, 10156, 10157,  
10158, 10159, 10160, 10161, 10162  
03/23/04 AMEND: 4001  
03/05/04 ADOPT: 12204, 12205, 12210, 12211,  
12212, 12213, 12214, 12224, 12225,  
12227, 12228, 12229, 12230, 12231,  
12232 AMEND: 12200, 12201, 12202,  
12203, 12206, 12207, 12208, 12209,  
12220, 12221, 12222, 12223, 12226  
02/27/04 ADOPT: 12270, 12271, 12272  
02/20/04 ADOPT: 12300, 12301, 12301.1, 12302,  
12303, 12304, 12305, 12306, 12307,  
12308, 12309, 12310 AMEND: 12300,  
12301, 12302, 12303, 12304, 12305,  
12309 REPEAL: 12303, 12307

**Title 5**

06/08/04 ADOPT: 18074, 18074.1, 18074.2,  
18074.3, 18074.4, 18074.5, 18074.6,  
18075, 18075.1, 18075.2, 18076,  
18076.1, 18076.2, 18076.3, 18220.6  
AMEND: 18413, 18428 REPEAL: 18021  
06/01/04 REPEAL: 80032.2, 80058.2, 80466,  
80523.3  
05/25/04 AMEND: 1859.61, 1859.105, 1859.106,  
1859.141, 1859.142, 1859.145, 1859.147,  
1859.148, 1859.150.1, 1859.151,  
1859.152, 1859.153  
05/24/04 AMEND: 11973, 11974, 11975, 11977,  
11978, 11979  
05/19/04 ADOPT: 1204.5, 1211.5, 1218.6  
AMEND: 1200, 1203, 1204, 1205, 1206,  
1207, 1208, 1209, 1210, 1211, 1215,  
1217 REPEAL: 1212, 1218.5, 1219.5  
05/10/04 ADOPT: 19800, 19801, 19803, 19804,  
19805  
04/22/04 ADOPT: 876  
03/15/04 ADOPT: 19810, 19811, 19812, 12913,  
19814, 19815, 19816, 19817, 19818,  
19819, 19820, 19821, 19822, 19823,  
19824, 19825, 19826, 19827, 19828,  
19829, 19830, 19831  
03/11/04 ADOPT: 19802  
03/08/04 AMEND: 30060  
02/27/04 ADOPT: 6100, 6101, 6102, 6103, 6014,  
6110, 6111, 6112, 6115

**Title 8**

06/15/04 ADOPT: 9789.10, 9789.11, 9789.20, 9789.21, 9789.22, 9789.23, 9789.24, 9789.30, 9789.31, 9789.32, 9789.33, 9789.34, 9789.35, 9789.36, 9789.37, 9789.38, 9789.40, 9789.50, 9789.60, 9789.70, 9789.80, 9789.90, 9789.100, 9789.110, 9789.111

06/08/04 ADOPT: 32017, 32018, 51096, 71010, 71026, 71037, 71030, 71035, 71040, 71050, 71055, 71060, 71070, 71080, 71090, 71095, 71100, 71110, 71115, 71120, 71130, 71140, 71200, 71210, 71225, 71230, 71235, 71300, 71310, 71320, 71330, 71340, 71680, 71685, 71700, 71

05/24/04 AMEND: 1600, 1601

05/20/04 AMEND: 5001(b), 5008(b)

04/29/04 AMEND: 3427

04/23/04 AMEND: 14300.10, 14300.12, 14300.29, Appendix A, Appendix B, Appendix D, Appendix E

04/22/04 ADOPT: 10202.1, 10203.1, 10203.2 AMEND: 10200, 10201, 10203, 10204

04/20/04 AMEND: 8403

04/19/04 AMEND: 20299, 20390

04/13/04 AMEND: 5044, 5046, 5049. and Table S-1, Table S-1a, Table S-11, Table S-12, Table S-13, and Table S-14.

04/01/04 AMEND: 3427

03/22/04 AMEND: 1529(g)

03/18/04 ADOPT: 5148

**Title 9**

05/04/04 REPEAL: 7336, 7337, 7338, 7339, 7341, 7342, 7343, 7344, 7345, 7346, 7347, 7347.1, 7347.2, 7348, 7349

04/29/04 AMEND: 1921, 1922

03/04/04 ADOPT: 7000.2, 7001.2, 7001.5, 7002.5, 7006, 7006.3, 7009.1, 7013.2, 7013.6, 7014, 7014.1, 7017.2, 7017.5, 7017.7, 7018.4, 7019.5, 7021.5, 7024.7, 7028.1, 7028.6, 7028.8, 7029.1, 7029.6, 7029.7, 7029.9, 7035, 7037, 7038, 7098, 7128, 7129, 7130, 7130.5, 7

**Title 10**

05/27/04 REPEAL: 2670.1, 2670.2, 2670.3, 2670.4, 2670.5, 2670.6, 2670.7, 2670.8, 2670.9, 2670.10, 2670.11, 2670.12, 2670.13, 2670.14, 2670.15, 2670.16, 2670.17, 2670.18, 2670.19, 2670.20, 2670.21, 2670.22, 2670.23, 2670.24

05/17/04 AMEND: 260.102.14

05/04/04 AMEND: 2698.30, 2698.31, 2698.32, 2698.33, 2698.34, 2698.35, 2698.36, 2698.37, 2698.38, 2698.39, 2698.40,

2698.41, 2698.42 REPEAL: 2698.40, 2698.41, 2698.42, 2698.43, 2698.44, 2698.45

04/29/04 ADOPT: 2192.1, 2192.2, 2192.3, 2192.4, 2192.5, 2192.6, 2192.7, 2192.8, 2192.9, 2192.10, 2192.11, 2192.12

04/26/04 AMEND: 250.30

04/20/04 ADOPT: 2020, 2021 AMEND: 250.51

04/19/04 AMEND: 2498.6

04/13/04 AMEND: 260.102.14

03/25/04 ADOPT: 2695.40, 2695.41, 2695.42, 2695.43, 2695.44, 2695.45

03/15/04 ADOPT: 2361

03/08/04 ADOPT: 2194, 2194.1, 2194.2, 2194.3, 2194.4, 2194.5, 2194.6, 2194.7, 2194.8

03/01/04 ADOPT: 2698.102, 2698.600, 2698.602, 2698.604 AMEND: 2698.100, 2698.200, 2698.201, 2698.202, 2698.203, 2698.204, 2698.205, 2698.206, 2698.207, 2698.208, 2698.300, 2698.301, 2698.302, 2698.303, 2698.401, 2698.403, 2698.405, 2698.407, 2698.500, 2698.501,

**Title 11**

05/05/04 AMEND: 51.20

04/30/04 ADOPT: 51.20

04/30/04 ADOPT: 51.21

04/26/04 ADOPT: 999.15, 999.16, 999.17, 999.18, 999.19, 999.20, 999.21, 999.22, 999.23 AMEND: 999.10, 999.11, 999.12, 999.13, 999.14 REPEAL: Appendix A

**Title 13**

05/13/04 AMEND: 110.01, 110.02

04/28/04 AMEND: 2415

04/09/04 REPEAL: 55.01, 55.02, 55.03, 55.04, 55.05, 55.06

03/01/04 ADOPT: 159.00

02/25/04 AMEND: 1900, 1960.1(k), 1961(a)(d), 1962

**Title 14**

06/15/04 AMEND: 677

06/01/04 AMEND: 1.18

05/13/04 AMEND: 27.80

05/11/04 ADOPT: 3808.5

05/10/04 AMEND: 851.6

05/10/04 ADOPT: 1665.1, 1665.2, 1665.3, 1665.4, 1665.5

05/10/04 ADOPT: 18660.5, 18660.6, 18660.7, 18660.8, 18660.9, 18660.10, 18660.11, 18660.12, 18660.13, 18660.14, 18660.15, 18660.16, 18660.17, 18660.18, 18660.19, 18660.20, 18660.21, 18660.22, 18660.23, 18660.24, 18660.25, 18660.30, 18660.31, 18660.32, 18660.33

05/03/04 ADOPT: 8100, 8100.01, 8100.02, 8100.03, 8100.04, 8100.05, 8100.06,

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8100.07, 8100.08, 8100.09, 8100.10,  
8100.11, 8100.12, 8100.13  
04/30/04 AMEND: 27.60, 27.67, 27.82, 28.28,  
28.29, 28.55  
04/29/04 AMEND: 27.60, 28.55  
03/30/04 AMEND: 27.60, 27.65, 27.82, 28.27  
03/29/04 AMEND: 2000, 2200, 2305, 2310, 2320,  
2401, 2500, 2501, 2518  
03/29/04 AMEND: 150, 150.02, 150.03, 150.05  
03/08/04 AMEND: 3698, 3699  
03/02/04 AMEND: 18464, 18465  
02/24/04 AMEND: 1.17, 1.59, 2.10, 5.00, 5.50,  
5.75, 7.00, 7.50, 8.00, 27.60, 29.15, 43,  
195

**Title 15**

05/27/04 ADOPT: 3194, 3195 AMEND: 3006,  
3044, 3092, 3100, 3101, 3107, 3138,  
3161, 3190, 3191, 3192, 3193 REPEAL:  
3044, 3092, 3138, 3190  
05/18/04 AMEND: 3426  
05/13/04 AMEND: 2000, 2400, 2403  
05/03/04 AMEND: 3040, 3041, 3041.1, 3041.2,  
3043.5  
05/03/04 AMEND: 3043.5, 3043.6, 3044  
04/15/04 ADOPT: 2251.5 AMEND: 2041, 2057,  
2072, 2073, 2074 REPEAL: 2050, 2051,  
2052, 2054, 2055, 2056, 2701  
03/03/04 AMEND: 2005

**Title 16**

06/15/04 ADOPT: 1399.70  
05/17/04 AMEND: 1912  
05/13/04 ADOPT: 1258.4, 1277, 1277.5  
05/04/04 AMEND: 1079.3  
04/29/04 AMEND: 2030.2  
04/22/04 ADOPT: 1399.330, 1399.349, 1399.352.5  
AMEND: 1399.301, 1399.321, 1399.350,  
1399.351, 1399.352, 1399.353, 1399.356,  
1399.395 REPEAL: 1399.330, 1399.331,  
1399.333  
04/15/04 ADOPT: 1399.700, 1399.701, 1399.702,  
1399.703, 1399.704, 1399.705, 1399.706,  
1399.707 AMEND: 1399.650, 1399.700,  
1399.705  
04/12/04 AMEND: 2756  
03/09/04 ADOPT: 4150, 4151, 4152, 4153, 4154,  
4155  
03/03/04 ADOPT: 1829 AMEND: 1816.2, 1816.3,  
1877 REPEAL: 1815

**Title 17**

06/07/04 AMEND: 94700  
06/07/04 ADOPT: 60210 AMEND: 60200, 60201,  
60202, 60206, 70302, 70303, 70303.1,  
70303.5, 70304, Appendix 1, Appendix 2,  
Appendix 3

06/01/04 AMEND: 50604, 50608, 54326, 54370,  
56003, 56082, 57540, 58510, 58671  
04/29/04 AMEND: 54342, 57332  
04/12/04 AMEND: 54001, 54010

**Title 18**

05/25/04 AMEND: 1614  
05/18/04 ADOPT: 1828  
05/06/04 AMEND: 6001

**Title 20**

06/02/04 AMEND: 2401

**Title 22**

06/10/04 AMEND: 12705  
06/08/04 ADOPT: 51200.01 AMEND: 51000.4,  
51000.30, 51000.45, 51000.50, 51000.55,  
51200, 51451  
06/07/04 ADOPT: 66260.201 AMEND: 66260.10,  
66261.9, Appendix X, 66273.1, 66273.3,  
66273.6, 66273.8, 66273.9, 66273.12,  
66273.13, 66273.14, 66273.20, 66273.32,  
66273.33, 66273.34, 66273.40, 66273.51,  
66273.53, 66273.56, 66273.82, 66273.83,  
66273.90  
06/07/04 AMEND: 66261.6, 66262.32, 66262.34,  
66262.41, 66262.53, 66262.70, 66264.73,  
66264.75, 66264.113, 66265.71,  
66265.73, 66265.75, 66265.113,  
66265.222, 66265.1028, 66266.100,  
66262.102, 66268.1, 66268.7, 66268.45,  
66270.1, 67450.3, 67450.4, 67450.25  
06/03/04 AMEND: 66261.24  
05/24/04 AMEND: 51047  
05/04/04 ADOPT: 110226, 110242, 110251,  
110336, 110337, 110355, 110485,  
110547, 110615, 116004, 116018,  
116036, 116038, 116042, 116061,  
116062, 116063, 116100, 116102,  
116104, 116106, 116108, 116110,  
116114, 116116, 116118, 116120,  
116122, 116124, 116130, 116132,  
05/03/04 AMEND: 123000  
04/26/04 ADOPT: 51008.1 AMEND: 51104,  
51520, 51521  
04/26/04 AMEND: 90417  
04/22/04 AMEND: 51516.1  
04/12/04 AMEND: 12000  
04/12/04 AMEND: 12705  
04/02/04 ADOPT: 119003, 119015, 119019,  
119045, 119069, 119076, 119191  
03/26/04 AMEND: 66250.1, 66250.2, 66260.1,  
66260.2, 66260.3, 66260.4, 66260.5,  
66260.1, 66260.2, 66260.3, 66260.4,  
66260.5  
03/23/04 AMEND: 5200  
03/22/04 AMEND: 66260.10  
03/08/04 AMEND: 97232

02/26/04 AMEND: 66260.10, 66268.7, 66268.8,  
66268.42  
02/24/04 ADOPT: 51008.1 AMEND: 51104,  
51520, 51521

**Title 22, MPP**

06/03/04 ADOPT: 87725, 87725.1, 87725.2  
AMEND: 87101, 87111, 87222, 87451,  
87565, 87566, 87569, 87570, 87582,  
87591, 87593, 87724  
04/26/04 ADOPT: 86000, 86001, 86005, 86009,  
86010, 86018, 86020, 86022, 86023,  
86024, 86028, 86030.5, 86031.5, 86036,  
86044, 86044.5, 86045, 86061, 86064,  
86065, 86065.2, 86065.3, 86065.4,  
86065.5, 86066, 86068.1, 86068.2,  
86068.3, 86068.4, 86070, 86072, 86073,  
8  
03/11/04 ADOPT: 102416.1 AMEND: 80001,  
80019, 80019.1, 80019.2, 80054, 80061,  
80065, 80066, 87101, 87219, 87219.1,  
87454, 87565, 87566, 87801, 87819,  
81819.1, 87854, 87861, 87865, 87866,  
101152, 101170, 101170.1, 101170.2,  
101195, 101212, 101216, 101217,  
102352,

**Title 23**

06/09/04 ADOPT: 3947  
05/13/04 ADOPT: 2717, 2717.1, 2727.2, 2717.3,  
2717.4, 2717.5, 2717.6, 2717.7 AMEND:  
2713  
05/06/04 ADOPT: 3939.8  
04/08/04 ADOPT: 2631.1, 2638, 2715 AMEND:  
2611, 2630, 2635, 2636, 2636.1, 2637,  
2641, 2712  
04/02/04 REPEAL: 595  
03/24/04 ADOPT: 3956

02/27/04 ADOPT: 3939.7  
02/27/04 ADOPT: 3939.6

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06/04/04 AMEND: 7723, 7724, 7752, 7754  
03/30/04 AMEND: 19200, 19205  
03/22/04 AMEND: 7552

**Title 27**

05/24/04 ADOPT: 20686 AMEND: 20690, 21600  
05/18/04 ADOPT: 23001, 23002, 23003, 23004,  
23005, 23006, 23007, 23008, 23009,  
23010, 23011, 23012, 23013, 23014  
04/01/04 ADOPT: 10050, 10051, 10052, 10053,  
10054, 10055, 10056

**Title 28**

06/10/04 AMEND: 1300.67.2.1  
06/02/04 ADOPT: 1011  
05/05/04 AMEND: 1005  
02/24/04 AMEND: 1000

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06/02/04 ADOPT: 42-712, 42-719, 44-111  
05/13/04 ADOPT: 47-310 AMEND: 47-110  
04/29/04 ADOPT: 30-501, 30-502, 30-503, 30-  
504, 30-505, 30-506, 30-507, 30-900,  
30-901, 30-902, 30-903, 30-904, 30-905,  
30-906, 30-907, 30-908, 30-909, 30-910,  
30-911, 30-912, 30-913, 30-914, 30-915,  
30-916, 30-917, 30-918, 30-919, 30-920,  
31-236 AMEND: 11-400t,  
04/22/04 AMEND: 63-102, 63-504  
04/19/04 AMEND: 63-300, 63-504  
04/15/04 AMEND: 42-710.66, 42-711.512, .61  
02/26/04 ADOPT: 63-502.371 AMEND: 63-  
502.371, 63-502.372, 63-502.373, 63-  
502.374, 63-502.375, 63-502.376  
REPEAL: 63-502.371(c)  
02/25/04 AMEND: 63-503, 63-504, 63-505

