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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

ADOPTION

MULTI-COUNTY: Sites Joint Powers Authority
California Association of Mutual Water Companies
Joint Powers Risk and Insurance Management Authority

AMENDMENT

MULTI-COUNTY: Southern California Association of Governments

A written comment period has been established commencing on June 24, 2016, and closing on August 8, 2016. Written comments should be directed to the Fair Political Practices Commission, Attention Ivy Branaman, 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 her 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 Sec-

tion 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 her 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 8, 2016. 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 **Ivy Branaman**, 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 **Ivy Branaman**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 4. BUREAU OF ELECTRONIC AND APPLIANCE REPAIR, HOME FURNISHING AND THERMAL INSULATION

NOTICE IS HEREBY GIVEN that the Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation (Bureau), Department of Consumer Affairs, is proposing to take the action described in the Informative Digest.

Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Department of Consumer Affairs' First Floor Hearing Room located at 1625 North Market Blvd., Sacramento, California 95834, at 10:00 a.m. on August 8, 2016. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice must be received by the Bureau at its office not later than 5:00 p.m. on August 8, 2016, or must be received by the Bureau at the hearing.

The Bureau, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference

Pursuant to the authority vested by sections 19034 and 19170 of the Business and Professions Code (BPC) and to implement, interpret, or make specific sections 19170, 19170.3, and 19170.5 of said code, the Bureau is

considering changes to Division 3 of Title 4 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

A. Informative Digest

In accordance with the provisions of the Administrative Procedure Act, Business and Professions Code section 19034 generally authorizes the Bureau to adopt rules and regulations declaring policy of the Bureau and for the administration of Chapter 3, Division 8 of that code.

Business and Professions Code section 19170 establishes the statutory minimum and maximum fee schedule for application, biennial renewal, and other fees for the Bureau's home furnishings applicants and licensees. Business and Professions Code section 19170.3 establishes the statutory minimum and maximum fee schedule for application and annual renewal for the Bureau's thermal insulation applicants and licensees.

Business and Professions Code section 19170.5 establishes the criteria to determine the delinquency and penalty fee for licenses that are not renewed prior to their expiration and after the renewal remains unpaid after 90 days.

Assembly Bill (AB) 1175 (Ridley-Thomas, Chapter 187, Statutes of 2015) amends section 19170 of the Business and Professions Code to increase the statutory fee ceilings for all license types by approximately 25 percent. Prior to this, the statutory fee schedule was last amended in 2001 increasing the importer and furniture and bedding manufacturer license fees. The statutory maximums for all other license types were last amended in 1993.

Title 4 of the California Code of Regulations Section 1107 specifies fee schedules for the application and biennial renewal of various licenses. The fee schedule was last updated September 2002 to raise the fees for the importer and furniture and bedding manufacturers' licenses. All other licenses were last updated by regulation in 1994.

This proposed rulemaking seeks to amend section 1107 to increase most licensing fees by approximately 15 percent. Depending on the license type, the proposed increase will equate to an additional \$20 to \$100 biennially. In addition, the proposed rulemaking will codify an existing fee for thermal insulation manufacturers. The implementation of the fee increase will make the following changes to existing regulations:

Amend Section 1107(a) of Article 1 of Title 4 of the California Code of Regulations:

- Subsection (1) Importer's license fee increases from \$650 to \$750.

- Subsection (2) Furniture and Bedding Manufacturer's license fee increases from \$650 to \$750.
- Subsection (3) Wholesale Furniture and Bedding Dealer's license fee increases from \$540 to \$625
- Subsection (4) Supply Dealer's license fee increases from \$540 to \$625.
- Subsection (5) Custom Upholsterer's license fee increases from \$360 to \$420.
- Subsection (6) Sanitizer's license fee increases from \$360 to \$420.
- Subsection (7) Retail Furniture Dealer's license fee increases from \$120 to \$140.
- Subsection (8) Retail Bedding Dealer's license fee increases from \$120 to \$140.
- Subsection (9) Retail Furniture and Bedding Dealer's license fee increases from \$240 to \$280.

Add a new Section 1107(b) of Article 1 of Title 4 of the California Code of Regulations:

- Codify thermal insulation manufacturer fee at \$2,000 annually.

Amend Section 1107(b) & (c) of Article 1 of Title 4 of the California Code of Regulations:

- Update subsections (b) and (c) to (c) and (d) due to the addition of a new subsection (b).

Pursuant to section 19170.5 and in response to the implementation of the proposed fee increase, the delinquency and penalty fees imposed on those that fail to renew their license prior to expiration will also increase. As mandated, a delinquency fee will be assessed at the rate of 20 percent of the renewal fee but not more than one hundred dollars. Depending on the license type, the increase to the delinquency fee equates to \$4 to \$12. When the renewal and delinquency fees are not paid within 90 days, the penalty fee is assessed at an additional 30 percent of the renewal fee. Depending on the license type, the increase to the penalty fee will equate to \$6 to \$30.

The proposed fee increase intends to address the Bureau's structural imbalance and protect the Home Furnishings and Thermal Insulation Fund (Fund) from becoming insolvent as projected in Fiscal Year (FY) 2017/18. Specifically, at the conclusion of FY 2016/17, the Fund is expected to have 1.7 months in reserve. In FY 2017/18, the Fund is expected to have a deficit of 0.7 months in reserve. Correcting the Bureau's structural imbalance will be unattainable without a fee increase.

The fund balance provides specific information on the Bureau's current fund as well as projections for future years. There are several factors that have contributed to the fund's imbalance such as the costs the Bureau incurs to deliver its services. In addition, the fees

for the majority of the licenses have remained unchanged while inflation has increased over the years. According to the Consumer Price Index, the rate of inflation is calculated at 30.75 percent since 2002 and 58.00 percent since 1994. A review of the Bureau's Fund condition report demonstrates that the overall revenue for the Bureau has increased by 29 percent, yet expenditures have increased by 59 percent, since FY 2002/03.

B. Policy Statement Overview/Anticipated Benefits of the Proposed Regulations

The Bureau regulates approximately 22,300 licenses in its Home Furnishings program. Through this rulemaking, the Bureau proposes to amend section 1107 of the California Code of Regulations to increase home furnishing license fees by approximately 15 percent and codify the thermal insulation manufacturer fee. This proposal is necessary to ensure sufficient resources are available to maintain current Bureau operations to meet its consumer protection mandate.

As specified in Business and Professions Code section 19004.1, protection of the public shall be the highest priority for the Bureau when exercising its regulatory function under this chapter. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

The proposed fee increase ensures licensing revenues match expenditures, thereby protecting the Bureau's Fund from insolvency. This proposal benefits consumer protection as it is designed to enable the Bureau to maintain its licensing and oversight operations while also ensuring significant surpluses are not created. In addition, the proposal minimizes the economic impact of a fee increase by raising the fee approximately 15 percent rather than to the statutory ceiling and has no effect on the thermal insulation license fee.

C. Consistency and Compatibility With Existing Regulations

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

FISCAL IMPACT ESTIMATES

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

It is estimated that the proposed fee increase will result in an increase in Bureau revenues for FY 16/17 by approximately \$455,000 and an increase to ongoing annual revenue by approximately \$603,000.

The Bureau does not anticipate any impact on federal funding.

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 Bureau 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 business impact is expected to be minimal as the licensing fees for Importers and Furniture and Bedding Manufacturers have not been increased since 2002. All other license types have not experienced a fee increase since 1994. During that time, the Consumer Price Index has increased more than 59 percent; however, a fee increase of that scale would not be reasonable. In order to minimize the impact to its licensees, the Bureau is proposing an increase that ensures it remains fiscally solvent while also ensuring significant surpluses are not created. If fees were tied to the consumer price index, retailers would be paying annual fees of \$191 and \$382, rather than \$140 and \$280.

Cost Impact on Representative Private Person or Business

The Bureau is not aware of any significant cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. This initial determination is based on the fact that the license fee will be increased by \$20 to \$100 biennially depending on the license type. An additional \$4 to \$12 delinquent fee and \$6 to \$30 penalty may be assessed only when a licensee fails to renew their license prior to expiration and after the renewal remains unpaid for 90 days.

The cost impact is expected to be minimal as the licensing fees for Importers and Furniture and Bedding Manufacturers have not been increased since 2002. All other license types have not experienced a fee increase since 1994. In addition, based upon the absence of testimony or comment to the Bureau during Advisory Council discussions about this regulation proposal the Bureau anticipates a minimal impact on representative private persons or businesses.

Effect on Housing Costs

None.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Business

The Bureau 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. The proposed fee increase equates to \$20 to \$100 biennially which is anticipated to have a minimal impact on businesses. The Bureau does not anticipate the fee increase will have any impact on current business practices or licensing trends that would necessitate the creation or elimination of jobs or the expansion of businesses. In addition, 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 October 29, 2015, Advisory Council Meeting.

Effect on Small Business

The Bureau has determined that this regulatory proposal will not have a significant impact on small businesses in the State of California. This initial determination is based on the fact that the license fee will be increased by \$20 to \$100 biennially, depending on the license type. An additional \$4 to \$12 delinquent fee and \$6 to \$30 penalty may be assessed only when a licensee fails to renew their license prior to expiration and after the renewal remains unpaid for 90 days.

The cost impact is expected to be minimal as the licensing fees for Importers and Furniture and Bedding Manufacturers have not been increased since 2002. All other license types have not experienced a fee increase since 1994. Although the Bureau does not have nor does it maintain data to determine if any of its licensees 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 October 29, 2015, Advisory Council Meeting.

Benefits of Regulation:

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

- This regulatory proposal may benefit the health and welfare of California residents because this proposal is designed to enable the Bureau to maintain its licensing and oversight operations while also ensuring significant surpluses are not created.

- This regulatory proposal does not affect worker safety because this proposal is specific to fee increases and it is not anticipated to impact current business practices or licensing trends affecting worker safety.
- This regulatory proposal does not affect the state's environment because it is specific to an increase in fees and is not anticipated to impact current business practices that may affect the state's environment.

Consideration of Alternatives

The Bureau 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 Bureau at the address indicated under contact person.

Initial Statement of Reasons and Information

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

Text of Proposal

Copies of the exact language of the proposed regulations and of the initial statement of reasons may be obtained upon request from the Bureau at 4244 South Market Court, Suite D, Sacramento, California 95834, or from the Bureau web site (www.bearhfti.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:

Diana Godines
Bureau of Electronic and Appliance Repair, Home
Furnishings and Thermal Insulation
4244 South Market Ct., Ste. D
Sacramento, California 95834
Phone: (916) 999-2068

Fax: (916) 921-7279
Email: diana.godines@dca.ca.gov

The backup contact person is:

Terri Rice
Bureau of Electronic and Appliance Repair, Home
Furnishings and Thermal Insulation
4244 South Market Ct., Ste. D
Sacramento, California 95834
Phone: (916) 999-2058
Fax: (916) 921-7279
Email: terri.rice@dca.ca.gov

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

**TITLE 4. CALIFORNIA HORSE
RACING BOARD**

DIVISION 4, CALIFORNIA CODE
OF REGULATIONS
NOTICE OF PROPOSAL TO ADD
RULE 1846.6. POSTMORTEM
EXAMINATION REVIEW

The California Horse Racing Board (Board/CHRB) proposes to add the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to add Rule 1846.6, Postmortem Examination Review, to require that a postmortem examination review panel, consisting of a steward, a safety steward, and the Equine Medical Director or his designee, be convened to determine the circumstances of each equine fatality occurring within a CHRB inclosure. The review will require the appearance of the trainer and veterinarian of the expired horse before the panel, as well as the production of the horse's training and medical records for the 60 days prior to its date of death. The rule will also require that the panel prepare and file a written report with the Executive Director and the owner and trainer of the expired horse detailing their findings. The postmortem examination review is intended for education and research purposes only, and will be conducted separate and apart from any CHRB investigations or enforcement actions.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, August 25, 2016** or as soon after that

as business before the Board will permit, in the **Del Mar Surfside Race Place, 2260 Jimmy Durante Blvd, Del Mar, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m., on August 8, 2016**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Philip Laird, Staff Counsel
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone (916) 263-6025
Fax: (916) 263-6022
E-Mail: pjlaird@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19440 and 19444(c), Business and Professions Code. Reference: Sections 19345 and 19444(c), Business and Professions Code.

Business and Professions Code section 19440 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific sections 19440 and 19444(c), Business and Professions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. Business and Professions Code section 19444(c) states that the Board may, in performing its responsibilities under this chapter, conduct research to determine more fully the cause and prevention of horse racing accidents.

The proposed addition of Rule 1846.6, Postmortem Examination Review, will require that a postmortem examination review panel be convened to determine the

circumstances of each equine fatality occurring within a CHRB inclosure. The review will require the appearance of the trainer and veterinarian of the expired horse before the panel, as well as the production of the horse's training and medical records for the 60 days prior to its date of death. The rule will also require that the panel prepare and file a written report with the Executive Director as well as the owner and trainer of the expired horse detailing their findings. The rule is intended to be a mechanism for the continuing education of trainers and veterinarians, and will also serve as an important research opportunity "to determine more fully the cause and prevention of horse racing accidents" as permitted by Business and Professions Code section 19444(c).

Specifically, the proposed addition of Rule 1846.6 will require in subsection (a) that the Board conduct a postmortem examination review to determine the circumstances behind all equine fatalities occurring within a CHRB inclosure. This creates a blanket requirement that the Board will investigate the circumstances behind every equine death that occurs within a CHRB licensed inclosure using the postmortem examination review process. Such consistent review will ensure that all equine fatalities occurring at a racetrack are thoroughly and equally investigated so that future accidents may be prevented. Furthermore, the requirement affords the trainers and veterinarians who cared for the deceased horse an opportunity to receive case-specific recommendations from panel members for how to better train and treat their horses in the future.

The proposed rule will also require in subsection (b) that the postmortem examination review panel be conducted by a member of the board of stewards, a safety steward, and the Equine Medical Director or his designee. This is necessary because it clearly defines the composition of the panel so that a complete and thorough review may be conducted for each fatality. Each of the designated panel members is necessary to the review because they represent various areas of expertise, including equine medicine and health, track safety, and horsemanship. By virtue of the positions they hold, the steward, safety steward, and Equine Medical Director all possess substantial knowledge of race horse care that is essential to the analysis and education aspects of the review.

The proposed rule will further require in subsection (c) that the trainer, as well as any other licensee the panel deems necessary, appear at the postmortem examination review. This is necessary because it is the trainer who, by regulation, ensures the condition of the horse, and is responsible for how the horse is trained, medicated, and cared for while racing in California. Accordingly, it is the trainer who will have the most knowledge of the horse when the panel has specific questions about its training and health. Depending on the nature of the acci-

dent, other licensees — such as the horse's veterinarian or jockey — may also be needed to appear to answer questions about the circumstances surrounding the horse's death. The subsection will also require that licensees have at least ten days' written notice before the date of the postmortem examination review. This is necessary because it ensures that all licensees who are required to attend the review have sufficient notice so that they can ensure their availability and have ample time to collect the appropriate records.

The proposed rule will require in subsection (d) that the trainer make available at the postmortem examination review the training records for the expired horse, which shall include exercise, medication and shoeing histories for a minimum of 60 days prior to the date of death of the horse. This is necessary because in order for the review panel to fully assess all circumstances surrounding the horse's death, the panel must be able to review details of the horse's recent training regime, including medications it received and when and how it was shod. A 60-day overview provides the panel with two complete months of insight into the daily care of the horse, which is a long enough period to identify any unique or recurring events that may have led to the horse's death. Because many trainers tend to oversee multiple horses, review of their actual records is the best way to ensure the most accurate and specific training histories are analyzed. By reviewing these records, the panel will have the opportunity to identify specific training sessions, medication administrations, and/or shoeing decisions that may have contributed to the horse's fatality. Any one of these aspects of a horse's care, if mistakenly or negligently carried out, can substantially increase the chance that an accident will occur while the horse is racing. Training records may reveal that the horse was run too hard in the days leading up to its accident. Medication records may show that the horse accidentally received too much of a certain drug. Shoeing histories may reveal that the horse was shod to correct a misdiagnosed problem. Any of these discoveries will greatly assist the panel in determining what led to the horse's death. Moreover, by looking at the training histories of deceased horses over time, the panel may be able to newly discover specific training practices, medications, and shoeing choices that correlate with an increased risk of fatality. Identifying such practices will allow the CHRB to better regulate horse racing, and increase safety on the race track.

In subsection (e)(1) through (7), the proposed rule will require that all CHRB licensed veterinarians attending or treating a horse having died within a CHRB inclosure make available at the postmortem examination review a summary medical record covering a minimum of 60 days prior to the date of death of the horse, or longer if requested by the postmortem review panel.

The summary record shall include history of the horse's medical status, data from physical examination, treatment plans, medications prescribed and dispensed, daily progress and disposition of the case, laboratory data, and diagnostic images. These are necessary because a horse's veterinary medical condition, including physical examination findings, certain veterinary treatments and procedures, medications and medication levels, have all been linked to racing injuries, catastrophic and lesser injuries in various peer reviewed studies. In-depth necropsy analyses conducted as part of the CHRB/UC Davis School of Veterinary Medicine racing safety program have repeatedly shown many pre-existing injuries that should have been detectable by diagnostic imaging techniques. In the small number of cases where diagnostic imaging was reviewed as part of a formal investigation, pre-existing pathology was clearly present. Some veterinary treatments and medications may adversely affect a horse's health and increase its risk of accident or fatality. By reviewing the horse's complete medical history, the Equine Medical Director will have the opportunity to identify specific veterinary treatments that may have led to the horse's fatality. Furthermore, by looking at the medical history of deceased horses over time, the panel may be able to discover certain medications or treatments that correlate with an increased risk of fatality. Identifying such practices will allow the CHRB to better regulate horse racing, and increase safety on the race track for horses and riders.

The proposed rule will require in subsection (f) that all documents provided to the postmortem examination review panel under subsections (d) and (e) not be retained by the CHRB, and that they be returned to the licensee(s) at the conclusion of the review. This is necessary because it prevents the public dissemination of certain private information that is conveyed during the course of the review. By restricting the panel from retaining documents they inspect, such documents will not be subject to a Public Records Act request. This is important to trainers and veterinarians because the training and treatment regimes they use are often unique, and contribute largely to their professional value in their occupations.

The proposed rule will additionally require in subsection (g) that the postmortem examination review panel file a written report detailing their findings with the Executive Director and the owner and trainer of the expired horse within 90 days of the postmortem examination review. This is necessary because one of the major purposes of this regulation is to study and understand the cause of horse racing accidents so that they may be prevented in the future. By recording the determined cause of an accident leading to the death of each horse with the Executive Director, such reports can be re-

viewed in bulk to identify certain training and veterinary practices that correlate with an increased risk of fatality. Identifying such practices will allow the CHRB to better regulate horse racing, and increase safety on the race track. Furthermore, by requiring the panel to also provide copies of their report to the trainer and owner of the horse, the rule also completes the intended education element by informing the parties what the determined cause of death was. Such information will help trainers, veterinarians, and other involved licensees improve their own practices in how they work with and treat horses. Finally, by requiring the report to be filed within 90 days, the proposed rule prevents the possibility of unreasonable backlog, and encourages a degree of expediency in conducting these reviews.

The proposed rule will finally explain in subsection (h) that the intent behind the rule is purely for education and research purposes. It further requires that the review be conducted separate and apart from any disciplinary investigation conducted by the CHRB Enforcement Division, and explains that in the event a disciplinary investigation is initiated, the postmortem examination review shall be postponed, to the extent possible, until such investigation is complete. Finally, the proposed rule requires that the postmortem examination review panel's report not be the basis for any disciplinary investigation. This is necessary because if the review is to successfully educate licensees and facilitate accurate research into horse racing accidents, there must be transparency and honesty between the panel and the licensees. If licensees are aware that something they say in the course of the postmortem examination review could directly cause them to be fined or suspended, they are not likely to cooperate with the review or be forthcoming about how they trained and/or treated the expired horse. While the CHRB maintains the right to investigate any violation of the Horse Racing Laws and Regulations, this subsection facilitates the separation of that process from the postmortem examination review to every extent possible. By postponing the review until all related investigations are concluded, and by prohibiting use of the panel's final report from being the basis for a disciplinary investigation, these provisions help assure licensees that the postmortem examination review will be a research and education focused process that is meant for their benefit and not their detriment.

POLICY STATEMENT OVERVIEW OF ANTICIPATED BENEFITS OF PROPOSAL

The proposed addition of Rule 1846.6 promotes the safety and welfare of horses racing in California by facilitating in-depth research and review into the training and medical histories of expired horses prior to their

deaths. Presently, CHRB Rule 1846.5, Postmortem Examination, requires that every horse that dies within an area under the jurisdiction of the Board undergo a postmortem examination in a diagnostic laboratory to determine the injury or sickness which resulted in euthanasia or natural death. While such examinations are useful in determining the cause of death, they rarely provide any information about what triggered the cause of death. For instance, while a horse may suffer a fatal accident due to a broken leg, no further information is obtained to determine why the leg broke. The purpose of the postmortem examination review is to conduct an investigation into the circumstances surrounding an equine fatality in order to gain an understanding of all events that may have contributed to the incident. By exploring the training and medical histories of expired horses, the postmortem examination review panel will be obtaining new and unique information that can better assist the CHRB in identifying correlations between common training and medical practices and fatal accidents on and off the racetrack. Consequently, these reviews will benefit the Board by indicating which specific practices carry such an increased risk of fatality that they need to be regulated. Such information will also benefit trainers and veterinarians because they too will be able to adjust their practices to better reduce the chance that a horse in their care has a fatal accident.

The proposed rule additionally benefits trainers and veterinarians by creating an opportunity for their continued and personalized education. By exploring training and medical records with the deceased horse's trainer and veterinarian, the panel will be able to provide case-specific recommendations to prevent future injuries. This will improve the quality of training and veterinary services being provided by CHRB licensed trainers and veterinarians, and will ultimately increase the safety of the sport for both human and equine athletes.

Finally, the proposed rule will benefit the horseracing industry in general by improving public perception of the sport. Implementing an in-depth review process that considers the specific circumstances behind each horse fatality within the inclosure signals to the public that the CHRB takes animal welfare very seriously. Furthermore, by engaging trainers and veterinarians with case-specific reviews that aim to educate the parties involved, safety on and off of the racetrack is bound to improve, which will also heighten public perception by reducing those instances when the public is audience to a racing accident.

CONSISTENCY EVALUATION

During the process of developing the regulation and amendments, the Board has conducted a search of any

similar regulations on this topic and has concluded that the regulation is neither inconsistent nor incompatible with existing state regulations.

DISCLOSURE REGARDING THE PROPOSED ACTION/RESULTS OF THE ECONOMIC IMPACT ANALYSIS

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 Sections 17500 through 17630: none.

Other non-discretionary costs 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 the proposed addition of Rule 1846.6 will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination: none.

Cost impact on representative private persons or businesses: none.

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.

Significant effect on housing costs: none.

RESULT OF ECONOMIC IMPACT ANALYSIS

The adoption of the proposed addition of Rule 1846.6 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 proposed addition of Rule 1846.6 is a benefit to the health and welfare of both human and equine athletes, as well as the public. The proposed addition will allow the CHRB to review and analyze training and veterinary records of deceased race horses so that it can better understand and prevent equine racing accidents and fatalities through education and regulation. Such efforts will increase safety in horse racing and decrease the rate of accidents occurring both on and off of the racetrack. This will not only improve the health and welfare of equine athletes, but also the human athletes that ride the horses. Furthermore, an increase in safety and decrease in accidents will likely improve public perception of horse racing, which may result in increased wagering. An increase in wagering will have a positive economic

impact on the industry by increasing handle, which in turn increases purses and commissions.

Effect on small businesses: none. The proposal to add Rule 1846.6 does not affect small businesses because horse racing is not a small business under Government Code Section 11342.610.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), 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 action is proposed, or would be as effective and less burdensome on affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

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

CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Philip Laird, Staff Counsel
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6025
E-mail: pjlaird@chr.ca.gov

If the person named above is not available, interested parties may contact:

Andrea Ogden, Manager
Policy, Regulations and Legislation
Telephone: (916) 263-6033

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices 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 regulation, and the initial statement of reasons. Copies may be obtained by contacting Philip Laird, or the alternative contact person at the address, phone number or e-mail address listed above.

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulations. Requests for copies of any modified regulation should be sent to the attention of Philip Laird at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Philip Laird at the address stated above.

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation and the initial statement of reasons. The Board's web site address is: www.chrb.ca.gov.

TITLE 4. CALIFORNIA HORSE RACING BOARD

NOTICE OF PROPOSAL TO AMEND RULE 1734. WHIPPING

The California Horse Racing Board (Board) proposes to amend the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The proposed amendment of Board Rule 1734, Whipping, would clarify what is acceptable use of a whip by a harness driver. The purpose of the amendment to Rule 1734 is to curtail and prevent any excessive use of the whip. The proposed amendment divides Rule 1734 into four subsections. Subsection (a) provides that no driver shall use unreasonable force in whipping a horse, nor whip any horse causing any welts or breaks in the skin. Subsection (b) restricts the motion of the driver's arm when using the whip to elbow and wrist action only and lists prohibited actions by a driver when using the whip on a horse. Subsection (b)(1) prohibits a driver from raising the elbow above the driver's shoulder height, and subsection (b)(2) prohibits the driver's hand holding the whip to reach behind the driver during use of the whip. Subsections (b)(3) and (b)(4) describe the areas on the horse that drivers may not whip, including above the level of the shafts of the sulky and between the sulky shafts, as well as under the arch or shafts of the sulky. Subsection (b)(5) further prohibits using the whip as a goading or poking device between the legs of the horse. Proposed subsection (b)(6) provides that use of the whip is prohibited when the horse does not appear to be advancing through the field of horses or is no longer in contention for purse money. Subsection (c) provides that all drivers must keep a line in each hand beginning when the horse is behind the starting gate and until the one-eighth of a mile prior to the finish line, and may not whip while holding two lines in one hand until then. Subsection (d) prohibits drivers from using the whip more than three times in succession without giving the horse a chance to respond.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, August 25, 2016**, or as soon after that as business before the Board will permit, at the **Del Mar Surfside Race Place, 2260 Jimmy Durante Blvd., Del Mar, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m., on August 8, 2016**.

The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Laurel Houle, Regulations Analyst
 California Horse Racing Board
 1010 Hurley Way, Suite 300
 Sacramento, CA 95825
 Telephone: (916) 274-6043
 Fax: (916) 263-6022
 E-mail: lahoule@chr.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: Section 19563, Business and Professions Code.

Business and Professions Code section 19420 provides jurisdiction and supervision over meetings in this State where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings, is vested in the Board. Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include, but not be limited to, adopting rules and regulations for the protection of the public and the control for horse racing and parimutuel wagering. Business and Professions Code section 19563 provides that the Board may adopt any rules and regulations of the United States Trotting Association (USTA) for the regulation of harness racing.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 19420 provides that jurisdiction and supervision over meetings in California where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings, is vested in the Board. Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include, but are not limited to, adopting rules and regulations for the protection of the public and the control of horse racing and parimutuel wagering.

The Board proposes to amend Rule 1734 to clarify what is acceptable use of a whip by a driver during a harness race. The proposed amendment to subsection (a) provides that no driver shall use unreasonable force in

whipping a horse, nor whip any horse causing welts or breaks in the skin. Subsection (a) identifies welts or breaks in the skin as visible confirmation of improper whipping on a horse. The proper use of a whip is meant to encourage a horse; the force it takes to cause welts or breaks in the skin is beyond the limit necessary to receive a positive response from the horse and may even produce a negative reaction. Subsection (b) restricts the driver's arm when using the whip to elbow and wrist action only and lists actions that are prohibited use of the whip. By limiting the motion of the driver's arm holding the whip, the maximum force applied to the whip is greatly reduced, which will ensure the whip is used to encourage, rather than punish the horse. The list of prohibited actions gives each driver a clear, measurable standard to determine proper whipping etiquette during a harness race.

Subsections (b)(1) through (b)(6) bar actions in order to curtail and prevent unreasonable use of the whip. Subsection (b)(1) prohibits a driver from raising the elbow above the driver's shoulder height, and subsection (b)(2) disallows the driver's hand holding the whip to reach behind the driver during use of the whip. Subsections (b)(1) and (b)(2) indicate the level of movement by a driver where use of the whip would become unreasonable; the additional force from a driver raising his arm above the shoulder height to whip the horse is excessive. The exaggerated motion alters the intention of whip use from a tool to a weapon. Subsections (b)(3) and (b)(4) describe the areas on the horse that drivers may not whip, including above the level of the shafts of the sulky (a two-wheeled one-passenger vehicle that is pulled by a horse) and between the sulky shafts, as well as under the arch or shafts of the sulky. Subsections (b)(3) and (b)(4) clarify where a whip may not be used for the safety and welfare of the horse and driver. Generally, horses move away from sound or touch. Common proper practice of using a whip is to tap a horse near the rear, or for drivers, on the side of the harness near the rear of the horse. Tapping in this area naturally encourages the horse to move forward, away from the sound or touch. A horse is a prey animal by nature and whipping a horse on other areas of the body such as the underside or near the head may cause the horse to experience fear and react unexpectedly. Such actions include breaking stride, or moving laterally, both of which can cause the horse and driver its placing in the race. Lateral movement may cause harm or lost placing to an additional horse and driver if the latter horse is blocked by the former horse crossing into its path. Subsection (b)(5) prohibits using the whip as a goading or poking device or placing the whip between the legs of the horse. Subsection (b)(5) maintains a level of safety for the horse and driver. The whip could get caught between the horse's legs if used this way and cause it to

trip or fall. Subsection (b)(5) prohibits goading and poking to further clarify what is considered unreasonable force in whipping for the humane treatment of the horse. Goading and poking a horse is not the intended use of the whip; the whip is meant to encourage the horse to move forward willingly. Subsection (b)(6) provides that use of the whip is prohibited when the horse does not appear to be advancing through the field of horses or is no longer in contention for purse money. Subsection (b)(6) prevents unnecessary whipping of a horse by a driver. A horse can become dull to the whip if it is used more than necessary, which may cause a problem if the whip is needed in the future to control or encourage the horse. There is no need for a driver to push a horse to exert more energy to complete a race quickly if it is out of contention; the extra energy can put needless strain on a horse's joints, muscles and lungs causing undue risk to its wellbeing. Subsection (b)(6) is consistent with racing jurisdictions including: the USTA, Association of Racing Commissioners International (ARCI), Indiana, Michigan and Pennsylvania.

Subsection (c) requires that all drivers must keep a line in each hand beginning when the horse is behind the starting gate until the one-eighth of a mile prior to the finish line, and may not whip while holding two lines in one hand until then. The lines must remain reasonably taut during the entire race. Subsection (c) ensures a driver maintain reasonable control of the horse. Keeping the lines taut and one line in each hand naturally limits the driver's shoulder wrist and hand movement, preventing the driver from creating too much force during the whipping motion. Maximum effort from the horse is generally needed as a final push to the finish line.

It is standard practice to convey this to the horse with the whip. The driver must make it clear to the horse when the final effort is needed to conclude the race. Placing the lines together in one hand gives the driver the freedom to slightly exaggerate movement with the arm holding the whip, without creating the additional force that would be created with the movement prohibited in subsection (b). Allowing the driver to hold two lines in a single hand at the one-eighth of a mile prior to the finish line is a subtle, yet distinct cue by the driver and the lines that a horse can identify. A horse in training will quickly learn the way it feels when the lines are placed into one hand by a driver, and can be taught that the final effort is needed after such movement. Proper use of the whip would be to encourage a horse that fails to notice or react to the cue.

Subsection (d) limits the use of the whip to no more than three times in succession without giving the horse a chance to respond. This will allow the driver time to show the horse the whip, and provide the horse with enough time to respond. It is crucial for the driver to give the horse time to respond so that he or she can tell

whether or not the horse is responsive to the initial usage of the whip. There are outward signs a driver can look for to determine if a horse is responding to the use of the whip such as the relative position of the horse to other horses in the race over time, whether or not the horse increases or decreases speed when the whip is used and whether the horse flags (swats) its tail.

In addition to ensuring the humane treatment of the horse, the Board has determined it is necessary to amend Rule 1734 to conform to similar changes of policy in other jurisdictions. Rule 1734 is not currently consistent with USTA rules, the ARCI Model Rules of Racing or with the policies and regulations of other racing jurisdictions. Michigan, Pennsylvania and Indiana have adopted rules similar to the proposed amendment to Rule 1734. The amendment of Rule 1734 is necessary to clarify what is acceptable use of a whip by harness drivers and update the rule to be consistent with similar changes adopted by other jurisdictions.

POLICY STATEMENT OVERVIEW OF ANTICIPATED BENEFITS OF PROPOSAL

The proposed amendment of Rule 1734 promotes the protection of driver and horse health and safety. The Board considers animal welfare and good sportsmanship fundamental for the success of horse racing. The proposed amendment of Rule 1734 provides direction on the appropriate use of the whip so that it will be used for safety, correction, or to encourage the horse without causing pain. If the safety practices of drivers improve, the public will see harness racing as a sport that cares, which may result in an increase of attraction to the sport. An increase of attraction to the sport could result in an increase in wagering which will have a positive economic impact on the industry.

Consistency with existing state regulations: During the process of developing these regulations and amendments, the California Horse Racing Board conducted a search of any similar regulations on this topic and concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

DISCLOSURE 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 Sections 17500 through 17630: none.

Other non-discretionary costs 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 the proposed amendment to Rule 1734 will not have a sig-

nificant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination: none.

Cost impact on representative private persons or businesses: 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.

Significant effect on housing costs: none.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendment of Rule 1734 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 amendment is a benefit to California because it promotes the protection of driver and horse health and safety. The CHRB considers animal welfare and good sportsmanship fundamental for the success of horse racing. The proposed amendment of Rule 1734 provides direction on the appropriate use of the whip by a harness driver so that it will be used for safety, correction, or to encourage the horse without causing pain. If the safety practices of drivers improve, the public will see horse racing as a sport that cares, which may result in an increase of attraction to the sport. An increase of attraction to the sport could result in an increase in wagering which will have a positive economic impact on the industry.

Effect on small businesses: none. The proposal to amend Rule 1734 does not affect small businesses because horse racing is not a small business under Government Code Section 11342.610.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board has determined 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, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Board invites interested persons to present statements or arguments with respect to alternatives to the

proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Laurel Houle, Regulations Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 274-6043
Fax: (916) 263-6022
E-mail: lahoule@chrb.ca.gov

If the person named above is not available, interested parties may contact:

Nicole Lopes-Gravelly, Regulations Analyst
Telephone: (916) 263-6397
E-mail: nlgravelly@chrb.ca.gov

AVAILABILITY OF FINAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices 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 regulation, and the initial statement of reasons and all available information on which this proposal is based. Copies may be obtained by contacting Laurel Houle, or the alternative contact person at the address, phone number or e-mail address listed above.

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulations should be sent to the attention of Laurel Houle at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Laurel Houle at the address stated above.

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation and the initial statement of reasons. The Board's web site address is: www.chrb.ca.gov.

TITLE 4. DEPARTMENT OF FOOD AND AGRICULTURE

The Department of Food and Agriculture (Department) proposes to promulgate regulations contained in the California Code of Regulations (CCR), Title 4, Division 9 for the retail sale of natural gas motor vehicle fuels in California.

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 regulatory action to the Department. Comments may be submitted by mail, FAX or email. The written comment period closes at 5:00 p.m. August 8, 2016. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Pamela Fitch
Senior Environmental Scientist (Specialist)
Department of Food and Agriculture
6790 Florin Perkins Road Suite 100
Sacramento, CA 95828
Pamela.fitch@cdfa.ca.gov
(916) 229-3026 (FAX)

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

AUTHORITY and REFERENCE

Pursuant to the authority vested by §§ 12027, 12107, 13404.5, 13440, and 13446 of the Business and Professions Code (BPC), and to implement, interpret, or make specific §§ 13400(b)(9), 13400(c), 13400(g), 13400(p), 13400(t), 13413(a), 13413(b)(1), 13440, 13591, 13592 and 13595(a) of the BPC, the Department is proposing to make changes to Title 4, Division 9, Chapters 1, 6, and 7 of the CCR.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws

BPC, Division 5, § 12027 provides that the Secretary of the Department of Food and Agriculture may make such rules and regulations as are reasonably necessary for the purpose of carrying out the provisions of the division.

BPC, Division 5, § 12107 provides for the Secretary to establish tolerances and specifications and other technical requirements for commercial weighing and measuring devices. The latest requirements in the National Institute of Standards and Technology (NIST) Handbook 44 "*Specifications, Tolerances, and other Technical Requirements for Weighing and Measuring Devices*" are adopted by reference unless specifically modified, amended, or rejected by regulation.

BPC, Division 5, § 13404.5 provides for the Secretary to establish the method of sale of motor vehicle fuels and lubricants sold at retail to the public. The latest method of sale requirements for motor vehicle fuels and lubricants published in the National Institute of Standards and Technology Handbook 130 "*Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality*" are adopted by reference except as specifically provided by the Legislature or modified, amended, or rejected by regulations adopted by the Secretary.

BPC, Division 5, § 13440 provides for the Department to establish specifications for automotive spark-ignition engine fuels. The Department shall adopt by reference the latest standards established by a recognized consensus organization or standards writing organization such as ASTM International or SAE International, for automotive spark-ignition engine fuel, except that no specification shall be less stringent than required by any California state law.

BPC, Division 5, § 13446 provides for the Department to establish interim specifications for alternative fuel for use in motor vehicles until a standards development organization accredited by the American National Standards Institute (ANSI) formally adopts a standard for the fuel for use in motor vehicles. The Department shall then adopt, by reference, the latest standard established by the ANSI-accredited standards development organization for alternative fuel, except that no specification shall be less stringent than required by any California state law.

BPC, Division 5, § 13404 was amended as a result of Assembly Bill 1907 (Ridley–Thomas, Chapter 805, Statutes of 2014) to provide a unit of measure for natural gas sold as a motor fuel to the public: compressed natural gas shall be sold in a gasoline gallon equivalent equal to 5.66 pounds and liquefied natural gas shall be sold in a diesel gallon equivalent equal to 6.06 pounds.

Summary of Existing Regulations

CCR, Title 4, Division 9, Chapter 1 contains the tolerances and specifications for commercial weighing and measuring devices, including those adopted by reference from NIST Handbook 44, and any exceptions and additions. CCR, Title 4, Division 9, Chapter 6 contains definitions and specifications for automotive products, including fuels and lubricants. CCR, Title 4, Division 9, Chapter 7 contains advertising and dispenser labeling requirements for motor vehicle fuels.

Summary of Effect

The Department proposes to effect and add sections to CCR, Title 4, Division 9, Chapter 1 to conform with the gasoline gallon equivalent and diesel gallon equivalent units adopted as a result of Assembly Bill 1907 (Ridley–Thomas, Chapter 805, Statutes of 2014).

The Department proposes to add sections to CCR, Title 4, Division 9, Chapter 6 to define terms and product specifications for natural gas as a motor vehicle fuel.

The Department proposes to add sections to CCR, Title 4, Division 9, Chapter 7 to provide labeling and price sign advertising requirements for natural gas sold as a motor vehicle fuel.

Anticipated Benefits of the Proposed Regulations

The proposed regulation will protect consumers and businesses and assist with California’s climate change goals to reduce petroleum consumption, greenhouse gas emissions, and local air pollution. Defining the legal requirements for fuel quality and advertising for natural gas sold as a motor vehicle fuel will ensure that consumers can make value comparisons before purchase and between competing retail service stations. Specifying the unit of measure for compressed natural gas (CNG) and liquefied natural gas (LNG) sold at retail will provide for accurate delivery of a full measure. Positive consumer experiences with high-quality natu-

ral gas vehicle fuel may result in a greater awareness and acceptance of alternative fuels and alternative fuel vehicles in general.

Consistency and Compatibility with Existing State Regulations

The Department has evaluated this proposal and believes that it is not inconsistent nor incompatible with existing state regulations. The Department is the only state agency with the authority to adopt motor vehicle fuel quality, labeling, and advertising requirements. The California Public Utilities Commission (CPUC) has authority over the composition, quality, and distribution of natural gas in the state’s pipeline network. Since the proposed regulations deal only with natural gas dispensed for retail sale as a motor vehicle fuel, they are not in conflict with any CPUC regulations.

In 1992, the California Air Resources Board (CARB) adopted prescriptive quality specifications for CNG and LNG motor vehicle fuels in CCR, Title 13, Division 3, Chapter 5, Article 3, Subarticle 1 §§ 2292.5. and 2292.6. These specifications were aimed at limiting toxic tailpipe emissions such as nitrogen oxides produced by the combustion of natural gas fuels. CARB attempted to revise its regulation in 2010, but instead issued waivers to all fuel producers and retailers who could not comply with the requirements. These waivers remain in effect and CARB has not revisited specifications for natural gas fuels since 2010. The Department’s proposed regulation is performance-based and has been developed to be compatible with any public health-based prescriptive regulations CARB may adopt in the future.

Consistency and Compatibility with Existing Federal Regulations

The Department has determined that this proposed regulation is not inconsistent or incompatible with existing federal regulations. The proposed regulation is not mandated by federal law or regulation. The Federal Trade Commission (FTC) has adopted regulations for the labeling of alternative motor vehicle fuels, including CNG and LNG in 16 CFR 306 “Automotive Fuel Ratings, Certification and Posting” and 16 CFR 309 “Labeling Requirements for Alternative Fuels and Alternative Fueled Vehicles.” FTC 16 CFR 309 requires that natural gas fuel dispensers be labeled with the minimum percent methane of the fuel. The proposed regulation does not mandate a specific minimum percentage or range of percentages for methane content in natural gas fuel, and so does not conflict with FTC 16 CFR 309.

Comparable Federal Regulations: The United States is unique in that it is the only major country in the world with no national weights and measures program. The responsibility of enforcing weights and measures laws is vested in each individual state when it adopts, modi-

fies, rejects, or amends the model laws, regulations, tolerances and specifications published by the U.S. Department of Commerce in the NIST Handbooks.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies and school districts: None.

Significant effect on housing costs: None.

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.

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

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

Impact on Jobs/New Businesses: The Department estimates that between one and ten new businesses in the commercial measuring device repair and engine mechanics sectors could be created as a result of increasing use of CNG and LNG fuels. These new business opportunities could add between 10 and 100 new jobs.

Cost Impacts on Representative Private Persons or Businesses: 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.

Business Impact: The Department is aware of only five retail CNG stations located in limited service areas that may be impacted by the fuel quality specifications in the proposed regulation. Two are owned and operated by Southern California Gas Company, one by Clean Energy, one by Waste Management and one by Revolution CNG. These are large companies who the Department believes possess the necessary resources to absorb any additional compliance costs associated with the adoption of proposed specifications and labeling requirements.

Effect on Small Businesses: The Department's proposal may affect small businesses. These entities will incur minimal costs to comply with the proposed dispenser labeling requirements.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The Department concludes that the proposed regulation: (1) is unlikely to eliminate any jobs for natural gas

motor vehicle fuel retailers; (2) may create new jobs within California; (3) may create new businesses within California; (4) may affect the expansion of businesses within California; and (5) is unlikely to eliminate any existing businesses.

The Department has initially determined that the proposed regulation would not have a significant adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states. The retail sale of natural gas motor vehicle fuel is a localized economic activity and currently, there are relatively few retailers that sell natural gas to the public.

The Department has determined that the proposed regulation will likely have a positive effect on existing small business by creating new business opportunities. Existing fuel retailers in California could choose to expand their operations to include sales of natural gas. This in turn could lead to job creation or expansion in California for registered service agencies (RSA) that install, repair, and maintain the fuel dispensers and vehicle mechanics who repair and maintain natural gas engines. The Department estimates that between 1 and 10 new businesses in the RSA and mechanics sectors could be created as a result of increased sales of natural gas fuels. These new businesses could add between 10 and 100 new jobs.

Benefits of the Proposed Regulations: The proposed regulation will protect consumers and businesses, and assist with California's climate change goals to reduce petroleum consumption, greenhouse gas emissions, and local air pollution. Defining the legal requirements for fuel quality and advertising for natural gas sold as a motor vehicle fuel will ensure that consumers can make value comparisons before purchase and between competing retail service stations. Specifying the unit of measure for CNG and LNG sold at retail will provide an accurate delivery of a full measure. Positive consumer experiences with high-quality natural gas vehicle fuel may result in a greater awareness and acceptance of alternative fuels and alternative fuel vehicles in general.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative it considered or that has otherwise been identified would be more effective in carrying out the purpose for which the action is proposed. In addition, the Department has determined that no reasonable alternative would be as effective as or 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.

CONTACT PERSONS

Inquiries about this notice may be directed to:

Pamela Fitch, Senior Environmental Scientist
(Specialist)
California Department of Food and Agriculture
Division of Measurement Standards
6790 Florin–Perkins Road, Suite 100
Sacramento, CA 95828–1812
FAX: (916) 229–3026
Email: dms@cdfa.ca.gov

The backup contact person is:

Allan Morrison, Senior Environmental Scientist
(Supervisor)
California Department of Food and Agriculture
Division of Measurement Standards
6790 Florin–Perkins Road, Suite 100
Sacramento, CA 95828–1812
FAX: (916) 229–3026
Email: dms@cdfa.ca.gov

AVAILABILITY OF STATEMENT OF REASONS
AND TEXT OF PROPOSED REGULATIONS

The Department 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 statement of reasons, and the proposed regulations in strikeout and underline form may be obtained upon request. The rulemaking file and all information on which the proposal is based are located at the Division of Measurement Standards, 6790 Florin–Perkins Road, Suite 100, Sacramento, California 95828, and may be obtained upon request. Additionally, all documents relating to this rulemaking file are available on the Department’s web site located at www.cdfa.ca.gov/dms.

Following the written comment period, the Department will adopt the proposal substantially as set forth above without further notice. If the regulations adopted by the Department differ from, but are sufficiently related to, the action proposed will be available to the public for at least 15 days prior to the date of adoption. Any interested person may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer named herein.

A Final Statement of Reasons, when available, may be obtained by contacting Kevin Schnepf, Environmental Program Manager, Fuels and Lubricants Labo-

ratory, Division of Measurement Standards at (916) 229–3000.

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

**TITLE 10. BUREAU OF
REAL ESTATE APPRAISERS**

NOTICE IS HEREBY GIVEN that the Bureau of Real Estate Appraisers (“Bureau” or “BREA”) is proposing to take the action described in the informative digest below. Any interested person may present statements or arguments relevant to the action proposed, orally or in writing, at a hearing to be held at:

Department of Consumer Affairs
1747 North Market Blvd.
1st Floor Hearing Room
Sacramento, CA 95834

Date: August 10, 2016
Time: 12:30 p.m.

Written comments including those sent by mail, facsimile, or email to the address listed under “Contact Person” in this Notice, must be received by the Bureau at its office not later than 5:00 p.m. on August 9, 2016 or must be received by the Bureau at the hearing.

The Bureau, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 11313, 11314, and 11340 Business and Professions Code and to implement, interpret and make specific Sections 11340, 11345.4, 11345.45, and 11345.6 Business and Professions Code, the Bureau is considering revising sections 3570, 3542, and 3577 to Title 10 of the California Code of Regulations as described in this Notice.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Currently, section 3570 allows for 90 days to process a temporary practice permit (TPP). Federal law requires

all TPPs be processed in five days.¹ Therefore, Section 3570 is proposed to be amended to remove the 90 day timeline for processing a TPP. Section 3570 is also being amended to remove the outdated language in subdivision (c) regarding past processing times which do not belong in regulation. Further, section 3570 contains references to Government Code sections 15376 and 15377 which were repealed effective January 1, 2003 with A.B. 1757.

Currently, section 3542 allows for experience gained through standard four or five appraisals. Section 3542 is proposed to be amended to comply with federal requirements. Under the provisions of Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA), the Appraisal Standard Board (ASB)² develops, interprets, and amends the Uniform Standards of Professional Appraisal Practice (USPAP). USPAP constitutes the minimum standard of conduct and performance for a California licensed appraiser in any work or service performed that is addressed by USPAP.³ The ASB recently amended USPAP and retired standard rule four and five. Requirements for each level of licensure shall, at a minimum, meet the criteria established by the Appraiser Qualification Board (AQB).⁴ The AQB states that all experience must be USPAP-compliant. Therefore, BREa can no longer accept experience gained through standard four or five appraisals. As such, BREa proposes to remove standard four and five appraisals from section 3542. Section 3542 is also proposed to be amended to allow BREa to approve practicum courses. This will allow BREa, not just AQB, to approve practicum courses that can provide experience credit for trainee appraisers.

Currently, section 3577 mentions “consulting assignments.” Section 3577 is being amended to remove reference to “consulting assignments.” This change is necessary because USPAP retired consulting appraisals so appraisers can no longer complete consulting assignments. Therefore, appraisal management companies cannot improperly influence consulting assignments because there are no consulting assignments to influence.

¹ Title XI of Financial Institutions Reform, Recovery, and Enforcement Act of 1989 prohibits states from imposing burdensome requirements, as determined by the ASC, for temporary practice. (12 U.S.C. section 3351.) The ASC has set a maximum of five days to approve or deny a TPP. (See ASC Policy Statement Two.)

² The ASB is composed of board members who are appointed by the Appraisal Foundation (AF). The AF is a not-for-profit corporation monitored by the Appraisal Subcommittee (ASC). The ASC is a federally created subcommittee lead by heads of federal financial agencies.

³ Business and Professions Code section 11319.

⁴ Business and Professions Code section 11314. The structure of the AQB is similar to the ASB.

ANTICIPATED BENEFITS

The benefit will be compliance with state and federal requirements and removal of outdated language. Also, allowing BREa to approve practicum courses will allow BREa, not just AQB, to approve practicum courses. This change can provide excellent experience credit for trainee appraisers. Currently, there are no AQB approved practicum courses.

CONSISTENCY OR COMPATIBILITY WITH EXISTING STATE REGULATIONS

During the process of developing these regulations, the Bureau has conducted a search of any similar regulations on this topic and has determined that there is no reasonable interpretation of any state regulation that is inconsistent or incompatible with the proposed action.

FISCAL IMPACT ESTIMATES

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

Nondiscretionary Costs/Savings to Local Agencies: None.

Cost to, or mandate imposed on, any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None.

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

As part of its Economic Impact Analysis, the Bureau has determined that its proposal will not affect the ability of California businesses to compete with other states by making it more costly to produce goods or services. The federal requirements are mandatory for all 50 states. Accordingly, this action does not affect California competitiveness.

Impact on Jobs/New Businesses: None.

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.

Effect on Housing Costs: None.

Effect on Small Businesses: The Bureau has determined that the proposed regulations will not significantly affect small businesses. This is because the only impact of the proposed action would be the ability for the Bureau to approve practicum courses. If the Bureau did choose to approve such a course, it would charge

\$350 to review the course as with any other educational course. If approved, the approved party would be able to offer the course.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

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

Benefits: The benefits will be in compliance with state and federal requirements, removal of outdated language and allowance of BREa approved practicum courses.

Occupations/Businesses Impacted: The proposed regulation will not have an occupational/business impact.

Reporting Requirements: The proposed regulation does not set forth any new reporting requirements.

Comparable Federal Regulations: None.

CONSIDERATION OF ALTERNATIVES

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

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

INITIAL STATEMENT OF REASONS AND INFORMATION

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

The proposed text, this notice, the statement of reasons, and any other relevant documents are on the Bureau's website at www.brea.ca.gov. Click the "Laws" tab at the top of the page. Under the heading "Rulemaking Notifications" find the documents associated with this rulemaking subject: "License Application Processing."

AVAILABILITY AND LOCATION OF THE STATEMENT OF REASONS, TEXT OF PROPOSED REGULATION 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. As of the date this notice is published in the Notice of Register, the rulemaking file consists of this notice, the proposed text of the regulation and the initial statement of reasons. Copies may be obtained by contacting the person named below or by accessing the website as provided above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, BREa may adopt the proposed regulation substantially, as described in this notice. If BREa 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 BREa adopts the regulations as revised. Please send requests for copies of any modified regulation to the attention of the contact person named below. BREa will accept written comments on the modified regulation 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 the person named below.

CONTACT PERSON

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

Kyle Muteff, Legal Counsel
1102 Q Street, Suite 4100
Phone: 916-341-6126
FAX: 916-440-7406
kyle.muteff@orea.ca.gov

The backup person is:

Thu Tran
1102 Q Street, Suite 4100
Phone: 916-440-7876
FAX: 916-440-7406
Thu.Tran@orea.ca.gov

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code (GC) Section 12838.5 and Penal Code (PC) Section 5055, and the rulemaking authority granted by PC Section 5058 and 5058.3, in order to implement, interpret and make specific PC section 5054, proposes to amend Sections 3000, 3084.7, 3312, 3313, 3314, 3315, 3316, 3317, 3317.1, 3317.2, 3320, 3322, 3326, 3340, 3341.3, 3376, and 3378.6, of the California Code of Regulations (CCR), Title 15, Division 3, concerning the automation of Inmate Discipline.

PUBLIC HEARING

Date and Time: August 12, 2016 from 10:00 a.m. to 11:00 a.m.
 Place: Department of Corrections and Rehabilitation Kern Room 1515 S Street — North Building Sacramento, CA 95811
 Purpose: To receive comments about this action.

AUTHORITY AND REFERENCE

PC Section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations. PC Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

INFORMATIVE DIGEST

The California Department of Corrections and Rehabilitation (CDCR) proposes to adopt revisions to the California Code of Regulations (CCR), Title 15, Division 3, Sections 3000 Definitions, 3006 Contraband, and 3323 Disciplinary Credit Forfeiture Schedule, to clarify regulations pertaining to the classification and level of penalties for the possession of any cellular telephone or wireless communication device accessories and/or components.

The Department provides a graduated system of inmate discipline designed to be administered commensurate with the seriousness of the offense. Discipline is administered so as to maintain control, conserve human values and individual dignity, and promote socially desirable changes in attitude and behavior. The inmate discipline system incorporates statutory and constitutional mandates and provides essential due process guarantees to ensure fairness and equal application.

For many years, the Department has utilized assigned inmate workers (clerks), when appropriate, to assist in the clerical duties of typing inmate disciplinary documents. The Ralph Coleman v. Edmond Brown court case recently issued a stipulation within the ongoing case mandating that the CDCR agree to immediately end the practice of using inmate workers in any aspect of the Rules Violation Report process. The stipulation also mandated the Department to upgrade the Strategic Offender Management System (SOMS) to implement the disciplinary documentation process electronically.

The goal of the SOMS project is to replace CDCR's disparate legacy application systems and array of paper files with an integrated Offender Management System and Electronic Records Management System (ERMS). SOMS comprises two different applications which include ERMS and SOMS.

ERMS is a cumulative data collection process that will auto populate specific information on all documentation, such as an inmate's name and number, current date, county of last residence, institution/facility housing, etc.

Currently, all inmate discipline is recorded on paper forms such as the CDC Forms 128-A, 115, 115-A, and 115-C. The removal of these forms is reflected in the text and replaced with the appropriate language and/or screen name as appropriate throughout Division 3, of the California Code of Regulations, Title 15.

Inmate discipline will now be recorded on SOMS screens. The information will be directly input by staff; thus removing inmate workers from the process. With the implementation and conversion to electronic documenting of Inmate Discipline, inmates will continue to receive all requisite documentation in the same constitutionally mandated time frames and with the same information as to their rights with respect to the disciplinary process. Though inmates will still receive copies/printouts of the disciplinary proceedings as afforded to them, the implementation will create an overall decrease in the need/use of paper and reduction in the amount of waste created and increase the efficiency of the disciplinary process through automation.

POLICY STATEMENT OVERVIEW

The proposed regulatory action will benefit staff and inmates within the CDCR as the information previously contained on paper is now contained in a fully automat-

ed system and is readily available to CDCR staff trained in the use of SOMS and ERMS. This information will also be available to multiple users statewide. These revisions and implementation of this automation will increase the efficiency of the disciplinary process and are anticipated to lower the chances of potential “due-process” timeline violations. Though inmates will still receive copies/printouts of the disciplinary proceedings as afforded to them, the implementation will also create an overall decrease in the need/use of paper and reduction in the amount of waste created.

**EVALUATION OF
INCONSISTENCY/INCOMPATIBILITY WITH
EXISTING STATE REGULATIONS**

Pursuant to Government Code 11346.5(a)(3)(D), the Department must evaluate whether the proposed regulations are inconsistent or incompatible with existing State regulations. Pursuant to this evaluation, the Department has reviewed existing regulations and determined that these proposed regulations are not inconsistent or incompatible.

LOCAL MANDATES

The Department has determined that these regulations do not impose a mandate on local agencies or school districts, or a mandate which requires reimbursement of costs or savings pursuant to Government Code Sections 17500–17630.

FISCAL IMPACT STATEMENT

- Cost to any local agency or school district that is required to be reimbursed: none
- Cost or savings to any state agency: none
- Other nondiscretionary cost or savings imposed on local agencies: none
- Cost or savings in federal funding to the State: none

**SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT AFFECTING BUSINESSES**

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

**COST IMPACTS ON REPRESENTATIVE
PRIVATE PERSONS OR BUSINESSES**

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.

**RESULTS OF ECONOMIC
IMPACT ASSESSMENT**

These regulations are directed at the internal management of State prisons and do not impose any obligations, duties, fees, costs, responsibilities, reporting requirements, etc. on California businesses, large or small. No economic impacts have been brought to the attention of the Department. The Department has therefore concluded that these regulations will have no impact on the creation of new, or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California. Regarding benefits, these regulations will protect the health and safety of California residents, worker safety, and the State’s environment by providing a safe environment that will encourage visitation for families, which will have a positive impact on inmates, and increase worker safety.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of state prisons.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

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 and equally effective in implementing the statutory policy or other provisions of law. Interested persons are accordingly invited to present statements or arguments with respect

to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

Timothy M. Lockwood, Chief
Regulation and Policy Management Branch
Department of Corrections and Rehabilitation
P.O. Box 942883
Sacramento, CA 94283-0001
Telephone (916) 445-2269

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Anthony Carter
Regulation and Policy Management Branch
Telephone (916) 445-2220

Questions regarding the substance of the proposed regulatory action should be directed to:

John McClure
Associate Governmental Program Analyst
Enterprise Information Systems — SOMS
California Department of Corrections and
Rehabilitation
(916) 708-1355

WRITTEN COMMENT PERIOD

The public comment period will close August 12, 2016 at 5:00 p.m. Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action (by mail, by fax, or by e-mail) to CDCR, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 324-6075; or by e-mail at RPMB@cdcr.ca.gov before the close of the comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared, and will make available, the text, any documents incorporated by reference, and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, ISOR, documents incorporated by reference, and No-

tice of Proposed Regulations will also be made available on the Department's website:

<http://www.cdcr.ca.gov>.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. 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

Following its preparation, a copy of the Final Statement of Reasons will be available on the Department's website at <http://www.cdcr.ca.gov>, and may also be obtained from the Department's contact person.

TITLE 16. BOARD OF BARBERING AND COSMETOLOGY

NOTICE IS HEREBY GIVEN that the Board of Barbering and Cosmetology (hereinafter "the Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held from 9 a.m.–11 a.m. on August 9, 2016 in the Sequoia Room at the Board's offices at 2420 Del Paso Road, Sacramento, California, 95834. 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 offices not later than 5:00 p.m. on August 9, 2016 or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this

proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 7312 of the Business and Professions Code, and to implement, interpret or make specific Sections 129(e) and 7404 of the Business and Professions Code, the Board is considering changes to Division 9 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

A. Informative Digest

Amend Sections 904 and 905

Section 7312 of the Business and Professions Code gives the Board broad authority to enforce the Barbering and Cosmetology Act, including disciplining people who are in violation of the act and developing health and safety standards. Section 129 of the Business and Professions Code generally describes how complaints must be handled by licensing entities such as the Board, while subsection (e) mandates that the Board “take whatever action it deems necessary . . . to inform the public of its functions under this section.” This regulatory proposal eliminates the requirement that all barbering and cosmetology establishments post a Board-produced poster that includes the Board’s health and safety regulations (promulgated in Article 12 of Division 9 of Title 16). Establishments would instead be required to post only the “Message to the Consumer” portion of the poster, in a format each establishment can easily reproduce and/or print out on its own. The message is also simplified for the benefit of consumers, and invites them to contact the Board if they have any complaint, without asking them to evaluate whether the complaint is within the Board’s jurisdiction. The poster also displays a link to the Board’s Web page where the full text of the Board’s laws and regulations can be found.

B. Policy Statement Overview/Anticipated Benefits of Proposal

Because it lists nearly all of Article 12 of Division 9 of Title 16 of the California Code of Regulations, the current health and safety poster is lengthy, typographically dense, and rarely, if ever, actually read by the consumer during a visit to the establishment. This means that the “Message to the Consumer” portion of the poster — which the Board believes to be the most important section for consumers — goes largely unnoticed by the public. Moreover, each time the Board’s health and safety regulations change — as they recently did on July 1, 2015 — a new poster must be produced and distrib-

uted to all licensed establishments at a considerable expense to the Board. This regulatory change will eliminate that expense. The new poster also displays a link to the Board’s Web site where consumers can read the Board’s rules and regulations in four languages at their leisure. The Board believes consumers will be more likely to actually read the regulations in the comfort of their own home, away from the bustle of a salon.

C. Consistency and Compatibility with Existing State Regulations

After conducting a review for any regulations that would relate to or affect this area, the Board has determined this proposal is not inconsistent or incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: The Board estimates it will save \$10,000, which would be the approximate cost of printing and mailing copies of the existing poster to California’s approximately 40,000 licensed establishments.

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 because the poster can be printed on a simple piece of 8.5-by-11-inch paper, 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 regulation will not affect small businesses in any significant way because the “Message to the Consumer” poster can now be easily and cheaply printed on a regular sheet of 8 1/2” by 11” paper.

**RESULTS OF ECONOMIC IMPACT
ASSESSMENT/ANALYSIS**

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal 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.

Benefits of Regulation:

The Board has determined that this regulatory proposal will benefit the public by helping consumers become more aware of the Board's enforcement functions.

CONSIDERATION OF ALTERNATIVES

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

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

**INITIAL STATEMENT OF REASONS
AND INFORMATION**

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Contact Person named below.

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

All the information upon which the proposed regulations are based is contained in the rulemaking file which

is available for public inspection by contacting the person named below.

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

CONTACT PERSON

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

Name: Kevin Flanagan
Address: 2420 Del Paso Road, Suite 100
Sacramento, CA 95834

Telephone No.: (916) 575-7100
Fax No.: (916) 928-6810

E-Mail Address: Kevin.Flanagan@dca.ca.gov

The backup contact person is:

Name: Patricia Garcia
Address: 2420 Del Paso Road, Suite 100
Sacramento, CA 95834

Telephone No.: (916) 575-7100
Fax No.: (916) 928-6810

E-Mail Address: Patricia.Garcia@dca.ca.gov

Website Access: Materials regarding this proposal can be found at http://www.barbercosmo.ca.gov/laws_regs/prop_regs.shtml.

**TITLE 16. CALIFORNIA 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 August 8, 2016.

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 25, 2016.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related

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

Authority and Reference: Pursuant to the authority vested by section 2570.20 of the Business and Professions Code (BPC), and to implement, interpret or make specific sections 2570.10 and 2570.11 of said Code, the Board is proposing to revise Division 39, Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST

Informative Digest

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

Policy Statement Overview

Existing law, BPC section 2570.10 establishes that in addition to any other qualifications and requirements for license renewal, the Board may by rule establish and require the satisfactory completion of continuing competency requirements as a condition of renewal of a license.

This proposed action will amend 16 CCR Section 4161 which establishes and defines the requirements for occupational therapists and occupational therapy assistants to complete continuing competency requirements as a condition for license renewal. This is demonstrated by completing twenty-four (24) professional development units (PDUs) during the preceding (two-year) renewal period and recording the information on the renewal form.

In the case of a license renewed after its expiration, the licensee must submit evidence of completing 24 PDUs within the two years immediately preceding the delinquent renewal.

This proposed action will amend 16 CCR Section 4162, which establishes and defines the requirements for occupational therapists and occupational therapy assistants to record, on the renewal form, the date each course or activity was completed, the provider, the course number/title, if applicable, the description of the course, and the total number of PDUs. Records showing participation in each professional development activity must be maintained by the occupational therapy practitioner for four (4) years following the renewal period. A

maximum of six (6) PDUs in excess of the required 24 PDUs may be carried over to the next renewal period. Any occupational therapy practitioner who is unable to provide records documenting completion of the continuing competency requirements is subject to citation and/or administrative fine or disciplinary action. The proposed action will amend the number of PDUs a practitioner will receive for the supervision of a Level II student and also receive credit for the supervision of a Level I student. The said supervision must be documented by the practitioner, immediately upon conclusion of the supervision period, using the Fieldwork Education PDU Attestation form (Form FEA New 6/2016) hereby incorporated by reference, and shall contain a statement under penalty of perjury regarding the truthfulness of the information contained therein.

This proposed action will amend 16 CCR Section 4163 which, for those licensees unable to complete PDUs due to physical or mental disability, limits the continuing competency exemptions allowed before a licensee must renew their license in an inactive status.

Benefit of Proposed Regulations

This proposed action will encourage and incentivize practitioners to supervise the fieldwork of Level I and Level II occupational therapist and occupational therapy assistant students by allowing the practitioners to receive credits for doing so. For supervising the fieldwork of a Level I student, the practitioner will receive one (1) PDU. For each forty (40) hours of supervision of the fieldwork of a Level II student, the practitioner will receive (1) PDU. A maximum of twelve (12) PDUs of credit for supervising Level II and/or Level I students shall be allowed per renewal period. Existing regulations allow the practitioner to receive 0.5 PDUs for each 60 hours of supervision of the fieldwork of Level II occupational therapist and occupational therapy assistant students.

This proposed action will also allow the fieldwork supervision hours of a single student to be divided between licensees as there is no sole supervisor during the fieldwork. Total weekly hours claimed by more than one licensee sharing supervision of a single student shall not exceed 40 hours per week. Credit for PDUs shall only be earned for the dates of supervision occurring during the renewal period. The supervision shall not be the primary responsibility of the licensee's employment.

This proposed action will require an occupational therapy practitioner who supervises a student completing their Level I and/or Level II fieldwork to document said supervision using a newly proposed form entitled the Fieldwork Education PDU Attestation form (Form FEA New 6/2016), which contains a statement under

penalty of perjury regarding the truthfulness of the information contained therein.

This proposed action will clarify that an exemption will not be granted for two (2) consecutive renewal periods. In the event a licensee cannot complete continuing competency requirements following an exemption, the licensee may only renew the license in an inactive status.

The proposed regulatory action defines, clarifies, and updates many aspects and principals of the Board’s continuing competency requirement and promotes more efficient administration, coordination, and enforcement of the continuing competence requirements. The proposed regulatory action ultimately is designed to enhance and promote public safety by ensuring practitioners stay current with trends and technological advances in the delivery of occupational therapy services to the public.

Consistency and Compatibility with Existing State Regulations

The Board has conducted a review of existing related regulations and has determined that these are the only regulations dealing with continuing competency of occupational therapists and occupational therapy assistants. Therefore, this regulatory proposal is consistent and compatible with existing state regulations.

Documents Incorporated by Reference: Fieldwork Education PDU Attestation Form FEA (New 6/2016).

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

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 ex-

isting businesses or the expansion of businesses in the State of California.

Existing regulations already require occupational therapy practitioners to complete continuing competence (continuing education) course work or activities. This proposed action will allow practitioners to receive credit for supervising the fieldwork of Level I occupational therapist and occupational therapy assistant students and increase credit for supervising fieldwork of Level II students. This proposed action will also make other amendments related to the accumulation of continuing competency credits and clarify and establish a limit on the number of continuing competence exemptions that can be granted to a licensee.

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

The proposed regulatory action amends and updates existing regulations relevant to continuing competence requirements for occupational therapy practitioners. Adoption of this proposed action will enhance and promote the administration, coordination, and enforcement of these provisions and ultimately promote the Board’s mandate to protect the health, safety, and welfare of California consumers.

Cost Impact on Affected Private Persons:

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. The Board has determined that this regulatory proposal will not adversely impact affected private persons (licensed occupational therapy practitioners and future applicants). Existing regulations require practitioners and applicants to complete PDUs in order to renew their license. This proposed action does not increase or decrease the number of PDUs that are required for license renewal.

Effect on Housing Costs: None.

Effect on Small Business:

The Board has made a determination that the proposed regulatory action would have no statewide adverse economic impact on small business. The proposed regulatory action impacts individuals licensed to provide or assist in the practice of occupational therapy.

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 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 2250
 Sacramento, CA 95815
 (916) 263-2294 (Tel)
 (916) 263-2701 (Fax)

The backup contact person is:

Ranjila Sandhu
 [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. DENTAL BOARD OF CALIFORNIA

DEPARTMENT OF CONSUMER AFFAIRS

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

**Department of Consumer Affairs
 2005 Evergreen Street
 1st Floor Hearing Room
 Sacramento, California 95815
 Monday, August 8, 2016
 10:00 a.m.**

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on Monday, August 8, 2016 or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 1614, 1724, and 1725 of the Business and Professions Code, to implement, interpret or make specific Sections 1724 and 1725 of the Business and Professions Code, the Board is considering changes to Division 10 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/ POLICY STATEMENT OVERVIEW

The Board regulates approximately 101,500 licenses; consisting of 45,400 dentists (DDS), 54,500 registered dental assistants (RDA), and 1,600 registered dental assistants in extended functions (RDAEF). In addition, the Board has the responsibility for setting the duties and functions of approximately 50,000 unli-

censed dental assistants. The Board's highest priority is the protection of the public when exercising its licensing, regulatory, and disciplinary functions. The primary methods by which the Board achieves this goal are: issuing licenses to eligible applicants; investigating complaints against licensees and disciplining licensees for violations of the Dental Practice Act (Act); monitoring licensees whose licenses have been placed on probation; and managing the Diversion Program for licensees whose practice may be impaired due to abuse of dangerous drugs or alcohol.

Existing law, Business and Professions Code Section 1724, authorizes the Board to charge various fees for dentists licensed and permitted by the Board as is necessary for the purpose of carrying out the responsibilities required by the Act. Business and Professions Code Section 1724 also establishes the maximum fee amount the Board may assess its dentist licensees by regulation.

Existing law, Business and Professions Code Section 1725, authorizes the Board to charge various fees for dental assistants licensed and permitted by the Board as is necessary for the purpose of carrying out the responsibilities required by the Act. Code Section 1725 also establishes the maximum fee amount the Board may assess its dental assistant licensees by regulation.

The Dental Board is a self-supporting, special fund agency that obtains its revenues from licensing and permit fees of dentists and dental assistants. The revenues are deposited and maintained in two separate funds which are not comingled. The Dentistry Fund (0741) supports operations for dentists and related ancillary services, and the Dental Assisting Fund (3142) supports operations for dental assistants and related ancillary services. Although there is no statutory requirement, the Board's objective is to maintain a three-month reserve of funds for economic uncertainties and to operate with a prudent reserve in each fund.

According to the State Dentistry Fund Condition for the Governor's Budget 2016-17, the Board is projecting a fund balance deficit of \$2.24 million in Budget Year (BY) 2017-18 as well as an ongoing fund balance deficit thereafter. According to the State Dental Assistant Fund Condition for the Governor's Budget 2016-17, the Board is projecting a fund balance deficit of \$158,000 in BY 2017-18 as well as an ongoing fund balance deficit thereafter.

The Dentistry Fund is maintained by the Board and includes the revenues and expenditures related to licensing for dentists. For sixteen years, the license fee for dentists was set at \$365. In 2013, for the first time in 16 years, the Board increased its license fee for dentists from \$365 to its statutory cap at the time of \$450. These regulations went into effect on July 1, 2014. During that time, the Board also pursued an increase in statute from

\$450 to \$525. SB 1416 (Block, Chapter 73, Statutes of 2014) raised the Board's fee for initial and renewal licenses for dentists from \$450 to \$525, and set fees at that level. During that time, an analysis conducted by the DCA's Budget Office determined that the license fees should be raised to \$525 to ensure solvency into the foreseeable future. While increased fees have generated additional revenue, the Board expenditures, projected to be over \$12M per year, continue to outpace its revenue, projected to be less than \$11M per year, thus perpetuating a structural imbalance.

Part of the reason for the increase in projected and actual expenditures in recent years has been due to funding 12.5 Consumer Protection Enforcement Initiative (CPEI) positions; funding the diversion program; increased expenses associated with BreEZe; unexpected litigation expenses; and the general increase in the cost of doing business over the past 16 years. While the Board has expended less than what it has been authorized by the budget due to some cost savings and reimbursements, the Board emphasizes that its fund should be able to sustain expenditures without relying on estimated savings or reimbursements.

As part of its effort to manage its financial resources wisely, the Board contracted with a consultant to prepare a detailed cost analysis of its fees. The Board's objectives for the study were to ensure that the Board is fully accounting for all of its costs and recovering adequate revenues to be reimbursed for its expenses. The Board's only sources of revenues are fees charged for each of the various licenses and permits. The Board also has a mandate to be fully self-supporting so it is vital that the fees charged to dentists and dental assistants for permits and licenses fully recover the costs of the program. The scope of this study included the following objectives: calculate full cost of fee-based services; determine allocation methodology for enforcement activities; develop revenue projections for 5-10 years; and pass high-level audits. The process used for collecting and analyzing the data required active participation by the Board's management and staff.

As a result of the fee audit, the Board was able to pursue increases in the statutorily authorized maximum fee amounts. Assembly Bill 179 (Chapter 510, Statutes of 2015) increased the maximum fee amounts that the Board may assess so that it may establish increase licensure and ancillary fees for dentists and dental assistants to ensure a healthy program budget.

The main purpose of this proposal is to amend Sections 1021 and 1022 of Article 6 of Chapter 1 of Division 10 of Title 16 of the California Code of Regulations. This proposal seeks an increase in the fees assessed dentists and dental assistants.

The Board is proposing the following changes:

- ▶ Amend Section 1021(a) to raise the application fee for those dental applicants qualifying for licensure pursuant to Business and Professions Code Section 1632(c)(2) from \$100 to \$400 and delete the provision pertaining to the application fee for those qualifying pursuant to Business and Professions Code Section 1634.1.
- ▶ Amend Section 1021(b) to replace the current language pertaining to the initial application fee for the restorative technique examination with proposed language to increase the initial application fee for those qualifying pursuant to Business and Professions Code Section 1634.1 from \$100 to \$400. The initial application fee for those qualifying pursuant to Business and Professions Code Section 1634.1 was originally found in Section 1021(a). The Board no longer administers the restorative technique examination and does not currently have statutory authority to assess the \$250 fee.
- ▶ Amend Section 1021(c) to replace the current language pertaining to applications for re-examination with proposed language to establish the initial application fee of \$800 for those applicants qualifying pursuant to Business and Professions Code Section 1634.1. The Board no longer administers its own clinical examination for dental licensure; therefore, the re-examination fee is obsolete and the Board does not currently have statutory authority to assess the \$75 fee.
- ▶ Delete Section 1021(d) to delete the \$250 fee associated with the restorative technique examination or re-examination. The Board no longer administers the restorative technique examination and does not currently have statutory authority to assess the \$250 fee.
- ▶ Amend Section 1021(e) to increase the application fee for those applicants applying pursuant to Business and Professions Code Section 1635.5 from \$283 to \$525. This section also contains technical amendments to correct the lettering of the subsections and to clearly cite the Business and Professions Code Section associated with the “Licensure by Credential” pathway to dental licensure.
- ▶ Amend Section 1021(f) to increase the initial licensure fee for dentists from \$450 to \$650. This section also contains a technical amendment to correct the lettering of the subsection.
- ▶ Amend Section 1021(g) to increase the biennial license renewal fee for dentists from \$450 to \$650. This section also contains a technical amendment to correct the lettering of the subsection.
- ▶ Amend Section 1021(h) to correct the lettering of the subsection.
- ▶ Amend Section 1021(i) to correct the lettering of the subsection and correct the reference to Code Section 1724(f).
- ▶ Amend Section 1021(j) to correct the lettering of the subsection.
- ▶ Amend Section 1021(k) to correct the lettering of the subsection and increase the application fee for an additional office permit from \$100 to \$350.
- ▶ Amend Section 1021(l) to correct the lettering of the subsection and increase the biennial renewal fee for an additional office permit from \$100 to \$250.
- ▶ Amend Section 1021(m) to correct the lettering of the subsection.
- ▶ Amend Section 1021(n) to correct the lettering of the subsection.
- ▶ Amend Section 1021(o) to correct the lettering of the subsection and increase the fictitious name permit renewal fee from \$150 to \$650.
- ▶ Amend Section 1021(p) to correct the lettering of the subsection.
- ▶ Amend Section 1021(q) to correct the lettering of the subsection and increase the application fee to be a continuing education registered provider from \$250 to \$410.
- ▶ Amend Section 1021(r) to correct the lettering of the subsection and increase the fee for an application for a general anesthesia or conscious sedation permit or adult or minor oral conscious sedation permit from \$200 to \$500.
- ▶ Amend Section 1021(s) to correct the lettering of the subsection and increase the fee for an oral conscious sedation permit renewal from \$75 to \$500.
- ▶ Amend Section 1021(t) to correct the lettering of the subsection and increase the fee for the renewal of a general anesthesia or conscious sedation permit from \$200 to \$325.
- ▶ Amend Section 1021(u) to correct the lettering of the subsection and increase the fee for the on-site inspection and evaluation of general anesthesia and conscious sedation permit holders from \$250 to \$2,000.
- ▶ Add Section 1021(u) to establish the fee for an application for a special permit to be \$1,000.
- ▶ Add Section 1021(v) to establish the fee for an application for a special permit to be \$125.
- ▶ Add Section 1021(w) to establish the fee for the initial application for an elective facial cosmetic surgery permit to be \$850.

- ▶ Add Section 1021(x) to establish the fee for the renewal of an elective facial cosmetic surgery permit to be \$800.
- ▶ Add section 1021(y) to establish the fee for the application for an oral and maxillofacial surgery permit to be \$500.
- ▶ Add Section 1021(z) to establish the fee for the renewal of an oral and maxillofacial surgery permit to be \$650.
- ▶ Add Section 1021(aa) to establish the renewal fee for a continuing education registered provider to be \$325.
- ▶ Add Section 1021(ab) to establish the fee for a dental certification to be \$50.
- ▶ Add Section 1021(ac) to establish the fee for the application to take the dental law and ethics examination to be \$125.
- ▶ Amend Section 1022(a) to increase the application fee for registered dental assistant and registered dental assistant in extended functions licensure from \$20 to \$120.
- ▶ Add new Section 1022(b) to establish the application fee for the Dental Sedation Assistant Permit at \$120.
- ▶ Add new Section 1022(c) to establish the application fee for the Orthodontic Assistant Permit at \$120.
- ▶ Amend existing Section 1022(b) to correct the lettering of the subsection and increase the fee for the registered dental assistant examination or re-examination from \$30 to \$100.
- ▶ Amend existing Section 1022(c) to correct the lettering of the subsection and increase the fee for the registered dental assistant examination and re-examination from \$50 to \$500.
- ▶ Amend existing Section 1022(d) to correct the lettering of the subsection and increase the registered dental assistant biennial renewal fee from \$12 to \$100.
- ▶ Amend existing Section 1022(e) to correct the lettering of the subsection and increase the registered dental assistant in extended functions biennial renewal fee from \$10 to \$100.
- ▶ Amend existing Section 1022(f) to correct the lettering of the subsection, delete the renewal fee for registered dental hygienist licensees, and establish the biennial renewal fee for dental sedation assistant permit holders at \$100.
- ▶ Amend existing Section 1022(g) to correct the lettering of the subsection, delete the renewal fee for registered dental hygienist in extended functions licensees, and establish the biennial renewal fee for orthodontic assistant permit holders at \$100.
- ▶ Amend existing Section 1022(h) to correct the lettering of the subsection and to increase the delinquency fee for late registered dental assistant licensure renewals from \$6 to \$50.
- ▶ Amend existing Section 1022(i) to correct the lettering of the subsection and to increase the delinquency fee for late registered dental assistant in extended functions renewals from \$5 to \$50.
- ▶ Amend existing Section 1022(j) to correct the lettering of the subsection, delete the delinquency fee for late registered dental hygienist licensure renewal, and establish the delinquency fee for late dental sedation assistant permit renewals at \$50.
- ▶ Amend existing Section 1022(k) to correct the lettering of the subsection, delete the delinquency fee for late registered dental hygienist in extended functions licensure renewal, and establish the delinquency fee for late orthodontic assistant permit renewals at \$50.
- ▶ Add new Section 1022(n) to establish the application fee for Registered Dental Assistant Educational Programs at \$1,400.
- ▶ Add new Section 1022(o) to establish the application fee for registered dental assistant in extended functions educational programs at \$1,400.
- ▶ Add new Section 1022(p) to establish the application fee for orthodontic assistant permit educational courses at \$300.
- ▶ Add new Section 1022(q) to establish the application fee for dental sedation assistant permit educational courses at \$300.
- ▶ Add new Section 1022(r) to establish the application fee for infection control educational courses at \$300.
- ▶ Add new Section 1022(s) to establish the application fee for coronal polishing educational courses at \$300.
- ▶ Add new Section 1022(t) to establish the application fee for pit and fissure sealants educational courses at \$300.
- ▶ Add new Section 1022(u) to establish the application fee for radiation safety educational courses at \$300.

- ▶ Add new Section 1022(v) to establish the application fee for ultrasonic scaling educational courses at \$300.
- ▶ Amend existing Section 1022(l) to correct the lettering of the subsection, increase the fee for a duplicate license from \$25 to \$50, and establish the fee for a license certification at \$50.

As a result of raising the initial licensure fee and the biennial renewal fee, the following fees assessed by the Board will be impacted; this is because these fees are determined by the fee amounts assessed by the Board for initial licensure and biennial renewal as specified in statute:

- ▶ Inactive Licenses;
- ▶ Licenses on Retirement Status;
- ▶ Licenses on Disability Status;

The proposed increase in fees is necessary to enable the Board to sustain operations to effectively protect consumers through its licensing and enforcement functions.

If the Board does not increase fees for dentists and dental assistants, the Board's operations will suffer and it would become necessary for the Board to reduce expenditures, including the reduction of staffing and reduction of operating resources and equipment. The Board's licensing program would suffer from reductions in staffing and would result in delayed response times to licensing inquiries and application approvals. Such delays would create a barrier to licensure for those applicants graduating dental school and seeking licensure and employment in a timely manner. Students must gain licensure and employment as soon as possible after graduation to begin paying down debt accumulated during school. Additionally, the Board's enforcement program would suffer from reductions in staffing and resources. Such reductions would lead to delays in processing consumer complaints, conducting investigations, and referring egregious cases to the Office of the Attorney General for prosecution. Those types of delays ultimately would prevent the Board from being able to protect the public efficiently and effectively.

ANTICIPATED BENEFITS

The proposed fee increase will correct the structural imbalance between the Board's revenue and expenditures and will allow it to maintain its current operating structure to provide consumer protection. The proposed fee increases will support the Board's licensing program so that it may continue to license qualified applicants to provide dental health care services to consumers. Additionally, the proposed fee increase will support the Board's enforcement program so that it may continue to process and investigate consumer com-

plaints efficiently and effectively in the interest of patient protection within the timelines established by the Department of Consumer Affairs.

CONSISTENCY & COMPATIBILITY WITH EXISTING STATE REGULATIONS

After conducting a review for any regulations that would relate to or affect this area, the Board has evaluated this regulatory proposal and it is not inconsistent or incompatible with existing state regulations. The Board is the only state entity that regulates the practice of dentistry through a licensure process in the interest of public protection; therefore, the Board is the only entity that assesses a fee for initial licensure and biennial renewal.

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 the initial determination that the proposed regulation would not have a significant, statewide adverse economic impact directly affecting business, including the inability of California businesses to compete with businesses in other States.

The Board has determined that the following types of businesses may be affected by the proposed fee increase:

- ▶ Businesses owned by licensees of the Board that pay for the licensure and renewal fees of its owners or dentist employees.

Although businesses owned by licensees of the Board and businesses that employ licensees of the Board may be impacted, the Board estimates that the fiscal impact would be minor and absorbable. The Board does not maintain data relating to the number or percentage of licensees who own a business; therefore, the number or percentage of businesses that may be impacted cannot be predicted. Accordingly, the initial or ongoing costs for a business owned by a licensee that pays for the licensure and renewal fees of its owners or employees cannot be projected. The proposed fee increase would impact individual licensees. The Board estimates that: the average salary of a dentist in California is approximately \$150,000 per year; the average salary of an oral and maxillofacial surgeon is \$250,000 per year; the av-

average salary of a registered dental assistant in California is approximately \$35,000 per year; and, the average salary of a registered dental assistant in expanded functions in California is approximately \$48,000 per year.

The Board has not considered proposed alternatives that would lessen any adverse economic impact on businesses and invites you to submit such proposals. Submissions may include the following considerations:

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

The rulemaking file includes the facts, evidence, documents, testimony, and/or other evidence which supports this determination.

Cost Impact on Representative Private Person or Business:

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the Board are:

- ▶ Although businesses owned by licensees of the Board and businesses that employ licensees of the Board may be impacted, the Board estimates that the fiscal impact would be minor and absorbable. The Board does not maintain data relating to the number or percentage of licensees who own a business; therefore, the number or percentage of businesses that may be impacted cannot be predicted. Accordingly, the initial or ongoing costs for a business owned by a licensee that pays for the licensure and renewal fees of its owners or employees cannot be projected. The proposed fee increase would impact individual licensees.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses.

Although small businesses owned by licensees of the Board and small businesses that employ licensees of the Board may be impacted, the Board estimates that the fiscal impact would be minor and absorbable. The Board does not maintain data relating to the number or percentage of licensees who own a small business; therefore the number or percentage of small businesses that may be impacted cannot be predicted. Accordingly,

the initial or ongoing costs for a small business owned by a licensee that pays for the licensure and renewal fees of its owners or employees cannot be projected. The proposed fee increase would impact only individual licensees.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on 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. This determination was made because the proposed changes are not sufficient to create or eliminate jobs or businesses.

Benefits of Regulation:

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's environment:

The proposed fee increase will correct the structural imbalance between the Board's revenue and expenditures and will allow it to maintain its current operating structure to provide consumer protection. The proposed fee increases will support the Board's licensing program so that it may continue to license qualified applicants to provide dental health care services to consumers. Additionally, the proposed fee increase will support the Board's enforcement program so that it may continue to process and investigate consumer complaints efficiently and effectively in the interest of patient protection within the timelines established by the Department of Consumer Affairs.

This regulatory proposal does not affect worker safety because this proposal is not relative to worker safety.

This regulatory proposal does not affect the state's environment because this proposal is not relevant to the state's environment.

CONSIDERATION OF ALTERNATIVES

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

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

**INITIAL STATEMENT OF REASONS
AND INFORMATION**

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board at 2005 Evergreen Street, Suite 1550, Sacramento, California 95815 or by accessing the Board's website at <http://www.dbc.ca.gov/lawsregs/index.shtml>.

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

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

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

CONTACT PERSON

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

Name: Lusine Sarkisyan, Legislative & Regulatory Analyst
Dental Board of California
Address: 2005 Evergreen Street, Suite 1550
Sacramento, CA 95815
Telephone No.: (916) 263-2027
Fax No.: (916) 263-2140
E-Mail Address: Lusine.Sarkisyan@dca.ca.gov

The backup contact person is:

Name: Sarah Wallace, Assistant Executive Officer
Dental Board of California
Address: 2005 Evergreen Street, Suite 1550
Sacramento, CA 95815
Telephone No.: (916) 263-2187
Fax No.: (916) 263-2140
E-Mail Address: Sarah.Wallace@dca.ca.gov

Website Access: Materials regarding this proposal can be found at the Board's Web site at: <http://www.dbc.ca.gov/lawsregs/index.shtml>.

**TITLE 17. DEPARTMENT OF PUBLIC
HEALTH**

DPH-09-010E Newborn Screening

NOTICE IS HEREBY GIVEN that the California Department of Public Health (Department) announces a public comment period. This notice of proposed rule-making commences a rulemaking to make the emergency regulations permanent after considering all comments, objections, and recommendations regarding the regulations.

PUBLIC PROCEEDINGS

The Department is conducting a 45-day written public comment period and will hold a public hearing (pursuant to HSC section 124977(d)(1), within 120 days from the emergency effective date of March 23, 2016, OAL Emergency Filing No. 2016-0323-02 EFP), during which time, any interested person or such person's duly authorized representative may present statements, arguments or contentions (all of which are hereinafter referred to as comments) relevant to the action described in this notice.

PUBLIC HEARING

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

Date and Time: July 6, 2016 at 9:00 a.m.
Place: 1415 L Street, Suite 500, Room 1001, Sacramento, CA 95814
Purpose: To hear comments about this action.

An agenda for the public hearing will be posted at the time and place of hearing location.

For individuals with disabilities, the Department shall provide, upon request, 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, and audiocassette or computer disk. Note: The range of assistive services available may be limited if requests are received without adequate preparation time prior to the public hearing.

To request such services or copies of materials in an alternate format, please write or call Linda M. Cortez, California Department of Public Health, Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814, (916) 440–7807, or email to Linda.Cortez@cdph.ca.gov, or use the California Relay Service by dialing 711 at no cost.

WRITTEN COMMENT PERIOD

Written comments pertaining to this proposal, regardless of the method of transmittal, must be received by the Office of Regulations by **5:00 p.m. on August 8, 2016**, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely.

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–09–010E” in the subject line to facilitate timely identification and review of the comment;
2. By fax transmission: (916) 440–5747;
3. By United States Postal Service to: California Department of Public Health, Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814;
4. Hand–delivered to: California Department of Public Health, Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814.

All submitted comments should include the regulation package identifier “DPH–09–010E”, author’s name and mailing address.

AUTHORITY AND REFERENCE

The Department is proposing to adopt, amend, or repeal the proposed rulemaking under the authority provided in sections 124977, 124980, 125000, 125001, 125025, 131050, 131051, and 131200 of the Health and Safety Code. The Department is proposing to imple-

ment, interpret, and make specific sections 124116, 124977, 124980, 125000, 125001, 125025, 131050, 131051, and 131200 of the Health and Safety Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The purpose of this rulemaking proposal is to make permanent the emergency regulations which clarified and made specific Health and Safety Code sections 124977 and 125001 and updated the newborn screening (NBS) regulations in order to protect the health, and prevent unnecessary death of newborns born in California. These regulations are needed to address the changes in medical technology and incorporate necessary changes in the NBS requirements for newborn’s physicians, midwives, perinatal health facilities/hospitals, and other out–of–hospital newborn screening providers.

POLICY STATEMENT OVERVIEW

Problem Statement: The California NBS Program has expanded its testing panel three times since the current regulations were developed, from four (4) tests detecting 29 diverse disorders to eight (8) tests detecting 80 diverse disorders. (See list of Disorders Detectable by NBS Program as of January 1, 2012.) The requirements for screening have changed because the new disorders are so diverse and require different standards and practices. These necessary changes are not reflected in the current NBS regulations.

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

- Include the expansion of NBS which occurred in 2005 and 2007, resulting in a substantial increase in the number of disorders for which newborns are tested
- Include the expansion of NBS which occurred in 2012 to include testing for an additional disorder — Severe Combined Immunodeficiency (SCID)
- Change technology, terminology, medical standards, and practices that have occurred in the field of newborn screening internationally, nationally, and in California since the last NBS regulations were written

Benefits: The benefits anticipated by the adoption of these regulations are:

- Providing protection of public health and safety by expanding upon existing regulation provisions
- Improved provisions for early detection, follow–up and referrals for diagnosis and early treatment
- Providing early treatment, preventing illness, disability and even death to infants

- Identifying detailed responsibilities of parties involved in newborn screening services, such as hospitals, physicians, and NBS contracted laboratories

4. NOTIFICATION OF REGISTRATION OF BIRTH WHICH OCCURRED OUT OF A LICENSED HEALTH FACILITY (NBS-OH) CDPH 4460 (01/09).

EVALUATION OF INCONSISTENCY AND INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

MANDATE ON LOCAL AGENCY OR SCHOOL DISTRICT

The Department evaluated this proposal as to whether the proposed regulations are inconsistent or incompatible with existing state regulations. This evaluation included a review of the Department’s existing general regulations and California Children’s Services regulations. An internet search of other state agency regulations was also performed and it was determined that no other state regulation addressed the same subject matter and that this proposal is not inconsistent or incompatible with other state regulations.

The Department has determined that the regulation 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.

Existing regulations provide for the means of newborn screening, including test methods, and instructions to various medical personnel and providers but they don’t identify the expansions of the NBS Program occurring in 2005, 2007, and 2012, which have resulted in a substantial increase in the number of disorders for which newborns are tested or the changing technology, terminology, medical standards and practices that have occurred in the field of newborn screening since the last NBS Program regulations were written.

FISCAL IMPACT ESTIMATE

Therefore, the Department has determined that this proposal, if adopted, would not be inconsistent or incompatible with existing state regulations.

- A. COST OR SAVINGS TO ANY STATE AGENCY:** No fiscal impact exists because this regulation does not affect any state entity or program. The costs for provider education on regulation changes are included in the program’s budget.
- B. COST TO ANY LOCAL AGENCY:** No fiscal impact exists because this regulation does not affect any local entity or program.
- C. COST OR SAVINGS ON FEDERAL FUNDING OF STATE PROGRAMS:** No fiscal impact exists because this regulation does not affect any federal entity or program.
- D. OTHER NONDISCRETIONARY COST OR SAVINGS IMPOSED ON LOCAL AGENCIES:** No fiscal impact exists because this regulation does not affect any local entity or program.

MANDATED BY FEDERAL LAW OR REGULATIONS

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

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

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.

FORMS INCORPORATED BY REFERENCE

EFFECT ON SMALL BUSINESSES

1. CALIFORNIA NEWBORN SCREENING TEST REQUEST FORM (NBS-TRF) (CDPH 4409 (11/12)) NBS-I (D).
2. NEWBORN SCREENING TEST REFUSAL (NBS-TR) CDPH 4459 (06/11) — English version or CDPH 4459 (SP) (06/11) — Spanish version.
3. HOSPITAL REPORT OF NEWBORN SCREENING SPECIMEN NOT OBTAINED (NBS-NO) CDPH 4089 (01/11).

The Department has determined that the regulations will have no significant effect on small businesses as this proposal addresses the changes in the medical field and screening requirements that already exist for newborn’s physicians, midwives, perinatal health facilities/hospitals, and other out-of-hospital newborn screening providers. The additional screens are to be collected at the same time.

HOUSING COSTS

The Department has determined that the regulations will not impact housing costs.

BUSINESS REPORTING REQUIREMENT

The Department has determined that there is no business report to be filed.

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

The Department has made an initial determination that this proposal would not have a significant statewide adverse economic impact directly affecting California business enterprises or individuals, including the ability of California businesses to compete with businesses in other states.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The Department has determined that the regulation would not significantly impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California. This regulation does not affect worker safety or California's environment. As stated previously in the Informative Digest/Policy Statement Overview, this regulation will benefit the health and welfare of California residents. The regulations expand upon existing regulation provisions and will provide provisions for early detection, follow-up, and referrals for diagnosis and treatment which will lead to early treatment, preventing illness, disability, and even death to infants.

ALTERNATIVES INFORMATION

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 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 provisions of law.

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

California Department of Public Health, Genetic Disease Screening Program, Newborn Screening Program. (Updated January 1, 2012). *Disorders Detectable by NBS Program as of January 1, 2012.*

CONTACT PERSON

Inquiries regarding the substance of the regulation described in this notice may be directed to Robin Thomas, Genetic Disease Screening Program, Center for Family Health, (510) 412-1519.

All other inquiries concerning the action described in this notice may be directed to Linda M. Cortez, Office of Regulations, (916) 440-7807, or the designated backup contact person, Dawn Basciano, (916) 440-7367.

In any inquiry or written comment, please identify the action by using the Department regulation package identifier "DPH-09-010E".

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF REGULATIONS

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

In order to request that a copy of this public notice, the regulation text, and the initial statement of reasons or alternate formats for these documents be mailed to you, please call (916) 440-7807 (or the California Relay Service at 711), send an email to regulations@cdph.ca.gov, or write to the Office of Regulations at the address previously noted. Upon specific request, these documents will be made available in Braille, large print, audiocassette, or computer disk.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

AVAILABILITY OF FINAL STATEMENT
OF REASONS

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

INTERNET ACCESS

Materials regarding the action described in this notice (including this public notice, the regulation text, and the initial statement of reasons) 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 & Opportunities for Public Participation, Proposed Regulations.

GENERAL PUBLIC INTEREST

**BOARD FOR PROFESSIONAL
ENGINEERS, LAND SURVEYORS,
AND GEOLOGISTS**

**NOTICE OF EXTENSION OF WRITTEN
COMMENT PERIOD**

The Board for Professional Engineers, Land Surveyors, and Geologists published a Notice of Proposed Action in the May 27, 2016 edition of the California Regulatory Notice Register (Register 2016, No. 22-Z, p. 887) concerning Examination Appeals. The original comment period deadline was July 13, 2016. The Board is extending the written comment period deadline to July 22, 2016.

Please submit all written comments to:

Name: Billie Baldo
Address: 2535 Capitol Oaks Drive, S-300
Sacramento, CA 95833
Telephone
No.: (916) 263-2277
Fax No.: (916) 263-2246
E-Mail
Address: billie.baldo@dca.ca.gov

The backup contact person is:

Name: Kara Williams
Address: 2535 Capitol Oaks Drive, S-300
Sacramento, CA 95833
Telephone
No.: (916) 263-5438
Fax No.: (916) 263-2246

E-Mail

Address: kara.williams@dca.ca.gov

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

**DEPARTMENT OF HEALTH
CARE SERVICES**

**THE DEPARTMENT OF HEALTH CARE
SERVICES PROPOSES SPA 16-023
REGARDING COST-BASED
REIMBURSEMENT TO SPECIFIED
GOVERNMENT-OPERATED HOSPITALS FOR
INPATIENT HOSPITAL SERVICES**

This notice provides information of public interest with respect to proposed State Plan Amendment (SPA) 16-023, regarding cost-based reimbursement for inpatient hospital services provided to Medi-Cal beneficiaries by specified government-operated hospitals. The proposed effective date for the new SPA 16-023 is July 1, 2016.

The Department of Health Care Services proposes to update the relevant State Plan pages to reflect the current names of hospital participants and to add language to account for any future hospital name changes.

The proposed SPA revisions are subject to approval by the Federal Centers for Medicare & Medicaid Services.

Any written comments concerning the proposed SPA may be mailed to Beau Bouchard, Analyst, Waiver Unit, Department of Health Care Services, Safety Net Financing Division, MS 4504, P.O. Box 997436, Sacramento, CA 95899-7436 or emailed to Beau.Bouchard@dhcs.ca.gov

**DEPARTMENT OF HEALTH
CARE SERVICES**

**THE DEPARTMENT OF HEALTH CARE
SERVICES PROPOSES TO SUBMIT A STATE
PLAN AMENDMENT TO ADD SPECIFIED
HOSPITALS TO LIST OF
GOVERNMENT-OPERATED HOSPITALS
RECEIVING COST-BASED
REIMBURSEMENT FOR INPATIENT
HOSPITAL SERVICES**

This notice provides information of public interest regarding the Department of Health Care Services' (DHCS) intent to submit a State Plan Amendment (SPA) to add two Alameda Health System hospitals (Alameda Hospital and San Leandro Hospital), and

make corresponding technical edits as needed, to the list of government-operated hospitals receiving cost-based reimbursement for inpatient hospital services. The submission of this SPA is contingent upon the enactment of legislation to implement the “Medi-Cal 2020” demonstration project, specifically Assembly Bill (AB) No. 1568 (2015–2016 Reg. Sess.) and Senate Bill (SB) No. 815 (2015–2016 Reg. Sess.).

SB 815 proposes to add Section 14184.30(a)(3) to the Welfare and Institutions Code which would require DHCS to seek federal approval to apply certain fee-for-service, State Plan payment methodologies to Alameda Hospital and San Leandro Hospital effective no earlier than the 2016–17 State fiscal year.

The proposed effective date for these changes is July 1, 2016, contingent on the enactment of both AB 1568 and SB 815.

Any proposed SPA revisions are subject to approval by the Federal Centers for Medicare & Medicaid Services.

Any written comments concerning this notice or proposed SPA may be mailed to Beau Bouchard, Analyst, Waiver Unit, Department of Health Care Services, Safety Net Financing Division, MS 4504, P.O. Box 997436, Sacramento, CA 95899–7436 or emailed to Beau.Bouchard@dhcs.ca.gov.

**DEPARTMENT OF HEALTH
CARE SERVICES**

**THE DEPARTMENT OF HEALTH CARE
SERVICES PROPOSES SPA 16–020
REGARDING SUPPLEMENTAL
REIMBURSEMENT TO SPECIFIED
GOVERNMENT-OPERATED PROVIDERS
FOR COSTS OF PROFESSIONAL SERVICES**

This notice provides information of public interest with respect to proposed State Plan Amendment (SPA) 16–020, regarding supplemental reimbursement to specified government-operated providers for uncompensated costs of providing physician and non-physician practitioner professional services to Medi-Cal beneficiaries. The proposed effective date for the new SPA 16–020 is July 1, 2016.

The Department of Health Care Services proposes to update the relevant State Plan pages to reflect the current names of hospital participants and to add language to account for any future hospital name changes.

The proposed SPA revisions are subject to approval by the Federal Centers for Medicare & Medicaid Services.

Any written comments concerning the proposed SPA may be mailed to Gina Giannini, Analyst, Supplemental Reimbursements Unit, Department of Health Care Services, Safety Net Financing Division, MS 4504, P.O. Box 997436, Sacramento, CA 95899–7436 or emailed to Gina.Giannini@dhcs.ca.gov.

**DEPARTMENT OF HEALTH
CARE SERVICES**

**THE DEPARTMENT OF HEALTH CARE
SERVICES PROPOSES TO SUBMIT A STATE
PLAN AMENDMENT TO ADD SPECIFIED
HOSPITALS TO LIST OF
GOVERNMENT-OPERATED PROVIDERS
RECEIVING SUPPLEMENTAL
REIMBURSEMENT FOR COSTS OF
PROFESSIONAL SERVICES**

This notice provides information of public interest regarding the Department of Health Care Services’ (DHCS) intent to submit a State Plan Amendment (SPA) to add two Alameda Health System hospitals (Alameda Hospital and San Leandro Hospital), and make corresponding technical edits as needed, to the list of government-operated hospitals receiving supplemental reimbursement for uncompensated costs of providing physician and non-physician practitioner professional services to Medi-Cal beneficiaries. The submission of this SPA is contingent upon the enactment of legislation to implement the “Medi-Cal 2020” demonstration project, specifically Assembly Bill (AB) No. 1568 (2015–2016 Reg. Sess.) and Senate Bill (SB) No. 815 (2015–2016 Reg. Sess.).

SB 815 proposes to add Section 14184.30(a)(3) to the Welfare and Institutions Code which would require DHCS to seek federal approval to apply certain fee-for-service, State Plan payment methodologies to Alameda Hospital and San Leandro Hospital effective no earlier than the 2016–17 State fiscal year.

The proposed effective date for these changes is July 1, 2016, contingent on the enactment of both AB 1568 and SB 815.

Any proposed SPA revisions are subject to approval by the Federal Centers for Medicare & Medicaid Services.

Any written comments concerning the proposed SPA may be mailed to Gina Giannini, Analyst, Supplemental Reimbursements Unit, Department of Health Care Services, Safety Net Financing Division, MS 4504, P.O. Box 997436, Sacramento, CA 95899–7436 or emailed to Gina.Giannini@dhcs.ca.gov.

**DEPARTMENT OF HEALTH
CARE SERVICES**

**THE DEPARTMENT OF HEALTH CARE
SERVICES PROPOSES TO REVISE THE
SUPPLEMENTAL PAYMENT AMOUNTS AS
STIPULATED IN SPA 15-008 FOR THE
MARTIN LUTHER KING, JR. COMMUNITY
HOSPITAL**

This notice is to provide information of public interest with respect to the proposed State Plan Amendment (SPA) 16-017 for supplemental reimbursement to Martin Luther King, Jr. (MLK) Community Hospital. The proposed effective date for SPA 16-017 is July 1, 2016.

Currently, the Department of Health Care Services is seeking to increase the supplemental reimbursement amounts to MLK Community Hospital in SPA 15-008 (Supplement 5 to Attachment 4.19-A of the State Plan). The State Plan will be revised to reflect an increased payment cap for State Fiscal Year 2016-2017.

The proposed SPA revisions are subject to approval by the Federal Centers for Medicare & Medicaid Services.

Any written comments concerning the proposed SPA may be mailed to Breanne Kennedy, Analyst, Medi-Cal Supplemental Payments Unit, Department of Health Care Services, Safety Net Financing Division, MS 4504, P.O. Box 997436, Sacramento, CA 95899-7436 or emailed to Breanne.Kennedy@dhcs.ca.gov.

**DEPARTMENT OF HEALTH
CARE SERVICES**

**THE DEPARTMENT OF HEALTH CARE
SERVICES UPDATE TO SUPPLEMENTAL
REIMBURSEMENT AMOUNTS FOR
QUALIFIED PRIVATE HOSPITALS**

This notice is to provide information of public interest with respect to the proposed State Plan Amendment (SPA) 16-022 for supplemental reimbursement to specified private hospitals meeting requirements that provide services to Medi-Cal beneficiaries. The proposed effective date for SPA 16-022 is July 1, 2016.

The Department of Health Care Services is seeking to change the payment amounts in pages 9-10 of Section D (1) of Supplement 4 to Attachment 4.19-A of the State Plan. Alameda County has requested to reduce the

Intergovernmental Transfer which funds the supplemental payment amount outlined in the previously approved SPA 15-003 for St. Rose Hospital in State Fiscal Years (SFY) 2016-17 and 2017-18. The supplemental payment amounts for St. Rose Hospital are proposed to decrease from \$16 million to \$10 million total funds each fiscal year for SFYs 2016-17 and 2017-18.

The proposed SPA revisions are subject to approval by the Federal Centers for Medicare & Medicaid Services.

Written comments concerning the proposed SPA must be received by August 8th, 2016, and may be mailed to Breanne Kennedy, Analyst, Medi-Cal Supplemental Payments Unit, Department of Health Care Services, Safety Net Financing Division, MS 4504, P.O. Box 997436, Sacramento, CA 95899-7436 or emailed to Breanne.Kennedy@dhcs.ca.gov.

**DEPARTMENT OF HEALTH
CARE SERVICES**

**THE DEPARTMENT OF HEALTH CARE
SERVICES PROPOSES SPA 16-019
REGARDING SUPPLEMENTAL
REIMBURSEMENT FOR PUBLIC
OUTPATIENT HOSPITAL SERVICES**

This notice provides information of public interest with respect to proposed State Plan Amendment (SPA) 16-019, regarding supplemental reimbursement to outpatient departments of public hospitals meeting specified State Plan requirements. The proposed effective date for SPA 16-019 is July 1, 2016.

SPA 16-019 proposes technical revisions to update the hospital participation criteria in the relevant State Plan pages, specifically those necessary to reflect the State law creation of hospital authorities to govern the following designated public hospitals:

- (1) Alameda Health System (pursuant to Section 101850 of the Health and Safety Code); and
- (2) Kern Medical Center (pursuant to Section 101852, et. seq. of the Health and Safety Code).

The proposed SPA revisions are subject to approval by the Federal Centers for Medicare & Medicaid Services.

Any written comments concerning the proposed SPA may be mailed to Heather Everhart, Chief, Medi-Cal Supplemental Payments Unit, Department of Health Care Services, Safety Net Financing Division, MS 4504, P.O. Box 997436, Sacramento, CA 95899-7436 or emailed to heather.everhart@dhcs.ca.gov.

**DEPARTMENT OF HEALTH
CARE SERVICES**

STATE LANDS COMMISSION

**State of California
Office of Administrative Law**

**THE DEPARTMENT OF HEALTH CARE
SERVICES PROPOSES SPA 16-021
REGARDING SUPPLEMENTAL
REIMBURSEMENT FOR SERVICES
PROVIDED BY PUBLIC FREESTANDING,
NON HOSPITAL-BASED CLINICS**

This notice provides information of public interest with respect to proposed State Plan Amendment (SPA) 16-021, regarding supplemental reimbursement for services provided by public freestanding, non hospital-based clinics.

SPA 16-021 proposes technical revisions to update the clinic participation criteria in the relevant State Plan pages, specifically those necessary to reflect the State law creation of hospital authorities to govern the following designated public hospitals:

- (1) Alameda Health System (pursuant to Section 101850 of the Health and Safety Code); and
- (2) Kern Medical Center (pursuant to Section 101852, et seq. of the Health and Safety Code).

The proposed effective date for these changes is July 1, 2016.

The proposed SPA revisions are subject to approval by the Federal Centers for Medicare & Medicaid Services.

Any written comments concerning the proposed SPA may be mailed to Christie Schmalz, Manager, Supplemental Reimbursements Unit, Department of Health Care Services, Safety Net Financing Division, MS 4504, P.O. Box 997436, Sacramento, CA 95899-7436 or emailed to Christie.Schmalz@dhcs.ca.gov.

DISAPPROVAL DECISION

**DECISION OF DISAPPROVAL OF
REGULATORY ACTION**

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

**In re:
State Lands Commission**

**Regulatory Action:
Title 2, California Code of Regulations**

**Adopt sections: 3000, 3001, 3002, 3003, 3004, 3005,
3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014,
3015, 3016**

**DECISION OF DISAPPROVAL OF
REGULATORY ACTION**

Government Code Section 11349.3

OAL Matter Number: 2016-0420-02

OAL Matter Type: Regular Resubmittal (SR)

SUMMARY OF REGULATORY ACTION

On January 21, 2016, the State Lands Commission (Commission) submitted to the Office of Administrative Law (OAL) its initial proposed regulatory action (OAL File No. 2016-0121-03S) to adopt sections in Title 2 of the California Code of Regulations. The regulations establish the procedures that allow the Commission to enforce its authority to remove trespassers who maintain structures on land owned by the state and under the jurisdiction of the Commission. These procedures include issuing a Notice of Violation, setting an administrative hearing, imposing penalties, and ordering the removal of encroaching structures. On March 2, 2016, the Commission withdrew this initially submitted file.

The Commission subsequently modified its regulatory text and added a Supplement to the Initial Statement of Reasons (ISOR) to the file. The Commission then made these documents available to the public for comments on April 1, 2016, for a period of 15 days. On April 20, 2016, the Commission resubmitted the proposed regulatory action to OAL for review. On June 2, 2016, OAL notified the Commission that OAL disapproved the proposed regulations because the regulations failed to follow procedures required by the Administrative Procedure Act (APA). This Decision of Disapproval of Regulatory Action explains the reasons for OAL's action.

DECISION

OAL disapproved the above-referenced regulatory action because the Commission failed to follow re-

quired APA procedures by not considering and approving a substantial change made to the final version of the regulation text, and by not considering public comments received during the 15-day comment period of April 1, 2016 through April 16, 2016, as required by Government Code section 11346.8, subdivisions (a) and (c).

CONCLUSION

For these reasons, OAL disapproved the above-referenced rulemaking action. Pursuant to Government Code section 11349.4(a), the Commission may resubmit this rulemaking action within 120 days of its receipt of this Decision of Disapproval. If you have any questions, please do not hesitate to contact me at (916) 323-6824.

Date: June 9, 2016

 Thanh Huynh
 Senior Attorney

For:
 Debra M. Cornez
 Director

Original: Jennifer Lucchesi
 Copy: Warren Crunk

**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# 2016-0513-01
BOARD OF EDUCATION
 Gifted and Talented Pupil Program

This change without regulatory effect repeals Subchapters 3, 4, 5, and 6 of Chapter 4 of Division 1 of Title 5 of the California Code of Regulations, concerning gifted and talented pupils, as a result of the repeal of the underlying governing statutes (Education Code sections 52200 through 52212) by Senate Bill 971 (Chapter 923, Statutes of 2014).

Title 5
 REPEAL: 3820, 3822, 3823, 3824, 3831, 3840, 3860, 3870
 Filed 06/15/2016
 Agency Contact: Hillary Wirick (916) 319-0644

File# 2016-0504-02
CALIFORNIA DEBT LIMIT ALLOCATION COMMITTEE
 JPA Definition, TEFRA Notice, Regulatory Agreement and Miscellaneous

The California Debt Limit Allocation Committee submitted this timely certificate of compliance action to make permanent the emergency amendment of eight sections in title 4 of the California Code of Regulations filed in OAL file no. 2016-0128-01E. The amendments clarify and change requirements for applying for private activity bond allocation programs and update two incorporated-by-reference forms.

Title 4
 AMEND: 5000, 5033, 5052, 5144, 5205, 5220, 5221, 5230
 Filed 06/14/2016
 Effective 06/14/2016
 Agency Contact: Devon King (916) 651-8484

File# 2014-0822-03
CALIFORNIA HEALTH BENEFIT EXCHANGE
 Small Business Health Options Program (SHOP)
 Appeals Process

Title 10
 ADOPT: 6540, 6542, 6544, 6546, 6548, 6550, 6552
 Filed 06/14/2016
 Effective 06/14/2016
 Agency Contact: Brandon Ross (916) 323-3471

File# 2016-0504-04
CALIFORNIA HEALTH BENEFIT EXCHANGE
 Small Business Health Options Program (SHOP)
 Appeals Process

The California Health Benefit Exchange submitted this timely Certificate of Compliance to make permanent the regulations adopted in OAL File No. 2013-1126-01E, re-adopted in OAL File No. 2014-0523-02EE, and again in OAL File No. 2014-0822-03EE, which added sections to Title 10 of the California Code of Regulations relating to the establishment of the California Health Benefit Exchange (Exchange). This rulemaking establishes the Small Business Health Option Program to assist qualified small employers in facilitating the enrollment of their employees in plans offered through the Exchange and an appeals process for prospective and current enrollees of the Exchange, as required in the federal Patient Protection and Affordable Care Act.

Title 10
ADOPT: 6540, 6542, 6544, 6546, 6548, 6550, 6552
Filed 06/14/2016
Effective 06/14/2016
Agency Contact: Brian Kearns (916) 228-8843

File# 2016-0427-01
Commission on Peace Officer Standards and Training
Section 100 Changes Without Regulatory Effect
This action by the Commission on Peace Officer Standards and Training makes grammatical and typographical changes pursuant to section 100, title 1 of the California Code of Regulations.

Title 11
AMEND: 1005, 1007, 1008, 1009, 1010, 1011, 1054, 1058, 1070, 1081, 1082, 1084, 1960
Filed 06/09/2016
Agency Contact: Patti Kaida (916) 227-4847

File# 2016-0518-01
DEPARTMENT OF AGING
Conflict-of-Interest Code
This is a Conflict-of-Interest code that has been approved by the Fair Political Commission and is being submitted for filing with the Secretary of State and printing only.

Title 22
AMEND: 7000
Filed 06/08/2016
Effective 07/08/2016
Agency Contact:
Chisorom Okwuosa (916) 419-7508

File# 2016-0502-01
DEPARTMENT OF FOOD AND AGRICULTURE
Asian Citrus Psyllid Interior Quarantine
This certificate of compliance will make permanent the prior emergency regulatory action (OAL file no. 2015-1112-01E) that expanded the quarantine area for the Asian Citrus Psyllid (ACP) *Diaphorina citri* by approximately 101 square miles in the Turlock area of Stanislaus County and into Merced County. The effect of this action provides authority for the state to perform quarantine activities against ACP within this additional area, along with the existing regulated areas in the state.

Title 3
AMEND: 3435(b)
Filed 06/13/2016
Effective 06/13/2016
Agency Contact: Sara Khalid (916) 403-6625

File# 2016-0502-02
DEPARTMENT OF FOOD AND AGRICULTURE
Asian Citrus Psyllid Interior Quarantine
This certificate of compliance makes permanent the prior emergency regulatory action (OAL file no. 2015-1110-03E) by the Department of Food and Agriculture that expanded the quarantine area for the Asian Citrus Psyllid ((ACP) *Diaphorina citri*) by approximately 232 square miles in the Bakersfield area of Kern County. The effect of this action provides authority for the state to perform quarantine activities against ACP within this additional area, along with the existing regulated areas in the state.

Title 3
AMEND: 3435(b)
Filed 06/13/2016
Effective 06/13/2016
Agency Contact: Sara Khalid (916) 403-6625

File# 2016-0517-01
DEPARTMENT OF FOOD AND AGRICULTURE
Modified Point of Origin Inspection Areas
The Department of Food and Agriculture filed this action to amend section 850 of title 3 of the California Code of Regulations to remove Yolo County as a modified point-of-origin inspection area. This action was taken as a result of a petition and vote of cattle producers owning cattle in Yolo County to remove Yolo County as a modified point-of-origin inspection area, pursuant to Food and Agricultural Code section 21111.5.

Title 3
AMEND: 850
Filed 06/08/2016
Effective 10/01/2016
Agency Contact: Nancy Grillo (916) 900-5033

File# 2016-0429-01
DEPARTMENT OF SOCIAL SERVICES
IHSS Health Care Certification Requirement
In this regular rulemaking, the Department of Social Services (the "Department") is amending section 30-701 and adopting section 30-754 in the Manual of Policies and Procedures. These regulations specify that, as a condition of receiving in-home supportive services ("IHSS"), an applicant must obtain certification from a licensed health care professional. Additionally, these regulations define "Licensed Health Care Professional", specify policies, procedures, and time frames relating to the health care certification requirement, and specify exemption criteria regarding when IHSS services can be authorized prior to county receipt of the certification.

Title MPP
 ADOPT: 30-754
 AMEND: 30-701
 Filed 06/13/2016
 Effective 10/01/2016
 Agency Contact:
 Kenneth Jennings (916) 651-8862

File# 2016-0531-02
 DEPARTMENT OF TOXIC SUBSTANCES CONTROL
 Annual Fee on Metal Shredding Facilities

The Department of Toxic Substances Control is permitted by Health and Safety Code section 25150.84 to collect an annual fee from metal shredding facilities to reimburse the department's costs to evaluate metal shredding facilities and their wastes. This emergency action establishes which metal shredders are subject to the fee and how the fee is assessed.

Title 22
 ADOPT: 69600.1, 69600.2, 69600.3, 69600.4, 69600.5, 69600.6, 69600.7
 Filed 06/09/2016
 Effective 06/09/2016
 Agency Contact: Ed Benelli (916) 324-6564

File# 2016-0504-01
 FISH AND GAME COMMISSION
 Fisheries at Risk

In this timely Certificate of Compliance (2015-0626-01E, 2015-1218-05EE, 2016-0316-03EE), the Fish and Game Commission (Commission) is making permanent the adoption of section 8.01 in title 14 of the California Code of Regulations that protects fisheries under critical conditions by establishing a set of triggers to guide fishing closure and reopening actions. Closures will occur when specific triggering events occur including water temperatures exceeding 70° for over eight hours a day for three consecutive days. Other triggers include oxygen levels, water levels, breeding population and several others.

Title 14
 ADOPT: 8.01
 Filed 06/15/2016
 Effective 06/15/2016
 Agency Contact: Jon Snellstrom (916) 653-4899

File# 2016-0512-03
 FISH AND GAME COMMISSION
 Lower Klamath River Basin Sport Fishing

This regulatory action by the Fish and Game Commission sets the 2016 bag and possession limits, adult fish quotas, and season dates for Lower Klamath River

Basin sport fishing. This action also modifies the existing fishing closure on the Klamath River during the June 15 through September 14 period by reducing the distance closed below the mouth of Blue Creek from 1/2 mile to 500 feet. The distance of the closure above the mouth of Blue Creek will remain at 500 feet.

Title 14
 AMEND: 7.50
 Filed 06/09/2016
 Effective 06/09/2016
 Agency Contact: Sherrie Fonbuena (916) 654-9866

File# 2016-0429-03
 OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT
 Chemicals Known to the State to Cause Cancer or Reproductive Toxicity

This action amends and republishes the list of chemicals known to the state to cause cancer or reproductive toxicity.

Title 27
 AMEND: 27001
 Filed 06/13/2016
 Effective 06/13/2016
 Agency Contact: Michelle Ramirez (916) 327-3015

File# 2016-0531-03
 OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT
 Proposition 65 Bisphenol A MADL (dermal)

The Office of Environmental Health Hazard Assessment proposed this action to amend title 27, California Code of Regulations, section 25805, which provides maximum allowable dose levels for chemicals listed in the section. The proposed amendment to section 25805 adds a maximum allowable dose level of three micrograms per day for bisphenol A from dermal exposure to solid materials.

Title 27
 AMEND: 25805
 Filed 06/13/2016
 Effective 10/01/2016
 Agency Contact:
 Esther Barajas-Ochoa (916) 322-2068

File# 2016-0608-02
 STATE ATHLETIC COMMISSION
 Weighing Time, Dehydration and Rehydration, and Time for Examinations

This emergency rulemaking action by the State Athletic Commission adopts and amends sections in title 4 to provide safer weigh-in procedures, allow Commission-appointed ringside physicians to test athletes for signs of dehydration, and prohibit the use of intravenous therapies to regain hydration after a weigh-in.

Title 4
 ADOPT: 299
 AMEND: 297, 300
 Filed 06/15/2016
 Effective 06/15/2016
 Agency Contact: Sophia Cornejo (916) 263-2196

06/02/16 AMEND: 3439(b)
 06/02/16 AMEND: 3435(b)
 06/01/16 AMEND: 3435(b)
 05/25/16 AMEND: 3435(b)
 05/23/16 AMEND: 3435(b)
 05/18/16 AMEND: 3435
 05/17/16 AMEND: 3906
 05/12/16 AMEND: 3435(b)
 05/12/16 AMEND: 3435(b)
 05/11/16 AMEND: 3435(b)
 05/11/16 AMEND: 3435(b)
 05/10/16 AMEND: 3435(b)
 05/09/16 ADOPT: 3591.27
 04/25/16 AMEND: 3435(b)
 04/07/16 ADOPT: 450, 450.1, 450.2, 450.3, 450.4, 451, 452
 04/05/16 AMEND: 3589
 03/29/16 AMEND: 3435(b)
 03/21/16 AMEND: 3435
 03/10/16 AMEND: 3435(b)
 03/09/16 AMEND: 3435(b)
 03/08/16 AMEND: 3435(b)
 02/17/16 AMEND: 6000, 6445, 6447, 6447.2, 6447.3, 6448.1, 6449.1, 6450.1, 6452, 6452.2, 6784
 02/17/16 AMEND: 3439(b)
 02/09/16 AMEND: 3435(b)
 02/02/16 ADOPT: 3442
 01/27/16 ADOPT: 3591.26
 01/21/16 AMEND: 3435(b)
 01/20/16 AMEND: 3435(b)
 01/14/16 AMEND: 3435(b)

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN January 13, 2016 TO
 June 15, 2016**

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

Title 2

05/25/16 AMEND: 604
 05/23/16 AMEND: 23000
 05/19/16 ADOPT: 18750 REPEAL: 18750, 18750.1, 18750.2, 18752
 04/21/16 AMEND: 599.744
 04/12/16 AMEND: 18239
 04/12/16 AMEND: 18616
 03/22/16 AMEND: 18215.3, 18247.5, 18404, 18405, 18422, 18425, 18427.1, 18450.4, 18531.5, 18531.62 REPEAL: 18402.5
 03/22/16 AMEND: 18406, 18530.4, 18530.45, 18992
 02/22/16 ADOPT: 61000, 61001, 61002, 61003, 61004, 61005, 61006, 61007, 61008, 61009, 61010, 61011, 61012, 61013, 61014, 61015, 61016, 61017, 61018, 61019, 61020, 61021, 61022, 61023, 61024
 02/22/16 ADOPT: 59800
 02/11/16 AMEND: 57200
 02/10/16 AMEND: 57200
 02/04/16 ADOPT: 555.5
 02/04/16 AMEND: 18351
 02/04/16 AMEND: 18616
 01/14/16 AMEND: 18944.1
 01/14/16 AMEND: 18996

Title 3

06/13/16 AMEND: 3435(b)
 06/13/16 AMEND: 3435(b)
 06/08/16 AMEND: 850
 06/06/16 ADOPT: 1358.7

Title 4

06/15/16 ADOPT: 299 AMEND: 297, 300
 06/14/16 AMEND: 5000, 5033, 5052, 5144, 5205, 5220, 5221, 5230
 04/27/16 AMEND: 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.11, 10170.12
 04/25/16 ADOPT: 1866.1 AMEND: 1844
 04/21/16 ADOPT: 610
 04/13/16 ADOPT: 10091.1, 10091.2, 10091.3, 10091.4, 10091.5, 10091.6, 10091.7, 10091.8, 10091.9, 10091.10, 10091.11, 10091.12, 10091.13, 10091.14, 10091.15
 04/12/16 AMEND: 1489
 03/28/16 AMEND: 10176(d), 10181
 03/23/16 ADOPT: 12465 AMEND: 12460, 12461, 12462, 12463, 12464, 12466
 03/10/16 ADOPT: 5258, 5271, 5273 AMEND: 5033, 5052, 5100, 5102 (renumbered to 5101), 5103 (renumbered to 5102), 5104 (renumbered to 5103), 5105 (renumbered to 5104), 5106 (renumbered to 5105),

5107 (renumbered to 5106), 5132, 5170, 5190, 5191, 5192, 5200, 5205, 5210, 5230, 5232, 5250, 5255, 5260, 5267
 REPEAL: 5101
 03/08/16 AMEND: 1658
 03/03/16 AMEND: 10176, 10179, 10180, 10181
 02/04/16 AMEND: 5000, 5033, 5052, 5144, 5205, 5220, 5221, 5230
 02/01/16 ADOPT: 7210, 7213, 7214, 7215, 7216, 7217, 7218, 7219, 7220, 7221, 7222, 7223, 7224, 7225, 7225.1, 7226, 7227, 7228, 7229
 01/26/16 ADOPT: 1866.1 AMEND: 1844
 01/25/16 AMEND: 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.11

Title 5

06/15/16 REPEAL: 3820, 3822, 3823, 3824, 3831, 3840, 3860, 3870
 05/31/16 REPEAL: 9517.1, 9531, 9532, 9535
 05/31/16 ADOPT: 11533, 11534 AMEND: 11530, 11531
 05/31/16 ADOPT: 11524, 11525 AMEND: 11520, 11521, 11522
 05/18/16 ADOPT: 851.5, 853.6, 853.8, 860 AMEND: 850, 851, 853, 853.5, 853.7, 855, 857, 858, 859, 861, 862, 862.5, 863, 864
 04/25/16 AMEND: 41906.5, 41906.6
 03/28/16 ADOPT: 1700
 03/22/16 ADOPT: 9526
 03/21/16 AMEND: 80057.5, 80089.2
 03/03/16 AMEND: 19810
 02/26/16 AMEND: 27007
 02/24/16 AMEND: 80499
 02/24/16 AMEND: 80014, 80014.1, 80066 REPEAL: 80014.2
 02/18/16 ADOPT: 40106

Title 8

05/18/16 AMEND: 362, 364, 364.1
 04/12/16 AMEND: 3207, 3212
 03/23/16 AMEND: 9789.12.2, 9789.12.6, 9789.12.8, 9789.12.13, 9789.13.1, 9789.15.4, 9789.16.1, 9789.16.2, 9789.17.1, 9789.19
 03/14/16 AMEND: 9789.21, 9789.25
 03/14/16 AMEND: 333, 336
 03/07/16 AMEND: 4307
 03/07/16 AMEND: 4412
 03/04/16 AMEND: 9785.4.1
 02/25/16 AMEND: 3328

Title 9

06/06/16 AMEND: 811, 812, 823, 836.2, 862, 865, 865.4, 865.5

05/31/16 ADOPT: 7006.5 AMEND: 7019.1, 7020, 7024, 7029.9, 7054, 7055, 7060, 7062, 7062.3, 7122, 7143, 7157, 7164, 7164.4, 7194, 7198 REPEAL: 7004.3, 7019.2, 7022, 7029.3
 05/12/16 AMEND: 7140, 7142, 7142.5, 7143.5, 7164.6, 7196, 7211, 7290, 7353.6
 04/21/16 REPEAL: 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799

Title 10

06/14/16 ADOPT: 6540, 6542, 6544, 6546, 6548, 6550, 6552
 06/07/16 ADOPT: 8100, 8110, 8120, 8130, 8140, 8150
 06/06/16 ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472, 6474, 6476, 6478, 6480, 6482, 6484, 6486, 6490, 6492, 6494, 6496, 6498, 6500, 6502, 6504, 6506, 6508, 6510, 6600, 6602, 6604, 6606, 6608, 6610, 6612, 6614, 6616, 6618, 6620, 6622
 05/31/16 AMEND: 2500, 2501, 2503, 2504, 2505, 2507.1, 2507.2, 2508 REPEAL: 2502
 05/26/16 ADOPT: 6858
 05/23/16 ADOPT: 6700, 6702, 6704, 6706, 6708, 6710, 6712, 6714, 6716, 6718
 05/11/16 ADOPT: 5508, 5509, 5510, 5511, 5512, 5513, 5514, 5515, 5516
 05/10/16 AMEND: 2318.6, 2353.1, 2354
 05/10/16 AMEND: 2353.1
 03/22/16 AMEND: 2544, 2544.1, 2544.2, 2544.3, 2544.4, 2544.5, 2544.6
 03/08/16 ADOPT: 2240.15, 2240.16, 2240.6, 2240.7 AMEND: 2240, 2240.1, 2240.2, 2240.3, 2240.4, 2240.5
 02/04/16 AMEND: 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218
 02/02/16 ADOPT: 2269 AMEND: 2218, 2250, 2251, 2252, 2253, 2254, 2256, 2257, 2258, 2259, 2260, 2266, 2267, 2268 REPEAL: 2218.1, 2255, 2261, 2262,

2263, 2264, 2265, 2269.1, 2269.4,
2269.7, 2269.10, 2269.11, 2269.13,
2269.14

Title 11

06/09/16 AMEND: 1005, 1007, 1008, 1009, 1010,
1011, 1054, 1058, 1070, 1081, 1082,
1084, 1960
06/01/16 AMEND: 51.22
04/28/16 ADOPT: 2080, 2081, 2082, 2083, 2084,
2085, 2086, 2087, 2088, 2089, 2090,
2091, 2092, 2093, 2094, 2095, 2096,
2097, 2098, 2099, 2100, 2101, 2102,
2103, 2104, 2105, 2106, 2107, 2108,
2109, 2130, 2131, 2132
04/25/16 ADOPT: 50.24
04/06/16 ADOPT: 28.5
04/06/16 ADOPT: 28.6
03/23/16 ADOPT: 4250, 4251, 4251.5, 4252,
4253, 4254, 4255, 4256, 4257, 4258,
4559
03/10/16 AMEND: 20
02/24/16 AMEND: 1005, 1007, 1008, 1052
02/24/16 AMEND: 1951, 1953, 1954, 1955
02/17/16 AMEND: 1005, 1081
01/27/16 AMEND: 1953(e)(5)

Title 12

05/23/16 ADOPT: 462

Title 13

05/09/16 AMEND: 156.00, 156.01
04/06/16 ADOPT: 150.10
02/29/16 AMEND: 553.70
02/25/16 AMEND: 551.8, 551.12, 591, 592
02/08/16 ADOPT: 2850, 2851, 2852, 2853, 2854,
2855, 2856, 2857, 2858, 2859, 2860,
2861, 2862, 2863, 2864, 2865, 2866,
2867, 2868, 2869 AMEND: 2440, 2442
01/26/16 AMEND: 1239
01/25/16 AMEND: 1162.1, 1242
01/19/16 AMEND: 1253
01/19/16 ADOPT: 1160.7, 1161.8 AMEND:
1160.2

Title 14

06/15/16 ADOPT: 8.01
06/09/16 AMEND: 7.50
05/25/16 AMEND: 1670
05/11/16 AMEND: 17852
05/02/16 AMEND: 29.85
04/28/16 ADOPT: 131
04/27/16 AMEND: 27.80
04/26/16 AMEND: 29.45
04/26/16 AMEND: 28.20
04/20/16 ADOPT: 1760.1, 1779.1
04/06/16 AMEND: 1038
03/29/16 AMEND: 27.80

03/28/16 ADOPT: 8.01
03/07/16 ADOPT: 749.8
03/01/16 AMEND: 7.50
02/29/16 ADOPT: 1.57, 5.41 AMEND: 1.05, 1.53,
1.86, 2.00, 5.60, 5.80, 5.81, 7.00, 7.50,
27.00, 230
02/23/16 AMEND: 632
02/18/16 ADOPT: 748.5
02/10/16 ADOPT: 672, 672.1, 672.2
02/10/16 AMEND: 17381.2
02/09/16 AMEND: 3550.11
02/05/16 AMEND: 1724.9
01/25/16 AMEND: 870.15, 870.17, 870.19,
870.21
01/21/16 ADOPT: 1760.1, 1779.1
01/13/16 AMEND: 149

Title 15

06/02/16 AMEND: 3000, 3084.7, 3312, 3313,
3314, 3315, 3316, 3317, 3317.1, 3317.2,
3320, 3322, 3326, 3340, 3341.3, 3376,
3378.6
05/24/16 ADOPT: 3317.1, 3317.2 AMEND: 3310,
3315, 3317
05/11/16 AMEND: 3000, 3213
05/10/16 AMEND: 3173.2
04/28/16 AMEND: 3000
03/30/16 AMEND: 8004.2
03/30/16 REPEAL: 3999.16
03/29/16 AMEND: 3315, 3375.2
03/29/16 AMEND: 3000, 3078.1, 3078.2, 3078.3,
3078.4
03/10/16 ADOPT: 3000, 3268.2 REPEAL:
3999.17
02/18/16 ADOPT: 3040.2 AMEND: 3000, 3040.1,
3041, 3041.3, 3043.6, 3379 REPEAL:
3999.15
02/18/16 AMEND: 3375.1, 3377

Title 16

06/07/16 ADOPT: 1100
06/07/16 ADOPT: 1101, 1121, 1122, 1124, 1126,
1127, 1133
06/07/16 ADOPT: 1104, 1104.1, 1104.2
05/26/16 ADOPT: 1815.5
05/13/16 AMEND: 910
05/10/16 AMEND: 2403
05/04/16 AMEND: 4170
05/03/16 ADOPT: 2326.2, 2326.3 AMEND: 2326,
2326.1, 2326.5
04/28/16 AMEND: 1417
04/20/16 ADOPT: 1103, 1105, 1105.1, 1105.2,
1105.3, 1105.4, 1106
04/20/16 AMEND: 1715, 1784
04/11/16 AMEND: 1399.523
04/08/16 ADOPT: 1746.1

04/04/16 AMEND: 974
 03/22/16 AMEND: 1970.4
 03/21/16 AMEND: 1380.5
 03/07/16 AMEND: 1001
 03/03/16 ADOPT: 1463.5, 1485.5
 02/29/16 ADOPT: 1960
 02/24/16 AMEND: 1446, 1447, 1447.1
 02/23/16 AMEND: 109, 111
 02/18/16 ADOPT: 1108
 02/08/16 AMEND: 1417
 01/27/16 ADOPT: 1746.3
 01/25/16 ADOPT: 1746.2
 01/25/16 AMEND: 420.1, 3021.1

Title 17

05/25/16 AMEND: 1050
 05/24/16 AMEND: 2500, 2502, 2505
 04/25/16 AMEND: 100800
 04/04/16 ADOPT: 6500.03, 6500.05, 6500.9, 6500.21, 6500.33, 6500.43, 6500.50, 6500.51, 6500.55, 6500.58, 6500.71, 6500.78, 6501.5 AMEND: 6500.35, 6500.39, 6500.45, 6501, 6505, 6506, 6506.6, 6506.8, 6506.10 REPEAL: 6500.65, 6500.67
 03/08/16 AMEND: 60201
 02/05/16 ADOPT: 59050, 59051, 59052, 59053, 59054, 59055, 59056, 59057, 59058, 59059, 59060, 59061, 59062, 59063, 59064, 59065, 59066, 59067, 59068, 59069, 59070, 59071, 59072
 02/03/16 AMEND: 95000 REPEAL: 95001, 95002, 95003, 95004, 95005, 95006, 95007
 01/25/16 REPEAL: 60090, 60091, 60092, 60093, 60094
 01/21/16 AMEND: 100003

Title 18

04/22/16 AMEND: 1668
 04/20/16 AMEND: 5600, 5601, 5603
 03/28/16 AMEND: 2401, 2413, 2422
 03/17/16 AMEND: 3500
 02/03/16 AMEND: 5218, 5235, 5237, 5267

Title 19

05/11/16 ADOPT: 2621, 2622, 2630, 2631, 2632, 2640, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2670, 2671 AMEND: 2650 renumbered to 2621, 2660 renumbered to 2622, 2701 renumbered to 2630, 2703 renumbered to 2631, 2705 renumbered to 2632, 2720 amended and renumbered to 2640, 2722 renumbered to 2642, 2723 amended and renumbered to 2643, 2724 renumbered to

2644, 2725 amended and renumbered to 2645, 2726 renumbered to 2646, 2727 renumbered to 2647, 2728 renumbered to 2648, 2729 amended and renumbered to 2650, 2729.1 amended and renumbered to 2651, 2729.2 amended and renumbered to 2652, 2729.3 amended and renumbered to 2653, 2729.4 amended and renumbered to 2654, 2729.5 amended and renumbered to 2655, 2729.6 amended and renumbered to 2656, 2729.7 amended and renumbered to 2657, 2731 renumbered to 2658, 2732 amended and renumbered to 2659, 2733 amended and renumbered to 2670, 2734 renumbered to 2671

Title 20

04/12/16 AMEND: 1240, 3201, 3202, 3203, 3204, 3206, 3207
 04/06/16 AMEND: 2401, 2402
 03/08/16 AMEND: 2.1
 02/10/16 AMEND: 1601, 1604, 1605.3

Title 21

05/09/16 ADOPT: 133, 134, 135, 136, 137, 138, 141, 151, 161, 162, 163, 164, 165, 171 AMEND: 111, 112, 113, 114, 121, 131, 133 (renumbered to 132) REPEAL: 132, 134, 135, 136, 141, 151, 152, 153

Title 22

06/09/16 ADOPT: 69600.1, 69600.2, 69600.3, 69600.4, 69600.5, 69600.6, 69600.7
 06/08/16 AMEND: 7000
 04/27/16 AMEND: 53626(a)
 04/21/16 AMEND: 50188
 04/19/16 AMEND: 123000
 04/01/16 AMEND: 64417, 64418, 64418.1, 64418.2, 64418.3, 64418.4, 64418.5, 64418.6, 64418.7, 64419, 64420, 64420.1, 64420.2, 64420.3, 64420.4, 64420.5, 64420.6, 64420.7
 03/29/16 AMEND: 51516.1
 03/17/16 AMEND: 97232
 02/25/16 ADOPT: 100450.100
 02/23/16 AMEND: 69502.2
 02/11/16 ADOPT: 51000, 51000.7, 51000.9.5, 51000.15.5, 51000.20, 51000.24.3, 51000.24.4, 51000.24.4.1, 51000.24.5, 51000.24.8, 51000.30, 51000.31, 51000.35, 51000.40, 51000.45, 51000.60, 51000.70, 51000.75, 51051, 51341.1
 02/08/16 AMEND: 100143, 100146, 100149, 100152, 100153, 100154 (renumbered to 100159), 100155 (renumbered to

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	100161), 100156 (renumbered to	05/02/16	ADOPT: 45-102, 45-600, 45-601,
	100160), 100157 (renumbered to		45-602, 45-604, 45-605, 45-606,
	100162), 100159 (renumbered to		45-607 AMEND: 31-002, 31-003,
	100154), 100160 (renumbered to		31-075, 31-201, 31-205, 31-206,
	100155), 100161 (renumbered to		31-225, 31-425, 31-503, 90-101
	100156), 100162 (renumbered to	03/30/16	REPEAL: 12-201, 12-202, 12-202.1,
	100157), 100163 (renumbered to		12-202.1.11, 12-202.1.11.111,
	100164), 100164 (renumbered to		12-202.2, 12-202.2.21,
	100163), 100165, 100167, 100172		12-202.2.21.211, 12-202.2.21.212,
02/01/16	AMEND: 64806		12-202.2.22, 12-202.2.23, 12-202.2.24,
Title 22, MPP			12-202.3, 12-202.3.31,
02/10/16	AMEND: 102352, 102416.5, 102417,		12-202.3.31.311, 12-202.3.31.312,
	102421		12-202.3.31.313, 12-202.3.32,
Title 23			12-202.3.33, 12-202.3.33.331,
06/02/16	ADOPT: 3919.16		12-202.4, 12-202.4.41, 12-202.5,
05/31/16	ADOPT: 863, 864, 864.5, 865, 866		12-202.5.51, 12-202.5.52, 12-202.5.53,
05/17/16	ADOPT: 3991.1 REPEAL: 3989		12-202.5.54, 12-202.6, 12-202.6.61,
05/04/16	AMEND: 3935, 3936, 3939.13		12-202.6.61.611, 12-202.6.61.612,
04/14/16	ADOPT: 3939.48		12-202.6.61.613, 12-202.6.62,
04/11/16	ADOPT: 3939.49		12-202.7, 12-202.8, 12-202.8.81,
03/30/16	ADOPT: 876		12-202.8.82, 12-202.8.83, 12-202.8.84,
03/21/16	ADOPT: 908, 911, 912, 916, 917, 922,		12-202.8.84.841, 12-202.8.84.842,
	924, 931, 931.5, 932, 933, 934, 935, 936,		12-202.8.85, 12-202.8.85.851, 12-203,
	937, 938		12-203.1, 12-203.1.11,
03/07/16	AMEND: 3930		12-203.1.11.111, 12-203.1.11.112,
02/11/16	ADOPT: 863, 864, 865, 866		12-203.1.11.113, 12-203.1.11.113(a),
01/28/16	ADOPT: 3009		12-203.1.11.113(b),
01/15/16	AMEND: 1062		12-203.1.11.113(c), 12-203.1.11.114,
01/14/16	ADOPT: 3959.7		12-203.1.11.114(a),
Title 25			12-203.1.11.114(b),
02/25/16	ADOPT: 8402, 8403, 8404, 8405, 8406,		12-203.1.11.114(c), 12-203.1.11.115,
	8407, 8408, 8409, 8414 AMEND: 8400,		12-203.2, 12-203.2.21, 12-203.2.22,
	8401, 8410, 8412 (renumbered to 8411),		12-203.2.23, 12-203.3, 12-203.3.31,
	8416 (renumbered to 8412), 8417		12-203.3.32, 12-203.3.32.321,
	(renumbered to 8413), 8419 (renumbered		12-203.3.32.322, 12-203.3.33,
	to 8415), 8420 (renumbered to 8416),		12-203.4, 12-203.4.41, 12-203.4.42,
	8421 (renumbered to 8417) REPEAL:		12-203.5, 12-203.6, 12-203.7,
	8402, 8403, 8404, 8405, 8406, 8407,		12-203.7.71, 12-203.7.71.711,
	8408, 8409, 8411, 8413, 8414, 8415,		12-203.7.71.712, 12-203.7.71.713,
	8418		12-203.7.72, 12-203.7.72.721,
02/18/16	AMEND: 10001		12-203.7.73, 12-203.8, 12-204,
Title 27			12-204.1, 12-204.1.11,
06/13/16	AMEND: 27001		12-204.1.11.111, 12-204.1.11.112,
06/13/16	AMEND: 25805		12-204.1.11.113, 12-204.1.11.114,
05/09/16	AMEND: 10052		12-204.1.12, 12-204.1.13, 12-204.2,
04/18/16	AMEND: 25603.3		12-204.3, 12-204.3.31,
04/13/16	AMEND: 27001		12-204.3.31.311, 12-204.3.31.312,
02/08/16	AMEND: 25705		12-204.3.31.313, 12-204.3.31.314,
01/19/16	ADOPT: 25205		12-204.3.31.315, 12-204.3.31.316,
Title 28			12-205, 12-205.1, 12-205.1.11,
03/28/16	AMEND: 1010		12-205.1.12, 12-205.1.13, 12-205.1.14,
Title MPP			12-205.1.15, 12-205.1.16, 12-205.1.17,
06/13/16	ADOPT: 30-754 AMEND:		12-205.2, 12-205.2.21, 12-205.2.22,
	30-701		12-205.2.23, 12-205.3, 12-205.3.31,
			12-205.3.32, 12-205.4, 12-205.5,

12-205.5.51, 12-205.5.52, 12-205.5.53, 12-205.5.54, 12-205.5.55, 12-205.5.55.551, 12-205.5.55.552, 12-205.6, 12-205.6.61, 12-205.6.62, 12-205.6.62.621, 12-205.6.63, 12-205.6.63.631, 12-205.6.64, 12-205.6.65, 12-205.7, 12-206, 12-206.1, 12-206.2, 12-206.3, 12-206.3.31, 12-206.4, 12-206.4.41, 12-206.4.41.411, 12-206.4.41.411(a), 12-206.4.41.412, 12-206.4.41.412(a), 12-206.4.41.413, 12-206.4.41.413(a), 12-206.4.41.413(b), 12-206.4.41.413(c), 12-206.4.41.414, 12-206.4.41.415, 12-206.4.41.415(a), 12-206.4.41.416, 12-206.5, 12-207, 12-207.1, 12-207.1.11, 12-207.1.11.111, 12-207.1.11.112, 12-207.1.11.113, 12-207.2, 12-207.3, 12-207.3.31, 12-207.3.31.311, 12-207.3.31.312, 12-207.3.31.312(a), 12-207.3.31.312(b), 12-207.3.31.312(c), 12-207.3.32, 12-207.3.32.321, 12-207.3.32.322, 12-207.3.32.322(a), 12-207.3.32.322(b), 12-207.3.32.322(c), 12-207.4,	12-207.4.41, 12-207.4.42, 12-207.5, 12-207.5.51, 12-207.5.52, 12-207.5.53, 12-207.5.53.531, 12-207.5.53.532, 12-207.5.53.533, 12-207.6, 12-207.6.61, 12-207.6.62, 12-207.6.63, 12-207.7, 12-207.7.71, 12-207.7.71.711, 12-207.7.71.711(a), 12-207.7.71.711(b), 12-207.8, 12-207.8.81, 12-207.8.82, 12-210, 12-210.1, 12-210.1.11, 12-211, 12-211.1, 12-211.2, 12-222, 12-222.1, 12-222.1.11, 12-222.1.11.111, 12-222.1.12, 12-224, 12-224.1, 12.224.1.11, 12.224.1.12, 12.224.1.13, 12-224.2, 12.224.2.21, 12-224.2.22, 12-224.2.23, 12-225, 12-225.1, 12-225.2, 12-225.2.21, 12-228, 12-228.1, 12-228.1.11, 12-228.1.12, 12-228.1.13, 12-228.1.13.131, 12-228.1.13.132, 12-228.1.13.133, 12-228.1.13.134, 12-228.1.14, 12-228.2, 12-228.2.21, 12-228.2.21.211, 12-228.2.21.212, 12-228.2.22, 12-228.3, 12-228.4, 12-228.5, 12-228.6, 12-228.6.61, 12-228.6.62, 12-228.6.63, 12-228.6.64
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