



California Regulatory Notice Register

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

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

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

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to sbrown@cdfa.ca.gov. The written comment period closes at 5:00 p.m. on September 1, 2014. The Department will consider only comments received at the Department offices by that time. Submit comments to:

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

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

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

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

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

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

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

Anticipated Benefits from This Regulatory Action

This proposed amendment to the regulation will provide for morphological identification of immature LBAM in addition to being able to use the existing DNA analysis technique for an existing regulatory program. This should help ensure the existing program will have flexibility in the identification of immature LBAM and the use of morphology where feasible is faster than DNA analysis.

AMENDED TEXT

This proposed amendment will provide for the use of morphology, in addition to the use of DNA analysis, for the identification of immature LBAM. The effect of this proposed change to the regulation will be to establish greater operational flexibility in identifying immature LBAM.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

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

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

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

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

Cost impacts on a representative private person or business: The 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.

Significant effect on housing costs: None.

Small Business Determination

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

Results of the Economic Analysis

Amendment of these regulations will not:

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

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

- Establish greater operational flexibility in identifying immature LBAM by having another technique available.
- Be able to identify some types of immature LBAM faster than using the existing DNA analysis technique. [Gov. Code sec. 11346.5(a)(3)(C)].

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

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

ALTERNATIVES CONSIDERED

The Department must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for

which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice. To date, no other interested party has come forth with any alternative regulation.

AUTHORITY

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

REFERENCE

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

CONTACT

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

INTERNET ACCESS

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

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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

completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

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

TITLE 8. DIVISION OF WORKERS' COMPENSATION

Subject Matter of Regulations: Workers' Compensation Employee Benefit Notices

Title 8, California Code of Regulations, Title 8 Sections 9810, 9811, 9812, 9813, 9814, 9815, 9881.1 and 10139

NOTICE IS HEREBY GIVEN that the Acting Administrative Director of the Division of Workers' Compensation, pursuant to the authority vested in her by Labor Code sections 59, 133, 138.3, 138.4, 139.5, 4061, 4616, 4636, 4637, 4658.5, and 5307.3, proposes to amend and repeal regulations within Article 8, Subchapter 1 of Chapter 4.5 of Title 8, California Code of Regulations, commencing with section 9810, relating to Benefit Notices; Claims Administrator's Duties and Responsibilities; Claim Form and Notice of Potential Eligibility for Benefits; Regulatory Authority of the Administrative Director, Article 8.5, Subchapter 1 of Chapter 4.5 of Title 8, California Code of Regulations commencing with section 9881.1 (DWC 7 Rev. July 2014), relating to Employee Information, and Article 9, Subchapter 1 of Chapter 4.5 of Title 8, California Code of Regulations, commencing with section 10139 relating to the Workers' Compensation Claim Form (DWC 1 Rev. July 2014) and Notice of Potential Eligibility.

PROPOSED REGULATORY ACTION

The Division proposes to amend and repeal regulations within Article 8, Subchapter 1 of Chapter 4.5 of Title 8, California Code of Regulations, commencing with section 9810, relating to Benefit Notices; Claims Administrator's Duties and Responsibilities; Claim Form and Notice of Potential Eligibility for Benefits; Regulatory Authority of the Administrative Director:

- Amend section 9810 General Provisions;
- Amend section 9811 Definitions;
- Amend section 9812 Benefit Payment and Notices; and,
- Repeal section 9813 Vocational Rehabilitation Notices.

The Division also proposes to amend regulations within Article 8, Subchapter 1 of Chapter 4.5 of Title 8.5, California Code of Regulations, commencing with section 9881.1, relating to Employee Information, and Article 9, Subchapter 1 of Chapter 4.5 of Title 8, California Code of Regulations:

- Amend section 9881.1 Notice to Employees Poster (DWC 7 Rev. July 2014)

The Division also proposes to amend regulations within Article 9, Subchapter 1 of Chapter 4.5 of Title 8, California Code of Regulations, commencing with section 10139 relating to the Workers' Compensation Claim Form (DWC 1) and Notice of Potential Eligibility:

- Amend section 10139 Workers' Compensation Claim Form (DWC 1 Rev. July 2014) and Notice of Potential Eligibility.

PUBLIC HEARING

A public hearing has been scheduled to permit all interested persons the opportunity to present statements or arguments, oral or in writing, with respect to the subjects noted above, on the following date:

- Date: Wednesday, September 3, 2014**
- Time: 10:00 a.m. to 5:00 p.m. or conclusion of business**
- Place: Elihu Harris State Office Building — Auditorium
1515 Clay Street
Oakland, California 94612**

PLEASE BE ADVISED: All visitors to this building are required to go through a security screening which includes passing through metal detectors, and the x-raying and inspection of all personal belongings.

The Elihu Harris State Office Building and its Auditorium are accessible to persons with mobility impairments. Other disability accommodations are available upon request.

Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the programs of the Division of Workers' Compensation, should contact the Disability Accommodation Coordinator or the statewide Disability Accommodation Coordinator at 1-866-681-1459 (toll

free) as soon as possible to request assistance. The statewide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

In order to ensure unimpeded access for disabled individuals wishing to present comments and facilitate the accurate transcription of public comments, camera usage will be allowed in only one area of the hearing room. To provide everyone a chance to speak, public testimony will be limited to 10 minutes per speaker and should be specific to the proposed regulations. Testimony which would exceed 10 minutes may be submitted in writing.

Please note that public comment will begin promptly at 10:00 a.m. and will conclude when the last speaker has finished his or her presentation. If public comment concludes before the noon recess, no afternoon session will be held.

The Acting Administrative Director requests, but does not require that, any persons who make oral comments at the hearings also provide a written copy of their comments. Equal weight will be accorded to oral comments and written materials.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Division. The written comment period closes at **5:00 p.m., on Wednesday, September 3, 2014**. The Division will consider only comments received by the Division by that time. Equal weight will be accorded to oral comments presented at the hearing and written materials.

Submit written comments concerning the proposed regulations prior to the close of the public comment period to:

Maureen Gray, Regulations Coordinator
Division of Workers' Compensation
Post Office Box 420603
San Francisco, CA 94142

Written comments may be submitted by facsimile transmission (FAX), addressed to the above-named contact person at (510) 286-0687. Written comments may also be sent electronically (via e-mail) using the following e-mail address: dwcrules@dir.ca.gov.

Unless submitted prior to or at the public hearing, Ms. Gray must receive all written comments no later than **5:00 p.m. on Wednesday, September 3, 2014**.

The official record of the rulemaking proceeding will be closed at the conclusion of the public hearing. The Administrative Director will not consider written com-

ments received after the close of the public hearing unless an extension of time in which to receive written comments is announced at the public hearing.

AUTHORITY AND REFERENCE

The Administrative Director is undertaking this regulatory action pursuant to the authority vested in the Administrative Director by Labor Code sections 59, 124, 133, 138.3, 138.4, 4061, 4603.5, 4637, 5307.3, and 5401.

Reference is to Labor Code sections 132(a), 133, 138.3, 138.4, 139.48, 139.6, 3201.5, 3201.7, 3208, 3300, 3350, 3351, 3351.5, 3700, 3753, 4060, 4061, 4062.2, 4600, 4600.3, 4603, 4604.5, 4601, 4610, 4610.5, 4610.6, 4616, 4635, 4636, 4637, 4641, 4643, 4644, 4650, 4653, 4654, 4656, 4658, 4658.5, 4658.6, 4661.5, 4700, 4701, 4702, 4703, 4703.5, 4800, 4850-4850.7, 4903, 4906, 5400, 5401, 5401.7, and 5402; Insurance Code sections 11651 and 11652; Government Code Section 19871; Education Code Section 89529.03; and, Civil Code sections 2330 and 2332.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Labor Code section 138.3 requires the Administrative Director to prescribe reasonable rules and regulations to require employers to serve notice on injured employees that they may be entitled to benefits under Division 4 of the Labor Code.

Labor Code section 138.4 requires the Administrative Director, in consultation with the Commission on Health and Safety and Workers' Compensation, to prescribe reasonable rules and regulations for service on the employee (or employee's dependents, in the case of death), notices dealing with the payment, nonpayment, or delay in payment of temporary disability, permanent disability, and death benefits; notices of any change in the amount or type of benefits being provided, the termination of benefits, the rejection of any liability for compensation; and, an accounting of benefits paid.

Labor Code section 3550 requires the Administrative Director, after consultation with the Commission on Health and Safety and Workers' Compensation, to prescribe the form and content of a notice to employees poster.

Labor Code section 5401 requires the Administrative Director, after consultation with the Commission on Health and Safety and Workers' Compensation, to prescribe the form and content of the notice of potential eligibility for benefits and claim form.

These proposed regulations implement, interpret, and make specific these sections of the Labor Code as follows:

Section 9810 prescribes the general provisions governing the correct procedures and formats for notice letters used to inform injured workers about their entitlement to workers' compensation benefits.

The proposed amendments to section 9810 will delete the effective date of the last series of amendments to the benefit notice regulations.

The proposed amendments will relocate the existing substantive mandatory content of the statement of employee's rights from subdivision (f) section 9811 of the current regulations (a section that sets forth definitions of terms used in the regulations) to this more appropriate location in the regulation which sets forth mandatory provisions applicable to all benefit notices.

The proposed amendments will provide that regardless of whether they are sent on the claims administrator's letterhead or not, all benefit notices are required to identify the claims administrator's name, mailing address, telephone number, the employee's name, employer's name, the claim number, the date the notice was sent to the employee, and the date of injury. Benefit notices will also have to include the claims administrator's website address if available.

The proposed amendments will provide that benefit notices are required to clearly state that additional information may be obtained on the Division's website: www.dwc.ca.gov, as well as from an Information and Assistance officer with the Division of Workers' Compensation.

The proposed amendments will provide that where a notice is being issued but a check for benefits to which the notice refers is being separately mailed to the employee, the notice must advise the employee that the check is being mailed separately.

The proposed amendments will provide that every benefit notice, excepting those mandatory notices that have been set forth in statute or where a specific notice form has been adopted as a regulation, must include a mandatory statement of employee's (or claimant's) remedies. Two specific alternative provisions that set forth mandatory language clearer than the provisions of the existing regulation are being adopted. Which provision is required to be used will depend on whether or not the claim in which the benefit notice is being issued is subject to an alternative dispute resolution (ADR) program under Labor Code sections 3201.5 or 3201.7.

The proposed amendments will provide that the Administrative Director's making sample notices that comply with the benefit notice requirements available on the DWC website is discretionary instead of mandatory. The proposed amendments also will provide that benefit notices using the sample notices devised by the Administrative Director and available on the Division's website are presumed to be adequate notice to the em-

ployee and, unless modified, will not be subject to audit penalties.

The proposed amendments will provide that every benefit notice is required to have a title at the top of the first page that clearly identifies the subject of the notice. The notice must also contain the statement in bold font at the end of the notice instructing the employee to: "Keep this notice. It contains important information about your workers' compensation benefits."

The proposed amendments will provide that upon the documented agreement of the attorney, all benefit notices, including attachments, may be sent electronically in lieu of by mail. An attorney may elect to change the method in which he or she receives benefit notices by giving written notice to the claims administrator.

The proposed amendments will provide that the extension of any deadline for reply which is measured from the date a notice is sent, and all rights protected within the deadline, is also extended if the notice is sent electronically.

The proposed amendments will provide that upon the documented agreement of the employee, all benefit notices, including attachments, may be sent electronically in lieu of by mail. The employee's agreement may be documented by provision of a personal email address on the claim form (DWC Form 1) and checking the box agreeing to receive benefit notices electronically. An employee may elect to change the method in which he or she receives benefit notices by giving written notice to the claims administrator.

The proposed amendments will also make minor, non-substantive grammatical and other changes to improve the clarity of the regulation and numbering changes to accommodate the newly added subdivisions. Existing subdivision (d) is being changed to (e), existing subdivision (e) is being changed to (h), existing subdivision (g) is being changed to (i), existing subdivision (h) is being changed to (j), and existing subdivision (i) is being changed to (k).

The proposed amendments will delete an authority citation to Labor Code section 139.5(a)(2) and a reference citation to Labor Code section 139.5(a)(3).

The proposed amendments will add a reference citation to Code of Civil Procedure sections 1010.6 and 1013.

Section 9811 provides definitions of the terms used in the benefit notice regulations.

The proposed amendments to section 9811 will relocate the definition of the term dependent from section 9812(f) without substantively changing the definition.

The proposed amendments will relocate the existing substantive mandatory content of the statement of employee's rights from the definitions section of the regulations to the more appropriate section 9810, the section

of the benefit notice regulations which sets forth mandatory provisions applicable to all benefit notices.

The proposed amendments will add a definition of the term “medical issue”, and provide that the term means a dispute or question that is subject to Labor Code section 4060, 4061, or 4062, and that the term does not include a medical treatment issue that is subject to Labor Code sections 4610, 4610.5, and 4610.6.

The proposed amendments will add a definition of the term “salary continuation,” and provide that the term means payments made to an employee pursuant to a plan that meets the criteria specified in Labor Code section 4650(g).

The proposed amendments will provide that the term “temporary disability payment”, includes salary continuation as defined in proposed subdivision (I) of this section.

The proposed amendments will also make minor, non-substantive grammatical and other changes to improve the clarity of the regulation and numbering changes to accommodate the newly added subdivisions. The amended regulation will add the word “employer” to the existing definition of the term “self-administered legally uninsured”. Existing subdivision (d) is being changed to (e), existing subdivision (e) is being changed to (f), existing subdivision (f) is being changed to (g), existing subdivision (g) is being changed to (h), existing subdivision (h) is being changed to (i), and existing subdivision (i) is being changed to (k).

The proposed amendments will delete a reference citation to Labor Code section 139.5 subdivisions (c) and (d) and add reference citations to Labor Code sections 4060, 4062, 4610, 4610.5, 4610.6, and 4850.

The proposed amendments will also add a reference citation to Insurance Code section 19871, Government Code section 19871 and Education Code section 89529.03.

Section 9812 prescribes the required timeframes for sending benefit notices and the content for notices dealing with each type of benefit to which an injured worker might be entitled.

The proposed amendments to section 9812 will delete the requirement to provide a copy of various DWC informative pamphlets with the notices required by this section.

The proposed amendments will delete the requirement that notices concerning the right of an employee to obtain an evaluation by a Qualified Medical Evaluator have a warning in not less than 12-point font at the top of the first page that the employee may lose important rights if he or she does not take certain actions within 10 days, and replace the warning with more detailed language explaining the QME process in the body of the notices.

The proposed amendments substantially revise the required content of the notices required to resolve a delay or denial of temporary disability benefits related to a medical issue. Instead of prescribing content, specific mandatory and uniform language will be required depending on whether the employee is unrepresented or represented by an attorney.

The proposed amendments will also make minor, non-substantive grammatical, formatting and other changes to improve the clarity of the regulation.

The proposed amendments will replace all reference in this section to the term “injured worker” or “injured workers” with “employee” or “employees” and replace the reference to “continuing medical care” to “future medical care”.

To improve the clarity of section 9812 as a whole, the subdivision addressing the Notice of Delay in Determining All Liability will be renumbered so it precedes, rather than follows, the subdivision addressing the Notice Denying Liability for All Compensation Benefits.

The proposed amendments will also make minor, non-substantive numbering changes to accommodate the newly added and re-ordered subdivisions. Existing subdivision (g) is being changed to (e), existing subdivision (h) is being changed to (f), existing subdivision (i) is being changed to (h), and, existing subdivision (j) is being changed to (g).

(a) Temporary Disability Notices.

(2) Notice of Delay in Any Temporary Disability Indemnity Payment.

The proposed amendments will improve the clarity of the notice by providing that the issuance of the Notice of Delay in Any Temporary Disability Indemnity Payment is required if the employee’s entitlement to any period of temporary disability indemnity cannot be determined within 14 days *after* the date of knowledge of the employee’s injury and disability. (The current regulation uses the ambiguous phrase “within 14 days *of* the date of knowledge of injury and disability”.)

The proposed amendments will improve the clarity of the section by relocating the requirement that a subsequent delay notice is required to comply with all requirements for the contents of an original delay notice from the end of the subdivision (where it appeared that the requirement might only apply to a delay where the employee was represented by an attorney) to make it clear that the requirement applies to *any* delay in any temporary disability indemnity payment.

The proposed amendments will clarify the language used in the notice to provide an explanation of the employee’s right to challenge the claims administrator’s determination to delay any temporary disability indemnity payment. Instead of prescribing content, specific mandatory and uniform language will be required de-

pending on whether the employee is unrepresented or represented by an attorney.

(3) The Notice of Denial of Any Temporary Disability Indemnity Payment.

The proposed amendments to subdivision will substantially revise the notice requirements for the denial of any liability for any temporary disability indemnity payment.

The proposed amendments will require that if the claims administrator's determination is based on a medical report, a copy of the medical report or reports is required to be provided with the notice, except for psychiatric reports that the psychiatrist has recommended not be provided to the employee.

The proposed amendments will clarify the language used in the notice to provide an explanation of the employee's right to challenge the claims administrator's determination to deny any liability for any temporary disability indemnity payment. Instead of prescribing content, specific mandatory and uniform language will be required depending on whether the employee is unrepresented or represented by an attorney.

(b) The Notice of Resumed Benefit Payments.

The proposed amendments will delete any reference to salary continuation, vocational rehabilitation temporary disability indemnity or maintenance allowance.

(c) The Notice of Changed Benefit Rate, Payment Amount or Schedule.

The proposed amendments will delete any reference to salary continuation, vocational rehabilitation temporary disability indemnity or maintenance allowance.

The proposed amendments will also change the requirement that the notice must be given before or *with* the new payment, to allow it to be given before or *at the same time* as the new payment.

(d) The Notice that Benefits Are Ending.

The proposed amendments will delete any reference to salary continuation, vocational rehabilitation temporary disability indemnity or maintenance allowance.

The proposed amendments will improve the clarity of the notice by providing that the notice is required if the decision to end payment of indemnity was made after the last payment, the claims administrator must send the notice and accounting of benefits paid within 14 days *after* the last payment. (The current regulation uses the ambiguous phrase "within 14 days *of* the date of knowledge of injury and disability".)

The proposed amendments will require that if the claims administrator's determination is based on a medical report, a copy of the medical report or reports is required to be provided with the notice, except for psychiatric reports that the psychiatrist has recommended not be provided to the employee.

The proposed amendments will clarify the language required in the notice to provide an explanation of the employee's right to challenge the claims administrator's determination to end the employee's benefits. Instead of prescribing content, specific mandatory and uniform language will be required depending on whether the employee is unrepresented or represented by an attorney.

(e) Permanent Disability Notices For Injuries That Occurred Prior To 1991.

The proposed amendments will repeal this subdivision.

(f) Permanent Disability Notices for Injuries Occurring in 1991, 1992, 1993.

The proposed amendments will repeal this subdivision.

(g) Permanent Disability Notices For Injuries Occurring on or after 1/1/94. For injuries occurring on or after January 1, 1994.

The proposed amendments will make this subdivision applicable to all dates of injury, eliminating the differing requirements for notices for date of injury on or after January 1, 1994 through December 31, 2004 and dates of injury on or after January 1, 2005.

(1) Condition Not Permanent and Stationary, May Cause Permanent Disability — Notice of Monitoring Until P&S Date.

The proposed amendments will change the requirement that the Notice of Monitoring Until P&S Date must be given *together with* the last payment of temporary disability indemnity, to allow it to be given *at the same time as* the last payment of temporary disability indemnity.

(2) Condition Becomes Permanent and Stationary, Causes Permanent Disability — Notice of QME/AME Procedures.

The proposed amendments will clarify the notice required when the employee's condition becomes permanent and stationary, and causes permanent disability by changing the name of the notice to the "Notice That Permanent Disability Exists".

The proposed amendments will change the requirement that the notice must be given *together with* the last payment of temporary disability indemnity disability or within 14 days of knowledge that the injury is permanent and stationary or has caused permanent disability, to allow it to be given *at the same time as* the last payment of temporary disability indemnity or within 14 days of knowledge that the injury has caused permanent disability, whichever is later.

The proposed amendments will revise the requirement for the claims administrator to advise the employee whether there *is* the need for continuing future medical care, to require the claims administrator to ad-

wise the employee whether there *will be* the need for continuing future medical care.

The proposed amendments will require the claims administrator to advise the employee whether an indemnity payment will be deferred pursuant to paragraph (2) of subdivision (b) of Labor Code section 4650.

The proposed amendments will clarify the language used in the notice to provide an explanation of the employee's right to challenge the claims administrator's determination to delay any permanent disability indemnity payment. Different mandatory and uniform language will be required depending on whether the employee is unrepresented or represented by an attorney.

The proposed amendments will repeal the requirement that a copy of the medical report on which the estimate of permanent disability was based be sent to the employee, and instead provide that if the claims administrator's determination is based on a medical report, a copy of the medical report or reports is required to be provided with the notice, except for psychiatric reports that the psychiatrist has recommended not be provided to the employee.

(3) Notice That No Permanent Disability Exists.

The proposed amendments will clarify that this notice is only required in cases where the employee has sustained compensable lost time from work, has received payment of temporary disability indemnity or the employee claims permanent disability.

The proposed amendments will change the requirement that the notice must be given *together with* the last payment of temporary disability indemnity or within 14 days after the claims administrator determines that the injury has caused no permanent disability, to allow it to be given *at the same time as* the last payment of temporary disability indemnity or within 14 days after the claims administrator determines that the injury has caused no permanent disability.

The proposed amendments will repeal the requirement that a copy of the medical report on which the determination of no permanent disability was based be sent to the employee, and instead provide that if the claims administrator's determination is based on a medical report, a copy of the medical report or reports is required to be provided with the notice, except for psychiatric reports that the psychiatrist has recommended not be provided to the employee.

The proposed amendments will clarify the language used in the notice to provide an explanation of the employee's right to challenge the claims administrator's determination of no permanent disability. Instead of prescribing content, specific mandatory and uniform language will be required depending on whether the employee is unrepresented or represented by an attorney.

(4) Notice of Permanent Disability Indemnity Payment When Injury Causes Permanent Disability.

The proposed amendments will delete the requirement that the notice be given if the claims administrator knows that the employee has sustained permanent disability, whether or not its extent is known and whether or not the employee's medical condition is permanent and stationary, and instead require the notice at the same time as the first payment of permanent disability indemnity.

The proposed amendments will delete the requirement for injuries occurring on or after January 1, 2005 that the claims administrator advise the employee, in specified benefit notices, of any increase or decrease in the amount of the employee's permanent disability payments, pursuant to Labor Code section 4658, subdivision (d) resulting from the employer's offer of regular, modified or alternative work or resulting from the employer's failure to offer, or the employer's early termination of, regular, modified or alternative work.

(h) Notices to Dependents in Death Cases.

The proposed amendments will relocate the definition of the term "dependent" from this subdivision to the more appropriate section 9811 which provide definitions of terms applicable to all benefit notices. There will be no substantive change in the definition.

2) Notice of Changed Benefit Rate, Amount or Schedule or that Benefits are Ending.

The proposed amendments will change the requirement that a notice that payment is ending must be sent *with* the last payment unless the decision to end payment was made after that payment; in that case it must be sent within 14 days *of* the last payment, to require instead that the notice be sent *at the same time as* the last payment unless the decision to end payment was made after that payment; in that case it must be sent within 14 days *after* the last payment.

(i) Notice Denying Liability for All Compensation Benefits

The proposed amendments will provide that if the claims administrator's determination is based on a medical report, a copy of the medical report(s) must be provided with the notice, except for psychiatric reports that the psychiatrist has recommended not be provided to the employee.

The proposed amendments will provide that if the employee is not represented by an attorney, the determination to deny liability for all compensation benefits is related to a medical issue, and the employee has not previously received a comprehensive medical evaluation for this claim, the notice must be accompanied by the form prescribed by the DWC Medical Unit to re-

quest assignment of a panel of Qualified Medical Evaluators, and an explanation of the QME panel request and selection process.

The proposed amendments will provide that if the employee is represented by an attorney, the employee will be instructed to contact their attorney with any questions.

The proposed amendments will provide that instead of requiring service of a copy of the Notice Denying Liability for All Compensation Benefits on “all persons or entities who can reasonably be identified by the claims administrator from information in the claims file to be potential lien claimants on account of their having furnished benefits, goods or services for which a lien may be filed under Labor Code sections 4903 through 4906, inclusive,” the notice will be required to be served on “all persons or entities that have been authorized by the claims administrator to furnish benefits, goods or services for which a lien or claim for costs may be filed under Labor Code sections 4903 through 4906, inclusive.”

To improve the clarity of this subdivision, the four paragraphs will be numbered.

The proposed amendments will add an authority citation to Labor Code section 124, and delete authority citations to Labor Code sections 139.5(a)(2), 4636(d), and 4637.

The proposed amendments will add reference citations to Labor Code sections 4060 and 4062.2, amend a reference citation from Labor Code section 4061(e) to 4061(f), and amend a reference citation from Labor Code section 4061(f) to 4061(g).

(j) Notice of Delay in Determining All Liability.

The proposed amendments will improve the clarity of the notice by providing that the issuance of the Notice of Delay in Determining All Liability is required if the claims administrator cannot determine whether the employer has any liability for an injury, other than an injury causing death, within 14 days *after* the date of knowledge of injury. (The current regulation uses the ambiguous phrase “within 14 days *of* the date of knowledge of injury”)

The proposed amendments will also require the claims administrator to send an additional notice if a determination cannot be made by the date specified in a prior notice to the employee, or if the reason for the delay has changed. The additional notice will be required to be sent as soon as is reasonably practical, but in any event not later than the determination date specified in the previous notice, and the additional notice will be required to explain the reason for the additional delay.

The proposed amendments will provide that, for unrepresented employees, if the delay is related to a medical issue, and the claims administrator is requesting a

comprehensive medical evaluation the notice must be accompanied by the form prescribed by the DWC Medical Unit to request assignment of a panel of Qualified Medical Evaluators and an explanation of the QME panel request and selection process.

The proposed amendments will provide that if the employee is represented by an attorney, the employee will be instructed to contact their attorney with any questions.

Section 9813 prescribes the required timeframes for sending notices, and the required content for each notice, for vocational rehabilitation benefits.

Section 9813 is being repealed in its entirety.

Section 9814 prescribes notice requirements in claims involving salary continuation.

The proposed amendments will delete a reference citation to Labor Code section 139.5(a)(2).

The proposed amendments will also add a reference citation to Insurance Code sections 11651 and 11652, Government Code section 19871 and Education Code section 89529.03.

Section 9815 prescribes the requirements for corrected notices.

The proposed amendment will provide that if information in any notice, or the action taken as reflected in the notice, was incorrect or incomplete, the claims administrator must provide the employee with a corrected notice within 14 days *after* knowledge of the error or omission, instead of the more ambiguous “within 14 days *of* knowledge of the error or omission.”

The proposed amendments will delete reference citations to Labor Code sections 139.5 and 4636.

Section 9881.1 prescribes the form and content of the Notice to Employees Poster.

The proposed amendments to section 9881.1 will update the information on the poster and to reflect the existing state of the law, and improve its clarity by rephrasing some of its content in more readily understandable language.

The proposed amendments will replace the employer’s MPN’s address with its identification number.

The proposed amendments will inform employees that they can access the publication “Workers’ Compensation in California: A Guidebook for Injured Workers” on the DWC website.

Section 10139 prescribes the form and content of the notice of potential eligibility for benefits and the claim form.

The proposed amendments to the notice of potential eligibility will inform employees that if they lose time from work, the claims administrator must notify the employee within 14 days whether the employee’s claim is accepted or whether additional investigation is needed.

The proposed amendments will inform employees to submit the claim form, with a complete description of their injury, to their employer, and advise employees that in some cases, benefits will not start until they inform their employer about their injury by filing a claim form.

The proposed amendments will suggest that employees mail the form to their employer, using first-class or certified mail, and buy a return receipt, so they will be able to prove that the claim form was mailed and when it was delivered.

The proposed amendments will advise employees that their medical benefits may include equipment and travel costs, and that there are limits on chiropractic, physical therapy, and other occupational therapy visits.

The proposed amendments will update the information on the role of the primary treating physician, explain the predesignation process, and inform employees that if their employer is not using an MPN or HCO, in most cases, the claims administrator can choose the doctor who first treats the employee unless he or she predesignated a personal physician or a medical group.

The proposed amendments will inform the employee that within one working day after the employee files a claim form, the claims administrator must authorize the provision of up to \$10,000 in treatment for the employee's injury, consistent with the applicable treating guidelines, until the claim is accepted or rejected.

The proposed amendments will also explain how to obtain treatment if the claims adjuster does not authorize treatment.

The proposed amendments will explain how the employee can transfer his or her treatment to a different primary treating physician in cases where the employee is being treated in a Medical Provider Network, a Health Care Organization, or where the employee is being treated by an employer-selected doctor.

The proposed amendments will explain how to resolve disagreements with the claims administrator or primary treating physician about medical treatment or other issues.

The proposed amendments will expand the discussion of the return to work process to emphasize the value of the employee staying at work if possible, in addition to the benefits of returning to work as soon as the employee is medically able. The proposed amendments will explain the process and encourage the employee to actively communicate with the other participants in the process.

The proposed amendments will clarify the meaning of the term "permanent disability."

The proposed amendments will update the section on the Supplemental Job Displacement Benefit to reflect the existing state of the law.

The proposed amendments will clarify that a spouse is a relative who may be entitled to a death benefit.

The proposed amendments will advise employees that they may contact their employer as well as the claims administrator to resolve disputes about their claim.

The proposed amendments advise employees that they may be able to get unemployment insurance benefits if they are not receiving workers' compensation benefits, and advises the employee how to get information about unemployment insurance benefits.

The proposed amendments clarify the kinds of information available from information and assistance officers, and provide additional sources of information about workers' compensation.

The proposed amendments to the claim form will advise the employee to detach the notice of potential eligibility from the claim form, and save it for future reference.

The proposed amendments will advise employees that they may receive written notices from their employer or its claims administrator about their claim, and that if employees agree to receive these notices only by email, to provide their email address in the space being added to the claim form and check the box being added to the form. Employees will be informed that if they later decide they want to receive the notices by mail, they must inform the claims administrator in writing.

The proposed amendments will also improve the section's clarity by rephrasing some of its content in more readily understandable language.

The existing line numbering is being amended to reflect the addition of the space and check box for employees to provide their e-mail address and indicate their agreement to receive notices by e-mail.

The proposed amendments will also add an authority citation to Labor Code section 5401.

Objective and Anticipated Benefits of the Proposed Regulations:

The objective of the regulations is to streamline the workers' compensation benefit notice program to allow claims administrators to more effectively communicate with injured workers, and implement the mandate of Labor Code section 138.3 for the Administrative Director to prescribe reasonable rules and regulations requiring the employer to serve notice on the injured employee that he may be entitled to benefits under this division.

A 2010 study conducted by the California Commission on Health and Safety and Workers' Compensation concluded that the current benefit notice regulations produced notices that were "too voluminous (e.g., overly wordy, redundant, and containing factsheets and

forms that are not needed by all workers)”. The existing benefit notices were also described as being “complex, overwhelming, frightening, vague, confusing (e.g., “you may lose important rights if you do not take certain actions within 10 days”; “you may be asked to return to the physician for a new evaluation”).”

These proposed regulations are the regulatory portion of ongoing collaboration between the Division and the Commission to explore and implement methods to provide clear information to all injured workers soon after injury describing the entire workers’ compensation claims process and the parties’ respective rights and obligations, to make this information continually available for workers to access later in their claims, and to improve California’s system of benefit notices.

Determination of Inconsistency/Incompatibility with Existing State Regulations:

The Acting Administrative Director has determined that these proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Acting Administrative Director has concluded that these are the only regulations that set forth the form and/or content of the notices required by the regulations being amended or repealed in this rulemaking.

DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

The Acting Administrative Director has made the following initial determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any state agency: None.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the state: None.
- Cost impacts on a representative private person or business: The proposed regulations will not have a significant adverse economic impact on representative private persons or directly affected businesses. The requirement to provide notices to injured workers of their entitlement to various workers’ compensation benefits is a statutory mandate. The regulations only provide the procedures to be used to provide these notices. There will be costs for claims administrators to

train their employees on the new notice requirements, and claims administrators that use computerized systems to generate benefit notices will have to adjust their systems to produce the amended and newly required notices.

- Significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states: None. The requirement to provide notices to injured workers of their entitlement to various workers’ compensation benefits is a statutory mandate. The regulations only provide the procedures to be used to provide these notices.
- Significant effect on housing costs: None.

Results of the Economic Impact Analysis/Assessment

The Acting Administrative Director concludes that it is (1) unlikely that the proposal will create any jobs within the State of California, (2) unlikely that the proposal will eliminate any jobs within the State of California, (3) unlikely that the proposal will create any new businesses within the State of California, (4) unlikely that the proposal will eliminate any existing businesses within the State of California, and (5) unlikely that the proposal would cause the expansion of the businesses currently doing business within the State of California.

Individuals and/or businesses that are subject to these regulations will incur minor costs for updating the form and content of notices and forms that they currently already are required to use, and training employees on the requirements of the new regulations. As almost all claims administrators use computerized systems to compose and print notices and forms, they will have to adjust their systems to produce the amended notices and forms. These one-time costs will be offset with long-term savings in printing and postage costs due to the shortening of benefit notices and the elimination of several enclosures that will no longer be required to be enclosed with benefit notices.

Benefits of the Proposed Action:

Injured workers will benefit from updated and more accurate benefit notices.

Employers and claims administrators will experience a cost savings of an indeterminable amount based on the use of clearer and more accurate benefit notices. Savings will be reflected both in administrative costs (shortening the length of benefit notices and eliminating enclosures will significantly reduce printing and mailing costs) and litigation costs. However, the lack of empirical data on the extent of attorney involvement and litigation before benefit notices reached their current level of complexity, in the mid-1990s, in addition to the difficulty in ascertaining the current level of liti-

gation driven by complicated benefit notices as opposed to the amount of compensation paid, makes it difficult to estimate a total amount of savings. That said, the Division conservatively estimates that the total cost savings to employers and claims administrators will be in the range of \$15 million.

Small Business Determination:

The Acting Administrative Director has determined that the proposed regulations will have no effect on small businesses. The regulations apply to workers' compensation insurers, self-insured employers and third party claims administrators. None of these entities are small businesses.

CONSIDERATION OF ALTERNATIVES

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

The Acting Administrative Director invites interested persons to present reasonable alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

Pursuant to Government Code section 11346.45, the text of the draft proposed regulations was made available for pre-regulatory public comment by an advisory group of interested stakeholders and the general public through a posting on the Division's Internet message board (the DWC Forums) from April 18 through May 3, 2013.

AVAILABILITY OF INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, RULEMAKING FILE AND DOCUMENTS SUPPORTING THE RULEMAKING FILE/INTERNET ACCESS

An Initial Statement of Reasons and the text of the proposed regulations in plain English have been prepared and are available from the contact person named in this notice. The entire rulemaking file will be made

available for inspection and copying at the address indicated below.

As of the date of this notice, the rulemaking file consists of the Notice, the Initial Statement of Reasons, the proposed text of the regulations, and the Economic and Fiscal Impact Statement (Form 399). Also included are any studies and documents relied upon in drafting the proposed regulations. As public comments are received during the rulemaking process, they will be added to the rulemaking file.

In addition, the Notice, Initial Statement of Reasons, and proposed text of regulations may be accessed and downloaded from the Division's website at www.dir.ca.gov. To access them, click on the "Proposed Regulations — Rulemaking" link and scroll down the list of rulemaking proceedings to find the current "Benefit Notice Regulations" rulemaking.

Any interested person may inspect a copy or direct questions about the proposed regulations and any supplemental information contained in the rulemaking file. The rulemaking file will be available for inspection at the headquarters of the Division of Workers' Compensation, 1515 Clay Street, Oakland, California, between 9:00 a.m. and 4:30 p.m., Monday through Friday. Copies of the proposed regulations, initial statement of reasons and any information contained in the rulemaking file may be requested in writing to the contact person.

CONTACT PERSON

Nonsubstantive inquiries concerning this action, such as requests to be added to the mailing list for rulemaking notices, requests for copies of the text of the proposed regulations, the Initial Statement of Reasons, and any supplemental information contained in the rulemaking file may be requested in writing at the same address. The contact person is:

Maureen Gray, Regulations Coordinator
Division of Workers' Compensation
Post Office Box 420603
San Francisco, CA 94142

Inquiries may be submitted by e-mail to: mgray@dir.ca.gov.

The telephone number of the contact person is (510) 286-7100.

BACKUP CONTACT/PERSON CONTACT PERSON FOR SUBSTANTIVE QUESTIONS

In the event the contact person is unavailable, or to obtain responses to questions regarding the substance of the proposed regulations, inquiries should be directed to the following backup contact person:

James M. Robbins
Division of Workers' Compensation
Post Office Box 420603
San Francisco, CA 94142

The telephone number of the backup contact person is (510) 286-7100.

AVAILABILITY OF CHANGES FOLLOWING PUBLIC HEARING

Upon closure of time for receipt of public comments, the Administrative Director may adopt the proposed rulemaking substantially as described above or may modify it if such modifications are sufficiently related to the original text.

With the exception of technical, grammatical or other non-substantive changes, if the Administrative Director makes any changes to the proposed regulations as a result of the public hearing and public comment received, the full text of such modifications to the proposed rulemaking, with changes clearly indicated, will be made available for public comment 15 days prior to their adoption. Notice of the modified text will be mailed to those persons who submit written or oral comments related to the proposed rulemaking or who request notification of any changes to the proposed rulemaking.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the contact person named in this notice or may be accessed on the website: www.dir.ca.gov.

AUTOMATIC MAILING

A copy of this Notice, the Initial Statement of Reasons, and the text of the regulations, will automatically be sent to those interested persons on the Administrative Director's mailing list.

If adopted, the proposed amendments to the benefit notice regulations will appear in Title 8, California Code of Regulations, commencing with section 9810.

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (department) proposes to amend Sections 115.04 and 115.07 in Chapter

1, Division 1, Article 2.4 of Title 13, California Code of Regulations, relating to Driver Safety hearings.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 p.m., fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 p.m., **September 1, 2014**, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to adopt this regulation under the authority granted by Vehicle Code section 1651 and Government Code section 11400.20, in order to implement, interpret, or make specific Vehicle Code sections 13558, 16070, 16075, and Article 3 (commencing with Section 14100) of Chapter 3 of Division 6, and Government Code sections 11440.30, 11505, and 11506.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code section 13558 allows a person who receives a notice of driver license suspension or revocation pursuant to Vehicle Code sections 13353, 13353.1, 13353.2, 13382, 13388, 23612, or a notice pursuant to Section 13357, to request a hearing to contest the suspension or revocation, within 10 days of the receipt of the notice of order of suspension or revocation. Vehicle Code section 13558 also specifies the conditions under which the hearing is to be conducted.

In recent years, the department has encountered situations where a driver's attorney contacts the department to request a hearing on behalf of his or her client and fails to provide the department with sufficient information to process the hearing request. For instance, the attorney will provide the department with only the driv-

er's name and driver's license number, but the attorney refuses to provide information or documentation related to the arrest date or the arresting agency. The department has been accepting these hearing requests; however, in many instances, the department is unable to determine the arresting agency and to contact the agency to obtain the necessary documents prior to the hearing. In these instances, the impact is felt most by the driver who will likely be required to wait an extended amount of time while the department obtains the necessary documentation. In addition, the delay results in a traffic safety issue as the statutorily required immediate adjudication of the administrative per se action is delayed. For these reasons, it is necessary to implement the proposed regulation in order to require the driver, or the driver's representative, to provide to the department sufficient information to process the hearing request.

This proposed regulatory action clarifies Vehicle Code section 13558 by requiring a request for hearing contain specific information. The department is amending Section 115.04 to require a hearing request to contain the subject driver's name, address, birthdate, and driver's license number, as well as the date of arrest and the name of the arresting agency. The collection of this information will ensure the department is able to request any necessary documentation within a reasonable amount of time, which will ensure a timely hearing.

Once a hearing is scheduled, a party has the ability to object to all or part of the hearing being conducted by telephone, television or other electronic means. In recent years, problems have arisen when certain witnesses are required to provide testimony but are not available to personally appear at the hearing. In this instance, the department allows that witness to provide testimony by telephone. In circumstances where a party objects to the witness testifying by telephone, the hearing officer is left with no other option than to reschedule a hearing. This deficiency is causing delays in rescheduling hearings to accommodate witnesses and leaves the department with a backlog of hearings. Furthermore, these hearing delays are inconsistent with the legislative intent to immediately resolve and implement the administrative per se suspension.

This action will repeal provisions of Section 115.07 and allow the department to set hearings and allow witnesses to appear by telephone. The amendment will repeal a party's ability to object to such an appearance and allow the department to clear hearing backlogs.

The department does not anticipate that this proposed action will result in any nonmonetary benefits such as the protection of public health and safety, worker safety, or the environment, the prevention of discrimination, the promotion of fairness or social equity, or the increase in openness and transparency in business and government.

PROBLEMS THIS DEPARTMENT INTENDS TO ADDRESS AND BENEFITS ANTICIPATED FROM THE REGULATORY ACTION

This proposed regulatory action will ensure hearings are scheduled efficiently by allowing the department to gather information necessary to gather requisite arrest documentation and ensure hearings are conducted efficiently by allowing the department to have witnesses to appear by telephone.

CONSISTENCY AND COMPATIBILITY WITH EXISTING REGULATIONS

The department has conducted an evaluation for any regulations on this area and has concluded that these are the only regulations dealing with driver safety hearings. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

ECONOMIC AND FISCAL IMPACT DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- Cost or Savings to Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact 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.
- Effects on Housing Costs: None.
- Local Agency/School District Mandates: The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- Small Business Impact: This regulation is not likely to impact small business because the proposal only addresses driver safety hearings, a process that does not impact small business, only drivers.
- Significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states: None.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The department has determined that this proposed regulatory action:

- Will not create or eliminate jobs within the State of California
- Will not create or eliminate existing business within the State of California
- Will not expand business currently doing business within the State of California
- Will not benefit the health of California residents or the State's environment, however, this action may have a positive benefit on the welfare of California residents as these provisions will ensure driver safety hearings are adjudicated as quickly and efficiently as possible.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

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 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 provisions of law.

CONTACT PERSON

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

Randi Calkins, Regulations Analyst
 Department of Motor Vehicles
 Legal Affairs Division
 P.O. Box 932382, MS C-244
 Sacramento, CA 94232-3820

Any inquiries or comments concerning the proposed rulemaking action requiring more immediate response may use:

Telephone: (916) 657-6469
 Facsimile: (916) 657-1204
 E-Mail: LRegulations@dmv.ca.gov

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

Shelly Johnson Marker, Chief of Staff
 Telephone: (916) 657-6469

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an Initial Statement of Reasons for the proposed regulatory action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the Express Terms of the proposed regulatory action using underline or italics to indicate additions to, and strikethrough to indicate deletions from the California Code of Regulations.

The contact person identified in this notice shall also make available to the public, upon request, the Final Statement of Reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons, the revised handbook and Express Terms) may be accessed at www.dmv.ca.gov/about/lad/regactions.htm.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Request for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

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 Section 12838.5 and Penal Code (PC) Section 5055, and the rulemaking authority granted by PC Section 5058, in order to implement, interpret and make specific PC Section 2602, proposes to

amend sections 3351 and 3364 and to adopt new sections 3364.1 and 3364.2 of the California Code of Regulations (CCR), Title 15, Division 3, concerning Involuntary Psychiatric Medication.

PUBLIC HEARING

Date and Time: **September 8, 2014 — 9:00 a.m. to 10:00 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.

PUBLIC COMMENT PERIOD

The public comment period will close September 8, 2014 at 5:00 p.m. Any person may submit public comments in writing (by mail, by fax, or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the 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.

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:

D. Hawkins
Regulation and Policy Management Branch
Telephone (916) 445-2314

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

Bill Davies
Department of Corrections and Rehabilitation
(916) 324-1849

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

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.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons. This action:

- Amends Chapter 1, Subchapter 4, Articles 8 and 9 of the CCR, Title 15, Division 3 to implement, interpret and make specific PC Section 2602. Enactment of PC Section 2602 terminated the permanent injunction stemming from the *Keyhea v. Rushen* decision and replaced it with a statutory scheme governing the administration of involuntary psychiatric medication upon individuals housed in CDCR facilities.
- Amends sections 3351 and 3364 of the CCR, Title 15, Division 3 concerning Involuntary Psychiatric Medication.
- Adopts sections 3364.1 and 3364.2 into CCR, under Chapter 1, Subchapter 4, Articles 8 and 9 concerning Medical and Dental Services/Mental Health Services.
- Provides definitions for terms used in PC Section 2602 and specifies standardized statewide criteria for evaluation of an inmate’s mental condition.
- Provides authority and direction to CDCR staff for proper identification of inmates who meet criteria for psychiatric intervention in a correctional setting, so that all institutions follow the same standardized set of procedures.
- Establishes that:
 - A new timeline between the start of medication and the hearing in front of an Administrative Law Judge (ALJ) has been revised from 47 days to 21 days. Emergency initial hearings may be heard on an expedited basis if patient care would benefit;

- Inmates will have the right to be given notice when CDCR is seeking to renew a court order, as well as the right to file an objection to an institution’s request to medicate the inmate prior to an initial ALJ hearing; and,
- The Department gained the right to add a basis for a court order if the inmate’s serious illness began to manifest in new ways.

SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The proposed regulatory action will benefit CDCR staff and inmates by providing direction to staff for proper identification of inmates who meet the criteria for psychiatric intervention in a correctional setting, and using the least restrictive alternative. A standardized set of procedures regarding forms, inmate rights, service of documents, hearing procedures, and documentation of the involuntary medication process will be followed by all institutions. This will ensure consistent and fair treatment on a statewide basis concerning Involuntary Psychiatric Medication.

EVALUATION OF CONSISTENCY/COMPATIBILITY WITH EXISTING REGULATIONS

The Department has determined that these proposed regulations are consistent and compatible with existing state laws and regulations. The Department reached this conclusion because these proposed regulations supplement existing regulations in order to comply with the statutes under PC Section 2602.

FORMS INCORPORATED BY REFERENCE

- CDCR MH–7363 (Rev. 03/14), Involuntary Medication Notice
- CDCR MH–7366 (Rev. 03/14), Inmate Rights Notice—Involuntary Medication
- CDCR MH–7368 (Rev. 03/14), Renewal of Involuntary Medication Notice

LOCAL MANDATES

This action imposes no mandates 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.*

EFFECT ON HOUSING COSTS

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

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

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.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

The Department has determined that the proposed 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. As stated under the “Specific Benefits Anticipated by the Proposed Regulations” above (under the “INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW”), the regulations will benefit the health and welfare of California residents, as well as worker safety, specifically for inmates and CDCR staff, by allowing for earlier psychiatric intervention for those needing medication, which will result in a safer environment for employees as well as other inmates. Additionally, the proposed regulations set uniform standards for inmates meeting the criteria for psychiatric intervention and providing direction to correctional staff in dealing with these inmates’ needs.”

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.

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.

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 proposed regulatory action. 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.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared, and will make available, the text 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, and Notice of Proposed Action will also be made available on the Department's website <http://www.cdcr.ca.gov>.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the Department's contact person.

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.

TITLE 17. DEPARTMENT OF DEVELOPMENTAL SERVICES

RESPIRE CARE RATE INCREASE 2014

The California Department of Developmental Services (DDS) proposes to amend Title 17, California Code of Regulations (CCR), Division 2, Chapter 3, Subchapter 7, Article 5, Section 57310(b)(3), Method of Reimbursement for Voucher Services, and 57332(c)(3)(A) & (c)(9)(A), Maximum Rates of Reimbursement for Non-Residential Services.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action of DDS. The written comment period closes at 5:00 p.m. on Monday, September 1, 2014. Please submit any written comments, via U.S. Mail, fax or email, to the DDS contact persons designated below by 5:00 p.m. on Monday, September 1, 2014.

NO PUBLIC HEARING

No public hearing is scheduled for this rulemaking. However, any interested person or his or her duly authorized representative may request a public hearing no later than 15 days prior to the close of the written comment period.

AUTHORITY AND REFERENCE

Authority: Section 4690, Welfare and Institutions Code.

Reference: Sections 4648(a), and 4690, Welfare and Institutions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Respite services are provided to regional center consumers in California through vouchers or vendors. The reimbursement rate for providers of respite services is

described in Title 17, CCR, sections 57310 and 57332, and authorizes regional centers to reimburse respite providers at the stated rate.

Effective July 1, 2014, California law, AB 10 increased the minimum wage to \$9.00 per hour. DDS proposes the following regulation changes intended to reflect the increase in the maximum rates of reimbursement for respite services to \$11.88 per consumer, per hour, due to the change and which have been authorized in the Budget Act for Fiscal Year (FY) 2014–15.

Section 57310(b)(3) — Method of Reimbursement for Voucher Services.

DDS proposes to increase the maximum reimbursement rate for respite services under the voucher to \$11.88 per consumer per hour, effective July 1, 2014.

Section 57332(c)(3)(A) — Maximum Rates for Reimbursement for Non-Residential Services — In-Home Respite Worker — Service Code 864

DDS proposes to increase the maximum reimbursement rate for in-home respite workers to \$11.88 per consumer per hour, effective July 1, 2014.

Section 57332(c)(9)(A)(2)(a) — Maximum Rates for Reimbursement for Non-Residential Services — Respite Facility— Service Code 869

DDS proposes to increase the maximum reimbursement rate for respite workers providing services in respite facilities to \$11.88 per consumer per hour, effective July 1, 2014.

The anticipated benefit of this change will create a positive impact in California as the respite service is a critical service which assists the family members to maintain the consumer in the home and provides appropriate care and supervision to ensure the consumer’s health and safety during the absence of family members.

CONSISTENCY EVALUATIONS

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

EFFECT ON SMALL BUSINESS

DDS has determined that the proposed regulations will not adversely affect small businesses. The proposed regulations do not change any current business requirements for financial management services.

DISCLOSURES REGARDING THE PROPOSED ACTION

The DDS has made the following initial determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any state agency: None.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the state: None.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

As a result of the economic impact analysis, DDS has determined that the proposed action will have no economic effect on:

- The creation of new jobs or the elimination of jobs within California.
- The creation of new businesses, expansion of current businesses doing business, or elimination of existing businesses within California.

DDS has determined that the proposed regulations will not have: 1) a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states, or 2) a significant effect on housing cost. DDS is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Benefits of the Proposed Action: This proposed regulatory change is necessary to reflect and authorize the impact of the minimum wage increase in the reimbursement rate to providers, which has been approved in the Budget Act of FY 2014–15.

DDS and the Legislature recognizes the difficulties families face when trying to maintain their children in the family home by implementing statute and regulations designed to relieve the family of the constantly demanding responsibility of caring for the consumers. Respite service is a critical service which assists the family members to maintain the consumer in the home and provides appropriate care and supervision to ensure the consumer’s health and safety during the absence of family members.

ALTERNATIVES CONSIDERED

DDS must determine that no reasonable alternative is 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.

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

CONTACT PERSON

General and substantive inquiries concerning the proposed action may be directed to:

Department of Developmental Services
Rates & Fiscal Support Section
1600 Ninth Street, Room 310
Sacramento, CA 95814
Attention: Mayra Jimenez, Assistant Chief
Phone: (916) 654-1608
Facsimile: (916) 654-3256
E-mail Address: mayra.jimenez@dds.ca.gov

If the above person is unavailable, you may also contact Jeffrey Greer, Chief, Rates & Fiscal Support Section at (916) 654-2201.

AVAILABILITY OF RULEMAKING DOCUMENTS

DDS has prepared and has copies ready for public review, an Initial Statement of Reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the exact text of the proposed regulations. Copies of the Notice, Initial Statement of Reasons and text of the proposed regulations will be made available through DDS's website at www.dds.ca.gov.

All other public records, reports, documentation or other material related to the proposed regulations will be contained in the rulemaking file and will be available for inspection and copying throughout the rulemaking process from the contact persons at the above address. Upon completion, the Final Statement of Reasons will be made available by either contacting the persons above or through DDS's website.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After close of the comment period, DDS may adopt the proposed regulations as described in this notice. If DDS makes modifications that are sufficiently related to the originally proposed text, it will make the modified text, with changes clearly indicated, available for public comment at least 15 days before DDS adopts the regulations as revised. Requests for the modified text should be made to the contact person named above.

TITLE 22. DEPARTMENT OF HEALTH CARE SERVICES

NOTICE OF RULEMAKING AFTER EMERGENCY ADOPTION

**SUBJECT: Drug Medi-Cal Program Integrity,
DHCS-14-006E**

NOTICE IS HEREBY GIVEN that the Department of Health Care Services (Department) has adopted the regulations in California Code of Regulations (CCR), Title 22, Division 3, Subdivision 1, Chapter 3, Article 4, Section 51341.1 on an emergency basis. These emergency regulations became effective on June 25, 2014, and will remain in effect for a period of 180 days. The purpose of this rulemaking is to adopt the emergency regulations on a permanent basis.

PUBLIC HEARING

The Department will conduct a public hearing, during which time any interested person or his or her duly authorized representative may present statements or arguments relevant to the regulatory action described in this notice. The hearing will be held as follows:

Date: September 5, 2014
Time: 10:00 a.m.
Location: Auditorium, East End Complex
(Building 172)
1500 Capitol Avenue
Sacramento, CA 95814

Attendees wishing to speak at the public hearing will be heard on a first-come, first-serve basis. Speakers may be limited to ten minutes or less, depending on the number of attendees requesting to speak. The hearing will close after all attendees present and wishing to speak have provided their testimony or at 5:00 p.m., whichever comes first. Comments will not be discussed

or debated by the Department, nor will speakers be cross-examined. A certified court reporter will be present to record the proceedings. Written comments may be submitted for the record at the public hearing.

WRITTEN COMMENT PERIOD

Any interested person or his or her duly authorized representative may submit written comments to the Department relevant to the regulatory action described in this notice.

Please label any comments as pertaining to Drug Medi-Cal Program Integrity, DHCS-14-006E and submit using any of the following methods:

- Mail Delivery: Department of Health Care Services
Office of Regulations, MS 0015
P.O. Box 997413
Sacramento, CA 95899-7413
- Hand Delivery: Department of Health Care Services
Office of Regulations
1501 Capitol Avenue, Suite 5084
Sacramento, CA 95814
- FAX: (916) 440-5748
- Email: regulations@dhcs.ca.gov

The written comment period closes at **5:00 p.m. on September 8, 2014**, any written comments, regardless of the method of transmittal must be received by the Office of Regulations by **5:00 p.m.** on this date, for consideration.

Written comments should include the author’s contact information so the Department can provide notification of any further changes to the regulation proposal.

The Department shall consider all comments received regarding the proposal equally, whether submitted in writing or through oral testimony at a public hearing.

AUTHORITY AND REFERENCE

These regulations are being proposed under the following authorities:

Section 20, Health and Safety Code; Sections 10725, 14021, 14021.3, 14021.5, 14021.6, 14021.30, 14021.51, 14043.75, 14124.1, 14124.24, 14124.26, and 14124.5, Welfare and Institutions Code; Statutes of 2011, Chapter 32, and Statutes of 2012, Chapter 36.

These regulations implement, interpret, or make specific the following:

Sections 14021, 14021.3, 14021.5, 14021.6, 14021.33, 14021.51, 14043.7, 14053, 14107, 14124.1, 14124.2, 14124.20, 14124.21, 14124.24, 14124.25,

14124.26, 14131, 14132.21, 14132.905, 14133 and 14133.1, Welfare and Institutions Code; Sections 436.122, 456.21, 456.22 and 456.23, Title 42, Code of Federal Regulations; Statutes of 1996, Chapter 162, Items 4200-101-0001 and 4200-102-0001; and Statutes of 2011, Chapter 32, and Statutes of 2012, Chapter 36.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Background

The California Department of Health Care Services’ (Department) mission is to provide Californians with access to affordable, high-quality health care, including medical, dental, mental health, substance use treatment services and long-term care. In support of this mission, the Department administers many health care programs including California’s State Medicaid program, which is known as the Medi-Cal Program.

Welfare and Institutions Code (WIC) Section 14113 authorizes the Department to enter into agreements with other state departments to administer Medi-Cal funding and requirements for services particular to their fields of expertise. In 1980 the Department entered into an agreement with the California Department of Alcohol and Drug Programs (ADP) to administer the Drug-Medi-Cal (DMC) program. In July 2012, pursuant to Assembly Bill 106 (Chapter 32, Statutes of 2011), administration of the DMC program was transferred from ADP back to the Department.

The DMC program offers a range of services including outpatient counseling and therapy, residential services for pregnant and postpartum women and medication services for opiate addicted beneficiaries. The Department oversees county and provider compliance with State and Federal statutes, regulations and other requirements. A part of this oversight is the Department’s performance of postservice postpayment (PSPP) reviews of providers, which, among other things, focus on whether services provided to beneficiaries are medically necessary.

In July 2013, the Department began performing targeted field reviews of DMC providers suspected of committing fraud and abuse. (See Department news release entitled, “DHCS Tightens Oversight of Drug Medi-Cal Centers,” July 18, 2013, which is available at <http://www.dhcs.ca.gov/formsandpubs/publications/opa/Documents/2013/13-07DHCS-DMC7-18-13.pdf>). As of early April 2014 the Department was still conducting targeted field reviews.

In addition to the targeted field reviews, the Department’s Audit and Investigations Division conducted a review of the DMC program, and prepared a report entitled, “Drug Medi-Cal Program Limited Scope Re-

view,” November 2013, which is available at <http://www.dhcs.ca.gov/dataandstats/reports/Documents/DMCLtdScopeRvw.pdf>. Among other things, this review focused on the lack of sufficient regulatory authority to ensure program integrity and ensure providers meet performance expectations. This review resulted in a series of recommendations and the Department prepared a plan to implement those recommendations. (See “The Implementation Plan for Drug Medi-Cal Program Limited Scope Review,” which is available at <http://www.dhcs.ca.gov/dataandstats/reports/Documents/ImpPlanforAuditRecom.pdf>).

Related Existing Laws and Regulations

Welfare and Institutions Code Section 14021(c) authorizes the Department to provide outpatient substance use disorder services. (See also WIC Section 14131) Welfare and Institutions Code Section 14132(u) authorizes the Department to provide comprehensive perinatal services. Welfare and Institutions Code Section 14124.24(a) defines the substance use disorder services offered by the DMC program, which must be consistent with the California State Medicaid Plan and approved Plan amendments. (The services offered by the DMC program include perinatal services.)

Welfare and Institutions Code Section 14124.26(c) authorizes the Department to adopt emergency regulations to implement Article 3.2, Chapter 7, Part 3, Division 9 of the WIC, which includes Section 14124.24. So, the Department has authority to adopt emergency regulations that implement the DMC program services set forth in Section 14124.24.

Title 22, California Code of Regulations (CCR) Section 51341.1 is the primary implementing regulation for the DMC program. It addresses numerous topics including the substance use disorder services offered by the program; provider requirements; PSPP reviews of providers by the Department; and the basis for recovery of payments from providers. In some instances ambiguities in the regulations have inhibited Department enforcement efforts.

Welfare and Institutions Code Section 14043.75 authorizes the Department to adopt and amend regulations to prevent and curtail fraud and abuse by Medi-Cal providers. Fraud and abuse are defined in WIC Section 14043.1. Fraud is defined as “an intentional deception or misrepresentation,” knowingly made to obtain an unauthorized benefit. Abuse is defined as either “Practices that are inconsistent with sound fiscal or business practices and result in unnecessary cost to the federal Medicaid and Medicare programs. . . .”; or “Practices that are inconsistent with sound medical practices and result in reimbursement by the federal Medicaid and Medicare programs . . . for services that are unnecessary or

for standard items or services that fail to meet professionally recognized standards for health care.”

Statement of Purpose/Problem to be Addressed

This regulatory action amends Title 22, CCR Section 51341.1 to address abusive and fraudulent practices identified during the targeted field reviews and PSPP reviews conducted by the Department. The regulations also implement some of the recommendations contained in the “Drug Medi-Cal Program Limited Scope Review” and remove ambiguities from the regulations that have inhibited Department enforcement efforts in the past. Additionally, the amendments implement, interpret and make specific the DMC services, which are defined in WIC Section 14124.24(a) and (b) and described in the California State Medicaid Plan, State Plan Amendments 12-005 and 11-037b.

Anticipated Benefits of the Regulations

This emergency regulatory action is authorized by and implements WIC Section 14043.75. The purpose of Section 14043.75 is to authorize the Department to take steps to prevent and curtail provider fraud and abuse through the adoption of regulations. The Department anticipates that the proposed regulatory amendments will enhance the fiscal integrity of the DMC program by curtailing and preventing provider fraud and abuse. More specifically, the amendments will enhance provider accountability and the Department’s ability to enforce the requirements.

This regulatory action is also authorized by WIC Section 14124.26 and implements WIC Section 14124.24. The purpose of Section 14124.24(a) and (b) is for the Department to administer delivery of the specified substance use disorder services to Medi-Cal beneficiaries. The Department anticipates the regulatory amendments will clarify provider obligations, which should make it easier for providers to comply with program requirements. In addition, the amendments will improve the effectiveness of some treatments and enhance physician oversight.

Consistency and Compatibility with Existing State Regulations

The Department has conducted an evaluation of the related existing state regulations under Title 22 California Code of Regulations (CCR), Division 3 and Title 9, Division 4 and has determined that the regulations are consistent with and compatible with those regulations. An automated search of Title 22, Division 3 and Title 9, Division 4 using the following keywords “Drug Medi-Cal Substance Use Disorder Services, Day Care Habilitative Services, Narcotic treatment program, and Post-service postpayment utilization review” was conducted via Westlaw and yielded no conflicting state regulations.

Regulation Section

This emergency regulatory action amends Section 51341.1 to accomplish the following:

- Define additional terms and phrases under the DMC program.
- Prohibit minors from participating in group counseling sessions with adults.
- Require group counseling sessions for day care habilitative services to be conducted with between two and twelve participants.
- Amend requirements for group counseling sign-in sheets.
- Require that group and individual counseling sessions are conducted in a confidential setting.
- Require beneficiaries, counselors, therapists and physicians to type or legibly print their name and date treatment plans, progress notes and discharge plans.
- Revise the physical examination requirements applicable during the intake process.
- Require physicians to review beneficiaries' personal, medical and substance use histories during the intake process.
- Require beneficiary treatment plans to include beneficiary diagnoses and goals related to physical examinations and medical illnesses.
- Require beneficiaries to participate in preparation of, review and sign their treatment plans.
- Specify when counselors and therapists must prepare progress notes.
- Require physicians to review additional documents in determining whether continued services are medically necessary for a beneficiary.
- Establish the requirement for providers to prepare beneficiary discharge plans, including what shall be included in the plans and documentation requirements.
- Require providers to produce all documents the Department relies on in performing PSPP reviews while Department personnel are on site conducting the review.
- Clarify the basis for the Department to withhold overpayments in a PSPP review.
- Non-substantive amendments to achieve clear and consistent language, including accurate punctuation, grammar, sentence structure and designations.

DISCLOSURES REGARDING THE
RULEMAKING

The Department has made the following initial determinations:

Fiscal Impact Statement

- A. Costs to any Local Agency or School District that is not reimbursable by the State: None.
Costs to any Local Agency or School District that is required to be reimbursed Under Part 7 (commencing with Section 17500), Division 4 of the Government Code: None.
- B. Costs or Savings to any State Agency: None.
- C. Costs or Savings in Federal Funding to the State: None.
- D. Other Nondiscretionary Costs or Savings Including Revenue Changes Imposed on State or Local Governments: None.

Cost Impacts on a Representative Private Person or Business:

This regulatory action will impact providers who choose to participate in the Drug Medi-Cal program and to provide a particular type of service, group counseling day care habilitative services. See below "Impact on Jobs and Businesses" for discussion related to potential cost impacts for some providers.

Mandates on Local Agencies or School Districts

The Department has determined that the regulations would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

County participation in the DMC program is voluntary, and currently not all counties offer the five DMC services: day care habilitative therapy, residential-based therapy, narcotic treatment therapy, and counseling in both an individual and group setting. The proposed amendments limit the number of participants allowed in a group counseling session for day care habilitative service, to twelve. No county-operated provider has billed in excess of the proposed group size of 12, so the proposed amendments will not have an economic impact on counties.

Significant Statewide Adverse Economic Impact Affecting Businesses

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

Results of the Economic Impact Assessment (Analysis)

In accordance with Government Code Section 11346.3(b)(1), the Department has made the following assessments and has determined that the proposed regulations would not significantly affect the following:

- (1) The creation or elimination of jobs in California.
- (2) The creation or elimination of businesses in California.
- (3) The expansion of businesses currently doing business in California.

Impact on Jobs and Businesses

This regulatory action will impact providers who choose to participate in the DMC program, providing substance use disorder services to Medi-Cal beneficiaries.

The Department has made an initial determination that the requirements related to group size for the day care habilitative service as proposed to be amended through these regulations will impact providers. In Fiscal Year 2011–2012, 79 providers billed for day care habilitative services. Of these 79, only 9 report a group size that exceeds the proposed limit of 12.

These 9 providers are likely to hire additional counselors to satisfy the new requirement and on average would have to absorb approximately \$36,037 per year to continue offering day care habilitative services at the same capacity as before the reduction in group size. However, these additional costs are not anticipated to have a significant impact on the creation or elimination of jobs, the creation of new businesses, the elimination of existing businesses or the expansion of businesses in California.

County participation in the DMC program is voluntary, and currently not all counties offer the five DMC services: day care habilitative therapy, residential-based therapy, narcotic treatment therapy, and counseling in both an individual and group setting. Of the 79 providers of day care habilitative services, only 3 are county operated: Fresno, Humboldt, and Shasta. None of these counties have billed for group counseling services with more than 12 participants, so the proposed regulatory amendments will not have an economic impact on counties.

Benefits of the Proposed Regulation

The Department has determined that the regulations will not specifically affect worker safety or the state's environment. However, the regulations will benefit DMC providers through the provision of clear and comprehensive requirements for participation. This in turn will benefit the health and welfare of California residents by providing Medi-Cal beneficiaries the delivery of medically necessary and effective substance use dis-

order services that are provided under enhanced physician oversight.

This regulatory proposal ensures the proper and efficient administration of the Medi-Cal program, in accordance with federal and state laws. This is accomplished by improvements in the fiscal integrity of the DMC program through enhanced provider accountability and the Department's ability to enforce specific regulatory requirements.

Effect on Small Businesses

The Department has determined that the regulations would only affect small businesses that choose to provide substance use disorder services to Medi-Cal beneficiaries.

Housing Costs Determination

The Department has made the determination that the regulations would have no impact on housing costs.

CONSIDERATION OF ALTERNATIVES

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

Existing regulations related to the DMC program (substance use disorder services) are located in Section 51341.1. Using this regulatory proposal to make amendments to existing requirements and standards of the DMC program is the most effective and convenient way to provide (current/updated) information directly to those impacted (providers, physicians, beneficiaries).

This regulatory action is necessary pursuant to WIC Section 14124.26, which requires the Department to adopt emergency regulations. This action also implements WIC Section 14124.24, which requires the Department administer delivery of specified substance use disorder services. Additionally, this action is necessary to implement WIC Section 14043.75, by taking steps to prevent fraud and abuse related to substance use disorder services, under the Medi-Cal program. Specifically, this regulatory action will address abusive and fraudulent practices as identified in the targeted field reviews and PSPP reviews conducted by the Department, and will remove ambiguities from the existing regulations that have inhibited Department enforcement efforts in the past.

ASSISTIVE SERVICES

For individuals with disabilities, the Department can provide assistive services such as the conversion of written materials into Braille, large print, audiocassette and computer disk. For public hearings, assistive services can include sign-language interpretation, real-time captioning, note takers, reading or writing assistance. To request these assistive services, please call (916) 440-7695 (or California Relay at 711 or 1-800-735-2929), email — regulations@dhcs.ca.gov, or write to the Office of Regulations at the address noted above. Note: The range of assistive services available may be limited if requests are received less than ten business days prior to a public hearing.

The Department shall provide, upon request from a person with a visual disability or other disability for which effective communication is required under state or federal law, a narrative description of the additions to, and deletions from, the California Code of Regulations or other publication in a manner that allows for accurate translation by reading software used by the visually impaired. Providing this description may require extending the period of public comment for the proposed action pursuant to Government Code Section 11346.6.

CONTACT PERSONS

Inquiries regarding the substance of the regulations described in this notice may be directed to Marcia Yamamoto, Chief of the Substance Use Disorder Prevention, Treatment and Recovery Services Division, Performance Management Branch at (916) 322-6643.

All other inquiries concerning the regulatory action described in this notice may be directed to Jasmin Delacruz of the Office of Regulations, at (916) 440-7688, or to the designated backup contact person, Lynette Cordell, at (916) 440-7695.

AVAILABILITY OF TEXT OF REGULATIONS AND STATEMENT OF REASONS

The Department has prepared and has available for public review an initial statement of reasons for the regulations, all the information upon which the regulations are based, and the text of the 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 regulations (rulemaking file). In addition, a copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations.

The full text of any regulation which is changed or modified from the express terms of the emergency 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.

Materials regarding the regulatory action described in this notice (including this public notice, the regulation text, and the initial statement of reasons) are posted to the Department's Internet site at: <http://www.dhcs.ca.gov/formsandpubs/laws/Pages/ProposedRegulations.aspx>.

In order to request a copy of this public notice, the regulation text, and the initial statement of reasons be mailed to you, please call (916) 440-7695 (or California Relay at 711 or 1-800-735-2929), email regulations@dhcs.ca.gov, or write to the Office of Regulations at the address noted above.

TITLE MPP. DEPARTMENT OF SOCIAL SERVICES

ORD#0214-01

ITEM#1 Annual Reporting/Child Only (AR/CO) in the CalWORKs Program

The CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held September 3, 2014, as follows:

Office Building #8
744 P St. Room 103
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The purpose of the hearing is to receive public testimony, not to engage in debate or discussion. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on September 3, 2014.

Following the public hearing CDSS may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical or grammatical changes, the full text of any modified proposal will be available for

15 days prior to its adoption to all persons who testify or submit written comments during the public comment period and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below:

CONTACT: Office of Regulations Development
California Department of Social
Services
744 P Street, MS 8-4-192
Sacramento, California 95814
TELEPHONE: (916) 657-2586
FACSIMILE: (916) 654-3286
E-MAIL: ord@dss.ca.gov

CHAPTERS

Manual of Policies and Procedures (MPP), Chapter 22-000, Sections 22-071 (Adequate Notice) and 22-072 (Timely Notice — Aid Pending Hearing); Chapter 22-300, Section 22-305 (General Provisions); Chapter 40-000, Sections 40-039 (Implementation of Annual Reporting Child Only for CalWORKs Recipients); Chapter 40-100, Sections 40-103 (Definitions and Designations — General), 40-105 (Applicant and Recipient Responsibility), 40-107 (County Responsibility), 40-119 (How and Where Application is Made), 40-125 (Reapplications, Restorations, and County of Responsibility), 40-128 (Applicant's Statement of Facts), 40-173 (County Department Responsibility for Notifying Applicants and Recipients), 40-181 (Continuing Activities and Determination of Eligibility), 40-188 (Transfer Procedure), and 40-190 (County Responsibility); Chapter 41-400, Section 41-405 (Termination of Deprivation); Chapter 42-200, Sections 42-209 (Differentiation of Property and Income), 42-213 (Property Items to be Excluded in Evaluating Property Which May be Retained), and 42-221 (Transfer of Property or Income); Chapter 42-400, Sections 42-406 (County Welfare Department Responsibility) and 42-407 (Evidence of Residence Intention); Chap-

ter 42-700, Sections 42-716 (Welfare-to-Work Activities), 42-721 (Noncompliance with Program Requirements), 42-751 (Underpayments and Overpayments for Transportation and Ancillary Support Services, and 42-769 (Application of Bonuses and Sanctions); Chapter 44-100, Sections 44-101 (Income Definitions), 44-102 (Availability of Income), 44-111 (Payments Excluded or Exempt from Consideration as Income), 44-113 (Net Income), 44-115 (Evaluation of Income In-Kind), and 44-133 (Treatment of Income — CalWORKs); Chapter 44-200, Sections 44-205 (Establishing the AU), 44-207 (Income Eligibility), and 44-211 (Special Needs in CalWORKs); Chapter 44-300, Sections 44-304 (Aid Payment Schedules), 44-305 (Aid Payments — Payee and Delivery), 44-313 (Budgeting Methods for AFDC-FG/U), 44-315 (Amount of Aid), 44-316 (Reporting Changes Affecting Eligibility and Grant Determinations and County Actions), 44-318 (Beginning Date of Aid (BDA) for Persons Being Added to the AU), 44-325 (Changes in Amount of Payment), 44-327 (Delayed Payment), 44-340 (Underpayments), 44-350 (Overpayments — General), and 44-352 (Overpayment Recoupment); Chapter 48-000, Section 48-001 (County Department Responsibility for Records); Chapter 80-300, Sections 80-301 (Definitions) and 80-310 (Definitions — Forms); Chapter 82-600, Section 82-612 (Unemployment Insurance Benefits (UIB)); Chapter 82-800, Sections 82-812 (Temporary Absence), 82-820 (Included Persons), 82-824 (Assistance Units that Shall be Combined), and 82-832 (Excluded Persons); Chapter 89-100, Section 89-110 (Maximum Aid Payment (MAP) Level and MAP Restriction; and Chapter 89-200, Section 89-201 (Minor Parent Requirement).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Senate Bill (SB) 1041 (Chapter 47, Statutes of 2012) replaces the Quarterly Reporting/Prospecting Budgeting (QR/PB) system with an Annual Reporting system in the California Work Opportunity and Responsibility to Kids (CalWORKs) program for certain CalWORKs child-only cases. These cases are those in which there is no eligible adult in the Assistance Unit (AU) and are referred to as Annual Reporting/Child Only (AR/CO) cases. CalWORKs is California's version of the federal Temporary Assistance for Needy Families (TANF) Program. The bill mandated that AR/CO be implemented October 1, 2012. This change reduces the reporting burden on recipients and reduces the administrative burden on county workers by only requiring one report per year during the annual redetermination.

The AR/CO provisions within this regulation package include a tandem format for the operation of Semi-

Annual Reporting (SAR) and AR/CO. This is because the systems are parallel reporting systems and recipients may transition between SAR and AR/CO. Regulations that are operative under Semi-Annual Reporting are labeled (SAR). Regulations that are operative under Annual Reporting Child Only are labeled (AR/CO). Regulations not labeled are applicable to both reporting systems and therefore remain unchanged.

In addition to the AR/CO provisions of SB 1041, this regulation package also includes the increase of the Earned Income Disregard (EID) from up to \$112 to up to \$225 of any unused amount of the \$225 Disability-Based Unearned Income (DBI) disregard plus 50 percent of the remaining earned income. SB 1041 mandated that the increase to the EID be implemented by October 1, 2013. The change allows CalWORKs recipients to retain an increased amount of earned income.

Assembly Bill (AB) 1094 (Chapter 554, Statutes of 2013) expands the definition of DBI to include Veterans Disability Compensation benefits as a new category. DBI is exempt from the calculation of the income of the AU not to exceed \$225. If DBI exceeds \$225, the additional amount will be counted dollar for dollar.

This regulation package also contains numerous clean-up and technical changes, including repealing outdated QR regulations, correcting outdated terms and references, and updating the Minimum Basic Standard of Adequate Care levels as of July 1, 2013 and Maximum Aid Payment levels as of March 1, 2014.

The benefits anticipated from this regulatory action include simplifying the reporting responsibilities for both CalWORKs recipients and county eligibility workers. In addition, this regulatory action will benefit families receiving CalWORKs by allowing them to utilize more of their income to better meet basic needs while becoming self-sufficient.

The Department considered other possible related regulations in this area, and we find that these are the only regulations dealing in this subject area (of CalWORKs reporting systems) and therefore, the Department finds that these proposed regulations are compatible and consistent with the intent of the Legislature in adopting SB 1041, AB 1094 and AB 85, as well as with existing state regulations.

The following forms are incorporated by reference. These forms are not printed in the CDSS Manual of Policies and Procedures because it would be cumbersome and impractical; however, they are readily available from CDSS:

AR 2 (11/13) — Reporting Changes for CalWORKs and CalFresh

AR 2 SAR (11/13) — Reporting Changes for CalWORKs and CalFresh

AR 3 (12/12) — Mid-Year Status Report for CalWORKs and CalFresh

CW 2211 (9/13) — Your CalWORKs Reporting Rules Have Changed

CW 2212 (9/13) — The Rules for Your CalWORKs Case Have Changed

TEMP AR 1 (2/13) — New Reporting Requirements for CalWORKs and CalFresh

COST ESTIMATE

1. Costs or Savings to State Agencies: There is approximately \$173,328,000 in costs for fiscal year (FY) 2014–15 that is already reflected in the 2014 May Revision Estimate.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500–17630: None.
3. Nondiscretionary Costs or Savings to Local Agencies: There is approximately \$1,210,000 in costs for FY 2014–15 that is already reflected in the 2014 May Revision Estimate.
4. Federal Funding to State Agencies: There is approximately \$40,493,000 in costs for FY 2014–15 that is already reflected in the 2014 May Revision Estimate.

LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies, but not on school districts. There are no “state-mandated local costs” in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code because any costs associated with the implementation of these regulations are costs mandated by the federal government within the meaning of Section 17513 of the Government Code.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

The CDSS has made an initial determination that the proposed action 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. This determination was made because the action taken in regarding the implementing the annual reporting system pertains to simplifying the reporting requirements for CalWORKs recipients and lessening their reporting burden from five times a year to once a year. In addition, this regulatory action will affect CalWORKs recipients who qualify for Earned Income Disregards and who receive Veteran’s Disability Compensation benefits. These changes will actually allow these individuals to retain more of their income and grant amount giving them more liquid resources to put back into the economy.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

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

SMALL BUSINESS IMPACT STATEMENT

The CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California. This regulatory action will not have an effect on the health and welfare of California residents, worker safety, or the state's environment. The benefits anticipated from this regulatory action include simplifying the reporting responsibilities for both CalWORKs recipients and county eligibility workers.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

SB 1041 mandates that CDSS implement the policy change regarding AR/CO and the change in the EID through the regulatory process. In developing the regulatory action, the CDSS did not consider any other alternatives than the one proposed because there were no other alternatives proposed.

The CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are 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.

AUTHORITY AND REFERENCE CITATIONS

The CDSS adopts these regulations under the authority granted in Sections 10553 and 10554 of the Welfare and Institutions Code. Subject regulations implement and make specific sections 11450.025, 11265.45, 11265.46, 11265.47 and 11265.48, Welfare and Institutions Code.

CDSS REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person: Everardo Vaca
(916) 657-2586
Backup: Zaid Dominguez
(916) 657-2586

EMERGENCY STATEMENT

These regulations are to be adopted on an emergency basis. In order to allow interested persons an opportunity to submit statements or arguments concerning these regulations, they will be considered at public hearing in accordance with Government Code section 11346.4.

TITLE MPP. DEPARTMENT OF SOCIAL SERVICES

ORD #0414-04

ITEM # 2 Foster Family Agency Rates

The CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held September 3, 2014 as follows:

Office Building # 8
744 P St. Room 103
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The purpose of the hearing is to receive public testimony, not to engage in debate or discussion. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail or by facsimile

to the address/number listed below. All comments must be received by 5:00 p.m. on September 3, 2014.

Following the public hearing CDSS may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below:

CONTACT: Office of Regulations Development
California Department of Social
Services
744 P Street, MS 8-4-192
Sacramento, California 95814
TELEPHONE: (916) 657-2586
FACSIMILE: (916) 654-3286
E-MAIL: ord@dss.ca.gov

CHAPTERS

The CDSS Manual of Policies and Procedures (MPP), Division 11 (Administrative Standards for Eligibility and Assistance Programs), Chapter 11-400 (AFDC — Foster Care Rates), Section 11-403 (Foster Family Agency Rates).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

County placement agencies use licensed private Foster Family Agencies (FFAs) for the placement of children who require more intensive care as an alternative to group homes. By statute, FFAs are organized and operated on a non-profit basis.

Section 92 of SB 1013 repealed WIC section 11463 and Section 93 of SB 1013 added back in WIC section

11463 with substantive changes to the FFA rate. This legislation changed the rate-setting system to reflect increases in the basic care and supervision rates paid to foster families certified by FFAs and an annual cost-of-living adjustment to those rates, to bring them into parity with basic rates paid to licensed foster family homes (which were recently increased as a result of litigation). Section 93 of SB 1013 further specifies that these changes shall not change the remaining components of the FFA rate.

The provisions in this package will also rely on the department, counties and foster care providers to implement and maintain the rate-setting system for FFAs. Beginning in the 2011-12 fiscal year and for each fiscal year thereafter, an annual cost of living increase based on the California Necessities Index (CNI) shall occur, eliminating the prior rate ceiling. The rate amounts will no longer appear in regulation but in an All County Letter (ACL) issued every fiscal year.

In addition the department shall specify the purposes, types, and services of FFAs, including the use of those agencies for the provision of emergency shelter care. Now, a clear distinction is made between FFAs that provide treatment of children in foster families and those that provide non-treatment services.

This regulation package also contains numerous grammatical, clerical and changes for clarity of the FFA rate system as well as elimination of obsolete language originally established by the department and/or created by the new legislation.

The regulatory action will benefit children who are placed in FFAs because they require more intensive care. By clarifying the new rate-setting methodology effective as of July 1, 2012, the certified homes that serve these children will be ensured the same financial resources as currently paid to children in foster family homes.

The department considered other possible related regulations in this area and concluded that these proposed regulations are neither inconsistent nor incompatible with state statute for statewide administration of the Aid to Families with Dependent Children-Foster Care program and the intent of the legislature in adopting SB 1013.

COST ESTIMATE

1. **Costs or Savings to State Agencies:** The funding to reflect the updated Foster Family Agency Rate was previously included in the May Revision under the Foster Care Basic premise, which has been realigned. There are no additional costs or savings as a result of the implementation of these regulations.

2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500–17630: None
3. Nondiscretionary Costs or Savings to Local Agencies: The funding to reflect the updated Foster Family Agency Rate was previously included in the May Revision under the Foster Care Basic premise, which has been realigned. There are no additional costs or savings as a result of the implementation of these regulations.
4. Federal Funding to State Agencies: The funding to reflect the updated Foster Family Agency Rate was previously included in the May Revision under the Foster Care Basic premise, which has been realigned. There are no additional costs or savings as a result of the implementation of these regulations.

LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies, but not on school districts. There are no “state–mandated local costs” in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

The CDSS has made an initial determination that the proposed action 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. This determination was made based on the statutes that established FFAs.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

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

SMALL BUSINESS IMPACT STATEMENT

The CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California. These amendments will improve the health and welfare of California residents by improving the well–being and outcomes for youth receiving Aid to Families with Dependent Children–Foster Care placed with a FFA. This regulatory action does not make changes to regulations involving worker safety or the state’s environment, therefore, worker safety and the state’s environment will not be impacted by these amended regulations.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

SB 1013 (Chapter 35, Statutes of 2012) mandates that Section 93 be implemented by adopting regulations. The CDSS did not consider any other alternatives than the one proposed because there have been no other alternatives proposed.

The CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are 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.

AUTHORITY AND REFERENCE CITATIONS

The CDSS adopts these regulations under the authority granted in Sections 10553, 10554 and 11463(1)(2) of the Welfare and Institutions Code. Subject regulations implement and make specific Section 11463, Welfare and Institutions Code as adopted by SB 1013 (Chapter 35, Statutes of 2012).

CDSS REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person: Everardo Vaca
(916) 657–2586
Backup: Zaid Dominguez
(916) 657–2586

EMERGENCY STATEMENT

These regulations are to be adopted on an emergency basis. In order to allow interested persons an opportunity to submit statements or arguments concerning these regulations, they will be considered at public hearing in accordance with Government Code section 11346.4.

GENERAL PUBLIC INTEREST

DEPARTMENT OF HEALTH CARE SERVICES

DEPARTMENT OF HEALTH CARE SERVICES TO CHANGE THE INTERVAL OF THE COST REPORT DATA PERIODS FOR INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED (INCLUDING HABILITATIVE AND NURSING)

The Department of Health Care Services (DHCS) is revising the interval of the cost report data periods for Intermediate Care Facilities for the Developmentally Disabled (including Habilitative and Nursing), effective for the 2014–2015 rate year, and each rate year thereafter.

For the 2014–2015 rate year, beginning August 1, 2014, DHCS will determine each facility’s projected costs by utilizing the reported or audited costs that were used to calculate the rates for the 2013–2014 rate year, previously implemented on May 27, 2014.

Beginning with the 2015–2016 rate year, and each rate year thereafter, in order to determine each facility’s projected costs, DHCS will utilize reported or audited costs with fiscal periods ending in the calendar year that is two years prior to the beginning of the rate year (August 1).

PUBLIC REVIEW AND COMMENTS

Written comments and/or requests for review may be submitted to:

Ms. Connie Florez, Chief
 Department of Health Care Services
 1501 Capitol Avenue, Suite 71.4118
 MS 4600
 P.O. Box 997417
 Sacramento, CA 95899–7417

DEPARTMENT OF MOTOR VEHICLES

Notice of Public Hearing

Title 13, Division 1, Chapter 1, Article 2.0

Eligibility and Required Documentation for a Driver’s License Under Assembly Bill 60

Pursuant to Government Code section 11346.8, the Department of Motor Vehicles (department) will be conducting public hearings to take additional comments related to the proposed regulatory action that establishes documentation sufficient to establish identity and residency requirements necessary for issuance of a driver’s license under AB 60.

July 28, 2014
 2:00 p.m.–4:00 p.m.
 Junipero Serra Building
 Carmel Room
 320 West Fourth Street
 Los Angeles, California

July 29, 2014
 2:00 p.m.–4:00 p.m.
 CalTrans — Region 4 Auditorium
 111 Grand Avenue
 Oakland, California

These public hearings are in addition to and are not a substitution for the public hearings held on June 24, 2014 in Los Angeles and on June 26, 2014 in Oakland.

At the hearings, any interested person may present comments, statements or contentions that are relevant to the action described in the notice published on May 9, 2014 under OAL File number Z2014–0429–12. A sign-in sheet will be provided at the hearing in order to conduct an orderly meeting.

Assembly Bill 60 (Chapter 524; Statutes of 2013) adopted Vehicle Code section 12801.9, requiring the department to issue an original driver’s license to a person who is unable to provide sufficient proof that his or her presence in the United States is authorized by federal law, if he or she meets all other requirements for licensure and can provide satisfactory proof of his or her identity and California residency.

Since the department is unable to anticipate the number of participants, it reserves the right to limit the length of time each participant has to comment.

Material related to the proposed action (Notice of Proposed Regulatory Action, Initial Statement of Reasons, Express Terms) may be accessed on the department’s Regulatory Actions webpage at www.dmv.ca.gov/about/lad/regactions.htm.

Any inquiries related to the public hearings should be directed to Randi Calkins at (916) 657-6469, by facsimile to (916) 657-6243, or by email to LADRegulations@dmv.ca.gov.

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

PROSPECTIVE PURCHASER AGREEMENT BROOKLYN BASIN PROJECT — PARCELS F & G Oakland, California

WHAT IS BEING PROPOSED? — The Department of Toxic Substances Control (DTSC) invites the public to review and comment on a Prospective Purchaser Agreement with the City of Oakland, regarding Brooklyn Basin (also known as Oak to Ninth Street) Parcels F & G, located along the Oakland Estuary to the west of the I-880 freeway in Oakland, California. Under the proposed Prospective Purchaser Agreement, the City of Oakland will ensure that cleanup of the parcels occur, subject to certain conditions and reservations, in consideration of a covenant not to sue by DTSC.

HOW CAN I GET INVOLVED? — DTSC will consider public comments on the Prospective Purchaser Agreement that are postmarked or received by August 18, 2014. DTSC may withdraw consent the Prospective Purchaser Agreement if such comments disclose facts or considerations that indicate the Prospective Purchaser Agreement is inappropriate, improper or inadequate. **Comments should be addressed to:**

Homayune Atiqee, Cleanup Program
(Please include "Parcels F & G PPA" in the subject line of your letter or email)
Department of Toxic Substances Control
700 Heinz Avenue,
Berkeley, CA 94710
homayune.atiqee@dtsc.ca.gov

WHERE DO I GET INFORMATION?

Copies of these documents, key technical reports, and other site-related information are available:

In Person (By Appointment only):
DTSC Regional Records Office File Room
700 Heinz Avenue
Berkeley, CA 94710
(510) 540-3800

By Internet:

DTSC Envirostor Website

https://www.envirostor.dtsc.ca.gov/public/profile/report.asp?global_id=700001_09

Please click on the Community Involvement tab

By Mail (Per your request):

Homayune Atiqee
DTSC
700 Heinz Avenue
Berkeley, CA 94710
homayune.atiqee@dtsc.ca.gov

FOR ADDITIONAL INFORMATION: If you have any questions or wish to discuss the Prospective Purchaser Agreement please contact:

For the project:

Homayune Atiqee
DTSC Project Manager
(510) 540-3838
homayune.atiqee@dtsc.ca.gov

NOTICE TO HEARING IMPAIRED INDIVIDUALS: TTY users may use the California Relay Service at 711 or 1-800-855-7100. Ask for Tammy Pickens at (916) 255-3594.

DEPARTMENT OF TRANSPORTATION/DIVISION OF RIGHT OF WAY AND LAND SURVEYS

NOTICE OF EXTENSION OF WRITTEN COMMENT PERIOD

Notice is hereby given that the Department of Transportation (Caltrans) has extended the written comment period originally scheduled to end at 5:00 p.m. on July 14, 2014 regarding regulations proposed to implement, interpret, and make specific Sections 54235 through 54238.7 of the Government Code pursuant to the Notice of Proposed Action filed with the Office of Administrative Law and originally published on May 30, 2014 (Register Z2014-0520-05) to allow all interested parties more time to comment. The text of the proposed regulations has not been modified in any way.

Written comment, including those sent by mail, facsimile, or e-mail to the address listed under the Written Comment Period in this Notice, must be received by Caltrans no later than **5:00 p.m. on July 31, 2014**. The Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text of the regulation are available on Caltrans internet page <http://www.dot.ca.gov/regulations.htm>.

WRITTEN COMMENT PERIOD

Any interested persons, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to Caltrans. The written comment period closes at 5:00 p.m. on July 31, 2014. Caltrans will consider only comments received by that time.

Please submit comments to:

Brent L. Green
 Chief, Division of Right of Way and Land Surveys
 ATTN: Affordable Sales Program
 California Department of Transportation
 1120 N Street, MS 37
 Sacramento, CA 95814

Comments may also be submitted by facsimile (fax) at (916) 654-6378, or by e-mail to Affordable_Sales_Program@dot.ca.gov.

<p>SUMMARY OF REGULATORY ACTIONS</p>

**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# 2014-0703-01
**BOARD OF STATE AND COMMUNITY
 CORRECTIONS**
 Construction Financing Program

This emergency re-adopt amends some sections and adopts other sections within Title 15 of the California Code of Regulations. The regulations add eligibility requirements, matching fund requirements, a proposal process and evaluation criteria for the construction financing program for adult local criminal justice facilities.

Title 15
 California Code of Regulations
 ADOPT: 1712.2, 1714.2, 1730.2, 1740.2 AMEND:
 1700, 1706, 1712, 1712.1, 1714, 1714.1, 1730,
 1730.1, 1731, 1747, 1747.1, 1747.5, 1748, 1748.5,
 1749, 1749.1, 1750, 1750.1, 1751, 1752, 1753,
 1754, 1756, 1760, 1766, 1767, 1768, 1770, 1772,
 1776, 1778, 1788, 1790, 1792
 Filed 07/07/2014
 Effective 07/07/2014
 Agency Contact: Ginger Wolfe (916) 341-7325

File# 2014-0523-06
BUREAU OF AUTOMOTIVE REPAIR
 Ignition Interlock Devices

This action amends Title 16, Division 33, Chapter 1, Article 8, of the California Code of Regulations, amending and clarifying regulations regarding ignition interlock devices and harmonizing the Bureau of Automotive Repair (BAR) regulations with amendment to Business and Professions Code section 9807, allowing authorized electronics and appliance service dealers, licensed by the Bureau of Electronic Appliance and Repair, Home Furnishing and Thermal Insulation (BEARHFTI), to install, calibrate, service, and maintain ignition interlock devices.

Title 16
 California Code of Regulations
 AMEND: 3363.1, 3363.2, 3363.3, 3363.4
 Filed 07/07/2014
 Effective 10/01/2014
 Agency Contact: Vincent Somma (916) 403-8560

File# 2014-0528-02
DEPARTMENT OF SOCIAL SERVICES
 CalWORKS Overpayments

The California Department of Social Services submitted this timely certificate of compliance to make permanent the emergency regulations adopted in OAL file no. 2013-1122-01E. The emergency filing amended section 44-352 of the Manual of Policies and Procedures, modifying the collection of CalWORKS overpayments from minors. The basis for the amendment is a stipulated order in the case *Hartley v. Lightbourne*, Alameda County Case No. RG11605702, filed November 5, 2012.

Title MPP
 California Code of Regulations
 AMEND: 44-352
 Filed 07/08/2014
 Effective 07/08/2014
 Agency Contact: Zaid Dominguez (916) 651-8267

File# 2014-0522-03
DEPARTMENT OF SOCIAL SERVICES
CalWORKs Non-Minor Dependents

This rulemaking action by the Department of Social Services amends the Manual of Policies and Procedures (MPP) to implement the extension of CalWORKs benefits to non-minor dependents (NMDs). The category of NMD was established by Assembly Bill (AB) 12 (Ch. 559, Stats. 2010). NMDs who meet certain conditions may receive benefits beyond age 18, allowing pursuit of their educational and employment goals and, in turn, decreasing their reliance on public assistance.

Title MPP
California Code of Regulations
AMEND: 40-181, 40-188, 40-190, 42-101, 42-213, 42-302, 42-712, 44-133, 44-316, 80-301, 82-820, 82-83
Filed 07/07/2014
Effective 10/01/2014
Agency Contact: Zaid Dominguez (916) 651-8267

File# 2014-0603-01
DEPARTMENT OF TRANSPORTATION
Mass Transportation

This change without regulatory effect amends several sections in division 3 of title 21 of the California Code of Regulations to reflect the amendment enacted by AB 2679 that changed the word "handicapped" to "disabled" throughout the Mills-Alquist Deddeh Act, also known as the Transportation Development Act (Public Utilities Code sections 99200-99420). The Act provides for funding of local public transit systems throughout the state and requires, among other things, specified special accommodations for disabled persons on public transit systems.

Title 21
California Code of Regulations
AMEND: 6612(c), 6613.3, 6613.4, 6633(d), 6633.5, 6645.1(b), 6731(c)
Filed 07/08/2014
Agency Contact: Gordon Arruda (916) 654-9396

File# 2014-0624-01
DIVISION OF BOATING AND WATERWAYS
Quagga and Zebra Mussel Infestation Prevention Fee

This is the second re-adoption of emergency rulemaking, OAL File number 2013-1001-02E, first re-adopted in OAL file 2014-0319-01EE, by the Department of Parks and Recreation, Division of Boating and Waterways. There are no changes to the regulation text filed in the emergency rulemaking. The emergency rulemaking added new sections to Title 14 of the California Code of Regulations to establish and clarify the pro-

cedures related to administering the mussel fee intended to cover the costs of dreissenid mussel prevention activities.

Title 14
California Code of Regulations
ADOPT: 5200, 5201, 5202, 5203, 5204, 5205, 5206, 5207, 5208, 5209, 5210, 5211, 5300, 5301, 5302, 5303, 5304, 5305, 5306, 5307
Filed 07/02/2014
Effective 07/08/2014
Agency Contact: Robin Turgeon (916) 327-1851

File# 2014-0523-01
FISH AND GAME COMMISSION
Klamath/Trinity Rivers Sport Fishing

This rulemaking by the Fish and Game Commission (Commission) amends subdivision (b)(91.1) of Section 7.50, Title 14 of the California Code of Regulations. These amendments revise specific requirements, including quotas and bag limits, for various areas within the Klamath River System.

Title 14
California Code of Regulations
AMEND: 7.50
Filed 07/08/2014
Effective 08/15/2014
Agency Contact:
Sherrie Fonbuena (916) 654-9866

File# 2014-0520-02
STATE WATER RESOURCES CONTROL BOARD
Santa Ana BP Recreational Standards — Inland Fresh Surface Waters

On January 21, 2014, the State Water Resources Control Board (State Water Board) adopted Resolution No. 2014-0005 which amended the Water Quality Control Plan for the Santa Ana River Basin to revise Recreational Standards for Inland Fresh Surface Waters in the Santa Ana Region.

Title 23
California Code of Regulations
ADOPT: 3979.7
Filed 07/02/2014
Effective 07/02/2014
Agency Contact: David Woelfel

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN February 5, 2014 TO
July 9, 2014**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations

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

Title 2

- 05/30/14 REPEAL: 649.56
- 05/29/14 AMEND: 22600, 22600.1, 22600.2, 22600.5, 22600.6, 22600.7, 22600.8, 22600.9, 22601, 22601.3, 22601.4, 22601.7 REPEAL: 22601.1
- 05/19/14 ADOPT: 1181.1, 1181.2, 1181.3, 1181.4, 1181.5, 1181.6, 1181.7, 1181.8, 1181.9, 1181.10, 1181.11, 1181.12, 1181.13, 1182.1, 1182.2, 1182.3, 1182.4, 1182.5, 1182.6, 1182.7, 1182.8, 1182.9, 1182.10, 1182.11, 1182.12, 1182.13, 1182.14, 1182.15, 1182.16, 1183.1, 1183.2, 1183.3, 1183.4, 1183.5, 1183.6, 1183.7, 1183.8, 1183.9, 1183.10, 1183.11, 1183.12, 1183.13, 1183.14, 1183.15, 1183.16, 1183.17, 1183.18, 1184.1, 1185.1, 1185.2, 1185.3, 1185.4, 1185.5, 1185.6, 1185.7, 1185.8, 1185.9, 1186.1, 1186.2, 1186.3, 1186.4, 1186.5, 1186.6, 1186.7, 1187.1, 1187.2, 1187.3, 1187.4, 1187.5, 1187.6, 1187.7, 1187.8, 1187.9, 1187.10, 1187.11, 1187.12, 1187.13, 1187.14, 1187.15, 1188.1, 1188.2, 1190.1, 1190.2, 1190.3, 1190.4, 1190.5 REPEAL: 1181, 1181.1, 1181.2, 1181.4, 1182, 1182.1, 1182.2, 1182.3, 1182.4, 1182.5, 1183, 1183.01, 1183.02, 1183.03, 1183.04, 1183.05, 1183.06, 1183.07, 1183.08, 1183.081, 1183.09, 1183.1, 1183.11, 1183.12, 1183.13, 1183.131, 1183.14, 1183.2, 1183.21, 1183.25, 1183.30, 1183.31, 1183.32, 1184.5, 1184.6, 1184.7, 1184.8, 1184.9, 1184.10, 1184.11, 1185, 1185.1, 1185.2, 1185.21, 1185.3, 1185.4, 1185.5, 1185.6, 1185.7, 1186, 1186.5, 1186.51, 1186.52, 1186.53, 1186.54, 1186.55, 1186.6, 1186.61, 1186.62, 1186.63, 1186.64, 1186.65, 1186.7, 1186.71, 1186.72, 1186.73, 1187, 1187.2, 1187.3, 1187.4, 1187.5, 1187.6, 1187.7, 1187.8, 1187.9, 1188, 1188.1, 1188.2, 1188.3, 1188.31, 1188.4, 1189, 1189.1, 1189.2, 1189.3, 1189.6, 1189.61, 1190, 1190.01, 1190.02, 1190.03, 1190.04, 1190.05

- 05/01/14 ADOPT: 18706.1 AMEND: 18706
- 05/01/14 AMEND: 18950.1
- 05/01/14 AMEND: 18705.2 REPEAL: 18704.2
- 04/30/14 AMEND: 18704
- 04/30/14 AMEND: 18707.9
- 04/16/14 ADOPT: 599.760.1 AMEND: 599.757, 599.759, 599.761, 599.768, 599.769 REPEAL: 599.755, 599.760, 599.764, 599.765, 599.766, 599.767
- 03/10/14 AMEND: 1900, 2002, 2003
- 03/05/14 ADOPT: 630, 632.5, 632.11 AMEND: 631, 631.5, 632, 632.6, 632.7, 632.8, 632.9, 632.10 REPEAL: 632.5, 632.11
- 02/10/14 AMEND: 58000

Title 3

- 06/27/14 AMEND: 1430.142
- 06/24/14 AMEND: 3435(b)
- 06/17/14 AMEND: 3435(b)
- 06/02/14 AMEND: 3435(b)
- 05/14/14 ADOPT: 1280, 1280.1, 1280.8, 1280.10 AMEND: 1280.7
- 05/12/14 AMEND: 3591.20(a)
- 04/24/14 AMEND: 3435(b)
- 04/04/14 AMEND: 3435(b)
- 03/19/14 AMEND: 3406(b)
- 03/18/14 ADOPT: 6471 AMEND: 6000, 6400
- 03/18/14 AMEND: 3423(b)
- 03/10/14 AMEND: 3589(a)
- 03/05/14 ADOPT: 1358.3
- 02/26/14 AMEND: 3434(b)(c)(d)
- 02/25/14 AMEND: 3417(b)
- 02/25/14 AMEND: 3700(b)
- 02/20/14 AMEND: 3423(b)
- 02/20/14 AMEND: 3701, 3701.1, 3701.2, 3701.3, 3701.4, 3701.5, 3701.6, 3701.7, 3701.8
- 02/12/14 AMEND: 3700(c)
- 02/10/14 AMEND: 3435(b)
- 02/05/14 AMEND: 3435(b)

Title 4

- 06/30/14 AMEND: 10030, 10031, 10032, 10033, 10034, 10035, 10036
- 06/18/14 AMEND: 12505
- 06/18/14 AMEND: 8070, 8072
- 06/16/14 AMEND: 4001 ADOPT: 4002.9
- 06/13/14 AMEND: 8034
- 06/11/14 ADOPT: 12387 AMEND: 12360, 12386
- 06/09/14 ADOPT: 4402, 4403, 4496, 4496.1, 4496.2, 4496.3, 4496.4, 4496.5, 4496.6
- 05/19/14 AMEND: 7030, 7032, 7033, 7034, 7035, 7036, 7037, 7040, 7042
- 05/15/14 ADOPT: 7113, 7114, 7115, 7116, 7117, 7118, 7119, 7120, 7121, 7122, 7123, 7124, 7125, 7126, 7127, 7128, 7129

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05/12/14 AMEND: 1632
 04/07/14 AMEND: 1656, 1658
 04/03/14 AMEND: 10030, 10031, 10032, 10033,
 10034, 10035, 10036
 04/02/14 AMEND: 2066
 03/28/14 AMEND: 10302, 10305, 10315, 10317, 10
 320, 10322, 10325, 10326, 10327, 10328,
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 03/24/14 ADOPT: 10170.1, 10170.2, 10170.3,
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 10170.8, 10170.9, 10170.10, 10170.11,
 10170.12, 10170.13, 10170.14, 10170.15
 03/11/14 ADOPT: 1927.1
 03/10/14 ADOPT: 10080, 10081, 10082, 10083,
 10084, 10085, 10086, 10087

Title 5

06/26/14 ADOPT: 9517.3
 06/13/14 ADOPT: 19810 REPEAL: 19810, 19812,
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 19846.1, 19847, 19848, 19849, 19850,
 19851, 19851.1, 19852, 19853, 19854,
 19854.1, 19855
 05/19/14 AMEND: 80035.5
 05/05/14 ADOPT: 14037, 14038, 14039, 14040,
 14041, 14042
 05/05/14 ADOPT: 3051.19, 3051.20, 3051.21,
 3051.22, 3051.23, 3051.24 AMEND:
 3001, 3023, 3025, 3029, 3030, 3031,
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 3084, 3088 REPEAL: 3054
 04/15/14 AMEND: 70020
 04/01/14 AMEND: 80303
 04/01/14 ADOPT: 15498, 15498.1, 15498.2,
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 02/28/14 ADOPT: 19843, 19844, 19848, 19849,
 19855 AMEND: 19815, 19816, 19816.1,
 19817.2, 19819, 19820, 19824, 19828.4,
 19840, 19845.2, 19850, 19851, 19852,
 19853 REPEAL: 19839

02/13/14 ADOPT: 80033
 02/06/14 ADOPT: 15494, 15495, 15496, 15497
 02/05/14 ADOPT: 80691, 80692

Title 7

02/27/14 AMEND: 213

Title 8

06/24/14 AMEND: 5155
 06/03/14 AMEND: 9789.30, 9789.31, 9789.32,
 9789.33, 9789.37, 9789.39
 06/02/14 AMEND: 5605
 05/30/14 ADOPT: 13660, 13660.1, 13661, 13662,
 13663, 13663.5, 13664, 13665, 13665.5,
 13666, 13666.1, 13666.2, 13666.5,
 13667, 13667.1, 13667.40 REPEAL:
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 05/29/14 AMEND: 1598, 1599
 05/14/14 ADOPT: 344.76, 344.77
 05/05/14 AMEND: 1529, 1532, 1532.1, 1532.2,
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 05/05/14 ADOPT: 1929 AMEND: 1504, 1930,
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 04/28/14 AMEND: 2940.2, 2940.7, 8602, 8610,
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 04/16/14 AMEND: 10205.14 REPEAL: 9788.01,
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 04/14/14 AMEND: 3650
 04/14/14 AMEND: 5001
 04/09/14 AMEND: 1619.1(b)
 04/03/14 AMEND: 4355
 04/01/14 AMEND: 1520, 3384
 02/12/14 ADOPT: 9785.5, 9792.6.1, 9792.9.1,
 9792.10.1, 9792.10.2, 9792.10.3,
 9792.10.4, 9792.10.5, 9792.10.6,
 9792.10.7, 9792.10.8, 9792.10.9

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	AMEND: 9785, 9792.6, 9792.7, 9792.9, 9792.10, 9792.11, 9792.12, 9792.15	05/12/14	ADOPT: 6650, 6652, 6654, 6656, 6657, 6658, 6660, 6662, 6664, 6666, 6668, 6670
02/12/14	ADOPT: 9792.5.4, 9792.5.5, 9792.5.6, 9792.5.7, 9792.5.8, 9792.5.9, 9792.5.10, 9792.5.11, 9792.5.12, 9792.5.13, 9792.5.14, 9792.5.15	05/07/14	AMEND: 2498.4.9
	AMEND: 9792.5.1, 9792.5.3, 9793, 9794, 9795	04/29/14	AMEND: 2509.1, 2509.3, 2509.4, 2509.5, 2509.6, 2509.7, 2509.8, 2509.9, 2509.10, 2509.11, 2509.12, 2509.13, 2509.14, 2509.15, 2509.16, 2509.17, 2509.18, 2509.19, 2509.20
02/12/14	AMEND: 9780, 9780.1, 9783, 9783.1, 9785	04/28/14	AMEND: 2498.6
02/05/14	AMEND: 10133.32, 10133.33, 10133.35, 10133.36	04/23/14	AMEND: 3541, 3568
		04/23/14	AMEND: 2498.5
Title 9		04/21/14	ADOPT: 2907.1, 2907.2, 2907.3, 2907.4
06/23/14	AMEND: 4500	04/10/14	ADOPT: 2562.1, 2562.2, 2562.3, 2562.4
Title 10		04/01/14	ADOPT: 6700, 6702, 6704, 6706, 6708, 6710, 6712, 6714, 6716, 6718
07/01/14	ADOPT: 6800, 6802, 6804, 6806	04/01/14	ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472, 6474, 6476, 6478, 6480, 6482, 6484, 6486, 6490, 6492, 6494, 6496, 6498, 6500, 6502, 6504, 6506, 6508, 6510, 6600, 6602, 6604, 6606, 6608, 6610, 6612, 6614, 6616, 6618, 6620
06/30/14	AMEND: 2705, 2710, 2713, 2718, 2725.5, 2729, 2729.5, 2731, 2742, 2743, 2746, 2752, 2758.4, 2758.5, 2761, 2763, 2790, 2790.8, 2791, 2792.1, 2792.2, 2792.18, 2792.32, 2793, 2795, 2799.2, 2801.5, 2806, 2807.4, 2809, 2809.1, 2809.3, 2810.5, 2831, 2840, 2842, 2845, 2846, 2846.7, 2846.8, 2847, 2847.3, 2848, 2849.01, 2851, 2860, 2910, 2911, 2912, 2922, 2930, 2940, 2945.2, 2945.4, 2963, 3000, 3002, 3004, 3006, 3007, 3007.2, 3007.6, 3009, 3013, 3100, 3101, 3104, 3106, 3107	04/01/14	ADOPT: 6800, 6802, 6804, 6806
06/30/14	ADOPT: 6520, 6522, 6524, 6526, 6528, 6530, 6532, 6534, 6536, 6538	04/01/14	ADOPT: 6520, 6522, 6524, 6526, 6528, 6530, 6532, 6534, 6536, 6538
06/30/14	ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472, 6474, 6476, 6478, 6480, 6482, 6484, 6486, 6490, 6492, 6494, 6496, 6498, 6500, 6502, 6504, 6506, 6508, 6510, 6600, 6602, 6604, 6606, 6608, 6610, 6612, 6614, 6616, 6618, 6620	03/25/14	ADOPT: 6456
06/26/14	ADOPT: 6700, 6702, 6704, 6706, 6708, 6710, 6712, 6714, 6716, 6718	03/17/14	ADOPT: 6458
06/26/14	ADOPT: 2696.20, 2696.22, 2696.24, 2696.26, 2696.28, 2696.30, 2696.32	03/10/14	ADOPT: 6424, 6440
06/19/14	AMEND: 2698.200	03/06/14	ADOPT: 6420, 6422
06/18/14	AMEND: 2698.602	02/25/14	ADOPT: 2218.30
06/16/14	ADOPT: 6458	02/24/14	ADOPT: 2594, 2594.1, 2594.2, 2594.3, 2594.4, 2594.5, 2594.6, 2594.7
06/16/14	AMEND: 2699.200, 2699.207	02/20/14	ADOPT: 8000, 8010, 8020, 8030, 8040, 8050, 8060, 8070
06/10/14	AMEND: 2699.100, 2699.200, 2699.201, 2699.205, 2699.207, 2699.209, 2699.210, 2699.400	02/11/14	AMEND: 3500, 3523, 3525, 3527, 3528, 3529, 3530, 3541, 3542, 3543, 3561, 3563, 3565, 3568, 3569, 3570, 3571, 3575, 3576, 3577, 3581, 3582, 3601, 3602, 3603, 3621, 3661, 3662, 3663, 3664, 3665, 3666, 3668, 3681, 3702, 3704, 3721, 3723, 3724, 3725, 3726, 3728, 3729, 3730, 3732, 3741, 3761
	REPEAL: 2699.202, 2699.208, 2699.211	02/10/14	ADOPT: 6650, 6652, 6654, 6656, 6657, 6658, 6660, 6662, 6664, 6666, 6668, 6670
06/04/14	AMEND: 2698.401	Title 11	
06/02/14	ADOPT: 6540, 6542, 6544, 6546, 6548, 6550, 6552	06/11/14	AMEND: 1005, 1007, 1008
05/21/14	ADOPT: 6460	06/05/14	AMEND: 1005, 1007, 1008, 1052
		05/29/14	AMEND: 48.6
		05/20/14	AMEND: 1082
		02/27/14	AMEND: 20
		02/19/14	AMEND: 999.10

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Title 13

06/26/14 AMEND: 550.10, 551, 551.1, 551.6, 553.40, 583, 598
 06/25/14 AMEND: 25.06, 25.07, 25.08, 25.10, 25.14, 25.15, 25.16, 25.17, 25.18, 25.19, 25.20, 21, 25.22, 28.23
 06/19/14 REPEAL: 28.22
 06/09/14 AMEND: 1160.1, 1160.2, 1160.4
 05/19/14 ADOPT: 227.00, 227.02, 227.04, 227.06, 227.08, 227.10, 227.12, 227.14, 227.16, 227.18, 227.20, 227.22, 227.24, 227.26, 227.28, 227.30, 227.32, 227.34, 227.36, 227.38, 227.42, 227.44, 227.46, 227.48, 227.50, 227.52
 05/01/14 AMEND: 125.02
 03/13/14 AMEND: 1239
 02/24/14 AMEND: 1
 02/24/14 AMEND: 553.70

Title 14

07/08/14 AMEND: 7.50
 07/02/14 ADOPT: 5200, 5201, 5202, 5203, 5204, 5205, 5206, 5207, 5208, 5209, 5210, 5211, 5300, 5301, 5302, 5303, 5304, 5305, 5306, 5307
 06/27/14 ADOPT: 1761, 1780, 1781, 1782, 1783, 1783.1, 1783.2, 1783.3, 1783.4, 1788
 06/25/14 AMEND: 28.20
 06/23/14 AMEND: 360, 361, 362, 363, 364
 06/19/14 AMEND: 916.2, 936.2, 956.2
 06/11/14 ADOPT: 923, 923.1, 923.2, 923.3, 923.4, 923.5, 923.6, 923.7, 923.8, 923.9, 923.9.1, 943, 943.1, 943.2, 943.3, 943.4, 943.5, 943.6, 943.7, 943.8, 943.9, 943.9.1, 963, 963.1, 963.2, 963.3, 963.4, 963.5, 963.6, 963.7, 963.8, 963.9, 963.9.1 AMEND: 895.1, 914.7, 914.8, 915.1, 916.3, 916.4, 916.9, 934.7, 934.8, 935.1, 936.3, 936.4, 936.9, 954.7, 954.8, 955.1, 956.3, 956.4, 956.9, 1034, 1051.1, 1090.5, 1090.7, 1092.09, 1093.2, 1104.1 REPEAL: 918.3, 923, 923.1, 923.2, 923.3, 923.4, 923.5, 923.6, 923.7, 923.8, 923.9.1, 938.3, 943, 943.1, 943.2, 943.3, 943.4, 943.5, 943.6, 943.7, 943.8, 943.9, 943.9.1, 958.3, 963, 963.1, 963.2, 963.3, 963.4, 963.5, 963.6, 963.7, 963.8, 963.9
 06/11/14 AMEND: 3550.8
 05/22/14 AMEND: 165
 05/21/14 AMEND: 360
 05/19/14 AMEND: 149, 149.1
 04/30/14 AMEND: 27.80
 04/11/14 AMEND: 3550.15
 04/07/14 AMEND: 790, 820.01
 04/01/14 AMEND: 27.80

03/26/14 AMEND: 916.9(g)(2)(A), 936.9(g)(2)(A), 956.9(g)(2)(A)
 03/25/14 ADOPT: 5200, 5201, 5202, 5203, 5204, 5205, 5206, 5207, 5208, 5209, 5210, 5211, 5300, 5301, 5302, 5303, 5304, 5305, 5306, 5307
 03/24/14 AMEND: 228(a)
 03/18/14 AMEND: 601, 702(a)(1)
 02/19/14 AMEND: 7.00, 7.50, 8.00
 02/10/14 AMEND: 701
 02/06/14 AMEND: 1665.6(b)

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