



California Regulatory Notice Register

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

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**PROPOSED ACTION ON
REGULATIONS**

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**TITLE 2. FAIR POLITICAL
PRACTICES COMMISSION**

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

CONFLICT-OF-INTEREST CODE

AMENDMENT

STATE AGENCY: State Compensation Insurance Fund

A written comment period has been established commencing on July 31, 2015, and closing on **September 14, 2015**. Written comments should be directed to the Fair Political Practices Commission, Attention Ivy Branaman, 428 J Street, Suite 620, Sacramento, California 95814.

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than **September 14, 2015**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

**EFFECT ON HOUSING COSTS
AND BUSINESSES**

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

AUTHORITY

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

REFERENCE

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

CONTACT

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

**AVAILABILITY OF PROPOSED
CONFLICT-OF-INTEREST CODES**

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

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

**DIVISION 3. ECONOMICS
CHAPTER 1. FRUIT AND VEGETABLE
STANDARDIZATION**

**SUBCHAPTER 4. FRESH FRUITS,
NUTS AND VEGETABLES**

Articles 4 Containers, and 22 Citrus

§ 1380.19. Standard Containers; 1430.10. Citrus, Uniform Size Requirement; 1430.12. Citrus, Packing Requirements for Standard Containers No. 58, 59, 61, 63, 65, 66, or 68; 1430.14. Oranges, Lemons, and Royal Mandarins, Standard Containers; 1430.26. Grapefruit, Count and Average Diameter; 1430.27. Grapefruit, Standard Container; and 1430.45. Oranges and Royal Mandarins, Count and Average Diameter.

NOTICE IS HEREBY GIVEN that the California Department of Food and Agriculture (Department) proposes to amend the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed actions.

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. Comments may also be submitted via facsimile (FAX) at (916) 900-5345 or by e-mail to steve.patton@cdfa.ca.gov. The written comment period closes at **5:00 p.m. on September 14, 2015**. The Department will consider only comments received at the Department by that time. Submit comments to:

Steve Patton, Compliance Chief
Inspection and Compliance Branch
California Department of Food and Agriculture
1220 N Street
Sacramento, CA 95814
Telephone: (916) 900-5030
Fax: (916) 900-5345

AUTHORITY AND REFERENCE

Sections 14, 407, 42681, and 42684 of the Food and Agricultural Code authorize the Department to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific Sections 42681, 42682, 42684, and 42941 of the Food and Agricultural Code.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

This rulemaking action amends Title 3, Division 3, Chapter 1, Subchapter 4, Article 4 and Article 22, § 1380.19. Standard Containers; 1430.10. Citrus, Uniform Size Requirement; 1430.12. Citrus, Packing Requirements for Standard Containers No. 58, 59, 61, 63, 65, 66, or 67; 1430.14. Oranges, Lemons, and Royal Mandarins, Standard Containers; 1430.26. Grapefruit, Count and Average Diameter; 1430.27. Grapefruit, Standard Container; 1430.45. Oranges and Royal Mandarins, Count and Average Diameter.

Section 14 of the Food and Agricultural Code authorizes the Department to adopt rules and regulations in accordance with the Administrative Procedure Act. Additional authority vested in the Food and Agricultural Code grants the California Department of Food and Agriculture Secretary the authority to amend or repeal rules and regulations.

Section 407 of the Food and Agricultural Code authorizes the Secretary of the Department to adopt such regulations as are reasonably necessary to carry out the provisions of the Food and Agricultural Code which the Secretary is directed or authorized to administer or enforce.

Section 42681 of the Food and Agricultural Code specifies, in part, that the Secretary of the Department may, upon a petition of a person that the Secretary finds has a substantial interest in the growing or handling of the particular fruit, nut, or vegetable involved, establish, modify, or rescind by regulation, which initially took effect January 1, 1971, standard container, lid, marking, sizing requirement for commodities, and packing arrangement for any fruits, nuts, or vegetables, for which specific quality standards have otherwise been provided by law or regulation.

Section 42682 of the Food and Agricultural Code authorizes the CDFA Secretary to establish, modify, or rescind, by regulation, which initially took effect January 1, 1971, standard container, lid, marking, sizing requirements for commodities, and packing arrangements for any fruits, nuts, or vegetables, for which specific quality standards have otherwise been provided by law or regulation.

The Secretary shall not, by regulation, adopt any new container or packing requirement, unless the new con-

tainer or packing requirement has previously been authorized by regulation of the director as an experimental container pack.

Section 42684 of the Food and Agricultural Code establishes the statutory requirements for establishing, modifying, or rescinding, by regulation, quality and maturity standards for any fruits, nuts, or vegetables.

Section 42941 of the Food and Agricultural Code mandates that it is unlawful for any person to prepare, pack, place, deliver for shipment, deliver for sale, load, ship, transport, cause to be transported, or sell any fruits, nuts, or vegetables in bulk, or in any container or subcontainer, unless such fruits, nuts, and vegetables, and their containers, conform to the provisions of this division or the regulations promulgated thereunder.

The effect of the proposed regulatory action is to increase the amount of allowable-size fruit containers and also allow for different packing styles. The proposed regulation will benefit the California citrus producers, packers, retailers, and consumers. Citrus shippers and packers will now be allowed to pack utilizing a more efficient and stable container currently utilized for other commodities. Additionally, the increase in fruit volume allowed in these containers will reduce headspace and damage to fruit which results in cost savings.

CONSISTENCY EVALUATION

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

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.

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

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

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

Cost impacts on a representative private person or business: The Department is not aware of any cost impacts that a representative private person or business

would necessarily incur in reasonable compliance with the proposed action.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The Department concludes that it is (1) unlikely that the proposal will eliminate/create any jobs and/or eliminate existing business; (2) likely that this proposal may create new business or expand current business opportunities for producers and packers of citrus; (3) unlikely that the proposal will create an unknown number of new businesses providing citrus; (4) Also, the proper handling and packing of citrus fruits will protect consumers and the industry, and assure that both entities are purchasing acceptable quality fresh fruits. Finally, the proposed rulemaking will create an indirect impact to the protection of public health and safety.

Benefits of the Proposed Action: The proposed regulation will benefit the California citrus producers, packers, retailers, and consumers. Citrus shippers and packers will now be allowed to pack utilizing a more efficient and stable container currently utilized for other commodities. Additionally, the increase in fruit volume allowed in these containers will reduce headspace and damage to fruit which results in cost savings.

Significant effect on housing costs: None.

SMALL BUSINESS DETERMINATION

The Department has initially determined that the proposed changes to the regulations would result in no added costs to small businesses affected by these proposed changes. This proposed regulatory action would allow packers to pack utilizing a more efficient and stable container currently utilized for other commodities. In addition, the proposed regulatory actions were initiated at the request of the impacted industry.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Steve Patton, Compliance Chief
Inspection and Compliance Branch
California Department of Food and Agriculture
1220 N Street
Sacramento, CA 95814
Telephone: (916) 900-5030
Fax: (916) 900-5345

The backup contact person for these inquiries is:

Danielle Chapman, AGPA
Inspection and Compliance Branch
California Department of Food and Agriculture
1220 N Street
Sacramento, CA 95814
Telephone: (916) 900-5030
Fax: (916) 900-5345

Please direct requests for copies of the proposed text of the regulations, the initial statement of reason, the modified text of the regulation, if any, or other information upon which the rulemaking is based to Danielle Chapman at the above address.

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

The Department will have the rulemaking file available for inspection and copying throughout the rulemaking process at its office at: 2800 Gateway Oaks Drive, Suite 100, Sacramento, CA 95833. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice; the proposed text of the regulations; the initial statement of reasons; and petitions received from industry. Copies may be obtained by contacting Danielle Chapman at the address or phone number listed above.

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**

After considering all timely and relevant comments received, the Department may amend the proposed regulations substantially as described in this notice. If the Department makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) avail-

able to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Danielle Chapman at the address listed above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY OF FINAL STATEMENT
OF REASONS**

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Danielle Chapman at the address listed above.

**AVAILABILITY OF DOCUMENTS ON
THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through the Department's website at: <http://www.cdffa.ca.gov/is/Regulations.html>.

**TITLE 5. STATE TEACHER'S
RETIREMENT SYSTEM**

**Chapter 1. Teachers' Retirement System.
Article 15.5. Penalties and Interest for Late
Remittances and Late and Unacceptable
Reporting by Employers.**

Amendments to § 27007.

NOTICE OF PROPOSED RULEMAKING

The California State Teachers' Retirement System ("CalSTRS") and the Teachers' Retirement Board ("board") propose to adopt the amended regulations described below after considering all comments, objections and recommendations regarding the proposed action.

PUBLIC HEARING

The Teachers' Retirement Board has delegated the authority to hold a public hearing to the Chief Executive Officer. The CEO will hold a hearing:

Date and Time	9:30 a.m. September 15, 2015 Please arrive promptly for check in by 9:30 a.m. The hearing will be closed once each speaker has provided his or her testimony.
Location	California State Teachers' Retirement System Boardroom 100 Waterfront Place West Sacramento, CA 95605
Purpose	To receive written or oral comments about this action. Comments are limited to five minutes each and must not repeat comments already received in written or verbal form.
Accessibility	The hearing room is accessible to persons with mobility impairments, and it can be made accessible to persons with hearing or visual impairments upon advance request to the Regulations Specialist.

Section 22207 of the Education Code authorizes the board to perform any acts necessary for the administration of CalSTRS and the plan in carrying into effect the provisions of the Teachers' Retirement Law, California Education Code sections 22000 through 28101.

Section 22213 of the Education Code provides that the board shall regulate the duties of employers, employing agencies and other public authorities.

Section 22214 of the Education Code provides that the board may take any action it deems necessary to ensure the continued right of members or beneficiaries to receive monthly payments.

Section 22250 of the Education Code provides that the board and its officers and employees shall discharge their duties with respect to the system and the plan solely in the interest of its members, participants and beneficiaries, and for the exclusive purpose of providing benefits and defraying reasonable costs of administering the plan.

Section 22305 of the Education Code provides that any rules and regulations adopted by the board have the force and effect of law.

These regulations implement, interpret, and make specific Education Code sections 23002 and 23003.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory actions to CalSTRS. The written comment period closes at **5:00 p.m.** on September 14, 2015. CalSTRS will only consider written comments received at CalSTRS' address as reflected below by that time. Submit comments to:

Ellen Maurizio
Regulations Specialist, Legislative Affairs
California State Teachers' Retirement System
P.O. Box 15275, MS-14
Sacramento, CA 95851-0275
Fax: (916) 414-1993
E-Mail: Regulations@CalSTRS.com

AUTHORITY AND REFERENCE

The Teachers' Retirement Board has exclusive authority to administer CalSTRS under Article XVI, section 17 of the California Constitution.

Sections 22119.2 and 22119.3 of the California Education Code define "creditable compensation."

Section 22905 of the Education Code describes the circumstances under which contributions are credited to Defined Benefit and Defined Benefit Supplement accounts.

INFORMATIVE DIGEST

CalSTRS relies on the timely and correct remittance of information and contributions from county offices of education and district employers that are authorized to report directly to CalSTRS. The information reported to CalSTRS is used to determine the amount of the state appropriation from the General Fund to the Teachers' Retirement Fund. Late and inaccurate reporting of data can result in inaccurate benefit payments to members. It can also result in lost state appropriations and lost investment opportunities for CalSTRS.

Chapter 17 of the Teachers' Retirement Law requires that penalties and interest be assessed on employers for late or inaccurate reporting of retirement data and payment of contributions. Effective July 1, 2012, the Penalties and Interest Regulations (Article 15.5 of Chapter 1 of Division 3 of Title 5, California Code of Regulations) implemented consistent and transparent assessment of penalties and interest.

Current regulations levy a 5 percent penalty for extra-late contributions, which are those contributions received from employers after March 1 of the year following the fiscal year in which the contributions were due.

The current 5 percent penalty rate is insufficient to recover lost state contributions. At the time the Penalties and Interest regulations were written, the state appropriation rate was lower than it is today. The state appropriation rate increased effective July 1, 2014, and

will be subject to adjustment by the Teachers' Retirement Board under Chapter 47, Statutes of 2014 (AB 1469 — Bonta), beginning July 1, 2017. The state appropriation rate may be increased by no more than 0.5 percent per year or may be adjusted down as low as 4.517 percent (2.017 percent for the state contribution to the Defined Benefit Program, plus 2.5 percent for the Supplemental Benefits Maintenance Account), in accordance with the funding needs of the plan pursuant to the actuarial valuation.

These amendments to the regulation propose a penalty rate that is the greater of the following: the state rate in effect each March 1 immediately preceding the date the late contribution is received, or 5 percent.

These regulations are specific to CalSTRS, and there are no comparable federal regulations or statutes. CalSTRS searched other state regulations that related to the topics addressed in these regulations and concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

It is the broad intent of these regulations to (1) recoup from employers an amount that will more closely relate to the actual state rate and (2) retain the existing incentive for employers to remit contributions and report in a timely fashion by establishing the existing 5 percent penalty rate as the minimum penalty rate.

Setting the penalty rate to reasonably recoup lost state contributions ensures that the Defined Benefit Program is appropriately funded and not shortchanged by late reporting. This, in turn, benefits taxpayers, the state and employers who remit contributions according to the law.

No other 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, are anticipated.

The regulations proposed in this rulemaking action make specific the Education Code as it relates to the board's authority to approve school districts or community college districts to report directly to CalSTRS. CalSTRS evaluated whether the proposed regulations were inconsistent or incompatible with existing state regulations and found that there are no overlapping provisions with other state regulations. Thus, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

CalSTRS has made the following initial determinations, as required by the California Administrative Procedure Act and Office of Administrative Law regulations:

1. Mandate on local agencies and school districts:

None. These regulations increase an existing penalty assessed when employers remit extra late contributions. Employers can avoid this penalty by remitting contributions timely.
2. Cost or savings to any state agency:

These regulations are expected to result in savings to the General Fund in the form of a lower continuous appropriation rate for transfer to the Teachers' Retirement Fund beginning July 1, 2017.
3. Cost to any local agency or school district which must be reimbursed in accordance with California Government Code sections 17500 through 17630:

None.
4. Other nondiscretionary cost or savings imposed on local agencies:

These regulations are expected to result in an increased cost for those local governments (school employers) that report late contributions after March 1 of the year following the fiscal year in which the contributions were due. However, these regulations are expected to result in savings to local government (school employers) overall in the form of a resulting lower contribution rate paid to CalSTRS beginning July 1, 2020.
5. Cost or savings in federal funding to the state:

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

None.
7. Cost impacts on a representative private person or business:

The board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed regulations only directly affect local government (school employers).
8. Results of the economic impact assessment/analysis:

These regulations are not anticipated to have any effect on California businesses. Specifically:

- The action will have a negligible induced effect on the creation or elimination of jobs within the state.
- The action will not affect the creation of new businesses or the elimination of existing businesses within the state.
- The action will not affect the expansion of businesses currently doing business within the state.
- The action will have no effect on worker safety and the state's environment.

These regulations will not affect the health and welfare of California residents, except to the extent that they ultimately result in a modest benefit to the state and school employers as a whole and, thus, to taxpayers and the economy.

9. Significant effect on housing costs:

None.

10. Small business determination:

The board has determined that the proposed regulations do not affect small business as small businesses are not governed or affected by the statute that these regulations are clarifying.

CONSIDERATION OF ALTERNATIVES

In accordance with paragraph (13) of subdivision (a) of section 11346.5 Government Code, CalSTRS and the board must determine that no reasonable alternative considered or otherwise identified and brought to its attention would be:

- More effective in carrying out the purpose for which the action is proposed,
- As effective and less burdensome to affected private persons than the proposed action, or
- More cost-effective to affected private persons and equally effective in implementing the statutory policy.

CalSTRS and the board invite interested persons to present any statements or arguments that would support an alternative to the proposed regulations in the form of written comments or by providing testimony at the public hearing.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Ellen Maurizio
 Regulations Specialist, Legislative Affairs
 California State Teachers' Retirement System
 P.O. Box 15275, MS-14
 Sacramento, CA 95851-0275
 Telephone: (916) 414-1994
 Fax: (916) 414-1993
 E-Mail: Regulations@CalSTRS.com

The backup contact person for these inquiries is:

Joycelyn Martinez-Wade
 Manager, Legislative Affairs
 California State Teachers' Retirement System
 P.O. Box 15275, MS-14
 Sacramento, CA 95851-0275
 Telephone: (916) 414-1994
 Fax: (916) 414-1993
 E-Mail: Regulations@CalSTRS.com

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to the Regulations Specialist using the contact information listed above.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

CalSTRS will have the entire rulemaking file available for public inspection and copying throughout the rulemaking process at its offices at 100 Waterfront Place, West Sacramento, CA, 95605. As of the date this notice is published in the California Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the Initial Statement of Reasons and the Economic and Fiscal Impact Statement (STD 399).

Copies of this notice, the proposed text of the regulations, the Initial Statement of Reasons and the Economic and Fiscal Impact Statement are available at no charge by contacting the Regulations Specialist using the contact information listed above.

In addition, each of the above documents is available for viewing on the CalSTRS website at www.CalSTRS.com/regulations.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the board may adopt the proposed regulations substantially as described in this Notice or may, on its own motion or at the recommendation of any interested person, modify the proposed regulations.

If the board makes modifications that are sufficiently related to the original proposed text, it will make the

modified text (with the changes clearly indicated) available to the public for at least 15 days before adopting the regulations as revised. The board will accept written comments on the modified regulations for 15 days after the date on which they are made available. Please refer to www.CalSTRS.com/regulations or contact Ellen Maurizio using the contact information listed above for copies of modifications, if any.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Following its preparation, the Final Statement of Reasons will be available temporarily on the CalSTRS website at www.CalSTRS.com. CalSTRS will have the Final Statement of Reasons available for public inspection and copying at its offices at 100 Waterfront Place, West Sacramento, CA, 95605.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

The Notice of Proposed Rulemaking, the Initial Statement of Reasons and the text of the regulations in underline and strikethrough are posted on the CalSTRS website at www.CalSTRS.com/regulations.

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Sections 3207 and 3212 of the General Industry
Safety Orders

Fall Protection for Work Around Skylights

NOTICE IS HEREBY GIVEN that the Occupational Safety and Health Standards Board (Board) proposes to adopt, amend or repeal the foregoing provisions of Title 8 of the California Code of Regulations in the manner described in the Informative Digest, below.

PUBLIC HEARING

The Board will hold a public hearing starting at 10:00 a.m. on September 17, 2015 in the Auditorium of the Harris State Building on 1515 Clay Street, Oakland, CA 94612. At this public hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest.

WRITTEN COMMENT PERIOD

Any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. The written comment period commences on July 31, 2015 and closes at 5:00 p.m. on September 17, 2015. Comments received after that deadline will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments are to be submitted as follows:

By mail to Sarah Money, Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; or

By fax at (916) 274-5743; or

By e-mail sent to oshsb@dir.ca.gov.

AUTHORITY AND REFERENCE

Labor Code Section 142.3 establishes the Board as the only agency in the State authorized to adopt occupational safety and health standards. In addition, Labor Code Section 142.3 requires the adoption of occupational and health standards that are at least as effective as federal occupational safety and health standards.

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

The California Solar Industries Association petitioned the Board, Petition File No. 531, on October 15, 2012, to address their concerns regarding the fall protection requirements in Section 3212. Employers who must protect workers exposed to falls through skylights on roofs face obstacles in providing fall protection which include weight limitations, landlord prohibitions on piercing roofs, costs, and feasibility issues. Additionally, seemingly contradictory and confusing language exists in the current regulations for fall protection around skylights. For example, although Section 3212 prohibits the breakage of glass from the deflection of a screen installed above a skylight, the standard is unclear about whether it would allow glass breakage if the screen were placed beneath the skylight. In other situations, employees may wear personal fall protection equipment to arrest a fall, but there are no prohibitions from breaking the skylight glass when a worker falls through the skylight. Finally, another option for fall protection allows a cover to be placed over the skylight as long as it meets certain strength and labelling requirements. However, current requirements do not clearly address whether skylights that are as strong as covers can serve as fall protection in accordance with the standard.

The proposed amendments add needed flexibility for fall protection around skylights, which are not directly

addressed by federal regulations. For instance, whereas federal and state regulations currently regulate skylight screens above the skylight, the current proposal provides requirements for their use below the skylight. Nets used for fall protection are regulated by federal OSHA, but not in the manner they are proposed to be used in this rulemaking effort. Finally, skylights that meet the strength requirements of a cover are currently allowed under federal regulations, and are proposed to be allowed by state regulations under certain circumstances.

This proposed rulemaking action is not inconsistent or incompatible with existing state regulations. This proposal is part of a system of occupational safety and health regulations. The consistency and compatibility of that system's component regulations is provided by such things as: (1) the requirement of the federal government and the Labor Code to the effect that the state regulations be at least as effective as their federal counterparts, and (2) the requirement that all state occupational safety and health rulemaking be channeled through a single entity (the Standards Board).

Anticipated Benefits

The anticipated benefits of the proposal are increased employer compliance with fall protection requirements around skylights due to clarification of the regulation and expansion of the options available to employers for providing fall protection measures to employees. Additionally, options for installing screens underneath skylights or skylights that meet the strength requirements of covers are passive safety protections which will protect employees without any further action once they are installed. The increase in compliance and growing prevalence of passive protections are expected to result in fewer serious injuries and deaths of workers who have fallen through skylights.

The specific changes are as follows:

Section 3207. Definitions.

Section 3207 contains definitions for certain terms used in the General Industry Safety Orders (GISO). Although the term "competent person" appears in the GISO regulations, it is not defined in the GISO definitions. The proposed amendment will add the definition of the term as used in the Construction Safety Orders to the GISO definitions. The change will clarify that a "competent person" has the same meaning in both the Construction and General Industry Safety Orders, and ensure that general industry employers assign employees with the level of knowledge and expertise required to perform the work safely.

Section 3212. Floor Openings, Floor Holes and Roofs.

Section 3212 provides protection against falling through openings in the roof or floor. It requires guar-

drails or covers over all openings, and toe boards if persons may pass below. Subsection (b) requires that covers used to prevent falls through openings "be capable of safely supporting the greater of 400 pounds or twice the weight of the employees, equipment and materials that may be imposed on any one square foot area of the cover at any time." Additionally, the covers must be secured against accidental removal or displacement, and labeled with letters not less than one inch high, which state: "Opening — Do Not Remove." The section also specifies guarding and fall protection requirements for employees working within 6 feet of the edge of a roof or a skylight. The rest of the section addresses work on structures with glazed surfaces such as vaults or canopies.

Subsection (e)(1) addresses skylight screens installed above skylight fixtures. To clarify that the subsection applies only to screens installed above the skylight, the phrase "installed above the skylight" is proposed to be added in the first sentence after the words "Skylight screens". The clarifying language differentiates the requirements for screens above the skylight from the requirements for screens below the skylight.

Subsection (e)(2) currently includes requirements for using guardrails to prevent falls through skylights. Current subsection (e)(2) is proposed to be re-designated subsection (e)(3). Subsection (e)(2) is proposed to be replaced with language to address skylight screens installed below the skylight fixture. Because many buildings have screens installed below skylights (sometimes referred to as "burglar bars"), the proposed language is intended to provide specifications for when such screens can be used as fall protection. Screens installed at the same level as the walking/working surface must meet the strength requirements of Section 3212(b), similar to screens installed above the skylight. However, when the screens are installed below the walking/working surface, the strength requirements of subsection (b) must be increased to account for the increased fall distance. Similar to the requirements for designing floor and roof opening covers, as well as other elements of fall protection, a qualified person is required to determine the amount of increased strength necessary. Based upon discussion with stakeholders, only screens installed within 2 feet of the walking/working surface are eligible to be relied upon for fall protection under the proposed amendments. The advisory committee concluded that most screens currently installed below the skylight assembly were well within the 2-foot distance limit. Additionally, a screen installed below a skylight cannot be used for fall protection if the shattered glazing will pose an impalement hazard to an employee lying on top of the screen.

Skylight glazing made of tempered, laminated, plastic, or similar materials will not be considered *to pose an impalement hazard, as such glazing is specifically designed not to expose a fallen worker to piercing injuries from shards*. Finally, the grillwork of the screen below the skylight must be less than 12 inches by 12 inches so that the opening is not considered a “floor opening” as defined in Title 8, Section 3207. Based upon blueprints of “burglar bar” designs discussed in the advisory committee, the committee determined that grillwork spacing varied from 6 to 12 inches on a side. The advisory committee intended to include all currently installed “burglar bar” installations meeting the stipulated strength requirements to be used as protection.

The proposed changes to subsection (e)(2) will provide increased flexibility to employers in providing protection to employees exposed to falls through skylights. Additionally, allowing the use of burglar bars to serve as fall protection will encourage building owners to install them, passively protecting anyone who may perform work on the roof in the future. The burglar bars will protect employees, even if the employee is unaware of their presence.

Subsection (e)(3) currently addresses the use of personal fall protection for preventing falls through skylights. The subsection is proposed to be re-designated subsection (e)(4).

Current subsection (e)(4) requires that covers placed over skylights meet the requirements of Section 3212(b). The subsection is proposed to be re-designated as subsection (e)(5) and revised to address requirements for the skylight to serve as its own cover. The proposed language clearly indicates that skylights themselves can serve as covers if the employer can obtain documentation from the skylight’s manufacturer that the skylight will meet the strength requirements of subsection (b) for the dates that work will be performed in the vicinity of the skylight. Such documentation must be made available upon request.

The proposed changes to subsection (e)(4) will provide increased flexibility to employers in providing protection to employees exposed to falls through skylights. Additionally, allowing skylights, which have been specifically engineered to maintain their strength capacities over a long period of environmental exposure, to serve as their own cover will provide incentive to manufacturers to produce and building owners to install such skylights. The presence of such skylights will protect an employee from falling through the skylight, even if the employee is unaware of the skylight’s inherent design characteristics.

The present subsection (e)(5) describes the conditions for using a fall protection plan in lieu of the other available options of fall protection. The subsection is proposed to be re-designated subsection (e)(7) with the

following change: Instead of referring to the “fall protection methods as contained in subsections (e)(1–4),” the subsection will state “fall protection methods as contained in subsections (e)(1–6).” The effect of the change will be to include the expanded options for fall protection in the subsection’s requirements.

A new subsection (e)(6) is proposed to address the use of skylight nets. The proposed subsection will require that the nets meet certain manufacturing and materials requirements based upon the ANSI/ASSE A10.11–2010, “Safety Requirements for Personnel and Debris Nets—American National Standard for Construction and Demolition Operations.” The nets are intended to be placed over the top of skylights and will be limited to no more than 12 feet by 12 feet in size. Concerns over the amount of slack in the netting used to catch a fallen worker led to the 12 feet by 12 feet limit. The advisory committee did not want to allow the employee to fall an excessive distance within the net, which could introduce difficulty in retrieving the worker from the net, or increase the likelihood of the worker striking a lower level. Because one of the stakeholders present at the advisory committee meetings manufactured a 12 feet by 12 feet net, the committee decided to allow those dimensions as a maximum size. In accordance with section 11.1, “Inspection” of the ANSI/ASSE A10.11–2010 standard, the skylight nets must be inspected weekly by a competent person using inspection procedures provided by the manufacturer. A daily visual inspection will be required by an authorized person who has been trained on the manufacturer’s inspection procedures before the nets are relied upon for fall protection. The requirement for a daily visual inspection is based upon the recommendation in section 6.1, “Inspection” of ANSI/ASSE Z359.1–2007, “Safety Requirements for Personal Fall Arrest Systems, Subsystems and Components” for a user to inspect fall protection equipment before each use. The word “authorized” is used to describe an employee who has been “selected by the employer for that purpose,” as defined in Section 3207, “Definitions.” Additionally, as developed by the advisory committee, the proposed amendment will outline specific training requirements; guidelines for the care, maintenance, and storage of the nets; and criteria which mandate the removal of the nets from service. The nets will not be allowed to remain on a skylight for longer than the duration of a job, or one year, whichever is less. Members of the advisory committee agreed that nets should not be left in place on a skylight for an extended period of time, where the net could be abandoned and not properly inspected or maintained. In an effort to balance the need for employers to leave the nets in place for the duration of a job, thus avoiding unnecessary exposure of employees to falls while instal-

ling or removing the nets, the advisory committee agreed upon the 1-year maximum time limit. Finally, employers using the nets will be required to ensure that there is sufficient clearance below the skylight opening to prevent a user's contact with a surface or structure below the skylight.

The addition of subsection (e)(6) will provide increased flexibility to employers in providing protection to employees exposed to falls through skylights. Furthermore, allowing the use of skylight nets in California will increase employer compliance with fall protection regulations because the nets are able to be utilized in situations where other forms of fall protection are not.

Existing subsection (e) contains an exception to the requirements of subsections (e)(1) through (e)(4) for tasks of short duration or limited exposure. Employees performing a task that takes less time than installing the safety protections of subsection (e) do not need to comply with subsection (e) "provided that adequate risk control is recognized and maintained." The exception will be revised to clarify that the exception applies specifically to subsection (e) by adding "to subsection (e)" after the word "Exception." Additionally, instead of referring to "the safety devices required in subsections (e)(1) through (e)(4)," the exception will state "the safety devices required in subsections (e)(1) through (e)(6)" to include the newly proposed safety measures.

Other non-substantive or editorial changes have been made as well, which are indicated in the proposed language by strike-out and underline formatting.

The proposed amendments are necessary to clarify existing safety measures and provide additional options to employers seeking to protect employees from falls through skylights on roofs. The amendments are necessary to increase compliance and provide a safer work environment for employees.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on Local Agencies and School Districts: None.

Cost or Savings to State Agencies: None.

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

Statewide Adverse Economic Impact Directly Affecting Businesses and Individuals, Including the Ability of California Businesses to Compete:

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses/individuals, including the ability of California businesses to compete with businesses in other states.

Currently, employers have five options for protecting employees working within 6 feet of a skylight or skylight opening. The proposal will add two additional options, making in total seven options available to protect employees. The regulated public has the option of choosing any of the current five options or one of the new options. Since the option of maintaining the status quo exists, no discernable economic impact is anticipated, and nothing in the proposal is expected to create or eliminate jobs connected directly or indirectly with employers whose employees work in proximity to skylights or skylight openings. Furthermore, employers complying with the standard, as written, are required to purchase and maintain fall protection equipment, or materials to fabricate covers, screens, or guardrails as needed. The cost to purchase a skylight net ranges from \$200-\$400, which, according to participants in the advisory committee meetings, is comparable to the costs to have covers or screens designed to fit around the openings. Installing skylight screens or "burglar bars" under skylights was also determined by the advisory committee to be less expensive and less burdensome than providing guardrails, screens or covers, with the added benefit of protecting the facility against unauthorized building entry and theft.

Significant Effect on Housing Costs: None.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standards do not impose a local mandate. There are no costs to any local government or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630.

SMALL BUSINESS DETERMINATION

The Board has determined that the proposed amendments may affect small businesses; however, no economic impact is anticipated. The proposal gives the regulated public additional options for protecting workers from falls through skylights or skylight openings. How-

ever, small business owners are not required to utilize any of the new options for providing protection, though the Board believes that some of the new options may be less expensive and potentially easier to implement than some of the current options. Because the option of maintaining the status quo exists, no economic impact is anticipated. Furthermore, employers complying with the standard, as written, are required to purchase and maintain fall protection equipment, or materials to fabricate covers, screens, or guardrails as needed. The cost to purchase a skylight net ranges from \$200–\$400, which, according to participants in the advisory committee meetings, is comparable to the costs to have guardrails, covers or screens fabricated to fit around the openings. Installing skylight screens or “burglar bars” under skylights was also determined by the advisory committee to be less expensive and less burdensome than providing other protections, and has the added benefit of protecting the facility against unauthorized building entry and theft.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The proposed regulation will not have any effect on the creation or elimination of California jobs or the creation of new businesses or the elimination of existing California businesses or affect the expansion of existing California businesses. Currently, employers have five options for protecting employees working within 6 feet of a skylight or skylight opening. The proposal will add two additional options, making in total seven options available to protect employees. The regulated public has the option of choosing any of the current five options or one of the new options. Since the option of maintaining the status quo exists, no discernable economic impact is anticipated, and nothing in the proposal, therefore, is expected to create or eliminate jobs connected directly or indirectly with employers whose employees work in proximity to skylights or skylight openings. Furthermore, employers complying with the standard, as written, are required to purchase and maintain fall protection equipment, or materials to fabricate covers, screens, or guardrails as needed. The cost to purchase a skylight net ranges from \$200–\$400, which, according to participants in the advisory committee meetings, is comparable to the costs to have covers or screens designed to fit around the openings. Installing skylight screens or “burglar bars” under skylights was also determined by the advisory committee to be less expensive and less burdensome than providing guardrails, screens or covers, with the added benefit of protecting the facility against unauthorized building entry and theft.

BENEFITS OF THE PROPOSED ACTION

The proposal promotes worker safety by giving employers increased flexibility for guarding against falls through skylights and skylight openings. Some options are more feasible or more cost-effective in certain situations than currently available options for fall protection, making an employer more likely to comply with the regulation. Additionally, installing a skylight that meets the strength requirements of a cover without the need for additional protection, or installing a screen underneath the skylight, are passive forms of employee fall protection that can protect employees from falls even if they are unaware of the presence of the safety measure.

Increases in safety will directly benefit the health and welfare of California residents by reducing workplace injuries and allowing workers to return home to their loved ones after work. The proposed regulation is not expected to affect the environment in any way.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSONS

Inquiries regarding this proposed regulatory action may be directed to Marley Hart (Executive Officer) and the back-up contact person is Michael Manieri (Principal Safety Engineer) at the Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; (916) 274–5721.

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

The Board will have the entire rulemaking file, and all information that provides the basis for the proposed regulation available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons and supporting documents. Copies may be obtained by contacting Ms. Hart or Mr. Manieri at the address or telephone number listed above.

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public at least 15 days before the Board adopts the regulations as revised. Please request copies of any modified regulations by contacting Ms. Hart or Mr. Manieri at the address or telephone number listed above. The Board will accept written comments on the modified regulations for at least 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT
OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ms. Hart or Mr. Manieri at the address or telephone number listed above or via the internet.

AVAILABILITY OF DOCUMENTS ON
THE INTERNET

The Board will have rulemaking documents available for inspection throughout the rulemaking process on its website. Copies of the text of the regulations in an underline/strikeout format, the Notice of Proposed action and the Initial Statement of Reasons can be accessed through the Standards Board's website at <http://www.dir.ca.gov/oshsb>.

**TITLE 13. CALIFORNIA HIGHWAY
PATROL**

**Inhalation Hazard Shipments: Routes and
Stopping Places
(CHP-R-2014-04)**

The California Highway Patrol (CHP) proposes to amend regulations in Title 13 of the California Code of Regulations (CCR), related to designated routes, required inspection stops, inspection stops, and safe stopping places for the transportation of inhalation hazards.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

The CHP proposes to amend regulations in Title 13 CCR, Division 2, Chapter 6, Article 2.5 regarding designated routes and stops for the transportation of inhalation hazards.

Pursuant to Division 14.3, commencing with Section 32100 of the California Vehicle Code (CVC), the CHP shall adopt regulations specifying routes to be used in the transportation of inhalation hazards. The CVC requires the CHP to keep information current in regulations, with maps indicting clearly designated routes and a list of locations of required inspection stops, inspection stops, and safe stopping places. The CHP's field commands conduct annual surveys on inhalation hazard routes and stops to determine if changes are necessary. The proposed amendments will not change any inhalation hazard routes and will only update the locations of required inspection stops, inspection stops, and stopping places to be used by carriers of inhalation hazards along the designated inhalation hazard routes. These updates are mainly due to business closures or ownership changes.

After CHP field commands inspected the listed business locations of safe stopping places, business owners expressed their willingness to provide their business location and services information in the CCR. Proposed changes have received consultation and concurrence from the State Fire Marshal and the California Department of Transportation.

This proposed regulatory action will continue to provide a nonmonetary benefit to the protection of health and welfare of California residents, worker safety, and the state's environment because changes to the application of the regulation are not substantive, and bring the regulation in conformance with existing statute. Updating safe stops designated for carriers transporting explosives is clarifying in nature and all are for transportation safety and public health. During the process of developing these regulations and amendments, the CHP

has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing federal and state regulations.

PUBLIC COMMENT

Any interested person may submit written comments on the proposed action via facsimile at (916) 322-3154, by electronic mail to cvsregs@chp.ca.gov, or by writing to:

California Highway Patrol
Commercial Vehicle Section
ATTN.: Dr. Tian-Ting Shih
P.O. Box 942898
Sacramento, CA 94298-0001

Written comments will be accepted until 5:00 p.m., September 14, 2015.

PUBLIC HEARINGS

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the CHP, Commercial Vehicle Section, (CVS) no later than 15 days prior to the close of the written comment period.

AVAILABILITY OF INFORMATION

The CHP has available for public review the initial statement of reasons for the proposed regulatory action, the information upon which this action is based, and the proposed regulation text in strikeout and underline format. Requests to review or receive copies of this information should be directed to the CHP either by facsimile at (916) 322-3154, or by calling the CHP, CVS, at (916) 843-3400. All requests for information should include the following information: The title of the rule-making package, the requester's name, proper mailing address (including city, state, and zip code), and a day-time telephone number in case the information is incomplete or illegible.

The rulemaking file is available for inspection. Interested parties are advised to call CHP, CVS for an appointment.

All documents regarding the proposed action are available through the CHP's Web site at www.chp.ca.gov/regulations. Any person desiring to obtain a copy of the adopted text and a final statement of reasons may request them at the above noted address. Copies will be posted on the CHP Web site.

CONTACT PERSON

Any inquiries concerning the written materials pertaining to the proposed regulations or the substance of the proposed regulations should be directed to Dr. Tian-Ting Shih. The back up contact person for these inquiries is Sergeant Josh Clements, CHP, CVS at (916) 843-3400.

ADOPTION OF PROPOSED REGULATIONS

After consideration of public comments, the CHP may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or substantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

FISCAL AND RESULTS OF ECONOMIC IMPACT ANALYSIS

The CHP has made an initial determination that this proposed regulatory action: (1) will have no effect on housing costs; (2) will not impose any new mandate upon local agencies or school districts; (3) will involve no nondiscretionary cost or savings to any local agency, no cost to any local agency or school district for which Government Code Sections 17500-17630 require reimbursement, no cost or savings to any state agency, nor costs or savings in federal funding to the state; (4) 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; and (5) 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.

Benefits of the Proposed Action: The proposed regulation updating safe stops designated for carriers transporting inhalation hazards will continue to provide benefits which include a nonmonetary benefit to the protection of public health and safety for residents and workers, and the protection to the environment by providing a regulatory basis for enforcement efforts as they relate to safety compliance ratings.

The regulated community is encouraged to respond during the comment period of this regulatory process if significant impacts are identified.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The CHP 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 CHP has determined the proposed regulatory action may affect small businesses. If a business can no longer meet the requirements for safety, it will be deleted from the list of safe stopping places. However, due to the very limited amount of highway commercial vehicles transporting inhalation hazards on the designated routes in the state, no foreseeable economic impact is projected for the small business to be removed from the list.

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the CHP must determine that no reasonable alternative considered by the CHP, or otherwise identified and brought to the attention of the CHP, 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. The CHP invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

AUTHORITY

This regulatory action is being taken pursuant to Section 32102, CVC.

REFERENCE

This action implements, interprets, or makes specific Sections 32101, 32102, 32103, 32104 and 32105, CVC.

TITLE 16. BOARD OF OCCUPATIONAL THERAPY

NOTICE IS HEREBY GIVEN that the California Board of Occupational Therapy (Board) is proposing to take the action described in the Informative Digest. Any person interested may submit statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or email to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on September 15, 2015.

The Board does not intend to hold a hearing in this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the Board. The request must be received in the Board office not later than 5:00 p.m. on August 31, 2015.

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

Authority and Reference: Pursuant to the authority vested by sections 2570.3 and 2570.20 of the Business and Professions Code (BPC), and to implement, interpret or make specific sections 2570.2 and 2570.3, the Board is proposing to revise Division 39, Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST

Informative Digest

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

Current regulation section 4110 requires individuals seeking an occupational therapist or occupational therapy assistant license to submit an application entitled "Initial Application for Licensure," Form ILA, Rev. 8/2012 to the Board. The Board proposes to amend the application form to incorporate recent statutory mandates. See 'Policy Statement Overview' below. In addition, the Board is making editorial amendments to the form, including adding information to remind applicants to submit required fees, as well asking applicants' preferences for receiving application status information via e-mail.

Policy Statement Overview

This proposed action will amend the Board's application for licensure to implement legislative mandates. More specifically the Board's application titled "Initial Application for Licensure, Form ILA, Rev 8/2012" is being amended to incorporate two legislative mandates. Senate Bill (SB) 1159 (Lara, Chapter 752, Statutes of 2014) amended BPC section 30 to establish that as an alternative, an applicant for licensure can provide an individual tax identification number in lieu of social secu-

rity number. Assembly Bill (AB) 1057 (Medina, Chapter 693, Statutes of 2013) added section 114.5 to the Business and Professions Code (BPC), requiring boards to inquire in every application for licensure if the applicant is serving in, or has previously served in, the military.

Benefit of Proposed Regulations

This regulatory action implements the provisions of AB 1057 and SB 1159. This regulatory action also proposes other minor amendments to the application that are designed to help applicants with providing the correct fees for the application, fingerprint cards, and otherwise confirm email as alternate method to communicate between the applicant and Board.

The proposed action also corrects an existing incorrect reference to the “National Board of Certification in Occupational Therapy” to “National Board for Certification in Occupational Therapy” in section 4110(b).

Consistency and Compatibility with Existing State Regulations

The Board has conducted a review of any related regulations and has determined that these regulations deal with the qualifications of occupational therapists and occupational therapy assistants. Therefore, this regulatory proposal is consistent and compatible with existing state regulations.

INCORPORATION BY REFERENCE

Initial Application for Licensure, Form ILA, Rev 8/2012 (existing application)

Initial Application for Licensure, Form ILA, Rev 7/2015 (proposed new application)

FISCAL IMPACT ESTIMATES

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

This proposed action will comply with Business and Professions Code Sections 30 and 114.5. The fiscal impact to the Board is negligible and is based on the fact that any existing supplies of the current application will need to be destroyed and replaced with the new application.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Business Impact:

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

RESULTS OF ECONOMIC IMPACT ANALYSIS

Impact on Jobs/New Business:

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

Existing regulations require applicants to provide a social security number to the Board prior to the issuance of a license. This proposed action clarifies an applicant for licensure may provide an individual tax identification number in lieu of a social security number.

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

The proposed regulatory action implements Business and Professions Code sections 30, 114.5, and 135.5. It has an indirect benefit to the health, safety, and welfare to California consumers but only as it pertains to administration of the Occupational Therapy Practice Act which is designed to protect California consumers. This proposed action does not contain any provisions that benefit worker safety or the State’s environment.

Cost Impact on Affected Private Persons:

The proposed action does not increase costs for affected individuals (applicants) who seek licensure in the state of California.

Effect on Housing Costs: None.

Effect on Small Business:

The Board has made an initial determination that the proposed regulatory action would have no statewide adverse economic impact on small business. The proposed regulatory action affects applicants applying for occupational therapist and occupational therapy assistant licenses in the State.

CONSIDERATION OF ALTERNATIVES

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

tive in implementing the statutory policy or other provision of law.

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

TEXT OF PROPOSAL

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

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

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

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

CONTACT PERSON

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

Jeff Hanson
 California Board of Occupational Therapy
 2005 Evergreen Street, Suite 2250
 Sacramento, CA 95815
 (916) 263–2294 (Tel)
 (916) 263–2701 (Fax)

The backup contact person is:

Heather Martin
 [Same contact information as above]

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

TITLE 16. BOARD OF PHARMACY

NOTICE IS HEREBY GIVEN that the Board of Pharmacy (“Board”) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments in writing

relevant to the action proposed. Written comments, including those sent by mail, facsimile, or email to the addresses listed under Contact Person in this Notice, must be received by the Board of Pharmacy at its office not later than 5:00 p.m. on September 14, 2015.

The Board does not intend to conduct a regulation hearing on the matter, unless requested. Any interested person may submit a written request for a public hearing no later than 15 days prior to the close of the 45-day written comment period.

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

Authority and Reference: Under the authority conferred by Business and Professions Code (“B&P”) section 4005 in order to implement, interpret and make specific B&P sections 4016.5, 4052.6, 4210, and 4233, the Board is proposing to amend Article 5 of Division 17 of Title 16 of the California Code of Regulations (“CCR”), as follows:

INFORMATIVE DIGEST/ POLICY STATEMENT OVERVIEW

The Board proposes to add and adopt Sections 1730, and 1730.1 and amend Section 1749 of Article 5 of Division 17 of Title 16 of the California Code of Regulations to set out specific requirements for the type of training, documentation, and fees needed to be paid to obtain an Advanced Practice Pharmacist (“APP”) license. This adoption of two new regulation sections and an amendment to an existing regulation section are necessary to carry out the purposes of B&P sections 4016.5, 4052.6, 4210, and 4233, and will allow pharmacists to seek training for, apply for, and start practicing as APPs. The proposed rulemaking will broaden public access to health care and may result in a proportionate easing of physician workloads, as APPs work in conjunction with physicians to care for patients, and may free up physicians to concentrate on patients with other medical issues. There are no existing federal regulations or statutes which touch on or concern pharmacists providing these types of health care services.

Specific Benefits Anticipated: Having pharmacists with the APP license perform physical assessments, order and interpret drug therapy-related tests, refer pa-

tients to other health care providers, and initiate, adjust, and discontinue drug therapies and evaluate and manage diseases and health conditions in collaboration with other health care providers or as a participant in a system of care will improve and broaden the public's access to health care. Adding pharmacists to the pool of health care providers from which Californians can obtain advice, treatment and referrals will reduce costs for patients and help ease the effects from the shortage of primary care physicians in the state.

Consistency with and Compatibility with Existing State Regulations: During the process of drafting the two new regulations and one amendment to an existing regulation, the Board has determined that the two (2) regulations to be adopted and one (1) to be amended are the only regulations that deal with the Board's APP program. Therefore, as to 16 CCR sections 1730, 1730.1 and 1749, the Board finds that these proposed regulations are consistent and compatible with existing state regulations.

Mandate of Local Agencies or School Districts: This regulatory action does not impose a mandate on local agencies or school districts.

FISCAL IMPACT:

- A. Cost or Savings to any state agency: NONE.
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: NONE.
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: NONE.
- D. Other nondiscretionary cost or savings imposed on local agencies: NONE.
- E. Cost or savings in federal funds to the state: NONE.

Effect on Housing Costs: NONE.

Business Impact: The Board has made an initial determination that the two, new proposed regulations and one amendment will have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Statewide Economic Impact: Pharmacists wishing to become licensed as APPs must complete the requirements set out in B&P section 4210(a)(2)(A). The first regulation section proposed to be adopted in this regulation package establishes that pharmacy patient care certification programs certified by the National Commission for Certification Agencies ("NCCA") are recognized by the Board as satisfying the requirements of B&P section 4210(a)(2)(A). The second regulation sec-

tion proposed to be adopted sets out the documentation pharmacists will have to submit to become licensed as APPs. The third regulation section proposed to be amended sets out the fees for becoming licensed as an APP, renewing that license, and the penalty for failure to renew an APP license. The Board believes that individuals who seek to obtain the APP license do so with the expectation that the cost involved in obtaining and maintaining the APP license will be compensated with the increased income generated by the APP licensure. Thus, while this package of regulatory proposals will affect pharmacies, it will not have a significant statewide adverse economic impact directly affecting businesses or businesses' ability to compete.

ECONOMIC IMPACT ASSESSMENT

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or elimination of jobs, or on the creation of new businesses or the elimination of existing businesses nor on the expansion of businesses in the State of California.

Benefits of the Regulations: This regulatory proposal benefits the health of California residents by adding pharmacists to the list of health care providers from which Californians can obtain advice, treatment and referrals. This will lower the overall cost of health care for Californians, help ease the shortage of primary care physicians in the state, and broaden public access to health care.

Cost Impacts: Obtaining an APP license is voluntary. The Board believes that pharmacists who seek to obtain an APP license will do so with the expectation that the cost involved in obtaining and maintaining an APP license will be fully compensated by the increased income generated as a result of the expanded scope of practice possible with the APP licensure. Aside from this issue, the Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Business Report: The proposed regulations do not require a new report to be made. Pharmacists submit documentation to the Board to obtain their initial pharmacy license and to renew their pharmacy license. The documentation which must be submitted to obtain an APP license does not constitute a report.

Effect on Small Businesses: The Board has determined that the proposed regulation would have no economic impact on small businesses. All pharmacists have the option of getting the additional training and experience required to obtain an APP license, whether they work at a small community pharmacy or a large chain pharmacy.

CONSIDERATION OF ALTERNATIVES

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

Any interested person may present statements or arguments in writing relevant to the above determinations to the Board at the address listed below for the Contact Person.

Board of Pharmacy
 Attn: Karen Halbo
 1625 N. Market Blvd., N219
 Sacramento, CA 95834
 Telephone: 916-574-7948
 Fax No.: 916-574-8616
 E-Mail: Karen.Halbo@DCA.ca.gov

(Backup contact person)
 Board of Pharmacy
 Attn: Lori Martinez
 1625 N. Market Blvd., N219
 Sacramento, CA 95834
 Telephone 916-574-7917
 Fax No.: 916-574-8616
 E-Mail: Lori.Martinez@DCA.ca.gov

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed actions and has available all of the information upon which the proposals are based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulation, the Initial Statement of Reasons, and all of the information upon which the proposal is based may be obtained upon request from the person designated below as Contact Person, or by accessing the Board of Pharmacy’s website at <http://www.pharmacy.ca.gov>.

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

All of the information upon which the proposed regulation is based is contained in the rulemaking file which is available for public inspection by contacting the contact person named below. You may obtain a copy of the Final Statement of Reasons once it has been prepared by making a written request to the Contact Person named below or by accessing the Board of Pharmacy’s website at <http://www.pharmacy.ca.gov>.

CONTACT PERSON

Materials regarding this proposal can be found at www.pharmacy.ca.gov. Inquiries or comments concerning the proposed rulemaking actions may be addressed to:

TITLE 16. OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA

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

Department of Consumer Affairs — HQ2
1747 North Market Blvd.
Hearing Room
Sacramento CA 95834
Thursday, September 17, 2015
10:00 a.m.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on September 17, 2015 or must be received at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by sections 2018, 2451, and 3600-1 of the Business and Professions Code (Initiative Measure, Stats. 1923, p. xciii), and to implement, interpret or make specific sections 315, 726, 729, and 2366 of the Business and Professions Code, section 11425.50 (e) of the Gov-

ernment Code, and sections 261.5, 290, 313.1, 647b, and 647 subdivision (a) and (b) of the Penal Code, the Board is considering changes to Title 16, Division 16, of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend Section 1661.2 in Article 12.5, Division 16, of Title 16 of the California Code of Regulations entitled “Diversion Evaluation Committee Duties & Responsibilities” (Rev 08/89) and Section 1663 in Article 12.7, Division 16, of Title 16 of the California Code of Regulations entitled “Disciplinary Guidelines” (Rev 06/97).

The Board currently regulates approximately 7,500 physicians and surgeons a number that is rapidly increasing. The board’s highest priority is the protection of the public when exercising its licensing, regulatory, and disciplinary functions. The primary methods by which the Board achieves this goal are: issuing licenses to eligible applicants; investigating complaints against licensees; disciplining licensees for violations of the Medical Practice Act (Act); and monitoring licensees whose licenses have been placed on probation for substance abuse, focusing on the areas of intake and how licensees are monitored as they come into probation and compliance.

Existing law requires the Department of Consumer Affairs (DCA) to establish Uniform Standards regarding substance-abusing licenses, focusing on the areas of intake and how licensees are monitored as they come into probation and compliance.

Existing law, Business and Professions Code (Code) section 2018 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to enable the Board to carry into effect the provisions of the Medical Practice Act.

Existing law, Code section 315, established the Substance Abuse Coordination Committee (SACC) within the DCA and required the SACC to formulate uniform and specific standards in sixteen specified areas for each healing arts board to use in dealing with substance-abusing licensees, whether or not a board chooses to have a formal diversion program.

Existing law, Code section 315.2, specifies that a healing arts board within the DCA is required to order a licensee to cease practice if the licensee tests positive for any substance that is prohibited under the terms of the licensee’s probation or diversion program. The cease–practice order pursuant to this section does not constitute disciplinary action and is not subject to adjudicative hearings.

Existing law, Code section 315.4, authorizes healing arts boards within the Department to order a licensee on probation or in a diversion program to cease practice for major violations and when the board orders a licensee to undergo a clinical diagnostic evaluation pursuant to the uniform and specific standards adopted and authorized under section 315. The cease–practice order pursuant to this section does not constitute disciplinary action and is not subject to adjudicative hearings.

Existing law, Government Code section 11400.20, authorizes an agency to adopt regulations to govern an adjudicative proceeding.

The main purpose for this proposal is to amend sections 1661.2 and 1663 of Title 16 of the California Code of Regulations. The proposed language is necessary to aid the Board in the discipline of substance-abusing licensees to provide better public protection to the people of California.

This regulation will incorporate the Uniform Standards for Substance Abusing the Healing Arts Licensees (04/2011), as required by SB 1441 (2007–2008, Ridley–Thomas) by proposing to add the standards, which shall be adhered to in all cases in which a licensee is placed on probation due, in part, to a substance abuse problem. These standards shall be followed in all instances, but will also allow the Board to impose more restrictive conditions, if necessary, to protect the public.

The proposed regulations would also incorporate by reference the Board’s disciplinary guidelines entitled “Osteopathic Medical Board of California Disciplinary Guidelines of 2014” (Rev 08/14).

ANTICIPATED BENEFITS OF THE PROPOSAL

The Board has determined that this regulatory proposal will provide increased consumer protection for consumers, and to ensure that minimum standards are met and to ensure uniformity among the standards established by the SACC for the healing arts licensing boards under the DCA.

The Board uses the Disciplinary Guidelines when taking action to suspend, revoke, or place a license on probation. This proposal requires an Administrative Law Judge (ALJ) to apply the mandatory conditions in the Uniform Standards Related to Substance Abusing Licensees when an applicant or licensee has a substance abuse disorder and to also consider the disciplinary guidelines for all other disciplinary matters. This proposal would allow the Board to impose more restrictive conditions if necessary to protect the public from unsafe, incompetent, or negligent practitioners when exercising its licensing, regulatory, and disciplinary functions, unless a specific order is required by statute.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

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

INCORPORATION BY REFERENCE

- “Uniform Standards Regarding Substance–Abusing and Healing Arts Licensees” (04/2011)
- Osteopathic Medical Board of California Disciplinary Guidelines of 2014 (Rev 08/14)

FISCAL IMPACT ESTIMATES

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

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

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

Cost Impact on Representative Private Person or Business: This regulation would impact only those physicians on probation who are identified as “substance abusing” and subject to the Uniform Standards for Substance–Abusing Licensees. Once so designated, this subset of licensees on probation could be impacted by a temporary removal from practice based on either a positive biological fluid test and/or the requirement to undergo the clinical diagnostic evaluation. Under the proposed regulation, no licensee shall be returned to practice until the Board determines that he or she is able to safely practice either full–time or part–time, and has had at least 30 days of negative drug test results.

The Board also anticipates that this proposed regulation could create an additional fiscal impact to licensees on probation who test positive for a banned substance in that another clinical diagnostic evaluation can be ordered to ensure the licensee is considered “safe to practice.”

The cost of the “Clinical Diagnostic Evaluation” and Diversion services provided by MAXIMUS is esti-

mated to be approximately \$338.15 per participant monthly, resulting in an annual cost of \$4,057.80 in addition to charges incurred for biological fluid testing.

Therefore, the Board estimates that the impact to licensees on probation over a 5–year period (average timeframe of licensee participation) in the Diversion program will result in \$20,289 per participant.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. The Board does not license businesses, the Board licenses individuals; therefore, there is no impact on small businesses or any business.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses: The board has determined that this regulatory proposal will not have any impact on the creation of jobs or new business or the elimination of jobs or existing businesses or the expansion of business in the State of California.

Benefits of the Regulation: The Board has determined that this proposed regulation will benefit California consumers by enhancing and strengthening the Board’s ability to closely monitor physicians with substance–abuse issues and quickly remove them from practice, when appropriate, thus providing the consumer with enhanced protection from physicians with substance–abuse problems.

CONSIDERATION OF ALTERNATIVES

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

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

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the person designated in this Notice under Contact Person or by accessing the Board's website: <http://www.ombc.ca.gov>.

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

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

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below, or by accessing the Board's website: <http://www.ombc.ca.gov>.

CONTACT PERSON

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

Name: Machiko Chong, Executive Analyst
1300 National Drive, Suite #150
Sacramento, CA 95834-1991
(916) 928-7636 Office
(916) 928-8392 Fax
E-mail: Machiko.Chong@dca.ca.gov

The backup contact person is:

Name: Angie Burton, Executive Director
1300 National Drive, Suite #150
Sacramento, CA 95834-1991
(916) 928-8390 Office
(916) 928-8392 Fax
E-mail: Angie.Burton@dca.ca.gov

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

TITLE 19. GOVERNOR'S OFFICE OF EMERGENCY SERVICES

GOVERNOR'S OFFICE OF EMERGENCY SERVICES NOTICE OF INTENTION TO ADOPT OR AMEND A CONFLICT-OF-INTEREST CODE

NOTICE IS HEREBY GIVEN that the Governor's Office of Emergency Services intends to update conflict-of-interest codes pursuant to Government Code sections 87300 and 87306. Pursuant to Government Code section 87302, the code will designate employees who must disclose certain investments, income, interests in real property and business positions, and who must disqualify themselves from making or participating in the making of governmental decisions affecting those interests.

A written comment period has been established commencing on July 31, 2015 and terminating on September 14, 2015. Any interested person may present written comments concerning the proposed code no later than **September 14, 2015** to Jessica Kirschbraun, Governor's Office of Emergency Services, Office of Legal Affairs, 3650 Schriever Avenue, Mather, CA 95655. No public hearing on this matter will be held unless any interested person or his or her representative requests a public hearing no later than 15 days prior to the close of the written comment period.

The Governor's Office of Emergency Services has prepared a written explanation of the reasons for the designations and the disclosure responsibilities and has available all of the information upon which its proposal is based.

This amendment will do the following:

- Repeal the existing conflict-of-interest code for the Office of Emergency Services and the Governor's Office of Homeland Security;
- Repeal the existing conflict-of-interest code for the Public Safety Communications Office under the California Technology Agency; and
- Adopt a new conflict-of-interest code that reflects current job classifications of designated employees for the Governor's Office of Emergency Services.

Copies of the proposed code and all of the information upon which it is based may be obtained from the Governor's Office of Emergency Services, Office of Legal Affairs, 3650 Schriever Avenue, Mather, California, 95655. Any inquiries concerning the proposed code should be directed to Jessica Kirschbraun, Attorney, via telephone at (562) 795-2906 or via email at jessica.kirschbraun@caloes.ca.gov.

TITLE 22. DEPARTMENT OF HEALTH CARE SERVICES

SUBJECT: Local Educational Agency (LEA)
Program Specialized Medical
Transportation Services,
DHCS-12-015

NOTICE IS HEREBY GIVEN that the Department of Health Care Services (Department) proposes to adopt Section 51190.4.1 and amend Sections 51231.1, 51231.2, 51323, 51360 and 51491, Title 22, Division 3, Chapter 3 of the California Code of Regulations (CCR), after considering all public comments, objections, and recommendations.

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 **LEA Program Specialized Medical Transportation Services, DHCS-12-015** 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 14, 2015**; 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.

A public hearing has not been scheduled for this rule-making. However, the Department will conduct a hearing if a written request for a public hearing is received from any interested person or his or her duly authorized representative, no later than 15 days prior to the close of the written comment period, pursuant to Government Code Section 11346.8.

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:

Welfare and Institutions (W&I) Code Sections 10725, 14105, 14115.8, 14124.5 and 14132.06; and Health and Safety Code Section 20.

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

W&I Code Sections 14000, 14018.2, 14053, 14059, 14100.2, 14105, 14115.8, 14124.1, 14124.5, 14131, 14132, 14132.06, 14132.15, 14133, 14133.1, 14133.3, 14133.6, 14133.9, 14136.3, 14136.5 and 14170; Sections 500 et seq., 4980 and 4981, Business and Professions Code; Sections 44225(b)(4), 44268, 44874, 44877, 49422, 49423.5, 49426, 49600 and 56340 et seq., Education Code; Section 95020, Government Code; Sections 1685 and 1686, Health and Safety Code; Section 300.34, Title 34 Code of Federal Regulations (CFR); and Sections 431.53 and 440.130, Title 42 CFR.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW:

Title XIX of the Social Security Act provides for the federal Medicaid Program. In California, the federal Medicaid Program is known as the California Medical Assistance Program, or the Medi-Cal Program and is administered by the Department. The Medi-Cal Program provides qualified low-income Californians (primarily families, children, pregnant women, persons with disabilities and seniors) with vital health care services.

The Local Educational Agency Medi-Cal Billing Option Program (LEA Program), established in 1993, in conjunction with the California Department of Education (CDE), provides health care services including related services, such as specialized medical transportation services for LEA eligible beneficiaries within the school environment. Under the LEA Program, enrolled school districts and county offices of education, choosing to participate, are reimbursed by the federal government for services provided to LEA eligible beneficiaries. The LEA Program is locally funded. Local Educational Agencies fund the state share of Medicaid expenditures through a Certified Public Expenditures (CPE) program, in accordance with Title 42, Code of Federal Regulations (CFR), Section 433.51.

Since the 1970s, schools have been mandated by the Individuals with Disabilities Education Act (IDEA), as

set forth in Title 20, United States Code (USC), Section 1400 et seq., to provide appropriate educational services to all children with disabilities. Specialized medical transportation services to Medicaid-eligible children under IDEA can be claimed under the Medicaid Program, as stated in the Centers for Medicare & Medicaid Services' (CMS) Medicaid and School Health: A Technical Assistance Guide, August 1997 (p. 59), when the following conditions are met:

- The child receives transportation to obtain a Medicaid-covered service (other than transportation).
- Both the Medicaid-covered service and the need for transportation are included in the child's Individualized Education Program (IEP) or Individualized Family Services Plan (IFSP).

Assembly Bill (AB) 2608, (Chapter 755, Statutes of 2012), amended W&I Code, Sections 14115.8 and 14132.06 to require, among other provisions, that the Department ensure schools receive reimbursement for all eligible services they provide by eliminating any regulatory constraints that exceed federal requirements pertaining to the LEA Program. This proposed regulatory action will align state regulations with W&I Code Sections 14115.8 and 14132.06. These regulations are also consistent with the description of related services (including transportation services) under Title 34, CFR, Section 300.34, and with the requirements under the IDEA to provide appropriate educational services to children with disabilities.

Anticipated Benefits or Goals of the Regulations

This regulatory proposal supports the intent of the initiating legislation as specified under W&I Code Section 14000, which states the purpose of Chapter 7, Basic Health Care, is to afford qualifying individuals (such as the aged or disabled) employment of health care services in a manner equitable to the general public and without duplication of benefits available under other federal or state laws.

Within Chapter 7, Section 14124.5 further specifies that the Director may establish regulations as are necessary or proper to carry out the purpose and intent of this Chapter, which includes outlining the uniform schedule of health care benefits under the Medi-Cal program, as described under Section 14131, which includes medical transportation in Section 14132.06.

The amendments proposed through this regulatory action will address the matter of establishing a clear definition for "Local Educational Agency (LEA) Specialized Medical Transportation Services" and will include related regulatory amendments that promote the availability of these vital school-based, health-related services and consistency with state and federal mandates. Accessibility to LEA specialized medical transporta-

tion services directly benefits LEA eligible beneficiaries by allowing them access to critical LEA services. In addition to meeting the goals of the authorizing statutes as described above, these proposed regulations ensure the proper and efficient administration of the Medi-Cal program and the LEA Program in accordance with the federal and state laws that govern the Program's rules of participation and funding.

Consistency and Compatibility with Existing State Regulations

The Department has conducted an evaluation of the related existing state regulations under Title 22, Division 3 and has determined that the proposed regulations are consistent with and compatible with those regulations. An automated search of Title 22, Division 3 using the following keywords: "Local Educational Agency," "LEA," "Medical Transportation Services," and "Specialized Transportation Services," was conducted via Westlaw and yielded no conflicting state regulations.

Objectives/Proposed Amendments

This proposed regulatory action will provide a uniform interpretation of LEA Specialized Medical Transportation Services and related provisions; offer conformity of terms used in the regulations; and align the regulations with state law, federal law, federal regulation and federal directives related to school-based health care services. This regulatory action will specifically accomplish the following:

- Adopt Section 51190.4.1 as a definition for "Local Educational Agency (LEA) Specialized Medical Transportation Services."
- Amend the following sections, to be consistent with provisions under W&I Code Section 14132.06 related to medical transportation: 51231.1, Litter Van Requirements; 51231.2, Wheelchair Van Requirements; and 51323, Medical Transportation Services.
- Amend the following sections, to be consistent with a federal directive and a changed state law, which do not allow reimbursement for off-site transportation services if the service is specified in an Individualized Health and Support Plan (IHSP): 51360, Local Educational Agency (LEA) Services; and 51491, Local Educational Agency (LEA) Eligibility for Payment.
- Include non-substantive grammar, typographical, re-designation, cross reference and related amendments.

DISCLOSURES REGARDING THE PROPOSED ACTION

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.

Approximate annual savings to Local Agencies or School Districts:

\$7,210,000 for Fiscal Year 2014–15
 \$7,931,000 for Fiscal Year 2015–16
 \$8,724,000 for Fiscal Year 2016–17

- B. Costs or Savings to any State Agency:

There are no additional costs or savings as a result of the proposed regulations. Any additional workload will be absorbed with current staffing levels. LEAs fund the State share of Medicaid expenditures through Certified Public Expenditures.

- C. Costs or Savings in Federal Funding to the State: Additional expenditures in the current Fiscal Year (approximate):

\$7,210,000 for Fiscal Year 2014–15

- 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 LEA Program. See below “Impact on Jobs and Businesses” for discussion related to any impact on LEA service providers.

Mandates on Local Agencies or School Districts

The Department has determined that the proposed 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.

Significant Statewide Adverse Economic Impact Affecting Businesses

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

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

Participation in the LEA Program is voluntary for LEAs, LEA service providers and LEA eligible beneficiaries. The proposed regulations would likely increase the amount of LEA specialized medical transportation services provided to LEA beneficiaries. This increase in services would raise the amount of claims submitted by LEAs for reimbursement of LEA specialized medical transportation services. This in turn will increase the amount of federal reimbursement provided to LEAs as well as the amount of reimbursement to the provider of the LEA specialized medical transportation services. However, it is not anticipated that this increase in reimbursement would have a significant impact on the creation or elimination of jobs, the creation of business, the elimination of existing business or the expansion of businesses in California.

Benefits of the Proposed Regulation

The Department has determined that the proposed regulations will not affect worker safety or the state’s environment. However, the proposed regulations will benefit the health and welfare of California residents, specifically California children with disabilities (LEA eligible beneficiaries). The proposed regulations will promote the availability of critical school-based, health-related services, specifically LEA specialized medical transportation services. This regulatory action also aligns state regulations with provisions under W&I Code Sections 14115.8 and 14132.06; Title 20, USC, Section 1400 et seq.; and Title 34, CFR Section 300.34.

Effect on Small Businesses

The Department has determined that the proposed regulations would only affect small businesses or contracted service providers that choose to provide LEA specialized medical transportation services through the LEA Program.

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.

Regulations related to the LEA Program are located in Title 22, CCR, Chapter 3, Health Care Services. Using this regulatory proposal to make amendments related to LEA specialized medical transportation is the most effective and convenient method to provide current information to those affected by the regulations. This proposed regulatory action will align state regulations with W&I Code Section 14115.8. These regulations are also consistent with the description of related services (including transportation services) under Title 34, CFR, Section 300.34, and with the requirements under the IDEA to provide appropriate educational services to children with disabilities.

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 CCR 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 proposed regulations described in this notice may be directed to Rick Record, Chief, Administrative Support/LEA Program Unit, at (916) 552-9065.

All other inquiries concerning the regulatory action described in this notice may be directed to Lori Manieri, Office of Regulations, at (916) 650-6825, or to the designated backup contact person, Jordan Espey, at (916) 445-1514.

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 proposed regulations, all the information upon which the proposed regulations are based, and the text of the proposed regulations. The Office of Regulations, at the address noted above, will be the location of public records, including reports, documentation, and other material related to the proposed regulations (rulemaking file). In addition, a copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations.

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

Materials regarding the 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 22. DEPARTMENT OF SOCIAL SERVICES

ORD #1214-10

ITEM #1 Administrator Certification Program of Community Care Licensing

The California Department of Social Services (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 on September 16, 2015, 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 16, 2015.

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

Title 22, Chapters 5 (Group Homes —GH), 6 (Adult Residential Facilities —ARF) and 8 (Residential Care Facilities for the Elderly —RCFE).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current CDSS regulations provide for an Administrator Certification Program (ACP) of Community Care Licensing (CCL) to certify facility administrators in three areas, Group Homes (GH), Adult Residential Facilities (ARF), and Residential Care Facilities for the Elderly (RCFE). There is also a CCL program to certify vendors who offer training to the administrators. These programs include application processes, examinations, resolution procedures and Department review processes, among other things.

This rulemaking action clarifies existing regulations and adds regulations to make specific additional requirements for administrator certification and the related educational programs per recently enacted legislation: Assembly Bill (AB) 2675 (Chapter 421, Statutes of 2006); AB 1856 (Chapter 639, Statutes of 2012); AB 663 (Chapter 675, Statutes of 2013); AB 1570 (Chapter 698, Statutes of 2014); and Senate Bill (SB) 911 (Chapter 705, Statutes of 2014).

These statutes require potential residential facility administrators to obtain certification from CDSS before employment as an administrator, and to renew such certification after completing required continuing education. Recent amendments to statute provide for online education, add subject areas to the required “core of knowledge” for each program, and expand the initial training hours required of administrators in RCFEs.

Further, these statutes authorize CDSS to adopt regulations to establish conditions for the certification of administrators and for the approval of vendors of initial and continuing education programs for administrators.

Anticipated Benefits of the Proposed Regulation

The objectives of this rulemaking are to bring the existing regulations into conformity with recent statutory changes as described herein and into consistency across the three program areas (GH, ARF, RCFE), and to make other changes to clarify and strengthen requirements to address problems identified over the history of the program (e.g., cheating on administrator exams, vendor deficiency corrections), thus better protecting the vulnerable populations in these many residential facilities. The anticipated benefits of this rulemaking to the health and welfare of California residents, worker safety, and the state’s environment are as follows: The proposal will benefit Californians, including program participants (i.e., facility administrators and training course vendors), by clarifying existing regulations and program processes in accordance with current statutes, thus providing for greater openness and transparency in the government–business interactions of the program. The clarifications should also result in more complete applications received by the Department from administrators and vendors and thus result in more timely processing and conclusions by Department staff [e.g., (non)certifying of administrators, (non)approval of vendors and their training programs]. The action should also result in more timely resolution of problems with training programs (e.g., when identified due to monitoring, changes in courses) and result in more consistent quality of education for facility administrators and thus improved facility worker safety and improved facility resident health and safety, which is the ultimate public purpose of the Administrator Certification Program. There is no specific anticipated benefit to the state’s environment.

Forms to be Adopted, Repealed or Amended

The proposed rulemaking repeals the old versions of forms in Section 85002 as listed:

LIC 9139 (2/01) — Renewal of Continuing Education Course Approval, Administrator Certification Program.

LIC 9140 (6/01) — Request for Course Approval, Administrator Certification Program.

LIC 9141 (5/01) — Vendor Application/Renewal, Administrator Certification Program.

LIC 9142a (2/01) — Roster of Participants — For Vendor Use Only — 35/40–Hour Initial or CEU Courses, Administrator Certification Program.

The proposed rulemaking incorporates by reference the following amended or new forms in the noted sections below. Incorporated 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, including accessible on line at <http://www.cclid.ca.gov/pg471.htm>.

Section 84002:

Core of Knowledge Guideline (01/16) — GH 40–Hour Initial Certification.

Section 85002:

Core of Knowledge Guideline (01/16) — ARF 35–Hour Initial Certification.

Section 87102:

LIC 9139 (1/16) — Renewal of Continuing Education Course Approval, Administrator Certification Program.

LIC 9140 (1/16) — Request for Course Approval, Administrator Certification Program.

LIC 9140A (1/16) — Request to Add or Replace Instructor, Administrator Certification Program.

LIC 9141 (1/16) — Vendor Application/Renewal, Administrator Certification Program.

LIC 9142A (1/16) — Roster of Participants — for Vendor Use Only, Administrator Certification Program.

LIC 9142B (1/16) — Roster of Participants — for Exam Proctoring Only, Administrator Certification Program.

LIC 9163 (3/11) — Request for Live Scan Service — Community Care Licensing.

LIC 508 (3/11) Criminal Record Statement.

LIC 9214 (1/16) — Application for Administrator Certification, Administrator Certification Program. Core of Knowledge Training Standards (1/16) — RCFE 80–Hour Initial Certification replacing the Core of Knowledge Guidelines — RCFE 40–Hour Initial Certification Rev. 6/1/01.

Determination of Inconsistency/Incompatibility with Existing State Regulations

The CDSS has made an initial determination that this proposed regulation is not inconsistent or incompatible with existing regulations. These are the only regulations that concern Title 22 certification of administrators of CDSS–licensed residential facilities in California.

COST ESTIMATE

1. Costs or Savings to State Agencies: Although there may be costs in the current State Fiscal Year (FY) 2015–16, these costs will be absorbed within their existing budgets and resources. Any anticipated small savings (e.g., reduced time to review consistent forms) will likely be offset by small costs (e.g., review of lengthier training program outlines). State Operations is funded by fees deposited to the Certification Fund (0271).
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: None.
4. Federal Funding to State Agencies: None.

LOCAL MANDATE STATEMENT

These regulations do not impose a mandate on local agencies or 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 fact that this rulemaking primarily serves to clarify existing regulations which have been in effect for over 20 years. It also brings the regulations into alignment with recently enacted statutes as listed in this notice. As such, CDSS foresees no new impacts to individuals and businesses, including small businesses, who opt to become certified administrators or to become vendors of training courses for administrators. This rulemaking does not impact the ability of California businesses to compete with businesses from other states as all must fulfill the same requirements to be a certified administrator or training course vendor in California.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The CDSS is not aware of any significant cost impacts that a representative private person or business

would necessarily incur in reasonable compliance with the proposed action as discussed in the Economic Impact Assessment. The adoption of the proposed amendments will not have any significant cost impact because they either clarify existing regulations or effectuate existing statutes.

SMALL BUSINESS IMPACT STATEMENT

The CDSS has made an initial determination that there is no significant impact on small businesses as a result of filing these regulations. The proposal largely clarifies existing regulations under which individual administrators and small businesses already operate if they elect to participate in this program’s activities. This determination was based on the fact that these regulations have been in effect for over 20 years so the amendments to clarify them, or detail new training content required by statute, have no significant impact on the affected businesses as discussed in the Economic Impact Assessment.

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. As the proposal primarily clarifies long-existing regulations, CDSS concludes that it is: (1) unlikely that the proposal will eliminate any jobs for facility administrators or training providers, (2) unlikely that the proposal will create additional jobs for facility administrators or training providers, (3) unlikely that the proposal will create new businesses providing training for administrators, (4) unlikely that the proposal will eliminate any existing businesses and (5) unlikely that the proposal will result in the expansion of businesses currently doing business in the state. The Economic Impact Assessment is detailed in Section (f) of the Initial Statement of Reasons.

The benefits of the regulatory action to the health and welfare of California residents, worker safety, and the state’s environment are as follows: The objectives of this rulemaking are to bring the existing regulations into conformity with recent statutory changes as described herein and into consistency across the three program areas (GH, ARF, RCFE), and to make other changes to clarify and strengthen requirements to address problems identified over the history of the program (e.g., cheating on administrator exams, vendor deficiency corrections), thus better protecting the vulnerable populations in these many residential facilities. The anticipated benefits of this rulemaking to the health and wel-

fare of California residents, worker safety, and the state's environment are as follows: The proposal will benefit Californians, including program participants (i.e., facility administrators and training course vendors), by clarifying existing regulations and program processes in accordance with current statutes, thus providing for greater openness and transparency in the government-business interactions of the program. The clarifications should also result in more complete applications received by the Department from administrators and vendors and thus result in more timely processing and conclusions by Department staff [e.g., (non)certifying of administrators, (non)approval of vendors and their training programs]. The action should also result in more timely resolution of problems with training programs (e.g., when identified due to monitoring, changes in courses) and result in more consistent quality of education for facility administrators and thus improved facility worker safety and improved facility resident health and safety, which is the ultimate public purpose of the Administrator Certification Program. There is no specific anticipated benefit to the state's environment.

STATEMENT OF EFFECT ON HOUSING COSTS

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

STATEMENT OF ALTERNATIVES CONSIDERED

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.

While this regulatory action has been in development for several years, in developing this regulatory action, no reasonable alternatives were brought to the attention of CDSS.

AUTHORITY AND REFERENCE CITATIONS

Authority: Section 1522.08, 1522.41(h)(1), 1530, 1531, 1562.3(h)(1), 1569.23(d), 1569.3 and 1569.616(i)(1), Health and Safety Code.

Reference: Sections 1520(b), 1520.3, 1522, 1522.08, 1522.41, 1523.1, 1534, 1549, 1550, 1551, 1558, 1562.3, 1562.4, 1568.092, 1569.16, 1569.17, 1569.171, 1569.185, 1569.23, 1569.33, 1569.495,

1569.50, 1569.51, 1569.58, 1569.613 and 1569.616, Health and Safety Code; Sections 2105, 15909.02, 16959 and 17708.02, Corporations Code.

CDSS REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATION

Kenneth Jennings:
(916) 657-2586
Ying Sun:
(916) 657-2586

TITLE MPP. DEPARTMENT OF SOCIAL SERVICES

ORD#0515-07

ITEM#3 Drug Felon Eligibility in California Work Opportunity and Responsibility to Kids (CalWORKs)

The California Department of Social Services (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 on September 16, 2015, 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 16, 2015.

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), Chapters 40-000 and 44-000

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

These proposed regulations implement Section 47 of Assembly Bill (AB) 1468 (Chapter 26, Statutes of 2014), which removes the ban on CalWORKs eligibility for people who have a prior drug felony conviction. Effective April 1, 2015, this population is no longer excluded by law from receiving CalWORKs.

In 1997, AB 1542 excluded drug felons, fleeing felons and people who were in violation of probation or parole from being eligible for CalWORKs. AB 1468 removes the drug felon provisions of AB 1542 by repealing and adding Welfare and Institutions (W&I) Code section 11251.3.

This policy change was initially implemented through All County Letter (ACL) 14-100. These proposed regulations will ensure that the state regulations are in compliance with the law and that people with a prior drug felony conviction are no longer excluded from eligibility from CalWORKs.

By removing the ban on people with a prior drug felony conviction from CalWORKs eligibility, this regulatory action may help people with a prior drug felony conviction successfully transition back into society, become self-sufficient and avoid recidivism by increasing the benefit amounts and economic security of their families.

The CDSS evaluated the proposed regulations for any inconsistency or incompatibility with existing state regulations and has found that these are the only regulations concerning Drug Felon Eligibility in CalWORKs programs. Therefore, the proposed regulations are neither inconsistent nor incompatible with other state regulations.

Anticipated Benefits

The benefits of the regulatory action to the health and welfare of California residents, worker safety and the state's environment are as follows: by removing the ban on people with a prior drug felony conviction from CalWORKs eligibility, and thereby increasing the benefit amounts and standard of living for their families, this regulatory action may help people with a prior drug felony conviction successfully transition back into society, become self-sufficient and avoid recidivism.

COST ESTIMATE

1. Costs or Savings to State Agencies: The funding was budgeted at \$505,000 for the General Fund share of costs in FY 2014-15 and \$1,046,000 in FY 2015-16 in the 2015 May Revision, under the Drug Felon Eligibility premise.
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 was budgeted at \$36,000 for the county share of costs in FY 2014-15 and -\$12,000 in FY 2015-16 for county share of savings in the 2015 May Revision, under the Drug Felon Eligibility premise.
4. Federal Funding to State Agencies: The funding was budgeted at \$5,942,000 for the federal share of costs in FY 2014-15 and \$20,827,000 in FY 2015-16 in the 2015 May Revision, under the Drug Felon Eligibility premise.

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 (GC) 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 GC.

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 fact that allowing people with a prior drug felony conviction to be eligible for CalWORKs will, if anything, have a slight positive economic impact, by helping people with a prior drug felony conviction successfully transition back into society, become self-sufficient and avoid recidivism.

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. The benefits of the regulatory action to the health and welfare of California residents, worker safety and the state's environment are as follows: by removing the ban on people with a prior drug felony conviction from CalWORKs eligibility, and thereby increasing the benefit amounts and standard of living for their families, this regulatory action may help people with a prior drug felony conviction successfully transition back into society, become self-sufficient and avoid recidivism.

STATEMENT OF EFFECT ON HOUSING COSTS

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

STATEMENT OF ALTERNATIVES CONSIDERED

AB 1468 mandates that CDSS adopt regulations implementing the drug felon eligibility provisions of this bill by January 1, 2016. Prior to promulgating these regulations, CDSS implemented this policy change by ACL No. 14-100.

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

Sections 10533 and 10544 of the W&I Code grants CDSS the authority to develop the regulations and Section 11251.3 is being referenced to make the regulations more specific.

CDSS REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person:
Oliver Chu
(916) 657-2586
Backup:
Ying Sun
(916) 657-2586

TITLE MPP. DEPARTMENT OF SOCIAL SERVICES

ORD #0614-05
ITEM #2 Indian Child Welfare Act Integration throughout Division 31

The California Department of Social Services (CDSS) hereby gives notice of the proposed regulatory action(s) described below. Statements or arguments relating to the proposals may be submitted in writing, e-mail or by facsimile to the address/number listed at the bottom of this page. All comments must be received by 5:00 p.m. on September 16, 2015. Also, 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 16, 2015, as follows:

Office Building #8
744 P Street, 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.

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, M.S. 8-4-192
Sacramento, California 95814
TELEPHONE: (916) 657-2586
FACSIMILE: (916) 654-3286
E-MAIL: ord@dss.ca.gov

CHAPTERS

31-000 General Requirements, 31-100 Intake, 31-200 Assessment and Case Plan, 31-300 Service Delivery, 31-400 Placement, 31-500 Special Requirements.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current laws and regulations provide procedures for county social workers in dealing with Indian child welfare, including but not limited to, adoption, placement, custody, and working with Indian tribes and California child welfare agencies.

Existing laws and regulations:

Indian Child Welfare Act, 25 U.S.C. Section 1901, Public Law (P.L.) 95-608

Title IV-E of the Social Security Act, 42 U.S.C. section 670 et seq.

Senate Bill 678 (Chapter 838, Statutes of 2006) Pertinent sections: 29, 30, 31, 32, 33, 34, 35, 44, 45, 48, 49, 50, 52, 53, 54 and 55

Assembly Bill 12 (Chapter 559, Statutes of 2010) Pertinent sections: 5, 13, 14 and 66

Assembly Bill 1325 (Chapter 287, Statutes of 2009) Pertinent sections: 6, 7, 12, 15 and 16

Assembly Bill 1695 (Chapter 653, Statutes of 2001) Pertinent sections: 2, 11.3 and 11.6

Assembly Bill 1712 (Chapter 846, Statutes of 2012) Pertinent sections: 4, 15, 15.1, 15.2, 15.3, 21, 23 and 56

Assembly Bill 2417 (Chapter 467, Statutes of 2010)

Assembly Bill 2418 (Chapter 468, Statutes of 2010)

Senate Bill 1460 (Chapter 772, Statutes of 2014) Pertinent sections: 6, 8, 12, 14 and 15

California Rules of Court, rules 5.480, 5.481, 5.482, 5.484, 5.552, and 5.690

The following forms are incorporated by reference in the regulations:

AAP 4 (Rev. 9/13) — Eligibility Certification Adoption Assistance Program

FC 2 (Rev. 11/04) — Statement of Facts Supporting Eligibility for Aid to Families with Dependent Children (AFDC) Foster Care

FC 3 (Rev. 11/04) — Determination of Federal AFDC-FC Eligibility

FC 3 A (Supplement) (Rev. 11/04) — AFDC-FG/U Worksheet

ICPC-100A (Rev. 8/01) — Interstate Compact Placement Request

ICPC-100B (Rev. 8/01) — Interstate Compact Report on Child's Placement Status

ICWA-010(A) (Rev. 1/08) — Indian Child Inquiry Attachment

ICWA-020 (Rev. 1/08) — Parental Notification of Indian Status

ICWA–030 (Rev. 1/08) — Notice of Child Custody Proceeding for Indian Child

ICWA–030(A) (Rev. 1/08) — Attachment to Notice of Child Custody Proceeding for Indian Child

KG–2 (Rev. 1/11) — Statement of Facts Supporting Eligibility for Kinship Guardianship Assistance Payment

SOC 155C (Rev. 1/00) — Voluntary Placement Agreement Parent/Agency (Indian Child)

The AAP, FC, KG, ICPC and SOC forms are available on the CDSS website at: <http://www.cdss.ca.gov/cdssweb/PG19.htm>.

The ICWA forms are available on the Judicial Council’s website at <http://www.courts.ca.gov>.

This regulation change is made for purposes of clarity and non–duplication as the requirements that currently are included in Sections 31–515 and 31–520 will now be included throughout the Manual of Policies and Procedures Division 31 regulations, which will cause these sections to be duplicative therefore they are being repealed in this change. Until now, the ICWA requirements were separated from the rest of Division 31 regulations (currently Sections 31–515 and 31–520). These regulations are amended because of Senate Bill (SB) 678 Statutes of 2006 which was passed to incorporate into various state codes, minimum federal standards for Indian child custody proceedings as required by the ICWA of 1978 (P.L. 95–608) codified in the U.S.C. at Title 25 section 1901, et. seq. The requirements specified by SB 678, apply at specific points throughout a child’s case. State child welfare agencies and State courts must follow these requirements when removing Indian children from their homes and placing them into foster care or adoptive homes.

Feedback from social workers and stakeholders is that keeping the related standards and requirements separate from the rest of Division 31 regulations as Special Requirements, at Chapter 31–500 in Sections 31–515 and 31–520, diminishes the extent to which compliance with ICWA occurs. The ICWA requirements are more likely to be overlooked during the different stages of a child’s case when an ICWA standard is required. The modification to include ICWA standards throughout Division 31 adds clarity and consistency by addressing each ICWA requirement at the various points in the life of a child’s child welfare case when the ICWA requirements are applicable.

The anticipated benefits of the proposed changes to the Division 31 Regulations would be: improved state and county compliance with the requirements of the federal mandates of ICWA, as well as state law compliance regarding county child welfare service agencies involving Indian children. These changes will:

- greatly improve the working relationship between the State and California Tribes;

- promote better collaboration between child welfare agencies and tribes; and
- produce better outcomes for Indian children that come into contact with California child welfare agencies.

Determination of Inconsistency/Incompatibility with Existing State Regulations

The CDSS has made an initial determination that the proposed regulations are not inconsistent or incompatible with existing regulations. The CDSS has evaluated the proposed regulations and found that these are the only regulations concerning county social workers activities dealing with Indian Child Welfare; therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

COST ESTIMATE

1. Costs or Savings to State Agencies: No fiscal impact.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500–17630: No fiscal impact.
3. Nondiscretionary Costs or Savings to Local Agencies: No fiscal impact.
4. Federal Funding to State Agencies: No fiscal impact.

LOCAL MANDATE STATEMENT

These regulations do not impose a mandate on local agencies or school districts. There are no state–mandated local costs in this order that require reimbursement under the laws of California.

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 is due to the fact that these regulations only pertain to child welfare services agencies, not private businesses.

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 ac-

tion because these regulations are only applicable to state and county agencies.

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 CDSS has made an initial determination that there is no economic impact on California businesses as a result of this regulatory action because these regulations are only applicable to state and county agencies (i.e., county social workers' activities). 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.

Creation or Elimination of Jobs Within the State of California

Because these regulations only affect the actions of county child welfare agency staff, the CDSS has made the initial determination that this regulatory action will not have an impact on the creation or elimination of jobs within the state. The proposed regulations will not create or eliminate jobs within the state because they incorporate existing state and federal law, including ICWA, that pertains to Indian children regarding county social workers' actions. Further, technical, conforming changes, such as integrating, renumbering of sections and amending cross references are being incorporated in this regulatory action.

Creation or Elimination of Businesses Including Expansion or Elimination of Existing Businesses Within the State of California

Because these regulations only affect the actions of county child welfare agency staff, the CDSS has made the initial determination that this regulatory action will not have an impact on the creation or elimination of businesses including expansion or elimination of existing businesses within the state. The proposed regulations will not create or eliminate businesses including expansion or elimination of existing businesses within the state because they incorporate existing state and federal law, including ICWA, that pertains to Indian children regarding county social workers' actions. Further, technical, conforming changes, such as integrating, renumbering of sections and amending cross references are being incorporated in this regulatory action.

Benefits of the Regulations

The benefits of these regulations are to update the regulations on changes in laws and provide clarification as to the multiple changes in law and expressed needs from stakeholders for compliance clarification. Although guidance has been given by the Department to counties in the form of ACLs and ACINs, they are not as effective because they are not consolidated into one location, such as the Manual of Policies and Procedures Division 31 regulations. These regulations are expected to bring clarification, consistency and increase compliance on the multiple requirements of law. These changes will also 1) improve the working relationship between the state and California Tribes; 2) promote better collaboration between child welfare agencies and tribes; and 3) produce better outcomes for Indian children that come into contact with California child welfare agencies.

STATEMENT OF EFFECT ON HOUSING COSTS

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

STATEMENT OF ALTERNATIVES CONSIDERED

The regulations in ICWA related regulations that are in current Sections 31–515 and 31–520, have not been updated since 1993. The alternative used by the Department in lieu of regulation changes has been to issue ACLs or ACINs as part of its duty to keep county social workers informed on requirements associated with the federal ICWA, its incorporation into California statutes, and other legislative enactments or issues associated with Indian children taken into county protective custody. The following are a sampling:

ACIN 1–43–04 (September 2004) ICWA Frequently Asked Questions

ACL 08–02 (January 28, 2008) Senate Bill (SB) 678, (Chapter 838, Statutes of 2006), Indian Child Welfare Changes in State Law

ACIN 1–86–08 (November 20, 2008) Tribally Approved Homes

ACL 10–17 (March 24, 2010) Assembly Bill (AB) 1325, Chapter 287, Statutes of 2009, Tribal Customary Adoption

ACIN 1–40–10 (April 29, 2010) Requirement of the Use of an Expert Witness

ACL10–47 (October 27, 2010) Implementation of Tribal Customary Adoption AB 1325, (Chapter 287, Statutes of 2009)

ACL 14–15 (February 14, 2014) Federal Requirements for the Transfer of Indian Children to a Tribal Title IV–E Agency or an Indian Tribe with a Title IV–E Agreement

The CDSS has concluded that compliance and implementation is better served by updating the regulations rather than continue to rely on multiple ACLs or ACINs. Social workers may not always be aware of the ACLs or ACINs and/or do not have them readily available. Social workers are expected to work with and follow regulations in their daily work.

In developing the regulatory action, CDSS also considered and agreed with stakeholders' input requesting to integrate the Division 31, Special Requirements, sections 31-515 and 31-520 throughout the Division 31 regulations and to update the regulations. This regulatory action does just that without impact on small business because these regulations apply only to state and local agencies.

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.

The CDSS has convened workgroups and there have been no reasonable alternatives presented.

AUTHORITY AND REFERENCE CITATIONS

25 USC 1901 et seq.; 42 USC 670 et. seq.; 45 CFR 1356.21(d) and 1356.67; Sections 224, 300 et seq., 326, 358, 361, 366, 601, 602 et seq., 636, 727, 827, and 8600.5, Welfare and Institutions Code; Sections 177, 7907.3 and 8600.5, Family Code; California Rules of Court, rules 5.480, 5.481, 5.482, 5.483, 5.484, 5.485, 5.486, 5.487, 5.534(i), 5.552, 5.690, 7.1015 and 5.725; Penal Code Section 11169; Probate Code Sections 1459.5 and 1460.2; *Gomez v. Saenz* Settlement Agreement and Court Order, Case No. BC284896.

CDSS REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person:
Kenneth Jennings
(916) 657-2586
Backup:
Ying Sun
(916) 657-2586

GENERAL PUBLIC INTEREST

DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE OF A REQUESTED HEARING

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture (Department), Meat, Poultry and Egg Safety Branch, Egg Safety and Quality Management Program, has proposed to amend section 1358.4 of Title 3 of the California Code of Regulations. The proposal was published in the *California Regulatory Notice Register* on May 1, 2015 [Notice File No. Z2015-0421-12, Register 2015, No.18-Z], but no hearing was scheduled. The Department received a request for a public hearing; therefore, a public hearing will be held in accordance with Government Code section 11346.8. The proposal pertains to all egg registrants [producers and handlers] who market shell eggs and egg products in California in accordance with sections 27531 and 27541 of the Food and Agricultural Code. This proposal amends the existing record keeping requirements in section 1358.4, of Title 3 of the California Code of Regulations by expanding upon the requirements to include the inspection of not only records and invoices but all documents relating to shell egg food safety and the inspection of the premises where egg-laying hens are housed if the eggs from those hens will be shipped into or within California and sold to California consumers in compliance with existing section 1350 of Title 3 of the California Code of Regulations.

Public Hearing Date, Time, and Location

August 17, 2015
10:00 a.m. to 12:00 p.m.
Department of Food and Agriculture
2800 Gateway Oaks Drive, Room #101
Sacramento, CA 95833

The Department may adjourn the hearing prior to the posted time if all public testimony has been received and/or no person is present that wishes to provide testimony.

Public Comments

Any interested person, or his or her duly authorized representative, may appear and be heard and provide written and/or oral testimony. Written comments may be faxed or e-mailed by 5:00 p.m., the day of the hearing to the contact person named in this Notice. Any written comments submitted during the original 45-day public comment period beginning May 1, 2015 and

ending at 5:00 p.m., June 15, 2015, shall remain in the Department's official rulemaking file. All oral and written comments will be reviewed and responded to by Departmental staff in the Final Statement of Reasons (FSR) as part of the compilation of the rulemaking file. Any person may request a copy of the FSR once it has been prepared by the Department and approved by OAL as a part of the final rulemaking file.

Contact Person

Any comments or inquiries concerning this proposal may be faxed or e-mailed to the following:

Anthony S. (Tony) Herrera, Egg Quality Manager

E-mail: tony.herrera@cdfa.ca.gov

Fax: (916) 900-5359

The backup contact person is:

Nancy Grillo, Regulation Coordinator

E-mail: nancy.grillo@cdfa.ca.gov

Fax: (916) 900-5332

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

DEPARTMENT OF HEALTH CARE SERVICES

THE DEPARTMENT OF HEALTH CARE SERVICES IS EXTENDING THE ASSEMBLY BILL 1629 REIMBURSEMENT METHODOLOGY, QUALITY ASSURANCE FEE, AND THE QUALITY AND ACCOUNTABILITY SUPPLEMENTAL PAYMENT PROGRAM

This notice is to provide information of public interest with respect to an extension of current reimbursement methodology for freestanding skilled nursing facilities (SNFs) and freestanding adult subacute facilities.

Assembly Bill (AB) 119 (Chapter 17, Statutes of 2015) extends the AB 1629 (Chapter 875, Statutes of 2004) facility specific rate methodology, Quality Assurance Fee (QAF), and Quality and Accountability Supplemental Payment Program (QASPP) from July 31, 2015 to July 31, 2020. Beginning fiscal year 2015-16, the direct care staff retention will be incorporated as a performance measure into the QASPP. The total available QASPP payments will be maintained at 2014-15 levels. Further, the annual increase in the weighted average Medi-Cal reimbursement rate will be 3.62 percent, plus the projected cost of complying with new state or federal mandates.

PUBLIC REVIEW AND COMMENTS

A written comment period has been established commencing on July 31, 2015, and closing on September 14, 2015. Written comments should be directed to the contact person listed below.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to AB 119 to the Department of Health Care Services (DHCS). Comments may be submitted by mail, facsimile (FAX) at (916) 449-5337, or by email to ryan.herche@dhcs.ca.gov. The written comment period closes at 5:00 p.m. on September 14, 2015. DHCS will consider only comments received by that time.

A detailed description of AB 119 will be made available for public review at local county welfare notices throughout the State.

A copy of the description may also be requested, in writing, from:

Mr. Ryan Herche, Chief
 Long Term Care System Development Unit
 Department of Health Care Services
 Fee-For-Service Rates Development Division
 Department of Health Care Services, MS 4600
 P.O. Box 997413
 Sacramento, CA 95899-7413

DEPARTMENT OF VETERANS AFFAIRS

The Department of Veterans Affairs published a Notice of Proposed Action in the July 10, 2015 edition of the California Regulatory Notice Register (Register 2015, No. 28-Z, p. 1142) concerning the Selection Process for Private Architectural and Engineering Firms. The original comment period deadline was August 24, 2015.

The Department is extending the written comment deadline to **September 18, 2015**.

Please submit all written comments to:

California Department of Veterans Affairs
 Facilities and Business Services Division
 Attention: Deanna Beland
 1227 O Street, Suite 314
 Sacramento, CA 95814

You may also FAX your comments to (916) 653-1388.

Or e-mail them to deanna.beland@calvet.ca.gov.

If you have any questions, please contact Deanna Beland at (916) 651-5045.

PROPOSITION 65

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(PROPOSITION 65)
NOTICE TO LIST: FURFURYL ALCOHOL**

July 31, 2015

The California Environmental Protection Agency’s Office of Environmental Health Hazard Assessment (OEHHA) intends to list *furfuryl alcohol* as known to the state to cause cancer under the Safe Drinking Water

and Toxic Enforcement Act of 1986¹. This action is being proposed under the authoritative bodies listing mechanism².

Chemical [CAS No.]	Endpoint	Reference	Occurrence
<i>Furfuryl alcohol</i> [98-00-0]	cancer	US EPA (2014)	Used to produce furan resins, as a chemical intermediate in the synthesis of other chemicals, and as a solvent in textile printing and alkaline paint strippers. Formed in foods during thermal processing and as a result of the dehydration of sugars.

Background on listing via the authoritative bodies mechanism: A chemical must be listed under the Proposition 65 regulations when two conditions are met:

- 1) An authoritative body formally identifies the chemical as causing cancer (Section 25306(d)³).
- 2) The evidence considered by the authoritative body meets the sufficiency criteria contained in the regulations (Section 25306(e)).

However, the chemical is not listed if scientifically valid data which were not considered by the authoritative body clearly establish that the sufficiency of evidence criteria were not met (Section 25306(f)).

The US Environmental Protection Agency (US EPA) is one of several institutions designated as authoritative for the identification of chemicals as causing cancer (Section 25306(m)).

OEHHA is the lead agency for Proposition 65 implementation. After an authoritative body has made a determination about a chemical, OEHHA evaluates

whether listing under Proposition 65 is required using the criteria contained in the regulations.

OEHHA’s determination: *Furfuryl alcohol* meets the criteria for listing as known to the state to cause cancer under Proposition 65, based on findings of the US EPA (US EPA, 2014).

Formal identification and sufficiency of evidence for furfuryl alcohol: In 2014, US EPA published a report on furfuryl alcohol entitled *Cancer Assessment Document, Evaluation of the Carcinogenic Potential of Furfural and Furfuryl Alcohol* (US EPA, 2014). This report satisfies the formal identification and sufficiency of evidence criteria in the Proposition 65 regulations for furfuryl alcohol.

US EPA concluded that furfuryl alcohol is “Likely to be Carcinogenic to Humans”. OEHHA is relying on US EPA’s discussion of data and conclusions in the report that furfuryl alcohol causes cancer. Evidence described in the report includes studies showing that furfuryl alcohol increases the incidence of rare nasal epithelial squamous cell carcinomas and combined nasal epithelial carcinomas and epithelial squamous cell carcinomas in male rats, and rare renal carcinomas and combined carcinomas and adenomas in male mice.

Thus, US EPA (2014) has found that furfuryl alcohol causes increased incidences of rare malignant nasal tu-

¹ Commonly known as Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986 is codified in Health and Safety Code section 25249.5 *et seq.*

² See Health and Safety Code section 25249.8(b) and Title 27, California Code of Regs., section 25306.

³ All referenced sections are from Title 27 of the Cal. Code of Regulations.

mors in male rats, and rare malignant and combined malignant and benign kidney tumors in male mice.

Request for comments: OEHHA is requesting comments as to whether furfuryl alcohol meets the criteria set forth in the Proposition 65 regulations for authoritative bodies listings. In order to be considered, **OEHHA must receive comments by 5:00 p.m. on Monday, August 31, 2015.** We encourage you to submit comments in electronic form, rather than in paper form. Comments transmitted by e-mail should be addressed to P65Public.Comments@oehha.ca.gov with "NOIL—furfuryl alcohol" in the subject line. Comments submitted in paper form may be mailed, faxed, or delivered in person to the addresses below:

Mailing
Address: Ms. Esther Barajas-Ochoa
Office of Environmental Health
Hazard Assessment
P.O. Box 4010, MS-12B
Sacramento, California
95812-4010

Fax: (916) 323-2265

Street
Address: 1001 I Street
Sacramento, California 95814

Comments received during the public comment period will be posted on the OEHHA web site after the close of the comment period. Electronic files submitted should not have any form of encryption.

If you have any questions, please contact Esther Barajas-Ochoa at esther.barajas-ochoa@oehha.ca.gov or at (916) 445-6900.

References

US Environmental Protection Agency (US EPA, 2014). Cancer Assessment Document, Evaluation of the Carcinogenic Potential of Furfural and Furfuryl Alcohol. Final Report. Health Effects Division, Office of Pesticide Programs. February 6, 2014.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916)

653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2015-0611-03
BOARD OF STATE AND COMMUNITY CORRECTIONS
Local Youthful Offender Rehabilitative Facilities

The Board of State and Community Corrections submitted this timely certificate of compliance action to make permanent the emergency actions that adopted, amended, and repealed title 15 sections in OAL file nos. 2014-0804-01E and 2015-0306-02EE. The regulations pertain to the Local Youthful Offender Rehabilitative Facilities Construction Financing Program.

Title 15
ADOPT: 1830.1, 1840.1, 1847.1, 1848.5, 1849.1, 1850.1 AMEND: 1800, 1806, 1812, 1814, 1830, 1831, 1840, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1856, 1860, 1866, 1867, 1868, 1870, 1872, 1876, 1878, 1888, 1890, 1892 REPEAL: 1857
Filed 07/15/2015
Effective 07/15/2015
Agency Contact: Ginger Wolfe (916) 341-7325

File# 2015-0618-01
CALIFORNIA DEPARTMENT OF TECHNOLOGY
Conflict-of-Interest Code

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

Title 2
Filed 07/15/2015
Effective 08/14/2015
Agency Contact: Kary Marshall (916) 403-9639

File# 2015-0605-02
CALIFORNIA HORSE RACING BOARD
Horse Ineligible to Start in a Race

This rulemaking action by the California Horse Racing Board (CHRB) amends section 1588 of title 4 of the California Code of Regulations to state that a horse on the Veterinarian's List in another racing jurisdiction is ineligible to start in a race, except with prior approval of the stewards based on good cause.

Title 4
AMEND: 1588
Filed 07/15/2015
Effective 10/01/2015
Agency Contact: Harold Coburn (916) 263-6026

File# 2015-0609-03
COMMISSION ON TEACHER CREDENTIALING
Administrative Services Credentials

The Commission on Teacher Credentialing (CTC) is amending one section and adopting one section in Title 5 of the California Code of Regulations. In this rule-making CTC is adding language to allow California prepared administrators to use teaching and/or service experience earned outside of California toward qualifying for the preliminary Administrative Services Credential (ASC). This rulemaking also clarifies the application procedure for individuals who pass a CTC approved examination in lieu of completing a preliminary program. The CTC is also adopting a new regulation to detail the requirements for the preliminary and clear ASC for administrators prepared outside of California. This rulemaking also updates an incorporated-by-reference document, the “Administrative Services Credential Program Standard” (rev. 6/2014).

Title 5
 ADOPT: 80054.1 AMEND: 80054
 Filed 07/20/2015
 Effective 10/01/2015
 Agency Contact: Tammy Duggan

File# 2015-0716-02
 DEPARTMENT OF FOOD AND AGRICULTURE
 Huanglongbing Interior Quarantine

This emergency regulatory action amends section 3439 of Title 3 of the California Code of Regulations. The amendment expands the quarantine area for Huanglongbing (HLB) disease by including the San Gabriel area of Los Angeles County. The effect of this amendment will provide authority for the State to perform quarantine activities against HLB within this additional area and existing regulated areas.

Title 3
 AMEND: 3439(b)
 Filed 07/21/2015
 Effective 07/21/2015
 Agency Contact: Sara Khalid (916)403-6625

File# 2015-0609-02
 DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY
 Used Mattress Recovery and Recycling Program

This rulemaking by the California Department of Resources Recycling and Recovery adopts sections in Title 14 of the California Code of Regulations, for the purpose of implementing SB 254 and SB 1274, the new Used Mattress Recovery and Recycling Act (Act). The Act seeks to reduce the illegal dumping of mattresses while increasing mattress recycling and reducing public agency costs associated with the end-of-life management of used mattresses.

Title 14
 ADOPT: 18959, 18960, 18961, 18962, 18963, 18964, 18965, 18966, 18967, 18968, 18969, 18970, 18971
 Filed 07/21/2015
 Effective 07/21/2015
 Agency Contact: Kate Nitta

File# 2015-0710-01
 DEPARTMENT OF SOCIAL SERVICES
 Participation Requirement Changes to the CalWORKS Welfare-to-Work Program

The Department of Social Services (the “Department”) submitted this emergency readopt action to maintain the changes adopted in OAL File No. 2015-0112-01EFP, which amended and adopted several sections in the Manual of Policies and Procedures (the “MPP”) in response to the passage of Senate Bill 1041 (2011-2012 Reg. Sess.). S.B. 1041 made substantial changes to Welfare-to-Work requirements in the California Work Opportunity and Responsibility to Kids program, and this action maintains the changes made through the original emergency rulemaking.

Title MPP
 ADOPT: 42-708, 42-709 Amend: 42-302, 42-701, 42-711, 42-712, 42-714, 42-716, 42-720, 42-721, 42-722, 42-802, 42-1009, 42-1010, 44-111
 Filed 07/20/2015
 Effective 07/21/2015
 Agency Contact: Ying Sun (916) 651-2586

File# 2015-0622-03
 FAIR POLITICAL PRACTICES COMMISSION
 Administrative Termination

This rulemaking by the Fair Political Practices Commission (Commission) amends section 18404.2, title 2 of the California Code of Regulations relating to Administrative Termination.

OAL’s review of FPPC proposed regulations is limited to the provisions of the APA as it was enacted on June 4, 1974, when voters adopted the California Political Reform Act. (*Fair Political Practices Commission v. Office of Administrative Law, Linda Stockdale Brewer*, (April 27, 1992, C010924 [nonpub. opn.]) OAL’s review is limited to determining if the proposed regulations comply with “the form and style prescribed by the Secretary of State. If the department approves the regulation or order of repeal for filing, it shall endorse on the certified copy thereof its approval for filing and shall transmit such copy to the Secretary of State.” (Former Gov. Code, sec. 11380.2, repealed by Stats. 1979, ch. 567, § 2.)

Title 2
 AMEND: 18404.2
 Filed 07/15/2015
 Effective 08/14/2015
 Agency Contact:
 Virginia Latteri-Lopez (916) 324-3854

File# 2015-0605-03
MENTAL HEALTH SERVICES OVERSIGHT AND ACCOUNTABILITY COMMISSION
 Mental Health Services Act Innovative Projects

This rulemaking action implements the Innovative Programs component of the Mental Health Services Act (Prop. 63, Section 9, approved Nov. 2, 2004, hereafter "MHSA"). The adopted regulations establish reporting requirements for county mental health agencies receiving MHSA Innovative Program funds. The regulations establish general requirements for innovative projects and for the time limiting, continuation, or early termination of a project and for project evaluation and change. The regulations also establish innovation project approval criteria and application requirements.

Title 9
 ADOPT: 3200.182, 3200.183, 3200.184, 3510.020, 3580, 3580.010, 3580.020, 3900, 3905, 3910, 3910.010, 3910.015, 3910.020, 3915, 3925, 3930, 3935
 Filed 07/16/2015
 Effective 10/01/2015
 Agency Contact:
 Filomena Yeroshek (916) 445-8701

File# 2015-0610-02
STATE ATHLETIC COMMISSION
 Boxer's Pension Fund

Title 4
 AMEND: 400, 401, 402, 403, 404, 405, 406
 Filed 07/22/2015
 Effective 10/01/2015
 Agency Contact: Sophia Cornejo (916) 263-2196

File# 2015-0611-04
STATE PERSONNEL BOARD
 GRP 1 Changes Re: Transfer of Authority

This action by the State Personnel Board (Board) makes changes without regulatory effect pursuant to section 100 of title 1 of the California Code of Regulations (CCR). The proposed amendments are intended to reflect the transfer of duties from the Board to the Department of Human Resources as set forth by the Governor's Reorganization Plan Number One and clean up bill, Statutes 2013, Chapter 427, section 91 (AB 1062).

Title 2
 AMEND: 548.42, 548.124
 Filed 07/16/2015
 Agency Contact: Jeanne Wolfe (916) 651-1043

File# 2015-0604-02
STATE WATER RESOURCES CONTROL BOARD
 Drinking Water Title 22 - Section 100

Senate Bill 861 (2013-2014 Reg. Sess.) transferred the authority, duties, powers, purposes, functions, responsibilities, and jurisdiction concerning California's drinking water program from the Department of Public Health to the State Water Resources Control Board (the "Board"). These changes without regulatory effect by the Board primarily amend regulations pertaining to recycled water for consistency with recent statutory changes. Additionally, the Board is amending the units in which nitrate-related references are stated in drinking water regulations.

Title 22
 AMEND: 60301.400, 60301.800, 60310, 64431, 64432, 64482
 Filed 07/16/2015
 Agency Contact: Karen Larsen (916) 341-5125

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN February 18, 2015 TO
 July 22, 2015**

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

Title 2
 07/16/15 AMEND: 548.42, 548.124
 07/15/15 AMEND: 59640
 07/15/15 AMEND: 18404.2
 07/10/15 AMEND: 18700, 18700.1, 18700.3, 18701, 18702, 18702.2, 18702.4, 18747
 06/22/15 ADOPT: 18700.3, 18707 AMEND: 18704 REPEAL: 18704.1, 18704.2, 18704.3, 18704.4, 18704.5, 18704.6
 06/22/15 AMEND: 18361.7
 06/16/15 AMEND: 39000, 39001, 39002
 06/02/15 AMEND: 10001, 10002, 10005, 10006, 10007, 10008, 10009, 10011, 10012, 10013, 10015, 10021, 10022, 10024, 10025, 10029, 10030, 10031, 10033,

CALIFORNIA REGULATORY NOTICE REGISTER 2015, VOLUME NO. 31-Z

10035, 10037, 10038, 10039, 10041,
10042, 10046, 10047, 10050, 10053,
10054, 10056, 10057, 10061, 10062,
10063, 10065
05/27/15 ADOPT: 61100, 61101, 61102, 61103,
61104, 61105, 61106, 61107, 61108,
61109, 61120, 61121, 61122, 61130,
61131, 61132, 61140
05/18/15 AMEND: 18703 REPEAL: 18703.2,
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04/07/15 AMEND: 87102, 87455, 87465, 87469,
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 02/18/15 ADOPT: 58621 AMEND: 58601, 58612, 58620
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 07/16/15 ADOPT: 3200.182, 3200.183, 3200.184, 3510.020, 3580, 3580.010, 3580.020, 3900, 3905, 3910, 3910.010, 3910.015, 3910.020, 3915, 3925, 3930, 3935
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 07/06/15 ADOPT: 6850, 6852, 6854, 6856, 6858, 6860, 6862, 6864, 6866, 6868
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 03/09/15 ADOPT: 4250, 4251, 4252, 4253, 4254, 4255, 4256, 4257, 4258, 4259
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 06/19/15 ADOPT: 16.00, 16.02, 16.04, 16.06, 16.08, 16.10, 16.12, 16.14
 05/29/15 ADOPT: 1153 AMEND: 1150.1, 1150.2, 1151.1, 1151.2, 1151.3, 1151.4, 1151.5, 1151.5.1, 1151.6, 1151.7, 1151.8, 1151.8.1, 1151.8.2, 1151.8.3, 1151.8.4, 1151.9, 1151.9.1, 1151.10, 1151.10.1, 1152.1, 1152.2, 1152.2.1, 1152.3, 1152.3.1, 1152.4, 1152.4.1, 1152.4.2, 1152.5, 1152.6, 1152.6.1, 1152.7, 1152.7.1 REPEAL: 1152.8
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04/06/15 AMEND: 15411

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06/01/15 ADOPT: 3335.5, 3341.1, 3341.2, 3341.3, 3341.4, 3341.5, 3341.6, 3341.7, 3341.8, 3341.9 AMEND: 3000, 3044, 3269, 3269.1, 3335, 3336, 3337, 3338, 3339, 3340, 3341, 3341.5, 3342, 3343, 3344

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05/26/15 AMEND: 2275

05/26/15 AMEND: 233

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04/27/15 ADOPT: 3999.18

04/22/15 AMEND: 3001, 3042, 3043, 3084.7, 3379, 3768.2

04/16/15 ADOPT: 3410.1 AMEND: 3173.2

03/17/15 ADOPT: 3410.2 AMEND: 3000, 3173.2, 3287, 3410.1

03/16/15 ADOPT: 1830.1, 1840.1, 1847.1, 1848.5, 1849.1, 1850.1 AMEND: 1800, 1806, 1812, 1814, 1830, 1831, 1840, 1847, 1848, 1849, 1850, 1851 1852, 1853, 1854, 1856, 1860, 1866, 1867, 1868, 1870, 1872, 1876, 1878, 1888, 1890, 1892 REPEAL: 1857

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06/23/15 AMEND: 1888

06/10/15 AMEND: 1388, 1388.6, 1389, 1392

06/02/15 ADOPT: 1399.469.1, 1399.469.2 AMEND: 1399.405, 1399.419

04/10/15 ADOPT: 1746.3

04/09/15 ADOPT: 1399.326, 1399.329, 1399.343, 1399.344, 1399.345, 1399.346 AMEND: 1399.301, 1399.350, 1399.351, 1399.352, 1399.395

04/09/15 AMEND: 4161

04/08/15 AMEND: 3306, 3310, 3340.10, 3351.1

04/01/15 ADOPT: 914.1, 914.2 AMEND: 918, 921, 921.1, 921.2

03/26/15 ADOPT: 977, 980.4 AMEND: 978, 979, 980, 980.1, 980.2, 980.3, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994

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06/09/15 AMEND: 1682
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06/24/15 ADOPT: 50188
06/10/15 AMEND: 72443, 72449, 72467
06/03/15 AMEND: 66262.12(b)
06/01/15 AMEND: 101169(d)(18), 101225(f),
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05/27/15 AMEND: 72516, 73518
05/20/15 AMEND: 52000
05/12/15 ADOPT: 51193.1, 51193.3 AMEND:
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