



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. COMMISSION ON STATE MANDATES

The Commission on State Mandates (Commission) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Commission has not scheduled a public hearing for this proposed action. However, 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, the Commission will conduct a public hearing on this proposed action on October 24, 2014, and will notify all persons of the date, time, and location of the hearing pursuant to Government Code section 11346.8(a).

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Commission. The written comment period closes at **5:00 p.m. on September 29, 2014**. The Commission will consider only comments received at the Commission offices by that time. Submit comments to:

Heidi Paichik, Program Analyst
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Written comments may be submitted electronically via the Commission website “Drop Box” at <http://www.csm.ca.gov/dropbox.shtml>.

AUTHORITY AND REFERENCE

Government Code section 17527(g) authorizes the Commission to adopt the proposed regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Commission is a seven-member quasi-judicial body authorized to resolve disputes regarding the existence of state-mandated local programs (Gov. Code, § 17500 et seq.) and to hear matters involving applications for a finding of significant financial distress (Welf. & Inst. Code, § 17000.6). The purpose of this rulemaking is to update the Commission’s Conflict-of-Interest Code and Appendix to conform to the current regulation numbering scheme, accurately reflect the Commission employees who are designated to file economic interest statements with the Fair Political Practices Commission (FPPC) and their disclosure categories, and make other non-substantive changes in capitalization and punctuation.

Therefore, the Commission proposes to amend Article 9, section 1189.10 to the California Code of Regulations, Division 2, Title 2, Chapter 2.5 with a proposed effective date per the quarterly schedule after filing with the Secretary of State.

The Political Reform Act requires state and local government agencies to adopt and promulgate conflict-of-interest codes. A conflict-of-interest code includes an appendix that identifies the officials and employees who are required to file statements of economic interest with the FPPC and designates disclosure categories for each official and employee. The FPPC’s regulations contain a standard Conflict-of-Interest Code, which state agencies can incorporate by reference into their own regulations. Therefore, the Commission adopts the FPPC’s standard Conflict-of-Interest Code as its own under section 1189.10 of the Commission’s regulations, along with the Appendix in which officials and employees are designated disclosure categories.

Under the FPPC’s regulations, substantive amendments to the Conflict-of-Interest Code and Appendix require initiation of a rulemaking package. The following is a summary of the proposed regulations:

Section 1189.10. General Provisions

Specific Purpose of the Regulation

This section contains the Commission’s Conflict-of-Interest Code and the Appendix that specifies which Commission employees are designated to file statements of economic interest with the FPPC and their disclosure categories.

Proposed Changes

The proposed changes revise existing classification titles and add a new civil service classification as follows:

- Revise Staff Counsel III;
- Revise Staff Counsel;
- Add Senior Legal Analyst; and

- Make other non-substantive changes in capitalization and punctuation.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Commission 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 non-discretionary cost or savings imposed on local agencies: None
- Cost or savings in federal funding to the state: None
- Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None
- Significant effect on housing costs: None
- Cost impacts on a representative private person or business: The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

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

Small Business Determination: Because the Commission has no jurisdiction over small businesses, the proposed regulatory action will have no impact on small businesses.

CONSIDERATION OF ALTERNATIVES

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

The Commission 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:

Heidi Palchik, Program Analyst
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
Telephone: (916) 323-3562
(heidi.palchik@esm.ca.gov)

The backup contact person for these inquiries is:

Jason Hone, Assistant Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814
Telephone: (916) 323-3562
(jason.hone@esm.ca.gov)

Please direct requests for copies of the proposed text (the “express terms”) of the regulations, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Ms. Heidi Palchik at the above address or download it from the Commission’s website at <http://esm.ca.gov/rulemaking.shtml>.

AVAILABILITY OF TEXT OF PROPOSED REGULATIONS

The Commission will have the entire rulemaking file 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 notice of intention to amend, and the Commission order to initiate rulemaking proceedings.

Copies may be obtained on the Commission’s website (see below) or by contacting Ms. Heidi Palchik at the address or phone number listed above. All persons on the Commission’s rulemaking mailing list will be notified of the rulemaking file on the Commission’s website.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, and holding a public hearing, if necessary, the Commission may adopt the proposed regulations substantially as described in this notice. If the Commission makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Commission

adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Ms. Heidi Palchik at the address indicated above. The Commission will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of this notice, the text of the proposed regulations in ~~strikeout~~ and underline, and the notice of intention to amend can be accessed through the Commission's website at <http://csm.ca.gov/rulemaking.shtml>.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

The Department of Food and Agriculture amended subsection 3435(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Asian Citrus Psyllid Interior Quarantine as an emergency action which was effective on June 17, 2014. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than December 15, 2014.

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

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to Lindsay.rains@cdfa.ca.gov. The written comment period closes at 5:00 p.m. on September 29, 2014. The Department will consider only comments received at the Department offices by that time. Submit comments to:

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

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

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

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

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

Anticipated Benefits from This Regulatory Action

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

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

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

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

The existing law obligates the Secretary to investigate and determine the feasibility of controlling or eradicating pests of limited distribution but establishes discretion with regard to the establishment and maintenance of regulations to achieve this goal. This amend-

ment provides the necessary regulatory authority to prevent the artificial spread of a serious insect pest which is a mandated statutory goal.

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

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

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

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

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

The Department considered any other possible related regulations in this area, and we find that these are the only regulations dealing in this subject area, and the only State agency which can implement plant quarantines. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of this regulation and has determined that it is not inconsistent or incompatible with existing state regulations.

AMENDED TEXT

This proposed emergency action expanded the quarantine area for ACP in the Visalia area of Tulare County by approximately 14 square miles. The effect of the

amendment of this regulation is to provide authority for the State to perform quarantine activities against ACP within this additional area. The total area which would be under regulation is now approximately 46,544 square miles.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

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

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

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

Cost impacts on a representative private person or business: Most businesses will not be affected. There is one citrus packing house located within this additional quarantine area. This will give citrus growers already within the quarantine area an additional packing house to opt to send their fruit to without prior treatment.

Small Business Determination

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

Significant effect on housing costs: None.

Results of the Economic Impact Analysis

Amendment of these regulations will not:

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

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

State's economic health and this amendment will help protect this source of revenue.

ALTERNATIVES CONSIDERED

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

AUTHORITY

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

REFERENCE

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

CONTACT

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

INTERNET ACCESS

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

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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

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

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

Notice is hereby given that the Department of Food and Agriculture (Department) is proposing to take the action described in the Informative Digest. A public hearing is not scheduled for this proposal. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Any person interested may present statements or arguments in writing relevant to the action proposed to the person designated in this notice as the contact person beginning August 15, 2014, and ending at 5 p.m. on September 29, 2014. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the Department, upon its own motion or at the insistence of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 407 of the Food and Agricultural Code, and to implement, interpret or make specific section 62580 of said code, the Department proposes to

amend Section 2100, of the California Code of Regulations, Title 3, Chapter 3, Subchapter 4, Article 1, Eligibility for Coverage.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

The Department proposes to amend section 2100, which establishes the definition of a *beneficial ownership*. This affects producers and handlers of milk and the matter of liability for producer payment during certain circumstances when a producer has or does not have a beneficial ownership interest in a handler. This proposal will provide for amending the regulations to align with the code and result in a streamlined and more efficient process for administering the Milk Producers Security Trust Fund.

Existing state law provides that the Department, for the purposes of protecting producers against loss of payment for bulk milk, and for the establishment of a system to provide payment security for producers, may adopt regulations that are reasonably necessary to carry out the provisions of the Food and Agricultural Code. In section 2100, with regard to the definition of a beneficial ownership interest, this proposal will seek to eliminate the 10% threshold as well as other requirements for establishing a beneficial ownership interest.

Objectives/Benefits

The broad objective of the proposed regulations is to ensure the financial integrity of the Milk Producers Security Trust Fund (MPSTF) by streamlining certain regulatory functions as performed by the department. Especially as related to the processing of claims made against the MPSTF, the proposed amended regulations will benefit the producers and handlers of milk by ensuring to the greatest extent that potential claims are evaluated for possible payment within the context of the governing statutes. This proposal, if adopted, may serve to restrict to a greater degree than at present, the payment of claims made against the MPSTF. This benefits the California dairy industry which provides for economic benefits to the people of this state including possible job creation opportunities. The continuous marketing of milk as an essential food nutrient promotes good health and wellness to the public. Therefore, the benefits derived from the proposed changes will create a positive impact to the health and general welfare of the people of California.

Based on an initial evaluation, the Department does not believe that the proposed regulations are inconsistent or incompatible with existing state or federal regulations.

**FISCAL IMPACT STATEMENTS/DISCLOSURES
REGARDING THE PROPOSED ACTION**

The Department has made the following initial determinations:

Fiscal impact on public agencies including costs or savings to state agencies or cost/savings in federal funding to the state: None.

Mandate on local agencies and school districts: None.

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

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: The Department has made an initial determination that no statewide adverse economic impact will occur affecting the ability of California businesses to compete with businesses in other states. This determination was made based on the fact the Milk Producers Security Trust Fund, as a vehicle for protecting the interests of producers from loss of payment, is protected from claims from producers having a beneficial ownership interest in a handler receiving the producers' milk.

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. However, a representative private person or business would incur a reduced liability for assessments paid to the Milk Producers Security Trust Fund or a reduction in the value of acceptable financial instruments submitted to the Secretary to cover producer payment liabilities of handlers above the cash value held currently in the Milk Producers Security Trust Fund bank account. Also, producers who now qualify as having beneficial ownership in the handler they ship their milk to will now not have Trust Fund coverage if the handler defaults on their payments to producers for milk delivered. Historically, the Department has processed fewer than one claim per year against the trust fund.

Amendment of these regulations will not affect to any significant degree:

- (1) The creation or elimination of jobs within California;
- (2) The creation of new businesses or elimination of existing businesses within California;
- (3) Affect the expansion of businesses currently doing business within California; or,
- (4) Affect the health and welfare of California residents, worker safety and the state's environment.

Benefits of the Regulation

For additional information on the benefit analysis of the proposed rulemaking, please see “Objectives/Benefits” under the Informative Digest/Policy Statement Overview.

Significant effect on housing costs: None.

Small Business Determination: The Department has determined that the proposed regulations may affect small businesses. In determining the frequency or distribution of small businesses among the handler licensees, the Department has calculated that fewer than 31% of the milk handlers would meet the definition of small business as contained in Government Code 11342.610.

ALTERNATIVES CONSIDERED

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

The foregoing is based on the Department’s evaluation of alternatives provided by industry groups representing both producers and handlers.

One alternative is retaining the 10% threshold as an essential element of the definition of beneficial ownership interest. The reasoning being an interpretation of “the Department’s task of balancing a goal of equal raw product costs with a need to have provisions addressing individuals or entities who have a ‘real’ ownership stake in the handler(s) they work with.” The Department is rejecting the retaining of a 10% ownership stake minimum threshold in determining beneficial ownership interest based on a plain language interpretation of the governing statutes and based on its desire to more effectively administer a claims process that ensures to the greatest extent possible the financial integrity of the MPSTF.

A second alternative proposed amended definition of beneficial ownership interest could be constructed as follows:

- 1) Eliminate any reference to ‘debt’ or ‘lien’ in constructing a definition based on dictionary references and an interpretation of the governing statute.
- 2) Eliminate the two-part requirement in the proposed definition and remove any reference to “occupying some role or office or position” based on an interpretation of the governing statutes.

- 3) Possibly introduce a 10% ownership interest threshold for “publicly-traded” handlers but not otherwise based on an interpretation of the governing statutes and based on the “practical safeguards” made present through “brokers, regulators, and stockholders.”

The Department is rejecting these suggestions based on a plain language interpretation of the governing statutes and based on its desire to more effectively administer a claims process that protects the interests of producers while ensuring the financial integrity of the MPSTF.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the hearing (if a hearing is requested) or during the written public comment period.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed is: John Lee, Department of Food and Agriculture, Milk Pooling Branch, 1220 N Street, Sacramento, California 95814, (916) 900-5012, FAX (916) 900-5340, E-mail: jlee@cdfa.ca.gov. In Mr. Lee’s absence, you may contact David Hillis, Marketing Division at (916) 900-5018. Questions regarding the substance of the proposed regulation should be directed to:

John Lee
 Department of Food and Agriculture
 Milk Pooling Branch
 1220 N Street
 Sacramento, CA 95814
 jlee@cdfa.ca.gov
 916-900-5012
 916-900-5340 (FAX)

Written comments should include the author’s name and U.S. Postal Service mailing address in order for the department to provide copies of any notices for proposed changes to the regulation text on which additional comments may be solicited.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet Website (www.cdfa.ca.gov/mkt/regulations.html).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed

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

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

TITLE 5. COMMISSION ON TEACHER CREDENTIALING

Division VIII of Title 5 of the California Code of Regulations

Proposed Addition to Title 5 of the California Code of Regulations Pertaining to Cost Recovery Fees for Accreditation Activities

The Commission on Teacher Credentialing (Commission) proposes to take the regulatory action described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

A public hearing on the proposed action will be held:

October 10, 2014

8:30 a.m.

Commission on Teacher Credentialing

1900 Capitol Avenue

Sacramento, California 95811

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments by fax, through the mail, or by email relevant to the proposed

action. The written comment period closes at 5:00 p.m. on September 29, 2014. Comments must be received by that time or may be submitted at the public hearing. You may fax your response to (916) 327-3165; write to the Commission on Teacher Credentialing, attn. Kathryn Polster, 1900 Capitol Avenue, Sacramento, California 95811; or submit an email at kpolster@ctc.ca.gov.

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

AUTHORITY AND REFERENCE

Education Code (EC) section 44225 authorizes the Commission to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific EC section 44374.5 that authorizes the Commission to implement an annual accreditation fee schedule for all institutions that are approved to operate educator preparation programs.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws and Regulations

Senate Bill (SB) 858 (Chap. 32, Stats. 2014) amended EC section 44374.5, thereby authorizing the Commission to develop and implement an annual accreditation fee schedule. The purpose of the proposed annual accreditation fee is to implement a cost-sharing plan for accreditation activities.

The Commission approved emergency regulations related to annual accreditation fees on June 20, 2014 at the regularly scheduled meeting. Following Commission approval, emergency regulations were submitted to the Office of Administrative Law (OAL). On July 11, 2014, OAL approved adding sections 80693 and 80694 to Title 5 of the California Code of Regulations (CCR) on an emergency basis. These emergency regulations became effective on August 7, 2014 and expire on January 8, 2015.

Fee Evaluation Framework

In order to evaluate the various alternatives (fee options) for setting the annual accreditation fee, criteria was first established. The following section details the basis by which the Commission evaluated various fee options.

- *Administrative ease* — The ease by which a fee could be administered should be a factor in the evaluation of fee options. To reduce administrative costs that impact the ability of the Commission to fully utilize revenue to cover program review activities, the fee policy should not be overly burdensome for the Commission. An efficient fee policy should also have minimal administrative costs for program sponsors.
- *Non-regressive, non progressive* — The inherent fairness of a fee should be a factor in the evaluation of fee options. The variety of institutions suggests a range of abilities to absorb the impact of the new fees.
- *Reflective of accreditation costs* — The extent to which a fee policy reflects the Commission’s costs associated with program review workload should be considered. Because the proposed statute allows for the fees to cover the “standard” costs of accreditation, the fee should consider standard costs associated with the accreditation function. This should include costs for travel by site visit volunteers, hotel and food costs, and other accreditation-related costs.
- *Addresses Cash Flow Problems* — The Commission has struggled with cash flow problems in recent history. Fees could be scheduled so that they are due in the Fall months, providing some level of cash flow relief during the months that credential application revenues are low.

Composition of Annual Accreditation Fees

The annual accreditation fees will be comprised of an institution fee and a program fee. The institution fee is based on the average number of credential recommendations made by an institution over the most recent three-year period. Program fees are based on the number of Commission-approved educator preparation programs offered by an institution. The annual accreditation fee is used to cover the costs of ongoing reviews of existing educator preparation programs with program assessment and site visits utilizing the largest part of the accreditation budget. There are also other related activities required to maintain a high level of educator preparation in the state of California.

Program Assessment

Program assessment occurs in Year Four of the seven-year accreditation cycle and is a review of all programs offered by an institution. Program assessment

is used to assist the institution in preparing for the site visit in Year Six as well as providing information to the site visit team. Two qualified and trained education professionals review the program assessment documents in a protected environment facilitated by Commission staff to determine if the programs are preliminarily aligned with the program standards.

Site Visit

The Commission’s accreditation system includes a site visit in Year Six of the accreditation cycle. The focus of a site visit is mainly on the Common Standards, but may include any program areas identified in advance by the Committee on Accreditation (COA) as a result of the program assessment process. The size of the site visit team is dependent upon the number of programs and size of the institution. Additional site visit team members may be required when a program at an institution has not completed the program assessment process (noted in the paragraph above) prior to the visit.

Necessity of Accreditation Activities

The Commission implements a seven-year accreditation cycle that includes three major components: 1) program assessment, 2) biennial reports, and 3) site visits. The accreditation system relies on educators (those who prepare educators and practicing educators) to review the educator preparation programs. The individuals who apply for this work are selected based on identified criteria. They complete training and then join the Board of Institutional Reviewers (BIR). In addition, training of BIR members and site visit team leads; regularly scheduled COA meetings; and ongoing program standards and accreditation framework review and revision are functions associated with the accreditation system. Costs are primarily incurred for components of the accreditation system that require the use of experts from the field to determine if the documentation provided by institutions regarding the quality of their program’s operations, faculty, and services for candidates are aligned to the requirements of the Commission’s adopted standards. Expenses include reimbursement for the travel of volunteers and staff who review documents and participate in the accreditation system.

Summary of Proposed Annual Accreditation Fees and Due Dates — Institution Fee and Program Fee

Table A provides the five tiers of the Institution Fee. The number of recommendations is based on a three-year average for each institution. Table B provides the individual program fee an institution can expect to pay based on the number and type of programs being sponsored.

Table A. Institution Fee: Average Number of Candidate Recommendations (over 3 years)

Tier	Recommendations	# of Sponsors in Tier	Fee per institution	Potential Revenue
1	0–50	152	\$1,000	\$152,000
2	51–100	32	\$1,400	\$44,800
3	101–300	26	\$1,800	\$46,800
4	301–600	21	\$2,200	\$46,200
5	Over 600	20	\$2,500	\$50,000

Table B: Program Fee

Type of Educator Preparation Program	Program Fee
Initial Preparation programs — usually those with 12 or more Program Standards	\$400
Intern Programs — If an institution offers an educator preparation program (preliminary teaching or administrative services programs) in both a traditional and an intern delivery model, there is an additional \$150 annual fee	\$150
Second Level/Specialist programs — usually those with 6–11 Program Standards	\$300
Added Authorization or Special Class/Teaching Authorization programs — usually those with fewer than 6 Program Standards	\$200
Inactive programs — If an institution elects to declare a Commission–approved educator preparation program Inactive a \$50 annual fee will be assessed for each inactive program	\$50

Extraordinary Activity Fee

In addition to the program and institution fees, the proposed regulations also include an extraordinary activity fee of \$500 to be charged when an institution does not pay the total Annual Accreditation fee by November 1 of any given year. EC section 44374.5(b) includes the following language: “The commission–approved entities a fee to recover the costs of accreditation activities in excess of the regularly scheduled data reports, program assessments, and accreditation site visits. This includes, but is not necessarily limited to, accreditation revisits, addressing stipulations, or program assessment reviews beyond those supported within the standard costs of review.”

The purpose of this extraordinary activity fee is to recover the cost for additional staff time involved in collecting an overdue debt including tracking late payments, letters, emails, and phone calls to request payment by the institution. Since payments are due by a specific date, late payments mean that staff have to be redirected from other work to handle late payments. In

some instances the payment may be made so late that the accreditation visit may incur charges that cannot be refunded (like hotel rooms and meeting rooms) if the site visit or other accreditation activities must be cancelled at the last minute due to non–payment. The extraordinary activity fee is not a fine.

Fee Schedule Due Dates

The September 1 due date provides the Commission with the needed cash flow relief during the months that credential application revenues are low and staff are more available for processing of invoices and payments. Additionally, the fall due date provides the Commission with a more specific budget outlook while planning for the travel–heavy spring accreditation activities, including site visits.

Objectives and Anticipated Benefits of the Proposed Regulations

The objectives of the proposed regulations amendments are to establish an annual accreditation fee sched-

ule that will allow the Commission to continue to perform its statutorily–mandated accreditation duties.

The Commission anticipates that the proposed amendments will benefit the welfare of students attending public schools in the State of California by providing the monetary means to perform its statutorily–mandated accreditation duties, thereby ensuring high quality educator preparation for the instruction of California public school pupils.

The proposed regulations will promote fairness and prevent discrimination by specifying that the annual accreditation fees apply to all institutions offering Commission–approved educator preparation programs, regardless of agency type. The proposed regulations will also increase openness and transparency in government by clarifying the annual accreditation fees associated with the accreditation of institutions offering Commission–approved educator preparation programs. The Commission does not anticipate that the proposed regulations will result in the protection of public health and safety, worker safety, or the environment, the prevention of social inequity or an increase in openness and transparency in business.

Determination of Inconsistency/Incompatibility with Existing State Regulations

The Commission has determined that the proposed regulation amendments are not inconsistent or incompatible with existing regulations. SB 858 amended EC section 44374.5 which delineates the difference between the normal standard costs of reviewing existing educator preparation programs and costs of accreditation activities in excess of the regularly scheduled activities.

There are no other 5 CCR sections that specify fees for routine accreditation activities associated with existing Commission–approved programs. 5 CCR sections 80691 and 80692 specify fees for new institution and/or program approval and extraordinary costs associated with accreditation. These fees apply only to activities that go above and beyond the routine scope of work related to the accreditation system.

DOCUMENTS INCORPORATED BY REFERENCE

Accreditation Handbook Chapter Three, Institutional and Program Approval (rev. 2013): <http://www.ctc.ca.gov/educator-prep/accred-handbook/AH-Chapter-03.pdf>

DOCUMENTS RELIED UPON IN PREPARING REGULATIONS

April 2014 Commission Agenda Item 5A: <http://www.ctc.ca.gov/commission/agendas/2014-04/2014-04-5A.pdf>

June 2014 Commission Agenda Item 3A: <http://www.ctc.ca.gov/commission/agendas/2014-06/2014-06-3A.pdf>

DISCLOSURES REGARDING THE PROPOSED ACTIONS

The Commission has made the following initial determinations:

Mandate to local agencies or school districts: None.

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

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

Cost or savings to any state agency: In the 2014–2015 fiscal year costs of \$2,550 to \$11,600 will be incurred by California State University and University of California institutions. These costs are associated with the average number of credential candidates recommended over the most recent three year period combined with the per program cost for each Commission–approved educator preparation program a university operates. Due to the variables in the calculation the fees are subject to change annually depending on the number of recommendations and operating programs.

Costs associated with accreditation activities vary depending on the scope of review required and the number of reviewers needed to accomplish the activity. There are currently 23 California State Universities (CSU) offering approximately 19 programs per entity (447 CSU programs) and 8 Universities of California (UC) offering approximately 10 programs per entity (79 UC programs) for a total of approximately 526 programs. There are also currently 56 private institutions of higher education offering approximately 8 programs per entity (473 programs) and 165 school districts and county offices of education offering approximately two programs per entity for a total of approximately 347 programs.

CSUs, UCs, private institutions, school districts, and county offices of education are not required by statute or regulations to offer Commission–approved programs. Further, the annual accreditation fees are not intended to be punitive in nature. The fees are proposed as

a means for the Commission to recover incurred costs associated with the accreditation activities as provided in EC section 44374.5(a).

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

Significant effect on housing costs: None.

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

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

Cost impacts on a representative private person or business: There are currently 56 private colleges and universities offering approximately eight programs per institution for a total of approximately 473 programs. The 2014–15 annual accreditation fees for private institutions ranges between \$1,000 and \$10,650 dependent upon the average number of credential recommendations and number of Commission–approved educator preparation programs being offered by the institution. Refer to the *Cost or savings to any state agency* section on page 1443 for additional information on the calculation of the fees.

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

Statement of the Results of the Economic Impact Assessment [Govt. Code § 11346.5 (a)(10)]: The Commission concludes that it is (1) unlikely that the proposal will create any jobs within the State of California; 2) unlikely that the proposal will eliminate any jobs within the State of California; 3) unlikely that the proposal will create any new businesses within the State of California; 4) unlikely that the proposal will eliminate any existing businesses within the State of California; and 5) unlikely the proposal would cause the expansion of businesses currently doing business within the State of California.

Benefits of the Proposed Action: The Commission anticipates that the proposed amendments will benefit the welfare of students attending public schools in the State of California by providing the monetary means to perform its statutorily–mandated accreditation duties, thereby ensuring high–quality educator preparation for the instruction of California public school pupils.

Effect on small businesses: The proposed regulations will not have a significant adverse economic impact upon business. The proposed regulations apply only to institutions electing to offer Commission–approved and accredited educator programs.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commission must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed, would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost–effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The Commission invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period or at the public hearing.

CONTACT PERSON/FURTHER INFORMATION

General or substantive inquiries concerning the proposed action may be directed to Kathryn Polster by telephone at (916) 445–0928 or Kathryn Polster, Commission on Teacher Credentialing, 1900 Capitol Avenue, Sacramento, CA 95811. General question inquiries may also be directed to Angel Lopez at (916) 327–2969 or at the address mentioned in the previous sentence. Upon request, a copy of the express terms of the proposed action and a copy of the initial statement of reasons will be made available. This information is also available on the Commission’s website at www.ctc.ca.gov. In addition, all the information on which this proposal is based is available for inspection and copying.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The entire rulemaking file is available for inspection and copying throughout the rulemaking process at the Commission office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of the Notice of Proposed Rulemaking, the proposed text of regulations, the Initial Statement of Reasons, an economic impact assessment/analysis contained in the Initial Statement of Reasons, and Commission agenda items 5A from the April 2014 meeting and 3A from the June 2014 meeting. Copies may be obtained by contacting Kathryn Polster at the address or telephone number provided above.

MODIFICATION OF PROPOSED ACTION

If the Commission proposes to modify the actions hereby proposed, the modifications (other than nonsub-

stantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The Final Statement of Reasons is submitted to the Office of Administrative Law as part of the final rule-making package, after the public hearing. Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Kathryn Polster at (916) 445-0928.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

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

TITLE 8. WORKERS’ COMPENSATION APPEALS BOARD

RULES OF PRACTICE AND PROCEDURE

TITLE 8, CALIFORNIA CODE OF REGULATIONS, SECTIONS 10213 THROUGH 10296 AND SECTIONS 10300 THROUGH 10999 (i.e., Division 1, Chapter 4.5, Subchapters 1.9 & 2)

NOTICE IS HEREBY GIVEN that the Workers’ Compensation Appeals Board (WCAB) proposes to amend its Rules of Practice and Procedure (Rules),¹ as described below, after considering all comments, objections, and recommendations regarding the proposed action. *Although equal weight will be accorded to oral and written comments, **the WCAB prefers written comments to oral testimony and prefers written comments submitted by e-mail. If written comments are timely submitted, it is not necessary to present oral testimony at the public hearing.***

The WCAB’s proposed amendments to its Rules are being initiated pursuant to its rulemaking power under Labor Code sections 5307(a), 133, 5309 and 5708,² subject to the procedural requirements of section 5307.4. This Notice of Proposed Rulemaking and the

accompanying Initial Statement of Reasons have been prepared to comply with the procedural requirements of section 5307.4 and for the convenience of the regulated public to assist it in analyzing and commenting on this largely non-APA rulemaking process.³

PUBLIC HEARING

The WCAB will hold a public hearing starting at **10:00 a.m. on Wednesday, September 17, 2014**, in the Santa Barbara Room, Basement Level, of the Hiram Johnson State Office Building located at 455 Golden Gate Avenue, San Francisco, California. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action. Public comment will begin promptly at 10:00 a.m. and will conclude when the last speaker has finished his or her presentation. To provide everyone with an opportunity to speak, public testimony will be limited to 10 minutes per speaker and should be specific to the proposed regulations. Testimony which would exceed 10 minutes may be submitted in writing. If public comment concludes before the Noon recess, no afternoon session will be held.

The state office building and its hearing rooms are accessible to persons with mobility impairments. Alternate formats, assistive listening systems, sign language interpreters, or other type of reasonable accommodations to facilitate effective communication for persons with disabilities, are available upon request. Please contact the Statewide Disability Accommodation Coordinator, Kathleen Estrada, at 1-866-681-1459 (toll free), or through the California Relay Service by dialing 711 or 1-800-735-2929 (TTY/English) or 1-800-855-3000 (TTY/Spanish) as soon as possible to request assistance.

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

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representatives, may submit written comments to the WCAB relevant to the proposed rulemaking. The written comment period closes at **5:00 p.m. on Wednesday, September 17, 2014**. The WCAB will consider only comments it has *received* by that time. The address for

¹ See Cal. Code Regs., Title 8, Division 1, Chapter 4.5, Subchapter 1.9, section 10213 et seq., and Subchapter 2, section 10300 et seq.

² All further statutory references are to the Labor Code unless otherwise specified.

³ Under Government Code section 11351, the WCAB is not subject to Article 5 (Gov. Code, § 11346 et seq.), Article 6 (*id.* § 11349 et seq.), Article 7 (*id.* § 11349.7 et seq.), or Article 8 (*id.* § 11350 et seq.) of the rulemaking provisions of the Administrative Procedure Act (APA), with the sole exception that section 11346.4(a)(5) [publication in the California Regulatory Notice Register] does apply to the WCAB.

submission of comments by e-mail is WCABRules@dir.ca.gov. The address for submission of comments by mail is: Margaret Hosel, Assistant Secretary, Workers' Compensation Appeals Board, P.O. Box 429459, San Francisco, CA 94142-9459. The address for submission of comments by delivery service or personal delivery is: Margaret Hosel, Assistant Secretary, Workers' Compensation Appeals Board, 455 Golden Gate Avenue, Ninth Floor, San Francisco, CA 94102. Comments also may be submitted by facsimile (Fax) at 1-415-703-4549.

AUTHORITY AND REFERENCE

Labor Code sections 5307(a), 133, 5309 and 5708, authorize the WCAB to adopt the proposed regulations. The proposed regulations implement, interpret and make specific various sections of the Labor Code.

DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

The WCAB has made the following initial determinations:

Mandate on Local Agencies and School Districts: None.

Cost to Any Local Agency or School District That Is Required To Be Reimbursed Under Part 7 (Commencing with Section 17500) of Division 4 of the Government Code: None.

Other Nondiscretionary Costs or Savings to Local Agencies: None.

Cost or Savings to Any State Agency or 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.

Effect on Small Business: None.

Cost Impacts on Representative Private Persons or Businesses: None.

Other Impacts on Jobs and Businesses: None.

Effect on Housing Costs: None.

The adoption of these regulations is not expected to create or eliminate jobs or businesses in the State of California or reduce or expand businesses currently doing business in the State of California.

CONSIDERATION OF ALTERNATIVES

Under Government Code section 11351, the WCAB is *not* subject to the provisions of Government Code section 11346.5(a)(13). Nevertheless, the WCAB in-

cludes interested persons to present statements or arguments at the scheduled hearing or during the written comment period regarding reasonable alternatives that would be more effective in carrying out the purpose of this rulemaking, or would be as effective and less burdensome to the affected private persons, than the proposed action of this rulemaking.

PRE-NOTICE PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

Under Government Code section 11351, the WCAB is *not* subject to the provisions of Government Code section 11346.45 relating to pre-notice public review and comment of contemplated amendments to its Rules.

CONTACT PERSONS

Nonsubstantive inquiries concerning this rulemaking action, such as requests to be added to the e-mail and/or mail distribution list(s) or requests for copies of rule-making documents (e.g., the proposed regulations, the Initial Statement of Reasons), may be directed to: Annette Gabrielli, Regulations Coordinator, Workers' Compensation Appeals Board, P.O. Box 429459, San Francisco, CA 94142-9459, E-mail: WCABRules@dir.ca.gov, Phone: (415) 703-4580. The backup contact person for nonsubstantive inquiries is Margaret Hosel, Assistant Secretary, at the same address, email address, and phone number.

The contact person for substantive inquiries is: Margaret Hosel, Assistant Secretary, Workers' Compensation Appeals Board, P.O. Box 429459, San Francisco, CA 94142-9459, E-mail: WCABRules@dir.ca.gov, Phone: (415) 703-4580. The backup contact person for substantive inquiries is: Neil P. Sullivan, Assistant Secretary and Deputy Commissioner at the same address, email address and telephone number.

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

Throughout the rulemaking process, the WCAB will have its entire rulemaking file available for inspection and copying at its office at 455 Golden Gate Avenue, 9th Floor, San Francisco, CA 94102, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday (excluding holidays). In addition, the above-cited materials may be accessed on the internet at www.dir.ca.gov/wcab/WCABPropRegsAug2014.htm. As of the date of this Notice, the rulemaking file consists of this Notice, the Initial Statement of Reasons, the proposed text of the regulations, and the Form 399.

AUTOMATIC MAILING

A copy of this Notice, the Initial Statement of Reasons, and the text of the proposed regulations will automatically be sent to those interested persons on the mailing list of the WCAB, and to all persons who have requested notice of hearing as required by Labor Code Section 5307.4.

If adopted, the regulations with any final amendments will appear in the California Code of Regulations at Title 8, Division 1, Chapter 4.5, Subchapter 2, commencing with Section 10300. The text of the final regulations also may be available through the website of the Office of Administrative Law at www.oal.ca.gov.

TITLE 14. OFFICE OF SPILL PREVENTION AND RESPONSE

Notice is hereby given that the Office of Spill Prevention and Response (OSPR) within the Department of Fish and Game, proposes to amend Sections 790, and 791.6 through 795 in Subdivision 4 of Title 14 of the California Code of Regulations (CCR). These sections pertain to the Certificate of Financial Responsibility requirements.

PUBLIC HEARING

Pursuant to Gov. Code S. 11346.8(a), **no public hearing has been scheduled** on the proposed action. However, a hearing will be held if OSPR receives a written request for a public hearing from any interested person, no later than 15 days prior to the close of the written comment period. If a hearing is requested, it will be held in Sacramento. **Copies of the written comments submitted will be made available upon request.**

SUBMISSION OF WRITTEN COMMENTS

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to OSPR. All written comments must be received by OSPR at this office no later than **5:00 p.m. on September 30, 2014**, in order to be considered. Written comments may be submitted by mail, fax, or e-mail, as follows:

Department of Fish and Game
 Office of Spill Prevention and Response
 P.O. Box 944209
 Sacramento, California 94244-2090
 Attention: Joy D. Lavin-Jones
 Fax: (916) 324-5662
 E-mail: Joy.Lavin-Jones@Wildlife.ca.gov

PERMANENT ADOPTION OF REGULATIONS

OSPR may thereafter adopt the proposal substantially as described in this Notice, 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 proposals — with changes clearly indicated — will be available for 15 days prior to its adoption from the person designated in this Notice as contact person. The text 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

Government Code Section 8670.37.54(b) grants the Administrator the authority to adopt regulations governing policy or other contractual terms, conditions or defenses which are necessary or which are unacceptable in establishing evidence of financial responsibility. Accordingly, the proposed regulations implement, interpret and make specific Government Code Sections 8670.37.51 through 8670.37.57 relating to financial responsibility.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act (Act), enacted in 1990 by Senate Bill 2040, created a comprehensive state oil spill program for marine waters.

The Act mandates that all vessel and marine facility owner/operators shall be prohibited from transporting oil or operating a marine facility which transfers oil to or from a vessel in California, without first obtaining a certificate demonstrating specified levels of financial responsibility to pay for any costs resulting from oil spills occurring in California marine waters, or in locations which could affect California marine waters.

Pursuant to the authority in the Act, OSPR currently has regulations (Title 14, California Code of Regulations, Sections 791 through 797) which define terms used in the regulations; establish procedures for applying for a California Certificate of Financial Responsibility (COFR); establish required levels of financial responsibility and certificate requirements for owners or operators of vessels and marine facilities, and owners of oil; provide information on the types of evidence required in order to establish financial responsibility; inform the regulated community of those situations in which a certificate may be revoked; and, provide the methods for reporting changes which could affect the certificant's ability to comply with the financial responsibility requirements.

This proposal would amend the regulations as follows:

- add the requirement for Agent for Service of Process;
- clarify COFR documentation submittal timeframes;
- clarify which COFR forms are to be used, and simplify the content of the COFR;
- clarify notice time frames to OSPR for cancellation or termination of insurance;
- provide additional time for the submittal of insurance endorsements (non-P&I Club);
- and; clarify subsidiary/parent company documentation.

INCORPORATED BY REFERENCE FORMS

Application for Certificate of Financial Responsibility for Operators or Owners of Tank Vessels (application), DFW Form 1925 (8/14)

Application for Certificate of Financial Responsibility for Operators or Owners of Nontank Vessels (application), DFW Form 1972 (8/14)

Application for Certificate of Financial Responsibility for Marine Facilities (application), DFW Form 1924 (8/14)

Application for Certificate of Financial Responsibility for Owners of Oil (application), DFW Form 1947 (8/14)

Application for Certificate of Financial Responsibility for Mobile Transfer Units (application) DFW Form 1946 (8/14)

Guaranty FG OSPR form 1928 (01/08)

NONMONETARY BENEFITS

The specific nonmonetary benefits provided by these proposed regulation amendments include benefits to the health and welfare of California residents, worker safety, and the state's environment by ensuring that marine facilities and vessels operating in California's marine waters have the financial resources in place to pay for the costs of an oil spill and the resulting damages.

COMPATIBILITY STATEMENT

After conducting an evaluation for any regulations relating to this area, OSPR has found that these are the only regulations dealing with California Certificates of Financial Responsibility. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

SMALL BUSINESS IMPACT STATEMENT

OSPR has determined that the proposed regulations may affect small businesses.

COMPLIANCE WITH GOVERNMENT CODE SECTIONS 8574.10, 8670.28, 8670.29 AND 8670.55

In accordance with Government Code Section 8670.55(a), these regulations have been developed in consultation with the Oil Spill Technical Advisory Committee.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: NONE.

Costs or savings to any state agency: NONE.

Costs or savings to local agencies or school districts which must be reimbursed in accordance with Part 7 (commencing with Section 17500) of Division 4 of the Government Code: NONE.

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

Costs or savings in federal funding to the state: NONE.

Cost impacts on representative private persons or businesses: It is not anticipated that these amendments will require any additional resources or costs to the regulated community. Therefore, 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.

Significant effect on housing costs: NONE.

BUSINESS IMPACTS

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

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The proposed regulations:

—Will not result in the creation or elimination of jobs within the State of California;

—Will not result in the creation of new businesses or the elimination of existing businesses within the State of California;

—Will not result in the expansion of businesses currently doing business within the State of California.

—Will provide benefits to the health and welfare of California residents, worker safety, and the state's environment by ensuring that marine facilities and vessels operating in California's marine waters have the financial resources in place to pay for the costs of an oil spill and the resulting damages.

CONSIDERATION OF ALTERNATIVES

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

AVAILABILITY OF DOCUMENTS AND OSPR CONTACT PERSON

OSPR has prepared an Initial Statement of Reasons for the proposed regulatory action and has available all the information upon which the proposal is based. Copies of the exact language of the proposed regulations, Initial Statement of Reasons, the rulemaking file, the Final Statement of Reasons (when available) and other information, if any, may be obtained upon request from the:

Department of Fish and Game
Office of Spill Prevention and Response
P.O. Box 944209
Sacramento, California 94244-2090

In addition, the Notice, the exact language of the proposed regulations, and the Initial Statement of Reasons may be found on the World Wide Web at the following address:

http://www.dfg.ca.gov/ospr/Law/regs_under_review.asp

Questions regarding the proposed regulations, requests for documents, or any questions concerning the substance of this regulatory action may be directed to Joy Lavin-Jones ((916) 327-0910), or Alexia Retallack ((916)322-1683).

TITLE 14. OFFICE OF SPILL PREVENTION AND RESPONSE

Notice is hereby given that the Office of Spill Prevention and Response (OSPR) within the Department of Fish and Wildlife, proposes to amend Sections 790, 817.02, 819.02-819.04, and 820.01 in Subdivision 4 of Title 14 of the California Code of Regulations. These sections pertain to OSPR's OSRO Rating Program.

PUBLIC HEARING

Pursuant to Gov. Code S. 11346.8(a), **no public hearing has been scheduled** on the proposed action. However, a hearing will be held if OSPR receives a written request for a public hearing from any interested person, no later than 15 days prior to the close of the written comment period. If a hearing is requested, it will be held in Sacramento. **Copies of the written comments submitted will be made available upon request.**

SUBMISSION OF WRITTEN COMMENTS

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to OSPR. All written comments must be received by OSPR at this office no later than **5:00 p.m. on September 29, 2014**, in order to be considered. Written comments may be submitted by mail, fax, or e-mail, as follows:

Department of Fish and Wildlife
Office of Spill Prevention and Response
P.O. Box 944209
Sacramento, California 94244-2090
Attention: Joy D. Lavin-Jones
Fax: (916) 324-5662
E-mail: Joy.Lavin-Jones@Wildlife.ca.gov

PERMANENT ADOPTION OF REGULATIONS

OSPR may thereafter adopt the proposal substantially as described in this Notice, 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 proposals — with changes clearly indicated — will be available for 15 days prior to its adoption from the person designated in this Notice as contact person. The text 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

Government Code Section 8670.30 grants the Administrator of OSPR the authority to adopt regulations

and guidelines for Rating Oil Spill Response Organizations. The proposed regulations implement, interpret and make specific government Code Sections 8574.7(d) and 8670.30(c).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Lempert–Keene–Seastrand Oil Spill Prevention and Response Act (Act), enacted in 1990 by Senate Bill 2040, created a comprehensive state oil spill program for marine waters. Among its many provisions, it required the adoption of regulations requiring oil spill contingency plans for tank vessels, nontank vessels, and marine facilities.

Additionally, regulations were developed to “Rate” an Oil Spill Response Organization (OSRO) for specified services and time frames for response to an oil spill. Contingency Plan Holders that have a contract for the booming, on–water recovery and storage, and shoreline protection services of a Rated OSRO do not have to list that OSRO’s response resources in their plan.

POLICY STATEMENT OVERVIEW

These proposed amendments make clarifications to the current OSRO Rating system, and add the requirement that for OSROs that are rated to provide shoreline protection services, these OSROs must also participate in the OSPR’s Sensitive Site Strategy Evaluation Program (SSSEP).

It is not anticipated that these amendments will result in additional resources or costs to the regulated community. OSROs are already required to test sensitive sites; the amendments to require participation in the SSSEP will give OSPR more control over the sites that get tested.

The proposed regulations will provide benefits to the health and welfare of California residents, worker safety, and the state’s environment by enabling OSPR to better judge an OSRO’s response capability based on each environment in which they would be deploying their response equipment, and by giving OSPR control over what sensitive sites get tested, so the Administrator is assured that OSPR’s Best Achievable Protection mandate is achieved. Response equipment suited to each operating area and effective shoreline protection strategies could potentially eliminate or mitigate the impacts of the spill on the environment.

After conducting a search of any other regulations in this area, we find that these are the only regulations dealing with requirements for OSRO Ratings. Therefore, the Department finds that these proposed regula-

tions are not inconsistent or incompatible with existing state regulations.

SMALL BUSINESS IMPACT STATEMENT

OSPR has determined that the proposed regulations may affect small businesses.

COMPLIANCE WITH GOVERNMENT CODE SECTIONS 8574.10, 8670.28, 8670.29 AND 8670.55

In accordance with Government Code Section 8670.55(a), these regulations have been developed in consultation with the Oil Spill Technical Advisory Committee.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: NONE.

Costs or savings to any state agency: NONE.

Costs or savings to local agencies or school districts which must be reimbursed in accordance with Part 7 (commencing with Section 17500) of Division 4 of the Government Code: NONE.

Other non–discretionary costs or savings imposed upon local agencies: NONE.

Costs or savings in federal funding to the state: NONE.

Cost impacts on representative private persons or businesses: It is not anticipated that these amendments will require any additional resources or costs to the regulated community. Therefore, 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.

Significant effect on housing costs: NONE.

BUSINESS IMPACTS

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

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The proposed regulations:

—Will not result in the creation or elimination of jobs within the State of California;

—Will not result in the creation of new businesses or the elimination of existing businesses within the State of California;

—Will not result in the expansion of businesses currently doing business within the State of California.

—Will provide benefits to the health and welfare of California residents, worker safety, and the state's environment, by enabling OSPR to better judge an OSRO's response capability based on each environment in which they would be deploying their response equipment, and by giving OSPR control over what sensitive sites get tested, so the Administrator is assured that OSPR's Best Achievable Protection mandate is achieved. Response equipment suited to each operating area and effective shoreline protection strategies could potentially eliminate or mitigate the impacts of the spill on the environment.

CONSIDERATION OF ALTERNATIVES

OSPR must determine that no reasonable alternative considered by OSPR or that has otherwise been identified and brought to the attention of OSPR 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.

AVAILABILITY OF DOCUMENTS AND OSPR CONTACT PERSON

OSPR has prepared an Initial Statement of Reasons for the proposed regulatory action and has available all the information upon which the proposal is based. Copies of the exact language of the proposed regulations, Initial Statement of Reasons, the rulemaking file, the Final Statement of Reasons (when available) and other information, if any, may be obtained upon request from the:

Department of Fish and Wildlife
Office of Spill Prevention and Response
P.O. Box 944209
Sacramento, California 94244-2090

In addition, the Notice, the exact language of the proposed regulations, and the Initial Statement of Reasons may be found on the World Wide Web at the following address:

http://www.dfg.ca.gov/ospr/Law/regs_under_review.asp

Questions regarding the proposed regulations, requests for documents, or any questions concerning the substance of this regulatory action may be directed to Joy Lavin-Jones ((916) 327-0910), or Chris Klumpp ((916) 322-1195).

TITLE 16. BOARD OF ACCOUNTANCY

NOTICE IS HEREBY GIVEN that the California Board of Accountancy (CBA) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the CBA at its office not later than 5:00 p.m. on September 29, 2014.

The CBA 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 written comment period.

The CBA, 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 5010, 5018 and 5116 of the Business and Professions Code; and Section 11400.20 of the Government Code, and to implement, interpret, or make specific Sections 5018, 5096, 5096.5, 5096.12, 5100 and 5116-5116.6 of the Business and Professions Code; and Section 11425.50(e) of the Government Code, the CBA is considering changes to Division 1 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

Existing law, California Government Code Section 11425.50(e), specifies that a penalty may not be based on a guideline, criterion, bulletin, manual, instruction, order, standard of general application or other rule unless it has been adopted as a regulation. Section 98 of Title 16 of the California Code of Regulations (CCR) incorporates by reference the California Board of Ac-

countancy’s “Disciplinary Guidelines and Model Orders (9th edition, 2013)” (Disciplinary Guidelines). Section 5116 of the Business and Professions Code (BPC) requires the CBA to establish criteria for assessing administrative penalties. In addition, section 5100 provides the CBA the authority to discipline a license.

The regulatory proposal is as follows:

1. Amend Section 98 of Title 16 of the California Code of Regulations

This proposal incorporates by reference the CBA’s 9th edition of “Disciplinary Guidelines and Model Orders.” The guidelines are updated to add, remove, and amend various provisions, including “general considerations” for proposed decisions (p. 3–4).

Specifically, guidelines for violating the following are being amended in the document:

- Business and Professions Code (see pp. 10–36)
 - Section 5037(a) — Ownership of accountants’ workpapers
 - Section 5037(b)(1)(2) — Return of client documents
 - Section 5050(a) — Practice without permit; temporary practice
 - Section 5050(c) — Practice without permit; temporary practice; foreign accountants
 - Section 5055/Section 5056 — Title of Certified Public Account and title of Public Accountant
 - Section 5058 — Use of confusing title or designations prohibited
 - Section 5058.1 — Titles in conjunction with certified public accountant or public accountant
 - Section 5058.2 — Inactive designation
 - Section 5058.3 — Retired designation
 - Section 5060 — Name of firm
 - Section 5061 — Commissions
 - Section 5062 — Report conforming to professional standards
 - Section 5062.2 — Restrictions on accepting employment with an audit client
 - Section 5063 — Reportable events
 - Section 5063.3 — Confidential information disclosure
 - Section 5072(a) — Requirements for registration as a partnership
 - Section 5073(d) — Partnership applications (Admission or withdrawal of partner)
 - Section 5076(a) — Peer review
 - Section 5076(f) — Peer review — Document submission requirement

- Section 5078 — Offices not under personal management of certified public accountant or public accountant; supervision
- Section 5079(a)(b)(d) — Nonlicensee ownership of firms
- Section 5081(a) — Requirements for admission to certified public accountant examination (acts denying admission to exam)
- Section 5081(b),(c) — Requirements for admission to certified public accountant examination
- Section 5088 — Interim practice rights: out of state CPA
- Section 5095(a) — Minimum number of attest services hours; attest experience
- Section 5096(d) — Practicing through an unregistered firm
- Section 5096(e)(2) — Comply with rules, laws, and standards
- Section 5096(e)(3) — Practice from an unauthorized office in this state
- Section 5096(e)(5) — Cooperate with board
- Section 5096(e)(6), (7), (8), & (9) — Failure to cease exercising the practice privilege
- Section 5096(f) — Failure to notify the board/cease practice
- Section 5096(i) — Failure to file pre-notification form
- Section 5096.5 — Unauthorized signing of attest reports
- Section 5096.12 — Firm practicing without a practice privilege holder
- Section 5097 — Audit documentation
- Section 5100 — Discipline in General
- Section 5100(a) — Conviction of any crime substantially related to the qualifications, functions and duties of a CPA/PA
- Section 5100(b) — Fraud or deceit in obtaining license/permit/registration
- Section 5100(c) — Dishonesty, fraud, gross negligence, or repeated acts of negligence in the practice of public accountancy or the performance of bookkeeping
- Section 5100(d) — Cancellation, revocation or suspension by any other state or foreign country
- Section 5100(e) — Violation of provisions of section 5097
- Section 5100(f) — Violations of provisions of section 5120

- Section 5100(h) — Suspension or revocation of the right to practice before any governmental body or agency
- Section 5100(i) — Fiscal dishonesty or breach of fiduciary responsibility of any kind
- Section 5100(j) — Knowing preparation, publication or dissemination of false, fraudulent, or materially misleading financial statements, reports, or information
- Section 5100(k) — Embezzlement, theft, misappropriation of funds or property, or obtaining money, property or other valuable consideration by fraudulent means or false pretenses
- Section 5100(l) — Discipline, penalty, or sanction by the public company accounting oversight board or securities and exchange commission
- Section 5100(m) — Unlawfully engaging in practice of public accountancy in another state
- Section 5101 — Discipline of partnership
- Section 5104 — Relinquishment of certificate or permit (revocation or suspension)
- Section 5105 — Relinquishment of certificate or permit (delinquent)
- Section 5110(a) — Acts constituting cause for board’s denial of exam application or admission, avoidance of grades, or denial of license application or registration
- Section 5152 — Corporation reports
- Section 5152.1 — Accountancy corporation renewal of permit to practice
- Section 5154 — Directors, shareholders, and officers must be licensed
- Section 5155 — Disqualified shareholder nonparticipation
- Section 5156 — Unprofessional conduct (accountancy corporation)
- Section 5158 — Practice of public accountancy; management (accountancy corporation)
- California Code of Regulations (Title 16) (pp. 38–59)
 - Section 3 — Notification of change of address
 - Section 5 — Observance of rules
 - Section 8.2 — Requirements for issuance of the authorization to test
- Section 20 — Notification of change of information for registered out-of-state accounting firms
- Section 40(a)(b)(c) — Enrollment and participation (Peer Review)
- Section 41 — Firm responsibilities
- Section 43 — Extensions
- Section 44 — Notification of expulsion
- Section 45 — Reporting to board
- Section 46(a) — Document submission requirements (substandard peer review)
- Section 46(b) — Document submission requirements (“pass” or “pass with deficiencies” ratings)
- Section 50 — Client Notification
- Section 51 — Firms with nonlicensee owners
- Section 51.1 — Notification of non-licensee ownership
- Section 52 — Response to board inquiry
- Section 53 — Discrimination prohibited
- Section 54.1 — Disclosure of confidential information prohibited
- Section 54.2 — Recipients of confidential information
- Section 56 — Commissions — basic disclosure requirement
- Section 56.1 — Commissions — professional services provided to client
- Section 57 — Incompatible occupations and conflict of interest
- Section 58 — Compliance with standards
- Section 59 — Reporting of restatements
- Section 60 — Reporting of investigations by the public company accounting oversight board
- Section 61 — The reporting of settlements, arbitration awards, and judgments
- Section 62 — Contingent fees
- Section 63 — Advertising
- Section 65 — Independence
- Section 67 — Approval of use of fictitious name
- Section 68 — Retention of client’s records
- Section 68.1 — Working papers defined; retention
- Section 68.2 — Components of audit documentation
- Section 68.3 — Retention period for audit documentation
- Section 68.4 — Changes in audit documentation after issuance of report

- Section 68.5 — Audit documentation retention and destruction policy
- Section 69 — Certification of applicant’s experience
- Section 75.8 — Security for claims against an accountancy corporation
- Section 75.9 — Shares: ownership and transfer
- Section 75.11(b) — Certification of registration; continuing validity; notification of name and address changes
- Section 81(a) — Continuing education requirements for renewing an expired license
- Section 87 — Basic requirements (continuing education)
- Section 87.5 — Additional continuing education requirements
- Section 87.6 — Records review continuing education requirements
- Section 87.8 — Regulatory review course
- Section 89 — Control and reporting
- Section 89.1 — Reports
- Section 90 — Exceptions and extensions
- Section 95.4 — Failure to comply with citation

Guidelines for violating the following are being added to the document:

- Business and Professions Code
 - Section 5070.1(b) — Practice with a retired license status (p.17)
 - Section 5070.2(b) — Practice with a military license status (p.17)
 - Section 5096(e)(10) — Failure to report pending criminal charges (p. 23)
- California Code of Regulations
 - Section 37.5 — Fingerprinting (p. 39)
 - Section 50.1 — Attest Client Notification (p. 43)
 - Section 80 — Inactive Licensee status (p. 55)

Guidelines for violating the following are being removed from the document:

- Business and Professions Code
 - Section 5054 — Preparation of tax returns (p.12)
 - Section 5070.7 — Failure to renew within five years (p.17)

The following Model Orders are being added to the document: (p. 61–63)

- 5. Grant petition without restrictions on the license
- 6. Grant petition and place license on probation

- 7. Grant petition and place license on probation after petitioner completes conditions precedent to reinstatement of the license
- 8. Deny petition
- 9. Revocation of probation
- 10. Continuance of probation
- 11. Grant application without restrictions on the license
- 12. Grant application and place license on probation
- 13. Grant application and place license on probation after applicant completes conditions precedent to reinstatement of the license
- 14. Deny application

The following Optional Conditions of Probation are being added to the document:

- 27. Probation monitoring costs (p. 66)

The following Optional Conditions of Probation are being amended in the document:

- 36. Continuing education courses (p. 68)

Policy Statement Overview/Anticipated Benefits of Proposal

This proposal is anticipated to protect consumers by providing the CBA and Administrative Law Judges (ALJ) with updated guidelines to reference when imposing disciplinary action on licensees and providing standards for the consistent and appropriate enforcement of the laws under the CBA’s jurisdiction.

Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, CBA 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

Disciplinary Guidelines and Model Orders (9th edition, 2013)

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: The cost is insignificant as the predominant form of dissemination for these would be via the CBA website. Printing of the Disciplinary Guidelines would be by request only. In addition, the CBA would be further reimbursed from costs associated with probation monitoring, which may total \$76,500 to \$95,625 annually.

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

The following studies/relevant data were relied upon in making the above determination:

The CBA currently regulates approximately 88,000 CPAs, 3,900 Accountancy Corporations, and 1,400 CPA Partnerships. The proposed action does not increase or decrease the penalties that may result after discipline is imposed in an administrative disciplinary action, but rather provides for consistency in application. Any “adverse economic impact” would only occur as the result of a disciplinary order following a formal administrative proceeding and a finding of fact affirming a violation of the CBA’s laws or regulations and would only affect individuals who are disciplined by the CBA. Any potential “adverse economic impact” may be avoided simply by complying with the law.

Cost Impact on Representative Private Person or Business:

The CBA does not believe that the Disciplinary Guidelines will have a significant adverse economic impact on businesses as it only affects individuals and those businesses that are disciplined for violations of the Accountancy Act or CBA regulations. Therefore, the overall economic impact on businesses is deemed as insignificant.

The CBA speculates that converting the minimum penalty from “correction of violation” to “Continuing Education” for Business and Professions Code (BPC) sections 5058.2, 5063, 5076(a), and 5076(f), and California Code of Regulations (CCR) Title 16, sections 20, 40(a)(b)(c), 44, 45, 46(a), 46(b), 50, 51, 56.1, 59, 60, 61, 62, 63, 67, 75.8, 75.9, 75.11(b), 81(a), 87, 87.5, 87.8, 89, and 89.1 will not have an economic impact. The CBA also speculates that including CE in the minimum penalty for the new BPC sections 5058.3, 5070.1(b), and 5070.2(b), and CCR Title 16, sections 37.5, 50.1, 69, 80, and 87.6 will not have an adverse economic impact. CCR, Title 16, section 87.5 already provides the CBA the authority to require any licensee to complete continuing education following an investigation or hearing, and the CBA has not used the minimum penalty in recent years. The addition of Continuing Education in the Disciplinary Guidelines only restates the CBA’s authority. Therefore, the new educa-

tion requirements will not change the economic impact or the CBA’s behavior on disciplining licensees.

Probation Monitoring Cost is an optional condition of probation, which the CBA has the discretion to use or not to use. Within the next three fiscal years, the CBA estimates that there will be approximately 40–50 cases annually associated with probation monitoring. Each case requires approximately 18.75 hours for an Associate Governmental Program Analyst (AGPA), which adds to a total of 800 AGPA hours in probation workload annually. To reimburse the cost of an AGPA’s time, the CBA charges \$102 per hour for probation monitoring. Therefore, the economic impact to licensees would amount to approximately \$1,900 for a single case, and a total economic impact of \$76,500 to \$95,625 annually.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The CBA does not believe that this regulatory proposal would have a significant adverse impact on business as it only affects individuals and those businesses that are disciplined for violations of the Accountancy Act and CBA regulations. Businesses operated by licensees who are in compliance with the law will not incur any fiscal impact.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

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

Benefits of Regulation:

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

The proposed regulatory change would improve clarity for administrative law judges and staff on what discipline to impose on licensees who violate the Accountancy Act and CBA regulations.

CONSIDERATION OF ALTERNATIVES

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at http://www.dca.ca.gov/cba/laws_and_rules/pubpart.shtml and may also be obtained upon request from the CBA at 2000 Evergreen Street, Suite 250, Sacramento, California 95815.

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

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

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

CONTACT PERSON

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

Name: Andrew Breece
Address: California Board of Accountancy
2000 Evergreen Street, Suite 250
Sacramento, CA 95815
Telephone No.: (916) 561-1782
Fax No.: (916) 263-3678
E-Mail
Address: Andrew.breece@cba.ca.gov

The backup contact person is:

Name: Matthew Stanley
Address: California Board of Accountancy
2000 Evergreen Street, Suite 250
Sacramento, CA 95815
Telephone No.: (916) 561-1792
Fax No.: (916) 263-3678
E-Mail
Address: matthew.stanley@cba.ca.gov

Website Access: Materials regarding this proposal can be found at http://www.dca.ca.gov/cba/laws_and_rules/pubpart.shtml.

TITLE 16. BOARD OF ACCOUNTANCY

NOTICE IS HEREBY GIVEN that the California Board of Accountancy (CBA) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the CBA at its office not later than 5:00 p.m. on September 29, 2014.

The CBA 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 written comment period.

The CBA, 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 5010 and 5096.9 of the Business and Professions Code (BPC), and to implement, interpret, or make specific sections 5096 and 5096.2 of the Business and Professions Code, the CBA is considering changes to Division 1 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

Senate Bill (SB) 822 (Chapter 319, Statutes of 2013) added section 5096(e)(10) to the BPC, which states that

an out-of-state licensee practicing in the State of California under a practice privilege must notify the CBA of pending criminal charges, excluding minor traffic charges, in any jurisdiction. This proposal would establish a form for practice privilege holders to notify the CBA of pending criminal charges, and would be defined "minor traffic violations" as traffic infractions under \$1000 not involving alcohol, dangerous drugs, or controlled substances.

The regulatory proposal is as follows:

1. Amend Section 19 of Title 16 of the California Code of Regulations

This proposal would establish a Practice Privilege Notification of Pending Criminal Charges (PP-15 (6/14)) form, and incorporate it by reference in Title 16 section 19.

Policy Statement Overview/Anticipated Benefits of Proposal

The proposed amendment to section 19 incorporates a Practice Privilege Notification of Pending Criminal Charges form. This form must be used by individuals practicing in California under a practice privilege who have pending criminal charges. The Enforcement Division will use the information provided on the form to track and monitor the pending charges. Additionally, the proposed form will provide practice privilege holders a clear direction on how to report to the CBA and what information is required.

The CBA has determined that this regulatory proposal will benefit California residents by establishing a form for practice privilege holders to complete in order to assist the Enforcement Division to protect consumers by tracking and monitoring pending criminal charges.

Consistency and Compatibility with Existing State Regulations

During the process of developing the regulation, the CBA 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

Practice Privilege Notification of Pending Criminal Charges (PP-15 (6/14))

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 CBA 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.

AND

The following studies/ relevant data were relied upon in making the above determination:

California law authorizes out-of-state licensees, who meet specified criteria, to practice under a practice privilege without providing prior notice or paying a fee. This regulatory proposal would not hinder their ability to enter California and engage in the practice of public accountancy, but would require those out-of-state licensees who are practicing under a practice privilege to notify the CBA should they have any pending criminal charges. Any potential economic impact would only occur should their practice privilege be revoked. Given the volume of licensed certified public accountants as well as those who practice in California under a practice privilege, no adverse impact is expected.

Cost Impact on Representative Private Person or Business:

Other than the cost of time to complete the form and the cost of postage, the CBA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

Staff estimates the CBA will receive 30 to 40 notifications annually, which could impact the daily operations amongst an equivalent number of small businesses or sole proprietors that employ CPA licensees.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

The CBA has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California. This proposal would provide a form to out-of-state licensees practicing in California under prac-

tice privilege to report pending criminal charges to the CBA, as required under BPC section 5096(e)(10).

Benefits of Regulation:

The CBA has determined that this regulatory proposal will benefit the welfare of California residents by establishing a form for practice privilege holders to complete in order to assist the Enforcement Division to protect consumers by tracking and monitoring pending criminal charges.

CONSIDERATION OF ALTERNATIVES

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at http://www.dca.ca.gov/cba/laws_and_rules/pubpart.shtml and may also be obtained upon request from the CBA at 2000 Evergreen Street, Suite 250, Sacramento, California 95815.

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

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

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

CONTACT PERSON

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Fax No.: (916) 263-3678
E-Mail
Address: Matthew.stanley@cba.ca.gov

Website Access: Materials regarding this proposal can be found at http://www.dca.ca.gov/cba/laws_and_rules/pubpart.shtml.

GENERAL PUBLIC INTEREST

DEPARTMENT OF HEALTH CARES SERVICES

THE CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES (DHCS) PROPOSES TO SUBMIT A STATE PLAN AMENDMENT (SPA) TO ADD BEHAVIORAL HEALTH TREATMENT (BHT) SERVICES AS A MEDI-CAL BENEFIT FOR ELIGIBLE INDIVIDUALS UNDER 21 YEARS OF AGE

The Department of Health Care Services (DHCS) will submit a State Plan Amendment (SPA) 14-026 to the Centers for Medicare & Medicaid Services (CMS) to seek the necessary approval to include Behavioral Health Treatment (BHT) as a covered Medi-Cal service for individuals under 21 years of age, pursuant to Section 14132.56 of the Welfare and Institutions (W&I) Code.

ADDITION OF BEHAVIORAL HEALTH
TREATMENT (BHT) SERVICES

The State of California intends to provide BHT services as a covered Medi-Cal benefit for individuals under 21 years of age with autism spectrum disorder to the extent required by the federal government and effective no sooner than required by the federal government. DHCS will seek approval to provide BHT as it is defined by Section 1374.73 of the Health and Safety Code.

Pursuant to Section 14132.56 of the W&I Code, DHCS is required to perform the following in development of the benefit:

- (1) Obtain all necessary federal approvals to secure federal funds for the provision of BHT in Medi-Cal.
- (2) Seek statutory authority to implement the new benefit in Medi-Cal
- (3) Seek an appropriation that would provide the necessary state funding estimated to be required for the applicable fiscal year.
- (4) Consult with stakeholders.

In consultation with stakeholders, the department will develop and define eligibility criteria, provider participation criteria, utilization controls, and the delivery system for BHT services, subject to the limitations allowed under federal law. DHCS may enter into exclusive or nonexclusive contracts on a bid or negotiated basis, including contracts for the purpose of obtaining subject matter expertise or other technical assistance in implementing BHT services. Contracts may be state-wide or on a more limited geographic basis.

DHCS will make any SPA or waiver request public at least 30 days prior to submitting to the federal CMS, and will work with stakeholders to address public comments submitted. The addition of BHT will only be implemented to the extent that federal financial participation is available and any necessary federal approvals are obtained.

PUBLIC REVIEW AND COMMENT

The first stakeholder meeting is scheduled on August 29, 2014 from 3:00 p.m. to 4:30 p.m. at 1500 Capitol Ave, Sacramento CA 95814, in the Auditorium. Monthly Stakeholder meetings will be scheduled thereafter.

The California statutes discussed above for BHT services are available online at www.leginfo.ca.gov. Interested parties may submit written comments to: ABAinfo@dhcs.ca.gov.

All written comments must be received by September 29, 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# 2014-0630-01

BOARD OF EQUALIZATION

Place of Sale and Use for Purposes of Bradley-Burns Uniform Local Sales

The State Board of Equalization (Board) amended subdivision (d) of section 1802 of title 18 of the California Code of Regulations to change two cross-references made to subdivision (c) of section 1684 of title 18. On September 15, 2012, section 1684 of title 18 was amended by the Board. As part of those amendments, subdivision (c) of section 1684 was renumbered to subdivision (e). This filing changes the cross-references made in subdivision (d) of section 1802 to subdivision (e) of section 1684 and is submitted to the Office of Administrative Law pursuant to section 100 of title 1 of the California Code of Regulations as a change without regulatory effect.

Title 18

California Code of Regulations

AMEND: 1802

Filed 07/31/2014

Agency Contact:

Richard E. Bennion

(916) 445-2130

File# 2014-0617-04

BOARD OF OCCUPATIONAL THERAPY

Standards Related to Denial, Discipline & Reinstatement of License

This rulemaking action amends and adopts sections in Title 16 of the California Code of Regulations to expedite the processing of administrative hearings in discipline matters involving licensees of the Board of Occupational Therapy (hereafter "Board"). The amendments authorize the Executive Officer to grant, for good cause, motions to vacate license revocation decisions based on defaults. The action establishes 10 days as the time for the effectiveness of default decisions and settlement agreements. The action also incorporates by reference the most recent versions of the Board's Disci-

plinary Guidelines and of the Department of Consumer Affairs' Substance Abuse Coordinating Committee's Uniform Standards Regulating Substance-Abusing Healing Arts Licensees for use by the Board and Administrative Law Judges in these proceedings.

Title 16
California Code of Regulations
ADOPT: 4146.5, 4147.5 AMEND: 4101, 4147
Filed 07/30/2014
Effective 10/01/2014
Agency Contact: Heather Martin (916) 263-2294

File# 2014-0618-01
CALIFORNIA HEALTH BENEFIT EXCHANGE
Fingerprinting and Criminal Background Checks

This rulemaking by the California Health Benefit Exchange (Exchange) makes permanent Section 6456, in Title 10 of the California Code of Regulations, relating to the fingerprinting and criminal history requirements for specified employees, prospective employees, contractors, subcontractors, volunteers, or vendors of the Exchange. This section was originally adopted by emergency rulemaking file No. 2013-0619-01E, readopted by file No. 2014-1213-04EE and modified by file No. 2014-0319-02EE.

Title 10
California Code of Regulations
ADOPT: 6456
Filed 07/31/2014
Effective 07/31/2014
Agency Contact:
Gabriela Ventura Gonzales (916) 228-8477

File# 2014-0729-01
CALIFORNIA HEALTH FACILITIES FINANCING
AUTHORITY
Investment in Mental Health Wellness Grant Program

The California Health Facilities Financing Authority submitted this emergency readopt action to maintain the regulation adopted in OAL File No. 2013-1114-02E and re-adopted in OAL File No. 2014-0506-01EE. The emergency rulemaking adopted sections 7113 through 7129 in Title 10 of the California Code of Regulation, implementing SB 82 and SB 101, Welfare and Institutions Code sections 5848.5 and 5848.6. These statutes provide additional funding to counties to improve access and capacity for crisis services for Californians affected by mental health disorders.

Title 4
California Code of Regulations
ADOPT: 7113, 7114, 7115, 7116, 7117, 7118, 7119, 7120, 7121, 7122, 7123, 7124, 7125, 7126, 7127, 7128, 7129
Filed 08/05/2014
Effective 08/08/2014
Agency Contact: Rosalind Brewer (916) 653-8243

File# 2014-0625-01
CALIFORNIA SCHOOL FINANCE AUTHORITY
Charter School Facility Grant Program

This rulemaking action by the California School Finance Authority (Authority) is a certification of previous emergency actions 2013-0806-02ER, 2014-0109-02EE, and 2014-0312-01EE. This action implements regulations to govern administration of the Charter School Facility Grant Program, under which the Authority administers grant apportionments beginning with the 2013-2014 fiscal year.

Title 4
California Code of Regulations
ADOPT: 10170.1, 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.11, 10170.12, 10170.13, 10170.14, 10170.15
Filed 08/06/2014
Effective 08/06/2014
Agency Contact: Katrina Johantgen (213) 620-2305

File# 2014-0723-03
CALIFORNIA SCHOOL FINANCE AUTHORITY
Charter School Revolving Loan Fund Program

This action readopts regulations previously adopted as an emergency in OAL File No. 2014-0123-02E and is a deemed emergency pursuant to Education Code section 41365. Pursuant to AB 86 (Chapter 48, Statutes of 2013) the administration of the Charter School Revolving Loan Fund Program has been transferred to the California School Finance Authority. This program provides for loans to charter schools, not to exceed \$250,000. These emergency regulations establish definitions of key terms, eligibility requirements, describe materials needed to apply and identify additional requirements to apply for and receive a loan.

Title 4
California Code of Regulations
ADOPT: 10170.16, 10170.17, 10170.18, 10170.19, 10170.20, 10170.21, 10170.22, 10170.23, 10170.24
Filed 08/04/2014
Effective 08/04/2014
Agency Contact: Katrina Johantgen (213) 620-2305

File# 2014-0620-04
DENTAL HYGIENE COMMITTEE OF CALIFORNIA
 Expanded Functions Course Approval

In this regulatory action, the Committee is adopting section 1107 in Title 16 of the California Code of Regulations to establish the requirements for approval of educational courses in the administration of local anesthesia agents, administration of nitrous oxide-oxygen analgesia, and periodontal soft tissue curettage. The regulation also requires a course provider to issue a certificate of completion after a student achieved clinical competency of the three procedures. In addition, it prescribes an appeals process for a course provider to contest the denial or approval withdrawal of a course.

Title 16
 California Code of Regulations
 ADOPT: 1107
 Filed 08/04/2014
 Effective 08/04/2014
 Agency Contact: Donna Kantner (916) 576-5003

File# 2014-0620-01
DEPARTMENT OF FISH AND WILDLIFE
 Suction Dredging

The Department of Fish and Wildlife submitted this timely certificate of compliance action to make permanent the amendments to title 14, California Code of Regulations, section 228 that were made in OAL file nos. 2013-0618-02E, 2013-1216-01EE, and 2014-0314-01EE. The amendments broadened the definition of "suction dredging" to include alternative forms of the activity in order to keep all such activity within the current statutory moratorium on the use of any vacuum or suction dredge equipment for instream mining in Fish and Game Code section 5653.1.

Title 14
 California Code of Regulations
 AMEND: 228
 Filed 08/04/2014
 Effective 08/04/2014
 Agency Contact: Helen Birss (916) 653-4681

File# 2014-0624-03
DEPARTMENT OF FOOD AND AGRICULTURE
 Cereal Leaf Beetle Exterior Quarantine

This action repeals section 3277 eliminating the Cereal Leaf Beetle Exterior Quarantine.

Title 3
 California Code of Regulations
 REPEAL: 3277
 Filed 08/05/2014
 Effective 10/01/2014
 Agency Contact: Lindsay Rains (916) 654-1017

File# 2014-0630-08
DEPARTMENT OF PESTICIDE REGULATION
 Miscellaneous Clean-up

This filing by the Department of Pesticide Regulation makes changes without regulatory effect by amending and deleting sections in Title 3 of the CCR to update pesticide definitions, use restrictions and reports, and correcting typographical/editorial errors and cross references. This filing adds the term "unregistered" to the pesticide methyl iodide and eliminates the general requirements, fumigation methods, and reporting requirements applicable when using products containing methyl iodide.

Title 3
 California Code of Regulations
 AMEND: 6000, 6196, 6400, 6624 REPEAL: 6446, 6446.1
 Filed 08/06/2014
 Effective
 Agency Contact:
 Linda Irokawa-Otani (916) 445-3991

File# 2014-0623-01
DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY
 Electronic Waste Recycling — Recycling and Recovery Payment Rates

This file print submission from the California Department of Resources Recycling and Recovery makes adjustments to the Standard Statewide Recovery Payment Rate from 16 cents per pound to 18 cents per pound and the Standard Statewide Combined Recycling and Recovery Payment Rate from 39 cents per pound to 44 cents per pound. These rate adjustments are "file and print" pursuant to the "rate, price, or tariff" exemption of Government Code section 11340.9(g).

Title 14
 California Code of Regulations
 AMEND: 18660.23, 18660.24, 18660.25, 18660.33, 18660.34
 Filed 07/31/2014
 Effective 07/01/2014
 Agency Contact: Harlle Branch (916) 341-6056

File# 2014-0619-03
OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD
Guarding of Vertical Food Mixers

The Occupational Safety and Health Standards Board amended section 4542 of title 8 of the California Code of Regulations to add a requirement that vertical food mixers with a bowl size of 30 quarts or larger and manufactured after January 1, 2015 utilize a manufacturer-supplied interlocked bowl guard or its equivalent and be so arranged that power cannot be applied to the agitators unless the cover/enclosure and the bowl are in place on the mixer.

Title 8
California Code of Regulations
AMEND: 4542
Filed 07/31/2014
Effective 10/01/2014
Agency Contact: Marley Hart (916) 274-5721

File# 2014-0619-02
OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD
Safe Patient Handling

This action adopts section 5120 regarding safe patient handling for health care worker back and musculoskeletal injury prevention in general acute care hospitals by requiring an injury prevention plan, related training, and record-keeping.

Title 8
California Code of Regulations
ADOPT: 5120
Filed 07/31/2014
Effective 10/01/2014
Agency Contact: Marley Hart (916) 274-5721

File# 2014-0626-01
OFFICE OF STATEWIDE HEALTH PLANNING
AND DEVELOPMENT
OSHDP Patient Data Section Updates — Expected
Source of Payment

The Office of Statewide Health Planning and Development (OSHDP) submitted this action to make changes without regulatory effect by amending section 97232 of title 22 of the California Code of Regulations. Health and Safety Code section 128735 enumerates data elements that must be included in the record of each patient discharged from a California hospital, one data element of which is the expected source of payment. That data element is implemented in section 97232, which consists of three parts: payer category; type of coverage; and the plan code number that identifies the plan. OSHDP obtains the plan names and code

numbers from the Department of Managed Health Care, the licensing entity. The number of plans licensed to operate in California is subject to change. The proposed action deletes the names of eleven plans that are no longer licensed, adds eight newly licensed plans, updates the names of six existing plan names, and reorganizes plan names to maintain the alphabetical order of plans as listed in section 97232.

Title 22
California Code of Regulations
AMEND: 97232
Filed 08/05/2014
Agency Contact: Irene Ogbonna (916) 326-3937

File# 2014-0626-02
OFFICE OF STATEWIDE HEALTH PLANNING
AND DEVELOPMENT
OSHDP Patient Data Reporting Updates — Preferred
Language Spoken

The Office of Statewide Health Planning and Development (OSHDP) submitted this action to make changes without regulatory effect by amending sections 97234 and 97267 of title 22 of the California Code of Regulations. The Health and Safety Code requires certain health facilities and freestanding ambulatory surgery clinics to file specified reports with OSHDP that provide various patient data information, including principal language spoken by the patient as a data element. The term “principal language spoken” was recently changed to “preferred language spoken” as the national standard for this data element. As a result, AB 1382 (Stats. 2013, c. 599) also changed the term of this data element to “preferred language spoken” in the Health and Safety Code. This action updates the terminology of this data element from “principal language spoken” to “preferred language spoken” wherever it occurs in sections 97234 and 97267.

Title 22
California Code of Regulations
AMEND: 97234, 97267
Filed 08/05/2014
Agency Contact: Irene Ogbonna (916) 326-3937

File# 2014-0617-01
PHYSICAL THERAPY BOARD OF CALIFORNIA
Disciplinary Guidelines

This rulemaking action by the Physical Therapy Board of California amends section 1399.15 of title 16 of the California Code of Regulations (CCR) to incorporate by reference revised “Guidelines for Issuing Citations and Imposing Discipline” and the Department of Consumer Affairs’ “Uniform Standards Regarding Substance-Abusing Healing Arts Licensees.” The incorporation of these documents into the CCR will facil-

itate uniformity in taking disciplinary action against licensees.

Title 16
 California Code of Regulations
 AMEND: 1399.15
 Filed 07/30/2014
 Effective 10/01/2014
 Agency Contact: Elsa Ybarra (916) 561-8262

File# 2014-0721-02
VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD
 Certification Accompanying Claims

This emergency regulation shortens the certification language required in subdivision 679(a) for claims submitted through Fi\$Cal to meet the software limitation of 256 character lengths.

Title 2
 California Code of Regulations
 AMEND: 679
 Filed 07/30/2014
 Effective 07/30/2014
 Agency Contact: Tanya Bosch (916) 491-3851

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN March 5, 2014 TO
 August 6, 2014**

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

Title 2
 07/30/14 AMEND: 679
 07/14/14 AMEND: 549
 05/30/14 REPEAL: 649.56
 05/29/14 AMEND: 22600, 22600.1, 22600.2, 22600.5, 22600.6, 22600.7, 22600.8, 22600.9, 22601, 22601.3, 22601.4, 22601.7 REPEAL: 22601.1
 05/19/14 ADOPT: 1181.1, 1181.2, 1181.3, 1181.4, 1181.5, 1181.6, 1181.7, 1181.8, 1181.9, 1181.10, 1181.11, 1181.12, 1181.13, 1182.1, 1182.2, 1182.3, 1182.4, 1182.5, 1182.6, 1182.7, 1182.8, 1182.9, 1182.10, 1182.11, 1182.12, 1182.13, 1182.14,

1182.15, 1182.16, 1183.1, 1183.2, 1183.3, 1183.4, 1183.5, 1183.6, 1183.7, 1183.8, 1183.9, 1183.10, 1183.11, 1183.12, 1183.13, 1183.14, 1183.15, 1183.16, 1183.17, 1183.18, 1184.1, 1185.1, 1185.2, 1185.3, 1185.4, 1185.5, 1185.6, 1185.7, 1185.8, 1185.9, 1186.1, 1186.2, 1186.3, 1186.4, 1186.5, 1186.6, 1186.7, 1187.1, 1187.2, 1187.3, 1187.4, 1187.5, 1187.6, 1187.7, 1187.8, 1187.9, 1187.10, 1187.11, 1187.12, 1187.13, 1187.14, 1187.15, 1188.1, 1188.2, 1190.1, 1190.2, 1190.3, 1190.4, 1190.5
 REPEAL: 1181, 1181.1, 1181.2, 1181.4, 1182, 1182.1, 1182.2, 1182.3, 1182.4, 1182.5, 1183, 1183.01, 1183.02, 1183.03, 1183.04, 1183.05, 1183.06, 1183.07, 1183.08, 1183.081, 1183.09, 1183.1, 1183.11, 1183.12, 1183.13, 1183.131, 1183.14, 1183.2, 1183.21, 1183.25, 1183.30, 1183.31, 1183.32, 1184.5, 1184.6, 1184.7, 1184.8, 1184.9, 1184.10, 1184.11, 1185, 1185.1, 1185.2, 1185.21, 1185.3, 1185.4, 1185.5, 1185.6, 1185.7, 1186, 1186.5, 1186.51, 1186.52, 1186.53, 1186.54, 1186.55, 1186.6, 1186.61, 1186.62, 1186.63, 1186.64, 1186.65, 1186.7, 1186.71, 1186.72, 1186.73, 1187, 1187.2, 1187.3, 1187.4, 1187.5, 1187.6, 1187.7, 1187.8, 1187.9, 1188, 1188.1, 1188.2, 1188.3, 1188.31, 1188.4, 1189, 1189.1, 1189.2, 1189.3, 1189.6, 1189.61, 1190, 1190.01, 1190.02, 1190.03, 1190.04, 1190.05

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

Title 3
 08/06/14 AMEND: 6000, 6196, 6400, 6624 REPEAL: 6446, 6446.1
 08/05/14 REPEAL: 3277
 07/22/14 AMEND: 3591.13(a)
 07/10/14 AMEND: 3424
 06/27/14 AMEND: 1430.142

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06/24/14 AMEND: 3435(b)
 06/17/14 AMEND: 3435(b)
 06/02/14 AMEND: 3435(b)
 05/14/14 ADOPT: 1280, 1280.1, 1280.8, 1280.10
 AMEND: 1280.7
 05/12/14 AMEND: 3591.20(a)
 04/24/14 AMEND: 3435(b)
 04/04/14 AMEND: 3435(b)
 03/19/14 AMEND: 3406(b)
 03/18/14 ADOPT: 6471 AMEND: 6000, 6400
 03/18/14 AMEND: 3423(b)
 03/10/14 AMEND: 3589(a)
 03/05/14 ADOPT: 1358.3

Title 4

08/06/14 ADOPT: 10170.1, 10170.2, 10170.3,
 10170.4, 10170.5, 10170.6, 10170.7,
 10170.8, 10170.9, 10170.10, 10170.11,
 10170.12, 10170.13, 10170.14, 10170.15
 08/06/14 ADOPT: 10170.16, 10170.17, 10170.18,
 10170.19, 10170.20, 10170.21,
 10170.22, 10170.23, 10170.24
 08/05/14 ADOPT: 7113, 7114, 7115, 7116, 7117,
 7118, 7119, 7120, 7121, 7122, 7123,
 7124, 7125, 7126, 7127, 7128, 7129
 07/10/14 ADOPT: 5600, 5610, 5620, 5630, 5640
 AMEND: 5000, 5144, 5170, 5200, 5205,
 5230, 5240, 5255, 5350, 5370
 06/30/14 AMEND: 10030, 10031, 10032, 10033,
 10034, 10035, 10036
 06/18/14 AMEND: 12505
 06/18/14 AMEND: 8070, 8072
 06/16/14 AMEND: 4001 ADOPT: 4002.9
 06/13/14 AMEND: 8034
 06/11/14 ADOPT: 12387 AMEND: 12360, 12386
 06/09/14 ADOPT: 4402, 4403, 4496, 4496.1,
 4496.2, 4496.3, 4496.4, 4496.5, 4496.6
 05/19/14 AMEND: 7030, 7032, 7033, 7034, 7035,
 7036, 7037, 7040, 7042
 05/15/14 ADOPT: 7113, 7114, 7115, 7116, 7117,
 7118, 7119, 7120, 7121, 7122, 7123,
 7124, 7125, 7126, 7127, 7128, 7129
 05/12/14 AMEND: 1632
 04/07/14 AMEND: 1656, 1658
 04/03/14 AMEND: 10030, 10031, 10032, 10033,
 10034, 10035, 10036
 04/02/14 AMEND: 2066
 03/28/14 AMEND: 10302, 10305, 10315, 10317, 10
 320, 10322, 10325, 10326, 10327, 10328,
 10337
 03/24/14 ADOPT: 10170.1, 10170.2, 10170.3,
 10170.4, 10170.5, 10170.6, 10170.7,
 10170.8, 10170.9, 10170.10, 10170.11,
 10170.12, 10170.13, 10170.14, 10170.15
 03/11/14 ADOPT: 1927.1

03/10/14 ADOPT: 10080, 10081, 10082, 10083,
 10084, 10085, 10086, 10087

Title 5

07/28/14 ADOPT: 15494, 15495, 15496, 15497
 07/23/14 AMEND: 850, 851, 852, 853, 853.5, 855,
 857, 858, 859, 861, 862, 862.5, 863, 864
 REPEAL: 854, 864.5, 865, 866, 867,
 867.5, 868
 07/11/14 ADOPT: 80693, 80694
 06/26/14 ADOPT: 9517.3
 06/13/14 ADOPT: 19810 REPEAL: 19810, 19812,
 19813, 19814, 19815, 19816, 19816.1,
 19817, 19817.1, 19817.2, 19817.5,
 19818, 19819, 19820, 19821, 19821.5,
 19822, 19823, 19824, 19824.1, 19825,
 19825.1, 19827, 19828, 19828.1,
 19828.2, 19828.3, 19828.4, 19829,
 19829.5, 19830, 19830.1, 19831, 19832,
 19833, 19833.5, 19833.6, 19834, 19835,
 19836, 19837, 19837.1, 19837.2,
 19837.3, 19838, 19840, 19841, 19843,
 19844, 19845, 19845.1, 19845.2, 19846,
 19846.1, 19847, 19848, 19849, 19850,
 19851, 19851.1, 19852, 19853, 19854,
 19854.1, 19855
 05/19/14 AMEND: 80035.5
 05/05/14 ADOPT: 14037, 14038, 14039, 14040,
 14041, 14042
 05/05/14 ADOPT: 3051.19, 3051.20, 3051.21,
 3051.22, 3051.23, 3051.24 AMEND:
 3001, 3023, 3025, 3029, 3030, 3031,
 3040, 3043, 3051, 3051.1, 3051.2,
 3051.3,.4, 3051.5, 3051.6, 3051.7,
 3051.75, 3051.8, 3051.9, 3051.10,
 3051.11, 3051.12, 3051.13, 3051.14,
 3051.15, 3051.16, 3051.17, 3051.18,
 3060, 3061, 3064, 3065, 3068, 3083,
 3084, 3088 REPEAL: 3054
 04/15/14 AMEND: 70020
 04/01/14 AMEND: 80303
 04/01/14 ADOPT: 15498, 15498.1, 15498.2,
 15498.3

Title 8

07/31/14 AMEND: 4542
 07/31/14 ADOPT: 5120
 07/10/14 ADOPT: 32036, 32037, 32610, 32611,
 32806, 32808, 32810, 95000, 95010,
 95020, 95030, 95040, 95045, 95050,
 95070, 95080, 95090, 95100, 95150,
 95160, 95170, 95180, 95190, 95200,
 95300, 95310, 95320, 95330 AMEND:
 31001, 32020, 32030, 32040, 32050,
 32055, 32060, 32075, 32080, 32085,
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