



California Regulatory Notice Register

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AUGUST 26, 2016

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

STATE AGENCY: California Energy Commission
 MULTI-COUNTY: Nevada Irrigation District

ADOPTION

MULTI-COUNTY: Partnership HealthPlan of California

A written comment period has been established commencing on August 26, 2016, and closing on October 10, 2016. Written comments should be directed to the Fair Political Practices Commission, Attention Ivy Branaman, 428 J Street, Suite 620, Sacramento, California 95814.

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

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

The Executive Director of the Commission, upon her or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than October 10, 2016. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

EFFECT ON HOUSING COSTS AND BUSINESSES

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

AUTHORITY

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

REFERENCE

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

CONTACT

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

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

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

**TITLE 2. OFFICE OF THE
LIEUTENANT GOVERNOR**

**NOTICE OF INTENTION TO AMEND THE
CONFLICT-OF-INTEREST CODE OF THE
OFFICE OF LT. GOVERNOR GAVIN NEWSOM**

NOTICE IS HEREBY GIVEN that the Office of Lt. Governor Gavin Newsom, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict-of-interest code. A comment period has been established commencing on August 26, 2016 and closing on October 10, 2016 All inquiries should be directed to the contact listed below.

The Office of Lt. Governor Gavin Newsom proposes to amend its conflict-of-interest code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. The amendment carries out the purposes of the law and no other alternative would do so and be less burdensome to affected persons.

Changes to the conflict-of-interest code include: Amending section 22999 to include a Chief of Staff, one consultant for Health and Human Services and Natural Resources, one consultant for Economic Development, one consultant for Education, one scheduler, one office manager, one Sea Grant Fellow and interns rotating on a quarterly basis, and also makes other technical changes.

Agencies please choose one option:

The proposed amendment and explanation of the reasons can be obtained from the agency's contact.

OR

Information on the code amendment is available on the agency's intranet site and/or attached to this email.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than October 10, 2016 or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than September 26, 2016.

The Office of Lt. Governor Gavin Newsom has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Rhys Williams, Chief of Staff
Phone: (916) 445-8994
Email: Rhys.Williams@ltg.ca.gov

TITLE 2. STATE ALLOCATION BOARD

**THE STATE ALLOCATION BOARD PROPOSES
TO AMEND REGULATION SECTIONS
1859.2 AND 1859.76, TITLE 2,
CALIFORNIA CODE OF REGULATIONS,
RELATING TO
LEROY F. GREENE SCHOOL FACILITIES ACT
OF 1998**

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend the above-referenced Regulation Sections, contained in Title 2, California Code of Regulations (CCR). 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 Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, OPSC, at its own motion or at the instance of any interested person, may adopt the proposal substantially as set forth above without further notice.

AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing to amend the above-referenced regulation section under the authority pro-

vided by Section 17070.35 of the Education Code, and makes specific reference Sections 17070.35, 17072.12, and 17072.35 of the Education Code.

INFORMATIVE DIGEST/POLICY OVERVIEW
STATEMENT

The Leroy F. Greene School Facilities Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes of 1998, the School Facility Program (SFP). The SFP provides a per-pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB adopted regulations to implement the Leroy F. Greene School Facilities Act of 1998, which were approved by the Office of Administrative Law (OAL) and filed with the Secretary of State, on October 8, 1999.

The SAB, at its May 25, 2016 meeting, adopted proposed regulatory amendments to the SFP Regulations that would extend for one year [until January 1, 2018] the additional grant to school districts for new construction general site development costs. This additional grant helps school districts cover the extra costs for items such as landscaping, finish grading, driveways, walkways, outdoor instructional play facilities, permanent playground equipment, and athletic fields. School districts may be eligible for the additional grant when building new schools and for additions to existing school sites where additional acreage is acquired. In addition, there is a non-substantive change that corrects an Education Code subsection reference identified with a specific definition in the SFP Regulations.

Bond Funds Impacted

The following four State school bonds were authorized by the Legislature and approved by the State’s electorate for purposes of school facility construction:

- Class Size Reduction Kindergarten–University Public Education Facilities Bond Act of 1998 (Proposition 1A)
- Kindergarten–University Public Education Facilities Bond Act of 2002 (Proposition 47)
- Kindergarten–University Public Education Facilities Bond Act of 2004 (Proposition 55)
- Kindergarten–University Public Education Facilities Bond Act of 2006 (Proposition 1 D)

Background and Problem Being Resolved

The SAB adopted the additional grant for general site development costs at its June 28, 2006 meeting. The proposed regulation was approved by the OAL and filed with the Secretary of State on September 5, 2006. This additional grant helps school districts cover the ex-

tra costs for items such as landscaping, finish grading, driveways, walkways, outdoor instructional play facilities, permanent playground equipment, and athletic fields. School districts may be eligible for the additional grant when building new schools and for additions to existing school sites where additional acreage is acquired.

As first implemented, the additional grant for general site development costs was to be suspended “no later than January 1, 2008” unless extended by the SAB. The following is a sequence of events extending the additional grant for general site development:

- First One–Year Extension: The SAB, at its December 12, 2007 meeting, approved emergency regulations extending the suspension date to “no later than January 1, 2009,” which was approved by the OAL and filed with the Secretary of State on March 3, 2008.
- Second One–Year Extension: The SAB, at its February 25, 2009 meeting, approved extending the suspension date to “no later than January 1, 2010,” which was approved by the OAL and filed with the Secretary of State on September 18, 2009.
- Third One–Year Extension: The SAB, at its November 4, 2009 meeting, approved extending the suspension date to “no later than January 1, 2011,” which was approved by the OAL and filed with the Secretary of State on April 8, 2010.
- Fourth One–Year Extension: The SAB, at its June 23, 2010 meeting, approved extending the suspension date to “no later than January 1, 2012,” which was approved by the OAL and filed with the Secretary of State on April 27, 2011.
- Fifth Two–Year Extension: The SAB, at its July 12, 2011 meeting, approved extending the suspension date to “no later than January 1, 2014,” which was approved by the OAL and filed with the Secretary of State on December 28, 2011.
- Sixth One–Year Extension: The SAB, at its May 22, 2013 meeting, approved extending the suspension date to “no later than January 1, 2015,” which was approved by the OAL, filed with the Secretary of State on October 30, 2013, and took effect January 1, 2014, due to Senate Bill (SB) 1099, Chapter 295, Statutes of 2012.
- Seventh One–Year Extension: The SAB, at its August 20, 2014 meeting, approved extending the suspension date to “no later than January 1, 2016,” which was approved by the OAL, filed with the Secretary of State on February 9, 2015, and took effect on April 1, 2015, due to SB 1099, Chapter 295, Statutes of 2012.

- Eighth One-Year Extension: The SAB, at its May 27, 2015 meeting, approved extending the suspension date to “no later than January 1, 2017,” which was approved by the OAL and filed with the Secretary of State on December 21, 2015.

The proposed regulatory amendment continues to be extended until a complete analysis of the new construction base grant can be completed. The analysis must determine whether the extra costs associated with the additional grant for general site development (such as landscaping, finish grading, driveways, walkways, outdoor instructional play facilities and permanent playground equipment, and athletic fields), are included in the SFP per-pupil base grant. There has not been conclusive evidence to show that this additional grant is not needed to complete the projects.

Attached to this Notice is the specific regulatory language of the proposed regulatory action. You may also review the proposed regulatory language on OPSC Web

site at www.dgs.ca.gov/opsc. Copies of the amended regulatory text will be mailed to any person requesting this information by using OPSC contact information set forth below. The proposed regulations amend the SFP Regulations under the CCR, Title 2, Chapter 3, Subchapter 4, Group 1, State Allocation Board, Subgroup 5.5, Regulations relating to the Leroy F. Greene School Facilities Act of 1998.

Financial Impact

From the inception of the general site development grant in 2006 through May 25, 2016, 476 school facility projects have received the general site development additional grant, averaging \$544,117 per eligible project in State bond cost. School districts may be eligible for the additional grant when building new schools and for additions to existing school sites where additional acreage is acquired.

The bond funds apportioned to date for the general site development grant are:

	FY 2006/07	FY 2007/08	FY 2008/09	FY 2009/10	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14	FY 2014/15	FY 2015/16	TOTAL
# of Projects	127	141	71	69	19	11	23	4	7	4	476
Total \$ Allocated (in millions)	\$62.3	\$71.6	\$46.3	\$42.3	\$8.9	\$5.1	\$16.8	\$1.3	\$2.9	\$1.5	\$259.0

The SAB is providing unfunded approvals for Charter School Facilities Program (CSFP) and Facility Hardship projects. Facility Hardship/Rehabilitation projects are health and safety projects that could be eligible for the general site development grant. Health and safety projects are presented to the SAB on an on-going basis.

Eligible Charter School projects receive Preliminary Apportionments as unfunded approvals from bond authority under the CSFP. The preliminary apportionment for a CSFP project must be converted within a four-year period to an adjusted grant apportionment (New Construction) meeting all the SFP criteria, unless a single one-year extension is granted. Currently, there are four CSFP projects that could be eligible for the general site development grant within the next 12 months, totaling approximately \$1.12 million.

Anticipated Benefits of the Proposed Regulations

Although the reference correction to the identified definition is a non-substantive change, it does provide a benefit by maintaining accuracy with the Education Code and consistency throughout the SFP Regulations.

Extending the SFP general site development grant for another year will have a positive impact on California businesses providing landscaping, finish grading, driveways, walkways, outdoor instructional play facilities, permanent playground equipment, and athletic

fields, including the companies which supply the materials for these improvements. Failure to implement this regulation may require reducing the scope of work for some school projects.

The State of California benefits from this regulation as it assists in increasing the State’s infrastructure investment resulting in a positive impact to the State’s economy as well as help to support job creation. This regulation will have a positive impact to various businesses, manufacturing, and construction-related industries such as architecture, engineering, trades and municipalities, along with the creation of an unknown amount of [temporary] jobs.

There is a public health and safety impact assigned to the regulation. School site occupants, especially young children, will have less risk of injury and safer ingress and egress when driveways and walkways are wide, level, and extensive, when finish grading is thorough, when play facilities are of high quality on safe ground cover material, and athletic fields are well-designed with safe playing surfaces, adequate protective fences, and appropriate walkways.

The proposed regulatory amendments are therefore determined to be consistent and compatible with existing State laws and regulations. Proceeding with the implementation of this regulatory amendment will have a positive impact on public health and safety at K–12

public schools because school site occupants will have less risk of injury for the reasons noted above.

Summary of the proposed regulatory amendment is as follows:

Existing Regulation Section 1859.2 defines words and terms used exclusively for the SFP regulations. The proposed regulatory amendment corrects an Education Code subsection reference identified with a specific definition. This is considered a non-substantive change.

Existing Regulation Section 1859.76 provides new construction additional grants for specific types and amounts of site development costs. It provides that the additional grant for general site development costs shall be suspended “no later than January 1, 2017” unless extended by the SAB. The proposed amendment extends the suspension of the additional grant for general site development costs until “no later than January 1, 2018.”

Statutory Authority and Implementation

Education Code Section 17070.35. (a) In addition to all other powers and duties as are granted to the board by this chapter, other statutes, or the California Constitution, the board shall do all of the following: (1) Adopt rules and regulations, pursuant to the rulemaking provisions of the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, for the administration of this chapter.

Government Code Section 15503. Whenever the board is required to make allocations or apportionments under this part, it shall prescribe rules and regulations for the administration of, and not inconsistent with, the act making the appropriation of funds to be allocated or apportioned. The board shall require the procedure, forms, and the submission of any information it may deem necessary or appropriate. Unless otherwise provided in the appropriation act, the board may require that applications for allocations or apportionments be submitted to it for approval.

Determination of Inconsistency or Incompatibility with Existing State Regulations

The proposed regulatory amendment continues to be extended until a complete analysis of the new construction base grant can be completed. The analysis must determine whether the extra costs associated with the additional grant for general site development (such as landscaping, finish grading, driveways, walkways, outdoor instructional play facilities and permanent playground equipment, and athletic fields), are included in the SFP per-pupil base grant. There has not been conclusive evidence to show that this additional grant is not needed to complete the projects.

School districts may be eligible for the additional grant when building new schools and for additions to

existing school sites where additional acreage is required.

After conducting a review, OPSC, on behalf of the SAB, has concluded that this is the only regulation on this subject area, and therefore, the proposed regulation is neither inconsistent nor incompatible with existing State laws and regulations. The proposed regulatory amendment is within the SAB’s authority to enact regulations for the SFP under Education Code Section 17070.35 and Government Code Section 15503.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Officer of the SAB has determined that the proposed regulations do not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require school districts or charter schools to incur additional costs in order to comply with the proposed regulations.

DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

The Executive Officer of the SAB has made the following initial determinations relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- There will be no non-discretionary costs or savings to local agencies.
- The proposed regulations create no costs to any local agency, school district, or charter school requiring reimbursement pursuant to Section 17500 et seq., or beyond those required by law, except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the State.
- The proposed regulations create no costs or savings to any state agency beyond those required by law.
- The SAB has made an initial determination that there will be no impact on housing costs.

RESULTS OF THE ECONOMIC
IMPACT ANALYSIS

Impact to Businesses and Jobs in California

There is a positive economic impact to California business by extending for one year the SFP general site development grant. This will provide the funds to school districts building new construction projects to contract with businesses and suppliers for necessary landscaping, finish grading, driveways, walkways, outdoor instructional play facilities, permanent playground equipment, and athletic fields, thus supporting jobs in these construction-related industries. The proposed regulation:

- Continues to be extended until a complete analysis of the new construction base grant can be completed. The analysis must determine whether the extra costs associated with the additional grant for general site development (such as landscaping, finish grading, driveways, walkways, outdoor instructional play facilities and permanent playground equipment, and athletic fields), are included in the SFP per-pupil base grant. There has not been conclusive evidence to show that this additional grant is not needed to complete the projects;
- Extends this additional grant until “no later than January 1, 2018”;
- Adds an average \$544,117 per eligible project in State bond funds to the SFP new construction funding model, which includes the pupil grant base amount and other additional grants;
- Creates an unknown amount of (temporary) jobs in landscaping, concrete, asphalt, finishing, playground and athletic field equipment, and other construction trades, along with stimulating the economy; and
- Could potentially create savings for a school district to utilize towards another high priority capital outlay project.

Further, by extending the SFP general site development grant for another year, it will have a positive impact on California businesses providing landscaping, finish grading, driveways, walkways, outdoor instructional play facilities, permanent playground equipment, and athletic fields, including the companies which supply the materials for these improvements because school districts will be able to more fully afford them. Failure to implement this regulation may require reducing the scope of work for some school projects.

This regulation affects various business, manufacturing, and construction-related industries such as architecture, engineering, trades and municipalities, which

continues to promote the stimulation of the economy and helps to support job creation.

Therefore, the proposed regulations will have a positive impact on the creation of jobs, the creation of new businesses, and the expansion of businesses in California. It is not anticipated that the proposed regulations will result in the elimination of existing businesses or jobs within California.

Benefits to Public Health and Welfare, Worker’s Safety, and the State’s Environment

- There is a health and safety impact assigned to this regulatory amendment. School site occupants, especially young children, will have less risk of injury and safer ingress and egress when driveways and walkways are wide, level, and extensive, when finish grading is thorough, when play facilities are of high quality on safe ground cover material, and athletic fields are well-designed with safe playing surfaces, adequate protective fences, and appropriate walkways.
- There are continued benefits to the health and welfare of California residents and worker safety. School districts utilize construction and trades employees to work on school construction projects and although this proposed regulation does not directly impact worker’s safety, existing law provides for the availability of a skilled labor force and encourages improved health and safety of construction and trades employees through proper apprenticeship training. Further, public health and safety is enhanced because a properly paid and trained workforce will build school construction projects that are higher quality, structurally code-compliant and safer for use by pupils, staff, and other occupants on the site.
- Extending the SFP general site development grant for another year will have a positive impact on California businesses providing landscaping, finish grading, driveways, walkways, outdoor instructional play facilities, permanent playground equipment, and athletic fields, including the companies which supply the materials for these improvements. Failure to implement this regulation may require reducing the scope of work for some school projects.
- This regulation will have a positive impact to various business, manufacturing, and construction-related industries such as architecture, engineering, trades (carpenters, masons, electricians, roofers, etc.) and municipalities, and supports the creation of an unspecified number of jobs.

- There is no impact to the State’s environment from the proposed regulation.

EFFECT ON SMALL BUSINESSES

It has been determined that the proposed regulations will not have a negative impact on small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. Although the proposed regulations only apply to school districts and charter schools for purposes of funding school facility projects, the demand on the manufacturing and construction–related industries could potentially stimulate the creation of small businesses in these areas.

SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e–mail or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail, e–mail or fax must be received at OPSC no later than October 10, 2016 at 5:00 p.m. The express terms of the proposed regulations as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e–mail or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Lisa Jones, Regulations Coordinator

Mailing Address: Office of Public School
Construction
707 Third Street, 6th Floor
West Sacramento, CA 95605

E–mail Address: lisa.jones@dgs.ca.gov

Fax No.: (916) 375–6721

AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Lisa Jones at (916) 376–1753. If Ms. Jones is unavailable, these questions may be directed to the backup contact person, Mr. Michael Watanabe, Chief of Administrative Services, at (916) 376–1646.

ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulations substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulations.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulations should be addressed to the agency’s regulations coordinator identified above. The SAB will accept written comments on the modified regulations during the 15–day period.

SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE

If, after receiving comments, the SAB intends to adopt the regulations with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

RULEMAKING FILE

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulations for which the adoption is proposed in strikeout/underline.
2. A copy of this Notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received, they will be added to the rulemaking file. The file is available for public inspection at the OPSC during normal working hours. Items 1 through 3 are also available on the OPSC Internet Web site at: <http://www.dgs.ca.gov/opsc> under “Resources,” then click on “Laws and Regulations,” then click on “SFP Pending Regulatory Changes.”

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the SAB must determine that no rea-

sonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, 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 THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency's regulations coordinator named in this notice or may be accessed on the Web site listed above.

TITLE 4. CALIFORNIA SCHOOL FINANCE AUTHORITY

Article 1.6, sections 10170.16 through 10170.22 Title 4, Division 15 California Code of Regulations

NOTICE IS HEREBY GIVEN that the California School Finance Authority (CSFA), organized and operating pursuant to Sections 17170 through 17199.5 of the Education Code, proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action. Any person interested may present written statements or arguments relevant to the proposed action to the attention of the Contact Person as listed in this Notice no later than 5:00 p.m. on Monday, October 10, 2016. The CSFA Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal 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(s) designated in this notice as Contact Person and will be mailed to those persons who submit statements related to this proposal or who have requested notification of any changes to the proposal.

PROPOSED REGULATORY ACTION

CSFA proposes to amend Sections 10170.16 through 10170.22 of Title 4 of the California Code of Regulations (Regulations) as permanent regulations. The Regulations implement CSFA's responsibilities related to

the Charter School Revolving Loan Fund Program (Program).

AUTHORITY AND REFERENCE

Authority: Section 41365 of the Education Code. Section 41365(h) allows CSFA to adopt regulations in order to administer the Program.

Reference: Section 41365 of the Education Code, Section 41366.5 of the Education Code, and 47600 et seq. and 47605 of the Education Code. The Regulations include a number of the requirements of the Program contained in Section 41365.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

CSFA was created in 1985 to assist school districts and community college districts in financing school construction projects (Education Code section 17170, et seq.). CSFA is authorized to adopt bylaws for the regulation and conduct of its business, and is vested with all powers reasonably necessary to carry out its powers and responsibilities (Education Code sections 17179 and 17180).

Pursuant to Education Code, Section 41365, the State Legislature directed the California School Finance Authority (Authority) to commence administration of the Charter School Revolving Loan Fund Program (Program) with the 2013–14 fiscal year and to adopt regulations to implement the statute. Pursuant to Education Code, Section 41365(c), the Program provides loans to Charter Schools of up to \$250,000 in total during the lifetime of the Charter School in order to meet the purposes of the charter granted pursuant to Education Code, Section 47605. The Program provides financial benefits to New Charter Schools by assisting such schools in meeting their short-term cash flow needs when State revenues based on student attendance are not sufficient to cover the operating expenses. Also refer to "Results of Economic Impact Assessment" (item d), below.

Effective July 1, 2013, the Authority initiated its administration of the Program, and pursuant to Section 41365(h), the Authority adopted emergency regulations through the Office of Administrative Law's (OAL's) Emergency Rulemaking procedures, and such emergency regulations were approved by OAL on February 3, 2014 (OAL Regulatory Action # 2014-0123-02 E). In addition, OAL approved an emergency readopt of the emergency regulations pursuant to Government Code, Section 11346.1(h), on August 4, 2014 (OAL Regulatory Action # 2014-0723-03 EE). On July 24, 2014, the Authority approved permanent regulations and such permanent regulations were ap-

proved by OAL on March 10, 2015 (OAL Regulatory Action # 2015-0129-01 CR). In order to amend regulations for purposes of administration of the Program, the Authority is proposing regulations through OAL's permanent rulemaking process.

The amendments to the Regulations are briefly summarized below which include, but are not limited to, the following: (1) additions and modifications to definitions; (2) modifications and additions to eligibility requirements, such as including that not only Charter Schools must be in compliance with other Authority programs, but school affiliate organizations must be in compliance as well; (3) replacement of the original Application Form with the new Application Form (CSFA RLF-01; revised August 10, 2016) and deletion of the Application Instructions; both documents are incorporated into this Notice by reference, with proposed changes; (4) omission of redundancies; (5) notation that upon implementation of an online application system, an Applicant must submit documentation through that system; (6) modification of the priority process when the Program is oversubscribed; (7) modification of the award process which sets forth that the loan term of a New Charter School will not exceed the length of the school's approved charter term; and (8) modification that sets forth that Affiliated Organizations, if applicable, are required to repay the Charter School's loan if the school is unable to repay the loan.

The proposed regulations offer the benefits of streamlining the application review process, clarifying program guidelines, and eliminating redundancies and inconsistencies within the regulations themselves. The revised Application form provides for a more efficient review process through identifying the appropriate support documents required for submission with the Application.

The Authority has conducted an evaluation as to whether there are any related regulations on this matter and has found that these are the only regulations dealing with this type of loan program. Therefore, the proposed regulations do not present any inconsistencies or incompatibilities with existing state regulations.

The Regulations are briefly summarized below. Refer to the Initial Statement of Reasons for additional detail.

Section 10170.17 — “Definitions”:

The amended Section adds new subdivision (a), which clarifies the definition of “Affiliated Organization”.

The amended Section modifies original subdivision (b), now subdivision (c) which revises the application form number to make consistent with other Authority program forms.

The amended Section adds new subdivision (i), which clarifies the definition of “Free or Reduced-Price Meal” or “FRPM”.

The amended Section adds new subdivision (i), which clarifies the definition of “New Charter School”.

Section 10170.18 — “Eligible Applicant”:

The amended Section modifies subdivision (c) to ensure that a New Charter School shall submit evidence that its charter petition has been submitted to a chartering authority for approval and that it anticipated beginning operations in the following fiscal year.

The amended Section modifies subdivision (d) to ensure that an Applicant demonstrates that it is an Incorporated Charter School by providing Articles of Incorporation.

The amended Section adds new subdivision (h) originally located in Section 10170.19. (e)(4) and Section 10170.21.(c), to ensure that a Charter School will not receive more than \$250,000 in Program loans over the lifetime of their charter.

The amended Section modifies original subdivision (h), now subdivision (i), to include that not only Charter Schools, but Affiliated Organizations, if applicable, must be in compliance with all programs administered by the Authority.

Section 10170.19 — “Application Content and Submission”:

The Authority is proposing a new application form (CSFA RLF-01; revised August 10, 2016) which is incorporated by reference, and is intended to replace the originally adopted application form (CSFA 14-01: July 24, 2014). The originally approved application instructions are proposed to be removed from the overall regulations.

The amended Section omits language in the introductory paragraph because the relevant information is relocated to subdivisions (b) and (c).

The amended Section relocates original subdivision (e)(2) to subdivision (a), sets forth that the application will be available on the Authority's website no later than December of each year.

The amended Section omits specific language under subdivision (a) relating to required submission of loan amount, Articles of Incorporation, and the school's legal status.

The amended Section relocates original subdivision (e)(3) to a new subdivision (b), which sets forth the application submission requirements relating to submission of a printed Application form and the submission deadline. In addition, this new subdivision (b) sets forth a new requirement that a copy of the Application form and supporting documentation required at new subdivision (c) must be submitted via flash drive or CD-ROM

and that, upon implementation of an online application system, an Applicant must submit documentation through that system.

The amended Section adds new subdivision (c) (replacing original subdivision (d)), which sets forth the listing of the specific documents that must be submitted as part of the Application, and which provides for the following modifications: (c)(1) — consolidation of requirement for submission of Articles of Incorporation for an independent charter with requirement to submit an operational agreement or Memorandum of Understanding with chartering authority for a dependent charter (moved from original (d)(7)); (c)(3) — modification setting forth that the current charter petition should be provided rather than charter agreement, and addition of “evidence supporting charter approval and term” to the requirement to submit charter petition.

The amended Section omits original subdivisions (b) and (c) because the related submission requirements are incorporated into the listing of submission requirements as set forth in new subdivision (c).

The amended Section modifies original subdivision (d)(2), now subdivision (c)(5) which sets forth that an adopted budget, if available should be provided.

The amended Section modifies original subdivision (d)(3), now subdivision (c)(6) which sets forth that multi-year year budget projections for at least the five fiscal years beyond the first fiscal year for which the Applicant is applying should be provided.

The amended Section modifies original subdivision (d)(4), now subdivision (c)(7) which sets forth that the most recent business plan and/or strategic plan for at least the next five academic years should be provided.

The amended Section modifies original subdivision (d)(9), now subdivision (c)(11) which sets forth that targeted student population and demographics should be provided, and omits reference to student year-to-year retention rates.

The amended Section omits subdivisions (e)(1–4) due to subdivisions (2–4) being incorporated into other subdivisions, and subdivision (e)(1) being omitted as it relates to the 2013–14 academic year only.

The amended Section modifies original subdivision (e)(5), new subdivision (d), which clarifies that an Affiliated Organization must provide a separate application for each school that has a separate CDS Code.

Section 10170.20 — “Application Review and Evaluation/Underwriting Criteria”:

The amended Section modifies subdivision (c) which sets forth that if funds are left over after New Charter Schools are awarded, consideration for a Program loan will be given to existing Charter Schools that have not

had their charters renewed. Reference to representation by Regions within this subdivision is omitted, as the application of Regions for purposes of setting priority among Applicants is clarified at subdivision (d)(1).

The amended Section modifies subdivision (d) which sets forth that if there are insufficient funds available during an application cycle, the process described in subdivisions (d)(1–2) will be followed, omitting specific language.

The amended Section adds new subdivision (d)(1–2), which first sets forth that priority will be established among New Charter Schools based on highest FRPM across Regions ensuring equal representation among Regions, to the extent feasible, pursuant to new Sections 10170.17(o)–(r). Second priority will be established among existing Charter Schools based on highest FRPM across Regions ensuring equal representation among Regions, to the extent feasible, pursuant to new Sections 10170.17(o)–(r).

The amended Section adds new subdivision (e), which sets forth that pursuant to subdivision (d), in the event that the Charter School’s FRPM data is not available, the Authority shall award loans based on the FRPM of the school’s projected elementary school attendance area.

Section 10170.21 — “Loan Amount and Repayment Terms”:

The amended Section adds new subdivision (b)(1), which sets forth that the loan term of a New Charter School will not exceed the length of the school’s approved charter term.

The amended Section omits subdivision (c) which is incorporated into new Section 10170.18.(h).

The amended Section adds new subdivision (c), which sets forth that loan payments shall begin the fiscal year following the fiscal year in which the school is disbursed the loan from the Authority, as determined by the Authority’s accounting office.

Section 10170.22: — “Loan Agreements”:

The amended Section modifies subdivision (e)(2), clarifying that if a school closes or fails to open, the Charter School will be invoiced for the loan balance.

The amended Section modifies subdivision (g), which sets forth that in the event the Charter School is unable to repay the loan and the Charter School is operated by an Affiliated Organization or Chartering Authority, the Authority will require the Affiliated Organization or Chartering Authority to repay the loan.

INCORPORATED BY REFERENCE FORM

Charter School Revolving Loan Fund Program Application, CSFA RLF–01: revised August 10, 2016.

**OTHER MATTERS PRESCRIBED BY STATUTES
APPLICABLE TO THE SPECIFIC STATE
AGENCY OR TO ANY SPECIFIC REGULATION
OR CLASS OF REGULATIONS**

No other matters prescribed by statute are applicable to CSFA or to any specific Regulation or class of Regulations pursuant to Section 11346.5(a)(4) of the California Government Code pertaining to the proposed Regulations or CSFA.

**MANDATE ON LOCAL AGENCIES OR
SCHOOL DISTRICTS**

CSFA has determined that the Regulations do not impose a mandate on local agencies or school districts.

FISCAL IMPACT

CSFA has determined that the Regulations do not impose any additional cost or savings to any state agency, any costs to any local agency or school district requiring reimbursement under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code, any other non-discretionary cost or savings to any local agency, or any cost or savings in federal funding to the State.

Pursuant to Education Code, Section 41366.6(a), the CSFA shall ensure that adequate funds are available in the Charter School Revolving Loan Fund to provide Program awards, and to facilitate the transfer of funds from the Charter School Security Fund to the Charter School Revolving Loan Fund, as necessary.

For the most recent 2015–16 funding round, approximately \$9 million was available in the Charter School Revolving Loan Fund to provide Program loans. There will be no cost or savings to any State Agency pursuant to Government Code Sections 11346.1(b) or 11346.5(a)(6).

**INITIAL DETERMINATION REGARDING ANY
SIGNIFICANT, STATEWIDE ADVERSE
ECONOMIC IMPACT DIRECTLY
AFFECTING BUSINESS**

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

EFFECT ON SMALL BUSINESSES

CSFA has determined that the adoption of the Regulations will not affect small business. The Program is a voluntary loan program available to New Charter Schools to assist in start-up costs.

COST IMPACTS

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

**ASSESSMENT OF EFFECT ON JOBS AND
BUSINESS EXPANSION, ELIMINATION
OR CREATION**

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.

COST IMPACT ON HOUSING

The Regulations will not have any effect on housing costs.

**RESULTS OF ECONOMIC
IMPACT ASSESSMENT**

- a. The proposed regulations will be unlikely to have an impact on the creation or elimination of jobs within the State of California. In addition, the Authority is unaware of any reason providing loan funds to awardees would result in the elimination of jobs. The purpose of the proposed regulations is to set forth administrative criteria and requirements for administering a loan program for newly established Charter Schools across the State of California. There are no provisions within the proposed regulations which place additional burdens, obligations, or expenses on existing businesses such that jobs would be created or eliminated as a result.
- b. The proposed regulations will be unlikely to have an impact on the creation or elimination of new businesses within the State of California. As noted above, the purpose of the proposed regulations is to set forth administrative criteria and requirements for administering a loan program for newly established Charter Schools across the State of California. There are no provisions within the

proposed regulations which place additional burdens, obligations, or expenses on existing businesses such that businesses would be created or eliminated as a result.

- c. The proposed regulations will be unlikely to have an impact on the expansion of businesses currently doing business within the State of California. The purpose of the proposed regulations is to set forth administrative criteria and requirements for administering a loan program for newly established Charter Schools across the State of California.
- d. The proposed regulations are intended to set forth administrative criteria and requirements for administering a loan program for newly established Charter Schools across the State of California. In the event the Program is oversubscribed, first priority will be given to New Charter Schools based on highest FRPM across Regions and second priority will be established among existing Charter Schools based on highest FRPM across Regions. If the Charter School's FRPM data is not available, the Authority shall award loans based on the FRPM of the school's projected elementary school attendance area. As such, to the extent the Program is oversubscribed, the Program and its proposed regulations have the potential to directly benefit economically vulnerable populations and communities throughout the State.

REASONABLE ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), CSFA must determine that no reasonable alternative considered by CSFA or that has otherwise been identified and brought to the attention of CSFA would be more effective in carrying out the purpose for which the Regulations are 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.

CSFA invites interested persons to present statements with respect to alternatives to the Regulations during the written comment period.

AGENCY CONTACT PERSON(S)

Written comments, inquiries, and any questions regarding the substance of the Regulations shall be submitted or directed to:

Katrina Johantgen, Executive Director
California School Finance Authority

at:

300 S. Spring Street, Suite 8500
Los Angeles, CA 90013
(213) 620-4467

or

915 Capitol Mall
Sacramento, CA 95814
(916) 651-7710

or

kjohantgen@treasurer.ca.gov

or

csrlf@treasurer.ca.gov

The following person is designated as a backup Contact Person for inquiries only regarding the Regulations:

Mark Paxson, General Counsel
State Treasurer's Office
915 Capitol Mall, Room 110
Sacramento, CA 95814
(916) 653-2995

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the Regulations to CSFA. The written comment period on the Regulations will end at 5:00 p.m. on Monday, October 10, 2016. All comments to be considered by CSFA must be submitted in writing to the Agency Contact Person identified in this Notice by that time. In the event that changes are made to the Regulations during the written comment period, CSFA will also accept additional written comments limited to any changed or modified Regulations for 15 calendar days after the date on which such Regulations, as changed or modified, are made available to the public pursuant to Title 1, Chapter 1, Section 44 of the California Code of Regulations. Such additional written comments should be addressed to the Agency Contact Person identified in this Notice.

AVAILABILITY OF INITIAL STATEMENT OF REASONS, RULEMAKING FILE AND EXPRESS TERMS OF PROPOSED REGULATIONS

CSFA has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at CSFA's office at 915 Capitol Mall, Sacramento, California, during normal business hours. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons, and the proposed text of the Regulations. Copies of these items are available upon request, from the Agency Contact Person designated in this Notice. The Sacramento address will also be the location for inspection of the rulemaking file and any other public records, including reports, documentation and other materials related to this proposed regulatory action. In addition, the rulemaking file, including the Initial Statement of Reasons and the proposed text, may be viewed on CSFA's Web site at www.treasurer.ca.gov/csfa.

PUBLIC HEARING

No public hearing regarding the Regulations has been scheduled. Anyone wishing a public hearing must submit a request in writing, pursuant to Section 11346.8 of the Government Code, to CSFA at least 15 days before the end of the written comment period. Such request should be addressed to the Agency Contact Person identified in this Notice and should specify the Regulations for which the hearing is being requested.

15-DAY AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the written comment period ends and following a public hearing, if any is requested, CSFA may adopt the Regulations substantially as described in this Notice, without further notice. If CSFA makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public (including through CSFA's Web site described above) for at least fifteen (15) calendar days before CSFA adopts the proposed Regulations, as modified. Inquiries about and requests for written copies of any changed or modified regulations should be addressed to the Agency Contact Person identified in this Notice.

AVAILABILITY OF FINAL STATEMENT OF REASONS

CSFA is required to prepare a Final Statement of Reasons pursuant to Government Code Section 11346.9. Once CSFA has prepared a Final Statement of Reasons, a copy will be made available to anyone who requests a copy and will be available on CSFA's Web site described above. Written requests for copies should be addressed to the Agency Contact Person identified in this Notice.

TITLE 10. DEPARTMENT OF INSURANCE

Exception Requests for Prescription Drug Prior Authorization and Step Therapy

August 16, 2016 CDI File No. REG-2016-00004

SUBJECT OF PROPOSED RULEMAKING

The California Department of Insurance (the "Department") proposes to amend California Code of Regulations ("CCR") Title 10, Chapter 5, Subchapter 2, Article 1.2, titled "Prescription Drug Prior Authorization Requests," consisting of Section 2218.30 after considering comments from the public. (All references to the CCR in this Notice are references to sections in CCR Title 10.) The Department proposes to amend this section under the authority granted by California Insurance Code ("CIC") sections 10123.191 and 10123.197. The regulation will authorize the use of an electronic process developed specifically for transmitting prior authorization information, and also authorize a step therapy exception request to be submitted, and responded to, in the same manner as a request for prior authorization for prescription drugs.

PUBLIC HEARING

(Government Code § 11346.5(a)(1))

The Department and the Department of Managed Health Care ("DMHC") will hold a joint public hearing to provide all interested persons an opportunity to present statements or arguments, orally or in writing, with respect to the proposed amendments to the regulations, as follows:

Date: October 10, 2016
Time: 1:00 p.m.–5:00 p.m.
Location: California Department of Managed Health Care
 980 Ninth Street 2nd Floor
 Sacramento, California 95814

PRESENTATION OF WRITTEN COMMENTS;
CONTACT PERSONS
(Government Code § 11346.5(a)(14))

All persons are invited to submit written comments on the proposed amendments to the regulation during the public comment period. The public comment period will end at **5:00 p.m. on October 10, 2016**. Please direct all written comments to the following contact person:

Julia Yee, Attorney
California Department of Insurance
300 Capitol Mall, 17th Floor
Sacramento, CA 95814
Telephone: (916) 492-3592
Julia.Yee@insurance.ca.gov

Questions regarding procedure, comments, or the substance of the proposed action should be addressed to the above contact person. In the event the contact person is unavailable, inquiries regarding the proposed action may be directed to the following backup contact person:

Christopher Citko
California Department of Insurance
300 Capitol Mall, 17th Floor,
Sacramento, CA 95814
Telephone: (916) 492-3187
Christopher.Citko@insurance.ca.gov

DEADLINE FOR WRITTEN COMMENTS
(Government Code 11346.5(a)(15))

All written materials must be received by the Department, addressed to the contact person at her address listed above, **no later than 5:00 p.m. on October 10, 2016**. Any written materials received after that time may not be considered.

COMMENTS TRANSMITTED BY E-MAIL
OR FACSIMILE

The Department will accept written comments transmitted by e-mail provided they are sent to the following two e-mail addresses: Julia.Yee@insurance.ca.gov and Christopher.Citko@insurance.ca.gov. The Department will also accept written comments transmitted by facsimile provided they are directed to the attention of Julia Yee and sent to the following facsimile number: (916) 324-1883. However, e-mail comments are preferred.

Comments sent to other e-mail addresses or other facsimile numbers will not be accepted. Comments

sent by e-mail or facsimile are subject to the deadline set forth above for written comments.

ACCESS TO HEARING ROOMS

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person(s) for the hearing in order to make special arrangements, if necessary.

AUTHORITY AND REFERENCE
(Government Code 11346.5(a)(2); 1 CCR 14)

The Department proposes the adoption of amendments to Title 10, Chapter 5, Subchapter 2, Article 1.2, section 2218.30 pursuant to the rulemaking authority vested in him by Insurance Code sections 10123.191 and 10123.197. The Department's proposed amendments to CCR section 2218.30 will implement, interpret, and make specific the provisions of Insurance Code sections 10123.191 and 10123.197.

INFORMATIVE DIGEST
(Government Code § 11346.5(a)(3))

SUMMARY OF EXISTING LAW
(Government Code 11346.5(a)(3)(A))

This rulemaking action clarifies and makes specific the application of the law regarding the Prescription Drug Prior Authorization or Step Therapy Exception Request Form (Rev. 06/2016), which is incorporated by reference in the regulation, and the prescription drug prior authorization and step therapy process that must be followed by health insurers.

Previous law, enacted through Senate Bill (SB) 866 (Hernandez, Chapter 648, Statutes 2011), added section 10123.191 to the Insurance Code, and established a standardized prior authorization form and process developed by the Department and DMHC to be utilized by health plans and health insurers, or their delegated representatives, for prescription drug prior authorization requests. While the intent of SB 866 was to streamline the prescription drug prior authorization process and improve enrollee access to prescription drugs, SB 866 did not account for new technology and alternative methods for transmitting prescription drug prior authorization requests. As a result, providers, health plans, and medical groups have expressed concern that alternative methods for transmitting prescription drug prior authorization requests, which may be more efficient than the standardized form, could be prohibited by current law.

Existing law, as enacted under Senate Bill (SB) 282 (Hernandez, Chapter 654, Statutes 2015), amended section 10123.191 of the Insurance Code, which required that every prescribing provider, as defined, when requesting prior authorization for prescription drugs, submit a standard prior authorization form to the health plan or health insurer, and requires those plans and insurers to utilize and accept only the standard prescription drug prior authorization form. SB 282 required the Department and DMHC to update the uniform prior authorization form on or before January 1, 2017, and requires prescribing providers to use, and health plans and health insurers to accept, only those forms or electronic process on or after July 1, 2017, or 6 months after the form is developed, whichever is later. SB 282 also changed the time limit for health plan review of prior authorization requests from two business days to 72 hours for non-urgent requests, and 24 hours if exigent circumstances exist.

Assembly Bill (AB) 374 (Nazarian, Chapter 621, Statutes 2015), which added section 10123.197 to the Insurance Code, also requires amendments to the regulation and form to allow for a step therapy exception process. The regulation and form, as amended, requires providers, except as specified, to utilize the amended form for step therapy exception requests and requires health plans to review all requests for step therapy exceptions to a health plan's step therapy process for prescription drugs within the same time periods as prior authorization requests. The bill would therefore assure timely review of physician requests for exceptions to a health plan's step therapy process and would provide clear patient protections.

POLICY STATEMENT OVERVIEW
(Government Code 11346.5(a)(3)(C))

The proposed amendments to the regulation will implement the new statutory requirements that further the efforts to streamline, simplify, and improve the efficiency of the prior authorization or step therapy request processes for prescription drugs. Health plans and health insurers routinely require health care providers to submit forms for prior authorization of coverage or step therapy exception requests when prescribing medications or treatments not routinely covered by the health plan or health insurer's formulary. These request processes impose a significant administrative burden on health care providers, and can result in significant delay of patient access to medication and increased health care costs.

The proposed amendment to the existing regulation, 10 § CCR 2218.30, will specify the 72 and 24 hour deadlines for approval or disapproval of a prescription drug prior authorization request, authorize the use of an

electronic process developed specifically for transmitting prior authorization information that meets the NCPDP SCRIPT standard for electronic prior authorization transactions, and authorize a step therapy exception request to be submitted, and responded to, in the same manner as a request for prior authorization for prescription drugs. The proposed amendments are, therefore, necessary pursuant the implementation of Insurance Code sections 10123.191 and 10123.197.

EFFECT OF PROPOSED ACTION
(Government Code § 11346.5(a)(3)(A))

The proposed amendment to the regulation implementing Insurance Code sections 10123.191 and 10123.197 will increase efficiency in the prior authorization process by authorizing use of an electronic system or process developed specifically for transmitting prior authorization information that meets the NCPDP SCRIPT standard for electronic prior authorization transactions, and by authorizing a step therapy exception request to be submitted, and responded to, in the same manner as a request for prior authorization for prescription drugs.

The effect of the amendments and the specific benefits anticipated from the proposed regulation are: a streamlined prior authorization or step therapy exception request process which would ease the administrative burden on prescribing providers, allowing providers to devote more time to patient care, improved and expedited patient access to medication and treatment, and reduced costs for providers and insurers.

Prior to the enactment of Insurance Code section 10123.191, health plans and health insurers developed and utilized their own prior authorization forms for non-formulary prescription drugs. The result was that providers had to complete varying health plan-specific prior authorization forms each time a non-formulary prescription drug was prescribed, and comply with health plans' individualized processes. By utilizing a uniform prescription authorization form, the impact on patient care and the delay in provision of non-formulary prescriptions is minimized.

COMPARABLE FEDERAL LAW
(Government Code § 11346.5(a)(3)(B))

There are no existing federal regulations or statutes comparable to the proposed regulation.

CONSISTENCY OR COMPATIBILITY WITH EXISTING STATE REGULATIONS
(Government Code § 11346.5(a)(3)(D))

The Department has evaluated the proposed amendments to the regulations for any related regulations in

this area and has found that these are the only regulations concerning the authorization of the use of an electronic process developed specifically for transmitting prior authorization information, and the authorization that a step therapy exception request to be submitted, and responded to, in the same manner as a request for prior authorization for prescription drugs. Therefore, the proposed amended regulations are neither inconsistent nor incompatible with any existing state regulations.

**MANDATES ON LOCAL AGENCIES OR
SCHOOL DISTRICTS**
(Government Code § 11346.5(a)(5))

The proposed regulations do not impose any mandate on local agencies or school districts. There are no costs to local agencies or school districts for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement.

**COST OR SAVINGS TO ANY STATE AGENCY
OR COST TO ANY LOCAL AGENCY OR
SCHOOL DISTRICT OR COST OR SAVINGS IN
FEDERAL FUNDING TO THE STATE**
(Government Code § 11346.5(a)(6))

The Department has determined that the proposed regulations will result in no cost or savings to any state agency, no 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, no other nondiscretionary cost or savings imposed on local agencies, and no cost or savings in federal funding to the State.

**ECONOMIC IMPACT ON BUSINESS AND THE
ABILITY OF CALIFORNIA BUSINESSES
TO COMPETE**
(Government Code § 11346.5(a)(7))

The Department has made an initial determination that adoption of the proposed amendments to the regulations will not have any significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The statutory framework has already been enacted, and the proposed regulation does not impose substantial, additional requirements that would increase business costs.

**STATEMENT OF THE RESULTS OF THE
ECONOMIC IMPACT ASSESSMENT**
(Government Code § 11346.5(a)(10))

The Department is required to assess any impact the proposed amendments may have on the creation or elimination of jobs within the State of California; to assess the creation of new businesses or the elimination of existing businesses within the State of California; and to assess the expansion of businesses currently doing business within the State of California.

As stated under the Informative Digest's Effect of Proposed Action, the proposed regulation will benefit the health and welfare of California residents by providing for a streamlined prior authorization or step therapy exception request process. Streamlining these processes would benefit health providers and consumers by easing the administrative burden on prescribing providers, allowing providers to devote more time to patient care, improving and expediting patient access to medication and treatment, and reducing costs to providers and insurers.

The Department projects that the proposed amendments will not impact employment within the State of California. The proposed amendments will not impact the creation of new businesses or the elimination of existing businesses within California, and the Department has determined that the proposed regulations will not affect California businesses' ability to expand.

The proposed amendments will not impact worker safety and will have no effect on the state's environment.

**POTENTIAL COST IMPACT ON PRIVATE
PERSONS OR BUSINESSES**
(Government Code § 11346.5(a)(9))

There are no cost impacts known to the Department that a representative private person or business, other than insurers, would necessarily incur in reasonable compliance with the proposed regulations. Health care insurers subject to the proposed regulation are likely to experience some cost impact, but such costs are primarily attributable to the enacted statutes, Insurance Code sections 10123.191 and 10123.197. The costs attributable to the proposed regulation, if any, are minimal.

FINDING OF NECESSITY
(Government Code § 11346.3(d))

The Department finds that it is necessary for the health, safety, or welfare of the people of the state that the regulations apply to businesses.

IMPACT ON HOUSING COSTS
(Government Code § 11346.5(a)(12))

The Department makes an initial determination that the proposed amendments to the regulations will have no significant effect on housing costs.

IMPACT ON SMALL BUSINESS
(1 CCR § 4(a) and (b))

The Department has made an initial determination that the adoption of the proposed amendments will not affect small businesses because insurers are not small businesses under Government Code section 11342.610(b)(2). However, the Department invites public comments on the question of economic impact on small businesses.

ALTERNATIVES STATEMENT
(Government, Code § 11346.5(a)(13))

The Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which 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 STATEMENTS
(Government Code § 11346.5(a)(16))

The Department has prepared an Initial Statement of Reasons that sets forth the reasons for the proposed action. Upon request, the Initial Statement of Reasons will be made available for inspection and copying. Requests for the Initial Statement of Reasons or questions regarding this proceeding should be directed to the contact person listed above.

The file for this proceeding, which includes a copy of the express terms of the proposed amended regulations, the Initial Statement of Reasons, all the information upon which the proposed action is based, and any supplemental information, including any reports, documentation and other materials related to the proposed action that is contained in the rulemaking file, is available by appointment for inspection and copying by prior ap-

pointment at 300 Capitol Mall, 17th Floor, Sacramento, California 95814, between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday.

MODIFIED LANGUAGE
(Government Code §§ 11346.5(a)(18); 11346.8(c))

If the Department adopts regulations that differ from those that have originally been made available but are sufficiently related to original proposed amendments, the full text of the amended regulations, with the change clearly indicated, will be made available to the public for at least 15 days prior to the date the Department adopts the amended regulations. Interested persons should request a copy of the amended regulations from the contact person listed above.

AUTOMATIC MAILING
(Government Code 11346.4(a)(1))

A copy of the proposed amended regulations and this Notice (including the Informative Digest, which contains the general substance of the proposed amendments to the regulations) will be sent to all persons who have previously filed a request with the Department to receive notice of proposed rulemaking.

FINAL STATEMENT OF REASONS
(Government Code § 11346.5(a)(19))

Upon request, the Final Statement of Reasons will be made available for inspection and copying once it has been prepared pursuant to Government Code section 11346.9(a). Requests for the Final Statement of Reasons should be directed to the contact person in this Notice.

WEBSITE POSTINGS
(Government Code § 11346.5(a)(20))

Documents concerning this proceeding are available on the Department's website. To access them, go to <http://www.insurance.ca.gov>. Click on "Insurers" then "Legal Information" then "Proposed Regulations" then "Search for Proposed Regulations." When the "Proposed Regulations" screen appears, you may choose to find the documents either by conducting a search for "REG-2016-00004" or by browsing for them by name as "Prescription Drug Prior Authorization or Step Therapy Exception Requests" regulations.

TITLE 10. GOVERNOR’S OFFICE OF BUSINESS AND ECONOMIC DEVELOPMENT

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Chapter 13, New Article 4, Sections 9000–9080

The Governor’s Office of Business and Economic Development (GO–Biz) proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

GO–Biz has not scheduled a public hearing for this proposed action. However, if GO–Biz 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 office will conduct a public hearing on this proposed action and will notify all interested parties of the date, time, and location of the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to GO–Biz at the address below. Comments may also be submitted by email to grace.arupo-rodriguez@gov.ca.gov. The written comment period closes at **5:00 p.m. on October 10, 2016**. GO–Biz will only consider comments received at the GO–Biz office, by that time Submit comments to:

Governor’s Office of Business and Economic Development
 Attn: Grace Arupo Rodriguez
 1325 J Street
 18th Floor
 Sacramento, CA 95814

AUTHORITY AND REFERENCE

Government Code Sections 12099, 12099.1, and 12099.2 created the California Innovation Hub (iHub) Program (collectively, Program) within the Governor’s Office of Business and Economic Development (GO–Biz). In order to effectively administer the Program, GO–Biz is required to promulgate regulations because it is not exempt from the rulemaking process under the Administrative Procedure Act. The proposed regulations implement, interpret, and make specific Government Code Sections 12099, 12099.1, and 12099.2.

In 2013 Governor Edmund G. Brown Jr. signed Assembly Bill 250 (Holden, Chapter 530, Statutes of 2013), which created the Program within GO–Biz. GO–Biz is responsible for implementing and managing the Program.

The purpose of the Program is to foster innovation and trade. Job creation through rapid technology commercialization is a vital part of the state’s economic well-being as identified in a January 2012 symposium held by the Brookings Institute. (Government Code Section 12099(a)).

Potential iHubs apply for a state designation as an iHub. The state designates what type of partnership arrangement may be called an iHub. Each potential iHub applicant includes partners from local government, venture capitalists, research institutions, etc. If designated as an iHub, the operation of each iHub is governed by a cooperative agreement between GO–Biz and the geographically distinct regions within California that form that specific iHub.

Each iHub represents an independent partnership between local government entities, public universities, research institutions, venture capitalist networks, and economic development organizations in a particular region of the state with a particular focus (e.g. manufacturing).

The iHub regulations provide a framework for GO–Biz to solicit applications from potential entities interested in becoming an iHub, designating the iHubs, creating a framework to allow for the success of iHubs and a mechanism in which to terminate an iHub designation, if necessary.

Businesses and potential investors can utilize these regionally–based iHubs to gain greater access to funding opportunities, technology transfers, research relationships, incubators, and the local workforce programs.

Each iHub operates on a “triple helix” model of economic development, in which industry, academia and government collaborate to stimulate and support innovation.

To effectively manage the application process and the overall Program, GO–Biz is proposing to adopt eight distinct regulatory sections under Title 10, Chapter 13 Sections 9000 et seq. to provide the framework of how to administer the Program. Specifically, GO–Biz is proposing to adopt the following sections (1) the definitions; (2) the application process; (3) applicant evaluation; (4) grounds for rejection; (5) requirements of designated iHubs; (6) iHub innovation accelerator account; (7) reporting requirements; (8) changes or modifications; and (9) the revocation process. The rationale

for each of these sections, its benefits, the alternatives considered, and the reliance on any other third-party data or empirical study, if any, are addressed below, unless explicitly excluded because the regulations are essential self-explanatory on their face.

Anticipated Benefits of the Proposed Regulation:

The proposed regulation will foster innovation in technology, as well as potentially boost California's business and overall economy because of the collaboration between and within each designated iHub. The collaborative processes of the iHub program encourage greater alignment among different economic development assets, organizations, and programs in California. Collaborative partnerships like the iHub program can help California reinforce its national leadership role in innovation, entrepreneurship as well as workforce development.

Determination of Inconsistency/Incompatibility with Existing State Regulations:

During the process of developing these regulations and amendments, GO-Biz 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. No other currently existing state agency has issued any regulations related to the proposed regulations; therefore there are no inconsistencies or incompatibilities with existing state regulations.

DISCLOSURES REGARDING
PROPOSED ACTION

GO-Biz has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

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

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

Cost impacts on a representative private person or business: GO-Biz is not aware of any cost impacts that a presentative private person or business would necessarily incur in reasonable compliance with the proposed action.

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

Significant effect on housing costs: None.

Results of the Economic Impact Analysis/Assessment

The Program could contribute to California's economy by assisting with the collaboration between businesses, venture capitalists, academics, government and investors in fostering new innovative products to deliver to the consumer.

GO-Biz concludes that:

- It is likely that the proposed changes will not negatively affect the creation/elimination of jobs within in California.
- It is likely that the proposed changes will not negatively affect the creation of new business and elimination of existing business.
- it is likely that the proposed changes may promote the expansion of businesses currently doing business within the State.

Benefits of Proposed Action: The regulations provide a framework for the Program to operate. They provide applicants with guidance on how to apply to become a designated iHub and the requirements that must be maintained if one is to continue to be a iHub. By providing this clarity in application and deliverables, the regulations could encourage participation in the Program and the Program's consequent effectiveness in fostering innovation. Therefore, the proposed regulation may create an indirect impact to the general welfare of California.

Small Business Determination: GO-Biz has determined that the proposed regulations may positively affect the small businesses who participate in iHub networks.

CONSIDERATION OF ALTERNATIVES

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

GO-Biz invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Governor's Office of Business and Economic
Development

Attn: Grace Arupo Rodriguez
1325 J Street 18th Floor
Sacramento, CA 95814

Email: grace.arupo-rodriquez@gov.ca.gov

Back-Up Contact Person:

Attn: Louis Stewart

Email: louis.stewart@gov.ca.gov

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, or other information upon which the rulemaking is based to Ms. Arupo Rodriguez at the above address. In her absence, please contact the designated back-up contact person.

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

GO-Biz 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 and the Initial Statement of Reasons. Copies may be obtained by contacting Grace Arupo Rodriguez at the address above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, GO-Biz may adopt the proposed regulations substantially as described in this notice. If GO-Biz 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 GO-Biz adopts the regulations as revised. Please send requests of any modified regulations to the attention of Ms. Arupo Rodriguez at the address indicated above. GO-Biz will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ms. Arupo Rodriguez at the address above.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations can be accessed on the website at www.business.ca.gov.

TITLE 10. GOVERNOR'S OFFICE OF BUSINESS AND ECONOMIC DEVELOPMENT

California EB-5 Investor Program

The Governor's Office of Business and Economic Development (GO-Biz) proposes to adopt the proposed regulations described below for Title 10, Chapter 13, Article 3, Sections 8200-8230 after considering all comments, objections, and recommendations regarding the Proposed Action. These proposed regulations are hereafter referred to as the "Proposed Action."

PUBLIC HEARING

A public hearing on the Proposed Action will be scheduled upon request. To request a hearing, send a letter to the address listed above no later than **fifteen days prior to the close of the written comment period.**¹ GO-Biz will send notice of the hearing to the requestor, associated economic development authorities, and the notice will also be posted on the GO-Biz website at least ten days before the public hearing date pursuant to Government Code section 11346.8(a). The notice will provide the date, time, and location of the hearing. If a hearing is scheduled and you have special accommodation or language needs, please contact Brian Peck via email at eb5info@gov.ca.gov at least one week in advance of the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the Proposed Action to GO-Biz at the address below. Comments may also be submitted by email to eb5info@gov.ca.gov. The written comment period closes at **5:00 p.m. on October 10, 2016**. GO-Biz will only consider comments received at the GO-Biz office by that time. Submit comments to:

¹ If you have special accommodation or language needs, please include this in your request for a public hearing. TTY/TDD speech-to-text users may dial 7-1-1 for the California Relay Service.

Governor's Office of Business and Economic
Development
Attn: Van T. Nguyen
1325 J Street, Suite 1800
Sacramento, CA 95814
Email: van.nguyen@gov.ca.gov

AUTHORITY AND REFERENCE

California Government Code section 6315.1 authorizes GO-Biz to set the terms and conditions for issuing a state designation letter for targeted employment areas within the structure of the EB-5 Investment Program. In order to effectively administer the Program, GO-Biz is required to promulgate regulations because it is not exempt from the rulemaking process under the Administrative Procedure Act. The Proposed Action implements, interprets, and makes specific, sections 6315.1 of the California Government Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 204.6(i) of Title 8, Code of Federal Regulations governing alien entrepreneur immigrant visa petitions under the United States Citizen and Immigration Services (USCIS) administered EB-5 visa program authorizes the state government of any state of the United States to designate a particular geographic or political subdivision within a metropolitan statistical area or within a city or town having a population of 20,000 of more within such state as a high unemployment area if the area experienced an unemployment rate of at least 150 percent of the national average.

Governor Edmund G. Brown Jr. signed Assembly Bill 2012 (Perez, Chapter 294, Statutes of 2012), which designated the GO-Biz as the state agency primarily responsible for international trade and investment and repealed said authority from the Secretary of Business, Transportation, and Housing. As a result, GO-Biz became the state agency primarily responsible for international trade and investment, including the federal EB-5 visa for immigrant investors program ("EB-5 Program"). As a result, one of the responsibilities of the International Affairs and Business Development unit is to establish a process by which applicants can seek a GO-Biz letter designating that the location for a project under the EB-5 Program is located in a high unemployment area, also known as a Targeted Employment Area (TEA).

The purpose of the EB-5 Program is to attract foreign direct investment ("FDI") projects to the United States. The EB-5 Program involves granting permanent resident status to immigrants who invest at least \$1,000,000

into a new commercial enterprise or \$500,000 into a new commercial enterprise made in a Targeted Employment Area ("TEA") that creates or preserves at least 10 jobs for US workers. California is the beneficiary of more FDI projects than any other state in the United States. In order for an applicant to obtain an EB-5 visa and invest less than \$1,000,000, the state of California, through GO-Biz, must verify that the new commercial business is located in a TEA.

The EB-5 regulations provide a framework for GO-Biz to administer its responsibilities regarding the EB-5 Program, including establishing procedures for designating and certifying a TEA, outlining the process to obtain and renew a TEA certification letter, and how GO-Biz will conduct the annual survey of the regional centers' performance.

To effectively manage the TEA certification process of the EB-5 Program, GO-Biz is proposing to adopt four (4) distinct regulatory sections under Title 10, Chapter 13, Sections 8200-8230 to provide the framework of how the application process will be administered and how the annual survey of the regional centers will be conducted. Specifically, GO-Biz is proposing to adopt the following sections: (1) the definitions; (2) the designation and certification process for qualified TEAs; (3) the renewal of state-designated TEA certification process; and, (4) the EB-5 survey process. The rationale for each of these sections, its benefits, the alternatives considered, and the reliance on any other third-party data or empirical study, if any, are addressed below, unless explicitly excluded because the regulations are essentially self-explanatory on their face.

Anticipated Benefits of the Proposed Action:

By promulgating regulations to facilitate FDI within California, the proposed regulations will increase FDI in California and result in a positive impact on California's economy. The regulations will contribute to California's economy by providing clarity to potential investors on how to invest in California, thereby resulting in increased FDI in the state.

In addition, the proposed regulations will provide more transparency related to expectations, and greater communication, between GO-Biz and the regional centers, which in turn, will stimulate economic activity within the state, resulting in greater job growth and a positive impact on California's economy.

Determination of Inconsistency/Incompatibility with Existing State Regulations:

During the process of developing these regulations and amendments, GO-Biz 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. No other currently existing state agency has issued any regula-

tions related to the proposed regulations; therefore there are no inconsistencies or incompatibilities with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

GO-Biz has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

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

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

Cost impacts on a representative private person or business: GO-Biz 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.

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

Small business determination: The regulations will not have any discernible economic impact on small businesses because it is an optional program focused on alien investors rather than established small businesses already located within California.

Results of the Economic Impact Analysis/Assessment:

The regulations will contribute to California's economy by increasing foreign direct investment in the state by providing clarity to potential investors on how to invest in California.

The regulations make clear the information potential investors will need to gather and submit as part of the application process.

GO-Biz concludes that:

- It is likely that the proposed changes will not adversely affect the creation, or result in the elimination, of jobs within California.
- It is likely that the proposed changes will not adversely affect the creation of new business, or result in the elimination, of existing business.
- It is likely that the proposed regulations will promote the expansion of both new businesses and businesses currently active within the State.

Benefits of Proposed Action: The EB-5 regulations provide a framework for GO-Biz to review applications from investors seeking to obtain a federal EB-5 immigrant visa based on investing in a business located

in a TEA within California. The regulations also set forth and make clear the process to renew a TEA certification and the EB-5 survey. As a result of these regulations, GO-Biz anticipates that there will be an increase in foreign direct investment within California, resulting in a positive impact on California's economy.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), GO-Biz must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, 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.

GO-Biz 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:

Governor's Office of Business and Economic
Development
Attn: Van T. Nguyen
1325 J Street, Suite 1800
Sacramento, CA 95814
Email: van.nguyen@gov.ca.gov

Back-Up Contact Person:
Attn: Brian Peck
Email: brian.peck@gov.ca.gov

Please direct requests for copies of the text of the proposed amended regulations, the ISOR, or other information upon which the rulemaking is based to Van T. Nguyen at the above address.

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

GO-Biz 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, and the Initial Statement of Reasons. Copies may be obtained by downloading them at

www.business.ca.gov or contacting Van T. Nguyen at van.nguyen@gov.ca.gov.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, GO–Biz may adopt the proposed regulations substantially as described in this notice. If GO–Biz makes modifications which are sufficiently different from 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 GO–Biz adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Van T. Nguyen at the address indicated above. GO–Biz will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Van T. Nguyen at the address above.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the text of the proposed amendments can be accessed through the GO–Biz website at www.business.ca.gov.

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS TRAINING

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Division 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code §11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

Public Comments Due by October 10, 2016, at 5:00 p.m.

Notice is also given that any interested person, or authorized representative, may submit written comments

relevant to the proposed regulatory action by fax at (916) 227–6932 or by letter to:

Commission on POST
Attn: Phil Caporale
860 Stillwater Road, Suite 100
West Sacramento, CA 95605–1630

AUTHORITY AND REFERENCE

This proposal is made pursuant to the authority vested by Penal Code §13503 (authority of Commission on POST) and Penal Code §13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific Penal Code §13503(e) which authorizes POST to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

On October 3, 2015, Governor Brown, signed into law Senate Bill 29 (Beall), which mandated additional mental health response training for law enforcement officers.

Senate Bill 29 added Penal Code § 13515.29, requiring POST to include at least four hours of instruction on how to interact with persons with mental illness or intellectual disability in the existing 40–hour Field Training Officer (FTO) course. The new mandate requires that the training address how to interact with persons having a mental illness or intellectual disability, including at least four hours of classroom instruction and instructor–led active learning, such as scenario–based training, which shall address issues related to stigma, and shall be culturally relevant and appropriate. The proposed additions to Commission Procedure D–13–4 will make the FTO course compliant with the requirements of Penal Code § 13515.29

Senate Bill 29 also added Penal Code § 13515.295, requiring POST to conduct a review and evaluation of the required competencies of the Field Training Program (FTP) and Police Training Program (PTP) to identify areas where additional training is necessary to better prepare law enforcement officers to effectively address incidents involving persons with mental illness or intellectual disability. The proposed additions to Procedure D–13–3 will effectuate the requirements of Penal Code § 13515.295 by requiring training for effectively addressing incidents involving persons with a mental illness or intellectual disability.

The proposed revision to Regulation 1005 revises the effective date of Commission Procedure D–13 for his-

torical accuracy and to ensure that obsolete editions are not utilized.

The benefit anticipated by the proposed amendments to the regulations will be to update course content for the Field Training Program and the Police Training Program, which will increase the effectiveness of law enforcement standards for peace officers in preserving peace, protection of public health and safety, and welfare of California.

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

All changes to curriculum begin with recommendations from law enforcement practitioners or in some cases via legislative mandates. POST then facilitates meetings attended by curriculum advisors and subject matter experts who provide recommended changes to existing curriculum. The completed work of all committees is presented to the POST Commission for final review and adoption. Upon adoption of the proposed amendments, course presenters will be required to teach and test the updated curriculum. The proposed effective date is November 23, 2016.

DOCUMENT INCORPORATED BY REFERENCE

Commission Procedure D-13 (revised 11-23-16).

ADOPTION OF PROPOSED REGULATIONS

Following the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digests. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date that the revised text is made available.

ESTIMATE OF ECONOMIC IMPACT

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

Non-Discretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Costs to any Local Agency or School District for Which Government Code §§ 17500-17630 require reimbursement: None.

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendments will not affect California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement which does not impact California businesses, including small businesses.

Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Affect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulations would have no effect on housing costs.

RESULTS OF ECONOMIC IMPACT ASSESSMENT PER GOVERNMENT CODE § 11346.3(b)

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

The proposed amendments of the regulations will increase the effectiveness of law enforcement standards for peace officers in preserving peace, protection of public health and safety, and welfare of California. Additionally, the proposed amendments make the regulations compliant with Penal Code § 13515.29 and § 13515.295. There would be no impact that would affect worker safety or the state's environment.

COST IMPACT ON 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.

CONSIDERATION OF ALTERNATIVES

To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise identified and brought to the Commission, would be more effective in carrying out the purpose for which the action is proposed; or would be as effective and less burdensome to affected private persons 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 proposed action.

CONTACT PERSON

Questions regarding this proposed regulatory action may be directed to Phil Caporale, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630, at philip.caporale@post.ca.gov, or (916) 227-3915. The alternate contact is Scott Loggins at (916) 227-4261. General questions regarding the regulatory process may be directed to Brian Clark at brian.clark@post.ca.gov, (916) 227-4847, or by FAX at (916) 227-5271.

TEXT OF PROPOSAL

Individuals may request copies of the exact language of the proposed regulations and of the initial statement of reasons, and the information the proposal is based upon, from the Commission on POST at 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630. These documents are also located on the POST Website at: <http://www.post.ca.gov/regulatory-actions.aspx>.

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

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above.

To request a copy of the Final Statement of Reasons once it has been prepared, submit a written request to the contact person(s) named above.

TITLE 16. BOARD OF OCCUPATIONAL THERAPY

NOTICE IS HEREBY GIVEN that the California Board of Occupational Therapy (Board) is proposing to take the action described in the Informative Digest. Any person interested may submit statements or arguments

relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or email to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on October 10, 2016.

The Board does not intend to hold a hearing in this matter. If any interested party wishes that a hearing be held, he or she must make the request in writing to the CBOT. The request must be received in the Board office not later than 5:00 pm on September 26, 2016.

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

Authority and Reference: Pursuant to the authority vested by section 2570.32 of the Business and Professions Code (BPC), the Board is proposing to revise Division 39, Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST

Informative Digest

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

Policy Statement Overview

Existing law, BPC section 2570.32, specifies that a holder of a license that has been revoked may petition the Board for reinstatement of the license or that a holder of a license that has been suspended or placed on probation may petition the Board to modify a penalty, including reduction or termination of probation.

Pursuant to BPC 2570.32, the petition submitted shall contain any information required by the Board, which may include a current set of fingerprints and the fingerprint processing fee. The petitioner shall at all times have the burden of proof to establish by clear and convincing evidence that he or she is entitled to the relief sought in the petition.

Existing law, BPC section 2570.32, specifies that the Board may refuse to consider a petition while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on

court-imposed probation or parole or subject to an order of registration pursuant to Section 290 of the Penal Code.

The Board is seeking to add 16 CCR Section 4149.5, to (1) require forms that must be completed and other documents that must be submitted when petitioning the Board for reinstatement or modification or early termination of probation and (2) to implement and make specific BPC Section 2570.32(f), by establishing the criteria that will be applied when determining whether the Board will refuse to consider a petition from an individual under sentence for a criminal offense.

The Board is seeking to add 16 CCR Section 4149.5 to specify certain criteria that must occur or a time period that must elapse before an individual can submit a petition if the Board previously refused to hear their petition.

Benefit of Proposed Regulations

This proposed action will clarify 2570.32(f) which provides discretion to the Board to refuse to hear a petition for reinstatement or modification of a penalty, when the petitioner is under sentence for a criminal offense, without providing any criteria or basis for the decision to refuse to hear a petition. The proposed action will provide clarity to prospective petitioners, specify forms and documents that must be submitted in order for the Board to consider a petition for reinstatement or modification of a penalty, and ensure protection of the public when the petitioner is under sentence for a criminal offense.

The proposed regulatory action defines, clarifies, and updates many aspects and principles of the Board's standards related to denial, discipline, and petition for reinstatement of a license or modification of a penalty.

Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations, the Board conducted an evaluation for any other regulations related to this area and has determined that these regulations are neither inconsistent nor incompatible with existing state regulations.

Documents Incorporated by Reference:

- Petition for Reinstatement of License, Form PTR (Rev. 7/2016)
- Probationer Petition, Form PET (Rev. 7/2016).

FISCAL IMPACT ESTIMATES

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

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Business Impact:

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

Cost Impact on Representative Private Person or Business:

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

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has made a determination that the proposed regulatory action would not have a statewide adverse economic impact on small business. The proposed regulatory action only impacts individuals whose occupational therapist or occupational therapy assistant license has been revoked suspended, or placed on probation.

RESULTS OF ECONOMIC IMPACT ANALYSIS

Impact on Jobs/New Business:

The Board 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 to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Board has determined that this regulatory proposal adds clarity and specificity to when a petition for reinstatement or modification of a penalty can be submitted for the Board's consideration.

Adoption of this proposed action will enhance and promote the administration, coordination, and enforcement of these provisions and ultimately promote the Board's mandate to protect the health, safety, and welfare of California consumers and provides clarity to those who wish to submit a petition for the Board's consideration.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposal described in this Notice or would be more cost effective to 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 within the timeframes identified in this Notice, or at a hearing in the event that such a request is made by the public.

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

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

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

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

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

CONTACT PERSON

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

Ranjila Sandhu
California Board of Occupational Therapy
2005 Evergreen Street, Suite 2250
Sacramento, CA 95815
TEL (916) 263-2294 or
FAX (916) 263-2701

The backup contact person is:

Jeff Hanson
[Same contact information as above]

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

TITLE 16. STRUCTURAL PEST CONTROL BOARD

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

**Department of Consumer Affairs
Hearing Room
2005 Evergreen Street
Sacramento, CA 95815
October 13, 2016
9:00 a.m.**

Any interested person, or his or her authorized representative may submit written comments relevant to the proposed regulatory action to the Board. Comments may also be submitted by facsimile to the Board at (916) 263-2469 or by email to pestboard@dca.ca.gov. The written comment period closes at **5:00 p.m. on Wednesday, October 12, 2016**. The Board will only consider comments received at the Board Office by that time. Submit comments to:

**David Skelton, Administrative Analyst
Structural Pest Control Board
2005 Evergreen Street, Suite 1500
Sacramento, CA 95815**

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 granted by Business and Professions (B&P) Code Section 8525 and to imple-

ment, interpret, or make specific B&P Code Sections 8525 and 8650 the Board is proposing to amend Section 1914 of Division 19, of Title 16, of the California Code of Regulations (CCR).

INFORMATIVE DIGEST

Currently, CCR Section 1914 provides that the Board shall not issue a company registration in the same name as that of a firm whose company registration has been suspended or revoked unless a period of at least one year has elapsed. Additionally, CCR Section 1914 provides that the use of a name style or telephone number of a company whose registration has been suspended or revoked is a ground for disciplinary action.

This regulatory proposal would add that the Board shall not issue a company registration in the name of a firm whose company registration has been surrendered. Additionally, this regulatory proposal would add that the use of a name style or telephone number of a company whose registration has been surrendered is a ground for disciplinary action.

POLICY STATEMENT OVERVIEW

Pursuant to B&P Code Section 8520.1 protection of the public is the Board's highest priority. In keeping with that mandate, the Board is seeking to increase consumer protection by adding a restriction on the issuance of a company registration in the name of a company whose registration has been surrendered and by making the use of the name or telephone number of a company whose registration has been surrendered a ground for disciplinary action.

When a registered company faces Board-administered discipline they are sometimes able to avail themselves of an opportunity to surrender their registration rather than continue through the disciplinary process. Recently, the Board has become aware of registered companies who have surrendered their registration attempting to re-register the company under a different name while continuing to use the same telephone number. The proposed regulation will make clear that in addition to revoked or suspended registrations, the use of a company name or telephone number of a company who has surrendered their registration is also a ground for disciplinary action.

The Board anticipates that the proposed regulation will benefit the health and safety of California residents as well as increase the level of transparency in the structural pest control industry by disallowing companies from using the name or telephone number of a company whose registration has been surrendered.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

During the process of developing the proposed regulation the Board conducted a search for any similar regulations relating to this topic. The Board determined that the proposed regulatory action is not inconsistent or incompatible with existing regulations.

FISCAL IMPACT ESTIMATES

The Board has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

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

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

Business Impact Statement

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

The Board made this determination because the proposed regulation applies only to companies who have surrendered their registration as a result of facing disciplinary action.

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

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The Board has determined that the proposed regulation will have no effect on the creation or elimination of jobs within the state. The Board made this determination because the proposed regulation relates to the approval and use of company names and telephone numbers for companies who have surrendered their license and is therefore unrelated to job creation.

The Board has determined that the proposed regulation will have no effect on the creation of new businesses or the elimination of existing businesses within the state. The Board made this determination because the proposed regulation relates to the approval and use of company names and telephone numbers for companies

who have surrendered their license and is therefore unrelated to business creation.

The Board has determined that the proposed regulation will have no effect on the expansion of businesses currently doing business within the state. The Board made this determination because the proposed regulation relates to the approval and use of company names and telephone numbers for companies who have surrendered their license and is therefore unrelated to the expansion of businesses.

The Board has determined that the proposed regulation will benefit the health and welfare of California residents and the state's environment in the following ways:

By not allowing companies to use the name or telephone number of a company whose registration has been surrendered, transparency in the structural pest control industry is increased and consumers benefit.

EFFECT ON HOUSING COSTS

The Board has determined that the proposed regulation would have no effect on housing costs.

BUSINESS REPORTING REQUIREMENT STATEMENT

The Board has determined that the proposed regulation will not create a reporting requirement for businesses. The Board made this determination because the proposed regulation relates to the approval and use of company names and telephone numbers and does not contain any reporting requirements.

SMALL BUSINESS DETERMINATION

The Board has determined that the proposed regulation would affect small businesses who use or attempt to use the name and/or telephone number of a company whose registration has been surrendered.

CONSIDERATION OF ALTERNATIVES

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

to affected private persons and equally effective in implementing the statutory policy or other provision of law.

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

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board's office located at 2005 Evergreen Street, Suite 1500, Sacramento, California, 95815, or by visiting the Board's website at <http://pestboard.ca.gov/pestlaw/index.shtml>.

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

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

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 above or by accessing the website listed below.

WEBSITE ACCESS

Materials regarding this proposal can be found at the Board's website at: <http://www.pestboard.ca.gov/forms/index.shtml>.

CONTACT PERSON

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

Name: **David Skelton**
Address: **Structural Pest Control Board**
2005 Evergreen Street,
Suite 1500
Sacramento, CA 95815

Telephone
Number: **(916) 561-8722**
Fax Number: **(916) 263-2469**
Email Address: david.skelton@dca.ca.gov

The backup contact person is:

Name: **Ronni O’Flaherty**
Address: **Structural Pest Control Board**
2005 Evergreen Street,
Suite 1500
Sacramento, CA 95815

Telephone
Number: **(916) 561-8736**
Fax Number: **(916) 263-2469**
Email Address: ronni.oflaherty@dca.ca.gov

TITLE 16. STRUCTURAL PEST CONTROL BOARD

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

Department of Consumer Affairs
Hearing Room
2005 Evergreen Street
Sacramento, CA 95815
October 13, 2016
9:00 a.m.

Any interested person, or his or her authorized representative may submit written comments relevant to the proposed regulatory action to the Board. Comments may also be submitted by facsimile to the Board at (916) 263-2469 or by email to pestboard@dca.ca.gov. The written comment period closes at **5:00 p.m. on Wednesday, October 12, 2016**. The Board will only consider comments received at the Board Office by that time. Submit comments to:

David Skelton, Administrative Analyst
Structural Pest Control Board
2005 Evergreen Street, Suite 1500
Sacramento, CA 95815

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 per-

son 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 granted by Business and Professions (B&P) Code section 8525, and to implement, interpret and make specific Government Code (GC) sections 11425.50(e) and 11519 and B&P Code sections 125.3, 8620, 8635, 8636, 8637, 8638, 8639, 8640, 8641, 8642, 8643, 8644, 8645, 8646, 8646.5, 8647, 8648, 8649, 8650, 8651, 8652, 8653, 8654, 8655, 8657, and 8666, the Board is proposing to amend Title 16, section 1937.11 of the California Code of Regulations (CCR) and “A Manual of Disciplinary Guidelines and Model Disciplinary Orders” (Disciplinary Guidelines), which is incorporated by reference.

INFORMATIVE DIGEST

As currently written, CCR section 1937.11 incorporates by reference a Board publication titled “A Manual of Disciplinary Guidelines and Model Disciplinary Orders (Rev. 2010)” (Disciplinary Guidelines) and provides that this publication shall be consulted when the Board considers disciplinary action under the Administrative Procedure Act. Additionally, CCR 1937.11 provides instructions for how and when the provisions of this publication should be applied and when they can be deviated from.

Currently, the Disciplinary Guidelines provide a framework for administering discipline for violations of statutory and regulatory provisions contained in the Structural Pest Control Act, as well as model disciplinary orders, and standard and optional probationary conditions.

This proposal would amend CCR 1937.11 and the Disciplinary Guidelines in order to establish more thorough and consistent guidelines for the Board and Administrative Law Judges (ALJ) to consider when administering discipline. The amendments being proposed cover every aspect of the Disciplinary Guidelines beginning with the table of contents, and continuing on with proposed revisions to the penalty guidelines, model disciplinary orders, standard and optional probationary conditions, as well as a cross-referencing section for use when choosing which grounds for discipline will be used for a given violation. Additionally, this proposal will update the revision date from 2010 to 2016.

POLICY STATEMENT OVERVIEW

In order to establish consistent standards when it considers the appropriate level of discipline, the Board is

proposing to amend CCR 1937.11 and “A Manual of Disciplinary Guidelines and Model Disciplinary Orders.”

The Board anticipates that the proposed amendments will benefit consumers and the pest control industry, as well as the Board itself. The establishment of uniform disciplinary guidelines promotes fairness and social equity and increases transparency in government. Additionally, consumers, worker safety and public health benefit when the Board clearly establishes guidelines for use when a violation occurs.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

During the process of developing the proposed regulation the Board conducted a search for any similar regulations relating to this topic. The Board determined that the proposed regulatory amendments are not inconsistent or incompatible with existing regulations.

FISCAL IMPACT ESTIMATES

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

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

The Board has made this determination because the proposed regulation does not impose any requirements on businesses in California. The proposed regulation is an update to the guidelines the Board uses when it considers discipline and therefore has no adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

The following reporting, record keeping, or other compliance requirements are projected to result from the proposed regulation: None.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The Board has determined that the proposed regulation may have a small cost impact for private persons or businesses who face discipline that is administered by the Board.

While the Disciplinary Guidelines do suggest a framework for the level of discipline that is appropriate for a given violation, they are merely guidelines and do not bind the Board or an ALJ to decide on any particular course of action. For this reason, the Board anticipates that the cost impact, if any, is likely to be very small.

The following is a breakdown of the recommended changes to the Penalty Guidelines along with the potential cost impact if the Guidelines were to be followed. Again, the proposed changes do not create a mandate that compels the Board or an ALJ to administer a certain level of discipline.

Section 8635 — The proposed changes to the minimum penalty recommend a probation term of 4 years rather than 3 years. An existing optional probation condition that is recommended for this section compels the party facing discipline to reimburse the Board its costs for the performance of inspections. The Board’s costs to perform inspections are \$27.24 per hour with the average length of inspection being 1 hour. During a probation term, quarterly inspections are conducted. Therefore, the cost impact to reimburse the Board for an additional year of inspection costs is \$108.96.

Section 8636 — The proposed changes to the minimum penalty recommend a probation term of 4 years rather than 3 years. An existing optional probation condition that is recommended for this section compels the party facing discipline to reimburse the Board its costs for the performance of inspections. The Board’s costs to perform inspections are \$27.24 per hour with the average length of inspection being 1 hour. During a probation term, quarterly inspections are conducted. Therefore, the cost impact to reimburse the Board for an additional year of inspection costs is \$108.96.

Section 8637 — The proposed changes to the minimum penalty add that the optional probation conditions for violation of this section are left to the Board’s discretion. The minimum and maximum recommended penalties for this section are outright revocation so the proposed changes are unlikely to have any additional cost impact to a person or business.

Section 8638 — The proposed changes to the minimum penalty recommend a probation term of 4 years rather than 3 years. An existing optional probation condition that is recommended for this section compels the party facing discipline to reimburse the Board its costs for the performance of inspections. The Board’s costs to perform inspections are \$27.24 per hour with the aver-

age length of inspection being 1 hour. During a probation term, quarterly inspections are conducted. Therefore, the cost impact to reimburse the Board for an additional year of inspection costs is \$108.96.

Section 8653 — The proposed changes to the minimum penalty recommend a probation term of 4 years rather than 3 years. An existing optional probation condition that is recommended for this section compels the party facing discipline to reimburse the Board its costs for the performance of inspections. The Board's costs to perform inspections are \$27.24 per hour with the average length of inspection being 1 hour. During a probation term, quarterly inspections are conducted. Therefore, the cost impact to reimburse the Board for an additional year of inspection costs is \$108.96.

Section 8655 — The proposed changes to the minimum penalty recommend a probation term of 5 years rather than 3 years. An existing optional probation condition that is recommended for this section compels the party facing discipline to reimburse the Board its costs for the performance of inspections. The Board's costs to perform inspections are \$27.24 per hour with the average length of inspection being 1 hour. During a probation term, quarterly inspections are conducted. Therefore, the cost impact to reimburse the Board for an additional 2 years of inspection costs is \$217.92.

Section 8657 — The proposed changes to the minimum penalty recommend a probation term of 4 years rather than 3 years. An existing optional probation condition that is recommended for this section compels the party facing discipline to reimburse the Board its costs for the performance of inspections. The Board's costs to perform inspections are \$27.24 per hour with the average length of inspection being 1 hour. During a probation term, quarterly inspections are conducted. Therefore, the cost impact to reimburse the Board for an additional year of inspection costs is \$108.96.

Section 8666 — This code section covers a person or company recommending that excessive work be performed and is being proposed as an addition to the Penalty Guideline section of the Disciplinary Guidelines. The proposed addition includes an optional probation condition that compels the party facing discipline to reimburse the Board for its investigation and enforcement costs. The average cost when the Board is reimbursed for investigation and enforcement related to discipline is \$2,480.

Additionally, the proposed optional probation terms would compel the party being disciplined to complete continuing education courses. The cost impact of completing continuing education courses varies but usually ranges from \$100–\$300.

All Other Violations — This proposed addition to the Penalty Guidelines covers all violations that are not specifically mentioned elsewhere in the Penalty Guide-

lines. The proposed addition of the minimum penalty recommends a stayed suspension and a probationary term of 3 years. The proposed optional probation conditions are left to the Board's discretion but it is likely that the person or business facing discipline would be compelled to reimburse the Board its costs for the performance of inspections. The Board's costs to perform inspections are \$27.24 per hour with the average length of inspection being 1 hour. During a probation term, quarterly inspections are conducted. Therefore, the cost impact to reimburse the Board for 3 years of inspection costs is \$326.88.

In addition to the cost impact resulting from the proposed revisions to the Penalty Guidelines, there is a proposed addition that recommends adding Cost Recovery to the Standard Terms and Conditions of Probation section of the Disciplinary Guidelines. Cost Recovery compels the party facing discipline to reimburse the Board for its costs to investigate and pursue discipline. These costs vary significantly depending on the complexity of the case. The cost impact to a person or business of adding Cost Recovery as a standard probationary term can range from \$500 to \$20,000 with the average being \$2480. However, although Cost Recovery is being added as a Standard Term of Probation, it has already been in use under existing statutory authority and therefore is not an additional cost resulting from the proposed changes.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

The Board has determined that the proposed regulatory action will have no impact on the creation or elimination of jobs within the state. The Board made this determination because although the Disciplinary Guidelines suggest a framework for the level of discipline that is appropriate for a given violation, they are merely guidelines and do not bind the Board or an ALJ to decide on any particular course of action. The proposed changes are unlikely to lead to an increase in the level of discipline administered for a given violation and would therefore have no impact on the creation or elimination of jobs with the state.

The Board has determined that the proposed regulatory action will have no effect on the creation of new businesses or the elimination of existing businesses within the state. The Board made this determination because although the Disciplinary Guidelines suggest a framework for the level of discipline that is appropriate for a given violation, they are merely guidelines and do not bind the Board or an ALJ to decide on any particular course of action. The proposed changes are unlikely to lead to an increase in the level of discipline administered for a given violation and would therefore have no

impact on the creation of new businesses or the elimination of existing businesses within the state.

The Board has determined that the proposed regulatory action will have no effect on the expansion of businesses currently doing business within the state. The Board made this determination because although the Disciplinary Guidelines suggest a framework for the level of discipline that is appropriate for a given violation, they are merely guidelines and do not bind the Board or an ALJ to decide on any particular course of action. The proposed changes are unlikely to lead to an increase in the level of discipline administered for a given violation and would therefore have no impact on the expansion of businesses currently doing business within the state.

The Board has determined that the proposed regulatory action will benefit the health of welfare of California's residents, worker safety, and the state's environment in the following ways:

By establishing uniform Disciplinary Guidelines the Board promotes the safe and effective practice of structural pest control. The health and welfare of California residents as well as the state's environment and worker safety benefit when the Board clearly outlines the penalties for practicing structural pest control unlawfully.

BUSINESS REPORTING REQUIREMENT STATEMENT

The Board has determined that the proposed regulation will not create a reporting requirement for businesses. The Board made this determination because there is nothing contained in the proposed revisions that would create a new reporting requirement.

EFFECT ON HOUSING COSTS

The Board has determined that the proposed regulation will have no effect on housing costs. The Board made this determination because the regulatory effect of the proposal is not relevant to housing costs.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulation will have no effect on small businesses. The Board made this determination because although the Disciplinary Guidelines suggest a framework for the level of discipline that is appropriate for a given violation, they are merely guidelines and do not bind the Board or an ALJ to decide on any particular course of action. The proposed changes are unlikely to lead to an increase in the level of discipline administered for a given violation

and would therefore have no impact on small businesses.

CONSIDERATION OF ALTERNATIVES

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

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

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board's office located at 2005 Evergreen Street, Suite 1500, Sacramento, California, 95815, or by visiting the Board's website at <http://www.pestboard.ca.gov/forms/index.shtml>.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

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.

WEBSITE ACCESS

Materials regarding this proposal can be found at the Board's website at:
<http://www.pestboard.ca.gov/forms/index.shtml>.

CONTACT PERSON

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

Name: **David Skelton**
Address: **Structural Pest Control Board
2005 Evergreen Street,
Suite 1500
Sacramento, CA 95815**

Telephone
Number: **(916) 561-8722**
Fax Number: **(916) 263-2469**
Email Address: david.skelton@dca.ca.gov

The backup contact person is:

Name: **Ronni O'Flaherty**
Address: **Structural Pest Control Board
2005 Evergreen Street,
Suite 1500
Sacramento, CA 95815**

Telephone
Number: **(916) 561-8700**
Fax Number: **(916) 263-2469**
Email Address: ronni.oflaherty@dca.ca.gov

Website access: Materials regarding this proposal can be found at the Board's website at
<http://www.pestboard.ca.gov/forms/index.shtml>.

TITLE 16. STRUCTURAL PEST CONTROL BOARD

NOTICE IS HEREBY GIVEN that the Structural Pest Control Board (Board) is proposing to take action as described in the Informative Digest. Any person in-

terested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at:

**Department of Consumer Affairs
Hearing Room
2005 Evergreen Street
Sacramento, CA 95815
October 13, 2016
9:00 a.m.**

Any interested person, or his or her authorized representative may submit written comments relevant to the proposed regulatory action to the Board. Comments may also be submitted by facsimile to the Board at (916) 263-2469 or by email to pestboard@dca.ca.gov. The written comment period closes at **5:00 p.m. on Wednesday, October 12, 2016**. The Board will only consider comments received at the Board Office by that time. Submit comments to:

**David Skelton, Administrative Analyst
Structural Pest Control Board
2005 Evergreen Street, Suite 1500
Sacramento, CA 95815**

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 the 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 granted by Business and Professions (B&P) Code Section 8525 and to implement, interpret, or make specific B&P Code Sections 8514 and 8516 the Board is considering the amendment of California Code of Regulations (CCR), Title 16, section 1993.2, the repeal of CCR section 1993.3, and the addition of CCR section 1993.4.

INFORMATIVE DIGEST

Currently, CCR sections 1993.2 and 1993.3 define "in-ground bait station", "above-ground bait station", and "in-ground termite monitoring system" and outline provisions for how these products may be used.

Additionally, CCR section 1993.2 states that a full or limited inspection of the structure must be made prior to the installation of any termite system.

Lastly CCR section 1993.3 states that the use of any termite bait or monitoring system shall be considered a control service agreement as defined in B&P Code section 8516.

This regulatory proposal would make changes to differentiate between baiting and monitoring systems and create unique guidelines for when, and how each may be used.

Specifically, for termite bait stations, this regulatory proposal would retain the requirement that a full or limited inspection must be made prior to their installation, and that their use is to be considered a control service agreement as defined in B&P Code section 8516.

Additionally, this regulatory proposal would allow termite monitoring devices to be used without entering into a control service agreement and without a full or limited inspection having been performed.

Policy Statement Overview/Anticipated Benefits of the Proposed Regulation

The Board anticipates that the proposed regulation will benefit consumers by establishing more appropriate guidelines for both termite baiting and termite monitoring stations. Currently, termite monitoring systems cannot be installed unless it is under the terms of a control service agreement and a company first performs a full or limited inspection of the structure. The Board believes these requirements are not appropriate for devices that do not contain any pesticides and are merely intended to monitor the possible presence or absence of termites. By removing these requirements, the Board feels consumers will benefit by having the option to utilize termite monitoring stations without the cost burden associated with a control service agreement and a full or limited inspection.

Consistency and Compatibility With Existing State Regulations:

During the process of developing the proposed regulation the Board conducted a search for any similar regulations relating to this topic. The Board determined that the proposed regulatory action is not inconsistent or incompatible with existing regulations.

FISCAL IMPACT ESTIMATES

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

The Board has determined that the proposed regulation will not have a significant statewide adverse economic impact directly affecting businesses including

the ability of California businesses to compete with businesses in other states.

The Board made this determination because the proposed regulation imposes no new requirements or restrictions on California businesses. The proposed regulation seeks to more clearly define termite baiting and monitoring systems and articulate the parameters for when and how each may be used.

Cost Impact on Representative Private Person or Business

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

RESULTS OF ECONOMIC IMPACT ASSESSMENT

The Board has determined that the proposed regulatory action will not affect the creation or elimination of jobs within the state. The Board made this determination because the proposed regulation seeks to more clearly define termite baiting and monitoring systems and articulate the parameters for when and how each may be used.

The Board has determined that the proposed regulatory action will not affect the creation of new businesses or the elimination of existing businesses within the state. The Board made this determination because the proposed regulation seeks to more clearly define termite baiting and monitoring systems and articulate the parameters for when and how each may be used.

The Board has determined that the proposed regulatory action will not affect the expansion of businesses currently doing business within the state. The Board made this determination because the proposed regulation seeks to more clearly define termite baiting and monitoring systems and articulate the parameters for when and how each may be used.

The Board has determined that the proposed regulatory action will benefit the health of welfare of California's residents, worker safety, and the state's environment in the following ways:

The health and welfare of California residents will benefit from the proposed regulation by being able to utilize termite monitoring devices without having to endure the cost impact of a full or limited inspection of their structure or the cost of a control service agreement.

EFFECT ON HOUSING COSTS

The Board has determined that the proposed regulation will have no effect on housing costs. The Board made this determination because the proposed regulation is not relevant to housing costs.

BUSINESS REPORTING
REQUIREMENT STATEMENT

The Board has determined that the proposed regulation will not create a reporting requirement for businesses.

EFFECT ON SMALL BUSINESS

The proposed regulation will have no effect on small businesses because it imposes no new requirements or restrictions.

CONSIDERATION OF ALTERNATIVES

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

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

INITIAL STATEMENT OF REASONS
AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board's office located at 2005 Evergreen Street, Suite 1500, Sacramento, California, 95815, or by visiting the Board's website at <http://www.pestboard.ca.gov/forms/index.shtml>.

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

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

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.

WEBSITE ACCESS

Materials regarding this proposal can be found at the Board's website at: <http://www.pestboard.ca.gov/forms/index.shtml>.

CONTACT PERSON

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

Name: **David Skelton**
Address: **Structural Pest Control Board
2005 Evergreen Street,
Suite 1500
Sacramento, CA 95815**
Telephone Number: **(916) 561-8722**
Fax Number: **(916) 263-2469**
Email Address: david.skelton@dca.ca.gov

The backup contact person is:

Name: Ronni O’Flaherty
Address: Structural Pest Control Board
2005 Evergreen Street, Suite 1500
Sacramento, CA 95815
Telephone Number: (916) 561-8736
Fax Number: (916) 263-2469
Email Address: ronni.oflaherty@dca.ca.gov

Website access: Materials regarding this proposal can be found at the Board’s website at http://www.pestboard.ca.gov/forms/index.shtml.

TITLE 16. VETERINARY MEDICAL BOARD

NOTICE IS HEREBY GIVEN that the Veterinary Medical Board (“Board”) is proposing to take the action described in the Informative Digest.

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under “Contact Person” in this Notice, must be received by the Board at its office no later than 5:00 p.m. on October 10, 2016, or must be received by the Board at the hearing.

AVAILABILITY OF MODIFICATIONS

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as the 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 4808 of the Business and Professions Code (BPC), and to implement, interpret, or make specific section 597.1 of the Penal Code, the Board is considering changes to section 2039.5 of Article 4 of Division 20 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST

A. Informative Digest

BPC §4808 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to enable it to carry into effect the provisions of the Administrative Procedure Act.

This regulatory proposal will adopt CCR §2039.5. Specifically, the Board is proposing the following:

- Adopt Section 2039.5 (a) of Article 4 of Division 20 of Title 16 of the CCR
This subsection outlines the high-level training requirements needed for licensed veterinarians to provide controlled substances tranquilizer administration training to animal control officers and humane officers.
Adopt Section 2039.5 (b) of Article 4 of Division 20 of Title 16 of the CCR
This subsection clarifies the terms “licensee” and “agency,” which are used throughout the section. “Licensees” refers to California veterinarians who hold a current and valid license to practice veterinary medicine, issued by the Board, who are authorized to provide tranquilizer administration training to animal control officers and humane officers. “Agency” refers to the organization or public entity employing the animal control or humane officer.
Adopt Section 2039.5 (c) of Article 4 of Division 20 of Title 16 of the CCR
This subsection requires a minimum of four hours of training provided by a licensee, including didactic and hands-on training.
Adopt Section 2039.5 (d) of Article 4 of Division 20 of Title 16 of the CCR
This subsection outlines the required components of controlled substances tranquilizer administration training as approved by the Board.
Adopt Section 2039.5 (d)(1) of Article 4 of Division 20 of Title 16 of the CCR
The animal control officer or humane officer will be trained on the definition, weights, measures, and use of each and every controlled substance they are authorized to use by the agency.

- Adopt Section 2039.5 (d)(2) of Article 4 of Division 20 of Title 16 of the CCR
This subsection requires controlled substances tranquilizer administration training to cover the various schedules and classifications of controlled substances and any hazards associated with exposure to the substances.
- Adopt Section 2039.5 (d)(3) of Article 4 of Division 20 of Title 16 of the CCR
This subsection requires that training on each controlled substance must be accompanied with a Safety and Data Sheet (SDS) and must be reviewed with the animal control officer or humane officer with procedures for handling or working with that substance in a safe manner.
- Adopt Section 2039.5 (d)(4) of Article 4 of Division 20 of Title 16 of the CCR
This subsection provides a basic level of understanding requirements for each drug and administration route available to the animal control or humane officer and for each species that is likely to be tranquilized in the field.
- Adopt Section 2039.5 (d)(4)(A) of Article 4 of Division 20 of Title 16 of the CCR
This subsection requires the animal control or humane officer to understand the advantages and disadvantages of drug combinations.
- Adopt Section 2039.5 (d)(4)(B) of Article 4 of Division 20 of Title 16 of the CCR
This subsection requires an understanding of how various factors may affect the choice of drug(s) and dosage used when administering a tranquilizer.
- Adopt Section 2039.5 (d)(4)(C) of Article 4 of Division 20 of Title 16 of the CCR
This subsection requires the tranquilizer administration training to cover the equipment available to administer drugs and the advantages and disadvantages of each method.
- Adopt Section 2039.5 (d)(4)(D) of Article 4 of Division 20 of Title 16 of the CCR
This subsection requires the tranquilizer administration training to include the advantages and disadvantages of each route of administration covered within the training.
- Adopt Section 2039.5 (d)(5) of Article 4 of Division 20 of Title 16 of the CCR
This subsection requires the tranquilizer administration training to cover how to calculate a drug dosage with the following considerations: the animals' weight, age, condition and temperament.
- Adopt Section 2039.5 (d)(6) of Article 4 of Division 20 of Title 16 of the CCR
This subsection requires training to cover signs of drug overdose or adverse drug reactions.
- Adopt Section 2039.5 (d)(7) of Article 4 of Division 20 of Title 16 of the CCR
The proposed language covers normal and abnormal signs of behavior of an animal following the administration of a tranquilizer.
- Adopt Section 2039.6 (d)(8) of Article 4 of Division 20 of Title 16 of the CCR
This subsection requires training in the safe and proper transportation of animals that have been tranquilized.
- Adopt Section 2039.5 (d)(9) of Article 4 of Division 20 of Title 16 of the CCR
This subsection requires training in the identification of signs when an animal's health has declined and requires veterinary care as a result of complications due to tranquilization.
- Adopt Section 2039.5 (d)(10) of Article 4 of Division 20 of Title 16 of the CCR
This subsection requires training in the review of applicable state and federal laws and regulations regarding the possession, storage, administration, tracking, and disposal of controlled substances.
- Adopt Section 2039.5 (d)(11) of Article 4 of Division 20 of Title 16 of the CCR
This subsection includes the requirements regarding the level(s) of supervision by a California-licensed veterinarian permitted by the agency under Penal Code section 597.1 (a)(2) and CCR section 2032.1 (a) and 2034 (e) and (f).
- Adopt Section 2039.5 (e) of Article 4 of Division 20 of Title 16 of the CCR
This subsection adds the requirement for the animal control or humane officer to complete an oral or written examination provided by the licensed veterinarian, which covers the required curriculum and includes a practical component.
- Adopt Section 2039.5 (f) of Article 4 of Division 20 of Title 16 of the CCR
After successful completion of the examination, licensees are required to award the animal control officer or humane officer with a certificate as proof that they were able to sufficiently demonstrate their understanding and skills performing tranquilizer administration. The certificate will be non-transferable and will only be valid for four (4) years after it is issued. The agency will retain a copy of the certificate for six (6) years after it is issued.

- Adopt Section 2039.5 (g) of Article 4 of Division 20 of Title 16 of the CCR

This subsection requires that the licensee review and discuss any controlled substance that was not addressed in the original training.

B. Policy Statement Overview/Anticipated Benefits of Proposal

Policy Statement Overview

The primary mission of the Board is to protect consumers and animals through the development and maintenance of professional standards.

This regulatory proposal promotes the safety of animals and the public in emergency situations by specifying content requirements for tranquilizer administration training in order for animal control officers and humane officers to be granted independent authority to possess and administer controlled substances. Animal control officers and humane officers are often asked to respond to emergency situations in which they must think and react quickly to maintain control of the situation. Without Board approved training, an animal control officer or humane officer may not administer a controlled substance on his or her own authority to subdue a wild animal or dangerous animals without consultation and direction from a licensed veterinarian. However, in an emergency situation in the field, there are times when a licensed veterinarian is not always available for consultation. This proposal provides the training necessary to properly administer controlled substances without the direct or indirect supervision of a licensed veterinarian. This reduces delays while waiting for consultation and direction, which could potentially result in harm or death to the animal or to the public when immediate action is needed.

Anticipated Benefits of Proposed Regulatory Action

The proposed regulations regarding Animal Control and Humane Officer Tranquilizer Administration Training were developed through a joint effort by representatives of the California Animal Control Directors Association, State Humane Association of California, and the California Veterinary Medical Association. Each section was carefully categorized to clarify key areas that are required to be covered during the training. The intention was for the training requirements to be comprehensive and balance the concerns for public safety with input from all constituencies.

The Board anticipates that the proposed regulations will provide licensed veterinarians with the specific training requirements to properly train and educate animal control and humane officers on the administration of tranquilizers containing a controlled substance. Completion of such training would grant independent authority to animal control and humane officers to administer controlled substances in emergency situations.

C. Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, the Board has determined that these are the only regulations that deal with the subject area of the Board’s Animal Control and Humane Officer Tranquilizer Administration Training. The Board has evaluated this regulatory proposal and found that it is neither inconsistent nor incompatible with existing state regulations.

INCORPORATION BY REFERENCE

None.

FISCAL IMPACT ESTIMATES

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

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Business Impact:

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

By adopting CCR section 2039.5 the Board is establishing requirements to licensed veterinarians to provide Board–approved controlled substances tranquilizer administration training to animal control officers and humane officers.

Cost Impact on Representative Private Person or Business:

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

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. The proposed regulations only pertain to animal control officers, humane officers, and California licensed veterinarians providing Animal Control and Humane Officer Tranquilizer Administration Training. The proposed regulations adopt CCR §2039.5.

**RESULTS OF ECONOMIC IMPACT
ASSESSMENT/ANALYSIS**

Impact on Jobs/Businesses:

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

Benefits of Regulation:

The Board has determined that this regulatory proposal will benefit the health and welfare of California residents, worker safety, and state's environment by improving the consistency and transparency of penalties as related to the degree of harm caused by violation of the Veterinary Medicine Practice Act.

CONSIDERATION OF ALTERNATIVES

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

Any interested person may submit comments to the Board in writing relevant to the above determinations at 1747 North Market Blvd., Suite 230, Sacramento, California 95834.

**INITIAL STATEMENT OF REASONS
AND INFORMATION**

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board at 1747 North Market Blvd., Suite 230, Sacramento, California 95834.

**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: Nina Galang, Administrative
Program Coordinator
Address: Veterinary Medical Board
1747 North Market Blvd.,
Suite 230
Sacramento, CA 95834
Telephone No.: 916-515-5238
Fax No.: 916-928-6849
E-Mail Address: Nina.Galang@dca.ca.gov

The backup contact person is:

Name: Ethan Mathes,
Administrative Program
Manager
Address: Veterinary Medical Board
1747 North Market Blvd.,
Suite 230
Sacramento, CA 95834
Telephone No.: 916-515-5220
Fax No.: 916-928-6849
E-Mail Address: Ethan.Mathes@dca.ca.gov

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

**TITLE 28. DEPARTMENT OF
MANAGED HEALTH CARE**

ACTION: Notice of Rulemaking Action
Title 28, California Code of Regulations

SUBJECT: Prescription Drug Prior Authorization or Step Therapy Exception Request Form Process; Amending section 1300.67.241 in Title 28, California Code of Regulations; Control No. 2016-5182.

PUBLIC PROCEEDINGS

Notice is hereby given that the Director of the Department of Managed Health Care (Department) proposes

to amend a regulation under the Knox–Keene Health Care Service Plan Act of 1975 (Knox–Keene Act), section 1300.67.241, “Prescription Drug Prior Authorization or Step Therapy Exception Request Form Process.”

This rulemaking action proposes to amend section 1300.67.241, in Title 28, California Code of Regulations. Before undertaking this action, the Director of the Department (Director) will conduct written public proceedings, during which time any interested person, or such person’s duly authorized representative, may present statements, arguments, or contentions relevant to the action described in this notice.

PUBLIC HEARING

Pursuant to Health and Safety Code section 1367.241(d)(4), the Department and the California Department of Insurance will hold a joint public hearing regarding this regulation. The public hearing will start at **1:00 p.m.** and end no later than **5:00 p.m. on October 10, 2016** at:

**980 Ninth Street, 2nd Floor
Sacramento, CA 95814**

The facility is accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person for these hearings in order to make special arrangements. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Department requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written statements, arguments or contentions (hereafter referred to as comments) relating to the proposed regulatory action by the Department. Comments must be received by the Department, Office of Legal Services, **by 5 p.m. on October 10, 2016**, which is hereby designated as the close of the written comment period.

Please address all comments to the Department of Managed Health Care, Office of Legal Services, Attention: Jennifer Willis, Senior Counsel. Comments may be transmitted by regular mail, fax, email or via the department’s website:

Website: <http://Department.ca.gov/regulations/regulations@Department.ca.gov>
Email: regulations@Department.ca.gov
Mail: Department of Managed Health Care
Office of Legal Services
Attn: Jennifer Willis, Senior Counsel
980 9th Street, Suite 500
Sacramento, CA 95814
Fax: (916) 322–3968

Please note: if comments are sent via the website, email or fax, there is no need to send the same comments by mail delivery. All comments, including via the website, email, fax or mail, should include the author’s name and a U.S. Postal Service mailing address so the Department may provide commenters with notice of any additional proposed changes to the regulation text.

Please identify the action by using the Department’s rulemaking title and control number, **Prescription Drug Prior Authorization or Step Therapy Exception Request Form Process, Control No. 2016–5182** in any of the above inquiries.

CONTACTS

Inquiries concerning the proposed adoption of these regulations may be directed to:

Jennifer Willis
Attorney IV
Department of Managed Health Care
Office of Legal Services
980 9th Street, Suite 500
Sacramento, CA 95814
(916) 324–9014
(916) 322–3968 fax
jwillis@Department.ca.gov

OR

Emilie Alvarez
Regulations Coordinator
Department of Managed Health Care
Office of Legal Services
980 9th Street, Suite 500
Sacramento, CA 95814
(916) 445–9960
(916) 322–3968 fax
ealvarez@Department.ca.gov

AVAILABILITY OF DOCUMENTS

The Department has prepared and has available for public review the Initial Statement of Reasons, text of the proposed regulation and all information upon which

the proposed regulation is based (rulemaking file). This information is available by request to the Department of Managed Health Care, Office of Legal Services, 980 9th Street, Sacramento, CA 95814, Attention: Regulations Coordinator.

The Notice of Proposed Rulemaking Action, the proposed text of the regulation, and the Initial Statement of Reasons are also available on the Department's website at <http://www.Department.ca.gov/LawsRegulations.aspx#open>.

You may obtain a copy of the final statement of reasons once it has been prepared by making a written request to the Regulation Coordinator named above.

AVAILABILITY OF MODIFIED TEXT

The full text of any modified regulation, unless the modification is only non-substantial or solely grammatical in nature, will be made available to the public at least 15 days before the date the Department adopts the regulation. A request for a copy of any modified regulation(s) should be addressed to the Regulations Coordinator. The Director will accept comments via the Department's website, mail, fax or email on the modified regulation(s) for 15 days after the date on which the modified text is made available. The Director may thereafter adopt, amend or repeal the foregoing proposal substantially as set forth without further notice.

AUTHORITY AND REFERENCE

Pursuant to Health and Safety Code section 1341.9, the Department is vested with all duties, powers, purposes, responsibilities and jurisdiction as they pertain to health care service plans (health plans) and the health care service plan business.

Health and Safety Code section 1344 grants the Director authority to adopt, amend, and rescind regulations as necessary to carry out the provisions of the Knox-Keene Act, including rules governing applications and reports, and defining any terms as are necessary to carry out the provisions of the Knox-Keene Act.

Health and Safety Code section 1367.24 requires every health plan that provides prescription drug benefits to maintain an expeditious process by which prescribing providers may obtain authorization for non-formulary medically necessary prescription drugs. Section 1367.24 also requires every health plan that provides prescription drug benefits to provide the Department a description of its process, and requires the Department to review the health plans' performance in providing prescription benefits during periodic onsite medical surveys.

Health and Safety Code section 1367.241 requires the Department and the Department of Insurance (CDI) to jointly develop a prior authorization form for use by every health plan and health insurer that provides prescription drug benefits, except as specified.

Health and Safety Code section 1367.244 requires the Department and CDI to include a provision for a step therapy exception request in the prior authorization form developed pursuant to Health and Safety Code section 1367.241.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking action clarifies and makes specific the application of the law regarding the Prescription Drug Prior Authorization or Step Therapy Exception Request Form, numbered 61-211 (Revised 04/16), which is incorporated by reference in the regulation, and the prescription drug prior authorization and step therapy process that must be followed by health plans.¹

The previous law, enacted through Senate Bill (SB) 866 (Hernandez, Chapter 648, Statutes 2011), established a standardized prior authorization form and process developed by the Department and CDI to be utilized by health plans and health insurers, or their delegated representatives, for prescription drug prior authorization requests. While the intent of SB 866 was to streamline the prescription drug prior authorization process and improve enrollee access to prescription drugs, SB 866 did not account for new technology and alternative methods for transmitting prescription drug prior authorization requests. As a result, providers, health plans, and medical groups have expressed concern that alternative methods for transmitting prescription drug prior authorization requests, which may be more efficient than the standardized form, could be prohibited by current law.

Although prior authorization has been shown to be effective in controlling prescription drug costs, the lack of uniformity between health plans' and insurers' prior authorization processes ultimately delays and negatively impacts patient care. Specifically, the lack of uniformity in the prior authorization process results in providers spending excessive amounts of time completing prior authorization forms, thus spending less of their time on patient care, and patients often experience significant delays before receiving the prescription drugs. Additionally, varying health plan processes also leads

¹ The Prescription Drug Prior Authorization Request Form and the prior authorization process must also be followed by pharmacy benefit managers contracted with health plans and by risk-bearing organizations, physicians or physicians groups that are delegated the financial risk by health plans for prescription drugs and the prior authorization process.

to delay and confusion in the authorization and prescription process.

Existing law, as enacted under SB 282 (Hernandez, Chapter 654, Statutes 2015) and revising previous SB 866, requires that every prescribing provider, as defined, when requesting prior authorization for prescription drugs, submit a standard prior authorization form to the health plan or health insurer, and requires those plans and insurers to utilize and accept only the standard prescription drug prior authorization form. The prior authorization form: (1) shall not exceed two pages; (2) shall be made available electronically by the Department, CDI, and the health plan and health insurer; and (3) may be submitted electronically from the prescribing provider to the health plan or health insurer. SB 282 requires the Department and CDI to update the uniform prior authorization form on or before January 1, 2017, and requires prescribing providers to use, and health plans and health insurers to accept, only those forms or electronic process on or after July 1, 2017, or 6 months after the form is developed, whichever is later.

Pursuant to SB 282, the amendments to the regulation change the time limit for health plan review of prior authorization requests from two business days to 72 hours for non-urgent requests, and 24 hours if exigent circumstances exist.

Additionally, the amendments to the regulation, as required by SB 282, authorize a prescribing provider, as defined, to use the prior authorization system utilizing the standardized form for prescription drug prior authorization or an electronic process developed specifically for transmitting prior authorization information that meets the National Council for Prescription Drug Programs' (NCPDP's) SCRIPTS standard. SB 282 also adds exemptions with respect to the use of the form for any contracted physician group that:

1. Is delegated the financial risk for prescription drugs by a health plan;
2. Uses its own internal prior authorization process rather than the health plan's prior authorization process for health plan enrollees; or
3. Is delegated a utilization management function by the health plan concerning any prescription drug, regardless of the delegation of financial risk.

The amendments to the regulation required by SB 282 will make it easier for prescribing providers to comply with prescription drug prior authorization requirements by permitting alternative electronic methods for submitting the prior authorization requests. This would result in more efficiency, better coordination of care and a reduction in errors in the electronic prescription drug prior authorization process. Furthermore, SB 282 expands the types of contracted physician groups exempt from compliance with the prescription drug pri-

or authorization form requirements resulting in less prescribing providers having to submit a prescription drug prior authorization form.

SB 282 seeks to take advantage of technological advances in electronic processing and allow the use of alternative third party programs and software to electronically transmit prescription drug prior authorization information. This could result in more efficiency, better coordination of care and a reduction in errors in the electronic prescription drug prior authorization process.

Except as specified, upon failure by a health plan to accept the prior authorization or to respond to a prescribing provider within 72 hours for non-urgent or 24 hours for exigent circumstances, section 1367.241 deems the prior authorization request granted.

In addition to the amendments to the regulation and form required by SB 282, Assembly Bill (AB) 374 (Nazarian, Chapter 621, Statutes 2015) also requires amendments to the regulation and form to allow for a step therapy exception process. The regulation and form, as amended pursuant to AB 374, requires providers, except as specified, to utilize the amended form for step therapy exception requests and requires health plans to review all requests for step therapy exceptions to a health plan's step therapy process for prescription drugs within the same time periods as prior authorization requests. The bill would therefore assure timely review of physician requests for exceptions to a health plan's step therapy process and would provide clear patient protections.

The amended regulation and form proposed in this rulemaking action clarifies and makes specific the requirements within State law, specifically Health and Safety Code sections 1367.241 and 1367.244, incorporates the Prescription Drug Prior Authorization or Step Therapy Exception Request Form by reference and delineates the process by which the form will be utilized and enforced.

BROAD OBJECTIVES AND BENEFITS OF THE REGULATION

Pursuant to Government Code section 11346.5(a)(3)(C), the broad objectives and benefits of this regulation are that it updates the process for the submission of and response to a uniform prior authorization for the Prescription Drug Prior Authorization Request Form, the entities exempted from either use of the form or the regulation as a whole, the consequences for failing to respond to a request as required, and the Department's oversight and enforcement powers. The regulation incorporates the revised Prescription Drug Prior Authorization Request Form by reference. These up-

dates are necessary pursuant to the passage of SB 282 and AB 374.

Specifically, amended subdivisions (a) and (b) delineate the parties subject to compliance with the regulation and Department oversight, and require use of the amended Prescription Drug Prior Authorization Request Form. Both the amended subdivisions and the amended form take into account the changes required by SB 282 and AB 374, thereby preventing confusion to health plans, providers and consumers and benefiting the health care marketplace. Subsection (c), as added to the regulation, permits a prescribing provider to utilize either the Department's prior authorization and step therapy exception form or a form compliant with the NCPDP's SCRIPT standard (SCRIPT standard). This gives both providers and health plans more options in processing prescription drug prior authorizations and step therapy exception requests and is consistent with SB 282 and AB 374.

Amended subdivision (d) clarifies the parties subject to the use of Form No. 61–211 or the SCRIPT standard when the process has been contracted to a pharmacy benefit manager (PBM). This amendment is consistent with SB 282 and AB 374 and benefits health plans, providers and consumers by clarifying the prescription drug prior authorization and step therapy exception request process when there is a contracted PBM. Subdivision (e) benefits health plans, providers and consumers by clarifying the effective date of the amended regulation and form and other specific requirements, including electronic availability of the form, information required to be in an approval or a disapproval of a prescription drug prior authorization or step therapy exception request, required times for processing non–urgent and exigent requests, and that Medi–Cal managed care plans are not required to meet the required times for processing non–urgent and exigent requests.

Subdivision (f) benefits health plans, providers and consumers by clarifying terms in a “Definition” portion of the amended regulation. Subdivision (g) benefits health plans, providers and consumers by clarifying the requirements for appealing a decision pursuant to the amended regulation and also clarifying that Medi–Cal managed care plans are not subject to this subdivision's requirements.

Subdivisions (h), (i), (j) and (k) benefit the health plans, providers and consumers by amending the existing text to note that the subdivision now applies to step therapy exception requests, that the SCRIPTS standard may be used in lieu of Form 61–211, and amending cites to subdivisions based on the other amendments contained within the regulation.

The broad benefit of subdivision (l) is to amend the regulation for consistency with the impacted entities under SB 282 and AB 374, to amend cites to subdivi-

sions based on other amendments within the regulation, and to amend the timing requirements for issuing decisions on a prescription drug prior authorization or step therapy request for non–urgent or exigent circumstances and to clearly state what occurs if these timing requirements are not met by the appropriate party. This subdivision also clearly states that it does not apply to Medi–Cal managed care plans. Subdivision (m) has a broad benefit of amending the subdivision to clearly state that step therapy exceptions fall under the review and enforcement of the regulation, and that certain entities that have been exempted from the regulation requirements are not subject to review and enforcement.

Prior to the enactment of Health and Safety Code section 1367.241, health plans developed and utilized their own prior authorization forms for non–formulary prescription drugs. The result was that providers had to complete varying health plan–specific prior authorization forms each time a non–formulary prescription drug was prescribed, and comply with health plans' individualized processes. By creating and requiring that all parties subject to Health and Safety Code section 1367.241 and the regulation utilize a uniform prescription authorization form, the impact on patient care and the delay in provision of non–formulary prescriptions will be minimized.

By specifying the process with which providers, health plans, pharmacy benefit managers, risk–bearing organizations, physicians, and physician groups must comply in the submission of and response to the Prescription Drug Prior Authorization Request Form, the Department will have oversight over the process and the ability to enforce the parties' obligations, specifically through section (m) of this regulation.

BENEFITS OF THE CHANGES TO THE FORM INCORPORATED BY REFERENCE

The broad benefits to the changes to the form is that it is compliant with current law as required by SB 282 and AB 374 and has also been updated to address questions and comments from stakeholders who were impacted by the previous adoption of the form. These changes include more precise language to prevent confusion, new terms included that are necessary because of the changes in law, and removal of outdated information.

COMPARISON WITH EXISTING REGULATIONS

The regulation proposed in this rulemaking action is neither inconsistent nor incompatible with existing state regulations. The Department compared the following related existing regulation, California Code of Regulations, title 28, section 1300.67.24 and found no inconsistency or incompatibility with the proposed regulation.

ALTERNATIVES CONSIDERED

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

The Department and the CDI drafted the proposed prior authorization form with input from stakeholder groups and jointly conducted pre-notice discussions pursuant to Government Code section 11346.45. Through written and verbal comments submitted during stakeholder workshops, the Department considered many alternative approaches and prior authorization forms presented by the stakeholders. Based on written and verbal comments from stakeholders, the Department and the CDI developed a revised prior authorization form that took into account the consumer and stakeholder input. The Department and the CDI finalized the prior authorization form after considering written comments from stakeholders. The final prior authorization form developed with substantial consumer and stakeholder input meets the demands of the individuals and businesses that will utilize the form on a daily basis.

The Department considered the following alternative forms:

Alternative #1: CMS Medicare Part D Coverage Determination Request Form

The federal Centers for Medicare and Medicaid Services (CMS) uses the Medicare Part D Coverage Determination Request Form. This form provides basic information to enrollees and prescribers requesting coverage determinations (including exception requests) from Medicare Part D drug plans. However, use of the form is optional and plan sponsors must accept any written request for a coverage determination. If the form is used, the Medicare drug plan may require additional information or documentation to support the request. The form contains a disclaimer specifying that it cannot be used to request certain medications.

The CMS form as a whole is not a reasonable alternative to the form proposed by this regulation. The biggest drawback of the CMS form is that it is specifically adapted for Medicare Part D determinations. Health and Safety Code section 1367.241 requires that the prior authorization form be used by every health plan that provides prescription drug benefits. The CMS form does not offer sufficient flexibility in its format or infor-

mation requested to be used as a standard form by all health plans.

However, the CMS form standard turnaround time for review is 72 hours, or 24 hours for expedited review. This is consistent with the new requirements under SB 282, and is therefore incorporated into the amended regulation.

Alternative #2: DHCS 50-1 Treatment Authorization Request Form (50-1 TAR):

Medical and pharmacy providers use the California Department of Health Care Services' (DHCS) DHCS 50-1 Treatment Authorization Request Form (50-1 TAR) when requesting authorization from Medi-Cal offices. Authorization requests are submitted to the local Medi-Cal field office or the appropriate regionalized field office, and accompanied by documentation supporting the medical necessity of the service(s). The authorization request must include: principal and significant associated diagnoses; the physician or licensed medical practitioner's signed prescription or inpatient doctor's order; the medical condition necessitating the services; and the type, number, and frequency of services to be rendered by each provider. The 50-1 TAR form must be submitted prior to dispensing refills.

The 50-1 TAR form is submitted only to Medi-Cal offices, whereas the proposed form will be submitted to all health plans when authorization is required. The 50-1 TAR form includes a procedure code and other fields that are not required by the proposed form. The 50-1 TAR also does not allow information on whether the patient has started using the requested medication or has tried other medications for the condition. There is no space to provide for additional clinical information. The biggest drawback of the 50-1 TAR form is that it is specifically designed for Medi-Cal determinations and does not offer sufficient flexibility in the format or information requested to be used as a standard form for all health plans.

The Department also considered the following National Standards:

Alternative #3: ICE Medication Prior Authorization Request Form

Industry Collaboration Effort ("ICE") uses its own medication prior authorization request form. The proposed form is more thorough than ICE's form in that it requires a plan or medical group phone number in addition to the plan or medical group facsimile number. The proposed form also requests a patient's secondary insurance information, if applicable. ICE's form requires prescribers to fill out all the fields on the form. The Department recognizes that not all the fields on the prior authorization request may be applicable, and the proposed form instructs a prescriber to fill out all *applicable* fields. For these reasons, the proposed form would

provide health plans with more specific information than the ICE form provides.

Alternative #4: Rx America Prior Authorization Request Form

Rx America’s form is specific to Rx America, and for insurance information, requests only the patient’s identification number. The form does not request any information regarding the patient’s secondary insurance, if applicable. The form also lacks specificity in the requested information related to a medication authorization determination; it does not request information regarding whether the medication is a new medication or a renewal, any previous authorizations for the medication, the administration method, the administration location, and the ICD–9/ICD–10 code for diagnoses.

The fields on the Rx America form are too broad in their requests for information related to the authorization. This practice would not work when uniformly applied to all health plans. The Rx America form offers too much variability and little instruction as to the information that a prescriber must provide when requesting authorization.

Alternative #5: Prescription Solutions Medication Prior Authorization Request Form

Prescription Solutions’ (A UnitedHealth Group Company) form is specific to Prescription Solutions, and requests only the patient’s Prescription Solutions member identification number for insurance information. The form does not require information about the patient’s gender, height, weight, and allergies.

The Prescription Solutions form is not specific enough to be used as a standard form for all health plans. The form requires “directions for use” of the medication, but does not include important fields for specifying the frequency, length of therapy, number of refills, quantity, administration method, and administration location. Providers would interpret “directions for use” differently and provide differing degrees of information. The form also does not allow the provision of additional clinical information to support the authorization request, and does not require sufficient information. For these reasons, the Prescription Solutions form is not a reasonable alternative to the regulation.

Alternative #6: Minnesota Uniform Form for Prescription Drug Prior Authorization Requests and Formulary Exceptions

The Minnesota Uniform Form for Prescription Drug Prior Authorization Requests and Formulary Exceptions is a form that can be used for prior authorization requests, formulary exceptions, or “unsure/unknown.” The form does not allow information for a patient’s secondary insurance information, if applicable, and does not require information regarding the administration location. The form also does not include an attestation

clause or the option of including attachments, and does not even require a prescriber’s signature. The form is not solely for prior authorization requests and does not require sufficient information for all health plans to make authorization request determinations.

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

PURPOSE OF THE REGULATION

Prior to the enactment of Health and Safety Code section 1367.241, health plans developed and utilized their own prior authorization forms for non–formulary prescription drugs. The result was that providers had to complete varying health plan–specific prior authorization forms each time a non–formulary prescription drug was prescribed, and comply with health plans’ individualized processes. By creating and requiring that all parties subject to Health and Safety Code sections 1367.241 and 1367.244 utilize a uniform prescription drug prior authorization and step therapy exception form, the impact on patient care and the delay in provision of non–formulary prescriptions will be minimized.

By specifying the process with which providers, health plans, pharmacy benefit managers, risk–bearing organizations, physicians, and physician groups must comply in the submission of and response to the prescription drug prior authorization and step therapy exception form and process, the Department will have oversight over the process and the ability to enforce the parties’ obligations, specifically through subsection (m) of this regulation.

SUMMARY OF FISCAL IMPACT

- Mandate on local agencies and school districts: None.
- Cost or Savings to any State Agency: None.
- Direct or Indirect Costs or Savings in Federal Funding to the State: None.
- Cost to Local Agencies and School Districts Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code: None.
- Costs to private persons or businesses directly affected: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Effect on Housing Costs: None.
- Other non–discretionary cost or savings imposed upon local agencies: None.

DETERMINATIONS

The Department has made the following initial determinations:

The Department has determined the regulation will not impose a mandate on local agencies or school districts, nor are there any costs requiring reimbursement by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

The Department has determined the regulation will have no significant effect on housing costs.

The Department has determined the regulation does not affect small businesses. Health care service plans are not considered a small business under Government Code Section 11342.610(b) and (c).

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

The Department has determined that this regulation will have no cost or savings in federal funding to the state.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

(Government Code section 11346.3(b)):

Creation or Elimination of Jobs Within the State of California

The amended regulation and form is designed to assist prescribing providers, health plans, physicians, and physician groups in the prior authorization and step therapy process. Prior authorization and step therapy processes are currently being performed by existing health plans, physicians, and physician groups; the regulation creates the statutorily required uniform prior authorization request form. In clarifying and interpreting California Health and Safety Code section 1367.241, no jobs in California will be created or eliminated.

Creation of New Businesses or Elimination of Existing Businesses Within the State of California

The amended regulation and form is designed to assist prescribing providers, health plans, physicians, and physician groups in the prior authorization and step therapy process. Prior authorization and step therapy processes are currently being performed by existing health plans, physicians, and physician groups; the regulation creates the statutorily required uniform prior authorization request form. In clarifying and interpreting California Health and Safety Code section 1367.241, no new businesses in California will be created or existing businesses eliminated.

Expansion of Businesses Currently Doing Business Within the State of California

The amended regulation and form is designed to assist prescribing providers, health plans, physicians, and physician groups in the prior authorization or step therapy process. Prior authorization and step therapy processes are currently being performed by existing health plans, physicians, and physician groups; the regulation creates the statutorily required uniform prior authorization request form. In clarifying and interpreting California Health and Safety Code section 1367.241, no existing businesses will be expanded that are currently doing business in the State of California.

Benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment

This amended regulation and form are designed to assist prescribing providers, health plans, physicians, and physician groups in the prior authorization and step therapy exception process. Prior authorization and step therapy exception processes are currently being performed by existing health plans, physicians, and physician groups. This regulation may improve the health and welfare of California residents by reducing delays in requesting medications, controlling prescription drug costs, and ensuring that step therapy exception requests are done in a timely manner. This regulation will not adversely affect the health and welfare of California residents, worker safety, or California's environment.

BUSINESS REPORT

These amendments to the existing regulation and form update the information contained within the regulation and form to be consistent with current law and to better inform health plans, providers and consumers of their health care rights. It is for the health, safety or welfare of the people of the state that the regulation applies to businesses.

GENERAL PUBLIC INTEREST

DEPARTMENT OF HEALTH CARE SERVICES

FINAL RULES, CMS-2249-F, REQUIRE HOME AND COMMUNITY-BASED (HCB) SETTING COMPLIANCE Statewide Transition Plan Resubmission

Purpose:

The California Department of Health Care Services (DHCS) gives notice that the revised Statewide Transi-

tion Plan (STP) will be resubmitted to the Centers for Medicaid and Medicare (CMS) in October, 2016, for approval. The Community-Based Adult Services (CBAS) Transition Plan is an attachment to the STP. This revised STP describes California's plan to ensure approved Home and Community-Based Services (HCBS) waivers comply with the new federal HCBS setting rules. DHCS, state partners and stakeholders have updated the STP based on the CMS guidance letter, which can be found at: <https://www.medicaid.gov/medicaid-chip-program-information/by-topics/long-term-services-and-supports/home-and-community-based-services/downloads/ca-ca-cmia.pdf>.

DHCS invites all interested parties to review the STP, including the CBAS Transition Plan, and provide public input. The public comment period will begin August 29, and end September 29, 2016. Public comments on the STP should be input onto the STP Public Comment Template, which will be available on the DHCS website listed below. The DHCS website will provide a link to the CBAS Transition Plan and the CBAS Plan's Public Comment Template.

Please mail or email public comments using the contact information below. DHCS will review all feedback and incorporate into the STP as appropriate. Public input is essential to the development and implementation of the STP, and will assist the state to achieve approval of the STP and compliance with the HCBS Settings Final Rule.

DHCS will host a statewide conference call in mid-September to discuss the revised STP, milestones and timelines, state strategies for HCBS setting compliance, and any questions or concerns raised by the public. Please check the STP website below for the date, time, call-in number, and agenda.

The STP and public comment template including a link to the CBAS Transition Plan and its public comment template can be found at:

<http://www.dhcs.ca.gov/services/ltc/Pages/HCBSStatewideTransitionPlan.aspx>.

More information about the new federal rules is available at: <http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Long-Term-Services-and-Supports/Home-and-Community-Based-Services/Home-and-Community-Based-Services.html>.

For Further Information on the STP, contact

STP@dhcs.ca.gov

Department of Health Care Services

Long-Term Care Division

1501 Capitol Avenue, MS 4502

P.O. Box 997437

Sacramento, CA 95899-7413

For additional information on the CBAS Transition Plan, contact

cbascda@aging.ca.gov

(916) 419-7545

California Department of Aging

1300 National Drive, Suite 200

Sacramento, CA 95834

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65)

ANNOUNCEMENT OF THE CARCINOGEN IDENTIFICATION COMMITTEE MEETING SCHEDULED FOR NOVEMBER 15, 2016 AND THE AVAILABILITY OF HAZARD IDENTIFICATION MATERIALS FOR NITRITE IN COMBINATION WITH AMINES OR AMIDES

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986¹ (Proposition 65). The Carcinogen Identification Committee (CIC) advises and assists OEHHA in compiling the list of chemicals known to the state to cause cancer as required by Health and Safety Code section 25249.8. The CIC serves as the state's qualified experts for determining whether a chemical has been clearly shown through scientifically valid testing according to generally accepted principles to cause cancer.

As announced in May 2015, pursuant to Title 27 of the California Code of Regulations, section 25306(i)², OEHHA is referring "nitrite in combination with amines or amides" to the CIC for consideration for listing as causing cancer. OEHHA is taking this action after determining that the regulatory criteria in section 25306(e) for listing via the authoritative bodies mecha-

¹ Health and Safety Code section 25249.5 et seq.

² All further references are to sections of Title 27 of the Cal. Code of Regulations, unless otherwise stated.

nism³ based on findings by the International Agency for Research on Cancer are not met for the spectrum of chemicals covered by the broad class “nitrite in combination with amines or amides.”

Nitrite in combination with amines or amides will be considered for possible listing by the CIC at its next meeting scheduled for **Tuesday, November 15, 2016**. At this meeting the CIC may also consider whether a subset of chemicals of this class have been clearly shown through scientifically valid testing according to generally accepted principles to cause cancer. The meeting will be held in the Sierra Hearing Room at the CalEPA Headquarters building, 1001 I Street, Sacramento, CA. The meeting will begin at 10:00 a.m. and will last until all business is conducted or until 5:00 p.m. The agenda for the meeting will be provided in an upcoming public notice published in advance of the meeting.

OEHHA announces the availability for public review of the hazard identification document entitled: “Evidence on the Carcinogenicity of Nitrite in Combination with Amines or Amides”. The CIC will consider this document in making any listing decisions at its November 15, 2016 meeting. Copies of the document are available from OEHHA’s website at the following address: <http://www.oehha.ca.gov/prop65.html>. The document may also be requested from OEHHA’s Proposition 65 Implementation Office by calling (916) 445-6900.

This notice marks the beginning of a 45-day public comment period on OEHHA’s hazard identification document. **OEHHA must receive comments and any supporting documentation by 5:00 p.m. on Monday, October 10, 2016.** We encourage you to submit comments in electronic form, rather than in paper form. Comments transmitted by e-mail should be addressed to P65Public.Comments@oehha.ca.gov. Please include “2016 Nitrite in combination with amines or amides” in the subject line. Comments submitted in paper form may be mailed, faxed, or delivered in person to the addresses below:

Mailing Address:
Michelle Ramirez
Office of Environmental Health Hazard Assessment
P.O. Box 4010, MS-12B
Sacramento, California 95812-4010

Street Address:
1001 I Street
Sacramento, California 95814
Fax: (916) 323-2265

Please be aware that OEHHA is subject to the California Public Records Act and other laws that require the release of certain information upon request. If you provide comments, please be aware that your name, address and e-mail may be available to third parties.

OEHHA will organize and index the comments received and forward the information to the CIC members prior to the meeting at which the chemicals will be considered. Comments received during the public comment period will be posted on the OEHHA web site in advance of the meeting. Electronic files submitted should not have any form of encryption.

If you have any questions, please contact Michelle Ramirez at Michelle.Ramirez@OEHHA.ca.gov or (916) 445-6900.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2016-0803-02
BALDWIN HILLS CONSERVANCY
Conflict-of-Interest Code

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

Title 2
AMEND: 59000
Filed 08/17/2016
Effective 09/16/2016
Agency Contact: Avril Labelle (323) 290-5270

File# 2016-0706-01
BOARD OF EQUALIZATION
Newspapers and Periodicals

This rulemaking by the State Board of Equalization (BOE) amends section 1590 in Title 18 of the California Code of Regulations to provide guidance to newspaper retailers about how to make an acceptable allocation of a lump-sum charge for a subscription for printed newspaper delivery and access to digital content. This regulatory action establishes that on and after October 1,

³ See Health and Safety Code section 25249.8(b) and Title 27, Cal. Code of Regs., section 25306.

2016, it is presumed that fifty–three percent of the lump–sum charge for a mixed newspaper subscription is for the nontaxable sale of the right to access digital content.

Title 18
 AMEND: 1590
 Filed 08/16/2016
 Effective 10/01/2016
 Agency Contact: Richard Bennion (916) 445–2130

File# 2016–0701–02
 BOARD OF FORESTRY AND FIRE PROTECTION
 SRA Fire Prevention Fund Grant Program

This action overhauls the SRA Fire Prevention Grant Fund Program creating greater eligibility criteria, specification for qualifying projects, grant conditions, map requirements, evaluation criteria, evaluation procedures, application standards, budget standards, and other related requirements.

Title 14
 ADOPT: 1666.0, 1666.1, 1666.2, 1666.3, 1666.4, 1666.5, 1666.6, 1666.7, 1666.8, 1666.9, 1666.10, 1666.11, 1666.12, 1666.13, 1666.14, 1666.15, 1666.16 AMEND: 1665.2 REPEAL: 1665.8
 Filed 08/15/2016
 Effective 10/01/2016
 Agency Contact: Edith Hannigan (916) 653–2928

File# 2016–0706–05
 BOARD OF OCCUPATIONAL THERAPY
 Application

This action by the Board of Occupational Therapy revises the Initial Application for Licensure (Form ILA — Rev 8/2012) incorporated by reference in section 4110 of title 16 of the California Code of Regulations to add provisions mandated by Business and Professions Code sections 30 and 114.5. The revised form will have a new revision date of “Rev. 7/2016.”

Title 16
 AMEND: 4110
 Filed 08/15/2016
 Effective 10/01/2016
 Agency Contact: Heather Martin (916) 263–2294

File# 2016–0629–04
 BOARD OF PHARMACY
 Advanced Practice Pharmacist — Certification Programs

This rulemaking by the Board of Pharmacy (Board) adopts section 1730.2 in Title 16 of the California Code of Regulations regarding Advanced Practice Pharmacist certification, in furtherance of the Board’s continued efforts to implement Senate Bill 493. In this rule-

making, the Board is including general clinical pharmacy to the relevant areas of practice which satisfy one requirement needed for recognition as an advanced practice pharmacist.

Title 16
 ADOPT: 1730.2
 Filed 08/10/2016
 Effective 08/10/2016
 Agency Contact: Lori Martinez (916) 574–7917

File# 2016–0705–01
 COMMISSION ON TEACHER CREDENTIALING
 Teaching Permit for Statutory Leave

This regulatory action by the Commission on Teacher Credentialing creates a new Teaching Permit for Statutory Leave, which will provide local education agencies an additional option for staffing statutory leave assignments that extend beyond current Emergency Substitute Teaching Permit service limitations.

Title 5
 ADOPT: 80022 AMEND: 80025.3
 Filed 08/16/2016
 Effective 08/16/2016
 Agency Contact: Erin Skubal (916) 323–9596

File# 2016–0721–02
 DEPARTMENT OF BUSINESS OVERSIGHT
 DBO — Conflict–of–Interest code

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

Title 10
 AMEND: 250.30
 REPEAL: 5.2000, 5.2001
 Filed 08/10/2016
 Effective 09/09/2016
 Agency Contact: Bret Ladine (916) 322–5858

File# 2016–0713–03
 DEPARTMENT OF CORRECTIONS AND REHABILITATION
 Level IV 180/270 Housing Criteria

This rulemaking action makes permanent emergency regulation changes which established standards and procedures for the proper housing of Level IV inmates in accordance with individual case factors.

Title 15
 AMEND: 3375.1, 3377
 Filed 08/11/2016
 Effective 08/11/2016
 Agency Contact: Laura Lomonaco (916) 445–2217

File# 2016-0713-04
DEPARTMENT OF CORRECTIONS AND
REHABILITATION
Cell Phone Accessories and Inmate Discipline

This action by the Department of Corrections and Rehabilitation amends sections in title 15 of the California Code of Regulations to better align the regulations with Penal Code section 4576. Specifically, this action provides that any accessory or component of a cellular telephone or wireless communication device (e.g., SIM card, memory storage device, cellular phone battery, wired or wireless headset, or cellular phone charger) is “contraband,” and reduces the penalty for possession to a Division “F” offense, which can result in 0–30 days of credit forfeiture. This action further clarifies that any cellular telephone or wireless communication device capable of making or receiving wireless communications is “dangerous contraband,” and the penalty for possession of said devices is a Division “D” offense, which can result in 61–90 days of credit forfeiture.

Title 15
AMEND: 3000, 3306, 3323
Filed 08/17/2016
Effective 08/17/2016
Agency Contact: Anthony Carter (916) 445-2220

File# 2016-0630-01
DEPARTMENT OF PUBLIC HEALTH
2016 STAKE Act Regulations — Section 100

In this change without regulatory effect, the Department amends Title 17, section 6901 of the California Code of Regulations to update the definitions of “Department” and “Tobacco product.” It also amends sections 6902 and 6903 to increase the minimum age requirement for tobacco sale in compliance with Business and Professions Code sections 22950.5, 22952, and 22958.

Title 17
AMEND: 6901, 6902, 6903
Filed 08/11/2016
Agency Contact: Dawn Basciano (916) 440-7367

File# 2016-0706-06
DEPARTMENT OF SOCIAL SERVICES
ICWA Integration Throughout Division 31

This rulemaking action repeals two sections in Division 31 of the California Department of Social Services (CDSS) Manual of Policies and Procedures (MPP), which concern Indian child custody proceedings consistent with the Indian Child Welfare Act (ICWA), and integrates the provisions of those repealed sections throughout Division 31 of the MPP. The purpose of this

action is to cease segregating these Indian child custody standards and requirements from the rest of Division 31 and thereby prevent diminished compliance by counties with ICWA at the various points in the life of a child’s child-welfare case when ICWA requirements are applicable. The action also incorporates by reference 12 forms used in child welfare cases, including those specifically used in Indian child custody cases.

Title MPP
ADOPT: 31-136 AMEND: 31-001, 31-002, 31-003, 31-005, 31-040, 31-066, 31-075, 31-101, 31-105, 31-110, 31-115, 31-120, 31-125, 31-135, 31-201, 31-205, 31-206, 31-310, 31-315, 31-335, 31-405, 31-406, 31-410, 31-420, 31-425, 31-430, 31-445, 31-510 REPEAL: 31-515, 31-520
Filed 08/16/2016
Effective 10/01/2016
Agency Contact: Kenneth Jennings (916) 651-8862

File# 2016-0706-02
DEPARTMENT OF SOCIAL SERVICES
Crisis Nurseries Regulations

This change without regulatory effect filing by the Department of Social Services amends twenty sections in title 22 of the California Code of Regulations and the Manual of Policies and Procedures to align the regulations with statutory changes pursuant to Senate Bill 1214 (Stats. 2010, ch. 519), Senate Bill 1319 (Stats. 2012, ch. 663), and Assembly Bill 2228 (Stats. 2014, ch. 735).

Title 22, MPP
AMEND: 86500, 86501, 86501.5, 86505.1, 86506, 86522, 86524, 86528, 86561, 86565, 86565.5, 86568.1, 86568.2, 86568.4, 86570, 86575, 86577, 86580, 86587, 86587.1
Filed 08/17/2016
Agency Contact: Oliver Chu (916) 657-3588

File# 2016-0805-02
DEPARTMENT OF WATER RESOURCES
Groundwater Management — Groundwater
Sustainability Plan

In this emergency file and print, the Department adopts a new subchapter in Title 23 of the California Code of Regulations. The regulations address groundwater sustainability plans and are exempt from OAL review pursuant to Water Code section 10733.2, subdivision (d). The regulations cover matters such as technical and reporting standards, procedures, plan contents, department evaluation and assessment, annual reports and periodic evaluations by the agency, interagency agreements, and alternatives.

Title 23

ADOPT: 350, 350.2, 350.4, 351, 352, 352.2, 352.4, 352.6, 353, 353.2, 353.4, 353.6, 353.8, 353.10, 354, 354.2, 354.4, 354.6, 354.8, 354.10, 354.12, 354.14, 354.16, 354.18, 354.20, 354.22, 354.24, 354.26, 354.28, 354.30, 354.32, 354.34, 354.36, 354.38, 354.40, 354.42, 354.44, 355, 355.2, 355.4, 355.6, 355.8, 355.10, 356, 356.2, 356.4, 357, 357.2, 357.4, 358, 358.2, 358.4

Filed 08/15/2016

Effective 08/15/2016

Agency Contact: Trevor Joseph (916) 651-9218

File# 2016-0722-03

FAIR POLITICAL PRACTICES COMMISSION

Definition of Lobbyist

This rulemaking action by the Fair Political Practices Commission amends the definition of “lobbyist” in section 18239 of title 2 of the California Code of Regulations.

Title 2

AMEND: 18239

Filed 08/17/2016

Effective 09/16/2016

Agency Contact: Cesar R. Cuevas (916) 324-3854

File# 2016-0726-06

OFFICE OF ENVIRONMENTAL HEALTH

HAZARD ASSESSMENT

Chemicals Known to the State to Cause Cancer or Reproductive Toxicity

The Office of Environmental Health Hazard Assessment submitted this file and print action to add the chemical bromodichloroacetic acid to the list of chemicals known to the state to cause cancer in title 27, California Code of Regulations, section 27001(b).

Title 27

AMEND: 27001

Filed 08/10/2016

Effective 08/10/2016

Agency Contact: Michelle Ramirez (916) 327-3015

File# 2016-0706-04

STATE WATER RESOURCES CONTROL BOARD

Los Angeles Region Basin Plan GW Control Measures for LSCR SNMP

On July 9, 2015, the Los Angeles Regional Water Quality Control Board (the “LARWQCB”) adopted Resolution No. R15-007, which amends the Los Angeles Region’s Basin Plan by incorporating stakeholder-developed groundwater quality management measures for salts and nutrients in the Lower Santa Clara River Groundwater Basins of Ventura County into Chapter 8

(“Groundwater Quality Management — Sustainability and Basin-specific Protection of Groundwater”). The stakeholder-developed management strategies for salt and nutrients are designed to maintain current water quality conditions in the groundwater basin, prevent additional loading in localized areas with elevated levels of salts and nutrients, and manage additional loads from future recycled water projects in a manner that is protective of beneficial uses. On December 1, 2015, the State Water Resources Control Board approved the amendment under Resolution No. 2015-0071.

Title 23

ADOPT: 3939.50

Filed 08/17/2016

Effective 08/17/2016

Agency Contact: Ginachi Amah (213) 576-6685

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN March 16, 2016 TO
August 17, 2016**

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

Title 2

08/17/16 AMEND: 18239

08/17/16 AMEND: 59000

07/29/16 ADOPT: 599.860

07/13/16 AMEND: 1859.2, 1859.102 REPEAL: 1866, 1866.1, 1866.2, 1866.3, 1866.4, 1866.4.1, 1866.4.2, 1866.4.3, 1866.4.4, 1866.4.6, 1866.4.7, 1866.5, 1866.5.1, 1866.5.2, 1866.5.3, 1866.5.4, 1866.5.5, 1866.5.6, 1866.5.7, 1866.5.8, 1866.5.9, 1866.7, 1866.8, 1866.9, 1866.9.1, 1866.10, 1866.12, 1866.13, 1866.14

07/11/16 AMEND: 59560

06/27/16 AMEND: 1897

06/23/16 ADOPT: 17010, 17011, 17012, 17013, 17014, 17030, 17031, 17032, 17033, 17034, 17035, 17036, 17037, 17038, 17039, 17040, 17041, 17042, 17043, 17044, 17045, 17046, 17047 REPEAL: 17010, 17030, 17111, 17112, 17113, 17120, 17121, 17122, 17130, 17140, 17141, 17142, 17150, 17151, 17152, 17153, 17160, 17200, 17201, 17210,

17220, 17300, 17400, 17402, 17403,	06/22/16	AMEND: 3435(b)	
17404, 17405, 17406, 17408, 17412,	06/22/16	AMEND: 3435(b)	
17414, 17416, 17418, 17420, 17422,	06/20/16	AMEND: 3591.12	
17424, 17426, 17430, 17432, 17434,	06/16/16	AMEND: 3435(b)	
17435, 17436, 17440, 17442, 17444,	06/13/16	AMEND: 3435(b)	
17446, 17448, 17450, 17452, 17454,	06/13/16	AMEND: 3435(b)	
17458, 17460, 17461, 17463, 17464,	06/08/16	AMEND: 850	
17466, 17468, 17470, 17471, 17473,	06/06/16	ADOPT: 1358.7	
17475, 17477, 17478, 17481, 17482,	06/02/16	AMEND: 3439(b)	
17483, 17485, 17486, 17488, 17490,	06/02/16	AMEND: 3435(b)	
17491, 17493, 17495, 17498, 17500,	06/01/16	AMEND: 3435(b)	
17502, 17504, 17508, 17510, 17512,	05/25/16	AMEND: 3435(b)	
17514, 17515, 17516, 17518, 17519,	05/23/16	AMEND: 3435(b)	
17520, 17521, 17525, 17527, 17528,	05/18/16	AMEND: 3435	
17530, 17532, 17534, 17538, 17542,	05/17/16	AMEND: 3906	
17544, 17546, 17548, 17550, 17551,	05/12/16	AMEND: 3435(b)	
17552, 17553, 17554, 17555, 17556,	05/12/16	AMEND: 3435(b)	
17557, 17558, 17559, 17560, 17561,	05/11/16	AMEND: 3435(b)	
17562, 17563, 17564, 17565, 17566,	05/11/16	AMEND: 3435(b)	
17567, 17570, 17571, 17572, 17575,	05/10/16	AMEND: 3435(b)	
17576, 17580, 17581, 17582, 17588,	05/09/16	ADOPT: 3591.27	
17590, 17592	04/25/16	AMEND: 3435(b)	
05/25/16	AMEND: 604	04/07/16	ADOPT: 450, 450.1, 450.2, 450.3, 450.4, 451, 452
05/23/16	AMEND: 23000		
05/19/16	ADOPT: 18750 REPEAL: 18750, 18750.1, 18750.2, 18752	04/05/16	AMEND: 3589
04/21/16	AMEND: 599.744	03/29/16	AMEND: 3435(b)
04/12/16	AMEND: 18239	03/21/16	AMEND: 3435
04/12/16	AMEND: 18616		
03/22/16	AMEND: 18215.3, 18247.5, 18404, 18405, 18422, 18425, 18427.1, 18450.4, 18531.5, 18531.62 REPEAL: 18402.5		
03/22/16	AMEND: 18406, 18530.4, 18530.45, 18992		
Title 3			
08/03/16	AMEND: 3435(b)		
08/02/16	AMEND: 3435(b)		
08/01/16	AMEND: 3435(b)		
08/01/16	AMEND: 3435(b)		
07/25/16	AMEND: 3024.5		
07/25/16	AMEND: 3435(b)		
07/25/16	AMEND: 3435(b)		
07/25/16	AMEND: 3435(b)		
07/21/16	AMEND: 3435(b)		
07/20/16	AMEND: 3435(b)		
07/07/16	AMEND: 3435(b)		
07/05/16	AMEND: 3435(b)		
07/05/16	AMEND: 3435(b)		
06/30/16	ADOPT: 450, 450.1, 450.2, 450.3, 450.4, 451, 452		
06/30/16	AMEND: 3435(b)		
06/30/16	AMEND: 3435(b)		
06/28/16	AMEND: 3435(b)		
Title 4			
08/09/16	AMEND: 10031, 10032, 10033, 10035, 10036		
07/25/16	AMEND: 1581, 1843		
07/19/16	AMEND: 5170		
07/19/16	ADOPT: 1866.1 AMEND: 1844		
07/05/16	AMEND: 1689.1		
06/29/16	AMEND: 8034, 8035		
06/15/16	ADOPT: 299 AMEND: 297, 300		
06/14/16	AMEND: 5000, 5033, 5052, 5144, 5205, 5220, 5221, 5230		
04/27/16	AMEND: 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.11, 10170.12		
04/25/16	ADOPT: 1866.1 AMEND: 1844		
04/21/16	ADOPT: 610		
04/13/16	ADOPT: 10091.1, 10091.2, 10091.3, 10091.4, 10091.5, 10091.6, 10091.7, 10091.8, 10091.9, 10091.10, 10091.11, 10091.12, 10091.13, 10091.14, 10091.15		
04/12/16	AMEND: 1489		
03/28/16	AMEND: 10176(d), 10181		
03/23/16	ADOPT: 12465 AMEND: 12460, 12461, 12462, 12463, 12464, 12466		
Title 5			
08/16/16	ADOPT: 80022 AMEND: 80025.3		

08/03/16 AMEND: 19810 1711, 1712, 1713, 1714, 1715, 1716,
 07/27/16 AMEND: 19810 1717, 1718, 1719, 1720, 1721, 1722,
 07/20/16 AMEND: 30950, 30951, 30951.1, 1723, 1724, 1725, 1726, 1727, 1728,
 30952, 30953, 30954, 30955, 30956, 1729, 1730, 1731, 1739, 1740, 1741,
 30957, 30958, 30959 1742, 1743, 1744, 1745, 1746, 1747,
 07/14/16 ADOPT: 74117 AMEND: 74110, 74112 1748, 1749, 1750, 1751, 1752, 1753,
 07/05/16 REPEAL: 6100, 6101, 6102, 6103, 6104, 1754, 1755, 1765, 1766, 1767, 1768,
 6105, 6110, 6111, 6112, 6113, 6115, 1769, 1770, 1771, 1772, 1773, 1774,
 6116, 6120, 6125, 6126 1775, 1776, 1777, 1778, 1779, 1790,
 06/15/16 REPEAL: 3820, 3822, 3823, 3824, 3831, 1791, 1792, 1793, 1794, 1795, 1796,
 3840, 3860, 3870 1797, 1798, 1799

05/31/16 REPEAL: 9517.1, 9531, 9532, 9535
 05/31/16 ADOPT: 11533, 11534 AMEND: 11530,
 11531
 05/31/16 ADOPT: 11524, 11525 AMEND: 11520,
 11521, 11522
 05/18/16 ADOPT: 851.5, 853.6, 853.8, 860
 AMEND: 850, 851, 853, 853.5, 853.7,
 855, 857, 858, 859, 861, 862, 862.5, 863,
 864
 04/25/16 AMEND: 41906.5, 41906.6
 03/28/16 ADOPT: 1700
 03/22/16 ADOPT: 9526
 03/21/16 AMEND: 80057.5, 80089.2

Title 8

08/02/16 ADOPT: 346, 346.1, 346.2, 350.3, 350.4,
 355.1, 355.2, 355.3, 355.4, 355.5, 372.8,
 372.9, 376.8 AMEND: 347, 348, 352,
 354, 356, 356.1, 356.2, 359, 359.1, 361.3,
 364.2, 371, 371.1, 371.2, 372.6, 376.1,
 376.4, 376.7, 378, 380, 383, 391.1, 392,
 392.4, 392.5 REPEAL: 355
 07/28/16 ADOPT: 9792.24.4 AMEND: 9792.23,
 9792.24.2
 06/28/16 AMEND: 5148(c)
 05/18/16 AMEND: 362, 364, 364.1
 04/12/16 AMEND: 3207, 3212
 03/23/16 AMEND: 9789.12.2, 9789.12.6,
 9789.12.8, 9789.12.13, 9789.13.1,
 9789.15.4, 9789.16.1, 9789.16.2,
 9789.17.1, 9789.19

Title 9

06/27/16 ADOPT: 4600, 4601, 4602
 06/06/16 AMEND: 811, 812, 823, 836.2, 862, 865,
 865.4, 865.5
 05/31/16 ADOPT: 7006.5 AMEND: 7019.1, 7020,
 7024, 7029.9, 7054, 7055, 7060, 7062,
 7062.3, 7122, 7143, 7157, 7164, 7164.4,
 7194, 7198 REPEAL: 7004.3, 7019.2, 7022,
 7029.3
 05/12/16 AMEND: 7140, 7142, 7142.5, 7143.5,
 7164.6, 7196, 7211, 7290, 7353.6
 04/21/16 REPEAL: 1700, 1701, 1702, 1703, 1704,
 1705, 1706, 1707, 1708, 1709, 1710,

Title 10

08/10/16 AMEND: 250.30 REPEAL: 5.2000,
 5.2001
 08/09/16 AMEND: 2498.6
 08/09/16 AMEND: 2498.4.9
 08/09/16 AMEND: 2498.6
 08/09/16 AMEND: 2498.4.9, 2498.6
 08/08/16 AMEND: 2498.5
 07/11/16 AMEND: 2053, 2053.1, 2054, 2054.1,
 2054.2, 2054.3, 2054.5, 2054.6, 2054.7,
 2055, 2056, 2057, 2058, 2059, 2061,
 2061.1, 2061.2, 2061.3, 2061.4, 2061.5,
 2062, 2062.1, 2062.2, 2063, 2063.1,
 2063.2, 2063.3, 2064, 2065, 2066,
 2066.1, 2066.2, 2066.3, 2066.4, 2066.5,
 2067, 2068, 2069, 2070, 2071, 2072,
 2073, 2074, 2075, 2076, 2077, 2077.1,
 2078, 2079, 2079.1, 2080, 2081, 2082,
 2083, 2083.1, 2084, 2086, 2087, 2088,
 2088.1, 2088.2, 2088.3, 2089, 2090,
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 2096, 2097, 2098, 2099, 2100, 2101,
 2101.1, 2101.2, 2101.3, 2102, 2103,
 2104 REPEAL: 2054.4, 2060
 06/14/16 ADOPT: 6540, 6542, 6544, 6546, 6548,
 6550, 6552
 06/07/16 ADOPT: 8100, 8110, 8120, 8130, 8140,
 8150
 06/06/16 ADOPT: 6408, 6410, 6450, 6452, 6454,
 6470, 6472, 6474, 6476, 6478, 6480,
 6482, 6484, 6486, 6490, 6492, 6494,
 6496, 6498, 6500, 6502, 6504, 6506,
 6508, 6510, 6600, 6602, 6604, 6606,
 6608, 6610, 6612, 6614, 6616, 6618,
 6620, 6622
 05/31/16 AMEND: 2500, 2501, 2503, 2504, 2505,
 2507.1, 2507.2, 2508 REPEAL: 2502
 05/26/16 ADOPT: 6858
 05/23/16 ADOPT: 6700, 6702, 6704, 6706, 6708,
 6710, 6712, 6714, 6716, 6718
 05/11/16 ADOPT: 5508, 5509, 5510, 5511, 5512,
 5513, 5514, 5515, 5516
 05/10/16 AMEND: 2318.6, 2353.1, 2354

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05/10/16 AMEND: 2353.1
03/22/16 AMEND: 2544, 2544.1, 2544.2, 2544.3,
2544.4, 2544.5, 2544.6

Title 11

08/02/16 AMEND: 1003, 1055, 1081, 1950, 1959
07/28/16 AMEND: 1005, 1007, 1008
07/08/16 AMEND: 310, 312, 999.1
06/22/16 AMEND: 1004, 1011
06/09/16 AMEND: 1005, 1007, 1008, 1009, 1010,
1011, 1054, 1058, 1070, 1081, 1082,
1084, 1960
06/01/16 AMEND: 51.22
04/28/16 ADOPT: 2080, 2081, 2082, 2083, 2084,
2085, 2086, 2087, 2088, 2089, 2090,
2091, 2092, 2093, 2094, 2095, 2096,
2097, 2098, 2099, 2100, 2101, 2102,
2103, 2104, 2105, 2106, 2107, 2108,
2109, 2130, 2131, 2132
04/25/16 ADOPT: 50.24
04/06/16 ADOPT: 28.5
04/06/16 ADOPT: 28.6
03/23/16 ADOPT: 4250, 4251, 4251.5, 4252,
4253, 4254, 4255, 4256, 4257, 4258,
4559

Title 12

06/17/16 ADOPT: 509
05/23/16 ADOPT: 462

Title 13

07/25/16 AMEND: 1202.1, 1202.2, 1232
07/25/16 AMEND: 1900, 1956.8, 1968.2, 1968.5,
1971.1, 1971.5, 2485, 95302, 95662
07/07/16 AMEND: 15.01
06/23/16 ADOPT: 15.08 AMEND: 15.07
06/23/16 AMEND: 268.10
05/09/16 AMEND: 156.00, 156.01
04/06/16 ADOPT: 150.10

Title 14

08/15/16 ADOPT: 1666.0, 1666.1, 1666.2, 1666.3,
1666.4, 1666.5, 1666.6, 1666.7, 1666.8,
1666.9, 1666.10, 1666.11, 1666.12,
1666.13, 1666.14, 1666.15, 1666.16
AMEND: 1665.2 REPEAL: 1665.8
08/03/16 AMEND: 29.85
08/01/16 ADOPT: 131
08/01/16 AMEND: 1724.9
07/27/16 ADOPT: 708.18 AMEND: 265, 353, 360,
361, 362, 363, 364, 364.1
07/27/16 ADOPT: 708.18 AMEND: 265, 353, 360,
361, 362, 363, 364, 364.1
07/25/16 AMEND: 13055
07/18/16 AMEND: 1038
07/07/16 AMEND: 1120 REPEAL: 1121
06/30/16 AMEND: 190, 195

06/30/16 AMEND: 18660.23, 18660.24,
18660.25, 18660.33, 18660.34

06/23/16 AMEND: 502, 507
06/16/16 AMEND: 120.7
06/15/16 ADOPT: 8.01
06/09/16 AMEND: 7.50
05/25/16 AMEND: 1670
05/11/16 AMEND: 17852
05/02/16 AMEND: 29.85
04/28/16 ADOPT: 131
04/27/16 AMEND: 27.80
04/26/16 AMEND: 29.45
04/26/16 AMEND: 28.20
04/20/16 ADOPT: 1760.1, 1779.1
04/06/16 AMEND: 1038
03/29/16 AMEND: 27.80
03/28/16 ADOPT: 8.01

Title 15

08/17/16 AMEND: 3000, 3306, 3323
08/11/16 AMEND: 3375.1, 3377
07/13/16 AMEND: 8000, 8001, 8100, 8901
06/29/16 AMEND: 3000, 3054, 3054.1, 3054.2,
3054.3, 3054.4, 3054.5
06/21/16 ADOPT: 3359.8
06/02/16 AMEND: 3000, 3084.7, 3312, 3313,
3314, 3315, 3316, 3317, 3317.1, 3317.2,
3320, 3322, 3326, 3340, 3341.3, 3376,
3378.6
05/24/16 ADOPT: 3317.1, 3317.2 AMEND: 3310,
3315, 3317
05/11/16 AMEND: 3000, 3213
05/10/16 AMEND: 3173.2
04/28/16 AMEND: 3000
03/30/16 AMEND: 8004.2
03/30/16 REPEAL: 3999.16
03/29/16 AMEND: 3315, 3375.2
03/29/16 AMEND: 3000, 3078.1, 3078.2, 3078.3,
3078.4

Title 16

08/15/16 AMEND: 4110
08/10/16 ADOPT: 1730.2
08/03/16 AMEND: 1397.12 (renumbered to
section 1395.2)
08/01/16 ADOPT: 2071.1, 2087, 2087.1, 2087.2,
2087.3 AMEND: 2034, 2035, 2036.5
07/28/16 ADOPT: 3395.5 AMEND: 3340.1,
3340.10, 3340.28, 3395.4
07/19/16 AMEND: 1355.35
07/12/16 AMEND: 36.1
07/12/16 ADOPT: 1399.469.3
06/22/16 AMEND: 438
06/16/16 AMEND: 109
06/07/16 ADOPT: 1100

06/07/16 ADOPT: 1101, 1121, 1122, 1124, 1126, 1127, 1133
 06/07/16 ADOPT: 1104, 1104.1, 1104.2
 05/26/16 ADOPT: 1815.5
 05/13/16 AMEND: 910
 05/10/16 AMEND: 2403
 05/04/16 AMEND: 4170
 05/03/16 ADOPT: 2326.2, 2326.3 AMEND: 2326, 2326.1, 2326.5
 04/28/16 AMEND: 1417
 04/20/16 ADOPT: 1103, 1105, 1105.1, 1105.2, 1105.3, 1105.4, 1106
 04/20/16 AMEND: 1715, 1784
 04/11/16 AMEND: 1399.523
 04/08/16 ADOPT: 1746.1
 04/04/16 AMEND: 974
 03/22/16 AMEND: 1970.4
 03/21/16 AMEND: 1380.5

Title 17

08/11/16 AMEND: 6901, 6902, 6903
 07/25/16 ADOPT: 51000, 51001, 51002
 07/01/16 AMEND: 6540
 07/01/16 AMEND: 6508
 05/25/16 AMEND: 1050
 05/24/16 AMEND: 2500, 2502, 2505
 04/25/16 AMEND: 100800
 04/04/16 ADOPT: 6500.03, 6500.05, 6500.9, 6500.21, 6500.33, 6500.43, 6500.50, 6500.51, 6500.55, 6500.58, 6500.71, 6500.78, 6501.5 AMEND: 6500.35, 6500.39, 6500.45, 6501, 6505, 6506, 6506.6, 6506.8, 6506.10 REPEAL: 6500.65, 6500.67

Title 18

08/16/16 AMEND: 1590
 08/02/16 AMEND: 17000.30
 07/27/16 ADOPT: 4076
 07/27/16 AMEND: 1506
 06/28/16 AMEND: 1698, 4901
 06/21/16 AMEND: 1432
 04/22/16 AMEND: 1668
 04/20/16 AMEND: 5600, 5601, 5603
 03/28/16 AMEND: 2401, 2413, 2422
 03/17/16 AMEND: 3500

Title 19

06/30/16 AMEND: 1980.00, 1980.02, 1980.04, 1980.05, 1980.06 1990.00, 1990.01, 1990.02, 1990.03, 1990.04, 1990.05, 1990.06, 1990.07, 1990.08, 1990.11, 1990.12
 06/20/16 ADOPT: 2700, 2701, 2702, 2703, 2704, 2705, 2706, 2707, 2708, 2709, 2710
 05/11/16 ADOPT: 2621, 2622, 2630, 2631, 2632, 2640, 2642, 2643, 2644, 2645, 2646,

2647, 2648, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2670, 2671 AMEND: 2650 renumbered to 2621, 2660 renumbered to 2622, 2701 renumbered to 2630, 2703 renumbered to 2631, 2705 renumbered to 2632, 2720 amended and renumbered to 2640, 2722 renumbered to 2642, 2723 amended and renumbered to 2643, 2724 renumbered to 2644, 2725 amended and renumbered to 2645, 2726 renumbered to 2646, 2727 renumbered to 2647, 2728 renumbered to 2648, 2729 amended and renumbered to 2650, 2729.1 amended and renumbered to 2651, 2729.2 amended and renumbered to 2652, 2729.3 amended and renumbered to 2653, 2729.4 amended and renumbered to 2654, 2729.5 amended and renumbered to 2655, 2729.6 amended and renumbered to 2656, 2729.7 amended and renumbered to 2657, 2731 renumbered to 2658, 2732 amended and renumbered to 2659, 2733 amended and renumbered to 2670, 2734 renumbered to 2671

Title 20

06/30/16 AMEND: 1601, 1602, 1604, 1605.1, 1605.2, 1605.3, 1606, 1607
 04/12/16 AMEND: 1240, 3201, 3202, 3203, 3204, 3206, 3207
 04/06/16 AMEND: 2401, 2402

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