



California Regulatory Notice Register

REGISTER 2015, NO. 42-Z

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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 (the "Commission"), under the authority vested in it under the Political Reform Act (the "Act")¹ by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulations at a public hearing on or after **November 19, 2015** at the Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, California 95814 commencing at approximately **10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m. on November 17, 2015.**

BACKGROUND/OVERVIEW

Staff has identified areas of improvement with regard to the procedures for notification to Enforcement complainants and those who are the subject of an Enforcement complaint. Staff has also identified the need for an established and detailed policy for media and public records inquiries related to Enforcement complaint records. The proposed amendments to Regulation 18360 and Regulation 18362 are intended to improve the current processes described above and to reflect the best procedures for the Commission to follow.

I. Complaints (Regulation 18360)

Enforcement Complaint Notification Procedures

The Act and its Regulations provide persons accused of violating the Act certain procedural protections. Among them is the requirement that the Commission provide notice to the complainant within fourteen days after the receipt of the complaint of the course of action

the Commission has chosen to take, if any. (Section 83115, Regulation 18360). This notice is commonly referred to as the "14-Day Letter." Regulation 18360 currently provides that the Executive Director inform the complainant if the Commission will take any of the following actions:

"(A) Investigate the allegations of the complaint, in which case the response shall inform the complainant the commencement of an investigation only indicates the complaint alleges a violation of the Act, and the culpability of the person complained against, if any, has not been determined.

"(B) Refer the complaint to another governmental agency.

"(C) Take no action on the complaint because, on the basis of the information provided, the Commission does not appear to have jurisdiction to investigate, but the complainant may provide additional information.

"(D) Take no action on the complaint because the allegations of the complaint, absent the Commission receiving additional information, do not warrant the Commission's further action for the reason stated.

"(E) Take additional time to evaluate the complaint to determine whether an investigation should ensue and provide an appropriate explanation for the delay. This information shall be provided within successive intervals of no more than 14 days per interval until the Commission notifies the complainant it has acted on the complaint under subparagraphs (A) through (D)."

Under the current version of Regulation 18360 there are separate procedures depending on whether a complaint is a sworn complaint and when a complaint is not a sworn complaint.

When the Commission receives a sworn complaint:

- The Executive Director provides the subject of the complaint with a copy within three business days of receipt with a cover letter informing the subject of a sworn complaint of their opportunity to respond before the Executive Director makes a final determination on how to proceed with the complaint. The Executive Director does not make a determination until 14 days have passed from date of receipt, unless the determination is to take no action.
- The Executive Director notifies a complainant within 14 calendar days of receipt of a sworn complaint that the Commission will take one of the courses of action listed above.

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

- The Commission does not disclose contents of the 14-day letter to the public until at least five business days have passed from when the 14-day letter is sent to the complainant and the subject of the complaint, unless the complaint is rejected by the Executive Director.
- The Executive Director sends a notice of resolution to the complainant and notice of any public hearing, public meeting, or any public court hearing to be conducted as a result of the complaint.

When the Commission proceeds with a Commission-initiated investigation the following procedures are listed in the current version of Regulation 18360:

- The Executive Director sends notification of the potential investigation to the subject and informs the subject of his or her opportunity to respond within 10 calendar days from the date notification is sent. A cover letter is included informing the subject that no determination will be made until 10 calendar days have passed from the date notification was sent.
- No documents are disclosed to the public until five business days have passed from the time the subject of the investigation is informed or sent notification of the investigation.

Under the new draft of Regulation 18630 the following notification procedures will be followed for sworn complaints:

- The Enforcement Division must notify the complainant in writing within three business days of receipt of a sworn complaint and provide each person the complaint alleges committed a violation a copy of the complaint and notice that those individuals may respond to the complaint.
- Within 14 days of receiving a sworn Enforcement complaint, the Enforcement Division will notify the complainant that it will be taking one of the courses of action listed above. The Enforcement Division will send the same notice to the subject or subjects of the complaint at the same time it is sent to the complainant.
- The Enforcement Division will send a notice of resolution to each complainant who filed a complaint and was notified that the Enforcement Division would investigate the allegations in the complaint.

Under the new draft of Regulation 18360 the following notification procedures will be followed for Commission-initiated investigations:

- The Enforcement Division will notify any potential subjects of an investigation and also provide any documents submitted by a member of the public to any potential subjects of an investigation if the investigation resulted from information provided to the Enforcement Division by a member of the public.
- The Enforcement Division will send a notice of resolution to each complainant who filed a complaint and was notified that the Enforcement Division would investigate the allegations in the complaint.

Reconsideration of Intended Action

The proposed amendments would allow a person who files a sworn complaint and disagrees with the response sent in the 14-day letter by the Enforcement Division, the opportunity to seek reconsideration from the Executive Director within 20 calendar days of receipt of the response. This procedure is also currently allowed. Additionally, the proposed amendments would provide that the Executive Director will decide to grant reconsideration based on a finding of good cause.

Media and Public Inquiry Policy

The proposed amendments provide that the Commission will respond to requests for information about complaints and investigations as follows:

- Sworn complaints: The Commission may confirm receipt of a sworn complaint at any time, but will not provide a copy of the complaint until two calendar days after sending a copy of the complaint to the subject or subjects of the complaint. Commission staff will not disclose any action the Enforcement Division intends to take until after it sends the 14-day letter to the complainant.
- Commission-initiated investigations: The Commission will not confirm it has opened an investigation on its own initiative, until two calendar days have passed since sending the notice of investigation to all identified subjects of the investigation. Upon request, at the time of confirming an open investigation, the Commission will provide a copy of any documents submitted to the Enforcement Division by the complaining member of the public.

II. Access to Enforcement Records (Regulation 18362)

The proposed amendments to Regulation 18362 provide an update to current practices for release of records and costs of copying. The amendments account for the option for releasing records electronically as well as in paper format.

SCOPE

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or related issues.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of these regulations is to implement, interpret, and make specific Government Code Sections 83115, 83115.5, 83116, 83116.5, 84100, 84104 and 91006.

CONTACT

Any inquiries should be made to Sukhi K. Brar, Fair Political Practices Commission, 428 J Street, Suite 800, Sacramento, CA 95814; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/index.php?id=247#2>.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT-OF-INTEREST CODES

ADOPTION

MULTI-COUNTY: San Diego County Schools Risk Management Joint Powers Authority
San Diego County Schools Fringe Benefits Consortium

AMENDMENT

MULTI-COUNTY: Turlock Unified School District
Laguna Joint Elementary School District
STATE AGENCY: California Housing Finance Agency

A written comment period has been established commencing on October 16, 2015, and closing on November 30, 2015. Written comments should be directed to the Fair Political Practices Commission, Attention Ivy Branaman, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict-of-interest code(s) will be submitted to the Commission's Executive Director for her review, unless any interested person or his 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 November 30, 2015. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result

from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not “costs mandated by the state” as defined in Government Code Section 17514.

EFFECT ON HOUSING COSTS AND BUSINESSES

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

AUTHORITY

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

REFERENCE

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

CONTACT

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

AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES

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

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

The Department of Food and Agriculture proposes to amend Section 3906 of the regulations in Title 3 of the California Code of Regulations pertaining to the assessment on sales of agricultural and/or vegetable seed.

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to Sara.Khalid@cdfa.ca.gov. The written comment period closes at 5:00 p.m. on November 30, 2015. The Department will consider only comments received at the Department offices by that time. Submit comments to:

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

AUTHORITY AND REFERENCE

Food and Agricultural Code Sections 407 and 52331 authorize the Department to adopt this regulation. The proposed revision is to a regulation that interprets and makes specific Sections 52331, 52354, and 52354.5 of the Food and Agricultural Code.

INFORMATIVE DIGEST/PLAIN ENGLISH OVERVIEW

The specific purpose of Section 3906 is to establish the annual assessment rate per one-hundred dollars gross annual dollar volume sales of agricultural and/or vegetable seed for the preceding fiscal year, beginning July 1. The proposed amendment will set this fee at \$0.30 per \$100 gross annual dollar volume sales of agricultural and/or vegetable seed for the fiscal year beginning July 1, 2015.

Food and Agricultural Code (FAC), Sections 52291–52298 provides for an eleven member Seed Advisory Board (Board) and establishes the composition, terms of office and duties of the Board. One of the duties, provided by Section 52296, is to recommend the dollar volume assessments on gross annual dollar volume sales of agricultural and/or vegetable seed. FAC, Section 52354 establishes that the assessment shall not exceed \$0.40 per \$100 gross annual dollar volume sales of agricultural and/or vegetable seed.

FAC, Section 52354.5 establishes that the Board shall make a recommendation regarding the level of assessment to the director and that the director shall fix the annual assessment in an amount that will provide sufficient funds to carry out the activities of the Seed Services Program. During their May 13, 2015 meeting, the Board approved a motion to set the assessment rate at \$0.30 per \$100 gross annual dollar volume sales of agricultural and/or vegetable seed for the fiscal year beginning July 1, 2015. The current assessment rate is \$0.25 per \$100 gross annual dollar volume sales. Since seed sales are expected to decline, this increase is necessary to prevent cash flow from declining too low.

Anticipated Benefits from this Regulatory Action

The Board is required to keep a reserve balance per the Department of Finance. This reserve ensures that there would be enough money in the California Pool Fund to fund an orderly process to close down a program. If the reserve balance falls below required funding levels, Seed Testing Services would either not be provided at all or would be provided at a lower level of service. The seed services program provides testing for agricultural seed as well as any private seed requests.

The required funding level ensures that the impacts on program levels of activities are kept to a minimum in the event of an unexpected occurrence that would otherwise increase costs of the program. The programs must respond to crisis incidents such as response to testing for a new disease that would not be included in a regulation. The program would not be able to respond to emergency scenarios unless there was a reserve for funding.

The amendment of this regulation ensures the orderly and efficient marketplace for seed, seed quality for purchasers, labeling enforcement, invasive pest and disease free seed, as well as indirectly ensuring a safe food supply.

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

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

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

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

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

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

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

Cost impact on a representative private person or businesses: There are 256 firms that submit an average assessment payment of approximately \$1,364 per year. The proposed change in the assessment will increase their payments by about \$273 each. There are 17 large firms having average sales of approximately \$5.8 million per year. The proposed change in the assessment will increase their payments by approximately \$5,760 each.

Significant effect on housing costs: None.

Small Business Determination

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

Results of the Economic Impact Analysis

Amendment of these regulations will not:

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

There are no known specific benefits to the worker safety of California residents. The Department is not aware of any specific benefits the amendment of this regulation will have to the protection of public safety of California residents or worker safety. This regulation ensures the orderly and efficient marketplace for seed, seed quality for purchasers, labeling enforcement, invasive pest and disease-free seed, as well as indirectly ensuring a safe food supply and a positive health benefit to California consumers.

The Department has evaluated and determined that the amendment of this regulation is not inconsistent with existing State regulations. There are no other com-

parable existing State regulations [Gov. Code sec. 11346.5(a)(3)(D)].

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

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

In her absence, you may contact Laura Petro at the same phone number.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website (www.cdfa.ca.gov/cdfa/pendingregs).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all of the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial state-

ment of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons will be available upon request. Requests should be directed to the contact named above.

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

AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons will be posted on the Department's website or a copy may be obtained by contacting Ms. Khalid at the address listed above.

TITLE 5. COMMISSION ON TEACHER CREDENTIALING

Division VIII of Title 5 of the California Code of Regulations

Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to Adding a New Teaching or Content Area to an Existing General Education Teaching Credential

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

PUBLIC HEARING

A public hearing on the proposed actions will be held:

December 4, 2015
8:30 a.m.
Commission on Teacher Credentialing
1900 Capitol Avenue
Sacramento, California 95811

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments by fax, through the mail, or by e-mail relevant to the proposed action. The written comment period closes at 5:00 p.m. on November 30, 2015. Comments must be received by that time or may be submitted at the public hearing. You may fax your response to (916) 322-0048; write to the Commission on Teacher Credentialing, attn. Erin Skubal, 1900 Capitol Avenue, Sacramento, California 95811; or submit an email at eskubal@ctc.ca.gov.

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

AUTHORITY AND REFERENCE

Education Code section 44225 authorizes the Commission to adopt these proposed regulation amendments. The proposed regulations interpret and make specific Education Code sections 44225(e) pertaining to adding a new teaching or content area to an existing general education teaching credential.

INFORMATIVE DIGEST/POLICY STATEMENT
 OVERVIEW

Summary of Existing Laws and Regulations

This rulemaking action proposes amendments to Title 5 of the California Code of Regulations (CCR) related to the English learner requirement for adding a teaching or content area to a general education teaching credential as approved by the Commission at the August 2015 meeting. The proposed amendments also include correction of a typographical error in the regulation.

Title 5 CCR section 80499 allows a California credentialed teacher to add a teaching or content area to an

existing general education teaching credential without completing the full professional preparation program for the new content area or credential type. Current law requires an educator who wishes to apply for certification using this regulation to hold an English learner authorization issued pursuant to Education Code section 44253.3 or 44259.5.

However, these sections of Education Code refer solely to the English learner authorizations earned through either coursework embedded within a California teacher preparation program or through Commission-approved California Teachers of English Learners (CTEL) coursework or examinations. This inadvertent omission of other appropriate current and previously-issues English learner authorizations unintentionally resulted in limiting experienced educators from being able to use this regulation to add a new teaching or content area to their existing credential, thus creating inequity amongst educators.

These proposed amendments seek to clarify and make specific which English learner authorizations are acceptable towards meeting the requirements of Title 5, section 80499, including all appropriate current and previously-issued English learner authorizations.

There is also one non-substantive change that needs to be included in 5 CCR section 80499 to address a typographical error.

Objectives and Anticipated Benefits of the Proposed Regulations

The objective of the proposed amendments is to clarify and make specific the English learner requirement set forth in this section of regulations as it pertains to adding a new teaching or content area to an existing general education credential by listing all appropriate currently and previously listed English learner authorizations as acceptable towards meeting this regulatory requirement.

The Commission anticipates that the proposed amendments will promote fairness and prevent discrimination by ensuring equity between all educators who earned appropriate English learner authorizations and prevent the exclusion of those educators with an English learner authorization that was not earned through coursework embedded within a California teacher preparation program or through Commission-approved California Teachers of English Learners (CTEL) coursework or examinations. The Commission does not anticipate that the proposed regulations will result in an increase in openness and transparency in government, the protection of public health and safety, worker safety, or the environment, the prevention of so-

cial inequity, or an increase in openness and transparency in business.

Determination of Inconsistency/Incompatibility with Existing State Regulations

The Commission has determined that the proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Commission has concluded that 5 CCR section 80499 is the only regulation section related to the issuance of additional teaching or content areas to existing California general education credential holders.

DISCLOSURES REGARDING THE PROPOSED ACTIONS

The Commission has made the following initial determinations:

Mandate to local agencies or school districts: None.

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

Cost or savings to any state agency: None.

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

Significant effect on housing costs: None.

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

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

Cost impacts on a representative private person or business: 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.

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

Benefits of the Proposed Action: The Commission anticipates that the proposed amendments will promote fairness and prevent discrimination by ensuring equity between all educators who earned appropriate English

learner authorizations and prevent the exclusion of those educators whose English learner authorization was not earned through coursework embedded within a California teacher preparation program or through Commission-approved California Teachers of English Learners (CTEL) coursework or examinations.

The Commission does not anticipate that the proposed regulations will result in an increase in openness and transparency in government, the protection of public health and safety, worker safety, or the environment, the prevention of social inequity, or an increase in openness and transparency in business.

Effect on small businesses: The proposed regulations will not have a significant adverse economic impact upon business. The proposed regulations apply only to individuals seeking to add additional teaching or content areas to existing California general education credentials.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSON/FURTHER INFORMATION

General or substantive inquiries concerning the proposed action may be directed to Erin Skubal by telephone at (916) 323-9596 or via written correspondence to Erin Skubal, Commission on Teacher Credentialing, 1900 Capitol Avenue, Sacramento, CA 95811. General inquiries may also be directed to David Crable (back-up contact) at (916) 323-5119 or at the address mentioned in the previous sentence. Upon request, a copy of the express terms of the proposed action and a copy of the initial statement of reasons will be made available. This information is also available on the Commission's website at www.ctc.ca.gov. In addition, all the information on which this proposal is based is available for inspection and copying.

AVAILABILITY OF THE INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, DOCUMENT INCORPORATED BY REFERENCE, AND DOCUMENTS RELIED UPON

The entire rulemaking file is available for inspection and copying throughout the rulemaking process at the Commission office at the above address. Copies may be obtained by contacting Erin Skubal at the address or telephone number provided above.

MODIFICATION OF PROPOSED ACTION

If the Commission proposes to modify the actions hereby proposed, the modifications (other than nonsubstantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The Final Statement of Reasons is submitted to the Office of Administrative Law as part of the final rulemaking package, after the public hearing. Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Erin Skubal at (916) 323-9596.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

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

TITLE 5. COMMISSION ON TEACHER CREDENTIALING

Division VIII of Title 5 of the California Code of Regulations

Proposed Amendments and Deletions to Title 5 of the California Code of Regulations Pertaining to the Reading and Literacy Added Authorization and Reading and Literacy Leadership Specialist Credential

The Commission on Teacher Credentialing (Commission) proposes to take the regulatory action described below after considering all comments, objec-

tions, and recommendations regarding the proposed action.

PUBLIC HEARING

A public hearing on the proposed actions will be held:

**December 4, 2015
8:30 a.m.
Commission on Teacher Credentialing
1900 Capitol Avenue
Sacramento, California 95811**

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments by fax, through the mail, or by e-mail relevant to the proposed action. The written comment period closes at 5:00 p.m. on November 30, 2015. Comments must be received by that time or may be submitted at the public hearing. You may fax your response to (916) 322-0048; write to the Commission on Teacher Credentialing, attn. Tammy A. Duggan, 1900 Capitol Avenue, Sacramento, California 95811; or submit an email at tduggan@ctc.ca.gov.

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

AUTHORITY AND REFERENCE

Education Code (EC) section 44225 authorizes the Commission to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific EC sections 44254 and 44265 pertaining to documents that authorize reading instruction in California's public schools.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws and Regulations

In April 2008, the Commission directed staff to convene a panel of reading instruction specialists, from both the Pre-K and educator preparation communities to review the current Reading Certificate and Reading and Language Arts Specialist Credential Program Standards.

These standards were last updated in August 1999 and were aligned with the previous Multiple and Single Subject Teacher Preparation Program Standard 7, the

1997 K–12 English–Language Arts Content Standards, and the draft 1999 K–12 Reading/Language Arts Framework. These documents were superseded by the current Multiple and Single Subject Teacher Preparation Program Standards 7A (for Multiple Subject credentials) and 7B (for Single Subject credentials), the current Reading Instruction Competence Assessment (RICA) content specifications, and the *Reading/Language Arts (RLA) Framework for California Public Schools, Kindergarten Through Grade 12*.

The Reading Advisory Panel met from June 2008 through August 2010. The Commission approved the revised and updated *Standards of Program Quality and Effectiveness* for the RLAA and RLLS Credential in September 2010. The title of the RLAA as approved by the Commission in September 2010 was “Reading and Literacy Certificate,” but the title was later amended to “Reading and Literacy Added Authorization” for consistency with other authorizations issued by the Commission (reference 5 CCR sections 80046.1, 80048.5, 80048.7, and 80070.1). The program standards document was updated in March 2011 to reflect the changes approved by the Commission and include the RLAA title.

The panel intended that the revised standards create a clear continuum of knowledge, skills, and responsibilities from the new beginning teacher to the RLAA and finally to the RLLS Credential. Furthermore, panel members created standards that articulated the reciprocal roles among the skills of reading, speaking, listening, and writing and emphasized the importance of cultivating a culture of literacy in classrooms, schools, and districts, in which all activities of a school day, in all content areas, provide opportunities for students to practice using language by speaking, listening, reading, and writing.

Amendments to the regulations for both the current Reading Certificate and the Reading and Language Arts Specialist Credential are proposed.

For the Reading Certificate, the proposed amendments will:

- 1) update the title to Reading and Literacy Added Authorization;
- 2) add National Board Certification as a route to earn the authorization (reference EC section 44398); and
- 3) update the requirements and authorization statement.

For the Reading and Language Arts Specialist Credential, the proposed amendments will:

- 1) update the title to Reading and Literacy Leadership Specialist Credential; and
- 2) update the requirements and authorization statement.

OBJECTIVES AND ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS

The objectives of the proposed amendments and deletions are to clarify and make specific the following as related to RLAA and RLLSs:

- update the titles of the documents;
- clarify the requirements for the documents;
- update the authorization statements to align with the *Reading and Literacy Added Authorization and Reading and Literacy Leadership Specialist Credential Program Standards (rev. 3/11)*; and
- add National Board Certification as a route to earn the RLAA (reference EC section 44398).

The Commission anticipates that the proposed amendments and deletions will promote fairness and prevent discrimination by ensuring uniformity in certification requirements for individuals seeking documents that authorize reading instruction in California. The Commission does not anticipate that the proposed regulations will result in an increase in openness and transparency in government, the protection of public health and safety, worker safety, or the environment, the prevention of social inequity, or an increase in openness and transparency in business.

DETERMINATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

The Commission has determined that the proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Commission has concluded that 5 CCR section 80014 is the only regulation section related to the issuance of an RLAA and section 80066 is the only regulation section related to the issuance of an RLLS.

5 CCR section 80048.1 details the requirements to convert a Miller–Unruh Reading Certificate issued prior to June 30, 1987 to a Restricted Specialist Teaching Credential in Reading. The proposed RLAA and RLLS credential amendments are not affected by and have no effect on 5 CCR section 80048.1

DOCUMENTS INCORPORATED BY REFERENCE

Reading and Literacy Added Authorization and Reading and Literacy Leadership Specialist Credential Program Standards (rev. 3/2011):

<http://www.ctc.ca.gov/educator-prep/standards/Reading-Specialist.pdf>

The Commission on Teacher Credentialing awards credentials and certificates on the basis of completion

of programs that meet Standards for Educator Preparation and Educator Competence. For each type of professional credential in education, the Commission has developed and adopted standards which are based upon recent research and the expert advice of many professional educators. Each standard specifies a level of quality and effectiveness that the Commission requires from programs offering academic and professional preparation in education. There are different types of program standards.

PRECONDITIONS

Preconditions are requirements that must be met in order for an accrediting association or licensing agency to consider accrediting a program sponsor or approving its programs or schools. Some preconditions are based on state laws, while other preconditions are established by Commission policy. Preconditions can be found within each program’s standard document.

COMMON STANDARDS

The Common Standards deal with aspects of program quality that cross all approved educator preparation programs. The institution responds to each Common Standard by providing pertinent information, including information about individual programs. When a new program is proposed, the institution submits a Common Standards Addendum to address how the new program will integrate with the already approved programs.

PROGRAM STANDARDS

Program standards address aspects of program quality and effectiveness that apply to each type of educator preparation program offered by a program sponsor. Program standards contain statements describing the nature and purpose of each standard and language that details the requirements that all approved programs must meet. Program sponsors must meet all applicable program standards before the program application may be approved by the Commission.

DOCUMENTS RELIED UPON IN PREPARING REGULATIONS

Reading/Language Arts (RLA) Framework for California Public Schools, Kindergarten Through Grade 12. (available upon request from the California Department of Education at www.cde.ca.gov)

Reading Instruction Competence Assessment (RICA) Content Specifications: http://www.ctcexams.nesinc.com/PDF/RC_content_specs.pdf

SB 2042 Multiple Subject and Single Subject Preliminary Credential Program Standards (rev. 2/11/2014): <http://www.ctc.ca.gov/educator-prep/standards/AdoptedPreparationStandards-2014.pdf>

September–October 2010 Commission agenda item 2C — Proposed Preconditions and Program Standards for the Reading and Literacy Certificate and Reading and Literacy Leadership Specialist Credential: <http://www.ctc.ca.gov/commission/agendas/2010-09/2010-09-2C.pdf>

DISCLOSURES REGARDING THE PROPOSED ACTIONS

The Commission has made the following initial determinations:

Mandate to local agencies or school districts: None.

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

Cost or savings to any state agency: None.

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

Significant effect on housing costs: None.

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

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

Cost impacts on a representative private person or business: 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.

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

Benefits of the Proposed Action: The Commission anticipates that the proposed amendments will promote fairness and prevent discrimination by ensuring uniformity in certification requirements for individuals seek-

ing documents that authorize reading instruction in California.

The Commission does not anticipate that the proposed regulations will result in an increase in openness and transparency in government, the protection of public health and safety, worker safety, or the environment, the prevention of social inequity, or an increase in openness and transparency in business.

Effect on small businesses: The proposed regulations will not have a significant adverse economic impact upon business. The proposed regulations apply only to individuals seeking documents that authorize reading instruction in California's public schools.

CONSIDERATION OF ALTERNATIVES

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

CONTACT PERSON/FURTHER INFORMATION

General or substantive inquiries concerning the proposed action may be directed to Tammy A. Duggan by telephone at (916) 323-5354 or Tammy A. Duggan, Commission on Teacher Credentialing, 1900 Capitol Avenue, Sacramento, CA 95811. General inquiries may also be directed to David Crable at (916) 323-5119 or at the address mentioned in the previous sentence. Upon request, a copy of the express terms of the proposed action and a copy of the initial statement of reasons will be made available. This information is also available on the Commission's website at www.ctc.ca.gov. In addition, all the information on which this proposal is based is available for inspection and copying.

AVAILABILITY OF THE INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, DOCUMENT INCORPORATED BY REFERENCE, AND DOCUMENTS RELIED UPON

The entire rulemaking file is available for inspection and copying throughout the rulemaking process at the Commission office at the above address. Copies may be obtained by contacting Tammy Duggan at the address or telephone number provided above.

MODIFICATION OF PROPOSED ACTION

If the Commission proposes to modify the actions hereby proposed, the modifications (other than non-substantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The Final Statement of Reasons is submitted to the Office of Administrative Law as part of the final rulemaking package, after the public hearing. Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Tammy A. Duggan at (916) 323-5354.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

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

TITLE 8. DIVISION OF WORKERS' COMPENSATION

Subject Matter of Regulations: Home Health Care Services Fee Schedule

TITLE 8, CALIFORNIA CODE OF REGULATIONS, SECTIONS 9789.90-9789.93

NOTICE IS HEREBY GIVEN that the Administrative Director of the Division of Workers' Compensation ("DWC"), pursuant to the authority vested in her by La-

bor Code sections 133, 4603.5, 5307.1, 5307.3 and 5307.8 proposes to adopt the proposed regulations described below to implement the provisions of Labor Code section 5307.8, of Senate Bill 863 (Chapter 363, stats. of 2012, effective January 1, 2013). Labor Code section 5307.8 mandates this Home Health Care Service Fees Schedule for home health care services and provides that the schedule shall set forth fees and requirements for services providers and set forth maximum service hours and fees. The proposed Home Health Care Fee Schedule sets forth a methodology for payment and maximum allowable rates for payment for the full range of home health care services that may be required by injured workers.

PROPOSED REGULATORY ACTION

The Department of Industrial Relations, Division of Workers' Compensation, proposes to adopt Division 1, Chapter 4.5, Subchapter 1, Article 5.3, of Title 8, California Code of Regulations, sections 9789.90–9789.93.

Adopt

Section 9789.90 Home Health Care—Definitions

Adopt

Section 9789.91 Home Health Care—Eligibility for Services & Payment

Adopt

Section 9789.92 Home Health Care—Payment Methodology & Billing Rules

Adopt

Section 9789.93 Table A

TIME AND PLACE OF PUBLIC HEARING

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

Date: November 30, 2015
Time: 10:00 a.m. to 5:00 p.m., or until conclusion of business
Place: Elihu Harris State office Building—Auditorium
 1515 Clay Street
 Oakland, CA 94612

The State Office Building and its Auditorium are accessible to persons with mobility impairments. Alternate formats, assistive listening systems, sign language interpreters, or other types of reasonable accommodations to facilitate effective communication for persons

with disabilities are available upon request. Please contact the State Wide Disability Accommodation Coordinator, Kathleen Estrada, at 1–866–681–1459 (toll free), or through the California Relay Service by dialing 711 or 1–800–735–2929 (TTY/English) or 1–800–855–3000 (TTY/Spanish) as soon as possible to request assistance.

Please note that public comment will begin promptly at 10:00 a.m. and will conclude when the last speaker has finished his or her presentation, or 5:00 p.m., whichever is earlier. If public comment concludes before the noon recess, no afternoon session will be held.

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

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department of Industrial Relations, Division of Workers' Compensation. The written comment period closes at 5:00 p.m., on November 30, 2015. The Division of Workers' Compensation will only consider comments received at the Department of Industrial Relations, Division of Workers' Compensation by that time. Equal weight will be accorded to oral comments presented at the hearing and written materials.

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

Maureen Gray
 Regulations Coordinator
 Department of Industrial Relations
 P.O. Box 420603
 San Francisco, CA 94612

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

Unless submitted prior to or at the public hearing, Ms. Gray must receive all written comments no later than 5:00 p.m., on November 30, 2015.

AUTHORITY AND REFERENCE

The Administrative Director is undertaking this regulatory action pursuant to the authority vested in her by

Labor Code sections 133, 4603.5, 5307.1, 5307.3, 5307.8.

Reference is to Labor Code sections 4600, 5307.1, 5307.8 and 5307.11.

INFORMATIVE DIGEST/POLICY OVERVIEW

The regulations are required by legislative enactment — Senate Bill 863 (Chapter 363, stats. of 2012, effective January 1, 2013), which directed the Administrative Director to adopt a schedule of reasonable maximum fees payable for home health care services.

Labor Code section 5307.8 mandates this Home Health Care Services Fee Schedule for home health care services.

To implement this SB 863 fee schedule, DWC proposes to add sections 9789.90–9789.93.

The proposed Home Health Care Fee Schedule sets forth a methodology for payment and maximum allowable rates for payment for the full range of home health care services that may be required by injured workers.

Labor Code section 5307.8 provides that the schedule must not allow payment for services, including any services performed by a member of the employee’s household, to the extent the services had been regularly performed in the same manner and to the same degree prior to the date of injury.

Labor Code section 4600, subdivision (b) provides that injured workers will be provided medical treatment that is reasonably required to cure or relieve the injured worker from the effects of his or her injury, based upon the Medical Treatment Utilization Schedule (MTUS) Guidelines adopted by the Administrative Director pursuant to Labor Code section 53037.27.

Labor Code section 4600, subdivision (h) provides that home health care services shall be provided as medical treatment only if reasonably required to cure or relieve the injured employee from the effects of his or her injury and prescribed by a physician and surgeon licensed pursuant to Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code, and subject to Section 5307.1 and 5307.8. Labor Code section 4600, subdivision (h) further provides that an employer shall not be liable for home health care services that are provided more than 14 days prior to the date of the employer’s receipt of the physician’s prescription.

Labor Code section 5307.11 allows the employer and the home health care service provider to contract for costs outside the fee schedule.

The proposed regulations are intended to implement, interpret or make specific Labor Code section 5307.8, as follows:

Proposed Section 9789.90 — Home Health Care — Definitions

- This section defines key terms used in the home health care services fee schedule.
- “CMS,” “home care organization,” “home health care agency,” “home health care services,” “IHSS,” and “Medicare” are defined to ensure that their meanings, as used in the regulations, will be clear to the regulated public.

Proposed Section 9789.91 — Home Health Care — Eligibility for Services

- Subdivision (a) provides that home health care services shall be provided as medical treatment only if reasonably required to cure or relieve the injured worker from the effects of his or her injury, if such treatment is prescribed by a licensed physician or surgeon, in accordance with Labor Code section 4600, subdivision (h) and the Medical Treatment Utilization Schedule.
- Subdivision (b) provides that home health care services are subject to the utilization review and independent medical review processes set forth in Labor Code sections 4610 and 4610.5, *et seq.*
- Subdivision (c) provides that, at the outset of care, an in-home assessment of the injured worker’s need for home health care shall be performed by a qualified registered nurse. Assessments of an injured workers’ need for home health care will be performed using CMS’s OASIS (Outcome and Assessment Information Set), a group of standard data elements used by CMS to assess patient’s needs for home health care services. A link to the OASIS form is incorporated into subdivision (c) by reference. Provisions are also made for evaluations of needs for rehabilitation services in the areas of speech language pathology, physician therapy or occupational therapy, where applicable.
- Subdivision (d) provides that an employer or its insurer shall not be liable for any home health care services provided by the injured worker’s spouse or other member of the injured worker’s household, or other entity, if those home health care services were provided to the injured worker prior to the industrial injury. Subdivision (d) further provides that an employer or their insurer shall not be liable for home health care services provided more than fourteen (14) days prior to the date of the employer’s or insurer’s receipt of the

physician's prescription or request for authorization for home health care services.

- Subdivision (e) provides that the fee schedule does not cover family caregivers or individuals who are not employed by a home care organization or a home health care agency. Subdivision (e) further provides that a claims administrator and an injured worker may agree that the injured worker may use an unregistered provider (who is not employed by a home care organization or home health care agency and who may be a family member of the injured worker) with the necessary skills to provide the home health care services needed by the injured worker.

Proposed Section 9789.92 — Home Health Care — Payment Methodology

- Subdivision (a) states that applicable rates for covered services are contained in Table A, which is set forth in section 9789.93. Subdivision (a) also provides that in no case shall any payment rate under the fee schedule be lower than the then-applicable state or local minimum wage. Finally, subdivision (a) provides that the home health care fee schedule operates on a fee for service basis.
- Subdivision (b)(1) provides that, except in the case of per diem billing codes, home health care services will be billed in fifteen (15)-minute increments, with one unit of time being equal to fifteen (15) minutes. Subdivision (b)(1) further provides that a visit by a home health care provider will be for a minimum of four units, with any additional time beyond the four units to be billed in fifteen (15) minute increments. The four units may be for different services performed within the visit. For example, if only one service is performed during the visit, the provider would bill the four minimum units to the billing code for that service. However, if two, three or four services were provided during the initial hour of the visit, the provider would bill two, three or four codes, respectively, in relative proportion to the time spent on each service. No more than four services may be billed during a one-hour visit. Subdivision (b)(2) provides that a per diem code shall be used whenever per diem rate is lower than the incremental rate for the number of hours worked in a day providing a particular service. Finally, subdivision (b)(3) provides that providers will bill insurers using the CMS 1500 or the CMS 1450/UB-04 form, and the links to download those forms is provided.

- Subdivision (c) provides that nothing in section 9789.92 precludes a provider and insurer claims administrator from entering into an agreement that the provider will be paid at rates higher or lower than those set forth in the home health care fee schedule.

Proposed Section 9789.93 — Table A

This section sets forth billing codes and payment rates which may be billed under the home health care fee schedule.

Objective and Anticipated Benefits of the Proposed Regulations:

The objective of the proposed regulations is to reduce disputes among home health care service providers and payors in the workers' compensation system, thereby making the system more efficient. The proposed fee schedule will reduce litigation and will provide more certainty to home health care service providers and parties in the workers' compensation system.

The proposed regulations will be beneficial to California employers and workers by reducing disputes and making the system more efficient.

Determination of Inconsistency/Incompatibility with Existing State Regulations:

The Administrative Director has determined that the proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Administrative Director has concluded that these are the only regulations that concern a home health care fee schedule for purposes of Labor Code section 4600, subdivision (h) and Labor Code section 5307.8.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Administrative Director has made the following initial determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any state agency: The State Compensation Insurance Fund will have reduced workers' compensation costs. To the extent that state agencies are employers, there will be reduced workers' compensation costs.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code section 17500 through 17630: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.

- Cost or savings in federal funding to the state: None.
- Cost impacts on a representative private person or business: The Administrative Director 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, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: The Administrative Director initially determines that the proposed regulations 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.
- Significant effect on housing costs: None.

Results of the Economic Impact Analysis/Assessment

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

Benefits of the Proposed Action: The proposed fee schedule will reduce litigation and will provide more certainty to home health care services providers and parties in the workers' compensation system. The fee schedule will save costs by reducing disputes over appropriate fees for home health care services for injured workers. It will also allow providers to use the Independent Bill Review procedure for fee disputes instead of the more expensive and slower lien filing procedure. Less litigation means more system-wide savings. Injured workers will benefit by having uniform codes and fees adopted that will ensure that adequate and appropriate home health care services will be available to injured workers. A 2011 study by the California Commission on Health and Safety and Workers' Compensation (CHSWC) found that approximately 350,000 liens are filed per year, at an average cost of \$1,000.00. Of these liens, approximately 9361 would be for home health care services. The potential savings from reduced lien litigation could be as much as \$9,361,000.00 annually.

Small Business Determination: The Administrative Director has determined that the proposed regulations

may affect small businesses, although not to a significant degree. There will be an impact on home health care services providers but, by reducing disputes regarding reasonable payments for home health care services and allowing such disputes as do occur to be submitted to the less expensive Independent Bill Review (IBR) procedure, it will probably save money rather than causing expense, as detailed above.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSON FOR GENERAL QUESTIONS

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

Maureen Gray
Regulations Coordinator
Department of Industrial Relations
Division of Workers' Compensation
P.O. Box 420603
San Francisco, CA 94612
E-mail: mgray@dir.ca.gov
Telephone: (510) 286-7100

**CONTACT PERSON FOR
SUBSTANTIVE QUESTIONS**

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

Lindsey Urbina
Industrial Relations Counsel
Division of Workers' Compensation
P.O. Box 420603
San Francisco, CA 94142
Email: lurbina@dir.ca.gov
Telephone: (510) 286-7100

AVAILABILITY OF FINAL STATEMENT
OF REASONS

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

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

An Initial Statement of Reasons and the text of the proposed regulations in plain English have been prepared and are available from the contact person named in this Notice. The entire rulemaking file will be made available for inspection and copying at the address indicated below.

As of the date of this Notice, the rulemaking file consists of the Notice, the Initial Statement of Reasons, proposed text of the regulations, pre-rulemaking comments and the Economic Impact Statement (Form STD 399). In addition, the Notice, Initial Statement of Reasons, and proposed text of the regulations being proposed may be accessed and downloaded from the Division's website at http://www.dir.ca.gov/dwc/Laws_Regulations.htm. To access them, click on the "Proposed Regulations" link and scroll down the list of rulemaking proceedings to find the Copy Service Fee Schedule link.

Any interested person may inspect a copy or direct questions about the proposed regulations and any supplemental information contained in the rulemaking file. The rulemaking file will be available for inspection at the Department of Industrial Relations, Division of Workers' Compensation, 1515 Clay Street, 17th Floor, Oakland, California 94612, between 8:00 a.m. and 5:00 p.m., Monday through Friday. Copies of the proposed regulations, Initial Statement of Reasons and any information contained in the rulemaking file may be requested in writing to the contact person.

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

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

AUTOMATIC MAILING

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

If adopted, the regulations as amended, will appear in California Code of Regulations, title 8, commencing with section 9789.90. The text of the final regulations also may be available through the website of the Office of Administrative Law at www.oal.ca.gov.

**TITLE 10. DEPARTMENT
OF INSURANCE**

**NOTICE OF PROPOSED RULEMAKING AND
NOTICE OF PUBLIC HEARING
Life and Disability Insurance Filing Fees**

CDI Regulation File: REG-2015-00003

SUBJECT OF PROPOSED RULEMAKING

The California Department of Insurance ("the Department") proposes to adopt amendments to California Code of Regulations ("CCR") Title 10, Chapter 5, Subchapter 2, Article 1, sections 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2209, 2210, 2211, 2212, 2213, 2214, 2216, 2217, and 2218.1 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 these sections under the authority granted by California Insurance Code ("CIC") sections 742.43, 779.21, 10168.92, 10192.3, 10232.6, 10234, 10292, 10327, 10506, 10506.3, 10704, 12921.6, and 12973.9. The regulations govern the fees and the procedures for filing documents with the Department.

PUBLIC HEARING
(Government Code § 11346.5(a)(1))

The Department will hold a 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: November 30, 2015
Time: 10:00 a.m. If it is necessary for the hearing to exceed two hours, there will likely be a one-hour break from 12:00 noon to 1:00 p.m.
Location: California Department of Insurance
300 Capitol Mall, 16th Floor,
Room 16005
Sacramento, California

The hearing will continue on the date noted above until all testimony has been submitted or 2:00 p.m., whichever is earlier.

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 regulations during the public comment period. The public comment period will end at **5:00 p.m. on November 30, 2015**. Please direct all written comments to the following contact person:

Nancy Hom, Attorney III
California Department of Insurance
45 Fremont Street, 24th Floor
San Francisco, CA 94105
Telephone: (415) 538-4144
Nancy.Hom@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:

Eugene Stuart, Attorney I
California Department of Insurance
45 Fremont Street, 21st Floor
San Francisco, CA 94105
Telephone: (415) 538-4147
Eugene.Stuart@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 November 30, 2015**. 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: Nancy.Hom@insurance.ca.gov and Eugene.Stuart@insurance.ca.gov. The Department will also accept written comments transmitted by facsimile provided they are directed to the attention of Nancy Horn and sent to the following facsimile number: (415) 904-5729. 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, sections 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2209, 2210, 2211, 2212, 2213, 2214, 2216, 2217, and 2218.1 pursuant to the rulemaking authority vested in him by Insurance Code sections 742.43, 779.21, 10168.92, 10192.3, 10232.6, 10234, 10292, 10327, 10506, 10506.3, 10704, 12921.6, and 12973.9.

The Department's proposed amendments to CCR sections 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2209, 2210, 2211, 2212, 2213, 2214, 2216, 2217, and 2218.1 will implement, interpret, and make specific the provisions of Insurance Code sections 742.42, 779.8, 795.5, 1320, 9080.1, 10112.5, 10133.5, 10113.95(c), 10123.36, 10123.135, 10123.137(d), 10163.35, 10168.93, 10181.3, 10192.13(a)(7), 10192.14(b)(1), 10192.15, 10192.19, 10192.22, 10198.61, 10205, 10225, 10231.2, 10231.6, 10232, 10233.9, 10234.9, 10234.93, 10234.97, 10236.11, 10236.13, 10270, 10270.1, 10270.2, 10270.3, 10270.5, 10270.507, 10270.57, 10270.9, 10270.93, 10271, 10271.1, 10290, 10292, 10295.2, 10436, 10506, 10705, 10717, 10753.05, 10753.17, 11011, 11027, 11029, 11066, 11069, 11522, 11658, 12250, 12921.6, and 12973.9.

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

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

Under existing law, when the Insurance Code requires that a document (defined by CCR sections 2201(a) and 2202) be filed with, submitted to, or approved by the Department, “fees as provided for by [CIC section 12973.9] shall be paid to the Commissioner to cover the expenses of processing and indexing the same and maintaining copies of the same.” Insurance Code section 12973.9. The fees which the Department may charge for actions on documents submitted to him are set forth in CCR sections 2202 and 2203.

In addition, the regulations in existing law implement statutes that require certain documents to be filed, and they set forth the filing procedures for these documents. CCR sections 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2209, 2210, 2211, 2212, 2213, 2214, 2216, 2217, and 2218.1.

The fees charged by the Department were last revised in 2012. Because the fees were set conservatively and not indexed for inflation, the Department has experienced fee shortfalls in all three of the past fiscal years. Meanwhile, the cost of processing, indexing, and maintaining the documents which must be filed has increased. The inadequacy of the fee amounts has created an ongoing structural deficit for the Department of Insurance.

The existing regulations have not been updated to conform to changes in the law in recent years. Moreover, many of the regulations refer to outdated business practices, such as the use of carbonized copies, and one section requires a document filing that is unnecessary.

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

The primary overall objective of the proposed amendments to the regulations is to properly fund the processing of filings submitted to the Department. This will help to ensure that the insurance market is fair and competitive and that consumers are protected by the form filing process. To this end the proposed amendments adjust the fees charged insurance providers so that the fees cover the costs associated with processing, indexing, and maintaining copies of documents listed in subdivision 2201(a) which fall within the document classes set forth in subdivision 2202(a).

Additional objectives are: 1) to more accurately describe documents that are required to be filed (or, in the case of text cells and fill-in material, documents that

will not be accepted for filing); 2) to revise document descriptions and document classes so that they are consistent with current law; 3) to bring the regulations current with modern business practices and procedures; 4) to inform filers that they are responsible for conforming their filings to California law before submitting the filings; and 5) to make the regulations clearer and more complete so that they are more easily understood.

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

The Department anticipates that the benefits from the proposed action will include:

- 1) Fees that “cover the expenses of processing and indexing” filings and “maintaining copies of the same,” carrying out the purpose of Ins. Code section 12973.9.
- 2) The regulations in Article 1 will reflect contemporary business practices and no longer contain outdated requirements.
- 3) The revised fees will be more and equitable because they will more closely reflect the Department’s expenses.
- 4) The revised regulations will establish clearer rules regarding the Department’s filing procedure and fees charged, increasing openness and transparency in government.
- 5) Consumers will benefit when the consumer protection functions of document review and document processing are adequately funded. This affects the health and welfare of California residents in a positive way.

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

The proposed amendments correct fee levels so that fees charged cover the cost of reviewing, processing, indexing, and maintaining documents as required by law. The fee changes do not exceed the amounts calculated by the Department’s Budget Office as necessary to cover all direct and indirect costs of the unit(s) for the next succeeding fiscal year or years thereafter. There are no other moneys received or projected to be received for the unit(s) processing the documents subject to such fees. The effect of the amendments will be to stop the unsustainable cash flow imbalance currently taking place.

In addition, the effect of the proposed action will be to remove outdated requirements, clarify filing procedures and responsibilities, make the filing process and fees charged more fair, equitable, and transparent, and promote consumer protection.

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

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

**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 life and disability insurance filing fees and filing procedures. 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 may have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with busi-

nesses in other states. The types of businesses that may be affected are insurers. The projected compliance requirements would require insurers to follow revised procedural requirements and to pay new fee amounts in connection with document filings that they submit to the Department.

The Department has considered performance standards, but the Department has identified no performance standards which would be as effective as the proposed amendments to address the issues of cost recovery and of updating the text of the regulations.

The Department has considered other proposed alternatives that would lessen any adverse economic impact on business and invites you to submit proposals. Submissions may include the following considerations:

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

**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.

The Department projects that the proposed amendments will have a very small impact on employment within the State of California. The proposed amendments are not expected to 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.

As the Department stated above in its Informative Digest, the proposed amendments to the regulations will have the following benefits:

- 1) Fees that "cover the expenses of processing and indexing" filings and "maintaining copies of the same," carrying out the purpose of Ins. Code section 12973.9.

- 2) The regulations in Article 1 will reflect contemporary business practices and no longer contain outdated requirements.
- 3) The revised fees will be more fair and equitable because they will more closely reflect the Department's expenses.
- 4) The revised regulations will establish clearer rules regarding the Department's filing procedure and fees charged, increasing openness and transparency in government.
- 5) Consumers will benefit when the consumer protection functions of document review and document processing are adequately funded. This affects the health and welfare of California residents in a positive way.

The full text of the Department's Economic Impact Assessment is included in the Initial Statement of Reasons.

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

The cost impacts known to the Department that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulations are limited, on average, to approximately \$1,825 in the first year, and approximately \$6,122 per year thereafter, to each of the approximately 441 health and disability insurers who make the filings affected by the proposed regulations.

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 appointment at 45 Fremont Street, 24th Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 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 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-2015-00003" or by browsing for them by name as "Life and Disability Insurance Filing Fees" regulations.

TITLE 16. BOARD OF PHARMACY

NOTICE IS HEREBY GIVEN that the Board of Pharmacy (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on November 30, 2015.

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

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 4005 of the Business and Professions Code to implement, interpret, and make specific sections 4081, 4104 and 4332 of the Business and Professions Code, the Board is proposing to add and adopt Section 1715.65 of Article 2 of Division 17 of Title 16 of the California Code of Regulations as follows:

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

The Board of Pharmacy (Board) proposes to add and adopt Section 1715.65 of Article 2 of Division 17 of Title 16 of the California Code of Regulations (CCR) for the purpose of adding to the Board's regulations specific requirements for reconciliation and inventory reporting of controlled substances as part of the Board's efforts to combat drug loss and diversion from within pharmacies and prescription drug abuse within California.

Business and Professions Code (B&P) section 4001.1 specifies that protection of the public shall be the highest priority for the California State Board of Pharmacy in exercising its licensing, regulatory, and disciplinary functions. This section further states that whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

B&P section 4005 generally authorizes the Board to amend rules and regulations necessary for the protection of the public pertaining to the practice of pharmacy.

B&P section 4081 generally specifies the record requirements for the manufacture, sale, acquisition, receipt, shipment, and disposition of dangerous drugs or dangerous devices. Additionally, this section generally specifies that a current inventory to be kept by all licensees who maintain a stock of dangerous drugs or dangerous devices.

B&P section 4104 generally specifies the requirements for reporting theft or diversion of a licensed employee.

B&P section 4105 generally specifies the record requirements for the acquisition and disposition of dangerous drugs or dangerous devices in a readily retrievable form.

B&P section 4332 specifies that any person who fails to maintain or produce a drug or device record is guilty of a misdemeanor.

CCR Section 1714 specifies that the pharmacy and pharmacist are responsible for the security of the prescription department while on duty, including effective control against theft and diversion of drugs, devices, and records.

CCR Section 1715.6 specifies that the pharmacy shall report the loss of any controlled substance within 30 days of discovery. The loss shall include the amount of the loss and the strengths.

CCR Section 1718 defines “current inventory” as used in B&P sections 4081 and 4332 to be complete accountability for all dangerous drugs handled by every licensee enumerated in B&P sections 4081 and 4332.

This proposal will require pharmacies and clinics to perform a physical count inventory at least every three months of all Schedule II controlled substances and at least one additional controlled substance as identified by the board based on drug loss reports. By conducting a physical count inventory, pharmacist, pharmacies, and clinics will have more accountability and control over controlled substances.

ANTICIPATED BENEFITS OF PROPOSAL

This proposal will require pharmacies and clinics to perform a physical count inventory at least every three months of all Schedule II controlled substances and at least one additional controlled substance as identified by the Board based on drug loss reports. According to the National Council on Alcoholism and Drug Dependence, Inc., the availability of opioids is partly the cause of the epidemic misuse of prescription medication. By requiring at least a quarterly inventory of all Schedule II controlled substances, pharmacists and pharmacies will be better equipped to spot and stop employee drug diversion from the pharmacy earlier and prevent excessive drug losses from occurring. This will reduce the supply of controlled substances available for misuse and abuse without denying pain relief for those that need it.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

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

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs/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 a determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses and/or employees. This initial determination is based on the absence of testimony to that effect during the development of the proposed regulation, which occurred over several months. Additionally, the proposed regulation does not require the use of specific computer software. The inventory counts are to be completed by hand and can be recorded using pen and paper or basic computer spreadsheet software that the pharmacy currently utilizes.

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:

While the Board does not have nor does it maintain data to define if any of its licensees (pharmacies) are a “small business” as defined in Government Code section 11342.610, the Board has made an initial determination that the proposed regulatory action would not have a significant adverse economic impact directly affecting small businesses. The proposed regulation does not require the use of specific computer software. The inventory counts are to be completed by hand and can be recorded using pen and paper or basic computer spreadsheet software that the pharmacy currently utilizes.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/New Businesses:

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

State of California. This initial determination is based on the fact that under CCR Section 1714, a pharmacist is currently responsible for the security of the pharmacy or clinic, including the effective control against theft and diversion of controlled substances. This regulation establishes a needed method of control against theft and diversion.

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 because the proposed regulation will require better inventory and control of controlled substances. By reducing the amount of controlled substances diverted, it will reduce the amount of drugs being misused and abused. This will result in improved health for Californians. If fewer people are misusing and abusing controlled substances, there may be a corresponding reduction in petty crimes seeking prescription medications. Additionally, reducing the amount of controlled substances diverted will reduce the amount of drugs being misused and abused. On-the-job accidents will decrease if fewer employees and/or co-workers are working under the influence of a controlled substance. Finally, by reducing the amount of controlled substances diverted, it will reduce the amount of drugs flushed down the toilet or thrown out in the trash, contaminating lakes, rivers, streams, and soil.

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, 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 in writing relevant to the above determinations at the address listed for the Contact Person.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board of Pharmacy 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 of Pharmacy at 1625 N. Market Blvd., N219, Sacramento, California 95834, or from the Board of Pharmacy's website <http://www.pharmacy.ca.gov>.

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

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

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

CONTACT PERSON

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

Name: Lori Martinez
Address: 1625 N. Market Blvd., N219
Sacramento, CA 95834
Phone No.: (916) 574-7917
Fax No.: (916) 574-8618
E-Mail
Address: Lori.Martinez@dca.ca.gov

The backup contact person is:

Name: Anne Sodergren
Address: 1625 N. Market Blvd., N219
Sacramento, CA 95834
Phone No.: (916) 574-7910
Fax No.: (916) 574-8618
E-Mail
Address: Anne.Sodergren@dca.ca.gov

WEBSITE ACCESS

Materials regarding this proposal can be found at the Board of Pharmacy's website: www.pharmacy.ca.gov.

**TITLE 20. CALIFORNIA
ENERGY COMMISSION**

**PROPOSED AMENDMENTS TO APPLIANCE
EFFICIENCY REGULATIONS
California Code of Regulations, Title 20,
Sections 1601 through 1609
CALIFORNIA ENERGY COMMISSION
Docket Number 15-AAER-6**

PUBLIC HEARINGS

The Energy Commission’s Lead Commissioner for Energy Efficiency will hold a public hearing on the following date and time to receive public comment on the Express Terms:

Tuesday, November 18, 2015

10 a.m. (Pacific Time)
California Energy Commission
1516 Ninth Street
Art Rosenfeld Hearing Room — First Floor
Sacramento, California 95814
(Wheelchair Accessible)

Audio for the **November 18, 2015**, Lead Commissioner hearing will be broadcast over the Internet. Details regarding the Energy Commission’s webcast can be found at: [www.energy.ca.gov/webcast].

At this hearing any person may present statements or arguments relevant to the proposed action. Interested persons may also submit written comments (see below).

You may participate in this meeting through WebEx, the Commission’s online meeting service. Presentations will appear on your computer screen, and you may listen to audio via your computer or telephone. Please be aware that the meeting may be recorded.

To remotely join the meeting:

VIA COMPUTER: Go to <https://energy.webex.com> and enter the unique meeting number: 924 646 407. When prompted, enter your name and the following meeting password: Meeting@10.

The “Join Conference” menu will offer you a choice of audio connections:

1. To call into the meeting: Select “I will call in” and follow the on–screen directions.
2. International Attendees: Click on the “Global call–in number” link.
3. To have WebEx call you: Enter your phone number and click “Call Me.”

4. To listen over the computer: If you have a broadband connection, and a headset or a computer microphone and speakers, you may use VoIP (Internet audio) by going to the Audio menu, clicking on “Use Computer Headset,” then “Call Using Computer.”

VIA TELEPHONE ONLY (no visual presentation): Call 1–866–469–3239 (toll–free in the U.S. and Canada). When prompted, enter the unique meeting number: 924 646 407. International callers may select their number from <https://energy.webex.com/energy/globalcallin.php>.

VIA MOBILE ACCESS: Access to WebEx meetings is now available from your mobile device. To download an app, go to www.webex.com/overview/mobile-meetings.html.

If you have difficulty joining the meeting, please call the WebEx Technical Support number at 1–866–229–3239.

PROPOSED ADOPTION HEARING

The Energy Commission will hold a public hearing for consideration and possible adoption of the 45–Day Language on the following date and time unless the Energy Commission decides to modify the Express Terms through issuance of 15–Day Language.

Wednesday, December 9, 2015

10 a.m. (Pacific Time)
California Energy Commission
1516 Ninth Street
Art Rosenfeld Hearing Room — First Floor
Sacramento, California 95814
(Wheelchair accessible)

Audio for the December 9, 2015, adoption hearing will also be broadcast over the internet. Details regarding the Energy Commission’s webcast can be found at: [www.energy.ca.gov/webcast].

If you have a disability and require assistance to participate in these hearings, please contact Lou Quiroz at (916) 654–5146 at least 5 days in advance.

At this hearing, any person may present oral or written statements or arguments relevant to the proposed action. Interested persons may also submit written comments.

Please provide written comments to be considered at the Proposed Adoption hearing by **November 30, 2015**. The Energy Commission appreciates receiving written comments at the earliest possible date.

**PUBLIC COMMENT PERIOD/
WRITTEN COMMENTS
(Gov. Code, § 11346.5, subd. (a)(15))**

The public comment period for this Notice of Proposed Action will be from October 16, 2015 through

and including November 30, 2015. Any interested person may submit written comments on the proposed amendments. Written comments will be accepted and considered for the Energy Commission adoption hearing if they are received by 5 p.m. on November 30, 2015. The Energy Commission appreciates receiving written comments at the earliest possible date.

Please submit comments to the Commission using the Commission’s e-commenting feature by going to the Commission’s 2015 Appliance Efficiency Rulemaking webpage <http://www.energy.ca.gov/appliances/2015-AAER-06/rulemaking/> and click on the “Submit e-comment” link. A full name, email address, comment title, and either a comment or an attached document (.doc, .docx, or .pdf format) is mandatory. After a challenge-response test used by the system to ensure that responses are generated by a human user and not a computer, click on the “Agree & Submit Your Comment” button to submit the comment to the Energy Commission Dockets Unit.

Please note that written comments, attachments, and associated contact information included within the written comments and attachments, (e.g., your address, phone, email, etc.) become part of the viewable public record.

You are encouraged to use the electronic filing system, described above, to submit comments. If you are unable to submit electronically, a paper copy of your comments may be sent to:

Docket Unit
 California Energy Commission
 Docket No. 15-AAER-6
 1516 9th Street, MS-4
 Sacramento, CA 95814
 Or email them to: DOCKET@energy.ca.gov.

AUTHORITY AND REFERENCE

(Gov. Code, § 11346.5, subd. (a)(2) and Cal. Code Regs., tit. 1, § 14)

The Energy Commission proposes to adopt the amendments under the authority of Public Resources Code sections 25213(a), 25218(e), 25402(c)(1), 25402.5. The proposed amendments implement, interpret, and make specific Public Resources Code section 25402.

INTRODUCTION — INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW
 (Gov. Code, § 11346.5, subd. (a)(3))

Since 1975, California’s building and appliance energy efficiency standards have saved Californians an esti-

mated \$75 billion in reduced electricity bills. The state’s appliance efficiency regulations saved an estimated 22,923 gigawatt hours (GWh) of electricity and 1,626 million therms of natural gas in 2012 alone, resulting in about \$5.24 billion in savings to California consumers in 2012 from these regulations. The proposed standards represent the next step in California’s long history of resource efficiency and economic savings.

The Appliance Efficiency Regulations (Title 20, Sections 1601–1609 of the California Code of Regulations) contain definitions, test procedures, labeling and marking requirements, and efficiency standards for state and federally regulated appliances. Appliance manufacturers are required to certify to the California Energy Commission that their products meet all applicable state and federal regulations pertaining to efficiency before their products can be included in the Energy Commission’s database of approved appliances and sold or offered for sale in California.

The Commission is proposing to amend energy efficiency standards in two distinct areas: Small Diameter Directional Lamps (SDDLs) and general service light emitting diode (LED) lamps (sections 1601(k), 1602(k), 1604(k), 1605.3(k), 1606); additionally the Energy Commission is proposing new marking and labeling requirements for LEDs (section 1607(d)(12)). Changes to portable luminaire standards are proposed in order to be consistent with proposed changes to LED standards (section 1605.3(n)). To correct an existing error in the regulatory language, the Energy Commission is proposing changes to section 1605.1(k) to eliminate a redundant sentence and for consistency with the proposed changes to SDDL and LED standards.

The proposed standards will provide electricity savings of 32,792 gigawatt-hours (GWh) over the first 13 years of implementation and monetary savings of \$4.27 billion to California consumers over that period. The resulting economic impact to California is positive, with macroeconomic models indicating an increase of both job-years and real disposable personal income.

The Energy Commission has prepared this Notice of Proposed Action (NOPA) and an Initial Statement of Reasons (ISOR) as part of the supporting documents to adopt the proposed amendments. The Energy Commission has also published the Express Terms (45-Day Language) of the proposed amendment language. These documents can be obtained from the contact persons designated below or from the Energy Commission website at: [\[http://www.energy.ca.gov/appliances/2015-AAER-06/rulemaking/\]](http://www.energy.ca.gov/appliances/2015-AAER-06/rulemaking/).

I. General Service LED Lamps

General Service LED lamps are white light LED replacement lamps and retrofit kits with E12, E17, E26, or GU-24 bases, including omnidirectional, directional,

and decorative lamps. These LED replacement lamps use as little as one tenth of the energy of incandescent lamps, and their efficiency continues to improve. Average LED efficiency surpasses that of compact fluorescent lamps (CFLs). Currently there are federal standards for general service incandescent lamps (GSIL), large diameter directional incandescent lamps, and general service CFL lamps. However, there are currently no effective minimum efficiency standards for general service LED lamps. To save significant energy in California it is necessary to develop cost effective energy efficiency standards for LED lamps. Furthermore, to encourage faster adoption of these energy saving lamps and save significant energy in California, there is a need to ensure a minimum level of quality and performance in these lamps to avoid consumer dissatisfaction that may hinder the adoption of this improved efficiency technology. The proposed standard would save 859 GWh annually by the year 2029.

II. Small Diameter Directional Lamps (SDDLs)

Small-diameter directional lamps are defined as lamps of 2.25 inches or less in diameter, and include multifaceted reflector lamps (MR16s and MR11s) and parabolic aluminized reflector lamps (PAR16s and PAR11s). Directional lamps illuminate certain specific areas in a particular direction for demanding visual tasks. There are no state or federal minimum efficiency standards for small-diameter directional lamps, although federal standards do exist for incandescent reflector lamps with diameters greater than 2.25 inches, which are outside of the scope of this rulemaking. The majority of small diameter directional lamps currently installed in California buildings utilize the more energy-consuming incandescent, halogen, and halogen infrared (HIR) technologies. Until recently, there were only marginally improved substitutes for incandescent and halogen small diameter directional lamps. LED small diameter directional lamps have become available in the market, offering comparable performance for significantly less energy and are cost-effective replacements. By replacing the existing inefficient, energy-wasting incandescent and halogen lamp stock with energy-efficient LED lamps, the proposed standard would save California approximately 2,286 GWh annually by the year 2029.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS
(Gov. Code, § 11346.5, subd. (a)(3)(D))

The proposed amendments are not inconsistent or incompatible with existing state regulations. The Energy Commission has looked into whether there are any related state regulations in this area and has determined

that the only other state regulations related to lighting efficiency are also from the California Energy Commission, under Title 24, Part 6, of the California Code of Regulations (California Energy Code). The proposed amendments are intended to harmonize with these provisions in Title 24, Part 6, and are therefore neither inconsistent nor incompatible with existing state regulations.

DOCUMENTS INCORPORATED BY REFERENCE
(Cal. Code Regs., tit. 1, § 20(c)(3))

The following represent documents incorporated by reference:

- 10 C.F.R. section 430.23(dd): Appendix BB to Subpart B of part 430
- 80 Fed. Reg. 39665–39667 (July 9, 2015)
ENERGY STAR Lamps V1.1 Final Specification (August 28, 2014)
- IEC 62301: Household Electrical Appliances — Measurement of Standby Power (Revised 2011)
- IES LM–49: Life Testing of General Lighting Incandescent Filament Lamps (Revised 2011)
- IES LM–79: Electrical and Photometric Measurements of Solid-State Lighting Products (Revised 2008)
- IES LM–84: Measuring Luminous Flux and Color Maintenance of LED Lamps, Light Engines, and Luminaires (Revised 2014)
- IES TM–28: Projecting Long-Term Luminous Flux Maintenance of LED Lamps and Luminaires (Revised 2014)
- 2016 Joint Appendices, October 16, 2015, adopted version.
- Voluntary California Quality Light-Emitting Diode (LED) Lamp Specification, Version 2.0, December 2014, CEC–400–2015–001.

FEDERAL LAW
(Gov. Code, §§ 11346.2, subd. (c) and 11346.9)

None of the proposed changes conflict with existing federal law but, instead, ensure consistency with it.

LOCAL MANDATE
(Gov. Code, § 11346.5, subd. (a)(5))

The proposed amendments will not impose a mandate on state or local agencies or school districts.

ECONOMIC IMPACTS
(Gov. Code, § 11346.5, subd. (a)(6))

The proposed standards are designed such that appliances sold in California will use less energy and con-

sumers will see a positive net present value from the purchase. The standards also strive to minimize any negative effect to efficacy of the appliances. The proposed standards will reduce electricity consumption. Conservation of electricity makes it available for other purposes. These regulations will transform the market towards more cost-effective and energy-efficient appliances.

The Energy Commission submitted a standardized regulatory impact assessment (SRIA) to the California Department of Finance (DOF) in August 2015 that describes the estimated economic impact to the state of California, and the methodology used to arrive at those estimates. The SRIA also evaluated potential economic impact from alternative standards that would be either less or more stringent than those the Commission chose to propose.

The proposed standards will reduce electricity consumption by about 32,792 GWh/year and provide annual consumer savings of \$4.02 billion. Estimated total job-years over the thirteen year period analyzed are projected to increase by 54,098 under the proposed standards, growing from 3,547 additional job-years in 2018 to 3,812 job-years being added in 2029. The proposed standards are estimated to increase real disposable personal income by \$5.65 billion over the analyzed thirteen years, which is a beneficial outcome for the California economy.

The proposed regulations are also estimated to avoid 10.3 million tons of carbon dioxide (CO₂) from 2017–2029. This reduction in harmful criteria pollutants is estimated to avoid between \$33 million and \$222 million in public health losses. The value for CO₂ allowance savings was estimated to be \$95 million, based upon an assumed allowance value of \$12 per ton.

The DOF subsequently submitted comments to the Energy Commission regarding its SRIA. While the DOF “generally concurs with the methodology used to estimate the annual impacts under the proposed regulations,” it also made several suggestions to improve the SRIA. The DOF:

- Suggested additional discussion regarding creation or elimination of business. The Energy Commission has revised the SRIA with additional discussion.
- Suggested fiscal impacts to the state regarding state lamp costs and savings as well as standards enforcement costs. The Energy Commission has conducted these state and local fiscal impact analyses in the Form 399, and will provide this evaluation to DOF for sign off.

- Suggested the baseline be augmented with sensitivity analysis to potential scenarios of federal rulemaking activities. While SRIA analysis requires alternative standard scenarios, it does not require alternative baseline scenarios. Moreover, the nature and therefore impact of potential U.S. Department of Energy (DOE) action is very uncertain. However, the minimum time between state and federal regulatory action is well understood and means that the majority of economic impact would still occur within the timeframe of the SRIA analysis. Given the level of uncertainty of DOE action and the limited value to the SRIA analysis, the Energy Commission did not conduct sensitivity analysis regarding potential federal action.
- Suggested that additional detail be added to the SRIA discussion regarding health benefits. The Energy Commission revised the SRIA to expand the discussion of health benefit analysis, underlying assumptions, and uncertainties.
- Suggested that because LEDs, as a result of their superior qualities, may displace CFLs, this may lead to additional benefits to the state. These benefits include additional savings, lower disposal costs, and fewer hazardous materials. The baseline shipment models the Energy Commission used in analysis includes some level of LED displacement of CFL lamps. As DOF postulates, this will lead to additional benefit to California. However this displacement is not assumed to be caused by the regulation, but rather by already existing superior qualities of LED lamps, and therefore is not analyzed.

The revised SRIA is available with the other rule-making documents on the Energy Commission website, or by request.

FISCAL IMPACTS

(Gov. Code, § 11346.5, subd. (a)(6))

Costs Requiring Reimbursement. As generally applicable requirements, the proposed amendments will not impose on local agencies or school districts any costs for which Government Code sections 17500–17630 require reimbursement.

Cost or Savings in Federal Funding to the State. As generally applicable requirements, the proposed amendments will not result in any costs or savings in federal funding to the state.

Cost or Savings to State Agencies. As generally applicable requirements, the proposed amendments will

result in minor costs and savings to state agencies. The costs include the incremental cost of more efficient lamps available for sale as a result of the regulations. The savings include reduced electricity costs to the state. The lamps covered under the proposed regulations are not commonly used in government buildings. However, the Energy Commission assumes that the use of LED lamps over CFL lamps will increase, and therefore made estimates of future LED lamp purchases based on 2012 CFL purchases. In each year evaluated the fiscal impact would result in net savings ranging between \$132k and \$241k across all agencies.

Other Nondiscretionary Costs or Savings Imposed Upon Local Agencies. As generally applicable requirements, the proposed amendments will result in minor costs and savings to local agencies. The costs include the incremental cost of more efficient lamps available for sale as a result of the regulations. The savings include reduced electricity costs to the local agency. The lamps covered under the proposed regulations are not commonly used in government buildings. However, the Energy Commission assumes that the use of LED lamps over CFL lamps will increase, and therefore made estimates of future LED lamp purchases based on 2012 CFL purchases. In each year evaluated the fiscal impact would result in net savings ranging between \$529k and \$966k across all local agencies. The larger magnitude in comparison to state agencies is simply from the greater number of buildings under local jurisdiction in comparison to state, and not from any specific aspect of the proposed regulation.

EFFECT ON HOUSING COSTS
(Gov. Code, § 11346.5, subd. (a)(12))

There will be no significant effect on housing costs. Consumers will retain a choice among products, so any impact to the consumer would be elective. While some Title 24 regulations related to LEDs may have a small effect on housing costs, the proposed Title 20 regulations will not impact housing costs.

INITIAL DETERMINATION OF SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACTS DIRECTLY AFFECTING BUSINESS, INCLUDING THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE WITH BUSINESSES IN OTHER STATES

(Gov. Code, §§ 11346.2, subd. (b)(6), 11346.3, subd. (a), 11346.5, subd. (a)(7) and 11346.5, subd. (a)(8))

The Energy Commission has determined that there will be no significant statewide adverse economic, fiscal, or environmental impact directly affecting busi-

nesses, including small businesses, as a result of the proposed regulations, including the ability of California businesses to compete with businesses in other states.

The proposed regulations have advantages and disadvantages to retailers, manufacturers, and utilities in the state. The regulations would give an advantage to manufacturers who make and distribute more efficient appliances in California and a disadvantage to those that do not. Energy utilities will see a decrease in demand for electricity and natural gas relative to a baseline forecast. Because their revenues are decoupled from sales, these utilities will see a business advantage to the proposed regulations. However, job-years for utilities are expected to decrease over the analysis period, consistent with a general downward trend in job-years for utilities in the baseline analysis.

The decrease in overall energy prices estimated with the macroeconomic model would create a slight competitive advantage for California businesses.

STATEMENT OF THE RESULTS OF THE STANDARDIZED REGULATORY IMPACT ASSESSMENT (SRIA)
(Gov. Code, § 11346.5, subd. (a)(10))

CREATION OR ELIMINATION OF JOBS WITHIN CALIFORNIA

Total job-years over the thirteen-year analysis period will increase by 54,098 under the proposed standards. Estimated job-years rise from 3,547 in 2018 to 3,812 by the year 2029. The average annual job growth is 4,161 over the period of analysis.

CREATION OR ELIMINATION OF BUSINESSES WITHIN CALIFORNIA

The proposed regulations will not lead to the specific creation or elimination of any specific California business. While the small-diameter directional lamp will lead to a technology change from filament incandescence to LED, staff could find no small-diameter directional lamp manufacturing in California. In fact, the only lamp manufacturing that staff could find within the state is the manufacture of some LED chips, a key component to LED lamps. These parts do not themselves comply or not comply with the regulations, but the regulations may increase demand for these chips by increasing demand for LED lamps. However, the proposed regulations do not create the need for a new good or service. Instead, it requires the improvement of existing goods in the market. Therefore no specific business is estimated to be directly created by the regulation, although secondary businesses may be created from expanded jobs and disposable income within the state.

Staff estimates commercial businesses will save about \$227 million annually and \$2.75 billion total on electricity bills between 2017–2029. Additionally, staff estimates a net reduction in lamp business expenses of \$506 million over the period of analysis. The overall positive job increase and gross state product increase indicates overall business growth. Additionally, the direct impact to California businesses will also be positive: reduced electricity costs, a reduction in lamp replacement costs, and a small reduction in overall prices throughout the state’s economy.

COMPETITIVE ADVANTAGES OR DISADVANTAGES FOR BUSINESS CURRENTLY DOING BUSINESS WITHIN THE STATE

The proposed regulations have advantages and disadvantages to retailers, manufacturers, and utilities in the state. The regulations would naturally give an advantage to manufacturers of more efficient appliances in California. Energy utilities will see a decrease in demand for electricity relative to a baseline forecast. Because investor-owned energy utilities’ revenue is decoupled from energy sales, these utilities will see minimal impacts from the proposed regulations.

The distribution of compliant products is spread among many manufacturers. Assembly of LED lamps does not occur in significant volume within the state; however, there are California-based LED corporations as well as entities conducting research and development. These companies will benefit from the diminishing incandescent small-diameter directional lamp market, which will drive up LED sales.

The decrease in overall energy prices estimated with the macroeconomic model would create a slight competitive advantage for California businesses.

INCREASE OR DECREASE OF INVESTMENT IN THE STATE

Impacts to investment in the state were modeled over a thirteen-year period (2017–2029); staff anticipates future federal general service LED appliance efficiency regulations could supersede the proposed standard before 2029. If new federal general service LED standards supersede the California regulations in less than 13 years, the resulting economic impacts would be for a shorter period than the period analyzed.

Over the thirteen-year period, staff estimates that gross private domestic fixed investment increases by \$128 million over the analysis period, including some years of increase and some years of decline. These levels of increased and reduced private fixed investment are very small compared to the whole California econo-

my and represent a 0.01 percent change from the baseline in either direction. Staff finds the overall effect of the regulations to investment in California to be small compared to expected benefits of reduced energy consumption, increased jobs, increased personal income, improved air quality, and reduced greenhouse gas emissions.

INCENTIVES FOR INNOVATION IN PRODUCTS, MATERIALS OR PROCESSES

The proposed standards will cause the spread of existing, efficient technologies into products that may not currently contain them, thereby increasing the number of products that would comply with the proposed standards.

Innovations in the products proposed to be regulated can be organized into three types: innovations that would decrease energy use, innovations that are neutral to energy use, and innovations that increase energy use. The proposed standards provide incentives for technologies and innovations that can reduce the energy use of LED lamps. The proposed regulations put pressure on manufacturers of existing products to adjust from status quo designs that would have difficulty meeting the performance standards. These changes lead to increased industry investment in technology and form the core of innovation.

The proposed regulations would have a neutral effect on innovations that would increase consumption, but not in excess of the performance standard. The proposed regulations would have a negative effect on innovations that would cause energy consumption to exceed the standard. This means that manufacturers will have to either modify the product to conform to the standard or forgo the innovation.

BENEFITS OF THE REGULATIONS

The proposed and alternative regulations provide a wide range of benefits to California households and commercial businesses. The benefits that were quantified include electricity conservation and utility bill savings, reduced lamp replacement costs, jobs impact, changes in personal income, reduced air pollution, and reduced greenhouse gas emissions.

Total electricity savings are estimated to be 21 gigawatt-hours (GWh) in 2017, with an implementation jump to 2,040 GWh in 2018, which rises to 3,144 GWh by 2025. The energy savings in 2025 are one Rosenfeld, which translates to the displacement of one 500 MW power plant.

The value of residential electricity bill savings is estimated to be \$44.28 million in 2018 and up to \$133 million in 2025. Commercial sector electricity bill savings

over the same period go from \$239 million to \$250 million annually.

Businesses save millions of dollars in lamp replacement costs between 2019 and 2029. This same pattern is seen in the residential sector, but over a longer period of time due to the fewer hours of annual use. The lower number of hours means that the inefficient lamps will take longer to be replaced in the residential sector and that savings from avoided replacements happens less frequently. Over the thirteen-year period, commercial and residential consumers spend \$523 million less on small diameter directional lamps and LED lamp replacements because of the more efficient products.

Total job-years over the thirteen-year period of analysis will increase by 54,098 under the proposed standards. Estimated additional job-years rise from 3,547 in 2018 to 3,812 by 2029.

In addition to utility bill savings, the proposed standards will increase real disposable personal income by \$392 million in 2018 and \$436 million in 2029, due in part to consumer and commercial businesses saving money on utilities and spending it on other goods and services, resulting in higher employment. The cumulative increase in personal income with the proposed standards is \$5.65 billion.

Air quality benefits of proposed and alternative lamp energy efficiency regulations are significant as a result of avoided electricity generation, but difficult to quantify given uncertainty in the mix of generation resources over the next 15 years, resulting in estimated ranges of savings. Staff estimates that, over the next thirteen years, the regulations will reduce PM 2.5 emissions by 492 tons to 1,148 tons, oxides of nitrogen (NO_x) emissions by 820 tons to 6,558 tons, and sulfur dioxide (SO₂) emissions by 66 tons to 115 tons. The proposed standards are estimated to avoid between \$3.3 million and \$22.2 million in health impacts during the first year of implementation. The 10-year cumulative estimated air quality benefit of the proposed regulations is between \$33 million and \$222 million.

The proposed regulations are estimated to avoid 10.3 million tons of carbon dioxide (CO₂) between 2017 and 2029. The U.S. EPA provides a range of estimates for avoided global damages due to emissions of fossil CO₂.¹ A low value of \$13 per metric ton CO₂ applied to the low lamp efficiency alternative yields a cumulative net present value GHG emission reduction benefit of \$76.5 million over the 13-year analysis period. The total GHG benefit for proposed lamp efficiency standards, using a midpoint value for social cost of carbon at \$47 per metric ton of CO₂, is roughly \$373 million. A second value estimated is the avoided cost of purchas-

ing CO₂ allowances for California's Cap-and-Trade Program. The value for CO₂ allowance savings was estimated to be \$95 million, based upon an assumed allowance value of \$12 per ton.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

(Gov. Code, § 11346.5, subd. (a)(9))

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

BUSINESS REPORTS

(Gov. Code, §§ 11346.5, subd. (a)(11) and 11346.3, subd. (d))

The proposed changes to the labeling requirements on LED products claiming certain performance levels are not mandatory and therefore would not require additional annual reporting costs for businesses.

SMALL BUSINESS

(Cal. Code Regs., tit. 1, §§ 4(a) and 4(b))

There will be no significant cost impacts on small businesses that purchase small diameter directional lamps or LEDs. Although the costs in the first year of implementation may be higher than they otherwise would for small businesses, the costs of owning and operating these lighting products will decrease as a result of lower electricity costs by using the more efficient products and reduce number of replacement lamps that will need to be purchased.

ALTERNATIVES INFORMATION

(Gov. Code, § 11346.5, subd. (a)(13))

Before adopting the proposed regulations, the Energy Commission 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 amendments 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.

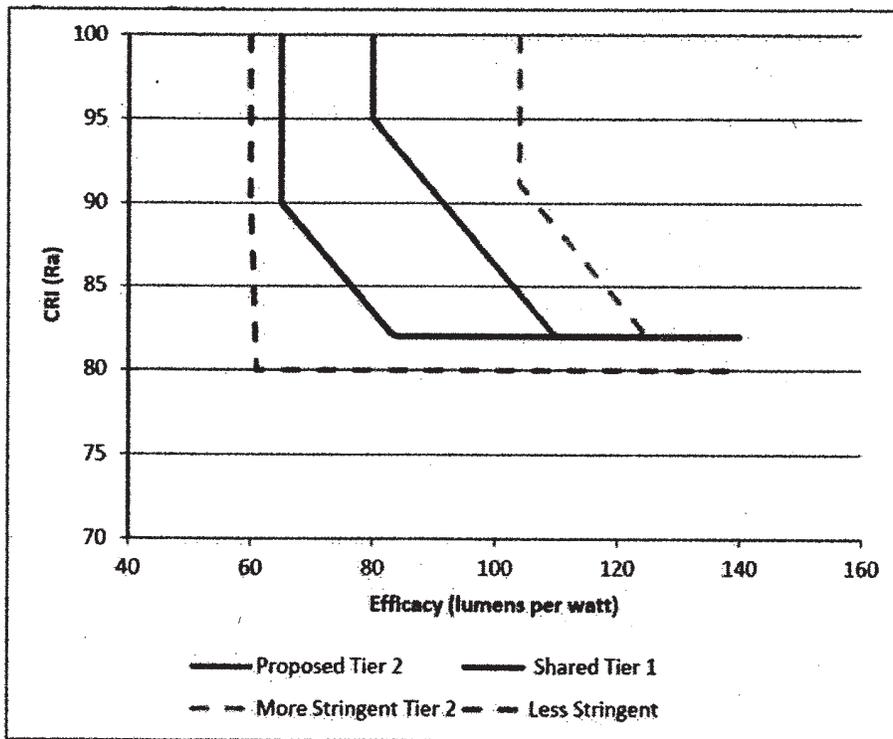
The alternatives considered, which are reflected in the Standardized Regulatory Impact Assessment prepared pursuant to section 11346.3(c) of the Government Code, are shown in Table 1 and Figure 1.

¹ For social costs of carbon, see <http://www.epa.gov/climatechange/EPAactivities/economics/scr.html>.

Table 1: Scenarios Analyzed for Small Diameter Directional Lamps

Halogen baseline (watts)	LED baseline (watts)	Less Stringent Scenario Compliant LED (watts)	Proposed Scenario Compliant LED (watts)	More Stringent Scenario Compliant LED (watts)
50	21	14	11	10
35	14	9	7	6
20	7	5	4	3

Figure 1: Stringency Scenarios for Medium Screw-Base Omnidirectional Lamps



Based on the alternatives assessed and discussed in the SRIA, the California Energy Commission has determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed while also being less burdensome to affected private persons or more cost-effective to affected private persons and equally effective in implementing the statutory policy than the proposed standards.

DESIGNATED CONTACT PERSONS
(Gov. Code, § 11346.5, subd. (a)(14))

Please contact the following person, preferably by e-mail, for general information about the proceeding or to obtain any document relevant to the proceeding, including this document, the Express Terms, the Initial Statement of Reasons, the Form 399, and any other document in the rulemaking file:

Angelica Romo-Ramos
California Energy Commission
1516 Ninth Street, Mail Station 25
Sacramento, California 95814-5512
Telephone: 916-654-4147
Fax: 916-654-4304
Email: Angelica.Romo@energy.ca.gov

Please contact the following person, preferably by e-mail, for substantive questions:

Kenneth Rider
California Energy Commission
1516 Ninth Street, Mail Station 25
Sacramento, California 95814-5512
Telephone: 916-654-5006
Fax: 916-654-4304
Email: Ken.Rider@energy.ca.gov

The backup contact person for substantive questions is:

Harinder Singh
California Energy Commission
1516 Ninth Street, Mail Station 25
Sacramento, California 95814-5512
Telephone: 916-654-4091
Fax: 916-654-4304
Email: Harinder.Singh@energy.ca.gov

Mr. Rider and Mr. Singh also can assist in obtaining documents and in answering general questions.

PUBLIC ADVISER

The Energy Commission's Public Adviser's Office provides the public assistance in participating in Energy Commission activities. If you want information on how to participate in this rulemaking, please contact:

Alana Matthews, Public Adviser
California Energy Commission
1516 Ninth Street, Mail Station 12
Sacramento, California 95814-5512
Telephone: 916-654-4489
Fax: 916-654-4493
Email: pao@energy.ca.gov

NEWS MEDIA INQUIRIES

News media inquiries should be directed to Media and Public Communications Office at (916) 654-4989, or by email at mediaoffice@energy.ca.gov.

AVAILABILITY OF THE TEXT OF THE PROPOSED AMENDMENTS (EXPRESS TERMS), THE INITIAL STATEMENT OF REASONS (ISOR), AND THE INFORMATION UPON WHICH THE PROPOSAL IS BASED (RULEMAKING FILE)

(Gov. Code, § 11346.5, subd. (a)(16))

The first action to take to obtain documents in this rulemaking proceeding is to visit the Energy Commission's appliance efficiency website at: <http://energy.ca.gov/appliances/rulemaking.html>.

The website will have all of the documents prepared by the Energy Commission, including the Express Terms of the proposed amendments (written in plain English and set forth in a format that indicates both the existing text and the proposed text), the Initial Statement of Reasons, and all documents relied upon by the Energy Commission, as well as most of the other documents in the rulemaking file.

The Express Terms and the Initial Statement of Reasons are also available at no cost from the contact person, Angelica Romo-Ramos (see above).

The Energy Commission's Docket Office has available all of the documents in the rulemaking file; for copies, please contact:

Docket Office
California Energy Commission
1516 Ninth Street, MS 4
Sacramento, California 95814-5504
916-654-5076

AVAILABILITY OF CHANGED OR MODIFIED TEXT

(Gov. Code, § 11346.5, subd. (a)(18))

After considering all timely and relevant comments received, the Energy Commission may adopt the proposed regulations substantially as described in this notice. If the Commission makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before it adopts the regulations as revised. Per section 44, title 1, of the California Code of Regulations, notice of any modified text will be submitted to (1) anyone who submits oral or written comments at the public hearing, (2) anyone who submits written comments to the Energy Commission's docket, or (3) anyone who specifically requests notification of such modifications.

FINAL STATEMENT OF REASONS

(Gov. Code, § 11346.5, subd. (a)(19))

The Energy Commission will prepare a Final Statement of Reasons on the amendments, responding to all

relevant comments made during the proceeding. The Final Statement of Reasons will be available from the contact person named above, from the Docket Office, and will be posted on the Energy Commission's website.

INTERNET ACCESS

(Gov. Code, §§ 11346.4, subd. (a)(6) and 11346.5, subd. (a)(20))

The Energy Commission maintains a website in order to facilitate public access to documents prepared and considered as part of this rulemaking proceeding. Documents prepared by the Energy Commission for this rulemaking, including this Notice of Proposed Action, the Express Terms, the Initial Statement of Reasons, and the Economic and Fiscal Impact Statements, as well as many other documents in the rulemaking file have been posted at: <http://www.energy.ca.gov/appliances/2015-AAER-06/rulemaking/>.

TITLE 25. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

NOTICE OF PROPOSED RULEMAKING FOR THE EMERGENCY SHELTER GRANTS (ESG) PROGRAM

NOTICE IS HEREBY GIVEN that the Department of Housing and Community Development (Department) proposes to formally amend regulations which govern implementation of the State Emergency Shelter Grants Program (ESG). The existing regulations are codified in Title 25, Division 1 Chapter 7 Subchapter 20 (commencing with section 8400) of the California Code of Regulations.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. The written comment period begins **October 16, 2015** and closes at **5:00 p.m. on November 30, 2015**. The Department will consider comments received during this timeframe. The Department encourages comments to be submitted using Survey Monkey at: <https://www.surveymonkey.com/r/ESGRegulations>.

Comments will also be accepted via e-mail at ESGregulation@hcd.ca.gov or via fax to (916) 263-3394, attention: Christina DiFrancesco, Planning

and Evaluation Specialist. Written comments can also be sent via mail to

Department of Housing and Community Development,
Division of Financial Assistance
P.O. Box 952054
Sacramento, CA 94252-2054
Attention: Christina DiFrancesco,
Planning and Evaluation Section

PUBLIC HEARINGS

November 19, 2015
1:00 p.m.–4:00 p.m.
HCD Headquarters
2020 West El Camino Avenue, Rooms 402 A and 402 B
Sacramento, CA 95833

November 30, 2015
1:00 p.m.–4:00 p.m.
Corporation for Supportive Housing
800 South Figueroa Street, Suite 810
Los Angeles, CA 90017

AUTHORITY AND REFERENCE

HCD is conducting this rulemaking activity pursuant to the authority provided by Health and Safety Code Sections 50406 and 50896.3(b). These regulations implement, interpret and make specific amendments to Chapter 12 (commencing with Section 50896) of Part 2 of Division 31 of the Health & Safety Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Health and Safety Code 50407 establishes that the Department is responsible for coordinating federal-state relationships in housing and community development. In conjunction with this responsibility, Health and Safety Code section 50406 directs the Department to be responsible for the allocation of federal Emergency Solutions Grants Program funds, (formerly known as the federal Emergency Shelter Grants Program). Consequently, the State of California receives ESG funds from the U.S. Department of Housing and Urban Development (hereinafter "HUD") to make grants to eligible Private nonprofit organizations and Units of general purpose local government. These funds may be used for a wide variety of uses to serve homeless households or households at-risk of homelessness so long as the State and funded subrecipients comply with a com-

prehensive set of requirements prescribed by federal law and regulations, as well as State regulations.

These regulations can be found at Title 25, Division 1, Chapter 7, Subchapter 20, sections 8400–8421. They establish procedures for the award and disbursement of ESG funds, and establish policies and procedures for use of these funds to meet the purposes contained in the federal ESG regulations at 24 CFR Part 576. State authority for the administration of the ESG Program is contained in Health and Safety Code sections 50406.

Section 8400. PURPOSE AND SCOPE

Subsections (a)–(d)

The proposed regulation changes to these sections would do the following:

(a) change the name of the program from the Emergency Shelter Grants Program to the Emergency *Solutions* Grants Program consistent with this change in the federal statute and regulations;

(b) include the citation for the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act which amended the program statute.

(c) change the name of the McKinney Act to the correct name under current law.

(d) change the State acronym for the program from FESG to ESG.

Section 8201. DEFINITIONS

Proposed amendments would add or change the following definitions: “Action Plan”; “Administrative activities”; “Administrative Entity”; “Balance of State Allocation”; “Continuum of Care”; “Continuum of Care Allocation”; “Continuum of Care Service Area”; “Coordinated Entry”; “Core Practices”; “ESG”; “Eligible activities”; “Eligible Continuum of Care”; “Eligible Organization”; “Emergency shelter”; “ESG Entitlement”; “ESG Entitlement Area”; “ESG Nonentitlement”; “ESG Nonentitlement Area”; “HMIS”; “Homeless”; “Homelessness prevention activities”; “NOFA”; “Private nonprofit organization”; “Rapid Rehousing”; “Service Area”; “Site Control”; “Standard Agreement”; “Subrecipient”; “Subrecipient of the Administrative Entity”; “Unit of General Purpose Local Government”, and “Written Standards”.

Other changes add the citation to the HEARTH Act, and delete terms from the Definitions section of the regulations that are no longer being used.

Section 8402. ALLOCATION OF FUNDS

Subsection (a)

As proposed, this section establishes that the Department will accept and use Administration funds as permitted under 24 CFR sections 576.100 (c) and 576.108 (b). The Department will determine annually the percentage it will take and share among Units of general purpose local government. Available administrative

amounts will be published for public comment in the State’s Annual Plan to HUD, pursuant to the requirements of 24 CFR Part 91, and published in the current NOFA.

Subsection (b)

As proposed, this section establishes two separate allocation pools for ESG funds. After deducting for State Administrative activities, ESG funds will be made available for Eligible activities through two allocations according to the formula set forth under the regulations; the Continuum of Care Allocation to be administered in accordance with section 8403; and the Balance of State Allocation to be administered in accordance with sections 8404 through 8407.

Subsection (c)

The purpose of this subsection is to set forth the formula factors for determining the amounts potentially available in each Continuum of Care Service Area.

Subsection (d)

The purpose of this subsection is to enable the Department to cap the amount of funds available to a Service Area under the formula in order to achieve a greater geographic balance of the funds among all eligible Continuums of Care of the State. Any cap on amounts available under the formula will be proposed in the Action Plan.

Subsection (e)

The purpose of this subsection is to establish that, in any year where the Department is issuing a NOFA, by January 31st, the Department will notify of the following:

- Service Areas and preliminary funding amounts within the Continuum of Care Allocation and the Balance of State Allocation;
- A solicitation of interest for Administrative Entities which includes timeframes for applications and approval;
- Where there is no intent to apply to be an Administrative Entity, a solicitation of interest to apply for Rapid Re-housing activities;
- A solicitation of interest from Continuums of Care to participate in Balance of State Allocation regional competition; and
- A solicitation of interest in applying for Rapid Rehousing activities under the Balance of State Allocation.

Section 8403. CONTINUUM OF CARE ALLOCATION

Subsection (a)(1)

The overall purpose of this section is to establish that funding for a Service Area in the Continuum of Care Allocation shall be administered by an approved Administrative Entity in the Service area in which it is located.

Notwithstanding this general rule, subdivision (a)(1) permits an Administrative Entity to administer the funds of its Continuum of Care Service Area as well as the Service Area of a geographically contiguous Continuum of Care eligible to receive funds under the Balance of State Allocation if 100% of the available funds are used for Rapid Rehousing.

Subsection (a)(2)

The purpose of this subsection is to allow Continuum of Care Service Areas without an approved Administrative Entity to retain a portion of their formula allocation for Rapid Rehousing activities. In this instance the Continuum of Care would recommend a Rapid Rehousing provider, and the Department would enter into a contract with the Rapid Rehousing provider for these activities. The amount available for Rapid Rehousing activities under this subdivision would be established in the Department's annual Action Plan, and the process by which the Continuum of Care selects this provider would have to meet certain minimum standards set forth in this subdivision.

Subsection (b)

This subsection provides that the Department will use the formula in section 8402 to reallocate any remaining funds that have not been conditionally reserved or allocated to participating Service Areas in the Continuum of Care and Balance of State Allocations.

Subsection (c)

The purpose of this subsection is to set forth the issues that the Department will evaluate in determining whether a Unit of general purpose local government will be designated as an Administrative Entity.

Subsection (d)

The purpose of this subsection is to set forth the qualifications of an Eligible Continuum of Care.

Subsection (e)

The purpose of this subsection is to set forth the qualifications of an eligible Administrative Entity and to establish that the Continuum of Care shall recommend an Administrative Entity for approval by the Department.

Subsection (f)

The purpose of this subsection is to require that the Continuum of Care and the Administrative Entity shall enter into a written agreement that specifies the roles and responsibilities of each entity to ensure compliance with federal and State requirements. The Continuum of Care and the Administrative Entity shall collaborate to the maximum extent feasible in determining Eligible activities, selecting providers, and administering the ESG funds.

Subsection (g)

The purpose of this subsection is to set forth general criteria by which Administrative Entities will select providers qualified to deliver Eligible activities in the Service Area.

Subsection (h)

The purpose of this subsection is to provide that the Action Plan will set forth any proposed limits on the number of contracts, subcontracts, and activities per contract between the Administrative Entity and the Subrecipient of the Administrative Entity.

Subsection (i)

The purpose of this subsection is to set forth specific requirements related to amounts available for Rapid Rehousing, and use of ESG funds to serve both Nonentitlement and Entitlement areas.

Subsection (j)

The purpose of this subsection is to set forth the general terms of the written agreement (known as the Standard Agreement) between the Administrative Entity and the Department.

Subsection (k)

The purpose of this subsection is to set forth the circumstances under which the Department may deny or revoke the designation of an approved Administrative Entity.

Subsection (l)

The purpose of this subsection is to notify Administrative Entities and Continuums of Care that the Department may request information from the Administrative Entity or the Continuum of Care, which demonstrates compliance with any or all of the above requirements. The Administrative Entity or Continuum of Care shall provide such information when requested.

Section 8404. BALANCE OF STATE ALLOCATION

Subsection (a)(1)

Subsection (a) establishes that the Department shall administer the Balance of State (BOS) Allocation for Service Areas without an ESG Entitlement. The purpose of subsection (a)(1) is to establish the requirements for a Continuum of Care to be eligible to participate in the BOS Allocation.

Subsection (a)(2)

The purpose of this subsection is to allow Continuum of Care Service Areas to retain a portion of their formula allocation for Rapid Rehousing activities, rather than compete for funds in a regional competition.

Subsection (a)(3)

The purpose of this subsection is to establish that funds remaining after allocating for Rapid Rehousing

activities will be made available within three regional allocations: Northern Region, Bay Area Region, and Central and Imperial Valley Region.

Subsection (a)(4)

This subsection provides that, as requested in the NOFA, each Continuum of Care shall recommend to the Department an Eligible organization or organizations proposing Eligible activities within the Continuum of Care Service Area for funds available under the applicable regional allocation. It also sets forth the process by which the Continuum of Care shall make its recommendations.

Subsection (a)(5)

The purpose of this subsection is to clarify that all applications for funds available under the regional allocations will be evaluated by the Department pursuant to the requirements of sections 8406, 8408, and 8409. Depending on whether the regional allocations are oversubscribed, applications submitted for funds within a regional allocation may be rated and ranked pursuant to the requirements of 8407.

Subsection (b)

The purpose of this subsection is to provide that the Action Plan will set forth any proposed limits on the number of applications per Continuum of Care, and any limits on the number or type of activities, contracts, or subcontracts within an application.

Section 8405. NOTICE OF FUNDING AVAILABILITY

Subsection (a)

The purpose of this subsection is to notify interested persons that the Department will issue a NOFA soliciting applications for Eligible Activities within the regional allocations pursuant to sections 8404(a)(4) and (a)(5).

Subsection (b)

The purpose of this subsection is to outline the general contents of the NOFA.

Section 8406. NOFA APPLICATION PROCESS

Subsection (a)

The purpose of this subsection is to set forth the eligibility requirements for applications submitted under the regional competition.

Subsection (b)

The purpose of this subsection is to notify applicants and BOS Continuums of Care that applications under the NOFA will be rated according to the criteria in section 8407, but that even if an application is submitted as incomplete, the application will be scored as submitted and the Department may condition awards as necessary to secure missing information in order to ensure com-

pliance with federal and State requirements, where doing so does not alter the competitive scoring.

Section 8407. SELECTION CRITERIA FOR NOFA APPLICANTS

Subsection (a)

The purpose of subsection (a) is to set forth the rating criteria upon which applications recommended for funding within the regional allocations will be evaluated.

Subsection (b)

The purpose of this subsection is to specify how the application ranking process will work.

Section 8408. ELIGIBLE ACTIVITIES

Subsection (a)

The purpose of this subsection is to establish that State ESG funds awarded by an Administrative Entity or by the Department shall be used for Eligible activities as permitted by HUD pursuant to 24 CFR Part 576 in accordance with this section.

Subsection (b)

The purpose of this subsection is to establish that to address the State's priority needs and objectives pursuant to the Action Plan, the Department may limit the types of activities that may be funded in a particular NOFA.

Subsection (c)

The purpose of this subsection is to limit the percentage of an individual formula allocation under section 8302 that may be used for HMIS activities.

Subsection (d)

The purpose of this subsection is to establish that State ESG funds shall not be used for Renovation, Conversion, or Major Rehabilitation activities pursuant to 576.102. Minor repairs to an ESG-funded Emergency shelter that do not qualify as Renovation, Conversion, or Major Rehabilitation are an eligible use of State ESG funds.

Section 8409. CORE PRACTICES

Subsection (a)

The purpose of this subsection is to establish that, unless exempted by federal rules, all ESG funded activities shall utilize a Coordinated Entry system established by and consistent with the protocols of the Continuum of Care for the Service Area in which that program operates, and to set forth some basic State requirements for that system.

Subsection (b)

The purpose of this subsection is to set forth some basic housing first and progressive engagement and assistance practices that all ESG-assisted projects shall operate consistent with.

Section 8410. MATCH REQUIREMENTS

Subsections (a) and (b)

The proposed amendments to these subsections are nonsubstantive and are being made for clarity. They:

(a) update the federal citation to the match requirements to that in the ESG regulations, which is more commonly utilized when wanting detail on the match requirements, rather than the statutory citation now in regulations; and

(b) clarify that State funds used as ESG match can only come from programs serving homeless persons.

Subsection (c)

The purpose of this subsection is to clarify that should the State, in meeting its federal ESG match requirement, need to request documentation of match from its Subrecipients and Subrecipients of the Administrative Entities that it will set forth any such requirement in the Action Plan and NOFA.

Section 8411. STANDARD AGREEMENT

Subsection (a)

The purpose of this subsection is to reiterate or establish what entities shall enter into a Standard Agreement with the Department and approximately when in the award process those Standard Agreements will follow.

Subsections (b) and (c)

The purpose of these subsections is to reiterate the federal and State authorities applicable to the ESG program with which the Standard Agreement must comply, and to outline other areas of the Standard Agreement.

Subsection (d)

The purpose of this subsection is to specify conditions under which modification to the Standard Agreement will be approved.

Subsection (e)

The purpose of this subsection is to clarify existing language in the regulations regarding performance requirements, and eliminate unnecessary requirements in the regulations.

Subsection (f) and sections 8413 through 8415 of the current regulations have been deleted since the language in these sections is no longer necessary or has been moved to other sections of the regulations.

Section 8412. DISBURSEMENT PROCEDURES

The changes to this section of the regulations are non-substantive or have been made to conform to other proposed changes to the regulations discussed in earlier sections.

Section 8413. RECORDKEEPING AND REPORTING

Subsection (a)

The purpose of this subsection is to establish a records retention requirement for all program records pertaining to a Standard Agreement.

Subsection (b)

The purpose of this subsection is to clarify the ESG reports that must be submitted to the Department.

Section 8414. MONITORING GRANT ACTIVITIES

Subsection (a)

The purpose of this subsection is to establish that Administrative Entities shall monitor the activities of their funded providers, and shall do onsite monitoring whenever necessary, but at least once per year.

Subsection (b)

The purpose of this subsection is to establish that the Department will monitor the performance of the Subrecipient based on a risk assessment and according to the terms of the Standard Agreement. The Department may also monitor the Subrecipient of the Administrative Entity based on a risk assessment.

Subsection (c)

The purpose of this subsection is to establish that the Department will monitor the performance of Administrative Entity and funded projects based on the performance measures used by HUD in ESG or the Continuum of Care program.

Subsection (d)

The purpose of this subsection is to set forth the Department's general rule regarding consequences for falsifying information.

Section 8415. AUDIT REQUIREMENTS

The changes made to this section of the regulations are nonsubstantive and were made to modify language related to governing federal authorities, and to use updated terms. Subsection (c) also clarifies that audits done at the request of the Department are paid for by the Subrecipient.

Section 8416. SANCTIONS

Subsections (a) through (e) make corrections to the program acronym, change "State recipient" to "Subrecipient", and change capitalization of the word "grant", which is no longer a defined term in the regulation. These changes are nonsubstantive.

Subsections (e) and (f)

Pursuant to the general authority provided in 24 CFR 576.01(c), subsection (e) clarifies that the Department may prohibit an Administrative Entity from awarding to a particular Subrecipient of the Administrative Entity until appropriate actions are taken to ensure compliance

with ESG requirements. Subsection (f) clarifies that the Department may impose any other sanctions permitted under 24 CFR 576.501.

Section 8417. OTHER FEDERAL REQUIREMENTS

This is a general statement of applicability of all local, state, and federal laws pertaining to the ESG program. Amended language uses the terms “Subrecipient” and “Subrecipient of the Administrative Entity”, rather than “State recipient”. This change is nonsubstantive.

ANTICIPATED BENEFITS

The anticipated benefits of the proposed regulatory changes, include, but are not limited to, the following:

- Assisting homeless and at-risk homeless
- Assisting non-profit organizations and local governments that receive ESG funds, and the communities they serve.
- Enhancing the ability of every ESG-eligible Continuum of Care Service Area to access ESG funds based on a formula distribution focused on factors reflective of homelessness need;
- Increasing local involvement and collaboration in ESG awards selection and funds administration;
- Increasing the percentage of available funds for Rapid Rehousing;
- Reducing application and contract workloads associated with ESG funding;
- Streamlining the ESG competitive application process and reporting requirements;
- Establishing core practices for ESG program implementation consistent with federal policy goals;
- Maintaining flexibility in establishing such things as program outcome metrics and maximum award amounts to better respond to changes in local capacity, federal best practices, and available funding amounts.

EVALUATION OF WHETHER THESE REGULATIONS ARE INCONSISTENT OR INCOMPATIBLE WITH EXISTING STATE REGULATIONS

Pursuant to Government Code section 11346.5 subdivision (a)(3)(D) the Department must evaluate whether the proposed regulations are inconsistent or incompatible with existing state regulations. The Department performed this evaluation, and there are no other exist-

ing State regulations which address this program. Therefore, pursuant to this evaluation, the Department has concluded that the proposed regulations are not inconsistent or incompatible with existing state regulations.

IMPACT OF PROPOSED REGULATIONS

LOCAL MANDATE

The Department has determined that these regulations do not impose a mandate on local agencies or school districts. Eligibility for the program is limited to entities demonstrating willingness and capacity to administer funds temporary housing and services funding to address homelessness. In any case, participation in the program is voluntary.

FISCAL IMPACT

The Department has determined that no savings or increased costs to any State agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in Federal funding to the State will result from the proposed action.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

Because participation in the ESG Program is voluntary, the Department has determined that the regulations will not affect the creation or elimination of jobs in California; the creation of new businesses or the elimination of existing businesses within California; or the expansion of businesses currently operating in California. It will not have a significant statewide impact on the health and welfare of California residents, worker safety, or the state’s environment.

In addition to the “Anticipated Benefits” listed above, the proposed regulations will benefit the health and welfare of California residents by assisting homeless, and at-risk homeless populations. It will also benefit non-profit organizations and local governments that receive ESG funds, and the communities they serve.

EFFECT ON SMALL BUSINESS

The Department has determined that the proposed action has no impact on small business because participation in the ESG Program is voluntary.

EFFECT ON HOUSING COSTS

The Department has determined that the proposed action has no significant impact on housing costs in California.

**INITIAL DETERMINATION OF STATEWIDE
ADVERSE ECONOMIC IMPACT DIRECTLY
AFFECTING BUSINESSES**

The Department has made an initial determination that the proposed action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. Participation in the program is voluntary.

**COST IMPACTS ON 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. While private businesses (including non-profits) and individuals are eligible to receive program funds under the program, participation is voluntary.

CONSIDERATION OF ALTERNATIVES

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

The Department has discussed alternatives it considered, and why it chose the proposed revisions it selected, in its Initial Statement of Reasons.

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

The text of the proposed regulations is available upon request, along with the Initial Statement of Reasons, prepared by the Department, which provides the reasons for the proposals, and is available on the Department's web site, at <http://www.hcd.ca.gov/financial-assistance/emergency-solutions-grant-program/index.html>. All information the Department is considering as a basis for this proposal is maintained in a rule-making file, which is available for inspection at the address noted below. Copies can be obtained by contacting Planning and Evaluation Section Representatives at the address and telephone number noted below.

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**

Following the written comment period, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications, which are sufficiently related to the originally proposed text, it will make the modified text—with changes clearly indicated—available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of the Planning and Evaluation Section at the address indicated below. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY OF
RULEMAKING DOCUMENTS**

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting Planning and Evaluation Section Representatives at the address and telephone number noted below.

**AVAILABILITY OF FINAL STATEMENT
OF REASONS**

At the conclusion of this rulemaking, a Final Statement of Reasons will be prepared as required by Gov-

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a “regulation” as defined in Government Code section 11342.600,¹ which should have been, but was not adopted pursuant to the Administrative Procedure Act (APA).² Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

Generally, a rule which, meets the definition of a “regulation” in Government Code section 11342.600 is required to be adopted pursuant to the APA. In some cases, however, the Legislature has chosen to establish exemptions from the requirements of the APA. Penal Code section 5058, subdivision (c), establishes exemptions expressly for the California Department of Corrections and Rehabilitation (CDCR):

(c) The following are deemed not to be “regulations” as defined in Section 11342.600 of the Government Code:

(1) Rules issued by the director applying solely to a particular prison or other correctional facility. . . .

This exemption is called the “local rule” exemption. It applies only when a rule is established for a single correctional institution.

In *In re Garcia* (67 Cal.App.4th 841, 845), the court discussed the nature of a “local rule” adopted by the warden for the Richard J. Donovan Correctional Facility (Donovan) which dealt with correspondence between inmates at Donovan:

¹“Regulation” means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

² Such a rule is called an “underground regulation” as defined in California Code of Regulations, title 1, section 250, subsection (a):

“Underground regulation” means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

The Donovan inter-institutional correspondence policy applies solely to correspondence entering or leaving Donovan. It applies to Donovan inmates in all instances.

. . .

The Donovan policy is not a rule of general application. It applies solely to Donovan and, under Penal Code section 5058, subdivision (c)(1), is not subject to APA requirements.

Similarly, the rule challenged by your petition was issued by Pelican Bay State Prison and applies solely to the inmates of Pelican Bay State Prison. Inmates housed at other institutions are governed by those other institutions’ criteria for Property Registration. Therefore, the rule is a “local rule” and is exempt from compliance with the APA pursuant to Penal Code section 5058(c)(1). It is not an underground regulation.³

The issuance of this summary disposition does not restrict your right to adjudicate the alleged violation of section 11340.5 of the Government Code.

 /s/
Debra M. Cornez
Director

 /s/
Elizabeth A. Heidig

Copy: Dr. Jeffrey Beard
 Tim Lockwood

³ The rule challenged by your petition is the proper subject of a summary disposition letter pursuant to title 1, section 270 of the California Code of Regulations. Subdivision (f) of section 270 provides:

(f)(1) If facts presented in the petition or obtained by OAL during its review pursuant to subsection (b) demonstrate to OAL that the rule challenged by the petition is not an underground regulation, OAL may issue a summary disposition letter stating that conclusion. A summary disposition letter may not be issued to conclude that a challenged rule is an underground regulation.

(2) Circumstances in which facts demonstrate that the rule challenged by the petition is not an underground regulation include, but are not limited to, the following:

(A) The challenged rule has been superseded.
(B) The challenged rule is contained in a California statute.
(C) The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions of the APA.
(D) The challenged rule has expired by its own terms.
(E) An express statutory exemption from the rulemaking provisions of the APA is applicable to the challenged rule. [Emphasis added.]

**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH
SECRETARY OF STATE**

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

File# 2015-0904-02
CALIFORNIA HORSE RACING BOARD
Classification of Drug Substances

This rulemaking action by the California Horse Racing Board (CHRB) revises the "California Horse Racing Board (CHRB) Penalty Categories Listing by Classification" by adding cobalt to the list of drug substances and by adding and reclassifying specified drug substances to reflect changes to the "Association of Racing Commissioners International (ARCI) Uniform Classification Guidelines for Foreign Substances." This filing also updates the revision date of the Listing in section 1843.2 of title 4 of the California Code of Regulations, which incorporates the Listing by reference.

Title 4
AMEND: 1843.2
Filed 10/05/2015
Effective 10/05/2015
Agency Contact: Harold Coburn (916) 263-6026

File# 2015-0930-02
COMMISSION ON TEACHER CREDENTIALING
Conflict-of-Interest Code

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

Title 5
AMEND: 80225
Filed 10/06/2015
Effective 11/05/2015
Agency Contact: Christopher Rose (916) 445-0474

File# 2015-0914-01
DEPARTMENT OF FOOD AND AGRICULTURE
Asian Citrus Psyllid Interior Quarantine

This Certificate of Compliance by the Department of Food and Agriculture (the "Department") makes permanent the prior emergency rulemaking action (OAL File No. 2015-0319-02E) that expanded the quarantine area for the Asian Citrus Psyllid ("ACP") (*Diaphorina citri*) by approximately 79 square miles in the Bona-delle Ranchos-Madera area of Madera County. This amendment provides authority for the state to perform quarantine activities against ACP within this additional area.

Title 3
AMEND: 3435(b)
Filed 09/30/2015
Effective 09/30/2015
Agency Contact: Sara Khalid (916) 403-6625

File# 2015-0915-01
DEPARTMENT OF FOOD AND AGRICULTURE
Standard Containers

The California Department of Food and Agriculture proposed to amend sections 1380.19, 1430.10, 1430.12, 1430.14, 1430.26, 1430.27, and 1430.45 of title 3 of the California Code of Regulations to increase the amount of allowable size of two fruit containers and to add a new container for retail display.

Title 3
AMEND: 1380.19, 1430.10, 1430.12, 1430.14, 1430.26, 1430.27, 1430.45
Filed 09/30/2015
Effective 09/30/2015
Agency Contact: Danielle Chapman (916) 900-5030

File# 2015-0820-01
DEPARTMENT OF HEALTH CARE SERVICES
Orthotic and Prosthetic Appliances and Services

In this rulemaking action, the Department adds definitions related to Orthotic and Prosthetic appliances and services. It also amends and establishes requirements that are specific for the prior authorization and reimbursement of Orthotic and Prosthetic appliances and services under Medi-Cal.

Title 22
ADOPT: 51315.1, 51315.2 AMEND: 51161, 51315
Filed 10/02/2015
Effective 01/01/2016
Agency Contact: Lori Manieri (916) 650-6825

File# 2015-0820-02
DEPARTMENT OF HEALTH CARE SERVICES
SUD License and Certification Fees

This change without regulatory effect by the Department of Health Care Services (DHCS) repeals various Substance Use Disorder (SUD) program fees in Section

10701 of Title 9 of the California Code of Regulations (CCR). These SUD program fees are now required to be published annually on the DHCS web site rather than in the CCR.

Title 9
AMEND: 10701
Filed 10/02/2015
Agency Contact: Janelle Hiam (916) 650-6827

File# 2015-0925-02
DEPARTMENT OF RESOURCES RECYCLING
AND RECOVERY
Administrative Civil Penalties

This emergency rulemaking action by the Department of Resources, Recycling, and Recovery (CalRecycle) revises one section and adopts three sections in title 14 of the California Code of Regulations to implement a process for CalRecycle to exercise its authority to impose civil liabilities for violations of the Electronic Waste Recycling Program.

Title 14
ADOPT: 18660.44, 18660.45, 18660.46 AMEND:
18660.7
Filed 10/05/2015
Effective 10/05/2015
Agency Contact: Elliot Block (916) 341-6080

File# 2015-0923-01
DEPARTMENT OF TRANSPORTATION
Broadband Facility Permits

The California Department of Transportation added an article heading, "Article 1. Broadband Facility Permits," under the chapter heading, "Chapter 8. Encroachment Permits," which is located in front of sections 1412.1 through 1412.9 of title 21 of the California Code of Regulations. The California Department of Transportation also amended section 1412.1 of title 21 of the California Code of Regulations to replace the word "Chapter" with the word "Article." The addition of this article heading and the corresponding amendment to section 1412.1 were submitted to the Office of Administrative Law as changes without regulatory effect pursuant to section 100 of title 1 of the California Code of Regulations.

Title 21
ADOPT: Article Heading AMEND: 1412.1
Filed 10/01/2015
Agency Contact: Yin-Ping Li (916) 654-5548

File# 2015-0825-06
EDUCATION AUDIT APPEALS PANEL
Audits of K-12 LEAs — FY 2015-16

The Education Audit Appeals Panel submitted this timely certificate of compliance to make permanent the emergency regulations adopted in OAL file no. 2015-0511-04E. The emergency rulemaking action amended title 5 of the California Code of Regulations, section 19810, specifically to update the audit guide that is used for auditing K-12 Local Education Agencies, pursuant to Education Code section 14502.1. The updated guide will be applicable to FY 2015-2016.

Title 5
AMEND: 19810
Filed 10/05/2015
Effective 10/05/2015
Agency Contact: Timothy Morgan (916) 445-7745

File# 2015-0831-03
MENTAL HEALTH SERVICES OVERSIGHT AND
ACCOUNTABILITY COMMISSION
Mental Health Services Act Prevention and Early
Intervention

In this resubmitted regulatory action, the Commission proposes to adopt regulations in Title 9 of the California Code of Regulations to establish requirements for the Prevention and Early Intervention Component of the Mental Health Services Act, define terms, and require counties to submit reports and plans to the Commission.

Title 9
ADOPT: 3200.245, 3200.246, 3510.010, 3560,
3560.010, 3560.020, 3700, 3701, 3705, 3706, 3710,
3715, 3720, 3725, 3726, 3730, 3735, 3740, 3745,
3750, 3755, 3755.010
Filed 10/07/2015
Effective 10/07/2015
Agency Contact:
Filomena Yeroshek (916) 445-8701

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN May 6, 2015 TO
October 7, 2015**

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

Title 2

09/24/15 AMEND: 1181.1, 1181.2, 1181.3, 1181.4, 1181.6, 1181.7, 1181.8, 1181.9, 1181.10, 1181.11, 1181.12, 1181.13, 1182.1,1182.2, 1182.3, 1182.4, 1182.5, 1182.6, 1182.7, 1182.8, 1182.10, 1182.12, 1182.13, 1183.1, 1183.2, 1183.4, 1183.5, 1183.7, 1183.8, 1183.9, 1183.11, 1183.12, 1183.13, 1183.14, 1183.15, 1183.16, 1183.17, 1183.18, 1184.1, 1185.1, 1185.2, 1185.3, 1185.4, 1185.5, 1185.6, 1185.7, 1185.8, 1185.9, 1186.1, 1186.2, 1186.3, 1186.4, 1186.5, 1186.6, 1186.7, 1187.1, 1187.2, 1187.3, 1187.4, 1187.5, 1187.6, 1187.7, 1187.8, 1187.9, 1187.10, 1187.11, 1187.12, 1187.13, 1187.14, 1187.15, 1188.1, 1188.2, 1190.1, 1190.2, 1190.3, 1190.4, 1190.5

09/21/15 AMEND: 35101

09/16/15 AMEND: 54100

09/14/15 AMEND: 55200

09/10/15 AMEND: 60000, 60010, 60510, 60550, 60560

09/09/15 ADOPT: 59750

09/08/15 AMEND: 560

08/13/15 AMEND: 1859.163.1

08/06/15 AMEND: 18420.1, 18901.1

07/30/15 REPEAL: 547.80, 547.82, 547.83, 547.84, 547.85, 547.86, 547.87

07/30/15 ADOPT: 599.980, 599.981, 599.982, 599.983, 599.984, 599.985, 599.986
 AMEND: 599.980 (renumbered to 599.987), 599.981 (renumbered to 599.988), 599.982 (renumbered to 599.989), 599.985 (renumbered to 599.990), 599.986 (renumbered to 599.991), 599.987 (renumbered to 599.992), 599.988 (renumbered to 599.993), 599.990 (renumbered to 599.994), 599.992 (renumbered to 599.995), 599.993 (renumbered to 599.996), 599.994 (renumbered to 599.997), 599.995 (renumbered to 599.998)

07/16/15 AMEND: 548.42, 548.124

07/15/15 AMEND: 59640

07/15/15 AMEND: 18404.2

07/10/15 AMEND: 18700, 18700.1, 18700.3, 18701, 18702, 18702.2, 18702.4, 18747

06/22/15 ADOPT: 18700.3, 18707 AMEND: 18704 REPEAL: 18704.1, 18704.2, 18704.3, 18704.4, 18704.5, 18704.6

06/22/15 AMEND: 18361.7

06/16/15 AMEND: 39000, 39001, 39002

06/02/15 AMEND: 10001, 10002, 10005, 10006, 10007, 10008, 10009, 10011, 10012, 10013, 10015, 10021, 10022, 10024, 10025, 10029, 10030, 10031, 10033, 10035, 10037, 10038, 10039, 10041, 10042, 10046, 10047, 10050, 10053, 10054, 10056, 10057, 10061, 10062, 10063, 10065

05/27/15 ADOPT: 61100, 61101, 61102, 61103, 61104, 61105, 61106, 61107, 61108, 61109, 61120, 61121, 61122, 61130, 61131, 61132, 61140

05/18/15 AMEND: 18703 REPEAL: 18703.2, 18703.4, 18703.5, 18707, 18707.1, 18707.2, 18707.4, 18707.5, 18707.6, 18707.7, 18707.9, 18707.10

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09/30/15 AMEND: 3435(b)

09/30/15 AMEND: 1380.19, 1430.10, 1430.12, 1430.14, 1430.26, 1430.27, 1430.45

09/16/15 AMEND: 3435(b)

08/27/15 AMEND: 3435

08/26/15 AMEND: 6502

08/20/15 AMEND: 3435(b)

08/17/15 AMEND: 2100

08/14/15 ADOPT: 450, 450.1, 450.2, 450.3, 450.4, 451, 452

08/10/15 AMEND: 6148, 6148.5, 6170, 6216

08/10/15 AMEND: 3435(b)

08/10/15 AMEND: 3435(b)

08/06/15 AMEND: 3435(b)

08/04/15 AMEND: 3435(b)

07/21/15 AMEND: 3439(b)

07/08/15 AMEND: 3435(b)

07/01/15 AMEND: 4603(i)

06/24/15 AMEND: 3435(b)

06/24/15 AMEND: 2751(b)

06/22/15 AMEND: 3435(b)

06/02/15 AMEND: 3591.11(a)

05/28/15 AMEND: 3435(b)

05/19/15 ADOPT: 3441

05/13/15 AMEND: 3435(b)

05/08/15 AMEND: 3435(b)

05/06/15 AMEND: 3435(b)

05/06/15 AMEND: 6400

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10/05/15 AMEND: 1843.2

09/08/15 ADOPT: 8130, 8131, 8132, 8133, 8134, 8135, 8136, 8137, 8138

09/08/15 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

08/31/15 AMEND: 1844

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07/31/15	ADOPT: 1866.1 AMEND: 1844	1810.246,	1810.252,	1810.355,
07/28/15	AMEND: 10325	1810.380,	1810.425,	1820.110,
07/23/15	AMEND: 1632	1820.115,	1820.200,	1830.115,
07/22/15	AMEND: 400, 401, 402, 403, 404, 405, 406	1840.100,	1840.210,	1840.302,
07/15/15	AMEND: 1588	1840.312,	1850.210,	1850.213,
07/02/15	AMEND: 5205, 5230, 5170	1850.505,	1850.515,	1850.520,
06/04/15	ADOPT: 1891.1	1850.530,	1850.535	REPEAL:
05/19/15	ADOPT: 8130, 8131, 8132, 8133, 8134, 8135, 8136, 8137, 8138	1810.214.1		
05/07/15	AMEND: 10325	07/16/15	ADOPT: 3200.182, 3200.183, 3200.184, 3510.020, 3580, 3580.010, 3580.020, 3900, 3905, 3910, 3910.010, 3910.015, 3910.020, 3915, 3925, 3930, 3935	
05/07/15	AMEND: 10315, 10322, 10325, 10327	06/15/15	AMEND: 4210	
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10/06/15	AMEND: 80225	05/27/15	AMEND: 7400	
10/05/15	AMEND: 19810	Title 10		
09/10/15	AMEND: 19810	09/17/15	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	
07/30/15	ADOPT: 71105, 71105.5, 71410, 71471, 71775, 71775.5, 74240, 74250, 75140 AMEND: 70000, 71400, 71650, 75150	08/19/15	AMEND: 1422.6.1, 1422.6.3, 1950.122.5.1, 1950.122.5.3	
07/20/15	ADOPT: 80054.1 AMEND: 80054	08/11/15	ADOPT: 80.125.10, 80.129, 80.158.10, 80.166.10, 80.4100.10, 80.4105.10, 80.4105.11, 80.4118.10, 80.4118.11, 80.4305, 80.5100, 80.5200.1, 80.5210, 80.5304.1, 80.5305, 95.600 AMEND: 80.1, 80.2, 80.3, 80.4, 80.5, 80.6, 80.7, 80.8, 80.9, 80.100, 80.125, 80.126, 80.150, 80.151, 80.152, 80.153, 80.154, 80.155, 80.156, 80.157, 80.158, 80.159, 80.160, 80.161, 80.162, 80.163, 80.164, 80.165, 80.166, 80.167, 80.168, 80.169, 80.170, 80.172, 80.173, 80.174, 80.175, 80.176, 80.177, 80.3000, 80.3001, 80.3002, 80.4000, 80.4100, 80.4101, 80.4102, 80.4103, 80.4104, 80.4105, 80.4106, 80.4107, 80.4108, 80.4109, 80.4111, 80.4113, 80.4115, 80.4117, 80.4118, 80.4119, 80.4120, 80.4121, 80.4123, 80.4124, 80.4125, 80.4126, 80.4127, 80.4200, 80.4201, 80.4300, 80.4301, 80.4302, 80.4303, 80.4304, 80.4308, 80.4309, 80.4310, 80.4311, 80.4312, 80.4313, 80.5000, 80.5200, 80.5201, 80.5300, 80.5301, 80.5302, 80.5303, 80.5304, 95.5025, 95.5030 REPEAL: 80.127, 80.171, 80.4110,	
05/21/15	AMEND: 19810			
05/18/15	AMEND: 19810			
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09/21/15	ADOPT: 14006.1 AMEND: 14003, 14007			
09/21/15	ADOPT: 9785.2.1, 9785.3.1, 9785.4.1, AMEND: 9770, 9785, 9785.4, 9792.5.1			
09/15/15	AMEND: 3437, 3441, 3664(b)			
08/28/15	AMEND: 3411			
08/27/15	AMEND: 8397.4			
08/27/15	AMEND: 1710			
08/24/15	AMEND: 9810, 9811, 9812, 9814, 9815, 9881.1, 10139 REPEAL: 9813			
08/20/15	AMEND: 14300.2			
08/12/15	AMEND: 30, 30.5, 31.1, 100, 104, 105, 106, 109			
08/10/15	AMEND: 333, 336			
07/30/15	ADOPT: 5184 AMEND: 5185			
07/06/15	AMEND: 5530, 5568, 5572, 5574, 5575, 5621, 2540.7, 2540.8			
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10/07/15	ADOPT: 3200.245, 3200.246, 3510.010, 3560, 3560.010, 3560.020, 3700, 3701, 3705, 3706, 3710, 3715, 3720, 3725, 3726, 3730, 3735, 3740, 3745, 3750, 3755, 3755.010			
10/02/15	AMEND: 10701			
08/31/15	AMEND: 881			
08/26/15	AMEND: 513, 524, 530, 541, 553, 620, 620.1, 1900, 1901, 1904, 1913, 1921			
08/24/15	AMEND: 1810.110, 1810.214, 1810.215, 1810.218, 1810.219, 1810.223.5, 1810.224, 1810.230,			

	80.4112, 80.4114, 80.4037, 80.5202, 95.2,95.3,95.5010	09/24/15 AMEND:1665.7
07/29/15	AMEND: 5350, 5353, 5354, 5354.1, 5356, 5357.1, 5357.2, 5358.6, 5358.7, 5358.10 REPEAL: 5358.1	09/22/15 AMEND: 502
07/29/15	AMEND: 5350,5357.1	09/21/15 AMEND: 18419
07/27/15	ADOPT: 2240.15, 2240.16, 2240.6, 2240.7 AMEND: 2240, 2240.1, 2240.4, 2240.5	09/04/15 AMEND: 916.2,936.2,956.2
07/06/15	ADOPT: 6850, 6852, 6854, 6856, 6858, 6860, 6862, 6864, 6866, 6868	09/03/15 ADOPT: 798 AMEND: 791, 791.6, 791.7, 792, 793, 794, 795, 796, 797
06/29/15	ADOPT: 2194.18, 2194.19, 2194.20, 2194.21, 2194.22, 2194.23, 2194.24, 2194.25,2194.26	09/03/15 ADOPT: 820.02
06/15/15	ADOPT: 6432	09/03/15 ADOPT: 817.04 AMEND: 790
05/26/15	ADOPT: 2563	08/31/15 AMEND: 4800
05/11/15	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	08/21/15 AMEND: 18660.5, 18660.6, 18660.21, 18660.22, 18660.23, 18660.24
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08/31/15	ADOPT: 4250, 4251, 4252, 4253, 4254, 4255, 4256, 4257, 4258, 4259	07/31/15 ADOPT: 662
08/26/15	AMEND: 1011	07/29/15 AMEND: 27.65, 28.38
08/17/15	AMEND: 1009	07/23/15 AMEND: 816.03
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06/02/15	AMEND: 999.5	07/13/15 AMEND: 1038, 1052.1
05/13/15	AMEND: 51.14	07/10/15 ADOPT: 748.5
05/13/15	AMEND: 51.17	07/02/15 ADOPT: 8.01
05/13/15	AMEND: 51.22	07/01/15 AMEND: 7.50
Title 13		06/26/15 ADOPT: 250.1 AMEND: 311, 353, 464, 465, 475, 485 REPEAL: 355
09/21/15	AMEND: 1.00	06/24/15 AMEND: 165
08/12/15	AMEND: 268.12, 285.06, 330.08	06/22/15 ADOPT: 364.1 AMEND: 360, 361, 362, 363, 364, 702, 708.5, 708.11, 713
07/29/15	AMEND: 125.00, 125.02, 125.12, 125.16, 125.18, 125.20, 126.00, 127.00, 127.08 REPEAL: 126.02	06/22/15 AMEND: 1665.7
06/19/15	ADOPT: 16.00, 16.02, 16.04, 16.06, 16.08, 16.10, 16.12, 16.14	06/22/15 AMEND: 895.1, 1038, 1038.2
05/29/15	ADOPT: 1153 AMEND: 1150.1, 1150.2, 1151.1, 1151.2, 1151.3, 1151.4, 1151.5, 1151.5.1, 1151.6, 1151.7, 1151.8, 1151.8.1, 1151.8.2, 1151.8.3, 1151.8.4, 1151.9, 1151.9.1, 1151.10, 1151.10.1, 1152.1, 1152.2, 1152.2.1, 1152.3, 1152.3.1, 1152.4, 1152.4.1, 1152.4.2, 1152.5, 1152.6, 1152.6.1, 1152.7, 1152.7.1 REPEAL: 1152.8	06/04/15 AMEND: 7.50
Title 14		05/28/15 AMEND: 3550.14
10/05/15	ADOPT: 18660.44, 18660.45, 18660.46 AMEND: 18660.7	05/21/15 AMEND: 708.3, 708.10, 708.11
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		09/28/15 AMEND: 8199
		09/15/15 AMEND: 3375.1, 3377
		09/01/15 AMEND: 8113
		09/01/15 ADOPT: 3999.19
		08/26/15 ADOPT: 8115, 8116, 8116.1, 8117
		08/06/15 ADOPT: 8005 AMEND: 8004, 8004.2, 8004.3
		07/31/15 AMEND: 3043, 3044
		07/27/15 ADOPT: 3410.2 AMEND: 3000, 3173.2, 3287, 3410.1
		07/15/15 ADOPT: 1830.1, 1840.1, 1847.1, 1848.5, 1849.1, 1850.1 AMEND: 1800, 1806, 1812, 1814, 1830, 1831, 1840, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1856, 1860, 1866, 1867, 1868, 1870, 1872, 1876, 1878, 1888, 1890, 1892 REPEAL: 1857
		06/18/15 ADOPT: 1712.3, 1714.3, 1730.3, 1740.3 AMEND: 1700, 1706, 1712.2, 1714.2, 1730.2, 1731, 1740.2, 1747, 1747.1, 1748, 1748.5, 1749, 1749.1, 1750,

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05/29/15	ADOPT: 8113		
05/26/15	ADOPT: 8100, 8102, 8104, 8105, 8106, 8107, 8108, 8110, 8111, 8112, 8114, 8118, 8119, 8119.1, 8120 AMEND: 8000		
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09/21/15	ADOPT: 1399.15, 1399.16 AMEND: 1398.1, 1398.3, 1398.11, 1398.13, 1398.26.5, 1398.31, 1398.37, 1398.44, 1398.47, 1398.52, 1399, 1399.12, 1399.24, 1399.94 REPEAL: 1399.15, 1399.16		
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09/21/15	AMEND: 635		
09/14/15	ADOPT: 12.1 AMEND: 12		
09/03/15	AMEND: 1399.671, 1399.673, 1399.676		
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07/23/15	AMEND: 98	05/13/15	AMEND: 1685.5
06/29/15	AMEND: 961	05/06/15	AMEND: 1598.1
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06/05/15	AMEND: 100500	05/29/15	ADOPT: 1609
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09/03/15	AMEND: 50961, 50962, 50963	05/18/15	ADOPT: 863, 864, 865, 866
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08/17/15	ADOPT: 51000.9.5, 51000.15.5, 51000.24.3, 51000.24.4, 51000.24.4.1, 51000.24.5, 51000.24.8, 51000.70, 51000.75 AMEND: 51000, 51000.7, 51000.20, 51000.30, 51000.31, 51000.35, 51000.40, 51000.45, 51000.60, 51051, 51341.1	05/26/15	ADOPT: 6932 REPEAL: 6932
07/23/15	AMEND: 97177.15, 97244	Title 27	
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07/14/15	AMEND: 51341.1	Title MPP	
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