



California Regulatory Notice Register

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT OF INTEREST CODES

AMENDMENT

MULTI-COUNTY: San Joaquin Valley Unified Air Pollution Control District
Truckee Donner Public Utility District
Citrus Heights Water District

A written comment period has been established commencing on **November 16, 2012** and closing on **December 31, 2012**. Written comments should be directed to the Fair Political Practices Commission, Attention Adrienne Tackley, 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 his 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 his 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 **December 31, 2012**. 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 Adrienne Tackley, 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 respec-

tive agency. Requests for copies from the Commission should be made to Adrienne Tackley, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

TITLE 2. CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

NOTICE IS HEREBY GIVEN that the Board of Administration (Board) of the California Public Employees' Retirement System (CalPERS) proposes to take the regulatory action described below after considering public comments, objections, or recommendations.

I. PROPOSED REGULATORY ACTION

In this filing, the Board proposes to amend the California Code of Regulations (CCR) § 599.500 by adopting new subdivisions (x) through (z), to define the meanings of "Risk Adjustment," "Risk Assessment," and "Risk Adjusted Premium," and CCR § 599.508, subdivision (a), paragraph (7) to describe CalPERS Risk Adjustment Procedures. The proposed regulations would also renumber CCR § 599.508, subdivision (a), paragraphs (7) through (9) to paragraphs (8) through (10).

II. WRITTEN COMMENT PERIOD

Any interested person may submit written comments relevant to the proposed regulatory action. The written comment period has been established commencing on November 16, 2012 and closing on December 31, 2012 at 5:00 p.m. The Regulations Coordinator must receive all written comments by the close of the comment period. Comments may be submitted via Fax at (916) 795-4607; E-mail at Regulation_Coordinator@calpers.ca.gov or mailed to the following address:

Ryan Digman, Regulations Coordinator
California Public Employees' Retirement System
P.O. Box 942702
Sacramento, CA 94229-2702
Phone: (916) 795-0963

III. PUBLIC HEARING

Pursuant to Government Code (GC) § 11346.8, a public hearing on this matter has not been scheduled. However, if an interested person, or his or her duly authorized representative, submits in writing to the CalPERS Regulations Coordinator a request for a public hearing at least 15 days prior to the close of the written

comment period, December 17, 2012, a public hearing shall be scheduled before the CalPERS Pension & Health Benefits Committee. Notice of the time, date, and place of the hearing will be provided to every person who has filed a request for notice with CalPERS.

IV. ACCESS TO HEARING ROOM

The hearing room will be accessible to persons with mobility impairments, and it can be made accessible to persons with hearing or visual impairments upon advance request to the CalPERS Regulations Coordinator.

V. AUTHORITY AND REFERENCE

The Board has authority to take regulatory action under GC § 22794 and GC § 22796.

Reference citation: GC § 22850 and § 22864.

VI. INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current GC § 22796 allows the Board, pursuant to the Administrative Procedure Act, to adopt all necessary rules and regulations to carry out the provisions under the Public Employees' Medical and Hospital Care Act (PEMHCA). This provides the Board authority to endorse the Health Benefits Purchasing Review (HBPR) project to ensure the continuation and sustainability of the CalPERS Health Benefits Program. The proposed regulations will further implement the HBPR project by defining the terms Risk Adjustment, Risk Assessment, and Risk Adjusted Premium. The regulations will also explain the CalPERS Risk Adjustment Procedures.

The anticipated benefits of the proposed regulations will be to stabilize CalPERS health care premiums, provide CalPERS the ability to offer a variety of health care plans, improve plan sustainability, and contain costs as it encourages members to select the most cost-efficient and effective plans.

CalPERS has evaluated and determined that the proposed regulations are neither inconsistent nor incompatible with existing State regulations. There are no other comparable existing State regulations pursuant to GC § 11346.5, subdivision (a), paragraph (3)(D).

PRENOTICE CONSULTATION WITH THE PUBLIC

From March through June 2011, CalPERS conducted a market scan to take a closer look at health care cost-drivers, the federal Affordable Care Act provisions, comparisons of health benefits nationwide, best prac-

tices, market trends, and legal constraints. The market scan highlights were presented to the CalPERS Board in July 2011.

From July through September 2011, CalPERS administered member and employer surveys to better understand their priorities and preferences. The surveys included questions designed to provide insight into member and employer perspectives. The greatest concern expressed was regarding the cost of their health care premiums. Survey findings were presented to the CalPERS Board in September 2011.

Between September and November 2011, CalPERS management met with many stakeholders including labor, retiree, and employer groups, as well as the California Health Benefit Exchange. In addition, staff also met with industry experts including health plan and provider groups. In September 2012, presentations on Risk Adjustment were made to the Board during the Pension & Health Benefits Committee meeting, which is open to the public.

VII. EFFECT ON SMALL BUSINESS

CalPERS does not anticipate that the proposed regulatory action will affect small business because it applies only to the California Public Employees' Retirement Law (PERL).

VIII. DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

- A. **MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS:** This regulation package will not impose any mandates on local agencies and school districts.
- B. **COST OR SAVINGS TO ANY STATE AGENCY:** The proposed regulatory action will result in a potential cost avoidance of \$1,483,594. This figure is based on an actuarial estimates and a typical migration of members during Open Enrollment, assuming a quarter of that movement is from least cost efficient to most cost efficient plans.
- C. **COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT:** At this time, the total cost avoidance of Public Agencies remains unknown.
- D. **NON DISCRETIONARY COSTS OR SAVINGS IMPOSED ON LOCAL AGENCIES:** The proposed regulatory action would provide unknown cost avoidance to CalPERS contracting agencies and school employers.

- E. **COSTS OR SAVINGS IN FEDERAL FUNDING TO THE STATE:** CalPERS is unaware of impacts on federal funding to the State.
- F. **ADVERSE ECONOMIC IMPACT:** CalPERS does not anticipate that the proposed regulatory action will have a significant statewide adverse economic impact directly affecting businesses including the ability of business in California to compete with businesses in other states.
- G. **COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES:** CalPERS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- H. **EFFECT ON HOUSING COSTS:** The proposed regulatory action has no effect on housing costs.
- I. **COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT WHICH MUST BE REIMBURSED IN ACCORDANCE WITH GC § 17500 THROUGH § 17630:** None.
- J. **RESULTS OF THE ECONOMIC IMPACT ANALYSIS:** Based on estimates resulting from a Premium Normalization Study conducted over a three-year period, for every one percent of the CalPERS population that migrates from the least cost-efficient to the most cost-efficient health plan, CalPERS would experience \$6 million in cost avoidance. In a typical open enrollment, approximately 2.2 percent of members change plans. Based on enrollment for September 2012, there are 1,035,859 members enrolled in CalPERS Basic Health Plans. Assuming the 2.2 percent average of total member movement during open enrollment, approximately 22,789 members change plans. Assuming 25 percent of the 22,789 members move from the least to the most cost-efficient, total cost avoidance of State contribution to premiums is approximately \$1,483,594. At this time, the total cost avoidance of Public Agencies remains unknown.

The anticipated benefits would ultimately realize cost avoidance to CalPERS because Risk Adjustment has the potential to contain costs as it encourages members to select the most cost-efficient and effective plans. The migration will result in actual reductions to CalPERS health-care cost trends, theoretically resulting in additional cost avoidance.

The proposed regulatory action 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.

IX. CONSIDERATION OF ALTERNATIVES

In accordance with GC § 11346.5 subdivision (a), paragraph (13), the Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons 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 Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at a requested hearing or during the written comment period.

X. CONTACT PERSON

Please direct inquiries concerning the substance of the proposed regulatory action to:

Pat Sherard, BPPP Legislative Coordinator
California Public Employees' Retirement System
P.O. Box 720724
Sacramento, CA 94229-0724
Telephone: (916) 795-0885
Fax: (916) 795-4680
E-Mail: pat_sherard@calpers.ca.gov

Please direct requests concerning processing of this regulatory action to Ryan Digman, Regulations Coordinator, at the address shown above in Section II.

XI. AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The entire rulemaking file is available for public inspection through the Regulations Coordinator at the address shown above in Section II. To date, the file consists of this notice, the proposed text of the regulations, and the Initial Statement of Reasons (ISOR). A copy of the proposed text and the ISOR is available at no charge upon telephone or written request to the Regulations Coordinator. The Final Statement of Reasons can be ob-

tained, once it has been prepared, by written request to Ryan Digman, Regulations Coordinator, at the address shown above in Section II.

For immediate access, the regulatory material regarding this action can be accessed at CalPERS' website at www.calpers.ca.gov.

XII. AVAILABILITY OF CHANGED OR MODIFIED TEXT

The Board may, on its own motion or at the recommendation of any interested person, amend the proposed text of the regulations after the public comment period closes.

If the Board amends its regulatory action, a comparison of the original proposed text and the amendments will be prepared for an additional public comment period of not less than 15 days prior to the date on which the Board adopts, amends, or repeals the resulting regulation. A copy of the comparison text will be mailed to all persons who submitted written comments or asked to be kept notified of the results of the regulatory action.

TITLE 4. CALIFORNIA HORSE RACING BOARD

NOTICE OF PROPOSAL TO AMEND RULE 1658. VESTING OF TITLE TO CLAIMED HORSE

The California Horse Racing Board (Board) proposes to add the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1658, Vesting of Title to Claimed Horse. The proposed amendment provides that title to a claimed horse is vested in the claimant from the time the field has been dispatched and the horse becomes a starter unless the stewards void the claim under the provisions of Article 7, Claiming Races. The horse shall be returned to the original owner if it suffers a fatality during the running of the race, or if the racing veterinarian or official veterinarian places the horse on the veterinarian's list as unsound or lame before the horse is released to the successful claimant. The proposed amendment also deletes the phrase that states the successful claimant becomes the owner of the horse ". . . whether it is sound or unsound, or injured during the race or after it."

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, January 17, 2013**, or as soon after

that as business before the Board will permit, at the **Santa Anita Park Race Track, 285 West Huntington Drive, Arcadia, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m., on December 31, 2012**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Erica Ward, Regulation Analyst
 California Horse Racing Board
 1010 Hurley Way, Suite 300
 Sacramento, CA 95825
 Telephone (916) 263-6025
 Fax: (916) 263-6022
 E-Mail: esward@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: Section 19562, Business and Professions Code.

Business and Professions Code sections 19420 and 19440 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific section 19562, Business and Professions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 19420 provides that jurisdiction and supervision over meetings in California where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings, is vested in the California Horse Racing Board. Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include, but not be limited to, adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. Business and

Professions Code section 19562 states the Board may prescribe rules, regulations, and conditions, consistent with the provisions of this chapter, under which all horse races with wagering on their results shall be conducted in this State.

A claiming race is a race in which any of the horses entered may be purchased (claimed) out of the race by any person who is eligible to claim a horse at that meeting. Eligible persons are licensed horse owners or persons who hold "horse owner by open claim" certificates. To claim a horse, the interested party must ensure sufficient funds are on deposit with the paymaster of purses at the track where the horse is to be claimed. In addition, the interested party must properly complete the claim form. The properly completed form has to be dropped into the claiming box within a specified time. The moment the gate opens the person who has claimed the horse becomes its owner. However, if the horse wins the race or earns money, the purse goes to the owner who entered it in the race. If more than one person has put in a claim for the same horse, they "shake" for it (draw lots). The person who wins the shake becomes the owner. Under Rule 1658 the stewards shall void the claim if the horse suffers a fatality during the running of the race or before it is returned to be unsaddled.

Subsection 1658(a) currently provides that title to a horse which is claimed shall be vested in the successful claimant whether it is sound or unsound, or injured during the race or after it. The Board proposes to amend subsection 1658(a) to delete the provision that states the horse belongs to the successful claimant regardless of its condition. Subsection 1658(a) will be further amended to state that title to a horse which is claimed shall be vested in the successful claimant unless the claim is voided by the stewards under the provisions of Article 7, Claiming Races. Proposed changes to subsection 1658(b) provide that a claim may be voided, depending on the condition of the claimed horse following the race from which it was claimed. This necessitates the proposed changes to subsection 1658(a) and will bring the subsection in line with proposed changes to subsection 1658(b).

The Board proposes to amend subsection 1658(b) to add a provision that states the stewards shall void a claim and return the horse to its original owner if the racing veterinarian or official veterinarian places the horse on the veterinarian's list as unsound or lame before the horse is released to the successful claimant. The result of the proposed amendment to subsection 1658(b) is that any claimed horse that is found to be physically unfit for racing (following the race in which it was claimed) will remain in the control of the original owner and the claim will be voided.

POLICY STATEMENT OVERVIEW OF
ANTICIPATED BENEFITS OF PROPOSAL

Rule 1658, Vesting of Title to Claimed Horse, states that title to a horse which is claimed shall be vested in the successful claimant from the time the field has been dispatched from the starting gate and the horse becomes a starter. The successful claimant becomes the owner of the horse whether it is sound or unsound, or injured during the race or after it. However, the claim shall be void if the horse suffers a fatality during the running of the race or before it is returned to be unsaddled, or if the race is called off, canceled, or declared no contest.

A claiming race is a horse race in which each horse entered is made available for purchase, or claiming, at a fixed price which a buyer must agree to pay before the race is run. Claiming allows lesser quality horses to compete equally, as horses are entered for a price at which the owner or trainer feels is reasonable to lose it.

A claiming race is a venue through which a new owner may buy his first horse. It is also a venue where others claim (at bargain prices) horses they believe can compete at higher levels. However, claiming races can also be used by owners and trainers to rid themselves of horses whose performance is not what they expect, so the terms “*Caveat Emptor*” or “*Buyer Beware*” apply. The claimant does not get to examine the horse prior to putting in a claim, and the horse actually belongs to a successful claimant from the time the field is dispatched (unless there is reason to void the claim under the provisions of the rule).

The proposed amendment to Rule 1658 is intended to address the aspect of claiming races wherein some owners or trainers may intentionally attempt to rid themselves of horses whose performance is not what they expect. An amended subsection 1658(a) deletes the statement that proclaims the title to a horse which is claimed is vested in the successful claimant “. . . whether it is sound or unsound, or injured during the race or after it.” Subsection 1658(a) has also been amended to state that the successful claimant becomes the owner of the claimed horse “unless the claim is voided by the stewards under the provisions of this article.” An amended subsection 1658(b) provides that the stewards shall void the claim and return the horse to the original owner if the racing veterinarian or official veterinarian determines the horse will be placed on the veterinarian’s list as unsound or lame before the horse is released to the successful claimant.

The proposed amendment of Rule 1658 will have the benefit of greatly reducing the “Buyer Beware” aspect of claiming. Claimants will know the horse they have claimed has had a post-race inspection by the racing veterinarian or the official veterinarian and was found to be fit for racing. This will give prospective claimants

increased confidence in California claiming races, which could attract new owners or out-of-state owners to California. Another benefit is that an owner or trainer will think twice before attempting to use a claiming race to rid himself of a horse that may be damaged. Under the current rule the horse belongs to the claimant as soon as it leaves the gate, regardless of its condition, and unless it suffers a fatality during the running of the race or before it can return to be unsaddled. This will no longer be the case with regards to horses whose condition is compromised. If a post-race veterinarian’s examination places the horse on the veterinarian’s list the horse is returned to the original owner. A trainer or owner who runs a damaged horse in a claiming race will take the risk of having that horse returned if during the post-race inspection it is found to be unsound. In addition to the benefit of ensuring sound horses are run in claiming races, the proposed regulation will have the benefit of helping to safeguard the health and welfare of jockeys and other horses in the race. Thoroughbred race horses can reach speeds in excess of 40 miles an hour, while quarter horses can run in excess of 50 miles an hour. At such speeds a horse that shows signs of distress or goes down in a race is a danger to its rider as well as other horses and riders competing in the race.

Consistency with existing state regulations: The Board does not believe that the proposed regulation is inconsistent or incompatible with existing state regulations.

DISCLOSURE REGARDING THE
PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code Sections 17500 through 17630: none.

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

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

The Board has made an initial determination that the proposed amendment of Rule 1658 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.

RESULTS OF ECONOMIC
IMPACT ASSESSMENT

The results of the Board’s Economic Impact Assessment as required by Government Code section 11346.3(b) are as follows:

There will be no impact on the creation or elimination of jobs within the state, the creation of new businesses,

the elimination of existing businesses or the expansion of businesses in California. The proposed regulation will have a positive effect on the economic health of California's horse-racing industry by helping to ensure that sound horses are entered in claiming races. This will help attract new and out-of-state owners to California claiming races, as there will be a greater assurance that the claimed horse will be fit to race. The proposed regulation will provide a benefit to the health and welfare of jockeys by reducing the possibility that an owner or trainer will knowingly enter a compromised horse in a claiming race. Worker safety will benefit if race track employees and jockeys are not riding or handling physically distressed or compromised race horses. The proposed regulation will not impact the state's environment.

Cost impact on representative private persons or businesses: 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.

Significant effect on housing costs: none.

The adoption of the proposed amendment of Rule 1658 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.

Effect on small businesses: none. The proposed amendment of Rule 1658 does not affect small businesses because horse racing is not a small business under Government Code Section 11342.610.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome on 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 Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Erica Ward, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6025
E-mail: esward@chrb.ca.gov

If the person named above is not available, interested parties may contact:

Harold Coburn, Manager, Policy and Regulations
Telephone: (916) 263-6397
E-mail: haroldc@chrb.ca.gov

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Erica Ward, or the alternative contact person at the address, phone number or e-mail address listed above.

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulations should be sent to the attention of Erica Ward at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be made available after the Board has

adopted the proposed regulation in its current or modified form, should be sent to the attention of Erica Ward at the address stated above.

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation and the initial statement of reasons. The Board's web site address is: www.chrb.ca.gov.

TITLE 10. DEPARTMENT OF CORPORATIONS

NOTICE IS HEREBY GIVEN

The California Corporations Commissioner (Commissioner) proposes to amend a rule under the Corporate Securities Law of 1968 relating to investment advisers with custody or possession of clients' funds or securities. The Commissioner proposes to amend Section 260.237 of Title 10 of the California Code of Regulations.

PUBLIC COMMENTS

No public hearing is scheduled. Any interested person or his or her duly authorized representative may request, in writing, a public hearing pursuant to Section 11346.8(a) of the Government Code. The request for hearing must be received by the Department of Corporations' (Department) contact person designated below 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 regulatory action to the Department, addressed as follows:

Regular Mail

Department of Corporations
Attn: Karen Fong, Office of Legislation and Policy
1515 K Street, Suite 200
Sacramento, CA 95814

Electronic Mail

regulations@corp.ca.gov

Facsimile

(916) 322-5875

Comments may be submitted until 5:00 p.m., December 31, 2012. If the final day for the acceptance of comments is a Saturday, Sunday or state holiday, the comment period will close at 5:00 p.m. on the next business day.

INFORMATIVE DIGEST/PLAIN ENGLISH OVERVIEW

Section 260.237

The existing rule sets forth requirements for investment advisers with custody or possession of clients' funds or securities. In general, the amendments define the term "custody," and, subject to certain limited exceptions, require that advisers with custody maintain the assets with a qualified custodian, as defined in the rule. The proposed amendments incorporate provisions from the Securities and Exchange Commission's ("SEC") custody rule adopted under the Investment Advisers Act of 1940, and the recently adopted North American Securities Administrators Association ("NASAA") Model Custody Rule (the "Model Rule").¹

The proposed regulatory action would benefit California investors by increasing safeguards relating to their funds and securities.

The Department does not believe that the proposed regulation is either inconsistent or incompatible with existing state regulations.

AUTHORITY

Sections 25235, 25237 and 25610, Corporations Code.

REFERENCE

Sections 25235 and 25237, Corporations Code.

AVAILABILITY OF MODIFIED TEXT

The text of any modified regulation (with the changes clearly indicated), unless the modification is only non-substantial or solely grammatical in nature, will be made available to the public at least 15 days prior to the date the Department adopts the regulation(s). A request for a copy of any modified regulation(s) should be addressed to the contact person designated below. The

¹ Rule 206(4)-2 adopted by the Securities and Exchange Commission under the Investment Advisers Act of 1940, 17 CFR § 275.206(4)-2; see also SEC Release No. IA-2968, March 12, 2010; NASAA Custody Requirements for Investment Advisers Model Rule 102(e)(1)-1, Amended September 11, 2011).

Commissioner will accept written comments on the modified regulation(s) for 15 days after the date on which they are made available. The Commissioner may thereafter adopt, amend or repeal the foregoing proposal substantially as set forth above without further notice.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS/INTERNET ACCESS

The express terms of the proposed action may be obtained upon request from any office of the Department. Request Document PRO 04/11–B. An initial statement of reasons for the proposed action containing all the information upon which the proposal is based is available from the contact person designated below. Request Document PRO 04/11–C. These documents are also available through the Department’s website www.corp.ca.gov. As required by the Administrative Procedure Act, the Office of Legislation and Policy maintains the rulemaking file. The rulemaking file is available for public inspection at the Department of Corporations, Office of Legislation and Policy, 1515 K Street, Suite 200, Sacramento, California 95814.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

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

FISCAL IMPACT

- Cost or savings to any state agency: none.
- Direct or indirect costs or savings in federal funding to the state: none.
- Cost to local agencies and school districts required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code: none.
- Other nondiscretionary costs/savings imposed on local agencies: none.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Pursuant to Government Code Section 11346.5(a)(10), the Department has determined that:

- (1) The proposed action will not create or eliminate jobs within California;

- (2) The proposed action will not create new businesses or eliminate existing businesses within this state;
- (3) The proposed action will not affect the expansion of businesses currently doing businesses within California; and
- (4) Benefits to the health and welfare of California residents, worker safety, and the state’s environment: The proposed regulatory action will not adversely affect the health and welfare of California residents, worker safety, or the state’s environment. The proposed regulatory action will not benefit the health of California residents, worker safety, or the State’s environment. The proposed regulatory action would benefit the general welfare of California investors by increasing safeguarding of investor funds and securities, including minimizing the risk of misappropriation or other misuse of investor assets by an investment adviser.

CONSIDERATION OF ALTERNATIVES

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

DISCLOSURES REGARDING THE PROPOSED REGULATION

The Commissioner has made an initial determination that the proposed regulatory action:

- Does not impose a mandate on local agencies or school districts, or a mandate that is required to be reimbursed pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- Does not have an effect on housing costs.
- Does not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The Department is not aware of any cost impacts that a representative private person or business would nec-

essarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESS

The Commissioner has determined that the adoption of these regulations will not affect small business. Under Government Code Section 11342.610, “small business” does not include the professional or business activity of investment advisers.

CONTACT PERSON

Nonsubstantive inquiries concerning this action, such as requests for copies of the proposed regulation or questions regarding the timelines or rulemaking status, may be directed to Karen Fong at (916) 322–3553. The backup contact person is Tanya Bosch at (916) 322–3553. Inquiries regarding the substance of the proposed regulation may be directed to Salony Mehrok, Corporations Counsel at (916) 322–6927 or via email at salony.mehrok@corp.ca.gov.

TITLE 16. BOARD OF ACCOUNTANCY

NOTICE IS HEREBY GIVEN that the California Board of Accountancy (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at Westin San Diego, 400 West Broadway, San Diego, CA, at 9:00 a.m., on January 25, 2013. 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 December 31, 2012, or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 5010, and 5070.2 of the Business and Professions Code, and to implement, interpret or make specific Sections 5070.2, and 5070.5 of said Code, the California Board of Accountancy is consider-

ing changes to Division 1 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Legislation enacted in 2012 (Stats 2012, ch. 411 (SB 1405)) added Section 5070.2 to the Business and Professions Code. Section 5070.2 creates, effective January 1, 2014, a military inactive status of licensure. Licensees of the Board who are on active duty as a member of the California National Guard or the United States Armed Forces may apply for the status. This proposal would implement the requirements for obtaining and maintaining such a license in a military inactive status as well as the requirements for conversion from military inactive status back to either active or inactive status.

The regulatory proposal is as follows:

1. Amend Article 2.5 in Division 1 of Title 16 of the California Code of Regulations.

This proposal would amend the title of Article 2.5 to Division 1 in the California Board of Accountancy’s regulations to be entitled “License Status.”

2. Adopt Section 16 in Title 16 of the California Code of Regulations.

This proposal would allow a licensee who is engaged in active duty military service to apply for military inactive status. The licensee is required to apply for the status, and renewal while in the status, on Form 11R–49 (8/12), which is incorporated by reference, and to provide sufficient evidence of active duty military service.

Form 11R–49 (8/12), would include the following:

(1) Require disclosure of the name, address of record, license number, email address (optional), personal and business telephone number;

(2) Inform the licensee of the requirements for obtaining and maintaining military inactive status, including providing evidence of active duty military service such as current Leave and Earnings Statements or military orders; a prohibition of any activity for which a license is required; and a statement of exemption from renewal fees, continuing education (CE), and peer review requirements while the license is in a military inactive status;

(3) Require disclosure of whether the licensee is currently engaged in active duty in the United States Armed Forces or in the California National Guard, and requires that current Leave and Earnings Statements or military orders be provided with the Form;

(4) Provide a statement that the Form also serves as an application for renewal while the license is in a military inactive status and while the licensee is on active duty military service; provides that the Board will continue to renew the license in a military inactive status until the

licensee notifies the Board of discharge from active duty; notifies the licensee that compliance with Section 16.2 is required within one year from discharge from active duty;

(5) Require the applicant to certify his or her statements under penalty of perjury and acknowledge that the entire Form has been read; and,

(6) Provide a notice regarding collection and use of personal information given on the application.

3. Adopt Section 16.1 in Title 16 of the California Code of Regulations.

This proposal defines “sufficient evidence of active duty as a member of the California National Guard or the United States Armed Forces” as including current Leave and Earnings Statements or military orders. It also defines “evidence of discharge date” as a completed “Certificate of Release or Discharge from Active Duty” (DD Form 214).

4. Adopt Section 16.2 in Title 16 of the California Code of Regulations.

This proposal provides for converting a license from military inactive status to active status by doing the following:

- (1) Notifying the Board in writing;
- (2) Providing evidence of discharge date;
- (3) Paying the fee as described;
- (4) Complying with the peer review reporting requirements of Section 45(a) by the next renewal date; and,
- (5) Complying with the CE requirements of Section 87 including a minimum of 20 hours in the one-year period preceding the status conversion, 12 of which must be in subject areas identified in Section 88(a)(1).

This proposal provides for converting a license from military inactive status to inactive status by doing the following:

- (1) Notifying the Board in writing;
- (2) Providing evidence of discharge date; and,
- (3) Paying the fee as described.

This proposal states that the fee to be paid for status conversion shall be the same as the fee described in Section 70(e) if the status conversion is requested more than 12 months prior to the licensee’s next renewal date; otherwise, the fee is waived.

This proposal allows for conversion from military inactive status to active or inactive status while the licensee is still engaged in active duty military service as long as sufficient evidence of active duty service is supplied in place of the evidence of discharge date required by this section.

Anticipated Benefits of the Proposal:

While the benefits to the licensee serving on active duty in the military are clear in that they are exempted

from renewal requirements, the consumers of California also benefit by having access to more accurate detail on a licensee’s status. In addition, consumers are also protected because a licensee with a license in a military inactive status (exempted from fees, CE and peer review) is not allowed to practice until such time as they reactivate their license by fulfilling the fee, CE and peer review requirements.

The benefits of this proposal, as stated above, cannot be expressed in monetary terms.

Consistency and Compatibility with Existing State Regulations

The Board has evaluated this regulatory proposal and it is neither inconsistent nor incompatible with existing state regulations.

INCORPORATION BY REFERENCE

Application for Military Inactive Status—Form 11R-49 (8/12)

FISCAL IMPACT ESTIMATES

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

The proposal itself creates no cost to the Board. Any new costs to the Board as a result of this new license status are a result of the new statute (Business & Professions Code Section 5070.2) and not the regulatory proposal.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Business Impact:

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

AND

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

The regulation itself has no economic impact; any economic impact is the result of the statute this proposal implements (Business & Professions Code Section 5070.2) and not the regulatory proposal.

Therefore, the overall Economic Impact on businesses and individuals has been deemed as insignificant.

Cost Impact on Representative Private Person or Business:

The regulation itself has no economic impact; any economic impact is the result of the statute this proposal implements (Business & Professions Code Section 5070.2) and not the regulatory proposal.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations may affect small businesses.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/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.

Benefits of Regulation:

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

Business and Professions Code section 5000.1 states that "protection of the public shall be the highest priority for the California Board of Accountancy in exercising its licensing, regulatory, and disciplinary functions."

CONSIDERATION OF ALTERNATIVES

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

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

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board at 2000 Evergreen St., Ste. 250, Sacramento, California 95815.

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

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

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

CONTACT PERSON

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

Name: Matthew Stanley
Address: 2000 Evergreen St., Ste. 250
Sacramento, CA 95815
Telephone No.: 916-561-1792
Fax No.: 916-263-3678
E-Mail Address: mstanley@cba.ca.gov

The backup contact person is:

Name: Kari O'Connor
Address: 2000 Evergreen St., Ste. 250
Sacramento, CA 95815
Telephone No.: 916-561-1716
Fax No.: 916-263-3678
E-Mail Address: koconnor@cba.ca.gov

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

TITLE 17. DEPARTMENT OF PUBLIC HEALTH

ACTION: Notice of Proposed Rulemaking
Title 17, California Code of Regulations

SUBJECT: Radiologic Technology Act Regulations,
DPH-10-014

PUBLIC PROCEEDINGS

NOTICE IS HEREBY GIVEN that the California Department of Public Health (Department) will conduct written public proceedings, during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions (all of which are hereinafter referred to as comments) relevant to the action described in this notice.

PUBLIC HEARING

No public hearing has been scheduled; however, any interested person or his or her duly authorized representative may request in writing, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Government Code Section 11346.8. For individuals with disabilities, should a public hearing be scheduled, the Department will provide assistive services such as sign-language interpretation, real-time captioning, note takers, reading or writing assistance, and conversion of written public hearing materials into Braille, large print, audiocassette, or computer disk. Note: The range of assistive services available may be limited if requests are received less than ten business days prior to a public hearing.

To request such services or copies of materials in an alternate format, please write to Linda M. Cortez, Office of Regulations, MS 0507, P.O. Box 997377, Sacramento, CA 95899-7377, or call (916) 440-7807, or use the California Relay Service by dialing 711.

WRITTEN COMMENT PERIOD

Any written comments pertaining to these regulations, regardless of the method of transmittal, must be received by the Office of Regulations by 5 p.m. on December 31, 2012, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely. Persons wishing to use the California Relay Service may do so at no cost by dialing 711. Written comments may be submitted as follows:

1. By email to: regulations@cdph.ca.gov. It is requested that email transmission of comments

contain the regulation package identifier "DPH-09-014" in the subject line to facilitate timely identification and review of the comment;

2. By fax transmission: (916) 440-5747;
3. By mail to: Office of Regulations, California Department of Public Health, MS 0507, P.O. Box 997377, Sacramento, CA 95899-7377; or
4. Hand-delivered to: 1616 Capitol Avenue, Sacramento, CA 95814.

Any inquiries or written comments should contain the regulation package identifier, DPH-10-014.

It is requested but not required that written comments sent by mail or hand-delivered be submitted in triplicate. All comments, including email or fax transmissions, should include the author's name and U.S. Postal Service mailing address in order for the Department to provide copies of any notices for proposed changes to the regulation text on which additional comments may be solicited.

CONTACT INFORMATION

Questions regarding the subject matter of the regulation should be directed to:

**Phillip L. Scott, Senior Health Physicist
Center for Environmental Health
California Department of Public Health
P.O. Box 997377, Sacramento, CA 95899-7377
(916) 440-7978**

Questions regarding the regulatory process described in this notice should be directed to:

**Linda M. Cortez, Regulations Coordinator
Office of Regulations
California Department of Public Health
P.O. Box 997377, MS 0507, Sacramento, CA
95899-7377
(916) 440-7807**

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

**Alana McKinzie, Staff Services Manager II
Office of Regulations
California Department of Public Health
P.O. Box 997377, MS 0507, Sacramento, CA
95899-7377
(916) 440-7689**

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Radiologic Technology Act (RT Act) codified in Health and Safety Code (H&S Code), sections 106965

through 107120 and sections 114840 through 114896, was enacted into California law in 1969 to protect the public and radiation workers from excessive or improper exposure to ionizing radiation. The RT Act requires that any individual who uses X-rays on human beings meet certain standards of education, training, and experience. The California Department of Public Health (Department) is authorized under the RT Act to promulgate regulations to implement the Act's provisions. (H&S Code 131055 & 131200.¹)

Radiologic technology means the application of X-rays on human beings for diagnostic or therapeutic purposes. (H&S Code 114850(c).) The term "radiography" is commonly used by the health industry, and more specifically by the radiology community, to refer to diagnostic X-ray procedures and the term "radiation therapy" is used to refer to therapeutic X-ray procedures. "Mammographic X-ray," which is a subset of radiography, is usually called "mammography" and generally refers to diagnostic X-ray procedures of the human breast; however, there are statutory definitions that affect this terminology. These distinctions are used throughout this document and clarified as necessary.

Pursuant to the RT Act, the Department:

- Certifies individuals as radiologic technologists in diagnostic, therapeutic, and mammographic X-ray use. An individual certified as a radiologic technologist is called a certified radiologic technologist (CRT).
- Permits individuals as limited permit X-ray technicians in specific permit categories. Limited permits are permits authorizing the holder to conduct radiologic technology limited to the performance of certain procedures or the application of X-ray to specific areas of the human body, except for a mammogram. (H&S Code 114850(e).) An individual granted a limited permit is called a limited permit X-ray technician (XT).
- Certifies and permits licensed medical, osteopathic, podiatric, and chiropractic doctors for the use of diagnostic or therapeutic X-rays within the scope of their professional license. These individuals are called "licentiates of the healing arts" ("licentiates") as defined in H&S Code 114850(h)(1). Once a licentiate is certified or permitted under the RT Act, they are called a "certified supervisor or operator" as defined in H&S Code 114850(i); and

- Approves schools that provide the training courses required for obtaining a non-licentiate certificate or permit.

The RT Act also created the Radiologic Technology Certification Committee (RTCC) to assist, advise, and make recommendations for the establishment of rules and regulations necessary to insure the proper administration and enforcement of the RT Act. (H&S Code 114855.)

As implemented within regulations (Title 17, California Code of Regulations (17 CCR), sections 30400² et seq.) the overall current structure of certification of individuals and approval of schools under the RT Act is as follows:

1. Certificates & Permits issued to non-licentiates:

- Certificate in diagnostic radiologic technology (17 CCR 30440)
- Certificate in therapeutic radiologic technology (17 CCR 30440)
- Certificate in mammographic radiologic technology (must also possess certificate in diagnostic radiologic technology) (17 CCR 30455.1)
- Radiologic technologist fluoroscopy permit (must also possess certificate in diagnostic radiologic technology) (17 CCR 30451)
- Limited permits in the following categories (17 CCR 30442 & 30443):
 - Chest, Dental X-ray laboratory, Dermatology X-ray therapy, Extremities, Gastrointestinal, Genitourinary, Leg-podiatric, Skull, X-ray bone densitometry, and Torso-skeletal radiography.

2. Certificates & Permits issued to licentiates (17 CCR 30466)

- Fluoroscopy supervisor and operator permit
- Radiography supervisor and operator permit
- Dermatology supervisor and operator permit
- Radiology supervisor and operator certificate

3. Approved Schools in:

- Radiologic technology
 - Diagnostic (17 CCR 30421)
 - Therapeutic (17 CCR 30422)
 - Technologist Fluoroscopy Permit (17 CCR 30423)
- Limited Permit X-ray Technician categories (17 CCR 30424, 30425, 30427, & 30427.2)

¹ This short format "H&S Code 131055" for a given Health and Safety Code section will be used throughout this document for brevity.

² The short format "17 CCR 30400" for a given regulation will be used throughout this document for brevity.

- See item 1 regarding Limited Permit categories.

Private organizations, such as the American Registry of Radiologic Technologists (ARRT), certify individuals in the use of X-rays for medical purposes and ensure that schools educating and training the individuals provide the quality training necessary. Individuals who are certified meet specific didactic coursework content and clinical competencies in the radiologic sciences. ARRT's requirements for diagnostic radiography follow:

- Didactic coursework content specifications:
 - Radiation protection;
 - Equipment operation and quality control;
 - Image acquisition and evaluation;
 - Imaging procedures; and
 - Patient care and education.
- Competence demonstration in:
 - 6 mandatory general patient care activities;
 - 31 mandatory imaging procedures; and
 - 15 elective imaging procedures (selected from 35 specific procedures).

The American Society of Radiologic Technologists (ASRT) is a professional association for the medical imaging and radiation therapy community that advances the medical imaging (i.e. radiography) and radiation therapy profession and enhances the quality of patient care, through education, advocacy, and research. ASRT uses ARRT's radiography content specifications, in developing, maintaining, and updating the curriculum to ensure quality radiologic services are provided to patients. Proposed curriculum is publicly available for review and comment by the public and professional community. Once formally adopted, the curriculum is used nationally by schools providing education and training in the radiologic sciences.

The Joint Review Committee on the Education in Radiologic Technology (JRCERT) is a private organization that is recognized by the U.S. Department of Education as an accreditation organization for radiologic science educational programs. JRCERT establishes standards for such programs teaching radiography and radiation therapy, one of which requires the schools' adopted curriculum to be the latest version of the ASRT's curriculum. The Department currently considers JRCERT accreditation sufficient for meeting Department curriculum requirements (17 CCR 30421 & 30422) in accordance with the authority granted by the RT Act. (H&S Code 107050.)

During the 2009–2010 Legislative session, the Governor signed into law, Senate Bill (SB) 1332 (Statutes of 2010, chapter 525). SB 1332 mandated the Department to approve diagnostic or therapeutic radiologic technol-

ogy schools that are also JRCERT-accredited as approved schools, provided the Department established an agreement with JRCERT. This legislation provided an alternative approval process for JRCERT-accredited schools to maintain the Department-approval while allowing time for the Department to formally address JRCERT's standards through regulation. To provide the time necessary for adoption of regulations, SB 1332 mandated adoption, through a specific process in lieu of the normal rulemaking process specified in the Administrative Procedures Act, of JRCERT's standards for diagnostic and therapeutic RT schools. Those standards were officially adopted on March 3, 2011. However, provisions enacted through SB 1332 are scheduled to sunset (e.g. be repealed by operation of law) on January 1, 2015. Therefore, this proposal addresses JRCERT-accredited RT schools to ensure this alternative approval process remains after SB 1332 sunsets.

In 2007, the RTCC established subcommittees to review and provide advice on current regulatory requirements including school curriculum. At the March 2010 meeting, RTCC accepted the subcommittee's reports regarding radiologic technology (RT) certification schools and recommended to the Department regulatory changes for both diagnostic and therapeutic RT schools. At other public meetings, RTCC made other recommendations addressing administration of the RT Act. Therefore, this proposal addresses RTCC's recommendations and other Department-determined needs regarding the administration of the RT Act in general.

On October 26, 2011, an initial draft proposed regulation addressing the above RTCC recommendations was presented to the RTCC and the public for review and discussion. The draft proposal was also posted on the Department's website on October 27, 2011. Based on comments received from RTCC members and attendees, the draft regulations were revised, sent to RTCC members and school program directors and posted on the Department's website prior to, and presented at, the RTCC's May 2, 2012 public meeting. This proposal further addresses comments received at that meeting.

The authority and reference citations of sections being amended, resulting in nonsubstantial changes pursuant to 1 CCR 100, reflect the:

- Numbering system implemented by the 1995 recodification of the Health and Safety Code, and
- Reorganization of the Department of Health Services into the Department of Health Care Services and the California Department of Public Health, pursuant to SB 162. (Stats. 2006, ch. 241.)

Problem Statement: The Department's radiologic technology regulations implementing the RT Act are outdated since they were last amended in 1985. These

outdated regulations hamper the Department's enforcement efforts and fail to address recent legislation pertaining to training and school approvals. RTCC provided numerous recommendations to update X-ray school regulations for consistency with national education standards.

Objectives: Broad objectives of this proposed regulatory action are to:

- Address RTCC recommendations pertaining to X-ray schools.
- Update existing regulations to coincide with recent legislation.
- Enable the Department to properly enforce the regulations for radiologic technologist and X-ray technician training and education.

Benefits: Anticipated benefits, including nonmonetary benefits, from this proposed regulatory action are:

- Increased protection of public health and safety by ensuring individuals who apply X-ray to people are properly trained.
- Increased worker safety by ensuring authorized persons maintain safe practices when using radiation.
- Consistency with national education standards.
- Clear application processes for compliance with the RT Act.
- Updated regulations to provide clarity for schools, students, and applicants.

Evaluation as to whether the proposed regulations are inconsistent or incompatible with existing state regulations:

The Department evaluated this proposal and determined that it, if adopted, will not be inconsistent or incompatible with existing state regulations. This evaluation included a review of the Department's existing general regulations and those regulations specific to the implementation of the RT Act. An Internet search of other state agency regulations determined that no other state regulation addresses the same subject matter.

The regulations interpreting, specifying, or implementing the RT Act are in 17 CCR, sections 30400 et seq. The proposed changes are:

Adopt **section 30400** to both address the problems and realize the benefits as stated above regarding this regulatory action, and to identify and define terms used within this proposal and existing regulations.

Repeal **section 30400.5** and recodify the defined term to section 30400.

Repeal **section 30400.40** and recodify the defined term to section 30400.

Repeal **section 30400.60** and recodify the defined term to section 30400.

Repeal **section 30400.85** and recodify the defined term to section 30400.

Repeal **section 30400.95** and recodify the defined term to section 30400.

Amend the title of **Article 3** to reflect the content of sections within the article. This is a nonsubstantial change.

Amend **section 30403** to both address the problems and realize the benefits as stated above regarding this regulatory action, to address RTCC's recommendations that individuals who use fluoroscopy X-ray equipment obtain four approved continuing education credits (CEC) in radiation safety for the clinical uses of fluoroscopy and that four credits be devoted to education in digital radiography, and to restructure the section for clarity. A change in the total number of required CECs is not proposed.

Amend **section 30403.5** to both address the problems and realize the benefits as stated above regarding this regulatory action and to address changes within this proposal, modify what information must be submitted for approved continuing education credit, and to require that when licentiates renew their authorization they include the license number and expiration date indicated on their healing arts license. The section is restructured to maintain a coherent structure and is a nonsubstantial change.

Amend **section 30403.8** to both address the problems and realize the benefits as stated above regarding this regulatory action, to reduce the record retention requirement from five years to four years, and to make other changes due to changes within this proposal.

Amend the title of **Article 4** to reflect the content of sections within the article. This is a nonsubstantial change.

Amend **section 30404** to both address the problems and realize the benefits as stated above regarding this regulatory action, to require any person who holds a certificate or permit to provide the facility with a copy of the person's authorization, and to shorten the section by combining language.

Amend **section 30405** to both address the problems and realize the benefits as stated regarding this regulatory action and to clarify Department actions relating to processing applications.

Amend **section 30406** to both address the problems and realize the benefits as stated regarding this regulatory action and to make nonsubstantial changes to the authority and reference citation note.

Amend **section 30408** to both address the problems and realize the benefits as stated above regarding this regulatory action, and to make nonsubstantial changes for consistency with other proposed changes. No changes to fee amounts are proposed.

Adopt **section 30409** within Article 7 of Group 1 of Subchapter 4.5 to both address the problems and realize the benefits as stated regarding this regulatory action and to specify the schedule of fees applicable to schools as currently found in section 30408 subsections (g) through (k). A change in fees is not proposed. This is a nonsubstantive change.

Amend **section 30410** to both address the problems and realize the benefits as stated above regarding this regulatory action, and to correctly reference that section under which schools are approved.

Adopt **section 30411** to both address the problems and realize the benefits as stated above regarding this regulatory action, and to clarify restrictions and permissions relating to schools.

Adopt **section 30412** to both address the problems and realize the benefits as stated above regarding this regulatory action, to specify the types of school approvals issued by the Department, to identify the content of an approval application, including an application for renewal of an approval, to specify the time for which an approval is valid, and to inform applicants that they are subject to both announced and unannounced inspections.

Adopt **section 30413** to both address the problems and realize the benefits as stated above regarding this regulatory action and to specify what a school, applying for approval to provide training and education, must submit before an approval can be issued.

Adopt **section 30413.5** to both address the problems and realize the benefits as stated above regarding this regulatory action, and to specify how a school revalidates its approval.

Adopt **section 30414** to both address the problems and realize the benefits as stated above regarding this regulatory action, to specify how an approved school obtains approval to use a clinical site that was not approved during the school's initial review, to specify the period of time for which the site may be used, and to specify the calculation method for determining the maximum number of students allowed at the clinical site.

Adopt **section 30415** to both address the problems and realize the benefits as stated above regarding this regulatory action, and to specify the minimum content that must be contained in an affiliation agreement between an approved school and a clinical site.

Adopt **section 30416** to both address the problems and realize the benefits as stated above regarding this regulatory action, and to specify the circumstances under which an approved school can be authorized to use clinical sites outside of Department jurisdiction.

Adopt **section 30417** to both address the problems and realize the benefits as stated above regarding this regulatory action, and to clarify the supervisory rela-

tionships, responsibilities, and roles of individuals involved in the training of students.

Adopt **section 30418** to both address the problems and realize the benefits as stated above regarding this regulatory action, and to specify school personnel and personnel qualifications requirements, as recommended by the RTCC.

Adopt **section 30419** to both address the problems and realize the benefits as stated above regarding this regulatory action, and to identify the responsibilities of the program director, clinical coordinator, and didactic instructors.

Amend **section 30420** to both address the problems and realize the benefits as stated above regarding this regulatory action, and to specify that each school must have a radiation protection program and what the radiation protection program must address.

Amend **section 30421** to both address the problems and realize the benefits as stated above regarding this regulatory action, and to address the RTCC's recommended changes to the diagnostic radiologic technology certification curriculum.

Amend **section 30422** to both address the problems and realize the benefits as stated above regarding this regulatory action, and to address the RTCC's recommended changes to the therapeutic radiologic technology certification curriculum.

Amend **section 30423** to both address the problems and realize the benefits as stated above regarding this regulatory action, to update and clarify fluoroscopy curriculum, and to specify when the new curricula apply.

Amend **section 30424** to both address the problems and realize the benefits as stated above regarding this regulatory action, to remove a time limit that is no longer needed, and to address the RTCC's recommendations.

Amend **section 30425** to both address the problems and realize the benefits as stated above regarding this regulatory action, to address the RTCC's recommended changes for limited permit X-ray technician schools teaching the dental laboratory category, and to make nonsubstantial changes for consistency with this proposal.

Repeal **section 30427** as recommended by the RTCC.

Amend **section 30427.2** to both address the problems and realize the benefits as stated above regarding this regulatory action, to address the RTCC's recommendation, and to make nonsubstantial changes for consistency with this proposal.

Repeal **Article 5, On-The-Job Training for X-ray Technicians**, due to the deletion of section 30428.

Repeal **section 30428** as recommended by the RTCC.

Redesignate **Article 6, Notification** to Article 5, due to the repeal of Article 5 and section 30428.

Amend **section 30435** to both address the problems and realize the benefits as stated above regarding this regulatory action, to reduce reporting requirements, and to make nonsubstantial changes for consistency with this proposal.

Redesignate **Article 7, Disciplinary Action** to Article 6, for consistency with this proposal.

Amend **section 30436** to both address the problems and realize the benefits as stated above regarding this regulatory action, to specify and clarify reasons for taking certain actions to suspend or revoke a school's authorization, and to make nonsubstantial changes.

Redesignate **Article 8, Additional School Requirements and Recordkeeping** to Article 7, for consistency with this proposal.

Amend **section 30437** to both address the problems and realize the benefits as stated above regarding this regulatory action, and for clarity and consistency with this proposal.

Amend **Article 1** of Group 3, for clarity and consistency with this proposal.

Amend **section 30440** to both address the problems and realize the benefits as stated above regarding this regulatory action, and to consolidate and clarify the eligibility and application process for obtaining a radiologic technology certificate.

Repeal **section 30441** and recodify its content into section 30440. This is a nonsubstantial change.

Amend **section 30442** to both address the problems and realize the benefits as stated above regarding this regulatory action, to address the RTCC's recommendations to discontinue certain limited permit categories, and to make nonsubstantial changes to the title of the section and the authority and reference note.

Amend **section 30443** to both address the problems and realize the benefits as stated above regarding this regulatory action, to clarify that the specified limited permit scopes are further restricted by section 30447, and to correctly identify authority and reference citations.

Amend **section 30444** to both address the problems and realize the benefits as stated above regarding this regulatory action, and to consolidate and clarify the eligibility and application process for obtaining a limited permit.

Repeal **section 30445** and redesignate its content to section 30444.

Amend **Article 1** of Group 4.5 for clarity and consistency with this proposal.

Repeal **section 30445.1**, because its provisions have expired and the section is no longer needed.

Amend **section 30446** to correctly identify authority and reference citations.

Amend **section 30447** to both address the problems and realize the benefits as stated above regarding this

regulatory action, to remove obsolete verbiage, and for consistency with the term "digital radiography" as proposed in section 30400.

Amend **section 30450** to both address the problems and realize the benefits as stated above regarding this regulatory action, to specify who is not required to obtain the fluoroscopy permit, and to make clarifying, nonsubstantial changes.

Amend **section 30451** to both address the problems and realize the benefits as stated above regarding this regulatory action, to address the RTCC's recommendation, and to consolidate and clarify the eligibility and application process for persons seeking to obtain a radiologic technology fluoroscopy permit.

Repeal **section 30452** and consolidate some of its components with section 30451.

Amend **Article 1** of Group 4.5 for consistency. This is a nonsubstantial change.

Amend **section 30455.1** to both address the problems and realize the benefits as stated above regarding this regulatory action, and to clarify what must be submitted for eligibility to obtain a mammographic radiologic technology certificate.

Amend **section 30460** to both address the problems and realize the benefits as stated above regarding this regulatory action, and to clarify the scope of the radiology supervisor and operator certificate. The title of the section is amended to more clearly indicate the section's content. The provisions of the section are given subsection designators to maintain a coherent structure.

Amend **section 30461**, to both address the problems and realize the benefits as stated above regarding this regulatory action, and to clarify both the permit categories for licentiates of the healing arts and the scope of each permit.

Amend **section 30462** to both address the problems and realize the benefits as stated above regarding this regulatory action, and to clarify that a radiology supervisor and operator certificate is issued only to licentiates of the healing arts who practice as a radiologist or radiation oncologist.

Amend **section 30463** to both address the problems and realize the benefits as stated above regarding this regulatory action, and to clarify that a fluoroscopy permit is required when the licentiate supervises students in an approved school.

Amend **section 30464** to both address the problems and realize the benefits as stated above regarding this regulatory action, and to clarify that a radiography permit is required when the licentiate supervises students in an approved school.

Amend **section 30465** to both address the problems and realize the benefits as stated above regarding this regulatory action, to clarify when the permit is required,

and to make nonsubstantial changes to the title of the section and the authority and reference note.

Amend **section 30466** to both address the problems and realize the benefits as stated above regarding this regulatory action, and to clarify what must be submitted for eligibility to obtain any of the specified authorizations.

Amend **section 30467** to both address the problems and realize the benefits as stated above regarding this regulatory action, to recodify the current provision into section 30466, and to address H&S Code 114870(f) as to when a licensed physician must possess an X-ray bone densitometry supervisor and operator permit.

Amend **section 30468** to both address the problems and realize the benefits as stated above regarding this regulatory action, to recodify the current provision into section 30466, and to specify that Department-issued authorizations issued to licentiates of the healing arts are valid only if the licentiates' healing arts license is also current and valid.

Redesignate **Group 7 of Subchapter 4.5** to "Subchapter 4.6." This nonsubstantial change structurally places sections 30470-30499 into their own subchapter rather than within the subchapter pertaining to radiologic technology.

Redesignate **Subchapter 4.6** to new "Subchapter 4.7." This nonsubstantial change structurally places sections 30500-30543 into a new Subchapter.

AUTHORITY AND REFERENCE CITATIONS

The Department is proposing to adopt, amend, or repeal the regulation sections identified under the authority provided in sections 114870, 131050, 131051 and 131200, of the Health and Safety Code. This proposal implements, interprets and makes specific sections 106965, 106975, 106985, 106990, 106995, 107000, 107005, 107010, 107015, 107035, 107055, 107070, 107080, 107090, 107095, 107100, 107110, 107111, 114870, 114845, 114850, 114870, 114880, 131050, 131051 and 131052, of the Health and Safety Code.

MANDATED BY FEDERAL LAW OR REGULATIONS

N/A

OTHER STATUTORY REQUIREMENTS

N/A

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Department has determined that the regulation would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by part 7 (commencing with Section 17500) of division 4 of the Government Code. Though the proposal does not impose a local mandate, a mandate is imposed when a local agency or school district decides to become an approved X-ray school. However, costs are not reimbursable because becoming an X-ray school is discretionary.

FISCAL IMPACT ESTIMATE

- A. **FISCAL IMPACT ON LOCAL GOVERNMENT:** Local government schools, of which there are seven, such as the East Los Angeles Occupational Center, will realize a savings of \$190.00 as described in Item D for a total annual savings of \$1,330.00.
- B. **FISCAL IMPACT ON STATE GOVERNMENT:**
 - 1. State government schools, of which there are 17, such as Community Colleges, California State University, and University of California systems will realize an annual savings of \$190.00 as described in Item D for a total annual savings of \$3,230.00.
 - 2. Revenues from fees into the Radiation Control Fund will decrease annually by \$6,270.00.
- C. **FISCAL IMPACTS ON FEDERAL FUNDING OF STATE PROGRAMS:** None.
- D. **FISCAL IMPACT ON PRIVATE PERSONS OR BUSINESSES DIRECTLY AFFECTED:** Approved diagnostic radiologic technology schools that are accredited by the Joint Review Committee on Education in Radiologic Technology (JRCERT) will realize a savings of \$190.00. This savings occurs because JRCERT-accredited schools, for purposes of the schools' graduates being eligible to take the radiologic technologist fluoroscopy examination, will no longer need to obtain the additional approval as an approved radiologic technologist fluoroscopy school. Currently, there are 33 approved diagnostic radiologic technology schools that are JRCERT-accredited that are also approved as a radiologic technologist fluoroscopy school. The current annual fee for all schools is \$190.00; thus, there will be a statewide annual savings of \$6,270.00 (\$190 x 33). Of the 33 schools, nine are operated by private persons.

- E. OTHER NONDISCRETIONARY COST OR SAVINGS IMPOSED UPON LOCAL AGENCIES: None.

STATEWIDE EFFECT ON HOUSING COSTS

The Department has determined that the regulations will have no impact on housing costs.

RESULT OF ECONOMIC IMPACT ANALYSIS

STATEWIDE EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION OR EXPANSION

The Department has determined that the regulations affect the following as described:

1. **The creation or elimination of jobs within the State of California.** This proposal may create jobs in the following areas:
 - Continuing education (CE) providers: Because this proposal would require certified and permit individuals to obtain certain types of CE credits if the individual possesses certain authorizations, CE providers may need to hire additional personnel to meet the CE demand.
 - X-ray Schools: Because this proposal would require schools to have certain personnel meeting specific criteria, schools may need to hire additional personnel to comply with the proposal.
2. **The creation of new businesses or the elimination of existing businesses within the State of California.** This proposal may create new businesses such as CE providers to meet demand for CE credit specific to fluoroscopy and digital radiography.
3. **The expansion of businesses currently doing business within the State of California.** Businesses may expand somewhat to meet demand for CE credit specific to fluoroscopy and digital radiography.
4. **The benefits of the regulation to the health and welfare of California residents, worker safety, and the state environment.** This proposal significantly increases the benefits to the health and welfare of California residents and worker safety because it ensures users of X-ray equipment have met specific training, education and experience requirements. Competency of such users ensures operators can safely and

competently keep a patient's radiation exposure to a minimum and protect themselves, and other workers, from receiving unnecessary radiation exposure. This proposal would not significantly affect the state's environment because the radiation energy emitted from the use of X-ray equipment dissipates to normal atomic structures without environmental contamination.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has determined that the proposed regulatory action would have no significant adverse economic impact on California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states.

STATEWIDE EFFECT ON SMALL BUSINESS

The Department has determined that there would be an effect on small business subject to these regulations because small businesses would be required to comply with the regulations.

REPORTING REQUIREMENT

The Department's current regulations, which were adopted in 1985, contain reporting requirements that were determined to be necessary for the health, safety, or welfare of the people of California. The proposed regulations reduce or limit those reporting requirements and remove other reporting requirements because some reporting requirements were no longer necessary. However, the reporting requirements that are maintained continue to protect the health, safety, or welfare of the people of California.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulatory action, or would be more cost-effective to affected private persons and equally effective in addressing RTCC's recommendations. Alternatives considered in this proposal are discussed or addressed in the detailed discussion of each regulation in the Initial Statement of Reasons.

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

The Department has prepared and has available for public review an initial statement of reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the text of the proposed regulations. The Office of Regulations, 1616 Capitol Avenue, Sacramento, CA 95814, will be the location of public records, including reports, documentation, and other material related to the proposed regulations (rulemaking file).

In order to request that a copy of this public notice, the regulation text, and the initial statement of reasons or alternate formats for these documents be mailed to you, please call (916) 327-4310 (or the California Relay Service at 711), send an email to regulations@cdph.ca.gov, or write to the Office of Regulations at the address previously noted. Upon specific request, these documents will be made available in Braille, large print, audiocassette, or computer disk.

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

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

AVAILABILITY OF FINAL STATEMENT
OF REASONS

A copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations.

AVAILABILITY OF DOCUMENTS ON
THE INTERNET

Materials regarding the action described in this notice (including this public notice, the regulation text, and the initial statement of reasons) that are available via the Internet may be accessed at www.cdph.ca.gov by clicking on these links, in the following order: Decisions Pending and Opportunity for Public Participation, Regulations, Proposed.

PROPOSITION 65

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

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

**NOTICE TO INTERESTED PARTIES
November 16, 2012**

**NOVEMBER 29, 2012 MEETING OF THE
CARCINOGEN IDENTIFICATION
COMMITTEE**

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65; Health and Safety Code Section 25249.8 et seq.).

The Carcinogen Identification Committee of OEHHA's Science Advisory Board identifies chemicals for addition to the Proposition 65 list: The Committee serves as the "State's qualified experts" for determining whether a chemical has been clearly shown, through scientifically valid testing according to generally accepted principles, to cause cancer.

A public meeting of this committee will be held on **Thursday, November 29, 2012** at the California Environmental Protection Agency Headquarters Building, **Coastal Hearing Room**, at 1001 I Street, Sacramento, California. The meeting will begin at 10:00 a.m. and will last until 5:00 p.m. or until all business is conducted.

This meeting will be webcast: The URL for the webcast (not active until the day and time of the meeting) is: <http://calepa.ca.gov/Broadcast/>.

If you have special accommodation or language needs, please contact Cynthia Oshita at (916) 445-6900 or cynthia.oshita@oehha.ca.gov by November 20, 2012. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

The tentative agenda for this meeting is given below. The order of items on the agenda is provided for general reference only. The order in which items are taken up by the Committee is subject to change at the discretion of the Chair.

- I. WELCOME AND OPENING REMARKS**
- II. CONSIDERATION OF CHEMICALS AS KNOWN TO THE STATE TO CAUSE CANCER**

- A. 2,6-Dimethyl-N-Nitrosomorpholine
 - Staff presentation
 - Committee discussion
 - Public comments
 - Committee discussion and decision
 - B. C.I. Disperse Yellow 3
 - Staff presentation
 - Committee discussion
 - Public comments
 - Committee discussion and decision
- III. UPDATE OF THE SECTION 27000 LIST OF CHEMICALS WHICH HAVE NOT BEEN ADEQUATELY TESTED AS REQUIRED**
- IV. STAFF UPDATES**
- V. SUMMARY OF COMMITTEE ACTIONS**

DISAPPROVAL DECISION

SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY AND HEARING AID DISPENSERS BOARD

In re:

Speech-language Pathology and Audiology and Hearing Aid Dispensers Board

**Regulatory Action: Title 16
California Code of Regulations**

Adopt sections: 1399.110, 1399.130, 1399.130.1, 1399.156.5

Amend sections: 1399.131, 1399.150.3, 1399.151, 1399.155, 1399.156

DECISION OF DISAPPROVAL OF REGULATORY ACTION

Government Code Section 11349.3

OAL File No. 2012-0918-04 S

SUMMARY OF REGULATORY ACTION

The Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (Board) proposed this regulatory action to amend five sections and adopt four sections under title 16 of the California Code of Regulations to enhance the Board's mandate of consumer protection. Among other things, the proposed

regulations establish additional grounds for denying an application for licensure or for taking disciplinary action against a licensee.

DECISION

On October 30, 2012, the Office of Administrative Law (OAL) disapproved the proposed regulatory action because the regulation failed to meet the clarity, authority, and reference standards of Government Code section 11349.1.

CONCLUSION

For the reasons set forth above, OAL has disapproved the Board's rulemaking action because it failed to comply with the "clarity," "authority," and "reference" standards in Government Code section 11349.1.

Date: November 6, 2012 _____

Richard L. Smith
Senior Counsel

FOR: DEBRAM. CORNEZ
Director

Original: Annemarie Del Mugnaio

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# 2012-0927-02

AIR RESOURCES BOARD

Specially Constructed Vehicles (Kit Cars) 2011

This regulatory action establishes requirements and certification procedures for certified engine packages for new light-duty engines that are manufactured for use in specially constructed vehicles, such as kit cars. It is optional for engine manufacturers or hobbyists to use these certified engine packages. But if they choose to do so, then they must comply with these regulations which require such engines to meet current Low Emission Vehicle exhaust and evaporative standards.

Title 13
 California Code of Regulations
 ADOPT: 2210, 2211, 2212, 2213, 2214, 2215, 2216,
 2217, 2218
 Filed 11/06/2012
 Effective 12/06/2012
 Agency Contact: Amy Whiting (916) 322-6533

File# 2012-0920-01
 BOARD OF EDUCATION
 Administration of Epilepsy Medication

This rulemaking action adopts regulations establishing guidelines for training and supervision of volunteer non-medical school personnel so that they can administer emergency anti-seizure medication that has been approved by the federal Food and Drug Administration for the management of seizures by persons without medical credentials.

Title 5
 California Code of Regulations
 ADOPT: 620, 621, 622, 623, 624, 625, 626, 627
 Filed 10/31/2012
 Effective 10/31/2012
 Agency Contact: Cynthia Olsen (916) 319-0584

File# 2012-0926-01
 BOARD OF FORESTRY AND FIRE PROTECTION
 Emergency Notice for Sudden Oak Death, 2011

The Board of Forestry and Fire Protection filed this action to establish regulations that would allow commercial forestry owners to take emergency action to eradicate or control sudden oak death (SOD) disease, which is destructive to tanoak and several other oak species. The regulations allow for filing with the Department of Forestry and Fire Protection an emergency notice instead of a timber harvest plan when timbering operations are conducted in accordance with section 1052.5 of the regulations. The regulations establish a tree harvesting program that allows foresters and landowners the means to respond quickly to outbreaks of SOD disease while minimizing damage to natural resources as a result of timbering operations.

Title 14
 California Code of Regulations
 ADOPT: 1052.5
 AMEND: 895, 916.9, 1052, 1052.1, 1052.2
 Filed 11/06/2012
 Effective 01/01/2013
 Agency Contact: Eric Huff (916) 653-8031

File# 2012-0924-01
 BOARD OF REGISTERED NURSING
 Faculty—Qualifications and Changes

This change without regulatory effect by the Board of Registered Nursing amends 16 CCR Section 1425, and makes non-substantive technical changes to forms EDP-P-02 and EDP-P-03, with regard to faculty qualifications and changes.

Title 16
 California Code of Regulations
 AMEND: 1425
 Filed 10/31/2012
 Agency Contact: Alcidia Valim (916) 574-7684

File# 2012-0921-01
 CALIFORNIA INSTITUTE FOR REGENERATIVE
 MEDICINE
 Grants Administration Policy Amendments

This rulemaking action by the California Institute For Regenerative Medicine (CIRM) amends the “CIRM Grants Administration Policy for Academic and Non-Profit Institutions,” which is a document incorporated by reference in section 100500 of title 17 of the California Code of Regulations. The amendments facilitate the award and management of research funds granted for use in California by California researchers and affiliated entities.

Title 17
 California Code of Regulations
 AMEND: 100500
 Filed 11/02/2012
 Effective 11/02/2012
 Agency Contact: C. Scott Tocher (415) 396-9136

File# 2012-0927-01
 DENTAL BOARD OF CALIFORNIA
 Sponsored Free Health Care Events

This rulemaking by the Dental Board of California adopts regulations to implement Business and Professions Code section 901 as enacted by Stats. 2010, c. 270 (A.B. 2699). Specifically, this rulemaking adopts regulations governing the requirements and procedures to allow dental practitioners with valid, current, and active licenses to practice dentistry in states other than California to participate in sponsored free health care events in California. In furtherance of these procedures, the Dental Board is incorporating by reference two forms, including “Registration of Sponsoring Entity Under Business and Professions Code Section 901, Form 901-A (DCA/2011)” and “Request for Authorization to Practice Without a License at a Registered Free Health Care Event, Form DBC-901-B (New

02/2012).” These regulations also establish a \$30.00 application fee associated with newly adopted form DBC-901-B.

Title 16
California Code of Regulations
ADOPT: 1023.15, 1023.16, 1023.17, 1023.18, 1023.19
Filed 11/07/2012
Effective 12/07/2012
Agency Contact: Sarah Wallace (916)263-2187

File# 2012-1029-02
DEPARTMENT OF FOOD AND AGRICULTURE
California Iceberg Lettuce Commission—Conflict-of-Interest Code

This action constitutes a repeal of a Conflict-of-Interest Code that was approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and printing only.

Title 2
California Code of Regulations
REPEAL: 52300
Filed 11/06/2012
Effective 12/06/2012
Agency Contact: Sarah Olson (916)322-5660

File# 2012-1029-01
DEPARTMENT OF FOOD AND AGRICULTURE
California Tomato Commission—Conflict-of-Interest Code

This action constitutes a repeal of a Conflict-of-Interest Code that was approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and printing only.

Title 2
California Code of Regulations
REPEAL: 56600
Filed 11/06/2012
Effective 12/06/2012
Agency Contact: Sarah Olson (916)322-5660

File# 2012-1029-03
DEPARTMENT OF FOOD AND AGRICULTURE
California Pistachio Commission—Conflict-of-Interest Code

This action constitutes a repeal of a Conflict-of-Interest Code that was approved by the Fair Political Practices Commission and is being submitted with the Secretary of State and printing only.

Title 2
California Code of Regulations
REPEAL: 52000
Filed 11/06/2012
Effective 12/06/2012
Agency Contact: Sarah Olson (916)322-5660

File# 2012-0920-02
DEPARTMENT OF SOCIAL SERVICES
SB 1341, Personal Property Retention (CalWORKs) Program

This rulemaking action by the California Department of Social Services (CDSS) amends two sections of the CDSS Manual of Policies and Procedures (MPP) to allow CalWORKs Program participants to use monies from restricted accounts in order to secure permanent rental housing or make rent payments to overcome a period of homelessness.

Title MPP
California Code of Regulations
AMEND: 42-213, 44-211
Filed 11/01/2012
Effective 12/01/2012
Agency Contact:
Zaid Dominguez (916)651-8267

File# 2012-1002-01
FISH AND GAME COMMISSION
Annual Adjustment for Sport Fishing Fees for 2013

This change without regulatory effect by the Fish and Game Commission amends 14 CCR Section 701, and makes non-substantive technical changes to form FG 935, with regard to sport fishing fees. Specifically, this action amends section 701 to change the permit fees pursuant to Fish and Game Code Section 713 and the fee and revision date contained in form FG 935, which is incorporated by reference.

Title 14
California Code of Regulations
AMEND: 701
Filed 11/07/2012
Effective 01/01/2013
Agency Contact: Jon Snellstrom (916)654-9868

File# 2012-1025-02
FISH AND GAME COMMISSION
Commercial Herring Fishery

This rulemaking by the Fish and Game Commission amends CCR Title 14, Section 163, with regard to the harvest of herring, and Section 164, the harvesting of herring eggs. Specifically, this rulemaking amends Section 163 to establish the fishing quota, season dates and times for fishing operations for the 2012-2013 season in the San Francisco Bay, and dates and times for fishing

operations for the 2012–2013 season in Tomales Bay. Section 164 is amended to set the quota for roe herring fisheries in San Francisco Bay.

Title 14
California Code of Regulations
AMEND: 163, 164
Filed 11/02/2012
Effective 11/02/2012
Agency Contact: Sheri Tiemann (916) 654–9872

File# 2012–0921–06
OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD
Diesel Engine Runaway Protection

This rulemaking by the Occupational Safety and Health Standards Board (OSHSB) makes substantive changes to Section 6505 of the Petroleum Safety Orders — Drilling and Production (PSO–D&P), and adopts Section 6625.1 to the PSO–D&P, with regard to diesel engine runaway protection. Non–substantive changes are made to Section 6505, to make editorial corrections, reformat subsections, and to make grammatical revisions.

Title 8
California Code of Regulations
ADOPT: 6625.1 AMEND: 6505
Filed 10/31/2012
Effective 11/30/2012
Agency Contact: Marley Hart (916) 274–5721

File# 2012–1025–03
STATE ALLOCATION BOARD
Leroy F. Greene School Facilities Act of 1998; SAB
Beyond Authority List

This emergency rulemaking action adopts requirements for School Facilities Program (SFP) funding applications received after the effective date of this emergency action, because such applications are now beyond bond authority, because SFP funds have been exhausted. So as to prevent the state from being exposed to potential fiscal liability under the program, new SFP funding applications must be accompanied by a school district board resolution which acknowledges, among other things, that there is no bond authority available and that bond authority is insufficient to meet the school district’s request.

Title 2
California Code of Regulations
ADOPT: 1859.95.1 AMEND: 1859.2, 1859.95
Filed 11/01/2012
Effective 11/01/2012
Agency Contact: Robert Young (916) 375–5939

File# 2012–0921–07
SUPERINTENDENT OF PUBLIC INSTRUCTION
CalWORKs

This rulemaking by the State Superintendent of Public Instruction amends sections 18407 and 18422 of Title 5 of the California Code of Regulations relating to child eligibility requirements for CalWORKS. Specifically, these amendments clarify that a child must be under thirteen (13) years of age or a child with exceptional needs as defined in Education Code section 8208(I) in order to be eligible for CalWORKS. Amendments are also made to eliminate the distinction between child services eligible for reimbursement with state funding versus child care services that are eligible for reimbursement with federal funding.

Title 5
California Code of Regulations
AMEND: 18407, 18422
Filed 11/01/2012
Effective 12/01/2012
Agency Contact: Cynthia Olsen (916) 319–0584

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN June 13, 2012 TO
November 7, 2012**

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
11/06/12 REPEAL: 56600
11/06/12 REPEAL: 52000
11/06/12 REPEAL: 52300
11/01/12 ADOPT: 1859.95.1 AMEND: 1859.2, 1859.95
10/23/12 AMEND: 1859.2, 1859.71.6, 1859.77.4, 1859.107, 1859.193, 1859.194, 1859.197
10/22/12 ADOPT: 599.944, 599.946, 599.947
10/18/12 AMEND: 1575
10/18/12 ADOPT: 577, 578
10/17/12 AMEND: 20804
10/03/12 ADOPT: 18730.1
10/02/12 AMEND: 1859.2, 1859.71.4, 1859.78.1, 1859.79.2, 1859.82, 1859.83, 1859.106, 1859.125, 1859.125.1, 1859.145, 1859.163.1, 1859.163.5, 1859.193
09/20/12 ADOPT: 59730

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09/19/12 AMEND: 1155.250, 1155.350
 09/14/12 REPEAL: 52100
 09/10/12 ADOPT: 59650
 08/30/12 AMEND: 60000, 60010, 60300, 60310, 60323, 60325, 60330, 60400, 60550, 60560, 60600, 60610 REPEAL: 60020, 60025, 60030, 60040, 60045, 60050, 60055, 60100, 60110, 60200
 08/16/12 AMEND: 1859.2, 1859.61, 1859.74, 1859.77.1, 1859.79, 1859.79.2, 1859.79.3, 1859.83, 1859.104 REPEAL: 1859.70.3, 1859.71.5, 1859.78.9, 1859.93.2, 1859.93.3
 08/13/12 ADOPT: 59720
 08/07/12 AMEND: 18640
 07/16/12 AMEND: 18215.3
 07/09/12 ADOPT: 22620.1, 22620.2, 22620.3, 22620.4, 22620.5, 22620.6, 22620.7, 22620.8
 06/28/12 AMEND: 649.32
 06/19/12 AMEND: 56800

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10/29/12 ADOPT: 1352.4 AMEND: 1351, 1358.4
 10/23/12 ADOPT: 3639
 10/23/12 ADOPT: 3439
 09/21/12 AMEND: 3437(b) and (c)
 09/18/12 AMEND: 6449.1, 6486.7
 09/12/12 AMEND: 3700(c)
 09/12/12 AMEND: 3435(b)
 08/24/12 AMEND: 3406(b)
 08/22/12 AMEND: 6800(b)
 08/20/12 AMEND: 3435(b)
 08/06/12 AMEND: 3435(b)
 06/19/12 ADOPT: 6970, 6972 AMEND: 6000

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10/30/12 AMEND: 5000, 5052
 10/29/12 ADOPT: 10050, 10051, 10052, 10053, 10054, 10055, 10056, 10057, 10058, 10059, 10060
 10/17/12 AMEND: 1656
 10/17/12 AMEND: 1656
 10/16/12 ADOPT: 1581.2
 10/10/12 AMEND: 1867
 09/27/12 AMEND: 5000, 5170, 5200, 5230, 5370, 5500, 5540
 09/12/12 ADOPT: 12391(a)(1), (3), (4), (b) & (c), 12392 AMEND: 12360
 09/04/12 AMEND: 10032, 10033, 10034, 10035
 08/30/12 ADOPT: 1489.1
 08/29/12 ADOPT: 5205 AMEND: 5000, 5054, 5144, 5190, 5200, 5230, 5370, 5170, 5350 REPEAL: 5133
 08/01/12 ADOPT: 5255, 5256 AMEND: 5170, 5230, 5250, 5560, 5580

08/01/12 AMEND: 5000, 5052
 07/26/12 AMEND: 8070
 07/26/12 AMEND: 12101, 12202, 12205.1, 12218, 12218.7, 12218.8, 12222, 12225.1, 12233, 12235, 12238, 12309, 12335, 12342, 12350, 12352, 12354
 07/23/12 AMEND: 8035
 07/16/12 AMEND: 10050, 10051, 10052, 10053, 10054, 10055, 10056, 10057
 06/25/12 AMEND: 8070, 8071, 8072, 8078, 8078.2
 06/25/12 AMEND: 1663

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11/01/12 AMEND: 18407, 18422
 10/31/12 ADOPT: 620, 621, 622, 623, 624, 625, 626, 627
 09/27/12 ADOPT: 620, 621, 622, 623, 624, 625, 626, 627
 09/27/12 AMEND: 3000, 3010, 3021, 3021.1, 3022, 3023, 3024, 3025, 3027, 3028, 3042, 3051.4, 3051.75, 3051.8, 3051.9, 3051.12, 3051.13, 3051.17, 3051.18, 3052, 3053, 3062, 3063, 3064, 3066, 3067, 3069, 3080, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3088.1, 3088.2, 3089, 3090, 3091, 3092, 3093, 3094, 3096, 3096.1, 3096.2, 3097, 3098, 3098.1, 3098.2, 3099, 3100
 09/06/12 AMEND: 1216.1
 08/09/12 AMEND: 40403
 08/09/12 AMEND: 59400, 59402, 59404, 59406, 59408
 08/09/12 AMEND: 40500
 08/09/12 ADOPT: 40541
 08/09/12 AMEND: 40407.1
 08/08/12 ADOPT: 40540
 08/08/12 ADOPT: 19824.1, 19841, 19851.1, 19854.1 AMEND: 19816, 19816.1, 19824, 19850, 19851, 19854
 07/31/12 AMEND: 19816, 19816.1, 19845.2

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07/03/12 AMEND: 219

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10/31/12 ADOPT: 6625.1 AMEND: 6505
 10/23/12 AMEND: 1593, 3650
 10/18/12 AMEND: 6325
 10/02/12 ADOPT: 1613.11, 1613.12 AMEND: 1600, 1610.1, 1610.3, 1610.4, 1610.9, 1611.1, 1612.3, 1613, 1613.2, 1613.10, 1616.1, 1617.1, 1617.2, 1617.3, 1618.1, 1619.1, 4885, 4999
 10/02/12 AMEND: 4297
 09/25/12 AMEND: 2950, 3420, 3421, 3422, 3423, 3424, 3425, 3426, 3427 REPEAL: 3428

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10/17/12 ADOPT: 3375.6 AMEND: 3000, 3375
 10/04/12 ADOPT: 3352.3 AMEND: 3350.1, 3352, 3352.1, 3352.2, 3354, 3354.2, 3355.1, 3358
 09/25/12 ADOPT: 1712.1, 1714.1, 1730.1, 1740.1, 1748.5 AMEND: 1700, 1706, 1712, 1714, 1730, 1731, 1740, 1747, 1747.1, 1747.5, 1748, 1751, 1752, 1753, 1754, 1756, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788 REPEAL: 1757
 09/13/12 AMEND: 3162
 09/13/12 ADOPT: 3078, 3078.1, 3078.2, 3078.3, 3078.4, 3078.5, 3078.6 AMEND: 3000, 3043, 3075.2, 3097, 3195, 3320, 3323
 08/29/12 AMEND: 2606, 2635.1, 2646.1, 2733, 2740, 2743, 2744
 08/20/12 AMEND: 1006, 1007, 1008, 1012, 1013, 1024, 1032, 1044, 1046, 1051, 1055, 1056, 1058, 1059, 1062, 1063, 1069, 1072, 1080, 1081, 1083, 1084, 1100, 1104, 1125, 1140, 1141, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1151, 1203, 1205, 1206, 1208, 1217, 1241
 07/02/12 ADOPT: 3999.12
 06/26/12 ADOPT: 1712.1, 1714.1, 1730.1, 1740.1, 1748.5 AMEND: 1700, 1706, 1712, 1714, 1730, 1731, 1740, 1747, 1747.1, 1747.5, 1748, 1751, 1752, 1753, 1754, 1756, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788 REPEAL: 1757
 06/26/12 ADOPT: 3079, 3079.1 AMEND: 3000, 3075.2, 3075.3
 06/26/12 AMEND: 3000, 3076.1, 3076.3, 3375, 3375.1, 3375.2, 3375.3, 3375.4, 3375.5, 3377.2, 3521.2

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11/07/12 ADOPT: 1023.15, 1023.16, 1023.17, 1023.18, 1023.19
 10/31/12 AMEND: 1425
 10/29/12 ADOPT: 1065
 10/25/12 ADOPT: 2.8, 11, 11.1 AMEND: 9.2
 09/25/12 AMEND: 1514, 1525.1
 09/25/12 AMEND: 3340.15, 3394.6
 09/12/12 AMEND: 961 REPEAL: 933
 09/10/12 ADOPT: 4116, 4117, 4118, 4119
 09/07/12 AMEND: 4
 08/30/12 ADOPT: 2557, 2557.1, 2557.2, 2557.3, 2595, 2595.1, 2595.2, 2595.3
 08/29/12 ADOPT: 4146, 4148, 4149, 4149.1 AMEND: 4100, 4101
 08/20/12 ADOPT: 1333, 1333.1, 1333.2, 1333.3
 07/23/12 ADOPT: 1397.2 AMEND: 1380.4
 07/17/12 ADOPT: 1399.23, 1399.24 AMEND: 1398.4

07/10/12 ADOPT: 3394.25, 3394.26, 3394.27
 06/18/12 ADOPT: 1727.2 AMEND: 1728
 06/18/12 AMEND: 443
 06/14/12 ADOPT: 302.5

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11/02/12 AMEND: 100500
 10/30/12 AMEND: 100060, 100070
 10/03/12 AMEND: 95201, 95202, 95203, 95204, 95205
 09/04/12 ADOPT: 30305.1, 30308.1, 30311.1
 08/30/12 AMEND: 95802, 95812, 95814, 95830, 95831, 95832, 95833, 95834, 95856, 95870, 95892, 95910, 95911, 95912, 95913, 95914, 95920, 95021
 08/29/12 AMEND: 100800
 08/15/12 ADOPT: 54521, 54522, 54523, 54524, 54525, 54526, 54527, 54528, 54529, 54530, 54531, 54532, 54533, 54534, 54535 AMEND: 54500, 54505, 54520 REPEAL: 54521, 54522, 54523, 54524, 54525
 07/26/12 AMEND: 94006
 06/15/12 AMEND: 6508

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10/23/12 AMEND: 313, 321
 08/07/12 AMEND: 1618
 07/27/12 AMEND: 1684
 07/10/12 AMEND: 1205, 1212, 1271
 07/10/12 AMEND: 1105, 1120, 1132, 1161
 07/10/12 AMEND: 1435, 1436
 07/10/12 AMEND: 25128.5

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10/26/12 AMEND: 1601, 1602, 1604, 1605.1, 1605.3, 1606, 1607

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08/28/12 AMEND: 6640, 6680

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10/25/12 AMEND: 97005, 97019, 97041, 97052, 97053, 97054
 10/18/12 AMEND: 97240
 10/15/12 ADOPT: 66273.80, 66273.81, 66273.82, 66273.83, 66273.84, 66273.90, 66273.91, 66273.100, 66273.101 AMEND: 66261.4, 66273.6, 66273.7, 66273.9, 66273.70, 66273.72, 66273.73, 66273.74, 66273.75
 09/06/12 ADOPT: 66269.2
 08/20/12 AMEND: 87224
 08/13/12 AMEND: 100104, 100106, 100106.1, 100113, 100115, 100119, 100120, 100121, 100123, 100127
 07/12/12 AMEND: 66263.18, 66263.41, 66263.43, 66263.44, 66263.45, 66263.46

07/12/12 AMEND: 66268.40, 66268.48
 07/09/12 AMEND: 4416
 07/03/12 AMEND: 51516.1
 06/28/12 AMEND: 91477
 06/21/12 AMEND: 50195, 50197, 50256, 50258,
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09/06/12 ADOPT: 3959.5
 08/08/12 ADOPT: 3969.2
 07/30/12 ADOPT: 2923
 07/11/12 ADOPT: 597, 597.1, 597.2, 597.3, 597.4
 07/05/12 AMEND: 570, 571, 572, 573, 574, 575,
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10/10/12 AMEND: 8201, 8205, 8212
 08/13/12 ADOPT: 7097 AMEND: 7054, 7056,
 7058, 7060, 7062, 7062.1, 7072, 7076,
 7078, 7104 REPEAL: 7064, 7066, 7074,
 7078.1, 7078.2, 7078.3, 7078.4, 7078.5,
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10/10/12 AMEND: 25707
 09/20/12 AMEND: 25705(b)
 09/12/12 AMEND: 25403(a), 25603.3(a)
 07/12/12 AMEND: 25305, 25701, 25705, 25801
 06/18/12 AMEND: 25705

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09/06/12 ADOPT: 1300.74.73

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11/01/12 AMEND: 42-213, 44-211
 06/25/12 AMEND: 40-105.4(g)(1), 44-111.23,
 44-113.2, 44-133.54(QR),
 44-315.39(QR), 89-201.513
 06/25/12 AMEND: 41-440, 42-716, 42-717,
 44-207
 06/25/12 AMEND: 40-107, 42-301, 42-302,
 42-431, 42-712, 42-713, 42-716,
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