



California Regulatory Notice Register

REGISTER 2004, NO. 9-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

FEBRUARY 27, 2004

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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.

CALIFORNIA REGULATORY NOTICE REGISTER (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by the Office of State Publishing and is offered by subscription for \$302.00 (annual price). To order or make changes to current subscriptions, please call (916) 445-5353 or (916) 445-5386. For outside of the Sacramento area, call (800) 963-7860. Periodicals postage paid at Sacramento, CA and additional mailing offices. **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Customer Coordinator, Office of State Publishing, 344 N. 7th Street, Mass Mail/Addressing Services, Sacramento, CA 95814-0212. The Register can also be accessed at <http://www.oal.ca.gov>.

PROPOSED ACTION ON REGULATIONS

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TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

AND NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

PUBLIC MEETING: On **April 15, 2004**, at 10:00 a.m. in the County Administration Center, 1600 Pacific Highway, Room 358, San Diego, California.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

PUBLIC HEARING: On **April 15, 2004**, following the Public Meeting in the County Administration Center, 1600 Pacific Highway, Room 358, San Diego, California.

At the Public Hearing, the Board will consider the public testimony on the proposed changes noticed below to occupational safety and health regulations in Title 8 of the California Code of Regulations.

BUSINESS MEETING: On **April 15, 2004**, following the Public Hearing in the County Administration Center, 1600 Pacific Highway, Room 358, San Diego, California.

At the Business Meeting, the Board will conduct its monthly business.

The meeting facilities and restrooms are accessible to the physically disabled. Requests for accommodations for the disabled (assistive listening device, sign language interpreters, etc.) should be made to the Board office no later than 10 working days prior to the day of the meeting. If Paratransit services are needed, please contact the Paratransit office nearest you.

NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, General Industry Safety Orders and Petroleum Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on April 15, 2004.

1. **TITLE 8:** GENERAL INDUSTRY SAFETY ORDERS
Chapter 4, Subchapter 7, Article 25
Section 3657
Elevating Employees with Industrial Trucks
2. **TITLE 8:** GENERAL INDUSTRY SAFETY ORDERS
Chapter 4, Subchapter 7, Article 109
Section 5194
Hazard Communication Amendments
3. **TITLE 8:** PETROLEUM SAFETY ORDERS
Chapter 4, Subchapter 15, Article 5
Section 6777
Hot Work Permits

A description of the proposed changes are as follows:

1. **TITLE 8:** GENERAL INDUSTRY SAFETY ORDERS
Chapter 4, Subchapter 7, Article 25
Section 3657
Elevating Employees with Industrial Trucks

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This staff-initiated rulemaking action is based on an evaluation of respective requirements contained in Sections 3646, 3648 and 3657 with regard to elevating employees using elevating work platforms, aerial devices, and industrial trucks, respectively. Sections

3646 and 3648 both contain requirements prohibiting employees from sitting, standing, or climbing on guardrails or baskets, or using planks, ladders, or other devices to gain greater working height or reach. Section 3657, however, does not contain such requirements. Moreover, since Section 3657 is a vertical standard regulating the practice of elevating employees using industrial trucks, it may be difficult to apply either Section 3646(e) or 3648(e) for enforcement purposes. Board staff intends to correct this oversight by amending Section 3657 using language similar to subsection (e) of Sections 3646 and 3648.

Section 3657. Elevating Employees with Lift Trucks.

This section contains requirements pertaining to the practice of elevating an employee on a platform using a powered industrial truck and includes, but is not limited to: platform design, securing the platform, platform guardrail/toeboards, platform free fall control, falling object protection, and operating rules.

Existing subsection (a) outlines various specifications for platforms of industrial trucks when it is deemed necessary to elevate employees via this method. Nonsubstantive, editorial revisions are proposed to revise subsection (a) to make it consistent with similar language contained throughout Title 8, e.g., Section 3646(a), which is proposed to read, "Employees shall not be elevated using an industrial truck unless the following conditions are met." The proposed revisions will have no effect on the regulated public, and are merely for clarification and consistency purposes.

New subsection (h) is proposed which prohibits employees from sitting, climbing or standing on the platform guardrails or using planks, ladders or other devices to gain elevation. Consequently, existing subsection (h) is proposed for relettering as subsection (i). In addition, new operating rule (9) is proposed, under proposed new subsection (i), which requires the employer to instruct employees not to sit, climb or stand on the platform guardrails or use planks, ladders or other devices to gain elevation prior to elevating personnel. The proposed revisions would have the effect of ensuring that employees do not utilize these unsafe means to gain additional altitude or reach while on industrial truck platforms, consistent with existing requirements pertaining to elevating work platforms and aerial devices. The proposed revisions would require the employer to make slight administrative amendments to their injury/accident prevention program to address these proposed prohibitions.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

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

Cost Impact on Private Persons or Businesses

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

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulation does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendment will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, the regulation does not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46.)

The proposed regulation does not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulation requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed regulation does not in any

way require local agencies to administer the California Occupational Safety and Health program. (See *City of Anaheim v. State of California* (1987) 189 Cal.App.3d 1478.)

The proposed regulation does not impose unique requirements on local governments. All employers—state, local and private—will be required to comply with the prescribed standard.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated.

ASSESSMENT

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

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board 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 to affected private persons than the proposed action.

2. TITLE 8: GENERAL INDUSTRY SAFETY ORDERS
 Chapter 4, Subchapter 7, Article 109
 Section 5194
Hazard Communication Amendments

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

The Occupational Safety and Health Standards Board (Board) intends to adopt the proposed amendments to Section 5194 pursuant to Labor Code Section 142.3, which mandates the Board to adopt regulations at least as effective as federal regulations addressing occupational safety and health issues.

The U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) amended the hazard communications standard 29 CFR 1910.1200, 1915.1200, 1917.28, 1918.90, and 1926.59 on February 9, 1994. These changes have not been incorporated into Title 8, Section 5194. The Board is relying on the explanation of the provisions of the federal regulations in Federal Register, Volume 59, No. 5, pages 6126-6184, February 9, 1994, as the justification for the Board's proposed rulemaking action. The Board

proposes to adopt regulations which are the same as the federal regulation except for editorial and format differences.¹

The proposal would clarify that the exemption for wood and wood products does not apply to wood that will be sawed or cut, generating dust. It would adopt federal language updating references in the standard to the Threshold Limit Values for Chemical Substances and Physical Agents in the Work Environment, published by the American Conference of Governmental Industrial Hygienists, to the latest edition of that publication. The proposal would also adopt federal language updating references in the standard and Appendix A to the latest editions of publications by the International Agency for Research on Cancer and the National Toxicology Program. The federal language updates the edition of the American National Standards Institute publication cited in Appendix A to the 1988 edition.

The proposal would establish a requirement that labels on hazardous substances be updated within three months of the manufacturer, importer, distributor or employer becoming newly aware of significant hazard information. The proposal would give explicit permission to employers to maintain material safety data sheets (MSDS) in languages other than English in addition to the required English-language version. The proposal also would give employers explicit permission to maintain material safety data sheets in non-paper versions, so long as the method of maintaining the MSDS does not create a barrier to immediate access. The proposal would require manufacturers or importers to provide MSDS to employers or distributors upon request. The proposal would adopt federal language requiring that training provided to

¹ The proposal continues to use the California term "hazardous substance," in these proposed changes, in place of the federal term "hazardous chemical." The term "hazardous substance" originates in Labor Code Chapter 2.5, the Hazardous Substances Information and Training Act, and is used throughout Section 5194. It is defined as "any substance which is a physical hazard or a health hazard or is included in the List of Hazardous Substances prepared by the Director pursuant to Labor Code section 6382." The term "hazardous chemical" is used in the equivalent federal regulation 29 CFR 1910.1200, and is defined as "any chemical which is a physical hazard or a health hazard." Similarly, the proposal continues to use the California term "manufacturer," which is defined in Labor Code Section 6372, and in 8 CCR 5194, to mean "a person who produces, synthesizes, extracts, or otherwise makes a hazardous substance." The federal language, in 29 CFR 1910.1200, uses the term "Chemical manufacturer" to mean "an employer with a workplace where chemical(s) are produced for use or distribution." "Produce" is then defined as "to manufacture, process, formulate, blend, extract, generate, emit, or repackage." The California terms are equivalent to the federal terms, and are used in this proposal to maintain consistency with the California Labor Code, other portions of this Section, and Article 5 of Title 8.

employees be effective. Finally, the proposal would adopt federal language in Appendix A requiring that hazard data obtained through test methods other than those specifically included in Appendix B be evaluated for application of the hazard communication standard.

The proposed regulations are substantially the same as the final rule promulgated by federal OSHA. Therefore, Labor Code Section 142.3(a)(3) exempts the Board from the provisions of Article 5 (commencing with Section 11346) and Article 6 (commencing with Section 11349) of Chapter 3.5, Part 1, Division 3 of Title 2 of the Government Code when adopting standards substantially the same as a federal standard. However, the Board is still providing a comment period and will convene a public hearing. The primary purpose of the written and oral comments at the public hearing is to: 1) identify any clear and compelling reasons for California to deviate from the federal standard; 2) identify any issues unique to California related to this proposal which should be addressed in this rulemaking and/or a subsequent rulemaking; and, 3) solicit comments on the proposed effective date. The responses to comments will be available in a rulemaking file on this matter and will be limited to the above areas.

The effective date is proposed to be 90 days after filing with the Secretary of State to allow California employers the same amount of time to come into compliance with the new requirements as was allowed in the federal final rule. The regulations may be adopted without further notice even though modifications may be made to the original proposal in response to public comments or the Board's discretion.

COST ESTIMATES OF PROPOSED ACTION

The Standards Board relied on the benefit and cost estimates provided on pages 6126–6184 of the preamble to federal OSHA's final rule. OSHA summarized that the proposal is a minor revision of the Hazard Communications Standard and the limited modifications may make implementation of the hazard communication standard more cost-effective.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulations do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendment will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these regulations do not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46.)

These proposed regulations do not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulations require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed regulations do not in any way require local agencies to administer the California Occupational Safety and Health program. (See *City of Anaheim v. State of California* (1987) 189 Cal.App.3d 1478.)

These proposed regulations do not impose unique requirements on local governments. All employers—state, local and private—will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, the proposal essentially mirrors the existing Federal Occupational Safety and Health Administration rule and imposes no additional cost.

ASSESSMENT

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

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board 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 to affected private persons than the proposed action.

3. **TITLE 8:** **PETROLEUM SAFETY ORDERS**
Chapter 4, Subchapter 15, Article 5
Section 6777
Hot Work Permits

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This proposed rulemaking action is being initiated as a result of an Occupational Safety and Health Appeals Board (OSHAB) Decision After Reconsideration, Docket No. 94-R3D5-2087. In a memorandum to

the Standards Board dated November 17, 1999, the OSHAB suggested the language in Section 6777 be revised to clarify the safety precautions an employer must take before introducing a source of ignition into a workspace and to emphasize that the employer's responsibility for issuance of a hot work permit is an essential procedure for ensuring that these safety precautions have been completed.

Section 6777 is contained in the Petroleum Safety Orders, which apply to the refining, storage and handling of petroleum, natural gas, and their products; including the construction, maintenance and operation of such equipment. There is no federal counterpart to the Petroleum Safety Orders. Existing Section 6777(a) requires the employer to issue a hot work permit before a source of ignition is used, such as for welding, grinding, drilling. It also identifies hot work operations that are exempt from the permit requirement. Section 6777(b), (c), (d), and (g) contain requirements related to the posting, content, termination, and filing of hot work permits. Section 6777(e) and (f) identify the actions and conditions required before a hot work permit is issued. Finally, Section 6777(h) and (i) require fire extinguishing equipment for hot work and the control of ignition sources in locations where flammable gases or vapors may be present.

This proposal would amend Section 6777 to more clearly state (1) its scope and application, (2) the safety precautions that an employer must complete before hot work is begun, and (3) the provisions related to hot work permits and their issuance. It proposes to relocate many of the requirements contained in the existing regulation so that the provisions are easier to identify and understand. The proposal also would amend subsections in the current regulation to require employers to take basic safety precautions before performing hot work operations, regardless of whether a permit is required. Language would also be added to require that before hot work is begun, the employer shall test for flammable vapors and gases when it is reasonable to expect that they may be present in hazardous concentrations, much as the existing regulation requires the employer to test when hot work is resumed after the work is interrupted. Finally, in order to give guidance to the employer on how to comply with the existing requirement to eliminate or control sources of ignition when flammable vapors are present, the proposal would specify the maximum concentration of flammable vapors allowed.

This proposed rulemaking action contains numerous nonsubstantive, editorial, reformatting of subsections, and grammatical revisions. These nonsubstantive revisions are not all discussed in this Informative Digest. However, these proposed revisions are clearly

indicated in the regulatory text in underline and strikeout format. In addition to these nonsubstantive revisions, the following actions are proposed:

Section 6777. Hot Work Permits.

Section 6777 outlines various requirements pertaining to the performance of hot work and the issuance of hot work permits. It is proposed to amend the title of the section to read, "Hot Work Procedures and Permits," adding "procedures" to more accurately reflect the contents of the section.

Subsection (a)

Existing subsection (a) requires a written and numbered hot work permit to be issued and signed by the employer or his authorized agent before a source of ignition is used. Existing subsection (a) further lists several exceptions to this hot work permit requirement.

A revision is proposed to relocate and reletter the hot work permit requirement to proposed new subsection (e), in order to consolidate the requirements specific to hot work permits to the latter part of the section. A new subsection (a) is proposed entitled, "Scope and Application," which reads, "This section contains the required practices and procedures necessary to protect employees from fire and explosion hazards associated with hot work." The proposed new subsection (a) further states, "This section applies to all hot work operations, except as provided in subsections (a)(1) and (a)(2)." Proposed new subsection (a)(1) would list operations that are exempt from all of the requirements of the section. The proposed new subsection (a)(2) would list operations that need only comply with the hot work safety procedures in proposed new subsections (b), (c), and (d). The exempt operations listed in existing subsection (a) would be retained, edited for clarity, and relettered as subsections of new (a)(1) and (a)(2).

The proposed revisions will have the effect of clarifying the scope and application of this section. It would distinguish between those operations that require adherence to hot work safety procedures and a hot work permit, and those operations that require adherence to the hot work safety procedures but do not require a permit.

Subsection (b)

Existing subsection (b) requires the employer to provide the employee or post a copy of the permit prior to initiation of a source of ignition, except as specified in subsection (a) of this section. The copy of the permit shall be kept on the job where the source of ignition is being used until the work is completed, the permit expires, or is revoked.

It is proposed that subsection (b) be relocated and relettered to proposed new subsection (f), in order to consolidate the requirements specific to hot work permits to the latter part of the section. A new subsection (b) is proposed, entitled "Hot work procedures," composed primarily of existing subsections (e), (f) and (i), and revised to apply to hot work procedures rather than directly to permits.

Existing subsection (e) requires the employer to determine that the source of ignition may be safely used prior to issuing a hot work permit. Existing subsection (e) also prohibits a hot work permit from being issued unless the flammable gas or vapor content is less than 20 percent of the lower explosive limit (LEL). Existing subsection (f) states that when a hot work permit is issued, the following requirements (if applicable) shall be met: (1) Oil accumulations or other combustible materials in exposed areas shall be removed or protected from ignition, and (2) Gauge glasses containing flammable liquids, vapors or gases and exposed to the spatter of molten metal shall have their valves closed and be drained, or the gauge glasses shall be guarded. Finally, existing subsection (i) requires that in locations where flammable vapors may be present, precautions shall be taken to prevent ignition by eliminating or controlling sources of ignition.

Proposed new subsection (b) would combine these aforementioned subsections to read, "Before hot work is begun, the employer shall determine that a source of ignition can be safely used. In locations where flammable vapors may be present, precautions shall be taken to prevent ignition by eliminating or controlling sources of ignition. A source of ignition shall not be introduced into an area until all of the following required actions have been completed:

- (1) Tests for the presence of flammable gases and vapors shall be made when the concentration of flammable gases or vapors may reasonably be expected to exceed 20 percent of the lower explosive limit (LEL). The tests shall confirm that the concentration of flammable gases and vapors does not exceed 20 percent of the LEL.
- (2) Oil accumulations or other combustible materials shall be removed or protected from ignition when present in exposed areas.
- (3) The gauge valves shall be closed and the gauges drained, or the gauge glasses shall be guarded when gauge glasses contain flammable liquids, vapors or gases and are exposed to the spatter of molten metal."

Since proposed new subsection (b) is comprised of existing requirements, the proposed revisions will have no other effect other than to distinguish the

requirements pertaining to hot work procedures, which apply to all hot work operations, from those requirements specific to hot work permits.

Subsection (c)

Existing subsection (c) outlines what a hot work permit shall contain. It is proposed that this requirement be relocated and relettered to a proposed new subsection (g) in order to consolidate the requirements specific to hot work permits to the latter part of the section.

New subsection (c) is proposed which would prohibit a source of ignition from being used where the concentration of flammable gases or vapors exceeds 20 percent of the LEL. This new subsection will have the effect of emphasizing to the employer that hot work cannot be performed where the hazard of fire and/or explosion exists.

Subsection (d)

Existing subsection (d) outlines the conditions for terminating a hot work permit. Existing subsection (h) requires that suitable fire extinguishing equipment be available to the employees who are using a source of ignition. It is proposed to editorially revise and switch these two subsections, relocating and relettering existing subsection (h) as proposed new subsection (d), and existing subsection (d) as proposed new subsection (h). Proposed new subsection (d) would require suitable fire extinguishing equipment to be readily available in the area where hot work is performed.

These proposed revisions are necessary to distinguish the general requirements pertaining to hot work procedures from those requirements pertaining to hot work permits, which are to be addressed in the latter part of the section. The proposed revisions to subsection (d) will have the effect of clarifying that the requirement to have suitable fire extinguishing equipment readily available pertains to all hot work operations, not merely those that require a permit.

Subsection (e)

Existing subsection (e) requires the employer to determine that the source of ignition may be safely used prior to issuing a hot work permit. Existing subsection (e) also prohibits a hot work permit from being issued unless the flammable gas or vapor content is less than 20 percent of the lower explosive limit (LEL). This requirement is proposed to be relocated to new subsection (b).

This proposal would editorially revise and relocate existing subsection (a) as a new subsection (e), entitled "Hot work permits." Proposed new subsection (e) would state that, except for those operations identified in subsection (a)(2), a written and numbered hot work permit shall be completed, signed and issued by the

employer or his authorized agent before a source of ignition is used. As part of this hot work permit issuance procedure, the employer would be required to verify that all of the required actions identified in proposed subsection (b) be completed before a hot work permit is issued.

The proposed revisions will have the effect of distinguishing the requirements pertaining to hot work permits from the hot work procedures which pertain to all hot work operations, and will ensure that the necessary, and newly clarified, hot work safety procedures are met prior to issuing a permit.

Subsection (f)

Existing subsection (f) states that when a hot work permit is issued, the following requirements (if applicable) shall be met: (1) Oil accumulations or other combustible materials in exposed areas shall be removed or protected from ignition, and (2) Gauge glasses containing flammable liquids, vapors or gases and exposed to the spatter of molten metal shall have their valves closed and be drained, or the gauge glasses shall be guarded. These provisions are proposed to be editorially revised and incorporated into subsection (b).

This proposal would editorially revise and relocate existing subsection (b) as new subsection (f), which states that before an employee introduces a source of ignition, the employer shall provide a copy of the hot work permit to the employee or shall post a copy of the permit in the area of the planned hot work. The copy of the permit shall be kept on the job where the source of ignition is being used until the work is completed, or the permit expires or is revoked.

Since it is an existing requirement, the proposed revisions will have no effect other than to distinguish the requirements pertaining to hot work permits from those that pertain to hot work procedures which apply to all hot work operations.

Subsection (g)

Existing subsection (g) requires that a copy of each permit issued be kept on file at the plant of issue for at least six months after date of issue. It is proposed that this requirement be relocated and relettered as subsection (i). It is proposed that the specifications in existing subsection (c), which outline what a hot work permit shall contain, be relocated and relettered as new subsection (g). The proposed relocation and relettering of the subsection will have no effect on the regulated public since it is already a requirement.

Subsection (h)

Existing subsection (h) requires that suitable fire extinguishing equipment be available to the employees who are using a source of ignition. Existing subsection (d) outlines the conditions for terminating a hot work

permit. It is proposed to editorially revise and switch these two subsections, relocating and relettering existing subsection (h) as proposed new subsection (d), and existing subsection (d) as proposed new subsection (h). The editorial revisions, relocation, and relettering of the subsections will have no effect on the regulated public since it is already a requirement, but is necessary to distinguish the requirements applicable to hot work procedures vs. hot work permits.

Subsection (i)

Existing subsection (i) requires that in locations where flammable vapors may be present, precautions shall be taken to prevent ignition by eliminating or controlling sources of ignition. It is proposed to relocate this requirement to proposed new subsection (b) in order to consolidate the requirements for hot work procedures, which are applicable to all hot work operations, to the beginning part of the section.

Existing subsection (g) requires that a copy of each permit issued be kept on file at the plant of issue for at least six months after date of issue. It is proposed to relocate and reletter this requirement as new subsection (i). For clarity purposes, it is proposed that the phrase, "The employer issuing the hot work permit shall keep," be added at the beginning of sentence. The proposed revision will have no effect on the regulated public since it is already an existing requirement.

**COST ESTIMATES OF PROPOSED ACTION
Costs or Savings to State Agencies**

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

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

Cost Impact on Private Persons or Businesses

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

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulation does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendment will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, the regulation does not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46.)

The proposed regulation does not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulation requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed regulation does not in any way require local agencies to administer the California Occupational Safety and Health program. (See *City of Anaheim v. State of California* (1987) 189 Cal.App.3d 1478.)

The proposed regulation does not impose unique requirements on local governments. All employers—state, local and private—will be required to comply with the prescribed standard.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated.

ASSESSMENT

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

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board 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 to affected private persons than the proposed action.

A copy of the proposed changes in STRIKEOUT/UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board’s Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board’s Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than April 9, 2004. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on April 15, 2004 will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at oshsb@hq.dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the above proposal substantially as set forth without further notice.

The Occupational Safety and Health Standards Board’s rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board’s Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Keith Umemoto, Executive Officer, or Michael Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

**TITLE 10. DEPARTMENT
OF INSURANCE**

NOTICE OF PROPOSED ACTION

**DATE: February 11, 2004
REGULATION FILE: RH03028987**

SUBJECT OF PROPOSED RULEMAKING

The Insurance Commissioner proposes to adopt the regulations described below after considering comments from the public. The Commissioner proposes to add to Title 10, Chapter 5, Subchapter 9 of the California Code of Regulations, the new Article 8, consisting of new Section 2698.95. The regulation will create an assessment of ten cents per person insured by a group or individual disability policy.

PUBLIC HEARING

A public hearing has been scheduled in connection with this proposed action. A public hearing will be held at 10:00 a.m. on April 12, 2004 at the Department of Insurance Hearing Room, 22nd Floor, 45 Fremont Street, San Francisco, CA 94105. The sole purpose of such a hearing would be to address the merits of the proposed regulations.

AUTHORITY AND REFERENCE

The proposed regulations will implement, interpret and make specific the provisions of Insurance Code section 1872.85. Insurance Code section 1872.85 provides the authority for this rulemaking.

**PRESENTATION OF WRITTEN COMMENTS;
CONTACT PERSONS**

All persons are invited to submit written comments on the proposed regulations during the public comment period. The public comment period will end at 5:00 p.m. on April 12, 2004. Please direct all written comments to the following contact person:

Gene Woo, Staff Counsel
California Department of Insurance
45 Fremont Street, 24th Floor
San Francisco, CA 94105
Telephone: (415) 538-4496

Questions regarding procedure, comments, or the substance of the proposed action should be addressed

to the above contact person. If he is unavailable, inquiries may be addressed to the following backup contact person:

John Standish, Bureau Chief
California Department of Insurance
Fraud Division, Southern Region
1495 Pacific Highway, Suite 400
San Diego, CA 92101
Telephone: (619) 645-2550

DEADLINE FOR WRITTEN COMMENTS

All written materials must be received by the Insurance Commissioner, addressed to one of the contact persons at his respective address listed above, no later than 5:00 p.m. on April 12, 2004. Any written materials received after that time will not be considered.

**COMMENTS TRANSMITTED BY
E-MAIL OR FACSIMILE**

The Commissioner will accept written comments transmitted by e-mail provided they are sent to the following e-mail address: woog@insurance.ca.gov. The Commissioner will also accept written comments transmitted by facsimile provided they are directed to the attention of Gene Woo and sent to the following facsimile number: (415) 904-5729. **Comments sent to other e-mail addresses or other facsimile numbers will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline set forth above for written comments.**

**INFORMATIVE DIGEST
SUMMARY OF EXISTING LAW AND POLICY
STATEMENT OVERVIEW**

Existing law permits the Commissioner to collect an annual fee from each admitted disability insurer or other entity liable for any loss due to health insurance fraud doing business in the state. The annual fee, which may not exceed ten cents annually for each insured under an individual or group insurance policy issued in the state, is to be used to fund increased investigation and prosecution of fraudulent health insurance claims. The proposed regulations will implement Section 1872.85 of the Insurance Code, which was enacted in 1991, and will set the annual at ten cents annually for each insured under an individual or group disability insurance policy that has been issued in the state.

EFFECT OF PROPOSED ACTION

The proposed regulation specifies that, on December 31 of each calendar year, admitted disability insurers and other entities doing business in the state that are liable for any loss due to health insurance fraud, shall report to the Commissioner on the number of insured persons that are covered by an individual or

group disability policy. The report will be made in a format and manner prescribed by the Commissioner. Based on this report, the annual fee of ten cents for each insured will be collected on June 1 of each calendar year.

MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS

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

COST OR SAVINGS TO STATE/LOCAL AGENCY OR SCHOOL DISTRICT OR IN FEDERAL FUNDING

The Commissioner has determined that the proposed regulations will result in no cost or savings to any state agency, no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, no other nondiscretionary cost or savings imposed on local agencies, and no cost or savings in federal funding to the State.

ECONOMIC IMPACT ON BUSINESSES AND THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE

The Commissioner has made an initial determination that the proposed regulations may have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The types of businesses that may be affected are insurers. The Commissioner has not considered proposed alternatives that would lessen any adverse economic impact on business and invites interested parties to submit proposals.

POTENTIAL COST IMPACT ON PRIVATE PERSONS OR ENTITIES/BUSINESSES

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

FINDING OF NECESSITY

The Commissioner finds that is necessary for the welfare of the people of the state that the regulations apply to businesses.

EFFECT ON JOBS AND BUSINESSES IN CALIFORNIA

The Commissioner is required to assess any impact the regulations may have on the creation or elimination of jobs in the State of California, the creation of

new businesses, the elimination of existing businesses, and the expansion of businesses currently operating in the state. The Commissioner does not foresee that the proposed regulations will have an impact on any of the above but invites interested parties to comment on the issue.

IMPACT ON HOUSING COSTS

The matters proposed herein will have no significant effect on housing costs.

ALTERNATIVES

The Commissioner must determine that no reasonable alternative considered by the Commissioner or that has otherwise been identified and brought to the attention of the Commissioner would be more effective in carrying out the purposes for which the regulations are imposed or would be as effective and less burdensome to affected private persons than the proposed regulations. The Commissioner invites public comment on alternatives to the regulations.

IMPACT ON SMALL BUSINESS

The Commissioner has determined that the proposed amendments will not affect small businesses. This determination has been made because these amendments will affect only insurance companies which pursuant to Government Code section 11342.610(b)(2) are not considered to be small businesses.

COMPARABLE FEDERAL LAW

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

TEXT OF REGULATIONS AND INITIAL STATEMENT OF REASONS

The Department has prepared an initial statement of reasons that sets forth the reasons for the proposed regulations. Upon request, the initial statement of reasons will be made available for inspection and copying. Requests for the initial statement of reasons or questions regarding this proceeding should be directed to the contact person listed above. Upon request, the final statement of reasons will be made available for inspection and copying once it has been prepared. Requests for the final statement of reasons should be directed to the contact person listed above.

The file for this proceeding, which includes a copy of the proposed regulations, the statement of reasons, the information upon which the proposed action is based, and any supplemental information, including any reports, documentation and other materials related to the proposed action that is contained in the rulemaking file, is available for inspection and copying at 45 Fremont Street, 24th Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday.

AUTOMATIC MAILING

A copy of this notice, including the informative digest, which contains the general substance of the proposed regulations, will automatically be sent to all persons on the Insurance Commissioner's mailing list.

WEBSITE POSTINGS

Documents concerning this proceeding are available on the Department's website. To access them, go to <http://www.insurance.ca.gov>. On the right side of the page, find the major heading "Quick Links". In this section, scroll down until you see the subheading "Legal Information". Click on the link. On the next page at the top of the page, there will be a link entitled "Proposed Regulations". Click on the link. When the "Search or Browse for Documents for Proposed Regulations" screen appears, you may choose to find the documents either by conduct a search or browsing for them by name.

To search, enter "RH03028987" (the Department's regulation file number for these regulations) in the search field. Alternatively, search using as your search term the California Insurance Code section number of a code section that the regulations implement (for instance, "1872.85") or search by keyword (for example "disability insurance assessment"). Then, click on the "Submit" button to display links to the various filing documents.

To browse, click on the "Brows All Regulations" button near the bottom of the screen. A list of the names of regulations for which documents are posed will appear. Find in the list the "Disability Insurance Assessment" link, and click it. Links to the documents associated with these regulations will then be displayed.

MODIFIED LANGUAGE

If the regulations adopted by the Department differ from those that have originally been made available but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Interested persons should request a copy of these regulations prior to adoption from the contact person listed above.

**TITLE 14. CALIFORNIA
INTEGRATED WASTE
MANAGEMENT BOARD**

NOTICE OF PROPOSED RULEMAKING

Title 14: Natural Resources

**Division 7: California Integrated Waste
Management Board**

Chapter 4: Resource Conservation Programs

**Article 1: Recycling Market Development Zone
Designation Process**

PROPOSED REGULATORY ACTION

The California Integrated Waste Management Board (CIWMB) proposes to amend existing and draft new regulations to Government Code § 17901–17914.5 to streamline the Recycling Market Development Zone Designation Process.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative, may submit written comments relevant to the proposed regulations to the CIWMB. **The written comment period for this rulemaking ends at 5:00 p.m. on Monday April 12, 2004.** Please submit your written comments to:

Raffy Kouyoumdjian
California Integrated Waste Management Board
Waste Prevention and Market
Development Division
P.O. Box 4025, M.S. 11
Sacramento, CA 95812-4025
E-mail: rkouyoum@ciwmb.ca.gov
Fax: (916) 319-7628
Phone: (916) 341-6524

PUBLIC HEARING

No public hearing is scheduled. However, a public hearing may be requested by submitting a written request to the contact person listed above, no later than 15 days prior (March 29, 2004) to the close of the written comment period.

INFORMATIVE DIGEST

The Integrated Waste Management Act (Act), PRC § 40000 et. seq., provides for the protection of public health and safety and the environment through waste prevention, waste diversion, and state waste processing and disposal. PRC § 42010 et. seq., governs the Recycling Market Development Zones (Zones). The Zones are geographically designated areas within the State of California to promote recycling-based manufacturing businesses and to help increase diversion of solid waste from landfills as well as, create recycling-based manufacturing jobs.

POLICY STATEMENT OVERVIEW

The CIWMB has determined that existing regulations Government Code § 17901 et. seq., are cumbersome and unclear. The proposed regulations will streamline and further clarify the Recycling Market Development Zone Designation Process.

PLAIN ENGLISH REQUIREMENTS

CIWMB staff prepared the proposed regulations pursuant to the standard of clarity provided in Government Code Section § 11349 and the plain English requirements of Government Code Section §§ 11342.580 and 1134.2(a)(1). The proposed regulations are considered non-technical and can be easily understood by those who will use them.

AUTHORITY AND REFERENCES

PRC § 40502 provides authority for these proposed regulations. The purpose of the proposed regulations is to implement, interpret and make specific PRC §§ 42010 through 42023.

FEDERAL LAW OR REGULATIONS MANDATE

Federal law or regulations do not contain comparable requirements and as an approved state under Subtitle D, the State of California has the authority to promulgate such regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

CIWMB staff has determined that the proposed regulations will result in no costs or savings to any state agencies, no costs to any school districts that are required to be reimbursed under part 7 (commencing with § 17500) of Division 4 of the Government Code, no other non-discretionary costs or savings on local agencies or school districts, and no costs or savings in federal funding to the state.

CIWMB staff has determined that the proposed regulations do not impose a mandate on local school districts.

EFFECT ON HOUSING COSTS

CIWMB staff made an initial determination that the proposed regulations would not have a significant effect on housing costs.

EFFECT ON BUSINESSES

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

EFFECT ON SMALL BUSINESSES

CIWMB staff has determined that the proposed regulations affect small business.

EFFECT ON CREATION OR ELIMINATION OF JOBS, EXISTING OR NEW BUSINESS IN THE STATE OF CALIFORNIA

CIWMB staff has determined that the proposed regulatory action will promote: 1) the creation of jobs within the State of California; 2) the creation of new businesses within California; or 3) the expansion of

businesses currently doing business within the state. The proposed regulatory action will not cause: 1) the elimination of jobs within the State of California; or 2) the elimination of existing businesses within California.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

CONSIDERATION OF ALTERNATIVES

The CIWMB must determine that no reasonable alternative considered by the CIWMB, or that has otherwise been identified and brought to the attention of the CIWMB, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action. The CIWMB invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSONS

Inquires concerning the proposed administrative action or the substance of the proposed regulations may be directed to:

Raffy A. Kouyoumdjian
California Integrated Waste Management Board
Waste Prevention and Market
Development Division
P.O. Box 4025, M.S. 11
Sacramento, CA 95812-4025
E-mail: rkouyoum@ciwmb.ca.gov
Fax: (916) 319-7406
Phone: (916) 341-6524

Back-up contact person to whom inquires concerning the proposed administrative action or the substance of the proposed regulations may be directed:

Corky Mau
California Integrated Waste Management Board
Waste Prevention and Market
Development Division
P.O. Box 4025, M.S. 11
Sacramento, CA 95812-4025
E-mail: cmau@ciwmb.ca.gov
Fax: (916) 319-7652
Phone: (916) 341-6533

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The CIWMB will have the entire rulemaking file and all information upon which the proposed regulations are based available for inspection and copying throughout the rulemaking process at the above

address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Raffy A. Kouyoumdjian at the address, e-mail, or telephone number listed above. For more timely access to the proposed text of the regulations and in the interest of waste prevention, interested parties are encouraged to access the CIWMB's website at

<http://www.ciwmb.ca.gov/Rulemaking/RMDZ/>.

Additionally, the final statement of reasons will be available at the above listed Internet address or you may call the contact persons named above.

**AVAILABILITY OF CHANGED
OR MODIFIED TEXT**

The CIWMB may adopt the proposed regulations substantially as described in this notice. If the CIWMB makes modifications which are sufficiently related to the proposed text, it will make the modified text—with changes clearly indicated—available to the public for at least 15 days before the CIWMB adopts the regulations as revised. Requests for the modified text should be made to the contact person. The CIWMB will mail any modified text to all persons who testify at a public hearing if one is held; all persons who submit written comments at a public hearing; all persons whose comments are received during the comment period; and all persons who request notification of the availability of such changes. The CIWMB will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**TITLE 16. BOARD OF
BEHAVIORAL SCIENCES**

NOTICE IS HEREBY GIVEN that the Board of Behavioral Sciences (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments relevant to the action proposed at a hearing to be held at the Hyatt Islandia Hotel and Marina, 1441 Quivira Road, San Diego, CA 92109, on Thursday, May 20, 2004 at 1:30 p.m. The telephone number of the Hotel is 619-224-1234.

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 April 12, 2004 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 4980.60 and 4990.14 of the Business and Professions Code, and to implement, interpret or make specific Sections 4980.40, 4980.50, 4984.7, 4992.1, 4996.3, and 4996.4, the Board is considering changes to Division 18 of Title 16 of the California Code of Regulations as follows:

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Repeal Section 1815, amend Sections 1816.2, 1816.3, 1833.3, and 1877, and adopt Section 1829.

Business and Professions Code Sections 4980.40, 4980.41, 4980.50, 4980.54, 4980.80, 4984.4, 4996.1, 4996.6, and 4996.17 delineate the mandates placed upon the Board to ensure that all candidates for licensure as a Marriage and Family Therapist (MFT) or Licensed Clinical Social Worker (LCSW) obtain the appropriate education and experience and successfully pass the required examinations.

Senate Bill 363 (SB 363), effective January 1, 2004, authorizes the Board to administer a written examination, an oral examination, or both for MFT and LCSW applicants. SB 363 also permits the Board to require these applicants to take and pass another written examination after successfully completing the first one. The Board adopted the elimination of the oral examination and the addition of another written examination titled a written “clinical vignette” examination, for MFT and LCSW applicants on November 13, 2003.

The proposed changes will further clarify the legislative amendments, implement the Board's decision, and conform regulations to current law, as follows:

- a) Repeal Section 1815 of Division 18 of Title 16. This Section currently relates to the oral examination appeals process.
- b) Amend Section 1816.2 of Division 18 of Title 16 to replace references to “marriage, family and child counselor” with “marriage and family therapist”, clearly define the examination and re-examination fees for the MFT and LCSW standard written examination and the written clinical vignette examination, and eliminate the reference to the fees for the MFT and LCSW oral examination and re-examination.

- c) Amend Section 1816.3 of Division 18 of Title 16 to eliminate the oral examination appeal fees, clarify the rescoring fees for any MFT or LCSW written examination, and replace the reference to “marriage, family, and child counselor” with “marriage and family therapist.”
- d) Adopt Section 1829 in Article 4 of Division 18 of Title 16 to clearly explain the testing areas within the MFT standard written examination and the MFT written clinical vignette examination.
- e) Amend Section 1833.3 of Division 18 of Title 16 to eliminate the reference to the terms “written or oral” examination and clarify that the reexamination timeframes apply to any MFT examination.
- f) Amend Section 1877 of Division 18 of Title 16 to clearly explain the testing processes and testing areas within the LCSW standard written examination and the written clinical vignette examination.

FISCAL IMPACT ESTIMATES

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

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires 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:

“Recommendations for Addressing California’s Shortage of Social Workers,” California Assembly Human Services Committee (November 2002), the November 13, 2003 Board Meeting Minutes, Letter from the Department of Consumer Affairs’ Office of Examination Resources to the Board, dated December 10, 2003.

Impact on Jobs/New Businesses: The Board has determined that these regulatory proposals will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Persons or Business: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed actions. These proposed regulatory actions will benefit candidates for licensure by reducing the amount of time taken to obtain licensure by expediting the examination process and will reduce the examination fee.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulatory actions would not have any affect on small businesses as these proposals apply to individual applicants in the MFT and LCSW examination process.

CONSIDERATION OF ALTERNATIVES

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

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

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, the initial statement of reasons, and all of the information upon which the proposals are based may be obtained upon request from Julie McAuliffe at the Board of Behavioral Sciences, 400 R Street, Suite 3150, Sacramento, California 95814.

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

General or substantive inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Julie McAuliffe
 Address: 400 R Street, Suite 3150
 Sacramento, CA 95814
 Telephone No.: 916-445-4933, extension 1142
 Fax No.: 916-323-0707
 E-Mail Address: BBSWebMaster@bbs.ca.gov

The backup contact person is:

Name: Sherry Mehl
 Address: 400 R Street, Suite 3150
 Sacramento, CA 95814
 Telephone No.: 916-445-4933
 Fax No.: 916-323-0707
 E-Mail Address: BBSWebMaster@bbs.ca.gov

Web Site Access: Materials regarding this proposal can be found at www.bbs.ca.gov.

**TITLE 16. BOARD OF
 OCCUPATIONAL THERAPY**

**NOTICE OF PROPOSED CHANGES
 IN THE REGULATIONS**

NOTICE IS HEREBY GIVEN that the California Board of Occupational Therapy (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally, or in writing, relative to the action proposed at a hearing to be held at the Department of Consumer Affairs, 400 R Street, Suite 3020, Sacramento, California, 95814, on April 16, 2004, at 1:00 p.m. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on April 16, 2004, 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 action substantially as described below or may modify such action if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified action 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 action.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 125.9, 148, and 2570.20 of the Business and Professions Code, and to implement, interpret or make specific

sections 125.9 and 148 of the Business and Professions Code, the Board is considering amending Division 39, Title 16, of the California Code of Regulations as follows:

**INFORMATIVE DIGEST/POLICY
 STATEMENT OVERVIEW**

Amend section 4141. Assessment of Administrative Fines

Existing law authorizes the Board to issue citations to licensees, certificate holders and unlicensed persons for violating the Occupational Therapy Practice Act or any regulations adopted thereto. On October 11, 2003, Senate Bill 362 (Figueroa, Chapter 788, Statutes of 2003) took effect, increasing the amount of administrative fines to \$5,000. The proposed regulations amend section 4141 to specify that administrative fines proposed by the Board would not be more than \$5,000.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: Administrative fines would be deposited in the Occupational Therapy Fund.

Non-discretionary Costs/Savings to Local Agencies:
 None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the adoption of this regulation 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: None

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

Cost Impact on Representative Private Person or Business: The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the Board are:

A licensee, certificate holder or unlicensed person who violates the Occupational Therapy Act or other appropriate laws and regulations could receive an administrative fine not to exceed \$5,000 for each violation.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses because the regulations do not regulate small businesses, do not require reports or any other compliance activities.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative considered by it 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 proposal described in this Notice.

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 reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California Board of Occupational Therapy, 444 North Third Street, Suite 410, Sacramento, California 95814.

**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:

Janet Yagi
California Board of Occupational Therapy
444 North Third Street, Suite 410
Sacramento, CA 95814
(916) 322-3278
(916) 445-6167 (FAX)
Janet_Yagi@dca.ca.gov

The backup contact person is:

Jeff Hanson
California Board of Occupational Therapy
444 North Third Street, Suite 410
Sacramento, CA 95814
(916) 324-4353
(916) 445-6167 (FAX)
Jeff_Hanson@dca.ca.gov

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

**TITLE 16. BOARD OF
OCCUPATIONAL THERAPY**

**NOTICE OF PROPOSED CHANGES
IN THE REGULATIONS**

NOTICE IS HEREBY GIVEN that the California Board of Occupational Therapy (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally, or in writing, relative to the action proposed at a hearing to be held at the Department of Consumer Affairs, 400 R Street, Suite 3020, Sacramento, California, 95814, on April 16, 2004, at 1:00 p.m. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on April 16, 2004, 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 action substantially as described below or may modify such action if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified action 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 action.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 2570.10 and 2570.20 of the Business and Professions Code, and to implement, interpret or make specific section 2570.10 of the Business and Professions Code, the Board is considering adding to Division 39, Title 16, of the California Code of Regulations as follows:

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

On January 1, 2001, Senate Bill 1046 (Murray, Chapter 697, Statutes of 2000) took effect, establishing the Board whose duties are to license occupational therapists, certify occupational therapy assistants and

regulate the occupational therapy profession. This law gives the Board authority to adopt, by regulation, continued competency requirements as a condition of license renewal. The proposed regulatory actions are necessary to implement this legislation.

Section 4160: Existing law gives the Board authority to establish rules regarding continued competency requirements. This proposed regulation would define "professional development" as activities or programs engaged in to increase knowledge, skills and abilities. It would also define Level II students as those students completing the fieldwork portion of an entry-level academic degree program, supervision of whom would be considered a professional development activity.

Section 4161: This proposed regulation would require the occupational therapy practitioner to demonstrate continued competency by participating in professional development activities; would specify what constitutes a professional development activity; would identify the unit of measurement as a professional development unit (PDU); would require the practitioner to obtain 12 PDUs during the renewal period, six of which must be directly related to the delivery of occupational therapy services; and would provide that the continued competency requirements would not apply to the first renewal period following initial licensure.

Section 4162: This proposed regulation would specify the type of information to be provided to the Board by the occupational therapy practitioner at the time of renewal, would require the practitioner to maintain records on professional development activities for a period of four years following the renewal period, would provide that a maximum of three (3) PDUs could be carried over to the next renewal period, and would specify that a practitioner unable to provide proof of having completed the continued competency requirements would be subject to citation and or administrative fine or other disciplinary action.

Section 4163: This proposed regulation would provide that, at the time of renewal, the occupational therapy practitioner could request an exemption from meeting the continued competency requirements if, during the renewal period, the practitioner was in another country for one year or longer, engaged in military service for one year or longer, was mentally or physically incapacitated or was caring for a mentally or physically incapacitated family member for one year or longer during the renewal period.

FISCAL IMPACT ESTIMATES

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

Non-discretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the adoption of this regulation 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: None

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

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

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses because the regulations do not regulate small businesses, do not require reports or any other compliance activities.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered 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 proposal described in this Notice.

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 reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the

hearing upon request from the California Board of Occupational Therapy, 444 North Third Street, Suite 410, Sacramento, California 95814.

**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 name 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 PERSONS

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

Janet Yagi
California Board of Occupational Therapy
444 North Third Street, Suite 410
Sacramento, CA 95814
(916) 322-3278
(916) 445-6167 (FAX)
Janet_Yagi@dca.ca.gov

The backup contact person is:

Jeff Hanson
California Board of Occupational Therapy
444 North Third Street, Suite 410
Sacramento, CA 95814
(916) 324-4353
(916) 445-6167 (FAX)
Jeff_Hanson@dca.ca.gov

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

**TITLE 16. BOARD OF
OCCUPATIONAL THERAPY**

NOTICE IS HEREBY GIVEN that the California Board of Occupational Therapy (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally, or in writing, relative to the action proposed at a hearing to be held at the Department of Consumer Affairs, 400 R Street, Suite 3020, Sacramento, California, 95814, on April 16, 2004, at 1:00 p.m. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on April 16, 2004, 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 action substantially as described below or may modify such

action if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified action 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 action.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 163.5 and 2570.20 of the Business and Professions Code, and to implement, interpret or make specific sections 2570.9, 2570.10, and 2570.16 of the Business and Professions Code, the Board is considering revising Division 39, Title 16 of the California Code of Regulations as follows:

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Amend section 4130. Fees

Existing law authorizes the Board to charge occupational therapists and occupational therapy assistants a license or certification renewal fee not to exceed \$150 annually and a delinquent fee that is 50% of the renewal fee. When the Board was established, the renewal fees were set at the maximum amount of \$150 to create a fiscally sound fund condition in an amount necessary to support its regulatory activities. To date, the Board has licensed over 9,000 practitioners and the fund condition now supports a reduction in fees. The proposed regulation would reduce renewal fees to \$100 annually and delinquent fees to \$50.

FISCAL IMPACT ESTIMATES

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

Non-discretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the adoption of this regulation 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: None

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses

or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that is known to the Board is:

Occupational therapists and occupational therapy assistants will pay a reduced fee for license/certification renewal and/or delinquent renewals.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulation would not affect small businesses because the regulation does not regulate small businesses, does not require reports or any other compliance activities.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative considered by it 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 proposal described in this Notice.

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 reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulation and 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 California Board of Occupational Therapy, 444 North Third Street, Suite 410, Sacramento, California 95814.

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

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

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

CONTACT PERSON

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

Janet Yagi
California Board of Occupational Therapy
444 North Third Street, Suite 410
Sacramento, CA 95814
(916) 322-3278
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Janet_Yagi@dca.ca.gov

The backup contact person is:

Jeff Hanson
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444 North Third Street, Suite 410
Sacramento, CA 95814
(916) 324-4353
(916) 445-6167 (FAX)
Jeff_Hanson@dca.ca.gov

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

TITLE 16. BOARD OF OCCUPATIONAL THERAPY

NOTICE OF PROPOSED CHANGES IN THE REGULATIONS

NOTICE IS HEREBY GIVEN that the California Board of Occupational Therapy (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally, or in writing, relative to the action proposed at a hearing to be held at the Department of Consumer Affairs, 400 R Street, Suite 3020, Sacramento, California, 95814, on April 16, 2004, at 1:00 p.m. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on April 16, 2004, 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 action substantially as described below or may modify such action if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified action 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 action.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 2570.13 and 2570.20 of the Business and Professions Code, and to implement, interpret or make specific sections 2570.2, 2570.3, 2570.4, 2570.5, and 2570.13 of the Business and Professions Code, the Board is considering adding to Division 39, Title 16, of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

On January 1, 2001, Senate Bill 1046 (Murray, Chapter 697, Statutes of 2000) took effect, establishing the Board whose duties are to license occupational therapists, certify occupational therapy assistants and regulate the occupational therapy profession. This law requires the Board to adopt rules necessary to assure appropriate supervision of occupational therapy assistants, limited permit holders, students, and aides. The proposed regulatory actions are necessary to implement this legislation.

Section 4180: Existing law requires the Board to develop regulations regarding supervision requirements for occupational therapy assistants, limited permit holders, students and aides when providing direct client related services. This proposed regulation would define "client related" and "non-client related" tasks, Level I and Level II students, and what constitutes "periodic" review for supervision purposes.

Section 4181: This proposed regulation would specify what constitutes appropriate supervision of occupational therapy assistants; would provide that supervising occupational therapists be responsible for all occupational therapy services provided by occupational therapy assistants, limited permit holders, students, and aides; would provide that occupational therapy assistants could supervise occupational therapy assistant limited permit holders, Level I occupational therapy students, Level I and II occupational therapy assistant students, and aides providing non-client related tasks; and would require supervising occupational therapists to determine that those under their supervision possess the requisite certificates or permits to provide occupational therapy services.

Section 4182: This proposed regulation would provide that the supervising occupational therapist determine the treatments the occupational therapy assistant could perform based on the clinical complexity of the client, the skill level of the occupational therapy assistant, and the client's need for continual reassessment during treatment. This regulation would specify that the supervising occupational therapist be responsible for interpretation of referrals or prescriptions for occupational therapy services, interpretation and analysis for evaluation purposes, and develop-

ment, interpretation, implementation and modification of the treatment and discharge plans. It would also provide that the occupational therapy assistant could participate in these processes.

Section 4183: This proposed regulation would specify that the Level II occupational therapy student could, at the discretion of the supervising occupational therapist, provide occupational therapy services commensurate with his or her education and training. It would also require that all documented client-related services provided by limited permit holders and students be reviewed and cosigned by the supervising occupational therapist.

Section 4184: This proposed regulation would specify that the primary function of an aide is to perform routine tasks related to occupational therapy services; would identify the client-related tasks that could be delegated to an aide and the factors that must be considered before delegation; would specify that an aide could **not** perform occupational therapy evaluative procedures, initiation, planning, adjustment, or modification of treatment procedures, act on behalf of the supervising occupational therapist in any matter related to treatment that requires decision making; and would require that all documented client-related services be reviewed and cosigned by the supervising occupational therapist.

FISCAL IMPACT ESTIMATES

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

Non-discretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Board has made an initial determination that the adoption of this regulation 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: None

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

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

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses because the regulations do not regulate small businesses, do not require reports or any other compliance activities.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered 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 proposal described in this Notice.

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 reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California Board of Occupational Therapy, 444 North Third Street, Suite 410, Sacramento, California 95814.

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 name 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 PERSONS

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

Janet Yagi
California Board of Occupational Therapy
444 North Third Street, Suite 410
Sacramento, CA 95814
(916) 322-3278
(916) 445-6167 (FAX)
Janet_Yagi@dca.ca.gov

The backup contact person is:

Jeff Hanson
California Board of Occupational Therapy
444 North Third Street, Suite 410
Sacramento, CA 95814
(916) 324-4353
(916) 445-6167 (FAX)
Jeff_Hanson@dca.ca.gov

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

TITLE 27. CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

NOTICE OF PROPOSED RULEMAKING

- Title 27:** Environmental Protection
Division 2: Solid Waste
Appendix 1: Application for Solid Waste Facility Permit/Waste Discharge Requirements CIWMB E-1-77
and
Chapter 4: Documentation and Reporting for Regulatory Tiers, Permits, WDRs, and Plans
Subchapter 3: Development of Waste Discharge Requirements (WDRs) and Solid Waste Facility Permits
Article 2. CIWMB—Applicant Requirements
Section: 21570

PROPOSED REGULATORY ACTION

The California Integrated Waste Management Board (CIWMB) proposes to amend Title 27, California Code of Regulations (27 CCR), Division 2, Chapter 7, Appendix 1 and Chapter 3, Subchapter 4, Article 2, § 21570. The proposed changes revise the existing Application for Solid Waste Facility Permit/Waste Discharge Requirements CIWMB E-1-77 (permit application). The accompanying instructions have also been revised to provide clarity and consistency with the permit application and to provide greater

assistance to the operator when completing the form. Revisions to § 21570 reflect the updated version of the permit application.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative, may submit written comments relevant to the proposed regulations to the CIWMB. **The written comment period for this rulemaking ends at 5:00 p.m. on Monday, April 12, 2004.** The CIWMB will also accept oral and written comments during the public hearing described below. Please submit your written comments to:

Bridget D. Brown
California Integrated Waste Management Board
Permitting & Enforcement Division
P.O. Box 4025, M.S. 19
Sacramento, CA 95812-4025
e-mail: bbrown@ciwmb.ca.gov
fax: (916) 319-7628
phone: (916) 341-6325

PUBLIC HEARING

A public hearing to receive comments on the proposed rulemaking will be scheduled for Tuesday, May 11, 2004. The hearing will be held in the Central Valley Auditorium (Second Floor) at the Joe Serna, Jr. Cal/EPA Building, 1001 I Street, Sacramento, California. The hearing will begin at 9:30 a.m. and conclude after the public gives all testimony. The CIWMB requests that persons who make oral comments at the hearing, submit written copies of their testimony at the hearing. The Central Valley Auditorium is wheelchair accessible.

INFORMATIVE DIGEST

The Integrated Waste Management Act (Act), PRC § 40000 et. seq., provides for the protection of public health and safety and the environment through waste prevention, waste diversion, and state waste processing and disposal. The California State Auditor's report (Number 2001-109) recommended that the CIWMB "Update its database and require local governments to report accurate landfill capacity information on an annual basis in a consistent manner." As a result, the CIWMB's Permitting & Enforcement Committee directed staff to revise the existing permit application and to use it as a method of obtaining and compiling remaining landfill capacity information. The accompanying permit application instructions have also been revised to provide clarity and consistency with the permit application and to provide greater assistance to the operator when completing the form. The instructions have been expanded to include clear direction for each item in the application. Portions of the permit

application have been reformatted to provide clarity. Revisions to § 21570 reflect the updated version of the permit application.

POLICY STATEMENT OVERVIEW

The CIWMB has determined that there is a need to update the existing permit application and use it as a method of obtaining and compiling remaining landfill capacity information. The accompanying permit application instructions provide clarity and consistency with the permit application and to provide greater assistance to the operator when completing the form.

PLAIN ENGLISH REQUIREMENTS

CIWMB staff prepared the proposed regulatory changes pursuant to the standard of clarity provided in Government Code Section § 11349 and the plain English requirements of Government Code Section §§ 11342.580 and 1134.2(a)(1). The proposed regulations are considered non-technical and can be easily understood by those who will use them.

AUTHORITY AND REFERENCES

PRC §§ 40502, 43020, and 43021 provides authority for these proposed regulations. The purpose of the proposed regulations is to implement, interpret and make specific PRC §§ 43103, 44001-44017, 44100-44101, 44300-44301, 44500-44503, and 44813-44816.

FEDERAL LAW OR REGULATIONS MANDATE

Federal law or regulations do not contain comparable requirements and as an approved state under Subtitle D, the State of California has the authority to promulgate such regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

CIWMB staff has determined that implementation of the Landfill Capacity Survey in the proposed regulations may result in cost for small (permitted for less than 5 tons per day) local government facilities not already performing the requirements of the survey. Costs are estimated to be approximately \$5,000 per survey (approximately 6 sites permitted for 5 tons per day or less times \$1,000 over 5 years for a total of \$30,000).

CIWMB staff has determined that the proposed regulation changes will result in no costs or savings to any state agencies, no costs to any school districts that are required to be reimbursed under part 7 (commencing with § 17500) of Division 4 of the Government Code, no other non-discretionary costs or savings on local agencies or school districts, and no costs or savings in federal funding to the state.

CIWMB staff has determined that the proposed regulations do not impose a mandate on local school districts.

EFFECT ON HOUSING COSTS

CIWMB staff made an initial determination that the proposed regulations would not have a significant effect on housing costs.

EFFECT ON BUSINESSES

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

EFFECT ON SMALL BUSINESSES

CIWMB staff made an initial determination that the proposed regulations would not have a significant, statewide adverse economic impact on small businesses, including the ability of California businesses to compete with businesses in other states. Of the small number of sites affected, conducting ground or aerial surveys may cost each site up to \$1,000 per year or up to \$5,000 every 5 years. Due to the capital investment required, few small businesses establish solid waste landfills. If a small business were to establish a solid waste landfill, it would be subject to these revised regulations.

EFFECT ON CREATION OR ELIMINATION OF JOBS, EXISTING OR NEW BUSINESS IN THE STATE OF CALIFORNIA

CIWMB staff has determined that the proposed regulatory action will not affect: 1) the creation or elimination of jobs within the State of California; 2) the creation of new or the elimination of existing businesses with California; or 3) the expansion of businesses currently doing business with the state.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

CIWMB staff analyzed the economic impact of the proposed action. The economic analysis indicates that one private facility would potentially be subject to the proposed regulations with no significant adverse economic impact

CONSIDERATION OF ALTERNATIVES

The CIWMB must determine that no reasonable alternative considered by the CIWMB, or that has otherwise been identified and brought to the attention of the CIWMB, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action. The CIWMB invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSONS

Inquires concerning the proposed administrative action or the substance of the proposed regulations may be directed to:

Bridget D. Brown
California Integrated Waste Management Board
Permitting & Enforcement Division
P.O. Box 4025, M.S. 19
Sacramento, CA 95812-4025
e-mail: bbrown@ciwmb.ca.gov
(916) 319-7628
phone: (916) 341-6325

Back-up contact person to whom inquires concerning the proposed administrative action or the substance of the proposed regulations may be directed:

Garth Adams
California Integrated Waste Management Board
Permitting & Enforcement Division
P.O. Box 4025, M.S. 19
Sacramento, CA 95812-4025
e-mail: gadams@ciwmb.ca.gov
fax: (916) 319-7156
phone: (916) 341-6326

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The CIWMB will have the entire rulemaking file and all information upon which the proposed regulations are based available for inspection and copying throughout the rulemaking process at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Bridget D. Brown at the address, e-mail, or telephone number listed above. For more timely access to the proposed text of the regulations and in the interest of waste prevention, interested parties are encouraged to access the CIWMB's website at <http://www.ciwmb.ca.gov/Rulemaking/FormE177/>.

Additionally, the final statement of reasons will be available at the above listed Internet address or you may call the contact persons named above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The CIWMB may adopt the proposed regulations substantially as described in this notice. If the CIWMB makes modifications which are sufficiently related to the proposed text, it will make the modified text—with changes clearly indicated—available to the public for at least 15 days before the CIWMB adopts the

regulations as revised. Requests for the modified text should be made to the contact person. The CIWMB will mail any modified text to all persons who testify at a public hearing if one is held; all persons who submit written comments at a public hearing; all persons whose comments are received during the comment period; and all persons who request notification of the availability of such changes. The CIWMB will accept written comments on the modified regulations for 15 days after the date on which they are made available.

GENERAL PUBLIC INTEREST

DEPARTMENT OF CORRECTIONS

NOTICE OF POSTPONED PUBLIC HEARING

CALIFORNIA CODE OF REGULATIONS
TITLE 15, CRIME PREVENTION
AND CORRECTIONS
DIVISION 3, DEPARTMENT
OF CORRECTIONS

EMERGENCY REGULATIONS TO AMEND
SECTIONS 3044, 3092, 3138, 3190

NOTICE IS HEREBY GIVEN that the Director of the Department of Corrections (CDC), has postponed the public hearing, until further notice, regarding the emergency regulations to amend Sections 3044, 3092, 3138, and 3190 in the California Code of Regulations, Title 15, Division 3 relating to statewide vendor packages from the originally noticed date and time of March 5, 2004 at 9:00 am.

In order to allow interested persons an opportunity to provide comments to CDC, although the public hearing is postponed, written comments will be accepted through the end of the original comment period, March 5, 2004 at 5:00 pm. All comments will be merged with a revised regulation package at a later date.

POSTPONED PUBLIC HEARING

Date and Time: **TO BE ANNOUNCED**

PUBLIC COMMENT PERIOD

Any person may continue to submit public comments in writing (by mail, by fax, or e-mail) regarding the proposed changes until the end of the original comment period. To be considered by CDC, comments must be submitted to the Department of Corrections, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001;

by fax at (916)322-3842; or by e-mail at RPMB@executive.corr.ca.gov before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

Rick Grenz, Chief,
Regulation and Policy Management Branch
Department of Corrections
P.O. Box 942883, Sacramento, CA 94283-0001
Telephone (916) 322-9702

Back-up contact person:

A. Cunningham
Regulation Management Unit
Telephone (916) 322-9702

Questions regarding the substance of the proposed regulatory action should be directed to:

T. Rougeux, Chief
Institution Services Unit
Telephone (916) 323-6816

FISH AND GAME COMMISSION

NOTICE OF RECEIPT OF PETITION

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2073.3 of the Fish and Game Code, the California Fish and Game Commission, on January 30, 2004, received a petition from the Center for Biological Diversity to list the California tiger salamander (*Amyxstoma californiense*) as an endangered species. The California tiger salamander was historically distributed throughout most of the Central Valley, adjacent foothills, coastal ranges and the Santa Rosa plain in Sonoma County. Habitat types required by this species include vernal pools, grasslands and oak woodlands

Pursuant to Section 2073 of the Fish and Game Code, on February 9, 2004, the Commission transmitted the petition to the Department of Fish and Game for review pursuant to Section 2073.5 of said code. The Department's evaluation and recommendation relating to the petition will be received by the Commission at its August 5, 2004, meeting in Bridgeport. Interested parties may contact Sandra Morey, Chief, Habitat Conservation Planning Branch, Department of Fish and Game, at telephone (916) 653-4875 for information on the petition or to submit information to the Department relating to the petitioned species.

PROPOSITION 65

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986

**Request for Information on Perchlorate (ClO₄),
a Chemical to be Considered by
OEHHA's Science Advisory Board's
Developmental and Reproductive Toxicant
(DART) 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). The Developmental and Reproductive Toxicant (DART) Identification Committee of OEHHA's Science Advisory Board advises and assists OEHHA in compiling the list of chemicals known to the State to cause reproductive toxicity, which is mandated by Health and Safety Code Section 25249.8. The Committee serves as the "State's qualified experts" for rendering an opinion whether a chemical has been clearly shown through scientifically valid testing according to generally accepted principles to cause reproductive toxicity.

Perchlorate (ClO₄) is a chemical to be considered by the DART Identification Committee. OEHHA will develop a hazard identification document based on the evidence of perchlorate's developmental and reproductive toxicity. Initially, the public comment period to submit information relevant to the assessment of the developmental and reproductive toxicity of perchlorate was to close on June 10, 2003. On June 6, 2003, OEHHA published a notice in the *California Regulatory Notice Register* (CRNR) (Register 03, No. 23-Z) extending the public comment period for such relevant information at the request of several interested parties until 60 days after receipt of the peer reviewers' comments on OEHHA's draft Public Health Goal document for perchlorate. The peer reviewers' comments have been received. The publication of this notice announces the close of the 60-day data call-in period. This period ends on **Tuesday, April 27, 2004**. The information received during this data call-in period will be reviewed and considered by OEHHA as it develops the draft hazard identification document (HID) on the reproductive and developmental toxicity of perchlorate. If new information becomes available after the close of this comment period and during the development of the draft HID, OEHHA will

incorporate it into the document. OEHHA does not anticipate submitting the draft HID for public comment and Committee consideration before 2005.

OEHHA welcomes public participation and public input as part of these scientific assessments. A public workshop or other public forum will be held as part of the public comment process. Notification of the availability of the draft hazard identification document and of the time, date, location, and agenda of the workshop and of the meeting of the DART Identification Committee at which perchlorate will be discussed will be provided in future notices published in the California Regulatory Notice Register and posted on OEHHA's Home Page at www.oehha.ca.gov. The draft hazard identification document will be made available for public comment prior to the committee meeting at which the chemical is considered.

Relevant information on perchlorate should be sent in **triplicate** by mail or fax to:

Cynthia Oshita
Office of Environmental Health Hazard Assessment
Proposition 65 Implementation
P.O. Box 4010
1001 I Street, 19th floor
Sacramento, California 95812-4010
FAX: (916) 323-8803
Telephone: (916) 445-6900

Relevant information may also be delivered in person or by courier to the above address. It is requested, but not required, that written comments and supporting documentation be transmitted via email addressed to: coshita@oehha.ca.gov. In order to be considered, the relevant information must be post-marked (if sent by mail) or received at OEHHA (if hand-delivered, sent by FAX, or transmitted electronically) by 5:00 p.m. on **Tuesday, April 27, 2004**.

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.

**DEPARTMENT OF FOOD AND AGRICULTURE
Karnal Bunt Disease OInterior Quarantine**

This emergency regulatory action reduces the Palo Verde Valley portion of Riverside County and removes the Palo Verde Valley portion of Imperial County from the area under quarantine for Karnal bunt disease.

Title 3
California Code of Regulations
AMEND: 3430(b)
Filed 02/17/04
Effective 02/17/04
Agency Contact: Stephen Brown (916) 654-1017

**CCR CHANGES FILED WITH THE
SECRETARY OF STATE
WITHIN OCTOBER 15, 2003
TO FEBRUARY 18, 2004**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's 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

- 02/09/04 ADOPT: 599.893, 599.898, 599.906, 599.907, 599.909 AMEND: 599.894, 599.895, 599.896, 599.898 (renumbered to 599.897), 599.903, 599.904, 599.905, 599.906 (renumbered to 599.908), 599.910
- 02/05/04 AMEND: 20107
- 01/23/04 ADOPT: 18531.6 AMEND: 18531.61
- 01/22/04 AMEND: 18707.5
- 01/15/04 AMEND: 2270, 2271
- 01/15/04 ADOPT: 599.516
- 01/14/04 AMEND: 18427.1
- 12/29/03 REPEAL: Division 8, Chapter 20, Sections 41001, 41002, 41003, 41004, 41005, 41006, 41007, 41008, 41009, 41010, 41011, 41012, 41013
- 12/22/03 AMEND: 1859.61, 1859.105, 1859.106, 1859.141, 1859.142, 1859.145, 1859.147, 1859.148, 1859.150.1, 1859.151, 1859.152, 1859.153
- 12/19/03 ADOPT: 1859.70.1, 1859.71.3, 1859.78.5, 1859.78.6, 1859.78.7, 1859.93.1, 1859.120, 1859.121, 1859.122, 1859.122.1, 1859.122.2, 1859.123, 1859.124, 1859.124.1, 1859.125, 1859.125.1, 1859.126,

- 1859.127, 1859.128, 1859.129, 1859.130, 1859.140, 1859.141, 185
- 12/01/03 ADOPT: 22100, 22110, 22120, 22130
- 12/01/03 ADOPT: Division 8, Chapter 106, Section 59500
- 11/20/03
- 11/10/03 ADOPT: 18728.5 AMEND: 18703.3
- 11/03/03 ADOPT: 1859.77.3 AMEND: 1859.2, 1859.77.2
- 10/23/03

Title 3

- 02/17/04 AMEND: 3430(b)
- 02/05/04 AMEND: 3417(b)
- 01/27/04 ADOPT: 2850, 2851, 2852, 2853, 2854, 2855, 2856, 2857
- 01/14/04 ADOPT: 6450, 6450.1, 6450.2, 6450.3, 6784 AMEND: 6000 REPEAL: 6450, 6450.1, 6450.2, 6450.3, 6784
- 01/05/04 AMEND: 3700(c)
- 12/26/03 AMEND: 3417(b)
- 11/06/03 AMEND: 2303, 2309, 2311
- 11/06/03 AMEND: 3700 (d)
- 11/03/03 ADOPT: 6148, 6148.5, 6216, 6217 AMEND: 305, 6168, 6170, 6386, 6500, 6502, 6505, 6508, 6512
- 10/27/03 AMEND: 3417(b)
- 10/27/03 AMEND: 3423 (b)
- 10/20/03 ADOPT: 755, 755.1, 755.2, 755.3, 755.4, 755.5, 755.6, 756, 756.1, 756.2, 756.3, 757, 758, 758.1, 759 AMEND: 753.2 REPEAL: 757, 759, 759.1, 759.2, 759.3, 759.4, 795.5

Title 4

- 02/05/04 ADOPT: 12370, 12371
- 02/05/04 AMEND: 12202, 12212, 12213, 12220, 12221, 1222, 12223, 12224, 1225, 12226, 12227, 12228, 12229, 12230, 12231, 12232
- 01/22/04 AMEND: 1371 REPEAL: 1373.1
- 12/15/03 ADOPT: 12250 AMEND: 12101, 12122
- 11/06/03 ADOPT: 12200, 12201, 12202, 12203, 12204, 12205, 12206, 12207, 12208, 12209, 12210, 12211, 12212, 12213, 12214, 12220, 12221, 12222, 12223, 12224, 12225, 12226, 12227, 12228, 12229, 12230, 12231, 12232
- 10/30/03 ADOPT: 12270, 12271, 12272

Title 5

- 02/10/04 AMEND: 11960
- 02/03/04 ADOPT: 853.5 AMEND: 850, 852, 853, 589
- 12/29/03 ADOPT: 18074, 18074.1, 18074.2, 18074.3, 18075, 18075.1, 18075.2, 18076, 18076.1, 18076.2 AMEND: 18413, 18428 REPEAL: 18021

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12/01/03 AMEND: 30950, 30953, 30954, 30958, 30959
 11/21/03 AMEND: 50500
 11/20/03 ADOPT: 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611
 11/06/03 ADOPT: 1068, 1069, 1070,, 1071, 1072, 1073, 1074
 11/06/03 AMEND: 51025
 11/05/03 AMEND: 53001, 53021
 11/04/03 ADOPT: 15060, 15070, 15071
 10/29/03 ADOPT: 13075
 10/28/03 ADOPT: 11963, 11963.1, 11963.2, 11963.3, 11963.4, 11963.5, 11963.6
 10/20/03 AMEND: 80020.1

Title 8

02/03/04 AMEND: 1712
 02/02/04 ADOPT: 32017, 32018, 51096, 71010, 71026, 71027, 71030, 71035, 71040, 71050, 71055, 71060, 71070, 71080, 71090, 71095, 71100, 71110, 71115, 71120, 71130, 71140, 71200, 71210, 71225, 71230, 71235, 71300, 71310, 71320, 71330, 71340, 71680, 71685, 71700, 71
 01/02/04 ADOPT: 9789.10, 9789.11, 9789.20, 9789.21, 9789.22, 9789.23, 9789.24, 9789.30, 9789.31, 9789.32, 9789.33, 9789.34, 9789.35, 9789.36, 9789.37, 9789.38, 9789.40, 9789.50, 9789.60, 9789.70, 9789.80, 9789.90, 9789.100, 9789.110
 12/31/03 ADOPT: 10250
 12/22/03 AMEND: 341.17
 12/18/03 ADOPT: 15611 AMEND: 15600, 15601, 15601.7, 15602, 15603, 15604, 15605, 15606, 15607, 15608 REPEAL: 15610
 11/20/03
 11/13/03 AMEND: 32120, 32125, 32135, 32603, 32605, 32620, 32635, 32798, 32980, 61000, 61090, 31240, 61380, 61420, 61480
 11/12/03 ADOPT: 15220, 15220.1, 15220.2, 15220.3, 15200.4, 15220.5, 15220.6, 15220.7, 15220.8 AMEND: 15201, 15210, 15210.1, 15210.2, 15216, 15430
 10/30/03 ADOPT: 3663(g), 3663(h)
 10/30/03 AMEND: 4968
 10/27/03 ADOPT: 5148
 10/20/03 ADOPT: 5035(c) AMEND: 5035(b)
 10/16/03 AMEND: 21200

Title 9

11/18/03 ADOPT: 1840.112 AMEND: 1830.215

Title 10

01/16/04 AMEND: 260.102.14

01/02/04 AMEND: 2698.30, 2698.31, 2698.32, 2698.33, 2698.34, 2698.35, 2698.36, 2698.37, 2698.38, 2698.39, 2698.40, 2698.41, 2698.42 REPEAL: 2698.40, 2698.41, 2698.42, 2698.43, 2698.44, 2698.45
 12/31/03 AMEND: 2318.6, 2353.1
 12/31/03 AMEND: 2318.6, 2353.1, 2354
 12/30/03 ADOPT: 2699.6612, 2699.6827
 AMEND: 2699.6500, 2699.6600, 2699.6607, 2699.6611, 2699.6705, 2699.6715, 2699.6717, 2699.6725, 2699.6813, 2699.6815, 2699.6819
 12/26/03 REPEAL: 6200, 6201, 6202, 6203, 6204, 6205, 6206, 6207
 12/26/03 REPEAL: 4081, 4081.1, 4081.2, 4081.3, 4081.4, 4081.5, 4081.6, 4081.7, 4081.8
 12/26/03 REPEAL: 4081, 4081.1, 4081.2, 4081.3, 4081.4, 4081.5, 4081.6, 4081.7, 4081.8
 12/26/03 REPEAL: 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032
 12/26/03 REPEAL: 4300, 4301, 4302, 4303, 4305
 12/26/03 REPEAL: 4035, 4036, 4037, 4038
 12/26/03 REPEAL: 4550, 4551, 4552, 4553
 12/26/03 REPEAL: 4610, 4611, 4612, 4613, 4614, 4615, 4616, 4617, 4618, 4619
 12/26/03 REPEAL: 4620
 12/26/03 REPEAL: 5300, 5310, 5311, 5312, 5313, 5314, 5315, 5316, 5317, 5318, 5319, 5320, 5321, 5322, 5323, 5324, 5326, 5327, 5328, 5329, 5330, 5340, 5341, 5342, 5343
 12/26/03 AMEND: 4070, 4071, 4072, 4073, 4074
 REPEAL: 4070, 4071, 4072, 4073, 4074
 12/23/03 ADOPT: 2192.1, 2192.2, 2192.3, 2192.4, 2192.5, 2192.6, 2192.7, 2192.8, 2192.9, 2192.10, 2192.11, 2192.12
 12/22/03 AMEND: 2190.05, 2190.7
 12/15/03 ADOPT: 2591, 2591.1, 2591.2, 2591.3, 2591.4
 11/18/03 ADOPT: 2361
 11/07/03 ADOPT: 2194, 2194.1, 2194.2, 2194.3, 2194.4, 2194.5, 2194.6, 2194.7, 2194.8
 10/31/03 AMEND: 260.102.14

Title 11

01/06/04 ADOPT: 2000, 2001, 2020, 2050, 2051, 2052, 2053, 2070, 2071, 2072, 2140, 2141, 2142
 12/30/03 AMEND: 1005
 12/05/03 AMEND: 1002(a)(8)
 12/01/03 AMEND: 51.18
 11/13/03 AMEND: 1005
 11/12/03 ADOPT: 994, 994.1, 994.2, 994.3, 994.4, 994.5, 994.6, 994.7, 994.8, 994.9, 994.10, 994.11, 994.12, 994.13, 994.14, 994.15, 994.16

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11/10/03 AMEND: 2010, 2030, 2060 REPEAL:
2031, 2032, 2034, 2035, 2036

Title 13

01/26/04 AMEND: 553.70
01/05/04 ADOPT: 25.06, 25.07, 25.08, 25.09,
25.10, 25.11, 25.12, 25.13, 25.14, 25.16,
25.17, 25.18, 25.19, 25.20, 25.21, 25.22
12/31/03 AMEND: 550, 551.1, 551.2, 551.11,
551.12, 551.13, 551.14, 551.15, 551.16,
551.17, 552, 553.40, 555, 555.1, 556,
557, 558, 560, 561, 562, 565, 566, 570,
571, 572, 573, 574, 575, 577, 584, 585,
586, 587, 588, 589, 590, 592, 593, 593.1,
595, 598
12/23/03 ADOPT: 225.48
12/23/03 ADOPT: 220.20 AMEND: 220.00,
220.02, 220.04, 220.06, 220.08, 220.12,
220.14, 220.16, 220.18, 221.00, 221.02,
221.04, 221.06, 221.08, 221.10, 221.12,
11/04/03 AMEND: 1956.1, 1956.8, 1961, 1965,
1978, 2065,
10/30/03 AMEND: 1214
10/29/03 AMEND: 125.00, 125.02, 125.06,
125.10, 125.12, 125.14, 125.16, 125.18,
125.20, 125.22
10/16/03 AMEND: 1956.1, 1956.2, 1956.4,
1956.8, 2112

Title 14

02/09/04 AMEND: 630
02/02/04 AMEND: 112
01/23/04 AMEND: 27.60, 27.82, 27.83, 28.26,
28.27, 28.28, 28.29, 28.54, 28.55, 28.58
01/15/04 AMEND: 150.06(c)
01/12/04 ADOPT: 17946, 17949
12/31/03 ADOPT: 4970.09 AMEND: 4970.00,
4970.01, 4970.02, 4970.03, 4970.04,
4970.05, 4970.06, 4970.07, 4970.08,
4970.10, 4970.11, 4970.12, 4970.13,
4970.14, 4970.15, 4970.16, 4970.17,
4970.18, 4970.19, 4970.20, 4970.21,
4970.21, 4970.21, 4970.22, 4970.23,
4970.2
12/30/03 ADOPT: 1.18
12/26/03 AMEND: 7.50(b)(147)
12/01/03 AMEND: 895.1, 898(a), 914.8, [934.8,
954.8](g), 916 [936, 956](e), 916.2
[936.2, 956.2], 916.9 [936.9, 956.9],
916.11, [936.11, 956.11](b), 916.12,
[936.12, 956.12](f), 923.3, [943.3,
963.3](h), 923.9, [943.9, 963.9](g)
12/01/03 AMEND: 895, and 913.4, 933.44, 953.4
(Special Prescriptions)
11/18/03 REPEAL: 895, 895.1, 913.13, 936.13,
956.13, 916.13, 936.13.1, 956.13.1,
916.13.2, 936.13.2, 956.13.2, 916.13.3,
936.13.3, 956.13.3, 916.13.4, 936.13.4,

956.13.4, 916.13.5, 936.13.5, 936.13.5,
956.13.5916.13.6, 936.13.6, 956.13.6,
916.13.7, 936.13.7, 956

11/13/03 AMEND: 163, 164
11/07/03 AMEND: 52.10, 150.06, 150.16
11/03/03 AMEND: 18464, 18465
10/16/03 AMEND: 4400

Title 14, 27

12/26/03 ADOPT: 17387, 17387.1, 17387.5,
17388, 17388.1, 17388.2, 17388.3,
17388.4, 17388.5, 17389, 17390, 18223.6
AMEND: 24565, 21570

Title 15

01/27/04 AMEND: 3426
01/09/04 ADOPT: 3000 AMEND: 3005, 3044,
3062, 3313, 3314, 3315, 3323, 3376
12/30/03 AMEND: 3044, 3092, 3138, 3190
12/02/03 AMEND: 3082(a)
12/01/03 AMEND: 3044(d) & (e)
11/07/03 AMEND: 2576, 2578, 2580
10/27/03 AMEND: 2051, 2052, 2054
10/23/03 AMEND: 3043.5, 3043.6, 3044

Title 16

01/23/04 ADOPT: 6.1, 7.1, 7.2, 8.1, 8.2, 51.1, 56.4,
59, 60, 61, 68.2, 68.3, 68.4, 68.5
AMEND: 5.1, 7, 8, 52, 70, 71, 88, 88.2,
98 REPEAL: 52.1
12/29/03 AMEND: 3830
12/18/03 AMEND: 1920
11/25/03 AMEND: 1610, 1615, 1690 REPEAL:
1622
11/13/03 ADOPT: 1314.1 AMEND: 1300.4
11/12/03 AMEND: 1399.662, 1399.666, 1399.667,
1399.668
11/03/03 ADOPT: 2317, 2317.1, 2317.2, 2326.5,
2328.1
10/22/03 ADOPT: 356.1
10/16/03 AMEND: 390.2
10/16/03 ADOPT: 360

Title 17

02/05/04 ADOPT: 90800.75, 90800.9, 90804
AMEND: 90800.8, 90801, 90802, 90803
02/03/04 AMEND: 50604, 50608, 54326, 54370,
56003, 56082, 57540, 58510, 58671
01/23/04 AMEND: 54001, 54010
12/05/03 ADOPT: 94166, 94167 AMEND: 94010,
94011, 94163, 94164, 94165
12/04/03 AMEND: 70600, 70601
12/02/03 AMEND: Division 2, Chapter 1', Article
5, Subchapter 3, Section 50300

Title 18

01/26/04 AMEND: 1591
01/21/04 ADOPT: 1621
12/22/03 ADOPT: 1598.1
12/04/03 REPEAL: 24348 (a)

10/29/03 AMEND: 1802

Title 20

01/14/04 ADOPT: 14.7

12/31/03 ADOPT: 1395, 1395.1, 1395.2, 1395.3, 1395.4, 1395.6

Title 22

02/03/04 ADOPT: 51200.01 AMEND: 51000.4, 51000.30, 51000.45, 51000.50, 51000.55, 51200, 51454

01/14/04 ADOPT: 51315 REPEAL: 51515

12/24/03 ADOPT: 1326-3 AMEND: 1251-1, 1253(a)-1, 1326-2, 1326-4, 1326-5, 1326-6

12/09/03 AMEND: 66262.32

11/03/03 ADOPT: 115500, 115510, 115520 REPEAL: MPP Section 12-223.2 through .22

10/27/03 AMEND: 4304.3 (renumber to 4304-3)

10/22/03 AMEND: 66264.143, 66264.145, 66265.143, 66265.145

10/16/03 ADOPT: 51510, 51510.1, 51510.2, 51510.3, 51511, 51511.5, 51511.6, 51532.3, 51535, 51535.1, 51544, 54501

Title 22, MPP

12/30/03 AMEND: 101170, 102370

12/29/03 ADOPT: 87701.2 AMEND: 87101, 87218, 87561, 87575.1, 87577, 87578, 87691, 87701, 87701.1, 87701.2, 87702, 87702.1, 87703, 87704, 87705, 87707, 87708, 87709, 87710, 8711, 87713

12/17/03 ADOPT: 85001(a)(2)-(4), 85001(d)(1), 85001(f)(1), 85001 (h)(1)-(4), 85001(t)(1); 85075.1, 85075.2, 85075.3 AMEND: 85075.4

12/10/03 ADOPT: 89002 AMEND: 80017, 87118, 87817, 88030, 89317, 110168, 102368

11/18/03 ADOPT: 84065.2(a)(1)(A)(1)(A)(2), 64065.5(b)(1)(b)(2), 64065.7(d), 8400(b)(b)(1)(2)(3)(4), 84222(a)(5)(B)(a)(12)(a)(13), 84265(c)(1)(C)(D)(c)(4)(C)(D)(e)(e)(1), 84268.3(a)(1), 84272.1(e), 84274(c)(3), 84275(c), 84277(a)(1), 84278(g), 84278.1(g) AMEND:

11/12/03 ADOPT: 102416.1 AMEND: 80001, 80019, 80019.1, 80019.2, 80054, 80061, 80065, 80066, 87101, 87219, 87219.1, 87454, 87565, 87566, 87801, 87819, 81819.1, 87854, 87861, 87865, 87866, 101152, 101170, 101170.1, 101170.2, 101195, 101212, 101216, 101217, 102352,

10/27/03 ADOPT: 86000, 86001, 86005, 86009, 86010, 86018, 86020, 86022, 86023, 86024, 86028, 86030.5, 86031.5, 86036, 86044, 86044.5, 86045, 86061, 86064, 86065, 86065.2, 86065.3, 86065.4, 86065.5, 86066, 86068.1, 86068.2, 86068.3, 86068.4, 86070, 86072, 86073, 8

Title 23

01/30/04 ADOPT: 3939.5

01/30/04 ADOPT: 3939.4

01/26/04 ADOPT: 3717

01/05/04 AMEND: 3977

12/23/03 ADOPT: 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 3833.1 AMEND: 655, 656, 676, 736, 791, 793, 812, 842, 871, 1010, 3833, 3867 REPEAL: 677

12/22/03 AMEND: 3926

12/18/03 ADOPT: 3927

11/19/03 ADOPT: 3924

10/27/03 AMEND: CCR Title 23, Division 3, Chapter 9, section 2200 & 2200.5

Title 28

10/29/03 ADOPT: 1009

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