



California Regulatory Notice Register

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APRIL 5, 2019

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

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**PROPOSED ACTION ON
REGULATIONS**

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TITLE 2. BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY

NOTICE OF INTENTION TO AMEND THE
CONFLICT-OF-INTEREST CODE OF THE
BUSINESS, CONSUMER SERVICES AND
HOUSING AGENCY

NOTICE IS HEREBY GIVEN that the Business, Consumer Services and Housing Agency, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict-of-interest code. A comment period has been established commencing on April 5, 2019 and closing on May 20, 2019. All inquiries should be directed to the contact listed below.

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

Changes to the conflict-of-interest code include: adding members and staff of the Homeless Coordinating and Financing Council (HCFC), including Council Members, the Executive Director, Staff Services Manager III, Staff Services Manager II, Research Program Specialist II, and the Associate Governmental Program Analyst, to the list of designated positions that must file statements of economic interest with the Agency. The proposed changes also add a fourth disclosure category requiring disclosure of investments, business positions in business entities and income (including receipt of gifts, loans and travel payments) from sources that are of the type to receive grants or other funding to address homelessness from or through the Agency, and sources that provide leased facilities, goods, equipment, vehicles, technology, telecommunications goods, machinery or services, including training or consulting services of the type utilized by the HCFC. Finally, the pro-

posed changes make a technical clarification that the Business, Consumer Services and Housing Agency employs the HCFC staff. The proposed amendment and explanation of the reasons can be obtained from the agency's contact set forth below.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than May 20, 2019, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than May 5, 2019.

The Business, Consumer Services and Housing Agency has determined that the proposed amendments:

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

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

Phil Laird, Deputy General Counsel
915 Capitol Mall Ste 350A
Sacramento, CA 95814
Telephone: (916) 653-4090
E-Mail: philip.laird@bcsh.ca.gov

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

STATE AGENCY: Business, Consumer Services and Housing Agency
Government Operations Agency

ADOPTION

MULTI-COUNTY: Chowchilla Water District
California Cannabis Authority

A written comment period has been established commencing on April 5, 2019, and closing on May 20, 2019. Written comments should be directed to the Fair Political Practices Commission, Attention Brianne Kilbane, 1102 Q Street, Suite 3000, Sacramento, California 95811.

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

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than May 20, 2019. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

**EFFECT ON HOUSING COSTS
AND BUSINESSES**

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

AUTHORITY

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

REFERENCE

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

CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Brianne Kilbane, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

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

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Brianne Kilbane, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

**TITLE 8. DIVISION OF LABOR
STANDARDS ENFORCEMENT**

DEPARTMENT OF INDUSTRIAL RELATIONS

**Subject Matter of Regulations: Janitorial
Employer Registration**

**TITLE 8, CALIFORNIA CODE
OF REGULATIONS
New Sections 13810–13819**

NOTICE IS HEREBY GIVEN that the Labor Commissioner proposes to adopt new sections 13810 through 13819.5 in proposed Subchapter 13 of existing Chapter 6, of Division 1, of Title 8, California Code of Regulations, relating to Janitorial Employer Registration.

PROPOSED REGULATORY ACTION

The Labor Commissioner proposes to adopt regulations under new Subchapter 13 of Chapter 6 of Division 1 consisting of the following:

- Article 1. Registration Application
 - Section 13810 Application for Registration
- Article 2. Issuance of Registration; Changes in Information; Registry List
 - Section 13811 Registration Certificate
 - Section 13812 Online Registry
- Article 3. Civil Penalty
 - Section 13812.5 Civil Penalty for Contracting with Unregistered Employers
- Article 4. Denial of Registration; Suspension and Revocation
 - Section 13813 Actions on Applications and Registrations
 - Section 13814 Notice of Denial, Suspension or Revocation; Notice of Defense
 - Section 13815 Failure to File Notice of Defense; Discovery; Notice of Hearing
 - Section 13816 Conduct of Hearing; Rules of Evidence; Role of Hearing Officer
 - Section 13817 Rights of Parties at Hearing; Taking of Evidence; Rules of Procedure
 - Section 13818 Proposed Decision; Decision of Labor Commissioner; Judicial Review

- Article 5. Recordkeeping
 - Section 13819 Employees Covered by Recordkeeping Requirement

TIME AND PLACE OF PUBLIC HEARING

A public hearing has been scheduled to permit all interested persons the opportunity to present statements or arguments, either orally or in writing, with respect to the subjects noted above. The hearing will be held at the following time and place:

- Date:** May 21, 2019
- Time:** 10:00 a.m. to 5:00 p.m.,
or conclusion of business
- Place:** Junipero Serra State Office Building
Carmel Room, 1st Floor
107 South Broadway
Los Angeles, CA 90012

The State Office Building and designated room are accessible to persons with mobility impairments. Alternate formats, assistive listening systems, sign language interpreters, or other type of reasonable accommodation to facilitate effective communication for persons with disabilities, are available upon request. Please contact the Division of Labor Standards Enforcement at 510–285–2118 to request an accommodation, or through the California Relay Service by dialing 711 or 1–800–735–2929 (TTY/English) or 1–800–855–3000 (TTY/Spanish) as soon as possible to request assistance.

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

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

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department of Industrial Relations, Division of Labor Standards Enforcement. **The written comment period closes at midnight on May 20, 2019.** The Labor Commissioner will consider only comments received at the Division by that time. Equal weight will be accorded to comments presented at the hearing and to other written comments received by midnight on that date by the Division.

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

Jennifer Stevens, Legislative Analyst and
Regulations Coordinator
Department of Industrial Relations
Division of Labor Standards Enforcement,
Legal Unit
2031 Howe Avenue, Suite 100
Sacramento, CA 95825

Written comments may also be sent electronically (via email) using the following email address: DLSERegulations@dir.ca.gov

Written comments may also be submitted by facsimile transmission (FAX), addressed to the above-named contact person at (916) 263-2920. Due to the inherent risks of non-delivery by facsimile transmission, the Division suggests, but does not require, that a copy of any comments transmitted by facsimile transmission also be submitted by regular mail.

Comments sent to other email addresses or facsimile numbers will not be accepted. Comments sent by email or facsimile are subject to the deadline set forth above for written comments.

AUTHORITY AND REFERENCE

The Labor Commissioner is undertaking this regulatory action pursuant to the authority under Labor Code sections 59, 95(a), 98.8, and 1422.

Reference is to Labor Code sections 1423, 1425, 1427, 1428, 1429, 1430, and Code of Civil Procedure section 1094.5.

INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

Existing law establishes a registration program, effective July 1, 2018, for any employer, as defined, who enters into a contract, subcontract, or franchise agreement to provide janitorial services using a covered worker that is any individual predominantly working as a janitor, as defined, to register with the Labor Commissioner. (AB 1978; Chapter 373, Statutes of 2016) The legislation prohibits any employer from conducting business without complying with the registration requirement.

Existing law provides that the registration program is to be administered and enforced by the Labor Commissioner, who is Chief of the Division of Labor Standards Enforcement (DLSE or Division) within the Department of Industrial Relations.

Existing law requires an application for employers to register with the Labor Commissioner, information concerning the applicant employer, including such information which the Labor Commissioner requires for the administration and enforcement of the act, annual renewals of registrations, fees, a public database of janitorial employers, and authority for the agency to take adverse action on a registration.

The proposed regulation provides necessary standards for the registration program which the Labor Commissioner is required to administer. These standards include further specifying information items on an application, issuance of a registration certificate, and registration renewals. The proposal also specifies the procedure for an applicant to contest a denial of an application and for suspension and revocation procedures compliant with due process requirements which are necessary to fully administer the registration program where a subsequent action impacts the registrant's qualification for a registration certificate. The proposals are necessary for the Labor Commissioner to duly and efficiently administer the mandated registration program designed to regulate janitorial employers who provide janitorial services using covered workers, as defined, under a contract, subcontract, or franchise agreement with other entities in this state.

These proposed regulations implement, interpret, and make specific the statutory requirements of Part 4.2 of Division 2 of the Labor Code (commencing with Section 1420), hereafter referred to as "the Act" as follows:

Proposed **Subchapter 13** (of Chapter 6, Division 1, Title 8 of the California Code of Regulations) contains five (5) articles which group sections by related subject matter and further implement, establish standards, and provide requirements for application and issuance of registration to any person who is a janitorial employer performing janitorial activities in California, for any denial, revocation, or suspension of such registration, for issuance of civil penalties for contracting with an unregistered employer, and for an employer's record-keeping obligations. The sections implement requirements or make more specific administrative procedures specified in Sections 1420 through 1434, inclusive, which relate to issuing and maintaining registrations of janitorial employers, as well as their recordkeeping requirements.

Article 1. Application Requirements

Section 13810 provides a specific procedure and content requirements for applying for registration with the Labor Commissioner, including submission of an application either online or in writing on a designated form containing specified items of information which relate to the identification of the applicant, entity infor-

mation, location and contact information, and other specified items, and a payment of the \$500 fee for initial registration and subsequent annual renewal.

Article 2. Registration Certificate

Section 13811 provides the administrative process for issuance of a registration certificate, information items included on the certificate, and procedures for changes in information.

Section 13812 provides the information contained on the online registry of registered janitorial employers accessible on the Department of Industrial Relations’ website and maintained by the Labor Commissioner which indicates the status of a registration, including denial, suspension, or revocation.

Article 3. Civil Penalty

Section 13812.5 provides the procedure and framework for assessing civil penalties under Labor Code section 1432(b) and provides clarification for determining initial and subsequent violations.

Article 4. Denial of Registration; Suspension and Revocation

Section 13813 provides for administrative actions which may be taken by the Labor Commissioner for addressing (1) a denial of an application for registration when the agency determines that the applicant fails to qualify for registration under the requirements in Article 1 of this subchapter, and (2) the suspension, revocation, or refusal to renew a registration by a registrant who violates or fails to comply with the Act or this subchapter applicable to registrants. The section introduces the subsequent procedures for the respective actions taken by the Labor Commissioner.

Section 13814 provides for a notice for a denial of an application or for a suspension or revocation if sought by the Labor Commissioner against an applicant or registrant and provides the requirements for providing notice of the respective administrative action by the Labor Commissioner. The section also creates a right to a hearing if appealed by the filing of a notice of defense within the prescribed period by the applicant/registrant, provides the grounds for a notice of defense, and waiver of a right to hearing if there is a failure to file a timely notice of defense.

Section 13815 provides the procedures and rights of an applicant or registrant in the event of filing a timely notice of defense, establishes the right to a hearing, the exclusive right and method for discovery, notice of hearing to all parties at least 10 days prior to the hearing, and the right to request an interpreter.

Section 13816 provides procedures for conducting a hearing based on a denial of an application or for suspension or revocation of a registration, including the informal nature of the hearing and conferring authority to

the hearing officer to control the order of presentation of evidence and otherwise rule on the evidence.

Section 13817 provides rights of parties at the hearing, as specified, including the right to be represented by counsel, cross-examination of witnesses, to rebut evidence, providing oral testimony under oath, declarations, recording of the proceeding, and amendments to any charging documents.

Section 13818 provides the procedures for preparing and issuing a decision based on the record made at the hearing, the contents of a decision, and review by the Labor Commissioner who may adopt or modify the proposed decision, or remand to the hearing officer for further proceedings. The section also provides the procedure for seeking judicial review of a decision by filing a timely petition for writ of mandate to the superior court pursuant to Code of Civil Procedure section 1094.5.

Article 5. Recordkeeping

Section 13819 provides clarification regarding the employees for whom an employer must keep records as required under Labor Code section 1421.

OBJECTIVE AND ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS

The objective of the proposed regulations is to establish procedures, standards, and criteria necessary for the Labor Commissioner to administer and enforce the janitorial employer registration program, effective July 1, 2018, in accordance with the statutory requirements provided in Part 4.2 of Division 2 (commencing with Section 1420) of the Labor Code enacted pursuant to AB 1978 (2016). This new subchapter contains provisions implementing the registration requirements for employers to apply for, and receive, a registration from the Labor Commissioner prior to providing janitorial services in this state. Establishing standardized information in the application stage and other standards and processes regarding registration will inform the public of the agency’s standard procedures regarding the registration program and provide for consistent administration of the program by the agency. Workers would be able to view the online list of employers who are legally registered with DLSE and employers would benefit from the standardized process to become legally permitted to conduct business in this industry in California. Uniform procedures for submitting the required application will enable efficient and effective issuance of registration certificates and maintenance of an online registry of janitorial employers, and providing procedures for adverse actions upon applications and registrations will further accomplish the objective of the legislation (AB 1978) to enhance the welfare and protection of janitorial workers in this state. The registration also ensures businesses are compliant with the eligibili-

ty requirements, which would have broader impacts, including addressing sexual harassment in the workplace, reducing sexual discrimination in the California labor market overall and promoting social equity generally. Thus, these standardized procedures increase transparency in business and government, and promote fairness and social equity for the workers and employers covered by this law.

DETERMINATION OF INCONSISTENCY
AND/OR INCOMPATIBILITY WITH EXISTING
STATE REGULATIONS

The Labor Commissioner has determined that these proposed regulations are not inconsistent or incompatible with existing state statutes or other regulations. After conducting a review for any regulations that would relate to or affect this area, the Labor Commissioner has concluded that these are the only regulations which regulate the registration of janitorial employers who are subject to Part 4.2 of Division 2 of the Labor Code.

DUPLICATION OF LABOR CODE PROVISIONS

The proposed regulations repeat limited parts of various provisions of Labor Code sections 1420, 1425, 1427, 1428, 1429, 1430, and 1431. Duplication is necessary for the purpose of clarity such that the regulations represent comprehensive and consistent description of procedural requirements, standards, and criteria for administering the registration program.

DISCLOSURES REGARDING THE PROPOSED
REGULATORY ACTION

The Labor Commissioner has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

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

Other nondiscretionary cost or savings imposed on local agencies: No fiscal impact exists because these proposed regulations create rules to carry out provisions in statute.

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

Direct cost impacts on housing: None.

Cost impacts on a representative private person or business: The proposed regulations will impact businesses who provide janitorial services under contract with another entity and who must first register

with the Labor Commissioner under the statutorily-mandated registration program. The janitorial employer may register using either an online application submitted at the agency's website or written application submitted by delivery to a specified address. Fee in the amount of \$500 (set by statute independent of these regulations) applies both for an initial registration application valid for one year and for a subsequent annual registration renewal.

Effect on Small Business: The proposed regulations will affect any small business in California which performs contract-based janitorial services employing at least one employee and one or more covered workers that is subject to regulation and who is required to register with the Labor Commissioner.

Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States: None.

Summary Results of the Economic Impact Analysis/Assessment:

The Labor Commissioner concludes that it is (1) unlikely that the proposal will create any jobs with the State of California, (2) unlikely that the proposal will eliminate any jobs within the State of California, (3) unlikely that the proposal will create any new businesses within the State of California, (4) unlikely that the proposal will eliminate any existing businesses within the State of California, except for an estimated small number of current janitorial employers who may cease operating rather than register with the Labor Commissioner, (5) unlikely that the proposal would cause the expansion of businesses currently doing business within the State of California, and (6) the proposal will enhance the safety and welfare of janitorial workers employed in California, including proper payment of wages. Accordingly, the Labor Commissioner has determined that the proposed regulatory action will not have a significant impact on business.

CONSIDERATION OF ALTERNATIVES

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

The Labor Commissioner has initially determined that no alternatives would be more effective in carrying

out the purpose that underlies the proposed regulatory action, or would be at least as effective or less burdensome on the regulated public (persons who perform specified services, as defined, and businesses who use such janitorial contractors), and that would ensure full compliance with the existing statutes regarding registrations being implemented or made specific by the proposed regulations.

The Labor Commissioner invites interested persons to present reasonable alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A text of draft proposed regulations will be made available for public comment within the timeframe listed above on the Department of Industrial Relations' website (<https://www.dir.ca.gov/Rulemaking/DIRProposed.html>), and a public meeting for public comment will be held as noted.

AVAILABILITY OF INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, RULEMAKING FILE AND DOCUMENTS SUPPORTING THE RULEMAKING FILE/INTERNET ACCESS

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

As of the date of this Notice, the rulemaking file consists of the Notice, the Initial Statement of Reasons, and proposed text of the regulations. Also included are documents relied upon in drafting the proposed regulations.

In addition, the Notice, Initial Statement of Reasons, and proposed text of regulations may be accessed and downloaded from the Department of Industrial Relations' website at www.dir.ca.gov. To access them, click on the "Laws & Regulations" button and follow the link for "Rulemaking — Proposed Regulations." There you will find all of the agencies' current rulemaking proceedings. Scroll down the list to find the Janitorial Registration rulemaking link.

Any interested person may inspect a copy or direct questions about the proposed regulations and any supplemental information contained in the rulemaking file. The rulemaking file will be available for inspection at the Division of Labor Standards Enforcement, 2031

Howe Avenue, Suite 100, Sacramento, California, between 9:00 a.m. and 4:30 p.m., Monday through Friday, unless the state office is closed for a state holiday. Copies of the proposed regulations, initial statement of reasons and any information contained in the rulemaking file may be requested in writing to the contact person.

CONTACT PERSON

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

Jennifer Stevens, Legislative Analyst and
Regulations Coordinator
Department of Industrial Relations
Division of Labor Standards Enforcement,
Legal Unit
2031 Howe Avenue, Suite 100
Sacramento, CA 95825
E-mail: jstevens@dir.ca.gov

The telephone number of the contact person is (916) 263-1563.

CONTACT PERSON FOR SUBSTANTIVE QUESTIONS

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

Laura Moskowitz, Staff Attorney
Department of Industrial Relations
Division of Labor Standards Enforcement,
Legal Unit
455 Golden Gate Avenue, 9th Floor
San Francisco, CA 94102
E-mail: lmoskowitz@dir.ca.gov

The telephone number of the backup contact person is (415) 703-5252.

AVAILABILITY OF CHANGES FOLLOWING PUBLIC HEARING

If the Labor Commissioner makes changes to the proposed regulations as a result of the public hearing and public comment received, the modified text with changes clearly indicated will be made available for public comment for at least 15 days prior to the date on which the regulations are adopted.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the contact person named in this notice or may be accessed on the Department of Industrial Relations' website at www.dir.ca.gov/Rulemaking/DIRProposed.html.

AUTOMATIC MAILING

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

If adopted, the regulations as amended will appear in Title 8, California Code of Regulations, commencing with section 13810. The text of the final regulations will also be available through the website of the Office of Administrative Law at www.oal.ca.gov.

TITLE 8. DIVISION OF LABOR STANDARDS ENFORCEMENT

DEPARTMENT OF INDUSTRIAL RELATIONS

Subject Matter of Regulations: Sexual Violence and Harassment Prevention Training for Property Service Workers

TITLE 8, CALIFORNIA CODE OF REGULATIONS New Sections 13820-13822

NOTICE IS HEREBY GIVEN that the Labor Commissioner proposes to adopt regulations governing sexual harassment training for property service workers. These regulations, new sections 13820 through 13822, are located in new Article 6 of new Subchapter 13 of existing Chapter 6, Division 1, Title 8 of the California Code of Regulations ("CCR").

PROPOSED REGULATORY ACTION

The Labor Commissioner proposes to adopt regulations under new Subchapter 13 of Chapter 6 of Division 1 consisting of the following:

Article 6. Sexual Violence and Harassment Prevention Training for Property Service Workers

- Section 13820 Definitions
Section 13821 Standards Regarding Timing, Documentation, Languages for Training
Section 13822 Objectives and Content

The proposed regulations in this rulemaking proposal only pertain to the sexual harassment training requirement enacted under AB 1978 (2016). The Labor Commissioner is also proposing regulations pertaining to registration of janitorial employers in a separate rulemaking proposal. The proposed rulemaking addressing registration will be concurrently filed with a separate OAL file number and rulemaking contents.

TIME AND PLACE OF PUBLIC HEARING

A public hearing has been scheduled to permit all interested persons the opportunity to present statements or arguments, either orally or in writing, with respect to the subjects noted above. The hearing will be held at the following time and place:

- Date: May 20, 2019
Time: 10:00 a.m. to 5:00 p.m., or conclusion of business
Place: Junipero Serra State Office Building Carmel Room, 1st Floor 107 South Broadway Los Angeles, CA 90012

The State Office Building and designated room are accessible to persons with mobility impairments. Alternate formats, assistive listening systems, sign language interpreters, or other type of reasonable accommodation to facilitate effective communication for persons with disabilities, are available upon request. Please contact the Division of Labor Standards Enforcement at 510-285-2118 to request an accommodation, or through the California Relay Service by dialing 711 or 1-800-735-2929 (TTY/English) or 1-800-855-3000 (TTY/Spanish) as soon as possible to request assistance.

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

Jennifer Stevens, Legislative Analyst and
Regulations Coordinator
Department of Industrial Relations
Division of Labor Standards Enforcement,
Legal Unit
2031 Howe Avenue, Suite 100
Sacramento, CA 95825

Written comments may also be sent electronically (via email) using the following email address: DLSERegulations@dir.ca.gov

Written comments may also be submitted via facsimile transmission (FAX), addressed to the above-named contact person at (916) 263-2920. Due to the inherent risks of non-delivery by facsimile transmission, the Division suggests, but does not require, that a copy of any comments transmitted by facsimile transmission also be submitted by regular mail.

Comments sent to other email addresses or facsimile numbers will not be accepted. Comments sent by email or facsimile are subject to the deadline set forth above for written comments.

AUTHORITY AND REFERENCE

Labor Code section 1422 authorizes the Labor Commissioner, Chief of the Division of Labor Standards Enforcement (“DLSE”), to adopt regulations to implement Part 4.2 (sections 1420 through 1434), Property Service Workers Protection, of Labor Code Division 2. Applicable to janitorial services contractors,¹ Labor Code section 1429.5 mandates the adoption of a biennial in-person sexual violence and harassment prevention training requirement. The proposed regulations im-

plement, interpret, and make specific Labor Code sections 1429(a)(10) and 1429.5.

INFORMATIVE DIGEST AND POLICY
STATEMENT OVERVIEW

In 2015, the PBS documentary series *Frontline* — in collaboration with Univision, the Investigative Reporting Program at the University of California (“UC”), Berkeley, the Center for Investigative Reporting, and PBS station KQED — produced *Rape on the Night Shift*, an exposé of the prevalence, gravity, and impunity of sexual harassment of janitorial workers across the United States, many of whom are immigrant women. According to a subsequent report by the Labor Occupational Health Program at UC Berkeley, the janitorial services industry “is structured in a way that isolates workers who are uniquely vulnerable to sexual harassment, and then creates conditions in which workers are afraid to step forward to report harassment.”²

In September 2016, Assembly Bill (“AB”) 1978³ was enacted to add Part 4.2 to the Labor Code requiring janitorial services contractors to register annually with the Labor Commissioner in accordance with prescribed procedures. The registration requirement went into effect on July 1, 2018. Registration requirements include paying application and annual renewal fees, providing specified information, and maintaining records as prescribed.

Effective January 1, 2020, pursuant to Labor Code sections 1429(a)(10) and 1429.5, registration and renewal of registration requires sexual violence and harassment prevention training biennially for both janitorial workers and their supervisors. This regulatory proposal sets forth the sexual violence and harassment training requirements.

Section 1429.5 mandates consideration of the Fair Employment and Housing Act (“FEHA”) requirements of Government Code section 12950.1 in developing this proposal. Since enactment of AB 1978, Senate Bill (“SB”) numbers 396 (2017) and 1343 (2018) were enacted, changing and expanding FEHA’s sexual harassment training requirements under Government Code section 12950.1. SB 396 added the requirement to provide harassment training based on gender identity, gender expression, and sexual orientation. Fair Employment and Housing Council implementing regulations, 2 CCR § 11024, will add, among other things, peer-to-peer trainers as individuals qualified to conduct train-

² Helen Chen, Alejandra Domenzain, and Karen Andrews (May 2016), *The Perfect Storm: How Supervisors Get Away with Sexually Harassing Workers Who Work Alone at Night*, Report of the Labor and Occupational Health Program, University of California, Berkeley, available at <http://lohp.org/the-perfect-storm/>.

³ AB 1978 was introduced by San Diego Assemblymember Lorena Gonzalez.

¹ Section 1420(e)(1) defines a covered employer as “any person or entity that employs at least one employee and one or more covered workers and that enters into contracts, subcontracts, or franchise arrangements to provide janitorial services.”

ing. SB 1343 added a requirement to provide training to non-supervisors, expanded the FEHA training requirement to employers with five or more employees, and directed the Department of Fair Employment and Housing (“DFEH”) to provide training courses on its website. This regulatory proposal contemplates the existing requirements of Government Code section 12950.1 and the implementing regulations, and ensures alignment with FEHA’s sexual harassment training content and qualified trainer requirements.

Many large unionized janitorial service contractors are already implementing similar provisions in workers’ contracts. This regulatory proposal is intended to set sexual harassment prevention standards for all covered janitorial employers regardless of size or unionization and ensure that those standards are met through a registration process that improves worker safety, participation, transparency, accountability, and enforcement.

Anticipated Benefits of the Proposed Regulation:

Implementing Part 4.2 of Labor Code Division 2 by adopting California Code of Regulations Title 8 sections 13820 through 13822 would provide benefits for both janitorial services workers and their employers. Reducing or eliminating workplace sexual harassment would enable janitorial workers to work without facing intimidation or coercion. Those who might have been driven by harassment to quit their jobs would benefit psychologically and monetarily from retaining a stable income and work schedule. Employers would benefit from better job performance by workers, reduction of business disruption, lower staff turnover, and lower liability. Reducing or eliminating workplace sexual harassment would also have broader impacts, reducing sex discrimination in the California labor market overall and promoting social equity generally.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

The Labor Commissioner evaluated the existing all-industry sexual harassment training regulations promulgated by the Fair Employment and Housing Council to implement the training requirement in Government Code section 12950.1. In coordination with the advisory committee, the Labor Commissioner structured these regulations concerning sexual violence and harassment prevention training for property service workers to be consistent with those existing regulations.

STAKEHOLDER INPUT

Labor Code section 1429.5 mandates a process for adopting regulations to implement the new sexual violence and harassment training requirement. Accordingly, the Director of the Department of Industrial Rela-

tions (“DIR”) convened an advisory committee to provide input and recommendations on the proposal. The advisory committee included representatives of:

- DIR;
- DLSE;
- Division of Occupational Safety and Health;
- DFEH;
- The Service Employees International Union, United Service Workers West, which represents over 40,000 property service workers in California;
- Four janitorial services employers; and
- Advocacy groups for victims of sexual assault and domestic violence, women’s civil rights, property service workers, and occupational health.

The Advisory Committee met on January 24, June 13, and October 11, 2017, and on February 4 and 11, 2019, providing input at these meetings and in correspondence.

Proposed new sections 13820 through 13822 of Title 8 of the California Code of Regulations are the result of extensive stakeholder involvement. The proposed regulations specify trainer qualifications and prescribe the frequency, duration, language, literacy level, modes, techniques, content, and documentation of sexual harassment prevention training for the janitorial services industry.

DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

The Labor Commissioner has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

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

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

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

Cost impact on a representative private person or business:

The cost of the 2 hour training is \$5.4 million initially and biennially (ongoing costs), or \$2.7 million annually. Initial costs for a typical small business are estimated to be \$646. Initial costs for a typical business are estimated to be \$7,850. Ongoing costs (every 2 years based on the requisite frequency of the training) are estimated to be \$646 and \$7,850 for small and typical businesses, respectively.

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

Significant effect on housing costs: None.

Effect on Small Business:

California Government Code section 11346.3 defines small businesses as businesses that are independently owned and operated, not dominant in their field of operation, and have fewer than 100 employees. The California Employment Development Department reports that 95.8% of the businesses in California's Administrative and Support Services industry (NAICS 561) have fewer than 100 employees in the third quarter 2016.⁴ It is estimated that a similar percentage of small businesses in the janitorial services industry will be impacted. Ongoing costs (every 2 years based on the requisite frequency of the training) are estimated to be \$646 for small businesses.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENTS

The Labor Commissioner does not anticipate the creation or elimination of jobs within the state attributed to this proposal. The costs and benefits will be borne by existing businesses and will not create or eliminate businesses. There is no anticipated expansion of businesses currently doing business within the state attributed to this proposal. The proposal will not have a significant adverse economic impact on business based on analysis of the associated costs of compliance.

Labor Code section 1429.5 will immediately impact 5,684 janitorial services organizations who will be mandated to provide the sexual violence and harassment prevention training to 110,189 employees. The industry employer estimate is obtained from the Employment Development Department for the particular NAICS or industry code associated with the janitorial services industry (NAICS 56172) that are privately owned.⁵

California Government Code section 11346.3 defines small businesses as businesses that are independently owned and operated, not dominant in their field

⁴ California Economic Development Department Labor Market Info. *Size of Business Data — 2006–present*. Accessed 11/30/2017: http://www.labormarketinfo.edd.ca.gov/LMID/Size_of_Business_Data.html

⁵ California Economic Development Department Labor Market Info. *Quarterly Census of Employment and Wages (QCEW) Industry Detail* (2016). Accessed 11/30/2017: http://www.labormarketinfo.edd.ca.gov/qcew/CEW-Detail_NAICS.asp?MajorIndustryCode=1024&GeoCode=06000000&Year=2016&OwnCode=50&Qtr=02

of operation, and have fewer than 100 employees. The California Employment Development Department reports that 95.8% of the businesses in California's Administrative and Support Services industry (NAICS 561) have fewer than 100 employees in the third quarter 2016. It is estimated that a similar percentage of small businesses in the janitorial services industry will be impacted.

The average weekly wage for this industry is \$508. It is estimated that workers in this industry work an average 40 hours per week, so the average hourly rate is approximately \$12.70 per hour.⁶

The cost of hiring a qualified in-person trainer is estimated at \$456 based on the average hourly mean wage between a training and development specialist and an attorney,⁷ noting industry standards for preparation and training time.⁸

Therefore, the cost of the 2-hour training is \$5.4 million initially and biennially (ongoing costs), or \$2.7 million annually. Initial costs for a typical small business are estimated to be \$646. Initial costs for a typical business are estimated to be \$7,850. Ongoing costs (every 2 years based on the requisite frequency of the training) are estimated to be \$646 and \$7,850 for small and typical businesses, respectively.

It is estimated that the prevention of workplace sexual harassment and violence incidents through mandated training will accrue benefits for workers, employers, and society including: reduction in injuries and health care costs for the victim, increased productivity, and reduced employee absenteeism.

A quantifiable benefit of the proposed regulation is determined by multiplying the number of lost time injuries (Days Away from Work, DAFW) that will be prevented by the proposed regulation by the societal cost of those injuries.

The number of injuries currently occurring to employees covered by the proposed regulation is calculated by multiplying the number of annual workplace violence injuries in the janitorial industry in California by the share of workplace violence cases attributed to rape/sexual assault injuries. Per the Bureau of Labor Statis-

⁶ California Economic Development Department Labor Market Info. *Quarterly Census of Employment and Wages (QCEW) Industry Detail* (2016). Accessed 11/30/2017: http://www.labormarketinfo.edd.ca.gov/qcew/CEW-Detail_NAICS.asp?MajorIndustryCode=1024&GeoCode=06000000&Year=2016&OwnCode=50&Qtr=02

⁷ California Economic Development Department Labor Market Info. *OES Employment and Wages*. Accessed 11/30/2017: <http://www.labormarketinfo.edd.ca.gov/data/oes-employment-and-wages.html>

⁸ American Faculty Association. *Hours for Teaching and Preparation Rule of Thumb: 2–4 Hours of Prep for 1 Hour of Class*. Accessed 11/30/2017: <http://americanfacultyassociation.blogspot.com/2012/02/hours-for-teaching-and-preparation-rule.html>

tics, in 2015 in California, there were 60 DAFW workplace violence injuries in the janitorial services sector.⁹ U.S. Department of Justice reported that rape/sexual assault cases constitute about 2.3% of non-fatal workplace violence cases.¹⁰ Therefore, approximately 1.4 rape/sexual assault DAFW case per year occurs within this industry. DeLisi et al. (2010) estimated that each rape case exacts \$448,532 (in 2008 USD) or \$510,305 in current dollars¹¹ in societal costs.¹² The annual estimated societal cost is \$704,221.

To estimate employers' economic benefits of the proposal, interpreted as the prevention of incidents of sexual harassment within the janitorial industry, DIR used data reported to the California workers' compensation information system ("WCIS").¹³

For workers' compensation claims in the janitorial sector with dates of injury from 2012–2016, there was an average of 2.4 post traumatic stress disorder ("PTSD") related workers' compensation cases with an injury description indicating sexual violence/harassment reported per year.

For the same period, the average paid cost for medical services of a PTSD workers' compensation claim in the janitorial sector was \$14,886. With indemnity, an estimated additional \$7,334 is the average paid per stress

claim with permanent disability,¹⁴ for a total annual estimated employer cost of \$53,328.

The number of sexual violence and harassment incidents that do not result in an injury with days away from work are believed to exceed the number of reported sexual violence and harassment incidents with lost workdays by orders of magnitude and number in the tens of thousands of incidents per year for the employers covered by the proposal.¹⁵ Although this amount cannot be estimated, the prevention of these incidents should be documented as another benefit of the proposal.

Each year, based on available data, this proposal is conservatively estimated to provide \$704,221 in societal benefits and \$53,328 in employer benefits through the prevention of sexual harassment incidents in the workplace, for a total of \$757,549.

CONSIDERATION OF ALTERNATIVES

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

The proposal is the result of significant and collaborative stakeholder involvement from labor and industry groups. The proposal aligns with related FEHA provisions, incorporates many suggestions from stakeholders, and meets the mandate in Labor Code section 1429.5. Alternative options were discussed in lieu of the proposed two-hour training length, which is the same as DFEH's sexual harassment training for supervisory employees per 2 CCR § 11024(a)(11). A four-hour training was considered, however, there were no quantifiable benefits to the four-hour training versus

¹⁴ Per WCIRB, the average paid indemnity cost for a permanent disability psychiatric and stress claim is \$7,334. See WCIRB (2017). *Report on 2016 California Workers' Compensation Losses and Expenses*. Exhibit 6. Accessed 11/30/2017: https://www.wcirb.com/sites/default/files/documents/report_on_2016_ca_wc_losses_and_expenses_complete.pdf

¹⁵ Hinkley, S. et al. (2016) *Race to the Bottom: How Low-Road Subcontracting Affects Working Conditions in California's Property Services Industry*. University of California, Berkeley, Center for Labor Research and Education. <http://laborcenter.berkeley.edu/pdf/2016/Race-to-the-Bottom.pdf>

⁹ Data derived from Bureau of Labor Statistics. *Occupational Injuries/Illnesses and Fatal Injuries Profiles*. Accessed 11/30/2017: <https://data.bls.gov/gqt/InitialPage>

¹⁰ Harrell, E. *Workplace Violence, 1993–2009 National Crime Victimization Survey and the Census of Fatal Occupational Injuries*. U.S. Department of Justice Office of Justice Programs Bureau of Justice Statistics Special Report NCJ 233231, March 2011. Accessed 11/30/2017: <https://www.bjs.gov/content/pub/pdf/wv09.pdf>

¹¹ Coinnews Media Group LLC. *US Inflation Calculator*. Accessed 11/30/2017: <http://www.usinflationcalculator.com/>

¹² DeLisi, M., Kosloskia, A., Sweena, M., Hachmeister, E., Moorea, M., & Drury, A. (2010). *Murder by numbers: Monetary costs imposed by a sample of homicide offenders*. *The Journal of Forensic Psychiatry & Psychology*, 21, 501–513. doi:10.1080/14789940903564388. Accessed 11/30/2017: <http://www.tandfonline.com/doi/abs/10.1080/14789940903564388>

¹³ WCIS uses electronic data interchange (EDI) to collect comprehensive information from claims administrators to help the Department of Industrial Relations oversee the state's workers' compensation system. Electronic transmission of first reports of injury was required beginning March 1, 2000 and electronic versions of benefit notices were mandated as of July 1, 2000. Electronic reporting of medical billing data is required for any medical service that occurs on or after Sep. 22, 2006.

the two-hour training, and costs were considerably higher (\$2.7 million for two-hour versus \$4.1 million for four-hour training). Therefore, the two-hour training length was determined to be the optimal and effective duration.

AVAILABILITY OF INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, RULEMAKING FILE AND DOCUMENTS SUPPORTING THE RULEMAKING FILE/INTERNET ACCESS

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

As of the date of this Notice, the rulemaking file consists of the Notice, the Initial Statement of Reasons, and proposed text of the regulations. Also included are documents relied upon in drafting the proposed regulations.

In addition, the Notice, Initial Statement of Reasons, and proposed text of regulations may be accessed and downloaded from the Department of Industrial Relations' website at www.dir.ca.gov. To access them, click on the "Laws & Regulations" button and follow the link for "Rulemaking — Proposed Regulations." There you will find all of the agencies' current rulemaking proceedings. Scroll down the list to find the Sexual Violence and Harassment Prevention Training for Property Service Workers rulemaking link.

Any interested person may inspect a copy or direct questions about the proposed regulations and any supplemental information contained in the rulemaking file. The rulemaking file will be available for inspection at the Division of Labor Standards Enforcement, 2031 Howe Avenue, Suite 100, Sacramento, California, between 9:00 a.m. and 4:30 p.m., Monday through Friday, unless the state office is closed for a state holiday. Copies of the proposed regulations, initial statement of reasons and any information contained in the rulemaking file may be requested in writing to the contact person.

CONTACT PERSON

Nonsubstantive inquiries concerning this action, such as requests to be added to the mailing list for rulemaking notices, requests for copies of the text of the proposed regulations, the Initial Statement of Reasons, and any supplemental information contained in the

rulemaking file may be requested in writing at the same address. The contact person is:

Jennifer Stevens, Legislative Analyst and Regulations Coordinator
Department of Industrial Relations
Division of Labor Standards Enforcement,
Legal Unit
2031 Howe Avenue, Suite 100
Sacramento, CA 95825
E-mail: jstevens@dir.ca.gov

The telephone number of the contact person is (916) 263-1563.

CONTACT PERSON FOR SUBSTANTIVE QUESTIONS

If the contact person is unavailable, or to obtain responses to questions regarding the substance of the proposed regulations, inquiries should be directed to the following backup contact person:

Laura Moskowitz, Staff Attorney
Department of Industrial Relations
Division of Labor Standards Enforcement,
Legal Unit
455 Golden Gate Avenue, 9th Floor
San Francisco, CA 94102
E-mail: lmoskowitz@dir.ca.gov

The telephone number of the backup contact person is (415) 703-5252.

AVAILABILITY OF CHANGES FOLLOWING PUBLIC HEARING

If the Labor Commissioner makes changes to the proposed regulations as a result of the public hearing and public comment received, the modified text with changes clearly indicated will be made available for public comment for at least 15 days prior to the date on which the regulations are adopted.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the contact person named in this notice or may be accessed on the Department of Industrial Relations' website at www.dir.ca.gov/Rulemaking/DIRProposed.html.

AUTOMATIC MAILING

A copy of this Notice, the Initial Statement of Reasons, and the text of the regulations, will automatically

be sent to those interested persons on the DLSE's mailing list.

If adopted, the regulations as amended will appear in Title 8, California Code of Regulations, commencing with section 13820. The text of the final regulations will also be available through the website of the Office of Administrative Law at www.oal.ca.gov.

TITLE 14. DEPARTMENT OF FISH AND WILDLIFE

NOTICE IS HEREBY GIVEN that the Department of Fish and Wildlife (Department) proposes to adopt regulations to amend sections 106 and 107, and add Section 106.5 to Title 14, California Code of Regulations (CCR) implementing the program described in Section 8583 of the Fish and Game Code (FGC). Section 8583 directs the Department to establish a voluntary Drift Gill Net Transition Program (Transition Program), which incentivizes drift gill net permittees to transition out of the drift gill net shark and swordfish fishery, reduces bycatch, and provides for a sustainable swordfish fishery.

The Transition Program allows permittees to voluntarily surrender their drift gill net shark and swordfish permit and large mesh drift gill net(s) to the Department ahead of the prescribed sunset date in exchange for a one-time payment prescribed by FGC Section 8583. The Transition Program specifies the method of participation and other requirements mandated by Section 8583.

After consideration of all public comments, objections, and recommendations regarding the proposed action, the Department may adopt the proposed regulations.

PUBLIC HEARING

No public hearing is scheduled for this action. The Department will hold a public hearing if one is requested in writing no later than 15 days prior to the close of the written comment period. If a hearing is requested, the Department will, to the extent practicable, provide notice of the time, date, and place of the hearing by mailing the notice to every person who has filed a request for notice.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments on the proposed action to the Department. All written comments must be received by the Department via

mail, or e-mail, no later than **5:00 p.m. on May 20, 2019**, to the contact as follows:

California Department of Fish and Wildlife,
Regulations Unit
Attn: Ona Alminas, Sr. Environmental Scientist
1416 9th Street, Room 1342-A
Sacramento, CA 95814
Email: Regulations@wildlife.ca.gov

AUTHORITY AND REFERENCE

Section 106:

Authority: Sections 1050, 7857, 8394, 8561, 8577, and 8583, Fish and Game Code. Reference: Sections 8394.5 and 8561–8569, Fish and Game Code.

Section 106.5:

Authority: Section 8583, Fish and Game Code. Reference: Sections 8573 and 8579, Fish and Game Code.

Section 107:

Authority: Sections 1050, 7857, 7892 and 8394, Fish and Game Code. Reference: Sections 1050, 7857, 7892, 8394.5, 8577, and 9028, Fish and Game Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law prohibits the taking of shark and swordfish for commercial purposes with drift gill nets except under a valid drift gill net shark and swordfish permit (DGN permit) issued to that person, pursuant to Fish and Game Code (FGC) Section 8561.

Senate Bill 1017 (Allen), signed into law on September 27, 2018, amended several sections in the FGC, and added FGC sections 8583 and 8583.5. Subdivision (a) of FGC Section 8583 requires the Department to establish a voluntary Drift Gill Net Transition Program (Transition Program) to transition commercial DGN permittees from using drift gill nets for the shark and swordfish fishery. The Department must establish the program by March 31, 2020 in accordance with several requirements provided in FGC Section 8583.

Proposed Regulations

The proposed regulations will remove references to a logbook that no longer required, meet the requirements mandated by SB 1017, address issues with bycatch in the drift gill net fishery, and encourage the transition to more selective and sustainable gears used to catch swordfish. In addition, voluntary transition program participants will be compensated to the extent that funds are available.

Amendments to **Section 106, Title 14, California Code of Regulations (CCR)** are summarized as follows:

- Subsection (d) is removed to eliminate the requirement for drift gill net permittees to submit state logbooks. In 2018, the Fish and Game Commission (Commission) repealed the requirement for a state logbook in the drift gill net shark and swordfish fishery. Section 106 was inadvertently left out of the sections that were amended for the repeal.
 - The provision in subsection 106(a)(2) is amended to remove language pertaining to drift gill net shark and swordfish expired permittees complying with subsection (d) dealing with records during the preceding year.
- Subsection (h) of Section 106 is added to implement the provision of subdivision (c) of FGC Section 8561 that all permits issued pursuant to this section shall be surrendered or revoked and this section shall be repealed as of January 31 of the fourth year following the Department’s notification to the Legislature, pursuant to paragraph (2) of subdivision (b) of Section 8583 of the Fish and Game Code.
- Subsequent subsections of Section 106 have been edited and renumbered for consistency, and references to FGC sections have been updated for capitalization and accuracy of legislative history.

Section 106.5, Title 14, CCR, is added to describe the Transition Program and process, in summary:

- Subsection (a) incorporates by reference the proposed new form DFW 1083 (NEW 08/31/19), “Declaration of Intent to Participate in Drift Gill Net Transition Program,” and directs permittees to submit the form to indicate their intention to participate in the Transition Program.
- Subsection (b) states the Department shall notify in writing the permittee submitting a notarized form of his or her eligibility for the Transition Program, when funding is available, and mentions that forms will be processed in the order received.
- Subsection (c) includes the requirements permittees must agree to on form DFW 1083 when indicating their intent to participate in the Transition Program. The date of March 31, 2021 is proposed as a deadline for surrender of state permits and nets, so permittees may fish up until of the entirety of the 2020–2021 permit term using their DGN permit and large mesh nets.
- Subsection (d) refers to the payment amounts that are prescribed by subdivision (2) of FGC Section 8583 for specified levels of voluntary participation in the Transition Program.

- Subsection (e) adds language defining the criteria for net destruction entities to be approved by the Department to destroy large mesh nets for the Transition Program. These criteria were selected to ensure approved entities had both the experience and capacity necessary to accept, process, and destroy large mesh drift gill nets and provide documentation of destruction to the Department and Transition Program participants.

Section 107 is amended to remove language referring to log book requirements under paragraph (2), subsection (a). This change is necessary to ensure consistency with the 2018 Commission decision to repeal the logbook reporting requirement for this fishery. Additionally, language is added to subsection (f)(1) for consistency with SB 1017 changes to FGC Section 9028 for deep set buoy gear authorized under federal law.

The Department does not anticipate any benefits to the health and welfare of California residents or worker safety, but the Department does anticipate a benefit to the State’s environment. The cumulative effects of the changes statewide are expected to benefit the state’s environment by further reducing bycatch of whales, dolphins, sharks, pinnipeds, and sea turtles, including the California state marine reptile, the Pacific leatherback sea turtle.

EVALUATION OF INCOMPATIBILITY WITH EXISTING REGULATIONS

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. The Legislature has required that the Department establish a drift gill net shark and swordfish permit transition program to transition the holders of drift gill net permits issued pursuant to FGC Section 8561, out of the drift gill net fishery (FGC Section 8583). The Department has reviewed existing regulations in Title 14 of the CCR, and finds that the proposed regulations are neither inconsistent nor incompatible with existing State regulations.

DOCUMENTS RELIED UPON

None.

DOCUMENTS INCORPORATED BY REFERENCE

1. Form DFW 1083, “Declaration of Intent to Participate in Drift Gill Net Transition Program”, NEW 08/31/19
2. State form STD 204, Payee Data Record (not a Departmental form), REV 05/2018

**DISCLOSURES REGARDING THE
PROPOSED ACTION**

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Drift gill net gear is not allowed to land swordfish in other west coast states. This action implements a voluntary transition program that provides compensating funding to participants.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment:

The Department anticipates no net impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses, or the expansion of businesses in California because the proposed regulations will not change the level of commercial fishing activity in the state. Other types of fishing gear may be used in place of drift gill nets to continue harvest of swordfish.

- (c) Cost Impacts on a Representative Private Person or Business:

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. Voluntary participants will be compensated for their participation.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The Department anticipates that program development and implementation will involve an additional 2.0 personnel at a cost of \$523,000 that will be absorbed within the existing budget and resources. Additionally, the Department will experience revenue losses in swordfish landings fees, drift gill net permit renewal and landings fee revenue over the next three years or transfer fees in fiscal year 2019–20.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.

- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The proposed regulations may affect small businesses specifically involved in the shark and swordfish drift gill net fishery.

**RESULTS OF THE ECONOMIC
IMPACT ASSESSMENT**

The Department concludes that it is (1) unlikely the program will create additional job opportunities; (2) unlikely to result in the elimination of commercial fishing jobs or existing businesses; and (3) likely to benefit the commercial swordfish fishery through providing long-term sustainability and reductions in protected resource bycatch.

BENEFITS TO THE STATE’S ENVIRONMENT

The regulations proposed describe the implementation of the Transition Program and specify a sunset date on state drift gill net shark and swordfish permit. With the passage of SB 1017, the Legislature intended to direct participants in the swordfish fishery toward the use of lower impact fishing gears for the Transition Program, and specify a modernized fishery, while allowing current participants in the state drift gill net fishery to continue those practices under a State permit for a limited duration of time. This will lead to a more sustainable fishery over time. The cumulative effects of the changes statewide are expected to benefit the state’s environment by further reducing bycatch of whales, dolphins, sharks, pinnipeds, and sea turtles, including the California state marine reptile, the Pacific leatherback sea turtle.

CONSIDERATION OF ALTERNATIVES

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the proposed regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

MITIGATION MEASURES REQUIRED BY
REGULATORY ACTION

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

CONTACT PERSONS

Inquiries concerning the substance of the proposed action should be directed to:

California Department of Fish and Wildlife,
Marine Region
Attn: Travis Buck, Environmental Scientist
8901 La Jolla Shores Drive
La Jolla, CA 92037
Phone: (858) 546-5667
Email: Travis.Buck@wildlife.ca.gov

The backup contact person is:

California Department of Fish and Wildlife,
Marine Region
Attn: John Ugoretz, Environmental
Program Manager
1933 Cliff Drive, Suite 9
Santa Barbara, CA 93109
Phone: (805) 568-1226
Email: John.Ugoretz@wildlife.ca.gov

Please direct requests for copies of the proposed text (the “express terms”) of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Travis Buck (see above for contact information).

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

The Department will have the entire rulemaking file available for inspection and copying at its office at the Santa Barbara address above. As of the date this notice is published, the rulemaking file consists of:

1. Notice of Proposed Action
2. Initial Statement of Reasons
3. Proposed Regulatory Text, including proposed form DFW 1083, “Declaration of Intent to Participate in Drift Gill Net Transition Program”
4. Form STD 204, Payee Data Record (not a Departmental form, but incorporated by reference).

5. Economic and Fiscal Impact Assessment (Form STD 399) and addendum

AVAILABILITY OF DOCUMENTS
ON THE INTERNET

The rulemaking file is available online at: <https://www.wildlife.ca.gov/Notices/Regulations>.

AVAILABILITY OF CHANGED
OR MODIFIED TEXT

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

AVAILABILITY OF THE FINAL
STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by checking the website at the link provided above, or contacting Travis Buck (see above for further contact information).

**TITLE 15. DEPARTMENT OF
CORRECTIONS AND REHABILITATION**

California Code of Regulations
Title 15, Crime Prevention and Corrections
Department of Corrections and Rehabilitation

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code (GC) section 12838.5 and Penal Code (PC) section 5055, and the rulemaking authority granted by PC section 5058, proposes to amend sections 3355.1, 3999.99, 3999.206, 3999.234, 3999.237, and 3999.375, of the California Code of Regulations (CCR), Title 15, Division 3, concerning copayments for health care services and the purchase of prescribed appliances.

PUBLIC HEARING

Date and Time: **May 29, 2019**

10:00 a.m. to 11:00 a.m.

Place: Elk Grove Police Service Center
Elk Grove City Council Chambers
8400 Laguna Palms Way
Elk Grove, CA 95758

Purpose: To receive comments about this action.

The Elk Grove City Council Chambers is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Department requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

PUBLIC COMMENT PERIOD

The public comment period will close **May 29, 2019, at 5:00 p.m.** Any person may submit public comments in writing (by mail or by e-mail) regarding the proposed changes. To be considered, comments must be submitted to California Correctional Health Care Services (CCHCS), Health Care Regulations and Policy Section, P.O. Box 588500, Elk Grove, CA, 95758, or by e-mail to CCHCSRegs@cdcr.ca.gov before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

J. Inderkum
Health Care Regulations and Policy Section
California Correctional Health Care Services
P.O. Box 588500
Elk Grove, CA 95758
(916) 691-2921

D. Gouldy
Associate Director
Risk Management Branch
California Correctional Health Care Services
(916) 691-2922

AUTHORITY AND REFERENCE

GC section 12838.5 provides that commencing July 1, 2005, CDCR succeeds to, and is vested with, all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of abolished predecessor entities, such as: Department of Corrections, Department of the Youth Authority, and Board of Corrections.

PC section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

PC section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

References cited pursuant to this regulatory action are as follows: Sections 3424 and 5054, PC; Americans With Disabilities Act, Public Law 101-336, July 26, 1990, 104 Stat. 328; Civil Rights of Institutionalized Persons Act, Title 42 U.S.C. Section 1997 et seq., Public Law 96-247, 94 Stat. 349; Section 35.107, Title 28, Code of Federal Regulations; *Perez, et al. v. Cate, et al.*, (No. C05-05241 JSW), U.S. District Court, Northern District of California; *Armstrong v. Newsom* (No. C-94-2307-CW), U.S. District Court, Northern District of California; *Coleman v. Newsom* (No. S90-0520 LKK JFM P) U.S. District Court, Eastern District of California; and *Plata v. Newsom* (No. C01-1351 JST), U.S. District Court, Northern District of California.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

The CDCR and CCHCS propose to amend sections 3355.1, 3999.99, 3999.206, 3999.234, 3999.237, and 3999.375, of the CCR, Title 15, Division 3, governing copayments for health care services and the purchase of prescribed appliances. Current law requires non-indigent patients to pay a copayment for patient-initiated health care visits, which includes medical and dental visits, and purchase prescribed appliances through the Department or an approved vendor.

The rationale for originally instituting copayments was to provide a disincentive to patients who seek health care services unnecessarily. The Department anticipated that by reducing the number of unnecessary health care visits, it would allow health care staff to focus on patients with legitimate health care needs; however, copayments may also be creating a deterrent for early reporting of health issues. Patients with legitimate health care needs may not want to spend their money on health care visits and may delay reporting health care is-

sues until absolutely necessary, which can lead to late intervention, potentially resulting in decreased treatment efficacy and/or increased treatment cost.

Similarly, patients who require prescribed appliances, such as dental prosthesis or orthopedic braces and shoes, may delay seeking treatment in an attempt to avoid purchasing such medically necessary appliances. This delay in treatment can result in further deterioration of the patient’s health, leading to more aggressive and costlier treatment in the future.

This action provides the following:

- Eliminates copayments for health care services for CDCR patients.
- Clarifies that prescribed appliances shall be provided at no cost to patients.

FORMS INCORPORATED BY REFERENCE

CDCR 7362, Health Care Services Request Form (Rev. 03/19)

BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The Department anticipates the proposed regulations will encourage patients to seek early treatment for health issues, prevent the exacerbation of symptoms by ensuring patients receive timely treatment for health issues, improve patient health care outcomes, reduce the number of health care grievances and health care grievance appeals submitted by patients, reduce administrative costs to the CDCR, and ensure consistency in practice among institutions.

EVALUATION OF CONSISTENCY/COMPATIBILITY WITH EXISTING REGULATIONS

Pursuant to GC section 11346.5(a)(3)(D), the Department must evaluate whether the proposed regulations are inconsistent or incompatible with existing state regulations. Pursuant to this evaluation, the Department has determined these proposed regulations are not inconsistent or incompatible with any existing regulations within CCR, Title 15, Division 3.

LOCAL MANDATES

The proposed regulatory action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to GC section 17500–17630.

FISCAL IMPACT STATEMENT:

- Cost or savings to any state agency: *\$545,000 annually.*
- Cost to any local agency or school district that is required to be reimbursed: *None.*
- Other nondiscretionary cost or savings imposed on local agencies: *None.*
- Cost or savings in federal funding to the state: *None.*

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs because the proposed regulations abolish copayments for health care services and payment for prescribed artificial appliances which only affects CDCR patients.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has determined that the proposed action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states because the proposed regulations abolish copayments for health care services and payment for prescribed artificial appliances which only affects CDCR patients. The proposed regulations will have no effect on non–CDCR incarcerated California residents, worker safety, or the State’s environment.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

The proposed amendments to these regulations abolish copayments for health care services and the requirement for non–indigent patients to purchase prescribed artificial appliances. These proposed changes will be beneficial to the health and welfare of CDCR patients by ensuring timelier reporting of health issues by CDCR patients which may result in increased treatment efficacy.

The Department has determined that the proposed regulations will have an annual approximate cost of \$545,000 to the Department. This cost reflects the loss of current revenue collected from patient copayments and prescribed appliances. The Department also anticipates administrative cost savings as a result of no longer collecting and processing copayments and payments

for prescribed appliances; however, the amount of savings is not known at this time.

The Department has determined that the proposed regulations will have no impact on the creation of new or the elimination of existing jobs or businesses within California or affect the expansion of businesses currently doing business in California because the proposed regulations abolish copayments for health care services and payment for prescribed artificial appliances which only affects CDCR patients.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed regulations abolish copayments for health care services and payment for prescribed artificial appliances which only affects CDCR patients.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations will have no significant adverse economic impact on small businesses because the proposed regulations abolish copayments for health care services and payment for prescribed artificial appliances which only affects CDCR patients.

CONSIDERATION OF ALTERNATIVES

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

The Department has made an initial determination that the action will not have a significant adverse economic impact on business. Additionally, there has been no testimony, reasonable alternative, or other evidence provided that would alter the CDCR's initial determination to proceed with this action.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared, and will make available, the proposed text and the Initial Statement of Reasons (ISOR) of the proposed regulatory action. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the contact person listed in this Notice. The proposed text, ISOR, and Notice of Proposed Action will also be made available on CCHCS's website <http://www.cchcs.ca.gov/>.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the contact person listed in this Notice.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 calendar days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person listed in this Notice. The Department will accept written comments on the modified regulations for 15 calendar days after the date on which they are made available.

TITLE 22. EMERGENCY MEDICAL SERVICES AUTHORITY

TITLE 22. SOCIAL SECURITY DIVISION 9. PREHOSPITAL EMERGENCY MEDICAL SERVICES CHAPTER 4. PARAMEDIC

The Emergency Medical Services Authority ("EMS Authority or "EMSA") proposes to adopt regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

EMSA will hold a public hearing on Monday, May 20, 2019, beginning at 9:00 a.m. and ending at 11:00

a.m. The location of the public hearing is 10901 Gold Center Drive, Suite. 400, Rancho Cordova, CA 95670. EMSA requests that any person making oral comments also submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to EMSA. Comments may be submitted by mail, facsimile (FAX) at (916) 324-2875, or by e-mail to esam.el-morshedy@ems.ca.gov. The written comment period closes Monday, May 20, 2019. EMSA will consider only comments received by the end of that day. Submit written comments to:

Esam El-Morshedy
 EMS Authority
 10901 Gold Center Drive, Suite 400
 Rancho Cordova, CA 95670

AUTHORITY AND REFERENCE

The Health and Safety Code, Section 1797.107 authorizes EMSA to adopt the proposed regulations, which would implement, interpret, or make specific Section 1797.116, 1797.172, and 1797.194 of the Health and Safety Code.

INFORMATIVE DIGEST/ POLICY STATEMENT OVERVIEW

The Legislature passed AB 1598 (Rodriguez, Chapter 668, Statutes of 2014) amending Section 1797.116, 1797.172, and 1797.194 of the Health and Safety Code (HSC). The major provision of 1797.116 charges the EMSA with developing training standards that include criteria for the curriculum content in the training of tactical casualty care principles.

These regulations clarify and make specific the methods for training program reviews, approvals and accreditation requirements, and to update applications and licensure processes. Additionally, the required course content will be updated to include the statutory elements found in AB1598 (Rodriguez, Chapter 668, Statutes of 2014) that provide for additional requirements regarding coordination between emergency medical services personnel during terrorism incidents or active shooter events.

Existing statutes require that if the patient has been determined to have an emergency medical condition, and receives advanced life support, they must be transported to a General Acute Care Hospital (GACH) with a

Basic Emergency Department (ED) permit (HSC Section 1797.88), and that facility must be the closest appropriate medical facility (HSC Section 1797.114).

The EMS Administrators Association of California (EMSAAC) and EMS Medical Directors Association of California (EMDAC) have developed a position paper positing that once paramedics arrive at an emergency patient, the paramedics may assess and determine that a patient is in a “non-emergency” condition. At that point, a local EMS agency (LEMSA) Medical Director has broad medical control authority to authorize a patient to be transported to any destination, unrestricted by existing statutes, because the patient is not in an “emergency” condition.

The Medical Director of a LEMSAs has broad authority to make medical decisions regarding patient destination from the scene of an emergency and while in transport, pursuant to HSC Sections 1797.220 and 1798. Though existing regulations do not require patient transport, and specifically recognize non-transport as an option, there is much confusion regarding the assessment and transport of patients to alternative destinations by paramedics. These regulations propose the adoption of specific requirements for training, protocols, documentation, and consideration for establishing alternative destinations when paramedics assess and determine that a patient is in a “non-emergency” condition.

The regulations proposed in this rulemaking action intend to: clarify and make specific the methods for training program reviews, clarify and make specific the methods for training program approvals, clarify and make specific the methods training program accreditation requirements, update paramedic applications, update the paramedic licensure processes, add curriculum content for tactical casualty care principles to the required course content, and establish requirements for prehospital triage of patients who are assessed and determined to have a non-emergency condition to an alternative destination for treatment under the medical control of a LEMSAs medical director.

Anticipated Benefits of the Proposed Regulation:

The broad objective of the regulation is to clarify and make specific the methods for training program reviews, approvals and accreditation requirements, update applications and licensure processes, provide for additional requirements regarding coordination between emergency medical services personnel during terrorism incidents or active shooter events, and establish requirements for prehospital triage of patients who are assessed and determined to have a non-emergency condition to an alternative destination for treatment under the medical control of a LEMSAs medical director. The specific benefit from the regulations is to protect

the welfare and health and safety of the public by ensuring paramedics provide service to the public in a standardized and consistent manner while addressing the emerging issue of active shooter or terrorism events and providing clarity regarding the assessment and transport of “non-emergency” patients to an alternative destination by paramedics. The proposed regulations improve the clarity of paramedic training program and licensure requirements which will lead to consistent state-wide application of the requirements.

Determination of Inconsistency/Incompatibility with Existing State Regulations:

EMSA has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. Existing regulations already require paramedics to complete a specified number of continuing education hours and the proposed regulations do not increase those requirements. Existing paramedic training programs are available and will revise their course curriculum to meet the new requirements proposed in these regulations. Existing regulations do not require patient transport, and already specifically recognize non-transport as an option. Finally, the proposed regulations do not impose any requirements upon EMS service providers. EMSA has determined that these regulations will not cause inconsistency or incompatibility with other existing regulations that concern paramedics.

DOCUMENTS INCORPORATED
BY REFERENCE

- Form #EMSA-0391, revised 01/17.
- January 2009 United States Department of Transportation (U.S. DOT) National Emergency Medical Services Education Standards DOT HS 811 077 E (<https://www.ems.gov/pdf/National-EMS-Education-Standards-FINAL-Jan-2009.pdf>).
- Initial In-State Paramedic License Application, Form #L-01, revised 03/2019.
- Initial Out-of-State Paramedic License Application Form #L-01A revised 03/2019.
- Initial Challenge Paramedic License Application, Form #CL-01A revised 03/2019.
- Renewal Paramedic License Form #RL-01, revised 03/2019.
- Audit Renewal Paramedic License Application, Form #AR-01, revised 03/2019.
- Reinstatement Paramedic License Application Lapsed Less than One Year, Form #RLL-01A, revised 03/2019.

- Reinstatement Paramedic License Application Lapsed of One Year or More, Form #RLL-01B, revised 03/2019.
- Request for Licensure/Certification Verification, Form #VL-01, revised 03/2019.

DISCLOSURES REGARDING
THE PROPOSED ACTION

The EMSA has made the following initial determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any state agency: EMSA is not aware of any significant cost impacts that a state agency would incur in reasonable compliance with the proposed action. Existing regulations do not require patient transport, and already specifically recognize non-transport as an option. Existing regulations already require paramedics to complete a specified number of continuing education hours and the proposed regulations do not increase those requirements. Existing paramedic training programs are available and will revise their course curriculum to meet the new requirements proposed in these regulations. While a training program may incur a cost to revise their curriculum the cost is not anticipated to be significant. State agencies that may be required to revise their course curriculum include: California Department of Parks and Recreation, California Department of Forestry and Fire Protection (CAL FIRE) and California Highway Patrol (CHP).
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the state: None.
- Cost impact on a representative private person or business: EMSA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. Existing regulations do not require patient transport, and already specifically recognize non-transport as an option. Existing regulations already require paramedics to complete a specified number of continuing education hours and the proposed regulations do not increase those requirements. Existing paramedic training programs are available and will revise their course curriculum to meet the new

requirements proposed in these regulations. While a training program may incur a cost to revise their curriculum the cost is not anticipated to be significant.

- Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.
- Significant effect on housing costs: None.
- The proposed regulations may affect small businesses.

Results of the Economic Impact Analysis/Assessment:

The EMSA concludes that it is (1) unlikely that the proposal will eliminate any jobs or training programs (2) unlikely the proposal will create any new jobs (3) unlikely the proposal will create any new businesses providing training programs (4) unlikely the proposal will eliminate any existing businesses, and (5) unlikely the regulations will result in the expansion of businesses currently doing business within the state.

Benefits of the Proposed Action: The proposed regulations will benefit California residents by ensuring that all paramedics receive training in the coordination between emergency medical services personnel during terrorism incidents or active shooter events. The regulations will also benefit California residents by ensuring that patients assessed and determined to have a “non-emergency” condition are transported to an alternative destination for further treatment commensurate with their condition. The regulations also enable paramedics to provide service to the public in a standardized and consistent manner and improve the clarity of paramedic licensure requirements and clarify and make specific the methods for training program reviews, approvals and accreditation requirements, leading to consistent state-wide application of the requirements.

CONSIDERATION OF ALTERNATIVES

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

EMSA invites interested persons to present statements or arguments with respect to alternatives to the

proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSON

Inquiries concerning the proposed regulatory action may be directed to:

Esam El-Morshedy
 EMS Authority
 10901 Gold Center Drive, Suite 400
 Rancho Cordova, CA 95670
 (916) 431-3656
Esam.El-morshedy@emsa.ca.gov

The backup contact person is:

Jennifer Lim
 EMS Authority
 10901 Gold Center Drive, Suite 400
 Rancho Cordova, CA 95670
 (916) 431-3700
Jennifer.Lim@emsa.ca.gov

Please direct requests for copies of the proposed text (the “express terms”) of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Esam El-Morshedy at the above address.

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

The EMSA will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Esam El-Morshedy at the address or phone number listed above or accessed through our website at www.emsa.ca.gov.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the EMSA may adopt the proposed regulations substantially as described in this notice. If the EMSA makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the EMSA adopts the regulation as revised. Please send requests for copies of the modified regulations to the attention of Esam El-Morshedy at the address or phone number list-

ed above. The EMSA will accept written comments on the modified regulations for 15 days after the date on which they were made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Esam El-Morshedy at the address or phone number listed on the previous page.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout format is available on the EMS Authority website at: website at <https://emsa.ca.gov/publiccomment/>.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

PROPOSED RESEARCH ON FULLY PROTECTED SPECIES

Monitoring Golden Eagle and Bald Eagle Nest Sites

The Department of Fish and Wildlife (Department) received a study proposal from Eric Hallingstad, on behalf of Western EcoSystems Technology, Inc., requesting authorization to take Golden Eagle (*Aquila chrysaetos*) and Bald Eagle (*Haliaeetus leucocephalus*), both Fully Protected birds, for scientific research purposes, consistent with conservation and recovery of the species. The Bald Eagle is listed as Endangered under the California Endangered Species Act.

Mr. Hallingstad is planning to conduct studies throughout the range of the two eagle species in California, in accordance with standardized methods approved by the Department and the U.S. Fish and Wildlife Service (Service). The research activities include aerial helicopter surveys to locate nests to determine nest occupancy, success and productivity. No adverse effects on individuals or populations are expected. Salvage activities may also be authorized for scientific purposes.

The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) that would authorize qualified professional wildlife re-

searchers, with Mr. Hallingstad as the Principal Investigator, to carry out the proposed activities.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected bird species after a 30-day notice period has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, it would issue the authorization on or after May 4, 2019, for an initial and renewable term of up to, but not to exceed three years. Contact: Carie Battistone, Carie.Battistone@wildlife.ca.gov, 916-445-3615.

RULEMAKING PETITION DECISIONS

BOARD OF PAROLE HEARINGS

RESPONSE TO PETITION TO ADOPT, AMEND, OR REPEAL A REGULATION PURSUANT TO GOVERNMENT CODE SECTIONS 11340.6 AND 11340.7

BPH PETITION RESPONSE 2019-02

The Board of Parole Hearings (board) Legal Division received a Petition to Adopt, Amend, or Repeal a Regulation under Government Code sections 11340.6 and 11340.7 from petitioner Cindy Young on February 28, 2019. In accordance with subdivision (a) of section 11340.7, this document serves as the board's response to the petition.

The following information is provided with the response in compliance with subdivision (d) of Government Code section 11340.7:

1. **NAME OF AGENCY:** Board of Parole Hearings
2. **PARTY SUBMITTING THE PETITION:** Cindy Young (AB0174)
3. **PROVISIONS OF THE CALIFORNIA CODE OF REGULATIONS REQUESTED TO BE AFFECTED:** Petitioner requested the board amend California Code of Regulations, title 15, section 2281.
4. **REFERENCE TO AUTHORITY TO TAKE THE ACTION:** Petitioner did not cite authority under which the board may take the requested action. However, the board acknowledges general rulemaking authority under Government Code section 12838.4 and Penal Code sections 3052 and 5076.2 to promulgate, amend, or repeal regulations in division 2 of title 15 of the California Code of Regulations.

5. REASONS SUPPORTING THE AGENCY’S DECISION: Petitioner requests the board amend California Code of Regulations, title 15, section 2281, subdivision (d) to include “Gender Dysphoria” and “Prior Foster Youth” as factors to be considered by a parole consideration hearing panel when determining an inmate’s suitability for parole.

Petitioner’s requests to amend California Code of Regulations, title 15, section 2281(d) to include “Gender Dysphoria” and “Prior Foster Youth” as factors automatically required to be considered when determining an inmate’s suitability for parole are DENIED.

The California Code of Regulations, title 15, sections 2281, subdivision (d), and 2402, subdivision (d), both list identical circumstances tending to show suitability for parole that are meant to provide general guidelines to parole hearing panels; however, each section ultimately authorizes the panel to determinate the relevance and importance attached to any particular circumstance or combination of circumstances in each case. Specifically, subdivision (b) of each section requires parole hearing panels to consider *all* relevant and reliable information available in determining an inmate’s suitability for parole. Thus, to the extent an inmate’s record contains reliable information regarding the presence of gender dysphoria or history as a prior foster youth that is relevant to the panel’s determination of that inmate’s suitability for parole, parole hearing panels are already required by these sections to consider that information in assessing his or her suitability.

Further, petitioner’s request for the board to amend section 2281, subdivision (d), to include gender dysphoria and prior foster youth history as circumstances tending to show suitability essentially requests the board to automatically find these factors relevant and indicative of suitability for parole. However, in making this request, petitioner did not provide any information or evidence, such as scientific research, that gender dysphoria or history as a prior foster youth always indicates an inmate is suitable for parole, and the board does not know of any evidence to support this claim.

Therefore, the board DENIES petitioner’s request to amend California Code of Regulations, title 15, section 2281, subdivision (d) to explicitly mandate parole hearing panels consider “Gender Dysphoria” and “Prior Foster Youth” as circumstances tending to show an inmate is suitable for parole.

6. BOARD CONTACT PERSON:

Christopher Hoefl
 Staff Attorney
 Board of Parole Hearings
 P. O. Box 4036
 Sacramento, CA 95812-4036
 Office: (916) 322-6729
 Fax: (916) 322-347
 BPH.Regulations@cdr.ca.gov

7. NOTICE TO INTERESTED PERSONS: Under subdivision (d) of Government Code section 11340.7, the board will provide a copy of this decision to the Office of Administrative Law for publication in the California Regulatory Notice Register. Any interested persons have the right to obtain a copy of the petition that is the subject of this decision by sending a request to the board. In submitting such a request, please reference **BPH PETITION RESPONSE 2019-02** in the request.

DATE OF DECISION: March 26, 2019

DEPARTMENT OF INSURANCE

DECISION REGARDING PETITION FOR RULEMAKING

On February 21, 2019, several organizations¹ submitted a Petition for Rulemaking (“Petition”), and cited to Government Code section 11340.6 as authority for the Petition. The Petition seeks regulations addressing the use of “groups” in automobile insurance rating under Proposition 103. Specifically, the petition states that “insurance companies in California are improperly utilizing a person’s occupation and education to set auto insurance premiums. The use of these unauthorized rating factors increases the cost of insurance for lower-wage, less educated and blue-collar California motorists and is a direct violation of Proposition 103.”

RELIEF REQUESTED

Petitioners request that the Commissioner amend the Proposition 103 Automobile Rating Factor regulations set forth in Title 10, California Code of Regulations, Chapter 5, sections 2632 et seq. “to prohibit auto[mobile] insurance companies from surcharging motorists based on their occupation, education level, or any

¹ Consumer Watchdog, United Policyholders, Public Advocates Inc., Presente.org, Neighborhood Assistance Corporation of America, La Casa de la Raza, KIWA (Korean Immigrant Workers Alliance), Courage Campaign, Consumers for Auto Reliability and Safety, Consumer Federation of America, and Consumer Action. (“Petitioners”).

generic classification pertaining to occupation or education.” In support, petitioners cite recent premium quotes and a national study by the Consumer Federation of America, stating that “ ‘some major auto insurers charge higher rates to drivers with less education and lower-status jobs,’ and concluded that ‘auto insurers are discriminating on the basis of income and race’ — including in California.”

AUTHORITY AND REFERENCE CITED IN THE PETITION

Petitioners cite California Government Code section 11340.6 and Insurance Code sections 1861.02 and 12921. Government Code section 11340.6 is part of California’s Administrative Procedure Act (“APA”) found in Chapter 3.5 of Part 1, Division 3 of Title 2 of the California Government Code (Government Code sections 11340–11361).

THE COMMISSIONER’S DETERMINATION

The Commissioner declines to grant the Petition at this time in order to conduct a public hearing to ascertain the facts. The Commissioner is concerned by the allegations and statements in the Petition and is committed to taking action should discriminatory practices adversely impacting California’s working families be substantiated.

REASONS SUPPORTING THE COMMISSIONER’S DETERMINATION

Petitioners filed the Petition pursuant to Government Code section 11340.6. California law provides, however, that the APA does not apply to Proposition 103 ratemaking regulations. The APA expressly states that Chapter 3.5, entitled “Administrative Regulations and Rulemaking” “does not apply to: [a] regulation that establishes or fixes rates, prices, or tariffs.” (Gov. Code, § 11340.9(g); accord *20th Century Insurance Co. v. Garamendi* (1994) 8 Cal.4th 216, 270.). In this case, Petitioners contend that “insurance companies in California are improperly utilizing a person’s occupation and education to set auto insurance premiums.” Petitioners request that the Commissioner “take immediate action” to “prohibit auto insurance companies from surcharging motorists based on their occupation, education lev-

el, or any generic classification pertaining to occupation or education, many of which are thinly veiled surrogates for wealth, ethnicity and race.” Accordingly, the Petition constitutes a request to “establish [. . .] rates, [or] prices. . .” by regulation, and therefore is not subject to a petition for rulemaking under the APA. Petitioners also cite Insurance Code sections 1861.02 and 12921(a) as authority for the Petition. Those sections grant discretion to the Commissioner, but do not require him to issue regulations addressing the use of groups in automobile insurance rating under Proposition 103.

FURTHER DETERMINATION

Although the Commissioner declines to grant the Petition, he is committed to protecting all California drivers from improper rating practices, and ensuring that everyone is treated fairly and equitably, particularly those drivers who may be disadvantaged by such rating practices.

It is important for the Commissioner to hear from all stakeholders regarding the allegations and to ascertain the facts and circumstances relating to the allegations in the Petition prior to proposing any regulatory actions. Therefore, the Commissioner will call for a public hearing into the rating practices alleged in the Petition to identify and evaluate whether and to what extent insurers are engaged in rating practices with respect to group insurance plans that are inconsistent with California law, including but not limited to, the provisions of Proposition 103 and the Unruh Civil Rights Act (Cal. Civ. Code § 51).

AGENCY CONTACT PERSON

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Special Counsel
California Department of Insurance
300 Capitol Mall, 17th Floor
Sacramento, CA 95814
Geoff.Margolis@insurance.ca.gov
916-492-3500

OBTAINING COPIES OF THE PETITION

Interested persons may obtain a copy of the Petition from the Agency Contact Person.

Dated: March 25, 2019

**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH
SECRETARY OF STATE**

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

File# 2019-0212-01
BOARD OF BEHAVIORAL SCIENCES
Add Board-Recognized Continuing Education Approval Agencies

This change without regulatory effect filing by the Board of Behavioral Sciences adds two approval agencies to the list of board-recognized continuing education approval agencies.

Title 16
AMEND: 1887.4.1
Filed 03/26/2019
Agency Contact: Christy Berger (916) 574-7817

File# 2019-0208-02
CALIFORNIA HIGHWAY PATROL
Tire Traction Devices

In this resubmittal of OAL Matter No. 2017-1221-02S, the California Highway Patrol ("CHP") proposes to adopt criteria for determining which types of tire traction devices are approved for use on California highways. Additionally, CHP proposes to adopt regulations specifying the placement of and performance standards for tire traction devices.

Title 13
ADOPT: 1070, 1071, 1072, 1073, 1074
AMEND: Article 13 (in Division 2, Chapter 4)
Filed 03/25/2019
Effective 07/01/2019
Agency Contact: David Kelly (916) 843-3400

File# 2019-0301-01
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
Minimum Standards for Training

The Commission on Peace Officer Standards and Training proposed this action to amend a regulation addressing continuing professional training. Specifically, the amended regulation makes training in perishable

skills and communications applicable to all peace officers below middle management positions.

Title 11
AMEND: 1005
Filed 03/25/2019
Effective 07/01/2019
Agency Contact: Melanie Dunn (916) 227-4866

File# 2019-0228-02
DEPARTMENT OF AGING
Amend definition for "Greatest Social Need"

The Department of Aging submitted this action without regulatory effect, pursuant to California Code of Regulations, title 1, section 100, to expand a regulation that defines "greatest social need" for elderly benefits to include cultural, social, or geographical isolation based on "sexual orientation, gender identity, or gender expression" where these factors restrict the ability of an individual to perform normal daily tasks or threaten the capacity of an individual to live independently. The change to the regulatory definition is being made to conform the regulation to a change in Welfare and Institutions Code section 9015 that resulted from A.B. 2719 (Stats. 2018, ch. 202).

Title 22
AMEND: 7127
Filed 03/20/2019
Agency Contact: Catherine Hays (916) 928-0819

File# 2019-0306-01
DEPARTMENT OF CONSERVATION
Idle Well Testing and Management

In this resubmitted rulemaking action, the Department of Conservation adopts and amends regulations to update its testing requirements for idle wells and active observation wells, pursuant to Assembly Bill 2729 (Stats. 2016, Ch. 272). The regulations also add new definitions and establish requirements related to the maintenance and abandonment of idle wells.

Title 14
ADOPT: 1752, 1772, 1772.1, 1772.1.1, 1772.1.2, 1772.1.3, 1772.1.4, 1772.2, 1772.3, 1772.4, 1772.5, 1772.6, 1772.7
AMEND: 1723.9, 1760
Filed 03/20/2019
Effective 04/01/2019
Agency Contact: Justin Turner (916) 322-6733

File# 2019-0207-04
DEPARTMENT OF CORRECTIONS AND REHABILITATION
Young Adult Pilot Program

The California Department of Corrections and Rehabilitation, Division of Juvenile Justice is instituting a

seven-year pilot program for young adult male offenders that will be diverted from adult prison to a juvenile facility. The purpose of this pilot program is to determine if these offenders, after receiving rehabilitative programming designed for transition-aged youth are more successful in terms of outcomes and recidivism.

Title 15
ADOPT: 4199
Filed 03/22/2019
Effective 03/22/2019
Agency Contact: Shelly Jones (916) 683-7473

File# 2019-0208-01
DEPARTMENT OF DEVELOPMENTAL SERVICES
Community Crisis Home

This certificate of compliance makes permanent the emergency regulations adopted in OAL action no. 2017-0310-02E regarding certification of Community Crisis Homes pursuant to Senate Bill 856, Chapter 30, Statutes of 2014. The regulations establish requirements for: facility program plan contents and approval; administrator qualifications; staffing and staff training; continuing education; consumer admission; behavior support plans; facility and consumer records; regional center monitoring; facility contracts, contract terminations and appeals; corrective action plans and sanctions; and facility and individual rates of reimbursements.

Title 17
ADOPT: 59000, 59001, 59002, 59003, 59004, 59005, 59006, 59007, 59008, 59009, 59010, 59011, 59012, 59013, 59014, 59015, 59016, 59017, 59018, 59019, 59020, 59021, 59022
Filed 03/25/2019
Effective 03/25/2019
Agency Contact: Tiffani Andrade (916) 654-3016

File# 2019-0307-02
DEPARTMENT OF FOOD AND AGRICULTURE
Guava Fruit Fly Eradication Area

This action makes permanent the emergency regulatory amendment that added Ventura County to the list of Guava Fruit Eradication Areas.

Title 3
AMEND: 3591.13
Filed 03/21/2019
Effective 03/21/2019
Agency Contact: Rachel Avila (916) 403-6813

File# 2019-0213-02
DEPARTMENT OF INSURANCE
CAARP Simplified Manual of Rules and Rates

In this file and print action, the California Department of Insurance amends the California Automobile Assigned Risk Plan Simplified Manual of Rules and Rates. This action is exempt from the Administrative Procedure Act pursuant to Insurance Code section 11620(c) and Government Code section 11340.9(g).

Title 10
AMEND: 2498.5
Filed 03/27/2019
Effective 03/27/2019
Agency Contact: Michael Riordan (415) 538-4226

File# 2019-0213-03
DEPARTMENT OF INSURANCE
Low Cost Auto Plan of Operations

This request for filing and printing, pursuant to Government Code section 11343.8, amends the California Automobile Insurance Low Cost Program Plan of Operations sections 8, 22, 25, 30, 37, Amendment of Policy Provisions (PPA 12 01.6), Application for Insurance (AIP 126), Policy Change Request — Certification Form (AIP 127), and Eligibility Requirements (AIP 128). This action is exempt from the Administrative Procedure Act pursuant to California Insurance Code section 11620(c).

Title 10
AMEND: 2498.6
Filed 03/25/2019
Effective 03/25/2019
Agency Contact: Michael Riordan (415) 538-4226

File# 2019-0213-04
DEPARTMENT OF INSURANCE
CAARP Plan of Operations

In this file and print action, the Department of Insurance is amending the California Automobile Assigned Risk Plan. This action is exempt from the Administrative Procedure Act pursuant to Insurance Code section 11620, subdivision (c).

Title 10
AMEND: 2498.4.9
Filed 03/26/2019
Effective 03/26/2019
Agency Contact: Michael Riordan (415) 538-4226

File# 2019-0213-05
DEPARTMENT OF INSURANCE
CAARP Plan of Operations

In this file and print action, the Department of Insurance is amending the California Automobile Assigned Risk Plan. This action is exempt from the Administrative Procedure Act pursuant to Insurance Code section 11620, subdivision (c).

Title 10
 AMEND: 2498.4.9
 Filed 03/26/2019
 Effective 03/26/2019
 Agency Contact: Michael Riordan (415) 538-4226

File# 2019-0213-06
 DEPARTMENT OF INSURANCE
 Low Cost Auto Plan of Operations

This request for filing and printing, pursuant to Government Code section 11343.8, amends the California Automobile Insurance Low Cost Program Plan of Operations sections 29, 37, Exhibit A, and Proof of Payment (AIP3524). This action is exempt from the Administrative Procedure Act pursuant to California Insurance Code section 11620(c).

Title 10
 AMEND: 2498.6
 Filed 03/25/2019
 Effective 03/25/2019
 Agency Contact: Michael Riordan (415) 538-4226

File# 2019-0206-03
 DEPARTMENT OF PUBLIC HEALTH
 Primary Care Clinics License

The California Department of Public Health in this action without regulatory effect is removing language that is in conflict with an amended statute.

Title 22
 AMEND: 75021
 Filed 03/21/2019
 Agency Contact: Anita Shumaker (916) 440-7718

File# 2019-0212-04
 DEPARTMENT OF PUBLIC HEALTH
 In-Patient Treatment of Eating Disorders

In this regular rulemaking, the Department of Public Health adopts one chapter and two sections to establish definitions and designated health facilities for inpatient treatment of eating disorders.

Title 22
 ADOPT: 71900, 719001
 Filed 03/27/2019
 Effective 07/01/2019
 Agency Contact: Keith Van Wagner (916) 445-2012

File# 2019-0207-03
 DIVISION OF JUVENILE JUSTICE
 Board of Juvenile Hearings Parole Violation, Detention, and Revocation

This action by the Division of Juvenile Justice amends and repeals regulations, without regulatory effect, regarding the revocation or suspension of juve-

niles on parole to align with Senate Bill 1021 (Stats. 2012, ch. 41).

Title 15
 AMEND: 4900, 4927, 4935, 4936, 4937, 4938, 4939
 REPEAL: 4939.5, 4961.1, 4972, 4975, 4977, 4977.5, 4977.6, 4977.7, 4978, 4979, 4980, 4981, 4982, 4983, 4983.5
 Filed 03/21/2019
 Agency Contact: Shelly Jones (916) 683-7473

File# 2019-0206-04
 PUBLIC EMPLOYEES' RETIREMENT SYSTEM
 Excessive Liability

In this resubmitted regulatory action, the Board implements Government Code section 20791 by defining the phrase "significant increase in actuarial liability due to increased compensation paid to a nonrepresented employee."

Title 2
 ADOPT: 579.9
 Filed 03/21/2019
 Effective 07/01/2019
 Agency Contact: Anthony Martin (916) 795-9347

File# 2019-0207-07
 STATE WATER RESOURCES CONTROL BOARD
 Point-of-Use and Point-of-Entry Treatment — Permanent Regulations

This resubmittal action adopts regulations governing public water system (PWS) use of and criteria for point-of-use (POU) and point-of-entry (POE) treatment devices in lieu of centralized treatment. (See OAL Matter No. 2018-0823-02.)

Title 22
 ADOPT: 64417, 64418, 64418.1, 64418.2, 64418.3, 64418.4, 64418.5, 64418.6, 64418.7, 64418.8, 64419, 64420, 64420.1, 64420.2, 64420.3, 64420.4, 64420.5, 64420.6, 64420.7, 64420.8
 Filed 03/22/2019
 Effective 03/22/2019
 Agency Contact: Melissa Hall (916) 323-0373

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN October 24, 2018 TO
 March 27, 2019**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For fur-

ther 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

- 03/21/19 ADOPT: 579.9
- 03/07/19 AMEND: 35101
- 02/27/19 AMEND: 80225
- 02/27/19 AMEND: 11087, 11095, 11097
- 02/25/19 ADOPT: 18360.1, 18360.2
- 02/21/19 ADOPT: 574
- 02/20/19 AMEND: 18702.2
- 02/13/19 AMEND: 54700
- 01/31/19 ADOPT: 59840
- 01/24/19 AMEND: 1859.194, 1859.196
- 01/22/19 AMEND: 1859.51(e)
- 01/14/19 AMEND: 18756
- 01/07/19 AMEND: 60802, 60803, 60807, 60808, 60824, 60825, 60827, 60831, 60832, 60833, 60835, 60840, 60842, 60843, 60844, 60845, 60846, 60847, 60848, 60849, 60850, 60851, 60852, 60853, 60854, 60855, 60856, 60858, 60860, 60861, 60863, 61120
- 12/18/18 AMEND: 1859.76
- 12/14/18 ADOPT: 1860, 1860.1, 1860.2, 1860.3, 1860.4, 1860.5, 1860.6, 1860.7, 1860.8, 1860.9, 1860.10, 1860.10.1, 1860.10.2, 1860.10.3, 1860.11, 1860.12, 1860.13, 1860.14, 1860.15, 1860.16, 1860.17, 1860.18, 1860.19, 1860.20, 1860.21
- 12/12/18 AMEND: 2970
- 12/12/18 AMEND: 18545, 18700, 18730, 18940.2
- 12/05/18 REPEAL: 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445
- 12/04/18 AMEND: 1897
- 11/29/18 ADOPT: 1896.83, 1896.85 AMEND: 1896.60, 1896.61, 1896.62, 1896.70, 1896.71, 1896.72, 1896.73, 1896.74, 1896.75, 1896.76, 1896.77, 1896.78, 1896.81, 1896.82, 1896.84, 1896.88, 1896.90, 1896.91, 1896.92, 1896.95, 1896.96, 1896.97
- 11/27/18 AMEND: 1897
- 11/08/18 ADOPT: 1896.13 AMEND: 1896.4, 1896.12, 1896.17
- 10/29/18 AMEND: 1896.99.100, 1896.99.120

Title 3

- 03/21/19 AMEND: 3591.13
- 03/13/19 AMEND: 3591.2
- 03/06/19 AMEND: 3601
- 02/28/19 ADOPT: 4920

- 02/21/19 AMEND: 3591.2
- 02/20/19 AMEND: 3591.2
- 02/04/19 AMEND: 1180.3.1
- 01/30/19 AMEND: 6860
- 01/17/19 REPEAL: 1305.00, 1305.01, 1305.02, 1305.03, 1305.04, 1305.06, 1305.07, 1305.08, 1305.09, 1305.10, 1305.11, 1305.12
- 01/16/19 ADOPT: 8000, 8100, 8101, 8102, 8103, 8104, 8105, 8106, 8107, 8108, 8109, 8110, 8111, 8112, 8113, 8114, 8115, 8200, 8201, 8202, 8203, 8204, 8205, 8206, 8207, 8208, 8209, 8210, 8211, 8212, 8213, 8214, 8215, 8216, 8300, 8301, 8302, 8303, 8304, 8305, 8306, 8307, 8308, 8400, 8401, 8402, 8403, 8404, 8405, 8406, 8407, 8408, 8409, 8500, 8501, 8600, 8601, 8602, 8603, 8604, 8605, 8606, 8607, 8608, 8609
- 01/07/19 AMEND: 3439
- 12/18/18 ADOPT: 4921
- 11/29/18 AMEND: 3899
- 11/06/18 AMEND: 3435(b)

Title 4

- 03/14/19 AMEND: 10325
- 03/12/19 ADOPT: 1842.1 AMEND: 1588
- 02/20/19 AMEND: 1843.2
- 02/07/19 AMEND: 10315, 10317, 10322, 10325, 10326, 10327, 10328, 10335, 10337
- 01/22/19 AMEND: 1374, 1374.3
- 01/16/19 ADOPT: 7213, 7214, 7215, 7216, 7218, 7219, 7220, 7221, 7222, 7223, 7224, 7225, 7227, 7228, 7229
- 01/16/19 AMEND: 5000, 5033, 5060, 5100, 5170, 5260, 5350, 5450, 5500, 5540, 5600 REPEAL: 5361, 5362, 5363, 5380, 5560, 5570, 5571, 5572, 5573, 5580, 5590
- 01/02/19 AMEND: 12200, 12201, 12220, 12221
- 12/17/18 ADOPT: 10092.1, 10092.2, 10092.3, 10092.4, 10092.5, 10092.6, 10092.7, 10092.8, 10092.9, 10092.10, 10092.11, 10092.12, 10092.13, 10092.14
- 12/12/18 ADOPT: 10200, 10200.1, 10200.2, 10200.3, 10200.4, 10200.5, 10200.6, 10200.7
- 11/26/18 ADOPT: 7313, 7314, 7315, 7316, 7317, 7318, 7319, 7319.1, 7320, 7321, 7322, 7323, 7324, 7325, 7325.1, 7326, 7327, 7328, 7329
- 11/26/18 ADOPT: 7413, 7414, 7415, 7416, 7417, 7418, 7419, 7420, 7421, 7422, 7423, 7424, 7425, 7426, 7427, 7428, 7429
- 11/20/18 AMEND: 1632

11/20/18 AMEND: 1843.3
 11/20/18 AMEND: 8078.3, 8078.15
 11/19/18 ADOPT: 7213, 7214, 7215, 7216, 7218,
 7219, 7220, 7221, 7222, 7223, 7224,
 7225, 7227, 7228, 7229
 11/02/18 AMEND: 8078.8, 8078.10
 10/31/18 AMEND: 7051, 7054, 7055, 7056, 7063,
 7071

Title 4, 16

03/19/19 AMEND: title 4: 1101, 1126, 1373.2,
 1374, 1374.3, 1379; title 16: 2721, 2723,
 2775

Title 5

03/19/19 AMEND: 71398
 03/07/19 AMEND: 80048.8, 80048.8.1, 80413,
 80523
 02/21/19 AMEND: 19810
 02/19/19 REPEAL: 1200, 1202, 1203, 1204,
 1204.5, 1205, 1206, 1207, 1207.1,
 1207.5, 1208, 1209, 1210, 1211, 1211.5,
 1215, 1215.5, 1216, 1216.1, 1217, 1218,
 1218.6, 1219, 1220, 1225
 02/15/19 AMEND: 55200, 55202, 55204, 55206,
 55208
 02/15/19 AMEND: 55800
 01/31/19 AMEND: 850, 854.1, 854.2, 854.3,
 854.4, 859, 862, 863
 12/31/18 AMEND: 11517.6, 11518, 11518.15,
 11518.20, 11518.25, 11518.30,
 11518.35, 11518.40, 11518.45,
 11518.50, 11518.70, 11518.75, 11519.5
 12/05/18 AMEND: 19810

Title 8

03/05/19 AMEND: 3999(b)
 02/28/19 AMEND: 3295
 02/14/19 AMEND: 9789.39
 02/06/19 AMEND: 3389
 01/07/19 AMEND: 11140
 01/03/19 AMEND: 336
 12/26/18 AMEND: 9789.19
 11/26/18 AMEND: 9789.25
 11/15/18 AMEND: 344, 344.1, 344.2
 11/06/18 ADOPT: 9789.19.1 AMEND: 9789.12.1,
 9789.12.2, 9789.12.6, 9789.12.8,
 9789.12.12, 9789.12.13, 9789.13.2,
 9789.16.1, 9789.16.7, 9789.18.1,
 9789.18.2, 9789.18.3, 9789.18.11,
 9789.19
 11/01/18 AMEND: 14300.35, 14300.41
 10/30/18 ADOPT: 9792.24.5 AMEND: 9792.22

Title 9

02/05/19 AMEND: 4350
 01/15/19 ADOPT: 4011, 4012, 4013, 4014,
 4014.1, 4015

Title 10

03/27/19 AMEND: 2498.5
 03/26/19 AMEND: 2498.4.9
 03/25/19 AMEND: 2498.6
 03/07/19 ADOPT: 2915
 02/20/19 AMEND: 3500, 3576, 3577, 3721
 01/14/19 AMEND: 2318.6, 2353.1, 2354
 01/14/19 AMEND: 2318.6
 12/31/18 AMEND: 2632.5, 2632.11
 12/26/18 ADOPT: 2238.10, 2238.11, 2238.12
 11/29/18 ADOPT: 2509.80, 2509.81, 2509.82
 11/27/18 AMEND: 3704
 11/20/18 AMEND: 8000, 8030
 11/19/18 ADOPT: 10000, 10001, 10002, 10003,
 10004, 10005, 10006, 10007

Title 11

03/25/19 AMEND: 1005
 02/06/19 AMEND: 1008
 02/04/19 AMEND: 1009
 01/25/19 AMEND: 999.12 REPEAL: 999.13
 01/08/19 ADOPT: 5460
 12/31/18 AMEND: 2084, 2086, 2088, 2089, 2090,
 2092, 2095, 2107
 12/28/18 AMEND: 5505, 5507, 5509, 5510, 5511,
 5513, 5514, 5516, 5517
 10/24/18 AMEND: 1953, 1955

Title 12

03/19/19 ADOPT: 515, 515.1, 515.2, 515.3, 515.4,
 515.5
 01/08/19 ADOPT: 182.02, 182.03 AMEND:
 182.01, 182.02 (renumbered to 182.04)
 01/03/19 AMEND: 553.70
 11/07/18 AMEND: 505.2

Title 13

03/25/19 ADOPT: 1070, 1071, 1072, 1073, 1074
 AMEND: Article 13 (in Division 2,
 Chapter 4)
 03/06/19 AMEND: 1152.3
 02/21/19 AMEND: 17.02
 01/28/19 AMEND: 20.05
 01/16/19 AMEND: 550, 551.8, 551.12, 590
 01/08/19 ADOPT: 182.02, 182.03 AMEND:
 182.01, 182.02 (renumbered to 182.04)
 01/03/19 AMEND: 553.70
 12/26/18 AMEND: 2025
 12/26/18 AMEND: 1152.7, 1152.7.1
 12/20/18 ADOPT: 1217.2, 1263.2
 12/12/18 AMEND: 1961.2, 1961.3
 12/04/18 ADOPT: 425.01
 11/29/18 AMEND: 17.00
 11/27/18 AMEND: 1157.21

Title 13, 17

02/25/19 AMEND: title 13: 2452, 2461.1; title 17:
 93116.3

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- 02/07/19 AMEND: Title 13: 1956.8, 1961.2, 1965, 2036, 2037, 2065, 2112, 2141, Title 17: 95300, 95301, 95302, 95303, 95304, 95305, 95306, 95307, 95311, 95662, 95663
- 01/04/19 ADOPT: title 17: 95483.2, 95483.3, 95486.1, 95486.2, 95488, 95488.1, 95488.2, 95488.3, 95488.4, 95488.5, 95488.6, 95488.7, 95488.8, 95488.9, 95488.10, 95490, 95491.1, 95500, 95501, 95502, 95503 AMEND: title 13: 2293.6; title 17: 95481, 95482, 95483, 95483.1, 95484, 95485, 95486, 95487, 95489, 95491, 95492, 95493, 95494, 95495 REPEAL: title 17: 95483.2, 95488, 95496
- Title 14**
- 03/20/19 ADOPT: 1752, 1772, 1772.1, 1772.1.1, 1772.1.2, 1772.1.3, 1772.1.4, 1772.2, 1772.3, 1772.4, 1772.5, 1772.6, 1772.7 AMEND: 1723.9, 1760
- 03/18/19 AMEND: 670.5
- 03/07/19 ADOPT: 29.06
- 03/05/19 ADOPT: 18660.47, 18660.48, 18660.49, 18660.50, 18660.51 AMEND: 18660.5, 18660.20
- 02/28/19 AMEND: 7.50
- 02/26/19 AMEND: 670.2
- 02/26/19 AMEND: 107, 174, 176, Appendix A (Div. 1, Subd. 1, Ch. 9)
- 02/26/19 AMEND: 29.15
- 02/25/19 AMEND: 1.53, 1.74, 5.00
- 02/19/19 ADOPT: 1038.6
- 02/19/19 ADOPT: 1038.1, 1038.2, 1038.3, 1038.4, 1038.5 AMEND: 1038, 1038.3 [renumbered to 1038.9] REPEAL: 1038.1, 1038.2
- 02/15/19 AMEND: 1094, 1094.2, 1094.6, 1094.8, 1094.17, 1094.23
- 02/07/19 ADOPT: 13008 AMEND: 13012, 13015, 13018, 13019, 13040, 13050, 13071, 13104, 13105, 13113, 13116, 13136, 13137, 13138, 13144, 13158, 13173, 13204, 13205, 13214.7, 13216, 13217, 13218, 13219, 13221, 13222, 13223, 13224, 13231, 13234, 13238.1, 13241, 13242, 13243, 13244, 13245, 13247, 13300, 13302, 13315, 13328.1, 13328.8, 13328.9, 13331, 13336, 13342, 13343, 13356, 13358, 13371, 13500, 13518, 13530, 13536, 13545, 13546, 13548, 13554, 13576, 13577, 13600, 13610, 13625, 13626, 13635, 13645, 13647, 13648, REPEAL: 13214, 13214.1, 13214.2, 13214.3, 13214.4, 13214.5, 13214.8
- 02/06/19 ADOPT: 1720.1, 1724.5, 1724.7.1, 1724.7.2, 1724.8, 1724.10.1, 1724.10.2, 1724.10.3, 1724.10.4, 1724.11, 1724.12, 1724.13 AMEND: 1724.6, 1724.7, 1724.10, 1748, REPEAL: 1724.8, 1748.2, 1748.3
- 01/02/19 AMEND: 27.30, 27.35, 27.40, 27.45, 27.50, 28.27, 28.55, 52.10, 150.16
- 12/28/18 ADOPT: 15064.3, 15234 AMEND: 15004, 15051, 15061, 15062, 15063, 15064, 15064.4, 15064.7, 15072, 15075, 15082, 15086, 15087, 15088, 15094, 15107, 15124, 15125, 15126.2, 15126.4, 15152, 15155, 15168, 15182, 15222, 15269, 15301, 15357, 15370, Appendix G, Appendix M, Appendix N
- 12/17/18 ADOPT: 798 AMEND: 791, 791.6, 791.7, 792, 793, 794, 795, 796, 797
- 12/17/18 AMEND: 819, 819.01, 819.02, 819.03, 819.04, 819.05, 819.06, 819.07
- 12/17/18 ADOPT: 820.02
- 12/17/18 ADOPT: 817.04 AMEND: 790
- 12/14/18 ADOPT: 4970.17.1 AMEND: 4970.00, 4970.01, 4970.04, 4970.05, 4970.06.1, 4970.06.2, 4970.06.3, 4970.07.2, 4970.08, 4970.09, 4970.10.1, 4970.10.2, 4970.10.3, 4970.10.4, 4970.11, 4970.13, 4970.19.2, 4970.20, 4970.21, 4970.22, 4970.23, 4970.23.1, 4970.23.2, 4970.24.1, 4970.24.2, 4970.25.1, 4970.25.2
- 12/13/18 AMEND: 2975
- 12/10/18 ADOPT: 126.1 AMEND: 125.1, 126 [renumbered to 126.1]
- 11/28/18 ADOPT: 716 AMEND: 300
- 11/28/18 ADOPT: 42 AMEND: 43, 651, 703
- 11/20/18 AMEND: 699.5
- 11/15/18 AMEND: 632
- 11/15/18 AMEND: Subsection 120.7(m) REPEAL: Appendix A Form DFG-120.7 (10/87)
- 11/13/18 AMEND: 1038, 1038.1, 1038.2
- 11/06/18 AMEND: 3010, 3011, 3012, 3013, 3015
- 11/05/18 ADOPT: 29.11
- 10/30/18 ADOPT: 132.6 AMEND: 132.1, 132.2, 132.3
- 10/30/18 AMEND: 11600
- 10/29/18 AMEND: 17041, 17042, 17043, 17044, 17045, 17046
- 10/29/18 AMEND: 1038

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03/05/19 ADOPT: title 14: 18815.1, 18815.2, 18815.3, 18815.4, 18815.5, 18815.6, 18815.7, 18815.8, 18815.9, 18815.10, 18815.11, 18815.12, 18815.13 AMEND: title 14: 17365, 17370.2, 17379.0, 17383.3, 17383.4, 17383.5, 17383.6, 17383.7, 17383.8, 17388.4, 17388.5, 17389, 17414, 17869, 17896.45, 18794.0, 18794.1, 18794.2, 18800; title 27: 20510, 20686, 20690

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03/22/19 ADOPT: 4199
 03/21/19 AMEND: 4900, 4927, 4935, 4936, 4937, 4938, 4939 REPEAL: 4939.5, 4961.1, 4972, 4975, 4977, 4977.5, 4977.6, 4977.7, 4978, 4979, 4980, 4981, 4982, 4983, 4983.5
 03/18/19 ADOPT: 3741, 3742, 3743, 3744, 3745, 3746, 3747, 3748
 03/18/19 REPEAL: 3349, 3349.1, 3349.2, 3349.3, 3349.4, 3349.5, 3349.6, 3349.7, 3349.8, 3349.9
 03/12/19 AMEND: 3355.1 (renumbered to 3999.367), 3999.99, 3999.206, 3999.234, 3999.237, 3999.375 (renumbered to 3999.395)
 03/05/19 AMEND: 3269.1, 3315
 02/26/19 AMEND: 3294.5
 02/25/19 AMEND: 3075.2
 01/28/19 AMEND: 8004.1
 01/23/19 AMEND: 3043.3
 01/15/19 AMEND: 3177, 3315
 01/09/19 AMEND: 3043, 3043.3, 3043.4, 3043.5
 01/07/19 AMEND: 3999.98, 3999.200
 01/07/19 AMEND: 8000
 12/26/18 ADOPT: 2249.30, 2449.31, 2449.32, 2449.33, 2449.34, 3495, 3496, 3497 AMEND: 2449.1, 3490, 3491
 11/14/18 ADOPT: 1350.5, 1352.5, 1354.5, 1358.5, 1408.5, 1418, 1437.5 AMEND: 1302, 1303, 1304, 1321, 1322, 1324, 1325, 1327, 1328, 1329, 1341, 1343, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1370, 1371, 1372, 1373, 1374, 1376, 1377, 1390, 1391, 1400, 1401, 1402, 1403, 1404, 1406, 1407, 1408, 1412, 1413, 1415, 1416, 1417, 1430, 1431, 1432, 1433, 1434, 1436, 1437, 1438, 1439, 1452, 1453, 1454, 1460, 1461, 1462, 1464, 1465, 1467, 1480, 1482, 1483, 1484, 1485, 1487, 1500, 1510, 1511 REPEAL 1378

11/13/18 ADOPT: 8200, 8201, 8202, 8203, 8204, 8205, 8206, 8207, 8208, 8209, 8210, 8211, 8212, 8213, 8214, 8215 AMEND: 8000, 8004.3, 8106, 8106.1 amended and renumbered as 8207, 8106.2 amended and renumbered as 8106, 8198 amended and renumbered as 8298, 8199 amended and renumbered as 8299
 11/01/18 ADOPT: 3999.25
 10/30/18 ADOPT: 3329.5
 10/29/18 REPEAL: 3999.20

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03/26/19 AMEND: 1887.4.1
 03/06/19 AMEND: 20
 02/25/19 AMEND: 1399.515
 02/05/19 REPEAL: 1023.15, 1023.16, 1023.17, 1023.18, 1023.19
 01/31/19 REPEAL: 2624, 2624.1
 01/30/19 AMEND: 1735.1, 1735.2, 1735.6, 1751.1, 1751.4
 01/29/19 ADOPT: 6020
 01/16/19 ADOPT: 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5007.1, 5007.2, 5008, 5009, 5010, 5010.1, 5010.2, 5010.3, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5024.1, 5025, 5026, 5027, 5028, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5040, 5040.1, 5041, 5041.1, 5042, 5043, 5044, 5045, 5046, 5047, 5048, 5049, 5050, 5051, 5052, 5052.1, 5053, 5054, 5300, 5301, 5302, 5303, 5303.1, 5304, 5305, 5305.1, 5306, 5307, 5307.1, 5307.2, 5308, 5309, 5310, 5311, 5312, 5313, 5314, 5315, 5400, 5402, 5403, 5403.1, 5404, 5405, 5406, 5407, 5408, 5409, 5410, 5411, 5412, 5413, 5414, 5415, 5415.1, 5416, 5417, 5418, 5419, 5420, 5421, 5422, 5423, 5424, 5426, 5427, 5500, 5501, 5502, 5503, 5504, 5505, 5506, 5506.1, 5507, 5600, 5601, 5602, 5603, 5604, 5700, 5701, 5702, 5703, 5704, 5705, 5706, 5707, 5708, 5709, 5710, 5711, 5712, 5713, 5714, 5715, 5717, 5718, 5719, 5720, 5721, 5722, 5723, 5724, 5725, 5726, 5727, 5728, 5729, 5730, 5731, 5732, 5733, 5734, 5735, 5736, 5737, 5738, 5739, 5800, 5801, 5802, 5803, 5804, 5805, 5806, 5807, 5808, 5809, 5810, 5811, 5812, 5813, 5814, 5815, 5900, 5901, 5902, 5903, 5904, 5905

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01/15/19	ADOPT: 1483.1, 1483.2, 1486 AMEND: 1480, 1481, 1482, 1483, 1484	40505, 40510, 40512, 40513, 40515, 40517, 40525, 40550, 40551, and 40570
12/21/18	ADOPT: 1399.515	01/10/19 AMEND: 3030
12/05/18	AMEND: 1380.3, 1380.6, 1381, 1381.1, 1381.4, 1381.5, 1381.7, 1382, 1382.3, 1382.4, 1382.5, 1382.6, 1386, 1387.3, 1387.4, 1387.5, 1387.7, 1388, 1389.1, 1390.1, 1390.3, 1391.3, 1391.4, 1391.5, 1391.6, 1391.7, 1391.11, 1393, 1394, 1395, 1395.1, 1396.5, 1397, 1397.35, 1397.50, 1397.51, 1397.53, 1397.54, 1397.55, 1397.60, 1397.61, 1397.62, 1397.67, 1397.69, 1397.70 REPEAL: 1381.6, 1397.63, 1397.64, 1397.65, 1397.66, 1397.68, 1397.71	12/31/18 AMEND: 94506, 94509, 94513, 94515 12/27/18 ADOPT: 95371, 95372, 95373, 95374, 95375, 95376, 95377

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03/19/19 ADOPT: 35001, 35002, 35003, 35004, 35005, 35006, 35007, 35008, 35009, 35010, 35011, 35012, 35013, 35014, 35015, 35016, 35017, 35018, 35019, 35020, 35021, 35022, 35023, 35024, 35025, 35026, 35027, 35028, 35029, 35030, 35031, 35032, 35033, 35034, 35035, 35036, 35037, 35038, 35039, 35040, 35041, 35042, 35043, 35044, 35045, 35046, 35047, 35048, 35049, 35050, 35051, 35052, 35053, 35054, 35055, 35056, 35057, 35058, 35060, 35061, 35062, 35063, 35064, 35065, 35066, 35067, 35101 AMEND: 1032, 1124.1, 1249, 1336, 1422.1, 1705.1, 2251, 2303.1, 2433, 3022, 3302.1, 3502.1, 4106, 4703, 4903, 5200, 5202, 5210, 5211, 5212, 5212.5, 5213, 5214, 5216, 5217, 5218, 5219, 5220, 5220.4, 5220.6, 5221, 5222, 5222.4, 5222.6, 5223, 5224, 5225, 5226, 5227, 5228, 5229, 5230, 5231, 5231.5, 5232, 5233, 5234, 5234.5, 5235, 5236, 5237, 5238, 5240, 5241, 5242, 5244, 5245, 5246, 5247, 5248, 5249, 5249.4, 5249.6, 5260, 5261, 5262, 5263, 5264, 5265, 5266, 5267, 5268, 5700 REPEAL: 1807, 1828, 4508, 4609, 4700, 4701, 4702, 5201, 5210.5, 5215, 5215.4, 5215.6, 5232.4, 5232.8, 5239, 5243, 5250, 5255, 5256

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03/25/19 ADOPT: 59000, 59001, 59002, 59003, 59004, 59005, 59006, 59007, 59008, 59009, 59010, 59011, 59012, 59013, 59014, 59015, 59016, 59017, 59018, 59019, 59020, 59021, 59022

03/18/19 ADOPT: 30220 AMEND: 30108.1, 30192.6, 30194, 30210, 30257, 30293, 30295, 30373 REPEAL: 30210.1,

03/07/19 AMEND: 30335.5, 30440, 30444, 30451, 30455.1, 30456.2, 30466

02/28/19 AMEND: 6508

02/26/19 ADOPT: 30197, 30197.1, 30197.2, 30197.3, 30197.4, 30197.5, 30197.6, 30197.7 AMEND: 30195.1

01/16/19 ADOPT: 40100, 40101, 40102, 40105, 40115, 40116, 40118, 40120, 40126, 40128, 40129, 40130, 40131, 40132, 40133, 40135, 40137, 40150, 40152, 40155, 40156, 40159, 40162, 40165, 40167, 40175, 40177, 40178, 40179, 40180, 40182, 40184, 40190, 40191, 40192, 40194, 40196, 40200, 40205, 40207, 40220, 40222, 40223, 40225, 40230, 40235, 40240, 40243, 40246, 40248, 40250, 40253, 40255, 40258, 40270, 40272, 40275, 40277, 40280, 40282, 40290, 40292, 40295, 40297, 40300, 40305, 40306, 40308, 40315, 40330, 40400, 40401, 40403, 40404, 40405, 40406, 40408, 40409, 40410, 40411, 40412, 40415, 40417, 40500,

01/03/19 AMEND: 1533.2, 1598

01/02/19 ADOPT: 30000, 30101, 30102, 30103, 30104, 30105, 30106, 30201, 30202, 30203, 30204, 30205, 30206, 30207, 30208, 30209, 30210, 30211, 30200.5, 30212, 30213, 30213.5, 30214, 30214.5, 30215, 30216, 30217, 30218, 30219, 30220, 30221, 30222, 30223, 30224, 30301, 30302, 30303, 30304, 30310, 30311, 30312, 30313, 30314, 30315, 30316, 30401, 30402, 30403, 30404, 30405, 30410, 30411, 30412, 30420, 30421, 30430, 30431, 30432, 30433, 30501, 30502, 30503, 30504, 30505, 30601, 30602, 30603, 30604, 30605,

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	30606, 30607, 30701, 30702, 30703, 30704, 30705, 30706, 30707	03/22/19	ADOPT: 64417, 64418, 64418.1, 64418.2, 64418.3, 64418.4, 64418.5, 64418.6, 64418.7, 64418.8, 64419, 64420, 64420.1, 64420.2, 64420.3, 64420.4, 64420.5, 64420.6, 64420.7, 64420.8
12/27/18	ADOPT: 3702		
12/17/18	ADOPT: 35001, 35002, 35003, 35004, 35005, 35006, 35007, 35008, 35009, 35010, 35011, 35012, 35013, 35014, 35015, 35016, 35017, 35018, 35019, 35020, 35021, 35022, 35023, 35024, 35025, 35026, 35027, 35028, 35029, 35030, 35031, 35032, 35033, 35034, 35035, 35036, 35037, 35038, 35039, 35040, 35041, 35042, 35043, 35044, 35045, 35046, 35047, 35048, 35049, 35050, 35051, 35052, 35053, 35054, 35055, 35056, 35057, 35058, 35060, 35061, 35062, 35063, 35064, 35065, 35066, 35067, 35101 AMEND: 1032, 1124.1, 1249, 1336, 1422.1, 1705.1, 2251, 2303.1, 2433, 3022, 3302.1, 3502.1, 4106, 4703, 4903, 5200, 5202, 5210, 5211, 5212, 5212.5, 5213, 5214, 5216, 5217, 5218, 5219, 5220, 5220.4, 5220.6, 5221, 5222, 5222.4, 5222.6, 5223, 5224, 5225, 5226, 5227, 5228, 5229, 5230, 5231, 5231.5, 5232, 5233, 5234, 5234.5, 5235, 5236, 5237, 5238, 5240, 5241, 5242, 5244, 5245, 5246, 5247, 5248, 5249, 5249.4, 5249.6, 5260, 5261, 5262, 5263, 5264, 5265, 5266, 5267, 5268, 5700 REPEAL: 1807, 1828, 4508, 4609, 4700, 4701, 4702, 5201, 5210.5, 5215, 5215.4, 5215.6, 5232.4, 5232.8, 5239, 5243, 5250, 5255, 5256	03/21/19 AMEND: 75021 03/20/19 AMEND: 7127 03/05/19 AMEND: 66250, 66250.1, 66250.2 02/27/19 AMEND: 72329.2 02/14/19 ADOPT: 130000, 130001, 130003, 130004, 130006, 130007, 130008, 130009, 130020, 130021, 130022, 130023, 130024, 130025, 130026, 130027, 130028, 130030, 130040, 130041, 130042, 130043, 130044, 130045, 130048, 130050, 130051, 130052, 130053, 130054, 130055, 130056, 130057, 130058, 130062, 130063, 130064, 130065, 130066, 130067, 130068, 130070, 130071, 130080, 130081, 130082, 130083, 130084, 130090, 130091, 130092, 130093, 130094, 130095, 130100, 130110, 130200, 130201, 130202, 130203, 130210, 130211	
11/20/18	AMEND: 25137-1, 17951-4	12/31/18 AMEND: 66272.62 12/19/18 AMEND: 66262.41 12/19/18 AMEND: 72329.2 12/13/18 ADOPT: 51002.5 AMEND: 51003.1 12/04/18 ADOPT: 69511.3 AMEND: 69511 12/04/18 AMEND: 20100.5 11/29/18 ADOPT: 96060, 96061, 96062, 96065, 96070, 96071, 96075, 96076, 96077, 96078, 96080, 96081, 96082, 96083, 96084, 96085, 96086, 96087	
Title 19			
11/30/18	ADOPT: 4010	10/31/18 ADOPT: 66264.121, 66265.121, 66270.28 AMEND: 66264.90, 66264.110, 66265.90, 66265.110, 66270.1, 66270.14	
Title 20		10/31/18 AMEND: 97215, 97216, 97217, 97221, 97222, 97223, 97224, 97225, 97226, 97227, 97228, 97229, 97232, 97248	
03/18/19	AMEND: 1602, 1604, 1605, 1605.1, 1605.2, 1605.3, 1606, 1607, 1608	10/24/18 ADOPT: 66720.14, 66271.50, 66271.51, 66271.52, 66271.53, 66271.54, 66271.55, 66271.56, 66271.57 AMEND: 66260.10, 66264.16, 66264.101, 66264.143, 66264.144, 66264.145, 66264.146, 66264.147, 66264.151, 66265.16, 66265.143, 66265.144, 66265.145, 66265.146, 66265.147	
03/18/19	AMEND: 1602, 1605, 1605.1, 1605.2, 1605.3, 1606, 1608		
12/05/18	ADOPT: 1751, 1769.1, 1937, 1941, 1942, 2300 AMEND: 1201, 1209, 1211.5, 1211.7, 1212, 1231, 1232, 1232.5, 1233.1, 1233.2, 1233.3, 1233.4, 1234, 1240, 1704, 1706, 1708, 1709, 1710, 1714, 1714.3, 1714.5, 1720.2, 1745.5, 1748, 1768 (renumbered to 1749), 1769, 1936, 1940, 1943, 1944, 1945, 1946, 2308 (renumbered to 2300.1) REPEAL: 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2309		
Title 22		Title 22, MPP	
03/27/19	ADOPT: 71900, 719001	01/15/19 ADOPT: 35064 AMEND: 31-002, 35000, 35001, 35129, 35129.1, 35152.1,	

35152.2, 35177, 35179, 35181, 35183,
35211, 35215, 35315
01/08/19 AMEND: 87224, 87412
01/02/19 ADOPT: 85175, 85318, 85320, 85340,
85342, 85364, 85368.1, 85368.4, 85370,
85387, 85390, 85102, 85161, 85168,
85168.3, 85169 AMEND: 85000,
85068.2, 85375, 85100, 85101, 85118,
85120, 85122, 85140, 85142, 85164,
85165, 85168.1, 85168.2, 85168.4,
85170, 85187, 85190, 85300, 85301,
85302, 85322, 85361, 85365, 85368,
85368.2, 85368.3, 85369
11/15/18 AMEND: 35000, 35011, 31-005,
31-405, 31-420, 31-425

Title 23
03/04/19 ADOPT: 3929.17
02/25/19 ADOPT: 3002.1 AMEND: 3002
02/19/19 ADOPT: 3949.15
01/15/19 AMEND: 597
12/19/18 AMEND: 315, 316
12/13/18 ADOPT: 3939.56
12/13/18 ADOPT: 3939.55
11/29/18 ADOPT: 335, 335.2, 335.4, 335.6
[renumbered to 335.16], 335.8
[renumbered from 335.12(a)], 335.10
[renumbered to 335.12], 335.12
[335.12(a) renumbered to 335.8;
335.12(b)-(c) renumbered to 335.6],
335.14 [renumbered to 335.10], 335.16
[renumbered to 335.14], 335.18, 335.20
AMEND: 310
11/29/18 ADOPT: 3919.18
11/14/18 AMEND: 3006
11/05/18 AMEND: 2200, 2200.4, 2200.6
11/01/18 AMEND: 1062, 1063, 1064, 1066, 1068

Title 25
02/28/19 REPEAL: 6200, 6201, 6202, 6203

Title 27
03/12/19 ADOPT: 25607.34, 25607.35
03/11/19 AMEND: 25805
02/21/19 ADOPT: 432a, 800, 801, 802, 803
AMEND: 8, 421, 430, 439, 440
02/05/19 AMEND: 25705
12/27/18 AMEND: 27001
11/27/18 AMEND: 25603

Title 28
03/05/19 ADOPT: 1300.49

Title MPP
02/06/19 AMEND: 41-440, 42-711, 42-716,
42-717, 44-207
01/09/19 AMEND: 42-207, 42-213, 42-215,
42-221, 80-310
12/20/18 AMEND: 40-105, 40-171, 80-301
REPEAL: 40-026

**NOTICE OF EDITORIAL
CORRECTION**

**DEPARTMENT OF HEALTH
CARE SERVICES**

In the March 22, 2019 Notice Register 2019, No. 12-Z, under the PROPOSED ACTION ON REGULATIONS, the wrong title number was inadvertently listed for the Department of Health Care Services notice concerning Mental Health Services Act (MHSA) Fiscal Regulations. The correct title number is Title 9.

We regret the error and apologize for any inconvenience.