



# California Regulatory Notice Register

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

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<p><b>PROPOSED ACTION ON REGULATIONS</b></p>
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INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

*Information contained in this document is published as received from agencies and is not edited by Thomson Reuters.*

**TITLE 3. DEPARTMENT OF  
FOOD AND AGRICULTURE**

**NOTICE IS HEREBY GIVEN** that the Department of Food and Agriculture (herein after referred to as “Department”) is proposing to take the action described in the Informative Digest. A public hearing is not scheduled for this proposal. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Any person interested may present statements or arguments in writing relevant to the action proposed to the person designated in this Notice as the contact person **beginning July 31, 2020 and ending September 14, 2020**. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the Department, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by section 407, Food and Agricultural Code (FAC), and to implement, interpret, or make specific sections 10324, 10326, 10327, 10386, and 10610 of said Code, the Department is proposing to make changes to sections 752, 753, 753.1, 760.4, 820.55, 830.1, 830.3, 830.4, 831, 831.1, 831.2, 1302.1, 1302.2, and 1302.3 of Chapter 2, Division 2, of Title 3 of the California Code of Regulations (CCR).

Existing law, section 407 of the Food and Agricultural Code (FAC), provides that the Secretary of the Department of Food and Agriculture (Department) may adopt such regulations as are reasonably necessary to carry out the provisions of the code which she is directed or authorized to administer or enforce.

Food and Agricultural Code sections 10324, 10326, 10327, and 10386 authorize the adoption of regulations for the control and prevention of bovine brucellosis through limitations of movement, tests, vaccinations, or reports and records or other means as determined.

Food and Agricultural Code section 10610 authorizes the Secretary of the Department to adopt regulations to control and eradicate cattle diseases through limitations on intrastate and interstate movement, and by requiring permits, diagnostic testing, vaccinations, or other appropriate methods of treatment and control. Section 10610 also establishes within the Department the Cattle Health Advisory Task Force (CHATF) to advise the Secretary on the control and management of cattle health diseases and evaluating the effectiveness of cattle programs.

Existing regulations under Chapter 2 (Livestock Disease Control) of Division 2 (Animal Industry) of Title 3 of the California Code of Regulations (CCR) specify the requirements for livestock disease control and eradication, and traceability implemented through official identification, documentation, and diagnostic testing for animals moving within the State and for animals imported into the State from other states. Additionally, Chapter 7 (Restricted Animals) of Division 2 of Title 3 establishes regulations for the importation of diseased animals into California or when moving diseased animals within the State.

The Department is proposing amendments to repeal the requirements for brucellosis vaccination of female beef cattle more than 12 months of age moving within and into the State, update the interstate movement requirements of sheep (rams) pertaining to ovine brucellosis, update forms used in Chapters 2 and 7, and update authority reference citations.

Anticipated Benefits of the Proposal: This proposal benefits California’s cattle and sheep industries by updating existing interstate and intrastate movement requirements for consistency with industry trends and practices to better control, manage, and eliminate livestock diseases. This proposal will also benefit the public and the Department by allowing Animal Health Branch (AHB) programs to revise forms as necessary to keep

forms up to date and to ensure these forms are Americans with Disabilities Act (ADA) compliant.

Consistency and Compatibility with Existing State Regulations: The Department has evaluated this proposal and believes that it is not inconsistent or incompatible with the Department’s existing State regulations. The intent of this proposal is to update the interstate and intrastate movement requirements for cattle and the interstate movement requirements for sheep, and to facilitate the Department’s ability to provide ADA compliant forms.

Documents Incorporated by Reference: None.

Technical, Theoretical, and Empirical Study, Report, or Similar Documents:

1. Cattle Health Advisory Task Force Meeting Minutes dated November 20, 2019, Sacramento, CA. (Attachment 1)
2. Cattle Health Advisory Task Force Meeting Minutes dated December 5, 2018, Sacramento, CA. (Attachment 2)
3. Approval to Amend the Regulations by the Secretary of the Department of Food and Agriculture. (Attachment 3)

**FISCAL IMPACT ESTIMATES**

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: The AHB Brucellosis Vaccination program is a reimbursement program which the Department estimates will decrease less than 10% with removal of the brucellosis vaccination requirement because some of these producers will continue to vaccinate their cattle to meet other state entry requirements.

There are no costs/savings in Federal Funding to the State.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code section 17500 et seq. Require Reimbursement: None.

Business Impact: The Department has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in California.

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

The Department has made an initial determination that this regulatory proposal may impact the beef and dairy cattle and sheep industries in California which may consist of persons and businesses moving cattle and sheep into and within the State. The Department has also made an initial determination that this regulatory proposal may impact veterinarians contracted with the Department to purchase brucellosis vaccine. The Department’s proposal may affect small businesses.

Cost Impacts on Representative Private Persons or Businesses: The Department has made an initial determination that this regulatory proposal may impact the beef and dairy cattle and sheep industries in California which may consist of private persons or businesses moving cattle and sheep into and within the State, and veterinarians contracted with the Department to purchase brucellosis vaccine.

The anticipated compliance requirements as a result of this proposal:

Paperwork/reporting requirement: There are no new reporting requirements as a result of this proposal. This proposal is necessary to allow the AHB to revise forms as necessary to keep forms up to date and to ensure forms are ADA compliant. Additionally, this proposal is necessary to update specified disease testing, vaccination, and movement requirements for cattle and sheep to facilitate industry trends and practices and to update the regulations where necessary for consistency authorized by FAC sections 10324, 10326, 10327, 10386, and 10610.

Effect on Housing Costs: None.

Effect on Small Business: The Department’s proposal may affect the beef and dairy cattle and sheep industries in California which may consist of small businesses moving cattle and sheep into and within the State, and veterinarians contracted with the Department to purchase brucellosis vaccine.

**RESULTS OF ECONOMIC IMPACT ASSESSMENT**

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

Persons/Businesses affected by this proposal:

- California Beef Cattle Industry — Repeal Brucellosis Vaccination
  - The approximate number of farms in California raising beef cattle, which could include individuals and businesses, is 10,000 premises.

- California Beef and Dairy Cattle Industries — Forms Incorporated by Reference
  - The Department estimates this proposal could impact approximately 13,000 individuals/businesses in California having beef or dairy cattle.
- California Veterinarians Contracted with the Department to Purchase Brucellosis Vaccine
  - The Department contracts with approximately 570 veterinary practitioners for the purchase and use of brucellosis vaccine authorized by Food and Agricultural Code section 10341.
- California Sheep Industry
  - There are approximately 3,800 premises raising sheep in the State which could include individuals and businesses importing rams for slaughter.

Benefits of the regulation to the health and welfare of California residents, worker safety, and the State’s environment: The Department is not aware of any specific benefits this proposal will have on the health of California residents, worker safety, or the State’s environment. The Department believes this proposal benefits the welfare of California residents by protecting the economic health of the affected cattle and sheep industries. This proposal is necessary to allow the AHB to revise forms as necessary to keep forms up to date and to ensure forms are ADA compliant. Additionally, this proposal is necessary to update specified disease testing, vaccination, and movement requirements for cattle and sheep to facilitate industry trends and practices and to update the regulations where necessary for consistency authorized by FAC sections 10324, 10326, 10327, 10386, and 10610.

Occupations/Businesses Impacted: This proposal may impact beef and dairy producers moving cattle into and within the State, sheep producers moving rams into California for slaughter, and veterinarians contracted with the Department to purchase brucellosis vaccine.

Business Reporting Requirement: There are no new reporting requirements as a result of this proposal. This proposal is necessary to allow the AHB to revise forms as necessary to keep forms up to date and to ensure forms are ADA compliant. Additionally, this proposal is necessary to update specified disease testing, vaccination, and movement requirements for cattle and sheep to facilitate industry trends and practices and to update the regulations where necessary for consistency authorized by FAC sections 10324, 10326, 10327, 10386, and 10610.

Comparable Federal Regulations: This proposal does not duplicate or conflict with federal regulations. There are federal regulations under 9 CFR Part 86 which spec-

ify the requirements of the USDA’s Animal Disease Traceability rule to which the Department has added additional requirements as specified in the current regulations to facilitate unique movement and husbandry practices of California’s cattle industry. There are no federal regulations with respect to brucellosis in sheep.

#### CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought the attention of the Department would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. This proposal is necessary to update existing interstate and intrastate movement requirements for consistency with industry trends and practices to better control, manage, and eliminate livestock diseases, and to allow programs to revise forms as necessary to keep them up to date and ensure they are ADA compliant as authorized by FAC sections 407, 10324, 10326, 10327, 10386, and 10610.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the hearing (if a hearing is requested) or during the written public comment period.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

The Department has prepared an Initial Statement of Reasons for the proposed action and has available all the information upon which the proposal is based.

#### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the Initial Statement of Reasons, and all the information upon which the proposal is based, may be obtained by contacting the persons named below or by accessing the Department’s website as indicated below in this Notice.

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

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

Any person may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to the contact persons named below or by accessing the website listed below.

### CONTACT PERSONS

Inquiries and any written comments concerning this proposal are to be addressed to the following:

Dr. Rebecca Campagna  
Animal Disease Traceability Program Lead  
Department of Food and Agriculture  
Animal Health & Food Safety Services  
Animal Health Branch  
1220 N Street, Sacramento, CA 95814  
Telephone: (916) 900-5043  
E-mail: rebecca.campagna@cdfa.ca.gov

The backup contact person is:

Thamarah Rodgers, Associate Analyst  
Department of Food and Agriculture  
Animal Health & Food Safety Services  
Division/Administration  
1220 N Street, Sacramento, CA 95814  
Telephone: (916) 698-3276  
E-mail: thamarah.rodgers@cdfa.ca.gov

Website Access: Materials regarding this proposal can be found by accessing the following Internet address: <http://www.cdfa.ca.gov/ahfss/regulations.html>.

## TITLE 5. EDUCATION AUDIT APPEALS PANEL

### *Audits of K-12 Local Education Agencies* Fiscal Year 2020-21

The Education Audit Appeals Panel (EAAP) proposes to adopt an Audit Guide for Fiscal Year 2020-21 using the Guide's incorporating regulation, after considering all comments, objections, and recommendations regarding the proposed action.

### PUBLIC HEARING

A public hearing regarding this proposal is not currently scheduled. Not later than 15 days prior to the close of the written comment period, any interested person, or his or her authorized representative, may make a written request for a public hearing pursuant to Government Code section 11346.8, and a public hearing will be

held. Requests for a public hearing should be addressed to Mary Kelly.

### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action. The written comment period closes **Monday, September 14, 2020**. EAAP will consider only written comments received by that time. Written comments for EAAP's consideration should be directed to:

Mary Kelly, Executive Officer  
Education Audit Appeals Panel  
770 L Street, Suite 1100

Sacramento, CA 95814  
Fax: (916) 445-7626  
e-mail: mkelly@eaap.ca.gov

### AUTHORITY AND REFERENCE

Authority cited: Sections 14501, 14502.1, 14503 and 41024, Education Code; California Constitution, Article XIII, Section 36, subdiv. (e), subpara 7, and Article XIII A, Section 1, subdiv. (b), subparas 3(C) and 3(D). Reference: Reference: California Constitution Article XIII B, Section 1.5; and Sections 2574(b)(3)(C), 8482.3(f)(5), 14501, 14502.1, 14503, 14509, 15286, 41024, 42238.02(b)(3)(B), 47612.5, 47634.2 and 48000, Education Code.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking amends title 5, California Code of Regulations, section 19810 to clarify the incorporation by reference language and make reference to the audit guide. It also adopts the audit guide for 2020-21 which makes clarifying revisions and addresses legislative changes in the conditions of apportionment of school funding.

This rulemaking meets the requirements of Education Code section 14502.1, which mandates that an annual audit guide be adopted by the EAAP. The purpose of the audit guide is to define terms and specify procedures to guide accountants in the conduct of statutorily required financial and compliance audits of K-12 local education agencies. The Controller, pursuant to Education Code section 14502.1, has proposed changes from the previous year's audit guide to be reflected in the 2020-21 audit guide. The proposed changes derive from the Controller's proposals and also contain changes designed to clarify audit steps.

EAAP does not anticipate that these proposed amendments would create specific benefits for the protection of public health and safety, worker safety, or the environment, the prevention of discrimination, the promotion of fairness or social equity, or the increase in openness and transparency in business and government. EAAP has determined that the proposed amendments will ultimately benefit the welfare of California residents by ensuring that local education agencies are in compliance with regulatory requirements. In developing the rulemaking, EAAP evaluated the proposed changes to regulations and determined that they are not inconsistent or incompatible with existing regulations, state or federal.

A description of proposed changes to section 19810, and a discussion of revisions to the audit guide, follow.

**Title 5, Division 1.5  
Chapter 3. Audits of California  
K–12 Local Education Agencies  
Article 2 Audit Reports**

**§ 19810. Annual Audit Guides.**

The “2019–2020–21 Guide for Annual Audits of K–12 Local Education Agencies and State Compliance Reporting,” (March 1, 2019 July 1, 2020), adopted by the Education Audit Appeals Panel, is incorporated by reference. The guide provides the audit steps, reporting requirements, and other guidance, for the required annual financial and compliance audits, subject to auditor judgment where alternative or additional audit steps may be appropriate. The annual guide is superseded by a supplemental audit guide, if needed, adopted before March 1 of each fiscal year. Each annual guide and any applicable supplement are available on [www.eaap.ca.gov/audit-guide](http://www.eaap.ca.gov/audit-guide), with paper or electronic copies available on request.

Note: Authority cited: Sections 14502.1 and 47612, Education Code; California Constitution, Article XIII, Section 36, subdiv. (e), subpara 7, and Article XIII A, Section 1, subdiv. (b), subparagraphs 3(C) and 3(D). Reference: California Constitution Article XIII B, Section 1.5; and Sections 2574(b)(3)(C), 8482.3(f)(5), 14501, 14502.1, 14503, 14509, 15286, 41020, 41024, 42238.02(b)(3)(B), 47612.5, 47634.2 and 48000, Education Code.

**Audit Guide Amendments and Addition of  
Appendix C**

The proposed annual 2020–21 Audit Guide includes the following amendments from the existing 2019–20 Audit Guide:

- *Section R. Comprehensive School Safety Plan* is technically amended to ensure that each school has adopted or has reviewed and updated by March 1 its comprehensive school safety plan as provided by Education Code section 32286. In addition, procedure 3 is amended to delete notification to the California Department of Education by October 15, as that requirement crosses into the next fiscal year, and instead refers to the requirement to obtain approval from the school district or county office of education pursuant to Education Code section 32288.
- *Section Y. Independent Study — Course Based* is amended to add a procedure to verify that no days of attendance were reported prior to the signing of the agreement with all parties, consistent with parallel provisions in Section D, procedure 3.i. and Section CC, procedure 4.h. Additional language is added in procedure 4 to clarify the amount that is subject to the statewide average rate of absence reduction pursuant to Education Code section 51749.5. Other than resulting renumbering, the remaining change is to remove the ‘(a)’ from the citation to Education Code section 51745.6, as subdivision (a) applies only to school districts and county offices of education, whereas section 51745.6 applies to school districts, county offices of education, and charter schools. That change ensures like treatment of the Course–Based Independent Study ratio calculations for charter schools.
- *Section Z. Immunizations* is a new requirement in 2020–21 requiring 2 doses of Varicella instead of one dose. This section includes procedures to audit immunization requirements for tetanus, diphtheria and pertussis.
- *Section AA. Attendance* is amended to account for proportional reduction of ADA if a school offered fewer than 175 instructional days — unless that number is reduced pursuant to a Form J–13A approval accounting for unavoidable school closures.
- *Section BB. Mode of Instruction* amends subparagraph 1.d. and adds new Subparagraph 1.e. consistent with Education Code section 7600(s) which includes an alternative way to satisfy the requirement that 80 percent of instructional time offered shall be at the school site for pupils taking classes at a community college pursuant to a College and Career Access Pathway Agreement. New procedure 1.e. requires audit of a sample of such pupils to ensure that their schedules follow this alternative or those for Early or Middle College High Schools.

- *Appendix B. School Facility Program Bond Fund Audits* is revised to specify the manner and timing for required filing of these audit reports with the State Controller’s Office; requires that the report note the state bond fund providing funding for the audited project; and in various places removes directions to locate certain details on the Office of Public School Construction (OPSC) web page and instead instructs auditors to contact the OPSC for that information.
- *Appendix C. Full–Day Kindergarten Program Audits* is entirely new. It specifies audit procedures for construction projects (new or by retrofit) done to facilitate the move to universal Full–Day Kindergarten. Appendix C fulfills the legislative mandate in Education Code Section 41024 for an LEA that receives funds pursuant to the Full Day Kindergarten Facilities Grant Program. The grant program allows school districts that lack the facilities to provide full–day kindergarten to apply for one–time grants to construct new school facilities or retrofit existing school facilities for the purpose of providing full–day kindergarten classrooms. The necessity for the various provisions in Appendix C is derived from and cited in the reference notes included in Appendix C. For audit guide steps, EAAP relied upon the expert opinion of the audit guide workgroup, led by the State Controller’s Office, and including representatives of the Department of Finance, Department of Education, Office of Public School Construction, and stakeholders, including school districts, Certified Public Accounts and education associations. Appendix C, as submitted by the State Controller’s Office was not changed in any substantive way by EAAP.

Name of document incorporated by reference: 2020–21 Guide for Annual Audits of K–12 Local Education Agencies and State Compliance Reporting (July 1, 2020). The changes described above are already in effect on an emergency basis.

**DISCLOSURES REGARDING THE PROPOSED ACTION**

1. Mandate on local agencies and school districts: None.
2. Cost to any local agency or school district which must be reimbursed: None.
3. Cost or savings to any state agency: None.
4. Other non–discretionary cost or savings imposed upon local agencies: None.

5. Cost or savings in federal funding to the state: None.
6. Significant effect on housing costs: None.
7. Significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.
8. Results of the Economic Impact Assessment:
  - (a) Adoption of these regulations will not:
    - create or eliminate jobs within California;
    - create new businesses or eliminate existing businesses within California; or
    - affect the expansion of businesses currently doing business within California.
  - (b) Benefit of the proposed regulation to the health and welfare of California residents, worker safety, or the State’s environment and quality of life: As stated under the “Informative Digest/Policy Statement Overview” above, the proposed regulations will update and improve audit procedures of K–12 local education agencies, which would ultimately benefit the welfare of California residents by ensuring that local education agencies are in compliance with regulatory requirements.
9. Cost impact on a representative private person or business: EAAP is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
10. Business report requirements: None.
11. Effect on small businesses: The proposed regulations will have no effect on small businesses because they do not materially alter the requirements for LEA audits.

**CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code section 11346.5(a)(13), EAAP must determine that no reasonable alternative it has considered or that has otherwise been identified and brought to the EAAP’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.

**CONTACT PERSONS**

Inquiries concerning the substance of the proposed action, requests for a copy of the proposed text of the



regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, and other technical information upon which the rulemaking is based, and questions on the proposed administrative action may be directed to Timothy Morgan, Staff Attorney IV, at (916) 445-7745 or by e-mail: [tmorgan@eaap.ca.gov](mailto:tmorgan@eaap.ca.gov), or Mary C. Kelly, Executive Officer, at (916) 445-7745.

#### AVAILABILITY OF RULEMAKING FILE

The entire rulemaking file will be available for inspection and copying throughout the rulemaking process at EAAP's 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, the initial statement of reasons, and the Economic Impact Assessment. A copy may be obtained by contacting Timothy Morgan at the above address. The bill analyses are also available online at <http://leginfo.legislature.ca.gov/faces/billSearchClient.xhtml>.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the comment period, a hearing, if requested, and consideration of all timely and relevant comments received, EAAP may adopt the proposed regulations substantially as described in this notice. If EAAP makes modifications that are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) will be available to the public for at least 15 days before EAAP adopts the regulations as revised. Requests for copies of any modified regulations should be sent to the attention of Timothy Morgan at the address stated above. EAAP will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, Initial Statement of Reasons, text of the regulations in underline and strikeout, any changed or modified text, and the Final Statement of Reasons will be accessible through the EAAP website: [www.eaap.ca.gov](http://www.eaap.ca.gov).

## TITLE 14. DEPARTMENT OF FISH AND WILDLIFE

### OFFICE OF SPILL PREVENTION AND RESPONSE

#### CERTIFICATION OF SPILL MANAGEMENT TEAMS

(Sections 830.1-830.11)

#### DEFINITIONS AND ABBREVIATIONS

(Section 790)

#### OIL SPILL CONTINGENCY PLANS

(Sections 815.05, 815.07, 816.02, 817.02, 817.03, 817.04, 818.02, 818.03, 825.05, 825.07, 826.02, 826.03, 827.02)

#### NOTICE OF PROPOSED RULEMAKING

Notice is hereby given that the California Department of Fish and Wildlife, Office of Spill Prevention and Response (OSPR), proposes to adopt new sections 830.1 through 830.11, including two new Applications for Certification, and to amend sections 790, 815.05, 815.07, 816.02, 817.02, 817.03, 817.04, 818.02, 818.03, 825.05, 825.07, 826.02, 826.03, 827.02, of subdivision 4 of title 14 of the California Code of Regulations. These sections pertain to the Certification of Spill Management Teams (SMT), and related changes to General Definitions and Abbreviations and Oil Spill Contingency Plans. OSPR invites interested persons to present comments, statements, or arguments with respect to the regulations during the written comment period.

#### PUBLIC HEARING

**As a result of the coronavirus pandemic and the Executive Order of the Governor of California to protect public health by limiting public gatherings and requiring physical distancing, OSPR has not scheduled a public hearing on this proposed action.** However, pursuant to Government Code section 11346.8, OSPR will hold a virtual public hearing, via electronic communication, if a written request is received at the address below from any interested person or his or her authorized representative no later than fifteen (15) calendar days before the end of the 45-day comment period.

#### SUBMISSION OF WRITTEN COMMENTS

Any interested person or his or her authorized representative may submit to OSPR written comments rele-

vant to the proposed regulatory action. **The written comment period closes at 11:59 p.m. on Monday, September 14, 2020.** All written comments must be received by OSPR by then in order to be considered. Written comments may be submitted by mail or e-mail, as follows:

Department of Fish and Wildlife  
Office of Spill Prevention and Response  
P.O. Box 944209  
Sacramento, California 94244-2090  
E-mail: [OSPRRegulations@wildlife.ca.gov](mailto:OSPRRegulations@wildlife.ca.gov)

#### AUTHORITY AND REFERENCE

Government Code sections 8670.5, 8670.29 and 8670.32 grant the Administrator of OSPR the authority to adopt regulations and guidelines for the proposed regulations. The proposed regulations implement, interpret and make specific Government Code sections 8670.5, 8670.10, 8670.28, 8670.29 and 8670.32.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

##### *Existing Law*

The *Lempert-Keene-Seastrand Oil Spill Prevention & Response Act* (Act) of 1990 requires owners or operators of certain facilities and large vessels that handle oil to have an oil spill contingency plan for potential oil spill threats they pose to waters of the state. Within these plans, planholders must identify a spill management team (SMT) to staff and manage a spill response. SMTs are personnel that staff the organizational structure for managing some or much of a response to an oil spill. These teams can be the plan holder's own employees or those affiliated with planholder companies, contractors, or a combination of these.

Since 1991 the Administrator of the Office of Spill Prevention and Response (a Governor appointee and Chief Deputy Director of the Department of Fish and Wildlife) has been responsible for all oil spill planning, preparedness, and response in the state (Government Code section 8670.7). The Administrator has a statutory obligation to provide the best achievable protection of natural resources and state waters. Planholders that have oil spill contingency plan requirements also bring incident management personnel to oil spills, but currently the performance of those teams is not required to be evaluated or verified before they can be referenced in a contingency plan or participate in oil spill responses.

In 2017, Assembly Bill 1197 was enacted to enable the Administrator to have direct regulatory oversight over SMTs, by classifying their capabilities and evaluating their performance through inspections, exercises, or by other means. Such a program would ensure consistent and increased capabilities of SMTs in managing an oil spill response and in turn, move such response efforts towards the best achievable protection of the State's natural resources.

##### *Spill Management Team Certification (sections 830.1-830.11)*

These new sections for certification requirements of SMTs are modeled from the current oil spill response organization ratings requirements. Building upon that program, adoption of the proposed SMT certification regulations will generally:

- Clarify what a "team" is composed of.
- Establish criteria for SMTs to become certified based on the SMT's capacity to respond to and manage spills effectively.
- Establish criteria for SMTs to successfully accomplish objectives of announced and unannounced exercises.
- Establish timeframes for designated personnel to arrive on-scene.
- Establish training requirements.
- Provide for an application process to commence the certification process.

##### *General Definitions and Abbreviations (sections 790, 815.05, 825.05)*

The proposed amendments to section 790 are included in this rulemaking (title 14, Subdivision 4, Chapter 3, Sections 830.1 through 830.11) to avoid the definitions being their own separate rulemaking and for ease of reference. Adoption of the proposed amendments to the definitions regulations will generally:

- Add definitions to identify and delineate different types of response team members.
- Revise common definitions to reduce the limitation of the definition to only one class or group.
- Consolidate common definitions into one section (790).

##### *Vessel, Marine, and Inland Contingency Plans (sections 815.05, 815.07, 816.02, 817.02, 817.03, 817.04, 818.02, 818.03, 825.05, 825.07, 826.02, 826.03, 827.02)*

Proposed amendments to the various contingency plan requirements for vessels, marine facilities, and inland facilities are made for consistency with the man-

dates of Government Code sections 8670.29 and 8670.32.

*Policy Statement Overview and Anticipated Benefits of the Proposed Action*

Adoption of the spill management team certification regulations will implement and interpret the Act, and provide specificity not found in the Act.

In 2013, OSPR began conducting unannounced exercises focusing on incident management objectives to indirectly evaluate SMTs through planholder oil spill contingency plans. The goal was to better understand the state of spill response readiness of these teams. OSPR documented that the quality and consistency of SMTs' ability to accomplish the exercise objectives varied, with significantly more failures at unannounced exercises than for announced exercises. However, currently OSPR can only hold SMTs accountable indirectly through the planholders. If a contracted SMT does poorly at an unannounced or announced exercise, then the planholder is out of compliance, not the team.

The proposed regulations will provide a direct mechanism for evaluating spill management teams' ability to respond by establishing minimum requirements for training and/or experience of personnel, timeframes for personnel to arrive on-scene, and criteria for a successful completion of exercise objectives, based on classification levels derived from reasonable worst-case spill volumes contained in plans for which spill management teams provide services. The classification system and associated criteria will establish standards that will ensure consistency and adequacy of spill management teams' response capabilities.

The benefits of the proposed regulations ensure there are spill management teams that are trained to be ready for fast, effective response and management of oil spills and move oil spill response towards the best achievable protection of the State's natural resources. Ultimately, these regulations will protect the state from incurring greater environmental damage than if this program did not exist.

*Evaluation of Inconsistency or Incompatibility with Existing Regulations*

The proposed regulations are not inconsistent or incompatible with existing state or federal regulations or statutes. After conducting a review for any state or federal regulations or statutes that would relate to the certification of spill management teams, OSPR concludes that there are none requiring the certification of spill management teams. The U.S. Coast Guard requires federal facility and vessel planholders to identify an SMT, but they do not classify or certify SMTs (33 CFR 154.1035(b)(3)(iv); 33 CFR 155.1035(d)).

DOCUMENTS INCORPORATED  
BY REFERENCE

The following documents, hereby incorporated by reference in the proposed new Certification of Spill Management Team regulations, are available on OSPR's [website](#) and upon request.

- Typing Characteristics table of the U.S. Coast Guard *Incident Management Handbook* (2014)
- Exercise Notification form DFW 1964 (07/15/20)
- Application for Certification of Planholder Spill Management Team form DFW 1005 (new 07/14/20)
- Application for Certification of External Spill Management Team form DFW 1006 (new 07/13/20)

The following documents, hereby incorporated by reference in the amended Oil Spill Contingency Plan regulations, are available on OSPR's website and upon request.

- Application for Certification of Planholder Spill Management Team form DFW 1005 (new 07/14/20)
- Application for Certification of External Spill Management Team form DFW 1006 (new 07/13/20)

DETERMINATIONS REGARDING THE  
PROPOSED ACTION

OSPR has made the following determinations, as required by Government Code section 11346.5(a)(5), (6), (7), (9) and State Administrative Manual section 6601:

- (a) *Mandate upon local agencies and school districts:* None.
- (b) *Costs or savings to any state agency:* None.
- (c) *Costs or savings to any local agency:* None.
- (d) *Costs or savings to any local agency or school districts which must be reimbursed in accordance with part 7, division 4 (commencing with section 17500) of the Government Code:* None
- (e) *Other non-discretionary costs or savings imposed upon local agencies:* None.
- (f) *Costs or savings in federal funding to the state:* None.
- (g) *Significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states:*

These regulations will not have a significant statewide adverse economic impact. See the

Economic and Fiscal Impact Statement (Form STD 399).

(h) *Cost a representative private person or business would necessarily incur in reasonable compliance:*

Hiring a certified external SMT and/or providing training for in-house staff are potential costs to a planholder. Most planholders already have SMTs, whether internal or external, as part of their oil spill contingency plan. Contracted SMTs will initially bear the cost of meeting the certification requirements. These costs will then be passed on as retainer fee increases to their clients who are the planholders. Combined, the total expected cost to oil producers, rail, pipeline, and tank vessel operators is estimated to be \$12.078 million. Assuming this is passed on to consumers, the estimated impact to individuals will be an increase in fuel expenditures of \$1.14 per vehicle per year. Refer to the Economic and Fiscal Impact Statement (Form STD 399) for details.

(i) *Significant effect on housing costs:* None.

#### RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

Pursuant to Government Code sections 11346.2 and 11346.3, and State Administrative Manual section 6601, with regard to the proposed regulations, OSPR determines the following:

- *Whether this is a “major regulation”, having an economic impact on businesses and individuals exceeding \$50,000,000 in any 12-month period between the date the regulation is estimated to be filed with the Secretary of the State through 12 months after the regulation is fully implemented.*

These are not considered “major regulations” because the economic impact assessment concludes that the impacts, summing both costs and benefits, will be considerably less than \$50 million annually.

- *Effects of the regulation on the creation or elimination of jobs within the State of California.*

These regulations may result in additional business activity (for example, the use of contractors). Planholders may rely on their own staff (“in-house”) spill management team; however, in the event they do not have adequate resources, planholders may contract with individual spill management team members to supplement their own, or contract with entire spill management teams in order to comply with these regulations.

- *Effects of the regulation on the creation of new businesses or the elimination of existing businesses within the State of California.*

By creating an SMT certification program, OSPR is defining a service that businesses may provide, in turn, likely leading to the creation of more business than would otherwise exist without these regulations.

- *Effects of the regulation on the expansion of businesses currently doing business within the State of California.*

By creating an SMT certification program, OSPR is defining a service that businesses may provide, in turn, likely leading to expansion of California businesses.

- *Benefits of the regulation to the health and welfare of California residents, worker safety, and the State’s environment.*

Having requirements for certification, which include resources and timelines, will ensure that contracted SMTs are capable of effectively responding to and managing responses to oil spills, thus potentially eliminating or mitigating the severity of the impact of a spill on the environment. In turn, this benefits the health and welfare of California residents, worker safety, and the state’s environment.

- *Business Reporting Requirement.*

None.

- *Effect on small business.*

This regulatory action will affect small business. Approximately 51 California oil producers qualify as small businesses with fewer than 100 employees and annual gross receipts of \$15 million or less, or about 4% of the 1,255 potentially impacted planholders. For all but the smallest planholders, the impact of the estimated cost increase of regulatory compliance is less than 0.05% of their average revenues. The smallest producers would experience a cost increase of 0.12% of their average revenue.

#### CONSIDERATION OF ALTERNATIVES

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

The requirement for SMTs to be certified is created by statute (Government Code section 8670.32) and is required to be implemented by OSPR. There are no reasonable alternatives.

OSPR invites interested persons to present reasonable alternatives to the proposed regulations during the written comment period.

#### AVAILABILITY OF DOCUMENTS/OSPR CONTACT PERSON

OSPR will have the entire rulemaking file available for inspection and copying at its office at the address below. As of the date this notice is published in the California Notice Register, the rulemaking file consists of this notice, the text of the regulations, the Initial Statement of Reasons, any documents incorporated by reference, as indicated in this notice, and the Economic and Fiscal Impact Statement (Form STD 399). Please direct inquiries concerning the regulatory process or requests for copies of the proposed text (“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 the following:

Department of Fish and Wildlife  
Office of Spill Prevention and Response  
Attention: Christine Kluge  
P.O. Box 944209  
Sacramento, CA 94244-2090  
Phone: (916) 375-4676  
Email: Christine.Kluge@wildlife.ca.gov

The backup contact person is Rachel Fabian at (916) 375-4321 or Rachel.Fabian@wildlife.ca.gov.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

This notice and related rulemaking documents identified above can be accessed on the ‘Proposed Regulations’ page on OSPR’s website (<https://wildlife.ca.gov/OSPR/Legal/Proposed-Regulations/SMT-Certification>).

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

At the close of the 45-day comment period, and considering all timely and relevant comments received, OSPR may adopt the proposed regulations substantially as described in this notice. If OSPR makes modifications which are sufficiently related to the originally proposed text, the modified text (with the changes clearly indicated) will be made available to the public for at least 15 days prior to the date of adoption. Any such modifications will also be posted on OSPR’s website identified above. Please send requests for copies of any modified regulations to the attention of the contact person(s) as indicated above. OSPR will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available on OSPR’s website and may be requested from the contact person(s) named in this notice.

### TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

**NOTICE IS HEREBY GIVEN** that the Secretary of the California Department of Corrections and Rehabilitation (CDCR or Department), proposes to amend Sections 3078.4 of Title 15, Division 3, Chapter 1, regarding the Alternative Custody Program.

#### PUBLIC COMMENT PERIOD

The public comment period begins **July 31, 2020** and closes on **September 17, 2020**. Any person may submit written comments by mail addressed to the primary contact person listed below, or by email to [rpmb@cdcr.ca.gov](mailto:rpmb@cdcr.ca.gov), before the close of the comment period. For questions regarding the subject matter of the regulations, call the program contact person listed below.

No public hearing is scheduled for these proposed regulations; however, pursuant to Government Code Section 11346.8, any interested person or their duly authorized representative may request a public hearing,

no later than 15 days prior to the close of the written comment period.

#### CONTACT PERSONS

##### Primary Contact

S. Pollock  
Telephone: (916) 445-2308  
Regulation and Policy  
Management Branch  
P.O. Box 942883  
Sacramento, CA 94283-0001

##### Back-Up

Y. Sun  
Telephone: (916) 445-2269  
Regulation and Policy  
Management Branch  
P.O. Box 942883  
Sacramento, CA 94283-0001

##### Program Contact

A. Sugapong  
Telephone: (916) 324-9325  
Division of Adult Parole  
Operations

#### AUTHORITY AND REFERENCE

**Government Code 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.

**Penal Code (PC) Section 5000** provides that commencing July 1, 2005, any reference to 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 5055** provides that commencing July 1, 2005, all powers and duties previously granted to and imposed upon the Department of Corrections shall be exercised by the Secretary of the CDCR. **PC Section 5058** authorizes the Director to prescribe and

amend rules and regulations for the administration of prisons and for the administration of the parole of persons. **PC Section 5058.3** authorizes the Director to certify in a written statement filed with Office of Administrative Law that operational needs of the Department require adoption, amendment, or repeal of regulation on an emergency basis.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

California Code of Regulations (CCR), Section 3078.4 currently includes reference to CDCR Form 1516-ACP (06/11), Requirements of the Alternative Custody Program, which is an outdated form. The proposed amendments revise CDCR Form 1516-ACP to include information regarding the use of Electronic Monitoring Equipment for Electronic In-Home Detention. Correspondingly, Section 3078.4 is updated to reflect the correct form.

##### **This action will:**

- Revise CDCR Form 1516-ACP to incorporate language concerning the use of Electronic Monitoring Equipment for Electronic In-Home Detention.
- Update Section 3078.4 to reflect the revised CDCR Form 1516-ACP.

#### DOCUMENTS INCORPORATED BY REFERENCE

CDCR Form 1516-ACP (Rev. 04/20), Alternative Custody Program Requirements

#### SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

By providing clarity regarding the use of Electronic Monitoring Equipment and Electronic In-Home Detention in the CDCR Form 1516-ACP, the ACP participant's understanding and compliance with the rules and regulations concerning the ACP program will be enhanced, which will improve public safety as a result.

#### EVALUATION OF CONSISTENCY/COMPATIBILITY WITH EXISTING LAWS AND REGULATIONS

Pursuant to Government Code 11346.5(a)(3)(D), the Department has determined the proposed regulations are not inconsistent or incompatible with existing regulations. This was determined by performing a search of existing regulations.

**LOCAL MANDATES**

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement of costs or savings pursuant to Government Code Sections 17500–17630.

**FISCAL IMPACT STATEMENT**

- Cost or savings to any State agency: *None*.
- 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.

**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.

**SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS**

The Department has made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, because the proposed regulations place no obligations or requirements on any business.

**EFFECT ON SMALL BUSINESSES**

The Department has determined that the proposed regulations will not affect small businesses. This action has no significant adverse economic impact on small business because they place no obligations or requirements on any business.

**RESULTS OF THE ECONOMIC IMPACT ASSESSMENT**

The Department has determined that the proposed regulation will have no effect on the creation of new, or the elimination of existing, jobs or businesses within California, or effect the expansion of businesses currently doing business in California. The Department has determined that the proposed regulation will have no effect on worker safety or the State’s environment. These regulations may benefit the welfare of California residents by helping to ensure ACP participants’ compliance with Electronic Monitoring Equipment and Electronic In–Home Detention by providing clarity through the CDCR Form 1516–ACP.

**CONSIDERATION OF ALTERNATIVES**

The Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed regulatory action, or would be more cost–effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law. Interested persons are invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

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

The Department has prepared and will make available the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. 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 Department’s contact person. The proposed text, ISOR, and Notice of Proposed Regulations will also be made available on the Department’s website: [www.cdcr.ca.gov](http://www.cdcr.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 Department’s contact person.

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 that 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, amends or repeals the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the modified regulations for at least 15 days after the date on which they are made available.

**TITLE 16. BOARD OF  
VOCATIONAL NURSING AND  
PSYCHIATRIC TECHNICIANS**

NOTICE IS HEREBY GIVEN that the Board of Vocational Nursing and Psychiatric Technicians (BVNPT) proposes taking the action described in the Informative Digest. Any interested person may present statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or e-mail, to the addresses listed under "Contact Persons," in this Notice, must be received by the BVNPT at its office on September 14, 2020.

The BVNPT does not intend to hold a hearing in this matter. If any interested party wishes that a hearing be held, the interested party must make the request, in writing, to the Board. The last day to receive the hearing request is August 31, 2020.

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

Authority and Reference: Pursuant to the authority vested by section 2854 of the Business and Professions Code (BPC), and to implement, interpret or make specific Sections 141, 475, 480, 481, 482, 488, 490, 492 and 493, of said Code, the BVNPT is considering changes to Title 16, Division 25, Chapter 1, Article 4, Sections 2521 and 2522, of the California Code of Regulations (CCR), as follows:

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

Pursuant to BPC section 2841.1, the mission of the BVNPT is: "Protection of the public shall be the highest priority for the Board of Vocational Nursing and Psychiatric Technicians of the State of California in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount."

The goals and objectives of this proposed regulation are to bring the BVNPT's current regulations into compliance with the various provisions of Assembly Bill 2138 (AB 2138) (Chiu, Chapter 995, Statutes of 2018). AB 2138 requires the Department of Consumer Affairs' (DCA) various Boards and Bureaus to:

- develop criteria to determine whether a crime, professional misconduct, or act is substantially related to the qualification, functions, or duties of the business or profession;
- consider whether a person has made a showing of rehabilitation if certain conditions are met;
- follow certain procedures when requesting or acting on an applicant or licensee's criminal history information; and
- annually submit a report to the legislature and post the report on its internet web site containing specified deidentified information regarding actions taken by a Board based on an applicant or licensee's criminal history information.

BPC section 2854 authorizes the BVNPT to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to enable it to carry into effect the provisions of the Licensed Vocational Nursing Act (Act). In accordance with the statutory amendments implemented by AB 2138, beginning July 1, 2020, BPC sections 481 and 493 will require the BVNPT, when considering the denial, suspension, or revocation of an application or license based on a crime, professional misconduct, or act, to determine whether the crime, professional misconduct, or act is substantially related to the qualifications, functions, or duties of an applicant or licensee by using specified criteria, including the nature and gravity of the offense, the number of years elapsed since the date of the offense, and the nature and duties of a licensee.

BPC section 482 requires the BVNPT to develop criteria to evaluate the rehabilitation of a person when considering the denial, suspension, or revocation of an application or license. Beginning July 1, 2020, BPC section 482 will require the BVNPT, when considering the denial, suspension, or revocation of an application or license based on a crime, professional misconduct, or act, to consider whether the applicant or licensee is rehabili-



tated, based on either (1) having completed their criminal sentence without violating parole or probation, or (2) the BVNPT's standard criteria for evaluating the rehabilitation of applicants and licensees. (BPC § 482, as added by AB 2138, § 9.)

Currently, 16 CCR 2521 establishes the criteria for determining when a crime or act is substantially related to the qualifications, functions, and duties of an applicant or licensee, and 16 CCR 2522 establishes the criteria for determining rehabilitation of an applicant or licensee when considering the denial, suspension, or revocation of a license, or a petition for reinstatement of a license.

AB 2138 requires that 16 CCR sections 2521 and 2522 be updated to clearly specify the criteria the BVNPT uses when making a determination for an applicant or licensee's criminal conviction, or formal discipline by another licensing Board, and evaluating the rehabilitation of an applicant or licensee when considering denial, suspension, or revocation of an application or license.

The BVNPT is proposing the following changes:

Amend 16 CCR 2521 (Substantial Relationship Criteria):

The proposed amendments to this regulation, for purposes of denial, suspension, or revocation of an application or license, will add professional misconduct and disciplinary actions taken by another state, by any agency of the federal government, or by another country as described in BPC section 141, as grounds requiring the BVNPT to consider the substantial relationship criteria, and require the BVNPT, in making the substantial relationship determination for a crime, to consider the following criteria: (1) the nature and gravity of the offense; (2) the number of years elapsed since the date of the offense; and (3) the nature and duties of a person holding the license. The proposal would also clarify that substantially related crimes, professional misconduct, or acts include violating other state laws (including laws of other states) or federal laws governing the practice of licensed vocational nursing.

Amend 16 CCR 2522 (Criteria for Rehabilitation):

The proposed amendments to this regulation will clarify that the BVNPT, when considering an application or license denial, suspension, or revocation on the ground that the applicant or licensee was convicted of a crime, professional misconduct, or act, will have to determine whether the applicant or licensee made a showing of rehabilitation and is presently eligible for a license, if the applicant or licensee completed the criminal sentence without a violation of parole or probation. In making this determination, the proposal will require the BVNPT to consider the nature and gravity of the

crime, professional misconduct, or act, the length of the parole or probation period, the extent to which the parole or probation period was shortened or lengthened, and the reasons therefor, the terms or conditions of parole or probation and the extent to which they bear on the applicant's or licensee's rehabilitation, and the extent to which the terms or conditions of parole were modified, and why. The proposal will require a broader set of rehabilitation criteria to be considered for applicants and licensees who had not completed the criminal sentence without a violation of parole or probation, did not sufficiently demonstrate their rehabilitation under the narrower set of criteria, or when the denial, suspension, or revocation was based on something other than a criminal conviction. Consistent with current CCR section 2521, subdivision (c), the proposal will also require the BVNPT to consider the two sets of criteria, described above, when evaluating whether a petitioner for reinstatement of a license is rehabilitated.

ANTICIPATED BENEFITS OF PROPOSAL

California has among the highest recidivism rates in the nation, with many low-level criminal offenders committing new crimes within a year of their release. These circumstances play a significant role in the prison and jail overcrowding crisis that the Legislature has spent the past decade attempting to address. One of the root causes of these high recidivism rates is the inability of prior offenders to secure gainful employment upon reentry.

Nearly 30 percent of California jobs require licensure, certification, or clearance by an oversight Board or agency, for approximately 1,773 different occupations. All too often, qualified people are denied occupational licenses or have licenses revoked or suspended based on prior arrests and/or convictions, many of which are old, unrelated to the job, or have been judicially dismissed. Alleviating barriers to occupational licensing is just one way California can reduce recidivism and provide economic opportunity to all its residents.

For further discussion of the benefit analysis, see "Results of the Economic Impact Assessment" below.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

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

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: The BVNPT has made an initial determination that the proposed regulations will not have a fiscal impact on public agencies, State agencies or in federal funding to the State.

Nondiscretionary Costs/Savings to Local Agencies: The BVNPT has made an initial determination that the proposed regulations will not have a fiscal impact to local agencies.

Local Mandate: The BVNPT has made an initial determination that the proposed regulations will not have an impact on local mandates.

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: The BVNPT has made an initial determination that the proposed regulations will not have a fiscal impact on any local agency or school district for which Government Code sections 17500–17600 require reimbursement.

Business Impact: The BVNPT has made an initial determination that the proposed regulatory action will have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the premise that these regulations may increase access to licensure, potentially increasing the number of psychiatric technicians, which would provide businesses a greater pool of employees from which to hire.

Business Reporting Requirements: The regulatory action does not require businesses to file a report with the Board.

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

The Board estimates that there will be no increased costs for businesses or individuals to comply with the proposed regulations, as there would be fewer restrictions for individuals with criminal convictions to obtain licensure.

Results of the Economic Impact Assessment: The BVNPT has determined that this regulatory proposal will not have an impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Benefits of the Proposed Action: The BVNPT has determined that this regulatory proposal will have the following benefits to health and welfare of California residents, worker safety, and state’s environment:

This proposal will allow individuals greater access to licensure, reduce criminal recidivism, and provide economic opportunity to California residents with a criminal history. The public may benefit from the proposal with increased access to licensed vocational nurses, which will potentially benefit the overall health and welfare of Californians. Health care businesses will likely benefit as they would have a larger pool of licensed professionals from which to hire. The regulatory proposal does not affect worker safety or the state’s environment.

Protection of the public is the BVNPT’s highest priority in exercising its licensing, regulatory and disciplinary functions. Also, the BVNPT ensures that only qualified persons are licensed vocational nurses by enforcing education requirements, standards of practice and by educating consumers of their rights. The proposed regulation change will, most likely, not endanger the public and will allow the BVNPT to continue carrying out these mandates.

EFFECT ON SMALL BUSINESS

The BVNPT has determined that the proposed regulations will not affect business because the proposed actions do not directly affect businesses, including small businesses. In complying with AB 2138, the regulatory changes seek to reduce barriers to licensure for applicants and licensees with criminal histories or licensure discipline. The BVNPT anticipates that the proposed regulations will only impact businesses to the extent that individual applicants or licensees are able to be licensed or retain licensure under the proposal. The BVNPT does not know how many applicants will gain or retain licensure but does not anticipate the number to significantly impact businesses.

EFFECT ON HOUSING

The BVNPT has determined that the proposed regulations will not affect housing in the State of California.

CONSIDERATION OF ALTERNATIVES

The BVNPT must determine that no reasonable alternative that it considered to the regulation, or that has otherwise been identified and brought to its attention, would be effective in carrying out the purpose for which the action is proposed, would be more 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.

INITIAL STATEMENT OF  
REASONS AND INFORMATION

The BVNPT has prepared an initial statement of the reasons for the proposed action and has available all the information on which the proposal is based, upon request from the contact person designated below.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all the information upon which the proposal is based, may be obtained upon request from the person designated in the Notice under Contact Person, with the Board of Vocational Nursing and Psychiatric Technicians, at 2535 Capitol Oaks Drive, Suite 205, Sacramento, California 95833.

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

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the person named below. You may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below, or by accessing the BVNPT website at [www.bvnpt.ca.gov](http://www.bvnpt.ca.gov).

CONTACT PERSON

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

**Name:**

Doris Pires, *Regulations Coordinator*

**Address:**

Board of Vocational Nursing and Psychiatric  
Technicians  
2535 Capitol Oaks Drive, Suite 205  
Sacramento, CA 95833

**Telephone:**

(916) 263-7800

**Fax Number:** (916) 263-7855

The backup contact person is:

**Name:**

Vicki Lyman, *Assistant Executive Officer*

**Address:**

Board of Vocational Nursing and Psychiatric  
Technicians  
2535 Capitol Oaks Drive, Suite 205  
Sacramento, CA 95833

**Telephone:**

(916) 263-7800

**Fax Number:**

(916) 263-7855

**E-Mail:** To submit any comments via email, please send to:

[BVNPT.Rulemaking@dca.ca.gov](mailto:BVNPT.Rulemaking@dca.ca.gov).

**Website Access:** Materials regarding this proposal can be found at [www.bvnpt.ca.gov](http://www.bvnpt.ca.gov).

**TITLE 16. DENTAL HYGIENE  
BOARD OF CALIFORNIA**

**Division 11, New Article 4, Section 1109**

**NOTICE IS HEREBY GIVEN** that the Dental Hygiene Board of California (Board) is proposing to take the rulemaking action described below under the heading Informative Digest/Policy Statement Overview. Any person interested may present statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office on September 14, 2020.

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

The Board may, after considering all timely and relevant comments, adopt the proposed regulations substantially as described in this notice, or may modify the proposed regulations if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as the contact person and will be mailed to those persons who submit written or oral testimony related to this pro-

posals or who have requested notification of any changes to the proposal.

#### AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 1905, 1906, and 1910.5 of the Business and Professions Code (BPC), and to implement, interpret or make specific section 1910.5 of the BPC, the Board is considering changes to Division 11 of Title 16 of the California Code of Regulations as follows:

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

BPC sections 1905 and 1906 authorize the Board to adopt, amend, and revoke regulations to implement the statutory requirements of Article 9 of Chapter 4, BPC sections 1900 through 1966.6, regarding dental hygienists. The Board, a constituent agency within the DCA, regulates registered dental hygienists, registered dental hygienists in alternative practice, and registered dental hygienists in extended functions (collectively RDHs). The Board's highest priority is the protection of the public when exercising its licensing, regulatory, and disciplinary functions. The Board's core functions are issuing licenses to qualified applicants, investigating consumer complaints filed against licensees, disciplining licensees for sustained violations of the BPC and Title 16 of the CCR, and monitoring licensees placed on disciplinary probation by the Board.

On September 27, 2014, Governor Edmund G. Brown Jr. signed Assembly Bill (AB) 1174 (Bocanegra, Chapter 662, Statutes of 2014), which authorized additional duties for registered dental hygienists and RDHAPs and required the Board to adopt regulations to establish requirements for courses of instruction in Radiographic Decision Making (RDM) and Interim Therapeutic Restoration (ITR) for registered dental hygienists and RDHAPs.

Among other things, AB 1174 enacted section 1910.5, which became operative on January 1, 2018. BPC section 1910.5 requires the Board to establish by regulation requirements for courses of instruction in RDM and ITR for registered dental hygienists and RDHAPs using the competency-based training protocols established by the Health Workforce Pilot Project (HWPP) No. 172 through the Office of Statewide Health Planning and Development. Pursuant to BPC section 1921, a RDHEF may perform any of the duties or functions authorized to be performed by a registered dental hygienist.

- **Adopt Section 1109 to Title 16 of the California Code of Regulations.**

With the proposed regulation, the Board addresses the lack of a means for providers to apply for course approval in courses in RDM or ITR. This proposal seeks to establish the regulatory requirements that an educational provider must meet for the Board to issue an approval and renewal of approval for an RDM or ITR course. By apprising educational providers of the regulatory requirements to apply for RDM or ITR course approval, the Board is ensuring that educational providers have the necessary information regarding the conditions for approval and for continuation of approval of a course in RDM or ITR. BPC section 1905 authorizes the Board to evaluate all RDH educational programs that apply for approval and grant or deny approval of those applications. Accordingly, this proposal establishes requirements for courses offered to each category of RDH.

The regulatory proposal incorporates by reference the following forms:

- Form: DHBC RDM-01 (01/19), Application for Approval of a Course in Radiographic Decision-Making for the Student in a Dental Hygiene Educational Program
- Form: DHBC RDM-02 (01/19), Application for Approval of a Continuing Education Course in Radiographic Decision-Making for the Registered Dental Hygienist, Registered Dental Hygienist in Alternative Practice, and Registered Dental Hygienist in Extended Functions
- Form: DHBC ITR-03 (01/19), Application for Approval of a Course in Interim Therapeutic Restorations for the Student in a Dental Hygiene Educational Program
- Form: DHBC ITR-04 (01/19), Application for Approval of a Continuing Education Course in Interim Therapeutic Restorations for the Registered Dental Hygienist, Registered Dental Hygienist in Alternative Practice, and Registered Dental Hygienist in Extended Functions

#### **Anticipated Benefits of the Proposed Regulation:**

This proposal would provide clarity to providers regarding the educational requirements for courses in RDM and ITR. It will also establish a consistent and simple process for all educational providers to apply for approval, and to maintain continued approval with the Board, for courses in RDM or ITR. This regulatory proposal will positively impact the welfare of California's residents in need of dental care by giving them the added option of receiving treatment designed to provide stabilization of the tooth and relief from pain and discomfort in a more efficient and effective manner. Additionally, the ability of taking radiographs (i.e. x-rays)

results in expedited entry into the dental care system and increases access to care.

Further, this proposal promotes transparency in requirements for RDM and ITR licensure, as well as apprising RDHs of Board policies pertaining to the practice of dental hygiene and the specific representations that RDHs are permitted to make regarding their allowed duties. This serves to educate the public, and promote and protect public safety.

**Determination of Inconsistency and Incompatibility with Existing State Regulations:**

During the process of developing this regulation, the Board has conducted a search of any similar regulations on this topic and has concluded that the proposed regulatory action is not inconsistent or incompatible with existing state regulations.

DISCLOSURES REGARDING  
PROPOSED ACTION

The DHBC has made the following initial determinations:

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

The Board anticipates 27 RDH schools and 23 Continuing Education (CE) providers will opt to register with the Board. Any additional workload and costs are anticipated to be minor and absorbable within existing resources.

In the event all of the schools and CE providers register and pay the \$300 registration fee, the Board's revenues will increase by approximately \$15,000. For additional information, please refer to the ISOR.

**Nondiscretionary Costs/Savings to Local Agencies:** None.

**Local Mandate:** None.

**Cost to any Local Agency or School District for which Government Code Sections 17500 through 17630 Require Reimbursement:** None.

**Business Impact**

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

The Board has determined that this regulatory action will have a minor positive impact on the creation of jobs, creation of new businesses, and expansion of businesses currently operating in the State of California. Specifically, providers will benefit from the additional duties of RDM and ITR by RDHs because they will be

able to offer additional courses in RDM and ITR to the RDH community. There may also be an increase in demand for RDHs educated in RDM and ITR duties.

**Cost Impacts on a Representative Private Person or Businesses:**

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action because the Board will not collect fees from either the private person or individual RDH or the business-related course provider.

This regulatory proposal would allow the RDH to become trained in the optional dental hygiene duties of RDM and ITR. The cost of applying for approval for a course in RDM or ITR to the educational provider is optional, and only required if the provider decides they want to teach these courses. Similarly, the cost to the individual RDH is optional and at the discretion of the course provider as to their individual course charges.

**Significant Effect on Housing Costs:** None.

**Business Reporting Requirement**

An RDM or ITR course provider is required to report to the Board any changes in content, facilities, or staff applicable to the course(s) on a biennial basis. Course providers will not incur any additional costs to report these changes to the Board. It is necessary for the health, safety, or welfare of the people of the state that the regulation apply to business.

**Results of the Economic Impact Analysis/Assessment**

**Impact on Jobs/Businesses:** The Board has determined that this regulatory action will have a minor positive impact on the creation of jobs, creation of new businesses, and expansion of businesses currently operating in the State of California.

To the extent CE providers opt to provide these courses and RDHs choose to participate in these courses, CE providers will likely have increased revenues. The Board estimates a typical CE provider will charge up to \$3,100 per course and up to 7,000 current RDH licenses will attend these courses, which would result in total CE revenues of approximately \$21.7 million. For additional information, please refer to the ISOR.

**Benefits of the Proposed Action:**

The Board has determined that this regulatory action will have a minor positive impact on the creation of jobs, creation of new businesses, and expansion of businesses currently operating in the State of California and will not eliminate existing jobs or businesses. Specifically, providers will benefit from the additional duties of RDM and ITR by RDHs because they will be able to offer additional courses in RDM and ITR to the RDH community. There may also be an increase in demand for RDHs educated in RDM and ITR duties. Conse-

quently, this could create jobs and businesses, as well as expand existing businesses.

This proposal will positively affect the welfare of the public in California in need of dental care by giving them the option for ITR, thereby providing stabilization of the tooth and relief of pain and discomfort until the patient may be attended to by a dentist for permanent therapy. Additionally, the ability of taking radiographs (RDM) utilizing the protocols established by the supervising dentist, allows expedited entry into the dental care system and provides the supervising dentist the needed tools (radiographs) to make a diagnosis and treatment plan for the patient.

This proposal would not affect worker safety because this proposal does not involve worker safety issues. The proposed regulation only establishes a regulation for RDM and ITR educational course approvals.

This proposal will not affect the state's environment because this proposed regulation does not involve environmental issues. The proposed regulation only establishes a regulation for RDM and ITR educational course approvals.

**Small Business Determination:** The Board has determined that this regulatory action would have no impact on small businesses, including the ability of small business to compete in this state. Instead, the proposed regulatory action will only provide guidance to educational providers in the requirements of RDM and ITR coursework.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board 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 or would be as effective and less burdensome to affected private persons than the proposed regulatory action described in this Notice or would be more cost-effective to the affected private persons and equally effective in implementing the statutory policy or other provision of the law.

Interested persons are invited to present statements or arguments orally or in writing relevant to the above determinations at the above-scheduled hearing or during the written comment period.

#### CONTACT PERSONS

Inquiries or comments concerning the proposed regulatory action may be directed to the following designated agency contact persons:

Dental Hygiene Board of California  
Attn: Adina A. Pineschi-Petty DDS  
2005 Evergreen St., Ste. 2050  
Sacramento, CA 95815  
Phone: 916-576-5002  
Email: adina.petty@dca.ca.gov

Backup Contact Person:  
Attn: Anthony Lum  
2005 Evergreen St., Ste. 2050  
Sacramento, CA 95815  
Phone: 916-576-5004  
Email: anthony.lum@dca.ca.gov

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

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

The Board has compiled a record for this regulatory action, which includes the Initial Statement of Reasons (ISOR), proposed regulatory text, and all the information on which this proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request to the contact persons named in this notice.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the amendments as originally proposed, or with non-substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that was noticed to the public. In the event that such modifications are made, the full regulatory text, with the modifications clearly indicated, will be made available to the public for review and or written comment at least 15 days before it is adopted. The public may request a copy of the modified regulatory text by contacting Dr. Pineschi-Petty at the address above.

#### AVAILABILITY OF FINAL STATEMENT OF REASONS

All the information upon which the proposed regulations are based is contained in the rulemaking file which

is available for public inspection by contacting Dr. Pineschi–Petty at the address above.

You may obtain a copy of the Final Statement of Reasons, once it has been prepared, by making a written request to Dr. Pineschi–Petty at the address above or by accessing the website listed below.

TEXT OF THE PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the ISOR, and all of the information on which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board at 2005 Evergreen Street, Suite 2050, Sacramento, California 95815, or by accessing the Board’s website at <https://www.dhbc.ca.gov/lawsregs/index.shtml>.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Actions, the Initial Statement of Reasons, and the text of the regulations can be accessed through the Board’s website at <https://www.dhbc.ca.gov/lawsregs/index.shtml>.

**TITLE 16. DENTAL HYGIENE BOARD OF CALIFORNIA**

**Division 11, New Article 4, Section 1109**

**NOTICE IS HEREBY GIVEN** that the Dental Hygiene Board of California (Board) is proposing to take the rulemaking action described below under the heading Informative Digest/Policy Statement Overview. Any person interested may present statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or e–mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office on September 14, 2020.

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

The Board may, after considering all timely and relevant comments, adopt the proposed regulations substantially as described in this notice, or may modify the proposed regulations if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any

modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as the contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 1905, 1906, and 1910.5 of the Business and Professions Code (BPC), and to implement, interpret or make specific section 1910.5 of the BPC, the Board is considering changes to Division 11 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

BPC sections 1905 and 1906 authorize the Board to adopt, amend, and revoke regulations to implement the statutory requirements of Article 9 of Chapter 4, BPC sections 1900 through 1966.6, regarding dental hygienists. The Board, a constituent agency within the DCA, regulates registered dental hygienists, registered dental hygienists in alternative practice, and registered dental hygienists in extended functions (collectively RDHs). The Board’s highest priority is the protection of the public when exercising its licensing, regulatory, and disciplinary functions. The Board’s core functions are issuing licenses to qualified applicants, investigating consumer complaints filed against licensees, disciplining licensees for sustained violations of the BPC and Title 16 of the CCR, and monitoring licensees placed on disciplinary probation by the Board.

On September 27, 2014, Governor Edmund G. Brown Jr. signed Assembly Bill (AB) 1174 (Bocanegra, Chapter 662, Statutes of 2014), which authorized additional duties for registered dental hygienists and RDHAPs and required the Board to adopt regulations to establish requirements for courses of instruction in Radiographic Decision Making (RDM) and Interim Therapeutic Restoration (ITR) for registered dental hygienists and RDHAPs.

Among other things, AB 1174 enacted section 1910.5, which became operative on January 1, 2018. BPC section 1910.5 requires the Board to establish by regulation requirements for courses of instruction in RDM and ITR for registered dental hygienists and RDHAPs using the competency–based training protocols established by the Health Workforce Pilot Project (HWPP) No. 172 through the Office of Statewide Health Planning and Development. Pursuant to BPC section 1921, a RDHEF may perform any of the duties or functions authorized to be performed by a registered dental hygienist.

● **Adopt Section 1109 to Title 16 of the California Code of Regulations.**

With the proposed regulation, the Board addresses the lack of a means for providers to apply for course approval in courses in RDM or ITR. This proposal seeks to establish the regulatory requirements that an educational provider must meet for the Board to issue an approval and renewal of approval for an RDM or ITR course. By apprising educational providers of the regulatory requirements to apply for RDM or ITR course approval, the Board is ensuring that educational providers have the necessary information regarding the conditions for approval and for continuation of approval of a course in RDM or ITR. BPC section 1905 authorizes the Board to evaluate all RDH educational programs that apply for approval and grant or deny approval of those applications. Accordingly, this proposal establishes requirements for courses offered to each category of RDH.

The regulatory proposal incorporates by reference the following forms:

- Form: DHBC RDM-01 (01/19), Application for Approval of a Course in Radiographic Decision-Making for the Student in a Dental Hygiene Educational Program
- Form: DHBC RDM-02 (01/19), Application for Approval of a Continuing Education Course in Radiographic Decision-Making for the Registered Dental Hygienist, Registered Dental Hygienist in Alternative Practice, and Registered Dental Hygienist in Extended Functions
- Form: DHBC ITR-03 (01/19), Application for Approval of a Course in Interim Therapeutic Restorations for the Student in a Dental Hygiene Educational Program
- Form: DHBC ITR-04 (01/19), Application for Approval of a Continuing Education Course in Interim Therapeutic Restorations for the Registered Dental Hygienist, Registered Dental Hygienist in Alternative Practice, and Registered Dental Hygienist in Extended Functions

**Anticipated Benefits of the Proposed Regulation:**

This proposal would provide clarity to providers regarding the educational requirements for courses in RDM and ITR. It will also establish a consistent and simple process for all educational providers to apply for approval, and to maintain continued approval with the Board, for courses in RDM or ITR. This regulatory proposal will positively impact the welfare of California's residents in need of dental care by giving them the added option of receiving treatment designed to provide stabilization of the tooth and relief from pain and discomfort in a more efficient and effective manner. Additionally, the ability of taking radiographs (i.e., x-rays)

results in expedited entry into the dental care system and increases access to care.

Further, this proposal promotes transparency in requirements for RDM and ITR licensure, as well as apprising RDHs of Board policies pertaining to the practice of dental hygiene and the specific representations that RDHs are permitted to make regarding their allowed duties. This serves to educate the public and promote and protect public safety.

**Determination of Inconsistency and Incompatibility with Existing State Regulations:**

During the process of developing this regulation, the Board has conducted a search of any similar regulations on this topic and has concluded that the proposed regulatory action is not inconsistent or incompatible with existing state regulations.

DISCLOSURES REGARDING  
PROPOSED ACTION

The DHBC has made the following initial determinations:

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

The Board anticipates 27 RDH schools and 23 Continuing Education (CE) providers will opt to register with the Board. Any additional workload and costs are anticipated to be minor and absorbable within existing resources.

In the event all of the schools and CE providers register and pay the \$300 registration fee, the Board's revenues will increase by approximately \$15,000. For additional information, please refer to the ISOR.

**Nondiscretionary Costs/Savings to Local Agencies:** None.

**Local Mandate:** None.

**Cost to any Local Agency or School District for which Government Code Sections 17500 through 17630 Require Reimbursement:** None.

**Business Impact**

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

The Board has determined that this regulatory action will have a minor positive impact on the creation of jobs, creation of new businesses, and expansion of businesses currently operating in the State of California. Specifically, providers will benefit from the additional duties of RDM and ITR by RDHs because they will be able to offer additional courses in RDM and ITR to the



RDH community. There may also be an increase in demand for RDHs educated in RDM and ITR duties.

**Cost Impacts on a Representative Private Person or Businesses:**

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action because the Board will not collect fees from either the private person or individual RDH or the business-related course provider.

This regulatory proposal would allow the RDH to become trained in the optional dental hygiene duties of RDM and ITR. The cost of applying for approval for a course in RDM or ITR to the educational provider is optional, and only required if the provider decides they want to teach these courses. Similarly, the cost to the individual RDH is optional and at the discretion of the course provider as to their individual course charges.

**Significant Effect on Housing Costs:** None.

**Business Reporting Requirement**

An RDM or ITR course provider is required to report to the Board any changes in content, facilities, or staff applicable to the course(s) on a biennial basis. Course providers will not incur any additional costs to report these changes to the Board. It is necessary for the health, safety, or welfare of the people of the state that the regulation apply to business.

**Results of the Economic Impact Analysis/Assessment**

**Impact on Jobs/Businesses:** The Board has determined that this regulatory action will have a minor positive impact on the creation of jobs, creation of new businesses, and expansion of businesses currently operating in the State of California.

To the extent CE providers opt to provide these courses and RDHs choose to participate in these courses, CE providers will likely have increased revenues. The Board estimates a typical CE provider will charge up to \$3,100 per course and up to 7,000 current RDH licensees will attend these courses, which would result in total CE revenues of approximately \$21.7 million. For additional information, please refer to the ISOR.

**Benefits of the Proposed Action:**

The Board has determined that this regulatory action will have a minor positive impact on the creation of jobs, creation of new businesses, and expansion of businesses currently operating in the State of California and will not eliminate existing jobs or businesses. Specifically, providers will benefit from the additional duties of RDM and ITR by RDHs because they will be able to offer additional courses in RDM and ITR to the RDH community. There may also be an increase in demand

for RDHs educated in RDM and ITR duties. Consequently, this could create jobs and businesses, as well as expand existing businesses.

This proposal will positively affect the welfare of the public in California in need of dental care by giving them the option for ITR, thereby providing stabilization of the tooth and relief of pain and discomfort until the patient may be attended to by a dentist for permanent therapy. Additionally, the ability of taking radiographs (RDM) utilizing the protocols established by the supervising dentist, allows expedited entry into the dental care system and provides the supervising dentist the needed tools (radiographs) to make a diagnosis and treatment plan for the patient.

This proposal would not affect worker safety because this proposal does not involve worker safety issues. The proposed regulation only establishes a regulation for RDM and ITR educational course approvals.

This proposal will not affect the state’s environment because this proposed regulation does not involve environmental issues. The proposed regulation only establishes a regulation for RDM and ITR educational course approvals.

**Small Business Determination:** The Board has determined that this regulatory action would have no impact on small businesses, including the ability of small business to compete in this state. Instead, the proposed regulatory action will only provide guidance to educational providers in the requirements of RDM and ITR coursework.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board 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 or would be as effective and less burdensome to affected private persons than the proposed regulatory action described in this Notice or would be more cost-effective to the affected private persons and equally effective in implementing the statutory policy or other provision of the law.

Interested persons are invited to present statements or arguments orally or in writing relevant to the above determinations at the above scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries or comments concerning the proposed regulatory action may be directed to the following designated agency contact persons:

Dental Hygiene Board of California  
Attn: Adina A. Pineschi-Petty DDS  
2005 Evergreen St, Ste. 2050  
Sacramento, CA 95815  
Phone: 916-576-5002  
Email: adina.petty@dca.ca.gov

Backup Contact Person:  
Attn: Anthony Lum  
2005 Evergreen St, Ste. 2050  
Sacramento, CA 95815  
Phone: 916-576-5004  
Email: anthony.lum@dca.ca.gov

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

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

The Board has compiled a record for this regulatory action, which includes the Initial Statement of Reasons (ISOR), proposed regulatory text, and all the information on which this proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request to the contact persons named in this notice.

**AVAILABILITY OF CHANGED OR  
MODIFIED TEXT**

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the amendments as originally proposed, or with non-substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that was noticed to the public. In the event that such modifications are made, the full regulatory text, with the modifications clearly indicated, will be made available to the public for review and or written comment at least 15 days before it is adopted. The public may request a copy of the modified regulatory text by contacting Dr. Pineschi-Petty at the address above.

**AVAILABILITY OF FINAL  
STATEMENT OF REASONS**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting Dr. Pineschi-Petty at the address above.

You may obtain a copy of the Final Statement of Reasons, once it has been prepared, by making a written request to Dr. Pineschi-Petty at the address above or by accessing the website listed below.

**TEXT OF THE PROPOSAL**

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the ISOR, and all of the information on which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board at 2005 Evergreen Street, Suite 2050, Sacramento, California 95815, or by accessing the Board's website at <https://www.dhbc.ca.gov/lawsregs/index.shtml>.

**AVAILABILITY OF  
DOCUMENTS ON THE INTERNET**

Copies of the Notice of Proposed Actions, the Initial Statement of Reasons, and the text of the regulations can be accessed through the Board's website at <https://www.dhbc.ca.gov/lawsregs/index.shtml>.

**TITLE MPP. DEPARTMENT OF  
SOCIAL SERVICES**

ORD#0619-11

**NOTICE OF PROPOSED CHANGES IN  
REGULATIONS OF THE CALIFORNIA  
DEPARTMENT OF SOCIAL SERVICES**

ITEM # CalWORKs Homeless Assistance, Domestic Abuse, Family Reunification, and Natural Disasters

The California Department of Social Services (hereafter known as the Department) hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held on September 16, 2020, at the following address:

Office Building # 8  
744 P St. Room 103  
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only if attendees are presenting testimony. The purpose of the hearing is to receive public testimony, not to engage in debate or discussion. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you need a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on September 16, 2020.

Following the public hearing the Department may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. Except for nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at CDSS Public Hearings for Proposed Regulations (<http://www.cdss.ca.gov/inforesources/Letters-Regulations/Legislation-and-Regulations/CDSS-Regulation-Changes-In-Process-and-Completed-Regulations/Public-Hearing-Information>). Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading at the address listed below. Following the public hearing, copies of the Final Statement of Reasons will be available at the following address:

#### CONTACT

California Department of Social Services  
 Office of Regulations Development  
 744 P. Street, MS 8-4-192  
 Sacramento, CA 95814  
 Tel: (916) 657-2856, Fax: (916) 654-3286  
 Email: [ord@dss.ca.gov](mailto:ord@dss.ca.gov)

#### CHAPTERS

CDSS Manual of Policies and Procedures, Eligibility and Assistance Standards Manual, Sections 40-105 (Applicant and Recipient Responsibility), 40-190 (County Responsibility), 42-407 (Evidence of Residence Intention), 42-715 (Domestic Abuse Protocols and Training Standards), 44-211 (Special Needs in CalWORKs), and 82-812 (Temporary Absence).

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

These proposed regulations implement the changes to the California Work Opportunity and Responsibility to Kids (CalWORKs) homeless assistance program enacted by Assembly Bill (AB) 557 (Chapter 691, Statutes of 2017); AB 236 (Chapter 545, Statutes of 2017); AB 607 (Chapter 501, Statutes of 2017); and AB 960 (Chapter 444, Statutes of 2019). These bills also added additional examples of good cause in CalWORKs to maintain residency when living out of state due to a natural disaster, and good cause for not meeting the CalWORKs immunization and school attendance requirements when the family is in a domestic abuse situation.

In large part, these regulations implement a new, expanded, once-in-a-lifetime temporary homeless assistance program for CalWORKs applicants who are actively fleeing domestic abuse, as provided by AB 557. These regulations provide that a CalWORKs applicant who signs a sworn statement that they are fleeing past or present domestic abuse will be deemed to be homeless and eligible for up to 32 days of temporary homeless assistance payments, notwithstanding any income and assets attributable to the alleged abuser. These regulations require that the homeless assistance payments be granted immediately after the family's application and are issued in 16-day increments. Being in a domestic violence situation has also been added as an example of good cause for not meeting the CalWORKs immunization and school attendance requirements.

These regulations also implement the expansion of temporary homeless assistance eligibility to CalWORKs families that have had their only child, or all children, removed from the home and have an active Family Reunification case, provided they are otherwise eligible and temporary homeless assistance will aid in reunification. These regulations make an exception to the CalWORKs residency requirements and allow homeless assistance benefits to be issued in one lump sum when a family has been the victim of a state or federally declared natural disaster. Lastly, these regulations remove the requirement that in order to receive

homeless assistance benefits, a family must rent from someone in the business of renting with a history of renting, and instead allow these families to rent from anyone with whom they have a valid lease, sublease, or shared housing agreement.

The benefits anticipated from this regulatory action include increasing the safety of CalWORKs applicants that are fleeing domestic abuse by authorizing up to 32 days of shelter payments while disregarding income and assets that are attributable to the abuser. This change could both increase the immediate safety of a fleeing victim of domestic abuse as well as decrease the likelihood that the victim will go back to their abuser because they have nowhere else to go. This regulatory action also benefits CalWORKs families that are involved in the child welfare system by allowing this population to be eligible for temporary homeless assistance benefits when it will aid in family reunification. Homelessness creates challenges to family reunification, so this change may increase the likelihood that families will be reunified. This regulatory action will also increase the availability of permanent homeless assistance by expanding who is an allowable provider of housing for homeless CalWORKs families. Lastly, this regulatory action benefits CalWORKs recipients that become homeless as a direct result of a state or federally declared natural disaster, by expanding eligibility, reducing verification burdens, and paying these benefits in larger increments of time.

CDSS considered other possible related regulations in this area, and we found that these are the only regulations dealing in this subject area (CalWORKs homeless assistance). Therefore, CDSS finds that these proposed regulations are compatible and consistent with the intent of the Legislature in adopting AB 557, AB 236, AB 607, and AB 960 as well as with existing state regulations.

**COST ESTIMATE**

1. Costs or Savings to State Agencies: These regulations will not result in additional cost above what is already budgeted. The 2020 May Revision Budget includes \$480,000 for CalWORKs Domestic Abuse Homeless Assistance (AB 557) in FY 2019–20 and \$496,000 in FY 2020–21. The 2019–20 Governor’s Budget includes \$96,000 for Family Reunification (AB 236) in FY 2019–20. Beginning FY 2020–21, the cost for Family Reunification is reflected in the base CalWORKs expenditure trends. There is no assistance cost associated with AB 607. The 2020 May Revision Budget includes \$78,000 for Expansion of Housing Providers (AB 960) in FY 2019–20 and

\$161,000 in FY 2020–21. Please note that federal funds also flow through the counties and estimates can be found in section 4.

2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance with Government Code Sections 17500–17630: None.
3. Nondiscretionary Costs or Savings to Local Agencies: These regulations will not result in additional cost above what is already budgeted. The 2020 May Revision Budget includes \$38,000 for CalWORKs Domestic Abuse Homeless Assistance (AB 557) in FY 2019–20 and FY 2020–21. The 2019–20 Governor’s Budget includes \$7,000 for Family Reunification (AB 236) in FY 2019–20. Beginning FY 2020–21, the cost for Family Reunification is reflected in the base CalWORKs expenditure trends. There is no assistance cost associated with AB 607. The 2020 May Revision Budget includes \$6,000 for Expansion of Housing Providers (AB 960) in FY 2019–20 and \$12,000 in FY 2020–21. Please note that federal and state funds also flow through the counties and estimates can be found in sections 1 and 4.
4. Federal Funding to State Agencies: These regulations will not result in additional cost above what is already budgeted. The 2020 May Revision Budget includes \$1,080,000 for CalWORKs Domestic Abuse Homeless Assistance (AB 557) in FY 2019–20 and \$1,064,000 in FY 2020–21. The 2019–20 Governor’s Budget includes \$224,000 for Family Reunification (AB 236) in FY 2019–20. Beginning FY 2020–21, the cost for Family Reunification is reflected in the base CalWORKs expenditure trends. There is no assistance cost associated with AB 607. The 2020 May Revision Budget includes \$183,000 for Expansion of Housing Providers (AB 960) in FY 2019–20 and \$361,000 in FY 2020–21.

**LOCAL MANDATE STATEMENT**

These regulations do constitute a mandate on local agencies, but not on local school districts. There are state mandated local costs that require reimbursement, which is provided in the Budget Act to cover any costs that local agencies may incur.

**STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS**

The Department has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting

businesses, including the ability of California businesses to compete with businesses in other states. This determination was made based on the fact that the changes presented in these regulations expand available homeless assistance benefits to CalWORKs applicants and recipients and will not have any impact on businesses or the state economy. If anything, this proposed action may beneficially affect some businesses, as the provision for the expanded homeless assistance program may increase the amount of money clients spend on shelter.

#### STATEMENT OF POTENTIAL COST IMPACT ON 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.

#### SMALL BUSINESS IMPACT STATEMENT

The Department has determined that there is no impact on small businesses because of filing these regulations because these regulations are only applicable to state and county agencies.

#### STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

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

The benefits of the regulatory action to the health and welfare of California residents, worker safety, and the state's environment are as follows: These regulations will likely improve the health and welfare of fleeing victims of domestic abuse by granting them up to 32 days of shelter payments and thereby giving them a safe alternative to returning to their abuser. These regulations will also improve access to homeless assistance for both CalWORKs reunification families and families that have become homeless due to a state or federally declared natural disaster. These regulations will have no effect on worker safety or the state's environment.

#### STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

#### STATEMENT OF ALTERNATIVES CONSIDERED

In developing the regulatory action, the Department was not presented with any alternatives for consideration. The statute mandates that the Department adopt these regulations to implement the statutory provisions of law in AB 236, AB 557 and AB 607.

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

#### AUTHORITY AND REFERENCE CITATIONS

The Department adopts these regulations under the authority granted in Sections 10553 and 10554 of the Welfare and Institutions Code. Subject regulations implement and make specific Sections 11100, 11105, 11253.5, 11265.8, 11271-11274, and 11450, Welfare and Institutions Code.

#### CDSS REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person:  
Everardo Vaca  
(916) 657-2586

Backup:  
Zaid Dominguez  
(916) 657-2586

#### EMERGENCY STATEMENT

These regulations are to be adopted on an emergency basis. In order to allow interested persons an opportunity to submit statements or arguments concerning these regulations, they will be considered at public hearing in accordance with Government Code section 11346.4.

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF  
FISH AND WILDLIFE**

**HABITAT RESTORATION AND  
ENHANCEMENT ACT CONSISTENCY  
DETERMINATION NO. 1653-2020-054-001-R2**

**Project:**

Truckee River Fish Habitat Enhancement Project

**Location:**

Nevada County

**Applicant:**

Tiffanee M. Hutton, Trout Unlimited

**Background**

Project Location: The Truckee River Fish Habitat Enhancement Project (Project) is located within the Truckee River State Wildlife Area off of Glenshire Drive, in the City of Truckee, in Nevada County at a property owned by the State of California, Assessor Parcel Number (APN) 049-330-003-000, and affects the Truckee River.

Project Description: Trout Unlimited (Applicant) proposes to enhance or restore habitat within the Truckee River to provide a net conservation benefit for brown trout (*Salmo trutta*), rainbow trout (*Oncorhynchus mykiss*), Lahontan cutthroat (*Oncorhynchus clarkii henshawi*), and mountain whitefish (*Prosopium williamsoni*). The Project includes the enhancement of three (3) new riffles and pools using existing in-channel rocks. Construction will consist of one excavator to improve existing riffle habitat by constructing three cross vanes by filling in gaps with rock riprap. Rocks will be transferred using a thumb and bucket technique. The work will take up to four (4) days when the Truckee River flow at the Project site is below 200 cubic foot per second (cfs).

Construction of the three (3) new riffles and pools will improve salmonid and cold-water fish species habitat by reducing water temperatures, increasing dissolved oxygen, and adding salmonid habitat and cover.

Project Size: The total area of ground disturbance associated with the Project is approximately 0.06 acres and 675 linear feet. The Applicant has included project size calculations that were used to determine the total size of the Project. The proposed Project complies with the General 401 Certification for Small Habitat Restoration Projects and associated categorical exemp-

tion from the California Environmental Quality Act (Cal. Code Regs., tit. 14, § 15333).

Project Associated Discharge: Discharge of materials into waters of the State, as defined by Water Code section 13050 subdivision (e), resulting from the Project include those associated with the following: Rock Riprap.

Project Timeframes:

Start date: September 2020

Completion date: October 2020

Work window: Total of 4 days when the Truckee River is at low flow.

Water Quality Certification Background: Because the Project's primary purpose is habitat restoration intended to improve the quality of waters in California, the Lahontan Regional Water Quality Control Board (Regional Water Board) issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order) (Waste Discharge Identification (WDID) No. 6A292002001), Electronic Content Management Identification (ECM PIN) No. CW-864649 for the Project. The NOA describes the Project and requires the Applicant to comply with terms of the Order. Additionally, the Applicant has provided a supplemental document that sets forth measures to avoid and minimize impacts to fish and amphibian species.

Receiving Water: Truckee River, tributary to Pyramid Lake.

Filled or Excavated Area:

Permanent area impacted: 0.06 acres

Temporary area impacted: 0.27 acres

Length temporarily impacted: 0 linear feet

Length permanently impacted: 675 linear feet

Discharge Volume: 113 cubic yards of rock riprap. Half of the material will be existing rock in channel and will be rearranged. The other half of the rock riprap will be native granite boulders.

Project Location: Latitude 39.339966 and Longitude -120.130130; APN: 049-330-003-000.

Regional Water Board staff determined that the Project may proceed under the Order. Additionally, Regional Water Board staff determined that the Project, as described in the Notice of Intent (NOI), complies with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.).

On May 15, 2020, the Director of the California Department of Fish and Wildlife (CDFW) received a notice from the Applicant requesting a determination pursuant to Fish and Game Code section 1653 that the NOA, NOI, and related species protection measures are consistent with the Habitat Restoration and Enhancement Act (HREA) with respect to the Project.

Pursuant to Fish and Game Code section 1653 subdivision (c), CDFW filed an initial notice with the Office of Administrative Law on June 9, 2020, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z-2020-0609-08) on June 19, 2020. Upon approval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

**Determination**

CDFW has determined that the NOA, NOI, and related species protection measures are consistent with HREA as to the Project and meets the conditions set forth in Fish and Game Code section 1653 for authorizing the Project.

Specifically, CDFW finds that: (1) The Project purpose is voluntary habitat restoration and the Project is not required as mitigation; (2) the Project is not part of a regulatory permit for a non-habitat restoration or enhancement construction activity, a regulatory settlement, a regulatory enforcement action, or a court order; and (3) the Project meets the eligibility requirements of the State Water Resources Control Board’s Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects.

**Avoidance and Minimization Measures**

The specific avoidance and minimization measures for the Project, as required by Fish and Game Code section 1653, subdivision (b)(4), were included in an attachment to the NOI, which contains the following categories: (1) Soil and Water Resources, (2) Revegetation, (3) Non-native Invasive Plant Species, (4) Fisheries and Sensitive Aquatic Species, and (5) Fire and Fuels. The specific avoidance and minimization requirements are found in an attachment to the NOI, *Standard Management Requirements and Resource Protection Measures Truckee River Fish Habitat Enhancement Project*, prepared by Trout Unlimited.

**Monitoring and Reporting**

As required by Fish and Game Code section 1653, subdivision (g), the Applicant included a copy of the monitoring and reporting plan. The Applicant’s Monitoring and Reporting Plan provides a timeline for restoration, performance standards, and monitoring parameters and protocols. Specific requirements of the plan are found in an attachment to the NOI, *Standard*

*Management Requirements and Resource Protection Measures Truckee River Fish Habitat Enhancement Project*, prepared by Trout Unlimited.

**Notice of Completion**

Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects requires the Applicant to submit a Notice of Completion (NOC) no later than 30 days after the project has been completed. A complete NOC includes at a minimum:

- photographs with a descriptive title;
- date the photograph was taken;
- name of the photographic site;
- WDID number and ECM PIN number indicated above;
- success criteria for the Project.

The NOC shall demonstrate that the Applicant has carried out the Project in accordance with the Project description as provided in the Applicant’s NOI. Applicant shall include the project name, WDID number, and ECM PIN number with all future inquiries and document submittals Pursuant to Fish and Game Code section 1653, subdivision (g), the Applicant shall submit the monitoring plan, monitoring report, and notice of completion to CDFW as required by the General Order. Applicant shall submit documents electronically to: Caitlyn.Oswalt@Wildlife.ca.gov.

**Project Authorization**

Pursuant to Fish and Game Code section 1654, CDFW’s approval of a habitat restoration or enhancement project pursuant to section 1652 or 1653 shall be in lieu of any other permit, agreement, license, or other approval issued by CDFW, including, but not limited to, those issued pursuant to Chapter 6 (commencing with section 1600) and Chapter 10 (commencing with section 1900) of this Division and Chapter 1.5 (commencing with section 2050) of Division 3. Additionally, Applicant must adhere to all measures contained in the approved NOA and comply with other conditions described in the NOI.

If there are any substantive changes to the Project or if the Water Board amends or replaces the NOA, the Applicant shall be required to obtain a new consistency determination from CDFW. (See generally Fish & G. Code, § 1654, subd. (c).)

DEPARTMENT OF  
FISH AND WILDLIFE

HABITAT RESTORATION AND  
ENHANCEMENT ACT  
CONSISTENCY DETERMINATION NO.  
1653-2020-055-001-R1

**Project:**

Upper Noyo River Fish Passage Improvement and Sediment Reduction Project

**Location:**

Mendocino County

**Applicant:**

Elizabeth Mackey, Trout Unlimited

**Background**

Project Location: The upper Noyo River Fish Passage Improvement and Sediment Reduction Project (Project) is located at is located 4.1 miles west of Willits, CA at latitude 39.4183825°, and longitude -123.4310594°, at properties owned by Mendocino Railway and Mendocino Land Trust, Assessor Parcel Numbers (APN) 038-110-66 and 038-110-63, and affects Noyo River. The Noyo River supports populations of Coho Salmon, Chinook Salmon, steelhead, Western Pond Turtle, Tailed frog, Red-bellied Newt, and Foothill Yellow-legged Frog.

Project Description: Trout Unlimited (Applicant) proposes to restore access to 1.15 miles of anadromous fish habitat within Noyo River to provide a net conservation benefit for California Central Coast Coho Salmon (*Oncorhynchus kisutch*) and Northern California steelhead (*Oncorhynchus mykiss*). The Project includes the replacement of a failing 138-foot-long, 9-foot diameter culvert, with a 57-foot wide “Super-Cor” arch structure. The removal of the failing culvert and associated failing fill slope will prevent the discharge of approximately 8,000 cubic yards of fine sediment and other debris. A stream simulation design (California Salmonid Stream Restoration Manual part IX and XII) roughened channel that will permit fish passage and accommodate the estimated 100-year flood flows including all associated sediment and debris will be constructed. The project will also remove disconnected culvert segments from the stream channel and abandoned concrete headwalls from a previously failed stream crossing structure.

The California Department of Fish and Wildlife (CDFW) Fisheries Restoration Grant Program funded the Project design that CDFW Engineering and Fisheries staff reviewed and approved. Detailed Project plans, discussion of proposed work, species protection

measures, site photos and maps are on file with CDFW’s Habitat Conservation Planning Branch (HCPB).

Project Size: The total area of ground disturbance associated with the Project is approximately 1.64 acres and 260 linear feet. The Applicant has included project size calculations that were used to determine the total size of the Project. The proposed Project complies with the General 401 Certification for Small Habitat Restoration Projects and associated categorical exemption from the California Environmental Quality Act (Cal. Code Regs., tit. 14, § 15333).

Project Associated Discharge: Discharge of materials into Waters of the State, as defined by Water Code section 13050 subdivision (e), resulting from the Project include those associated with the following: (1) 440 cubic yards of Rock slope protection (2) 220 cubic yards of channel boulders, and (3) 40 cubic yards of streambed gravels.

Project Timeframes:

Start date: June 2020

Completion date: July 2020

Work window: June 15 — October 31

Water Quality Certification Background: Because the Project’s primary purpose is habitat restoration intended to improve the quality of waters in California and improve fish passage to 1.15 miles of spawning and rearing habitat, the North Coast Regional Water Quality Control Board (Regional Water Board) issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order) (Waste Discharge Identification (WDID) No. 1B20080WNME), Electronic Content Management Identification (ECM PIN) No. CW-866887 for the Project. The NOA describes the Project and requires the Applicant to comply with terms of the Order. Additionally, the Applicant has provided supplemental documents that set forth measures to avoid and minimize impacts to Coho Salmon, steelhead, Western Pond Turtle, Tailed Frog, Foothill Yellow-legged Frog, Red-bellied Newts, and Northern Spotted Owl.

Receiving Water: Noyo River, Mendocino Coast Hydrologic Unit 113.20

Filled/Excavated Area:

Permanent Area Impacted: None.

Temporary Area Impacted: 1.64 acres of riparian area

Total Linear Impacts: None.

Length Temporarily Impacted: 260 Linear feet (0.19 acres) of river channel

Latitude/Longitude: 39.4183825°, -123.4310594°



Regional Water Board staff determined that the Project may proceed under the Order. Additionally, Regional Water Board staff determined that the Project, as described in the Notice of Intent (NOI) complies with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.).

On June 8, 2020, the Director of the California Department of Fish and Wildlife (CDFW) received a notice from the Applicant requesting a determination pursuant to Fish and Game Code Section 1653 that the NOA, NOI, and related species protection measures are consistent with the Habitat Restoration and Enhancement Act (HREA) with respect to the Project.

Pursuant to Fish and Game Code section 1653 subdivision (c), CDFW filed an initial notice with the Office of Administrative Law on June 9, 2020, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z-2020-0609-09) on June 19, 2020. Upon approval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

**Determination**

CDFW has determined that the NOA, NOI, and related species protection measures are consistent with HREA as to the Project and meet the conditions set forth in Fish and Game Code section 1653 for authorizing the Project.

Specifically, CDFW finds that: (1) The Project purpose is voluntary habitat restoration and the Project is not required as mitigation; (2) the Project is not part of a regulatory permit for a non-habitat restoration or enhancement construction activity, a regulatory settlement, a regulatory enforcement action, or a court order; and (3) the Project meets the eligibility requirements of the State Water Resources Control Board’s Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects.

**Avoidance and Minimization Measures**

The avoidance and minimization measures for Project, as required by Fish and Game Code section 1653, subdivision (b)(4), were included in an attachment to the NOI, which contains the following categories: (1) Equipment and Spill Prevention Plans; (2) Dewatering and Aquatic Species Relocation Plan; and (3) General Measures to Avoid Impacts on Biological Resources. The specific avoidance and minimization requirements are found in an attachment to the NOI, *Additional Pages for the General 401 Water Quality Certification Order for Small Habitat Restoration Projects*.

**Monitoring and Reporting**

As required by Fish and Game Code section 1653, subdivision (g), the Applicant included a copy of the monitoring and reporting plan. The Applicant’s Monitoring and Reporting Plan provides a timeline for restoration, performance standards, and monitoring parameters and protocols. Specific requirements of the plan are found in an attachment to the NOI, *Monitoring and Reporting Plan Upper Noyo River Fish Passage Improvement and Sediment Reduction Project*.

**Notice of Completion**

Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects requires the Applicant to submit a Notice of Completion (NOC) no later than 30 days after the project has been completed. A complete NOC includes at a minimum:

- photographs with a descriptive title;
- date the photograph was taken;
- name of the photographic site;
- WDID number and ECM PIN number indicated above;
- success criteria for the Project.

The NOC shall demonstrate that the Applicant has carried out the Project in accordance with the Project description as provided in the Applicant’s NOI. Applicant shall include the project name, WDID number, and ECM PIN number with all future inquiries and document submittals. Pursuant to Fish and Game Code section 1653, subdivision (g), the Applicant shall submit the monitoring plan, monitoring report, and notice of completion to CDFW as required by the General Order. Applicant shall submit documents electronically to: [monty.larson@wildlife.ca.gov](mailto:monty.larson@wildlife.ca.gov)

**Project Authorization**

Pursuant to Fish and Game Code section 1654, CDFW’s approval of a habitat restoration or enhancement project pursuant to section 1652 or 1653 shall be in lieu of any other permit, agreement, license, or other approval issued by the department, including, but not limited to, those issued pursuant to Chapter 6 (commencing with section 1600) and Chapter 10 (commencing with section 1900) of this Division and Chapter 1.5 (commencing with section 2050) of Division 3. Additionally, Applicant must adhere to all measures contained in the approved NOA and comply with other conditions described in the NOI.

If there are any substantive changes to the Project or if the Water Board amends or replaces the NOA, the Ap-

plicant shall be required to obtain a new consistency determination from CDFW. (See generally Fish & Game Code, § 1654, subd. (c).)

**DEPARTMENT OF  
FISH AND WILDLIFE**

**HABITAT RESTORATION AND  
ENHANCEMENT ACT  
CONSISTENCY DETERMINATION NO.  
1653-2020-056-001-R4**

**Project:**

No Name Road Ford Replacement and Fish Passage Improvement Project

**Location:**

Monterey County

**Applicant:**

Resource Conservation District of Monterey County

**Notifier:**

Paul Robins

**Background**

Project Location: The No Name Road Ford Replacement and Fish Passage Improvement Project (Project) is located at is located at 35425 Dormody Road in unincorporated Carmel Valley at a property owned by Bruce Dormody, Assessor Parcel Number (APN) 417-051-023-00, and affects San Clemente Creek. San Clemente Creek supports the federally threatened south-central California coast steelhead (*Oncorhynchus mykiss*).

Project Description: The Resource Conservation District of Monterey County (Applicant) proposes to enhance or restore habitat within San Clemente Creek to provide a net conservation benefit for south-central California coast steelhead. The Project includes replacement of a concrete ford that has a collapsed culvert and is limiting fish passage with a timber bridge and improvements to address sources of erosion around the crossing.

The Applicant will remove a 10-foot by 30-foot concrete ford and replace with a 35-foot by 12-foot prefabricated timber bridge. Ford removal will include excavation of a portion of roadway, and all materials will be hauled off site. Boulders removed from the downstream side of the ford will be removed and reused for erosion control and streambed restoration activities. The new bridge will be built to a higher elevation (6.5 feet higher) that is approximately 2.0 feet over the 100-year flood elevation. An approximately 8-foot by 8-foot stacked rock wall will be constructed on the downstream side of the bridge to provide erosion protection

around the abutment. Rock slope protection will be placed along the banks upstream and downstream of the bridge abutments to a minimum depth of 3.5 feet and minimum grade of 2:1. Engineered Streambed Material will be installed along approximately 95 linear feet of the stream channel to restore the streambed following removal of the ford and accumulated sediment and boulders.

Project Size: The total area of ground disturbance associated with the Project is approximately 0.31 acres and 255 linear feet. The proposed Project complies with the General 401 Certification for Small Habitat Restoration Projects and associated categorical exemption from the California Environmental Quality Act (Cal. Code Regs., tit. 14, § 15333).

Project Associated Discharge: Discharge of materials into Waters of the State, as defined by Water Code section 13050 subdivision (e), resulting from the Project include those associated with the following: engineered streambed material (reconditioned excavated soil and rock), 1-ton rock slope protection and two-foot to three-foot diameter rocks, engineered fill to support the rebuilt road, and concrete bridge abutments and footings for a timber bridge.

Project Timeframes:

Start date: August 2020

Completion date: June 2025

Work window: August 15 through October 15

Water Quality Certification Background: Because the Project's primary purpose is habitat restoration intended to improve the quality of waters in California and improve fish passage, the Central Coast Regional Water Quality Control Board (Regional Water Board) issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order) (Waste Discharge Identification (WDID) No. 32720WQ03), for the Project. The NOA describes the Project and requires the Applicant to comply with terms of the Order. Additionally, the Applicant has provided a supplemental document that sets forth measures to avoid and minimize impacts to steelhead and California red-legged frog (*Rana draytonii*).

Receiving Water: San Clemente Creek.

Filled or Excavated Area:

Permanent area impacted: 0.14 acres

Temporary area impacted: 0.17 acres maximum

Length temporarily impacted: 160 linear feet

Length permanently impacted: 95 linear feet

Dredge Volume: None.

Discharge Volume: 170 cubic yards (cy) of engineered streambed material; 165 cy of 1-ton rock slope protection and two-foot to three-foot rocks; 220 cy en-

gineered fill for the road; and 82 cy concrete to form abutments and footings for the timber bridge.

**Project Location:** Latitude 36.4234722 N and Longitude -121.7404722 W, (NAD 83); APN: 417-051-023-00.

Regional Water Board staff determined that the Project may proceed under the Order. Additionally, Regional Water Board staff determined that the Project, as described in the Notice of Intent (NOI) complies with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.).

On June 19, 2020, the Director of the California Department of Fish and Wildlife (CDFW) received a notice from the Applicant requesting a determination pursuant to Fish and Game Code Section 1653 that the NOA, NOI, and related species protection measures are consistent with the Habitat Restoration and Enhancement Act (HREA) with respect to the Project.

Pursuant to Fish and Game Code section 1653 subdivision (c), CDFW filed an initial notice with the Office of Administrative Law on June 23, 2020, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z-2020-0623-02) on July 3, 2020. Upon approval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

**Determination**

CDFW has determined that the NOA, NOI, and related species protection measures are consistent with HREA as to the Project and meet the conditions set forth in Fish and Game Code section 1653 for authorizing the Project.

Specifically, CDFW finds that: (1) The Project purpose is voluntary habitat restoration and the Project is not required as mitigation; (2) the Project is not part of a regulatory permit for a non-habitat restoration or enhancement construction activity, a regulatory settlement, a regulatory enforcement action, or a court order; and (3) the Project meets the eligibility requirements of the State Water Resources Control Board’s Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects.

**Avoidance and Minimization Measures**

The avoidance and minimization measures for Project, as required by Fish and Game Code section 1653, subdivision (b)(4), were included in an attachment to the NOI that includes seasonal activity limitations and general measures to avoid and minimize impacts to biological resources, including pre-activity surveys by qualified biologists and monitoring during implementation by a qualified biologist. The specific avoidance and minimization requirements are found in an attachment, *No Name Road Ford Replacement and Fish Passage Improvement Project, Supplemental*

*Avoidance and Minimization Measures to Protect Fish, Wildlife and Plant Resources.*

**Monitoring and Reporting**

As required by Fish and Game Code section 1653, subdivision (g), the Applicant included a copy of the monitoring and reporting plan. The Applicant’s Monitoring and Reporting Plan provides a timeline for restoration, performance standards, and monitoring parameters and protocols. Specific requirements of the plan are found in an attachment to the NOI, *Monitoring and Reporting Plan, No Name Road Ford Replacement and Fish Passage Improvement Project.*

**Notice of Completion**

Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects requires the Applicant to submit a Notice of Completion (NOC) no later than 30 days after the project has been completed. A complete NOC includes at a minimum:

- photographs with a descriptive title;
- date the photograph was taken;
- name of the photographic site;
- WDID number indicated above;
- success criteria for the Project.

The NOC shall demonstrate that the Applicant has carried out the Project in accordance with the Project description as provided in the Applicant’s NOI. Applicant shall include the project name, WDID number with all future inquiries and document submittals. Pursuant to Fish and Game Code section 1653, subdivision (g), the Applicant shall submit the monitoring plan, monitoring report, and notice of completion to CDFW as required by the General Order. Applicant shall submit documents electronically to: Linda.Connolly@wildlife.ca.gov.

**Project Authorization**

Pursuant to Fish and Game Code section 1654, CDFW’s approval of a habitat restoration or enhancement project pursuant to section 1652 or 1653 shall be in lieu of any other permit, agreement, license, or other approval issued by the department, including, but not limited to, those issued pursuant to Chapter 6 (commencing with section 1600) and Chapter 10 (commencing with section 1900) of this Division and Chapter 1.5 (commencing with section 2050) of Division 3. Additionally, Applicant must adhere to all measures contained in the approved NOA and comply with other conditions described in the NOI.

If there are any substantive changes to the Project or if the Water Board amends or replaces the NOA, the Applicant shall be required to obtain a new consistency determination from CDFW. (See generally Fish & G. Code, § 1654, subd. (c).)

DEPARTMENT OF HEALTH  
CARE SERVICES

PUBLIC REVIEW AND COMMENTS

ABBREVIATED NOTICE OF  
GENERAL PUBLIC INTEREST  
PROPOSED 12-MONTH EXTENSION  
REQUEST TO THE MEDI-CAL 2020  
SECTION 1115 WAIVER

This abbreviated public notice provides information of public interest regarding a proposed 12-month extension request to the federal Centers for Medicare & Medicaid Services (CMS) for the Medi-Cal 2020 Section 1115 waiver by the California Department of Health Care Services (DHCS). The Medi-Cal 2020 waiver was approved by CMS on December 30, 2015 and is effective through December 31, 2020. The effective term of the proposed Medi-Cal 2020 12-month extension is January 1, 2021 to December 31, 2021. All proposed extension requests are subject to approval by CMS.

A copy of the proposed Medi-Cal 2020 12-month extension is posted on the DHCS website at <https://www.dhcs.ca.gov/provgovpart/Pages/Medi-Cal-2020-Extension.aspx>. The initial notice of public interest was posted on July 22, 2020, at <https://www.dhcs.ca.gov/provgovpart/Documents/MC-2020-Extension-Public-Notice.pdf>.

Following are the elements of the Medi-Cal 2020 Section 1115 waiver demonstration that are proposed to continue under the 12-month extension:

- Medi-Cal Managed Care
- Whole Person Care Pilots
- Global Payment Program
- Drug Medi-Cal Organized Delivery System
- Low-Income Pregnant Women
- Out of State Former Foster Care Youth
- Community-Based Adult Services
- Coordinated Care Initiative
- Dental Transformation Initiative
- Tribal Uncompensated Care
- Rady's California Children's Services Pilot
- Program of All-Inclusive Care for the Elderly as an Alternative Delivery System in Select County Organized Health Systems

It is important to note that the Public Hospital Re-Design and Incentives in Medi-Cal (PRIME) program is not included in this extension request. PRIME will be transitioning to the Medi-Cal Quality Improvement Program over the next 12 months.

DHCS will host the following public hearings to solicit stakeholder comments. The public hearings will be held via webinar in light of the COVID-19 pandemic.

- Friday, August 7, 2020 — First Public Hearing
  - 3:30 p.m.–5:00 p.m.
  - Register using the following link: <https://register.gotowebinar.com/register/5331564176869596176>
- Monday, August 10, 2020 — Second Public Hearing
  - 2:00 p.m.–3:30 p.m.
  - Register using the following link: <https://register.gotowebinar.com/register/3598136816881167629>

Written comments may be sent to the following address:

Department of Health Care Services  
Director's Office  
Attn: Oleg Istratiy & Angeli Lee  
P.O. Box 997413, MS 0000  
Sacramento, California 95899-7417

Comments may also be emailed to [1115waiver@dhcs.ca.gov](mailto:1115waiver@dhcs.ca.gov). Please indicate "Medi-Cal 2020 12-Month Extension Request" in the subject line or message.

To be assured consideration prior to submission of the Medi-Cal 2020 12-month extension request to CMS, comments must be received no later than **August 21, 2020**. Please note that comments will continue to be accepted after August 21, 2020, but DHCS may not be able to consider those comments prior to the initial submission of the Medi-Cal 2020 12-month extension request to CMS.

OCCUPATIONAL SAFETY AND  
HEALTH STANDARDS BOARD

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

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

PUBLIC MEETING

On **September 17, 2020**, at 10:00 a.m.  
in the Auditorium of the Harris State Building  
1515 Clay Street, Oakland, California.

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

BUSINESS MEETING

On **September 17, 2020**, at 10:00 a.m.  
in the Auditorium of the Harris State Building  
1515 Clay Street, Oakland, California.

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

**DISABILITY ACCOMMODATION NOTICE:** Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

**RULEMAKING PETITION  
DECISIONS**

**CALIFORNIA FILM COMMISSION**

July 15, 2020

To:

Eric. J. Miethke — Capitol Law and Policy, Inc.

CC:

Colleen Bell, Executive Director, CFC  
Melissa Patack, MPA-A, Kathy Garmezy, CA  
IATSE Council

From:

Nancy Rae Stone, Program Director — California  
Film Commission — Governor's Office of Business  
& Economic Development

Re:

Petition to Amend CFC Regulation Section 5524(b)  
California Film and Television Tax Credit Program  
3.0

Dear Mr. Miethke:

On June 16, 2020, the California Film Commission (CFC) received your petition on behalf of the MPA-A and the California IATSE Council. The petition was seeking an amendment to be issued on an emergency basis for a modification of sub-section (b) of Section 5524 of the Program 3.0 regulations pursuant to sections 17053.98 and 23698 of the Revenue and Taxation Code.

On July 10, 2020, the petition was brought before the California Film Commission board of directors who have the statutory authority to approve, deny or amend emergency regulations, as per Revenue and Taxation Code 17053.98 (e) 2(A),(B).\*

The board agreed with the petition as to the intent of the legislation to prioritize recurring TV series. The board approved a 100% rollover of the remaining credits from Programs 1.0 and 2.0 for fiscal year 20/21. However, the board amended the petition to limit the

\* (2)(A) Implementation of this section for the 2020-21 fiscal year is deemed an emergency and necessary for the immediate preservation of the public peace, health, and safety, or general welfare and, therefore, the California Film Commission is hereby authorized to adopt emergency regulations to implement this section during the 2020-21 fiscal year in accordance with the rule-making provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). (B) Nothing in this paragraph shall be construed to require the Governor's Office of Business and Economic Development to approve emergency regulations adopted pursuant to this paragraph.

amount of tax credits whereby the per-episode amount requested shall not exceed 105% of the per episode amount, as calculated by the CFC, approved in the previous season's credit allocation letter. This was to make it administratively feasible to estimate the amount of credits available for each category type.

**Affected sections:** The following sections of the Program 3.0 regulations will be amended as a result: Section 5524(b); Section 5521(n)(1). (Sub-section 5521(n)(1) was added to the regulatory modifications to include the per episode cap).

**Availability of Petition:** All interested persons may obtain a copy of the petition by emailing their name, phone number, and company or organization affiliation to: incentiveprogram3@film.ca.gov with REQUEST PETITION in the subject line.

**Contact Person:**

Nancy Rae Stone — Program Director  
Nancy.Stone@film.ca.gov

**DEPARTMENT OF  
CORRECTIONS AND REHABILITATION**

**NOTICE OF DECISION ON PETITION TO  
AMEND REGULATIONS**  
Pursuant to Government Code 11340.7

**Petitioner**

Mark Baker, #B98487

**Department Contact Person**

Please direct any inquiries regarding this action to Ying Sun, Associate Director, Regulation and Policy Management Branch, Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA 94283-0001.

**Availability of Petition**

The petition to amend regulations is available upon request directed to the Department's contact person.

**Authority**

Penal Code Sections 5054 and 5058

**Provisions of California Code Of Regulations  
Affected:**

Title 15, Crime Prevention and Corrections  
Division 3, Adult Institutions, Programs and Parole

**Summary of Petition and Department Decision:**

Petitioner requests an amendment to California Code of Regulations (CCR), Title 15, Division 3, Section 3375.2(a)(8) regarding custody reductions for the placement of Level I low-risk life term inmates in fire camps at Warden Institutional Case Committee (ICC) discretion.

Petitioner states that this amendment will allow for Wardens ICC 'vetting process' to occur regarding exceptional Level I low-risk life inmates with three-year parole denials to perform job duties/assignments as "in-camp" special skills workers. Petitioner states that such duties and assignments would include: CDCR special operations purchasing and *Cal Fire* clerical duties; maintenance assignments such as electrical, plumbing, carpentry, welding, Heating-Ventilation-Air Conditioning-Refrigeration (HVAC/R); laundry; kitchen (cooks/bakers) and general utility assignments. Other considerations would be education and self-help tutors for those inmates requiring completion of GED/college courses as well as assistance instruction towards transitioning back into their communities with actual provisional life coping skills.

Current regulations do not provide the Department the ability to place inmates in a fire camp unless CCR, Title 15, Division 3, subsections 3375.2(a)(8) or 3375.2(a)(10) through 3375.2(a)(10)(l) are met.

**Department's Response:** Petitioner's request is denied. CCR Section 3375.2(b) provides for "Departmental officials to override the placement of an inmate at a facility according to his/her placement score." Section 3375.2(b)(3) provides for administrative determinant "BEH" and states "Inmate's record of behavior indicates they are capable of successful placement at a facility with a security level lower than that which is consistent with his/her placement score. This factor shall not be used for an inmate who is currently housed at a facility with a security level higher than that which is consistent with his/her placement score." Section 3375.2(b)(3) provides that "Department officials" have discretion for inmate placement.

Furthermore, policy delineated in CCR Section 3375.2(a)(8), currently provides an avenue for inmates serving a life term with the possibility of parole to become eligible for placement in a non-secure facility, including camp. In order for an inmate serving a life term with the possibility of parole to be eligible for camp placement, the inmate must meet the following exceptional criteria:

- The Board of Parole Hearings granted parole.
- The inmate's release date is within 3 years.
- The Governor's Office has completed its review and either formally approved parole or taken no action.
- After the three aforementioned conditions are met and the inmate is deemed otherwise eligible for a custody reduction, the inmate shall be evaluated by Institutional Classification Committee for the custody reduction and placement into a non-secure facility.

**DATE OF DECISION:** July 15, 2020

**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# 2020-0609-01  
BOARD OF REGISTERED NURSING  
Sponsored Free Health Care Events

Business and Professions Code section 901, which was repealed by its own terms operative January 1, 2018, created an exemption from the licensure and registration requirements for a health care practitioner licensed or in good standing in another state or states who offers or provides health care services for which he or she is licensed or certified through a sponsored event. As changes without regulatory effect, in response to the repeal of Business and Professions Code section 901, the Board of Registered Nursing is repealing regulations pertaining to sponsored events.

Title 16  
REPEAL: 1495, 1495.1, 1495.2, 1495.3, 1495.4  
Filed 07/20/2020  
Agency Contact: Thelma Harris (916) 574-7466

File# 2020-0608-01  
DEPARTMENT OF CORRECTIONS AND  
REHABILITATION  
Medical Care

This certificate of compliance adopts, amends, and repeals regulations to update health care policies applicable to patients of the Department of Corrections and Rehabilitation.

Title 15  
ADOPT: 3999.100, 3999.101, 3999.108, 3999.109, 3999.110, 3999.111, 3999.112, 3999.113, 3999.114, 3999.115, 3999.116, 3999.125, 3999.126, 3999.127, 3999.130, 3999.131, 3999.133, 3999.134, 3999.135, 3999.136, 3999.137, 3999.138, 3999.139, 3999.140, 3999.141, 3999.142, 3999.143, 3999.144, 3999.145, 3999.146, 3999.147, 3999.201, 3999.205, 3999.215, 3999.216, 3999.217, 3999.218, 3999.219, 3999.240, 3999.241, 3999.300,

3999.301, 3999.302, 3999.303, 3999.304, 3999.305, 3999.306, 3999.307, 3999.308, 3999.309, 3999.310, 3999.315, 3999.325, 3999.326, 3999.368, 3999.375, 3999.380, 3999.381, 3999.382, 3999.383, 3999.384, 3999.385, 3999.390, 3999.391, 3999.392, 3999.393, 3999.394, 3999.396, 3999.400, 3999.401, 3999.410, 3999.411, 3999.415, 3999.418, 3999.419, 3999.427, 3999.428, 3999.430, 3999.431  
AMEND: 3999.98, 3999.99, 3999.320  
REPEAL: 3352, 3352.1, 3355, 3355.2  
Filed 07/20/2020  
Effective 07/20/2020  
Agency Contact: DeAnna Gouldy (916) 691-3747

File# 2020-0609-05  
DEPARTMENT OF INSURANCE  
Low Cost Auto Plan of Operations

This file and print action by the Department of Insurance amends the California Automobile Insurance Low Cost Program Plan of Operations. This action is exempt from the Administrative Procedure Act pursuant to California Insurance Code section 11620(c).

Title 10  
AMEND: 2498.6  
Filed 07/20/2020  
Effective 07/20/2020  
Agency Contact: Michael Riordan (415) 538-4226

File# 2020-0716-01  
DEPARTMENT OF MANAGED HEALTH CARE  
COVID-19 Diagnostic Testing

This emergency rulemaking action clarifies when California health care service plans must cover COVID-19 testing, how quickly they must provide COVID-19 testing to their employees, and how they must reimburse providers for COVID-19 testing.

Title 28  
ADOPT: 1300.67.01  
Filed 07/17/2020  
Effective 07/17/2020  
Agency Contact: Jennifer Willis (916) 324-9014

File# 2020-0610-03  
DEPARTMENT OF MOTOR VEHICLES  
Fee Adjustment (2021)

This action by the Department of Motor Vehicles makes changes without regulatory effect to adjust various Vehicle Code and Revenue and Taxation Code authorized fees relating to motor vehicles pursuant to Vehicle Code section 1678(b) and Revenue and Taxation Code section 11502(b).

Title 13  
AMEND: 423.00  
Filed 07/20/2020  
Agency Contact: Randi Calkins (916) 657-8898

File# 2020-0605-01  
EDUCATION AUDIT APPEALS PANEL  
Supplement to Audits of K-12 LEAs -FY 2019-20

This certificate of compliance makes permanent the supplemental 2019-20 Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting adopted in OAL Matter No. 2020-0303-02E.

Title 5  
AMEND: 19810  
Filed 07/16/2020  
Effective 07/16/2020  
Agency Contact: Mary Kelly (916) 445-7745

File# 2020-0624-01  
FAIR POLITICAL PRACTICES COMMISSION  
Limited Liability Companies

This action by the Fair Political Practices Commission adopts regulations regarding responsible officers of, and reporting contributions from, limited liability companies.

Title 2  
ADOPT: 18402.2, 18421.10  
Filed 07/22/2020  
Effective 08/21/2020  
Agency Contact: Amanda Apostol (916) 322-5660

File# 2020-0603-02  
FISH AND GAME COMMISSION  
Central Valley Sport Fishing Regulations

This action amends bag and possession limits for the 2020 Central Valley fall-run Chinook salmon sport fishing season, repeals the exception for the take of coho salmon in Feather River impoundments, and makes minor changes.

Title 14  
AMEND: 2.35, 7.00, 7.50  
Filed 07/15/2020  
Effective 07/15/2020  
Agency Contact: Craig Castleton (916) 651-1329

File# 2020-0618-04  
OCCUPATIONAL SAFETY AND HEALTH  
APPEALS BOARD  
Rules of Practice and Procedure

In this regular rulemaking, the Occupational Safety and Health Appeals Board (the "Board") is amending and repealing regulations to: (1) distinguish between a docketed and a perfected appeal; (2) transfer responsibility for providing copies of appealed citations from the employer to the Division of Occupational Safety and Health (the "Division"); (3) allow an employer's appeal to be docketed, without first being perfected, when the employer provides the Board with certain basic information; (4) revise notification requirements; and (5) repeal a regulation that required the Division to provide employers with copies of all documents and evidence in the Division's possession within a specified 30-day period.

Title 8  
AMEND: 347, 359.1, 361.3, 372.2, 373  
REPEAL: 372.9  
Filed 07/22/2020  
Effective 10/01/2020  
Agency Contact: Aaron Jackson (916) 274-5751

File# 2020-0721-02  
STATE ATHLETIC COMMISSION  
Resiliency Procedures

In this emergency regulatory action, the Commission adopts a regulation to establish procedures to hold combative sporting events during the state of emergency stemming from the infectious disease, Novel Corona Virus 19 (COVID-19), declared by the State of California as a public health emergency.

Title 4  
ADOPT: 299.5  
Filed 07/22/2020  
Effective 07/22/2020  
Agency Contact: Sophia Cornejo (916) 662-4622

**PRIOR REGULATORY  
DECISIONS AND CCR  
CHANGES FILED WITH THE  
SECRETARY OF STATE**

A quarterly index of regulatory decisions by the Office of Administrative Law (OAL) is provided in the California Regulatory Notice Register in the volume published by the second Friday in January, April, July, and October following the end of the preceding quarter. For additional information on actions taken by OAL, please visit [www.oal.ca.gov](http://www.oal.ca.gov).