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PROPOSED ACTION ON REGULATIONS

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

Industrial Hemp Cultivation Sampling — Notice File Number Z2020-0817-01 1169

TITLE 4. CALIFORNIA HORSE RACING BOARD

Penalties for Medication Violations — Notice File Number Z2020-0818-04 1171

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

Incompatible Activities — Notice File Number Z2020-0813-01 1174

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

Inmate Authorized Personal Property — Notice File Number Z2020-0818-05 1177

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

Return and Transfer of Parole — Notice File Number Z2020-0811-03 1179

TITLE 22. OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

Outcomes Reporting Program (COORP) Reporting Updates — Notice File Number Z2020-0813-02 1182

TITLE 25. CALIFORNIA HOUSING AND COMMUNITY DEVELOPMENT

Mobilehome Residency Law Protection Program — Notice File Number Z2020-0818-02 1186

GENERAL PUBLIC INTEREST

DEPARTMENT FISH AND WILDLIFE

Habitat Restoration and Enhancement Act Consistency

Determination Number 1653-2020-0058-001-R3, San Geronimo

Creek Fish Passage and Bridge Stabilization, Marin County 1189

(Continued on next page)

*Time-
Dated
Material*

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Public Meeting and Business Meeting 1191

SUMMARY OF REGULATORY ACTIONS

Regulations filed with Secretary of State 1192

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

The Department of Food and Agriculture (Department or Cdfa) proposes to adopt California Code of Regulations (CCR) Sections 4930, 4935, 4940, 4941, 4942, 4943, 4944, 4945, 4946, 4950, and 4950.1 in Title 3 of the California Code of Regulations pertaining to establishment of sampling procedures for laboratory testing of Industrial Hemp.

This notice is being provided to in compliance with Government Code Section 11346.4.

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulation to the Department. Comments may be submitted by USPS, FAX, or email. The written comments must be received by the board at its office by October 12, 2020. The Department will consider only comments received at the Department office by that time or postmarked no later than October 12, 2020. Submit comments to:

Dean Kelch Environmental Program Manager
California Department of Food and Agriculture
Plant Health and Pest Prevention Services
2800 Gateway Oaks Drive, Suite #200
Sacramento, CA 95833
Dean.Kelch@cdfa.ca.gov
916.403.6650
916.651.2900 (FAX)

Unless there are substantial changes to the proposed regulations, the Department of Food and Agriculture

may adopt the proposal as set forth in this notice without further notice to the public.

INFORMATIVE DIGEST/PLAIN ENGLISH OVERVIEW

Existing law requires the Secretary to establish timeframes, procedures, methods, and confirmation for industrial hemp sampling laboratory testing, harvest, and destruction as required (Section 81006, Food and Agricultural Code (FAC)).

The proposed adoption of CCR Sections 4930, 4935, 4940, 4941, 4942, 4943, 4944, 4945, 4946, 4950, and 4950.1 will establish timeframes, procedures, methods, and confirmation of tetrahydrocannabinol (THC) concentration for industrial hemp sampling laboratory testing, harvest, and destruction as required in FAC Section 81006.

Existing law, as amended by Senate Bill (SB) 1409, effective January 1, 2019, requires the Department to establish sampling procedures, including the number of samples to be taken and any compositing of samples, the portions of the plants to be sampled, plant parts to be included in a sample, and any additional procedures as necessary to ensure accuracy and the sanitation of the samples and fields (FAC Section 81006(e)(3)). Existing law also requires that the laboratory test report for THC concentration be issued by a laboratory approved by the Department (FAC Section 81006(e)(5)).

The purpose of this proposed action is to adopt regulation Sections 4930, 4935, 4940, 4941, 4942, 4943, 4944, 4945, 4946, 4950, and 4950.1. The adoption is based on federal requirements, various recommendations from the Industrial Hemp Advisory Board (IHAB) and county agricultural commissioners, and comments received from the emergency rulemaking comment period.

The Department has considered other possible related regulations in this area, and these are the only regulations dealing in this subject area, and the Department is the only State agency that can implement the proposed regulations. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of these proposed regulations and has determined that they are not inconsistent or incompatible with existing state regulations.

Anticipated Benefits from This Regulatory Action

Establishment of timeframes, procedures, methods, and confirmation of THC concentration for industrial hemp sampling laboratory testing, harvest, and destruction will allow commercial cultivation of industrial hemp to be harvested in California and allow the growth of the industrial hemp industry in California. According to Vote Hemp, the United States has seen significant growth in acreage of industrial hemp cul-

tivation: 9,770 acres of industrial hemp were grown in 2016; 25,713 acres were grown in 2017 and 78,176 acres were grown in 2018.

Currently, most hemp products processed and manufactured in the United States heavily rely on imported material, according to the Congressional Research Service. Without this regulation, California citizens are unable to participate in this emerging industry.

Text

This adopted regulatory action establishes timeframes, procedures, methods, and confirmation of THC concentration for industrial hemp sampling, laboratory testing, harvest, and destruction. For the purpose of promoting and protecting the agricultural industry in California, existing law provides that before the harvest of each crop, except when industrial hemp is grown by an established agricultural research institution, a registrant that grows industrial hemp shall obtain a laboratory test report indicating the THC levels of a random sampling of the industrial hemp grown.

Disclosures Regarding The Proposed Action

The Department has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency:

CDFA estimates the direct costs for registered growers for registration, sampling, testing, harvest and/or destruction to be between \$1,995,000 to \$3,595,594 for the first year.

CDFA estimates the direct costs to county commissioners for training staff to collect samples and confirm the planting, testing, harvest, and destruction of industrial hemp grown by registered growers to be approximately \$68,838 each year. CDFA anticipates filling one vacant Environmental Scientist position on a 24-month limited term to handle the additional workload. The incurred cost for the additional staff member is estimated to be approximately \$67,290 a year.

Using the estimate of the benefits to accrue to the state of California due to these regulations, it is estimated that the implementation of these regulations will result in a total economic benefit between \$35,093,877 to \$310,878,294 in the first year.

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

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

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

Cost impacts on a representative private person or business: The proposed regulation will require the payment for testing for THC by industrial hemp grow-

ers, as required in statute. The cost to test as a grower, approximately \$63 a sample, is reasonable and should be exceeded by revenue collected by the grower or seed breeder over the registration period of one year. The agency is not aware of any additional cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Small Business Determination: The proposed regulation may affect small business.

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

Significant effect on housing costs: None.

Results of the Economic Impact Assessment

The Department has made an assessment that the proposed regulations would not likely eliminate jobs or existing businesses within California. The Department has made an assessment that the proposed regulations will allow the growth of the industrial hemp industry in California, with an increase in the number of businesses dedicated to producing hemp and the concomitant increase in jobs.

The proposed regulations will establish sampling procedures, testing laboratories, and testing methods for registered growers and seed breeders. Without sampling procedures, registered growers and seed breeders will not be able to obtain test results. This would limit the amount of domestic hemp available to producers and manufactures and result in higher prices to California consumers due to California not contributing to the domestic hemp supply. The proposed regulations will also allow the growth of the industrial hemp industry in California. This will create jobs and lead to the creation of new businesses and expansion of California businesses.

Benefits of the Proposed Action

This regulatory action will:

- Establish timeframes, procedures, methods, and confirmation for industrial hemp planting, sampling, laboratory testing, harvest, and destruction for registrants. Without sampling procedures, registrants will not be able to obtain test results and harvest industrial hemp crops. This would limit the amount of domestic hemp available to product producers and result in higher prices to California consumers if California is not contributing to the domestic hemp supply.
- Authorize the commissioner to perform regulatory oversight and ensure that industrial hemp plantings meet statutory requirements.
- Help protect the public and environment from non-compliant cultivation activities. This will improve the health and safety of Californians by creating environmentally safe compliant cultivation.

- Provide a framework for the growth of the industrial hemp industry in California. This will create jobs and lead to the expansion of California businesses.

Alternatives Considered

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

Alternative 1: CDFA considered allowing the registered growers to collect their own samples to minimize the sampling costs to registered growers. Growers would be responsible for collecting samples in accordance with the proposed sampling requirements and delivering the samples to the testing laboratory for THC analysis.

Although this alternative would, if feasible, prove more cost-effective for registered growers, it was abandoned because of concerns regarding regulatory action, specifically crop destruction, based on samples not taken by a regulatory official. This alternative likely would conflict with amended federal requirements. USDA’s current sampling guidelines prohibit growers from collecting testing samples themselves.

Alternative 2: CDFA considered requiring the use of testing laboratories licensed by the Bureau of Cannabis Control (BCC). This alternative was abandoned because the alternative would cause an unnecessary financial burden on the testing laboratories.

AUTHORITY

The Department proposes to adopt CCR Sections 4930, 4935, 4940, 4941, 4942, 4943, 4944, 4945, 4946, 4950, and 4950.1 pursuant to the authority vested by Sections 407 and 81006 of the Food and Agricultural Code of California.

REFERENCE

The Department proposes this action to implement, interpret and make specific Section 81006 of the Food and Agricultural Code.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, pro-

posed actions, location of the rulemaking files, and request for a public hearing may be directed to is:

Dean Kelch Environmental Program Manager
 California Department of Food and Agriculture
 Plant Health and Pest Prevention Services
 2800 Gateway Oaks Drive, Suite #200
 Sacramento, CA 95833
Dean.Kelch@cdfa.ca.gov
 916.403.6650
 916.651.2900 (FAX)

In his absence, you may contact Rachel Avila at (916) 403-6813, rachel.avila@cdfa.ca.gov. Questions regarding the substance of the proposed regulation should be directed to Rachel Avila.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website (<https://www.cdfa.ca.gov/plant/Regulations.html>).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

TITLE 4. CALIFORNIA HORSE RACING BOARD

RULE 1843.3. PENALTIES FOR MEDICATION VIOLATIONS

The California Horse Racing Board (Board) proposes to amend the regulation described below after

considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend Board Rule 1843.3, Penalties for Medication Violations, to clarify the penalties related to the use of Extracorporeal Shock Wave Therapy (ESWT).

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, October 22, 2020**, or as soon after that as business before the Board will permit, **via teleconference**. In accordance with the guidance from Executive Order N-29-20, a physical location will not be provided. Members of the public are strongly encouraged to participate using the teleconference phone number provided below so as to minimize the spread of COVID-19 and reduce the risk of infection during this current state of emergency. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

To participate in the teleconference, dial 888-392-4564 and enter 6896291# when prompted.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes on October 12, 2020. The Board must receive all comments by that time. However, written comments may still be submitted at the public hearing. Submit comments to:

Rick Pimentel, Policy and Regulations Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 274-6043
Fax: (916) 263-6022
Email: repimentel@chr.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19440, 19461, and 19580, Business and Professions Code (BPC). Reference: Sections 19461, 19580, 19581, and 19582, BPC; and Section 11425.50, Government Code (GC).

BPC sections 19440, 19461, and 19580 authorize the Board to adopt the proposed regulation, which

would implement, interpret, or make specific sections 19461, 19580, 19581, and 19582 of the BPC.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

BPC section 19440 states that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of Chapter 4, BPC. Responsibilities of the Board shall include, but not be limited to, adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. BPC section 19461 states that every license granted under this chapter is subject to suspension or revocation by the Board in any case where the Board has reason to believe that any condition regarding it has not been complied with or that any law, including the Labor Code and the regulations adopted thereunder or any rule or regulation of the Board affecting it, has been broken or violated. BPC section 19580 states that the board shall adopt regulations to establish policies, guidelines, and penalties relating to equine medication in order to preserve and enhance the integrity of horse racing in the state.

Board Rule 1843.3, Penalties for Medication Violations, sets forth various categories of penalties for licensed trainers and owners who commit medication violations. Board Rule 1843.3 also stipulates that a licensee found responsible for administration of a drug substance resulting in a positive test may be subject to the same penalties set forth for the licensed trainer. Board Rule 1866.2, Shockwave Therapy Restricted, establishes procedures for the use of ESWT and a penalty for violation of the rule.

The proposed amendment to Board Rule 1843.3 will modify subsection (j) to include the administration of ESWT as subject to the same penalties set forth for the licensed trainer. The proposed amendment would also specify that such penalties apply to any veterinarian found responsible for the administration of ESWT or any drug substance resulting in a positive test.

The proposed amendment to Board Rule 1843.3 will clarify penalties for veterinarians who commit violations in the administration of ESWT. Pursuant to Board Rule 1866.2, a person in violation of the procedures established for the use of ESWT are subject to a Category A penalty. The Category A penalties are set forth in Board Rule 1843.3. While the penalties apply to veterinarians, in addition to licensed trainers and owners, the penalties lack clarity and specificity in regards to veterinarians. Additionally, the penalties do not include violations associated with ESWT. Therefore, the modification of subsection 1843.3(j) establishes specific penalties for violations in the use of ESWT and clarifies that the veterinarian is subject to those penalties.

ANTICIPATED BENEFITS OF THE
PROPOSED REGULATION

The proposed amendment of Board Rule 1843.3 will increase safety for horses and their riders. ESWT has analgesic properties. Therefore, horses administered ESWT are able to work out despite existing injuries. This increases the risk for further injury and break-down, which subjects the rider to possible injuries or death from a fall. Therefore, it is imperative that the established procedures for the use of ESWT are followed. The proposed amendment of Board Rule 1843.3 helps to ensure adherence to these procedures by specifying the penalties for violations and clarifying that the Board-licensed veterinarian, who is the only person allowed to use the ESWT machine within a training or racing enclosure that is under the Board's purview, is subject to those penalties.

CONSISTENCY EVALUATION

Evaluation of Consistency and Compatibility with Existing State Regulations: During the process of developing the amendment, the Board has conducted a search for any similar regulation on this topic and has concluded that Board Rule 1843.3 is the only regulation that sets forth specific penalties for veterinarians found to have administered ESWT in violation of the procedures set forth in Board Rule 1866.2. Therefore, the proposed regulation is neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING THE
PROPOSED ACTION

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

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

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

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

The Board has made an initial determination that the proposed amendment to Board Rule 1843.3 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.

The following studies/relevant data were relied upon in making the above determination: None.

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

Significant effect on housing costs: None.

RESULTS OF ECONOMIC IMPACT ANALYSIS

The adoption of the proposed amendment to Board Rule 1843.3 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; (3) result in the expansion of businesses currently doing business with the state; or (4) benefit the state's environment. The adoption of the proposed amendment will benefit the health and welfare of California residents and worker safety by helping to maintain the integrity of veterinary practices, thereby reducing potential injuries to horses and their riders. The proposed amendment of Board Rule 1843.3 specifies penalties related to the administration of ESWT and clarifies that the veterinarian is subject to those penalties.

Effects on small businesses: none. The proposal to amend Board Rule 1843.3 does not affect small businesses because horse racing is not a small business under GC section 11432.610.

CONSIDERATION OF ALTERNATIVES

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

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSONS

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

Rick Pimentel, Policy and Regulations Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 274-6043
Fax: (916) 263-6022
E-mail: rpimentel@chr.ca.gov

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

Amanda Drummond, Manager
Policy and Regulations
Telephone: (916) 263-6033
Email: amdrummond@chr.ca.gov

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

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

AVAILABILITY OF MODIFIED TEXT

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

AVAILABILITY OF FINAL STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Rick Pimentel at the address stated above.

BOARD WEB ACCESS

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

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code (GC) section 12838.5 and Penal Code (PC) section 5055, and the rulemaking authority granted by PC section 5058, proposes to amend section 3413 of the California Code of Regulations (CCR), Title 15, Division 3, concerning incompatible activities.

PUBLIC HEARING

Based on guidance from the California Department of Public Health to cancel large community events in order to slow the spread of COVID-19, CDCR will not hold a public hearing on this proposed regulatory action. Written comments submitted during the public comment period, referenced above, are given the same consideration as oral comments presented at a public hearing.

PUBLIC COMMENT PERIOD

The public comment period will close on **October 13, 2020, at 5:00 p.m.** Any person may submit public comments in writing (by mail or by email) regarding the proposed changes. To be considered, comments must be submitted to California Correctional Health Care Services (CCHCS), Health Care Regulations and Policy Section, P.O. Box 588500, Elk Grove, CA, 95758, or by email to HealthCareRegulations@cdcr.ca.gov before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

D. Gouldy
Associate Director
Risk Management Branch
California Correctional Health Care Services
P.O. Box 588500
Elk Grove, CA 95758
(916) 691-2922

C. DeHerrera
 Staff Services Manager II
 Health Care Regulations and Policy Section
 California Correctional Health Care Services
 (916) 691-2921

are a component of the ISUDT Program. Additional minor amendments are included for consistency.

DOCUMENTS INCORPORATED
 BY REFERENCE

Not applicable

AUTHORITY AND REFERENCE

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

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

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

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

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

References cited pursuant to this regulatory action are as follows: Section 19572, Government Code; and Section 5054, Penal Code.

INFORMATIVE DIGEST/POLICY
 STATEMENT OVERVIEW

The CDCR and CCHCS propose to amend section 3413 of the CCR, Title 15, Division 3, governing incompatible activities. Current law prohibits the use of workgroup computer technology to encourage the use of controlled substances, which would effectively prohibit the use of workgroup computer technology to encourage and facilitate the Integrated Substance Use Disorder Treatment (ISUDT) program. The ISUDT program offers patients access to evidence-based treatment such as medication-assisted treatment, which includes the use of prescribed controlled substances.

This action establishes language that allows CDCR employees to use workgroup computer technology to encourage the use of prescribed controlled substances for the purposes of medication-assisted treatments that

BENEFITS ANTICIPATED BY THE
 PROPOSED REGULATIONS

The proposed regulations promote the health and welfare of California residents incarcerated in CDCR institutions by allowing CDCR employees the use of workgroup computer technology to promote and facilitate the use of prescribed controlled substances by CDCR patients as part of evidence-based medication-assisted treatment. The Department anticipates this action will align regulations with Department practice and ensure promotional materials are provided for patients receiving substance use disorder treatment. The proposed regulations also promote worker safety and the safety of California residents by aiding in the reduction of the number of CDCR inmates and parolees suffering from substance use disorder.

EVALUATION OF CONSISTENCY/
 COMPATIBILITY WITH
 EXISTING REGULATIONS

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

LOCAL MANDATES

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

FISCAL IMPACT STATEMENT

- Cost or savings to any State agency: *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 because the proposed regulations address activities considered incompatible with employment by CDCR, which only affects CDCR employees and patients.

**SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESS**

The Department has determined that the proposed action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states because the proposed regulations address activities considered incompatible with employment by CDCR, which only affects CDCR employees and patients.

**RESULTS OF ECONOMIC
IMPACT ASSESSMENT**

The proposed regulations promote the health and welfare of California residents incarcerated in CDCR institutions by allowing CDCR employees the use of workgroup computer technology to promote and facilitate the use of evidence-based medication-assisted treatment. The proposed regulations also promote worker safety and the safety of California residents by aiding in the reduction of the number of CDCR inmates and parolees suffering from substance use disorder.

The Department has determined that the proposed regulations will have no impact on the creation of new or the elimination of existing jobs or businesses within California or affect the expansion of businesses currently doing business in California because regulations address activities considered incompatible with employment by CDCR, which only affects CDCR employees and patients.

**COST IMPACTS ON REPRESENTATIVE
PRIVATE PERSONS OR BUSINESSES**

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The regulations address activities considered incompatible with employment by CDCR, which only affects CDCR employees and patients.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations will have no significant adverse economic impact on small businesses because regulations address activities considered incompatible with employment by CDCR, which only affects CDCR employees and patients.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law. The Department has made an initial determination that the action will not have a significant adverse economic impact on business. Additionally, there has been no testimony, reasonable alternative, or other evidence provided that would alter the CDCR's initial determination to proceed with this action.

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

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

**AVAILABILITY OF THE FINAL
STATEMENT OF REASONS**

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

AVAILABILITY OF CHANGES TO
PROPOSED TEXT

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

**TITLE 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 3000, 3006, 3044, 3133, 3190, 3314, 3315, and 3323 into Title 15, Division 3, Chapter 1, regarding inmate authorized personal property.

PUBLIC COMMENT PERIOD

The public comment period begins **August 28, 2020** and closes on **October 23, 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, 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

R. Ruiz
Telephone: (916) 445-2244
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

D. Hurtado
Telephone: (916) 323-2160
Division of Adult Institutions

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

This rulemaking action amends California Code of Regulations, Title 15, Sections 3000, 3006, 3044, 3133, 3190, 3314, 3315, and 3323, concerning inmate authorized personal property. The proposed regulations incorporate by reference a revised Authorized

Personal Property Schedule (APPS). This revision makes current facility exemptions, includes additional restrictions to current items, and lists newly authorized items.

The amended regulations and APPS update the allowable personal property to maintain safety and security. New personal property items that do not pose a threat to the safety and security of inmates and staff are added, and additional restrictions are added to some of the currently allowable personal property items that the Department has determined since the last revision of the APPS to pose safety and security concerns.

The proposed regulations provide authority for eligible inmates at specified institutions to possess network capable tablets to access kiosks for various authorized services, such as education, approved emailing, and purchasing and downloading books and music. The proposed regulations include definitions of terms associated with network capable tablets and provide rules for the possession and use of the items.

This action will:

- Revise the Authorized Personal Property Schedule with updated current facility exemptions, additional authorized items that have been approved since the last revision, and additional restrictions to currently authorized items which are needed to address safety and security concerns.
- Provide for the possession of network capable tablets as authorized by the Secretary and provide definitions of terms and procedures for the possession and use of this item.
- Update Section 3044, Inmate Work Groups and Privilege Groups, to provide for the possession and use of network capable items.
- Amend mail regulations to provide for forwarding electronic communication.
- Amend regulations for administrative rule violations to specify that possession of another inmate's authorized wireless communication device is an administrative violation.

**DOCUMENTS INCORPORATED
BY REFERENCE**

The Authorized Personal Property Schedule (Rev. 7/6/20) is incorporated by reference and will be made available to the public along with the Notice of Proposed Regulations, Text of Proposed Regulations, and initial Statement of Reasons.

**SPECIFIC BENEFITS ANTICIPATED BY THE
PROPOSED REGULATIONS**

The regulations will benefit the welfare of California residents by helping to make CDCR institutions safer for inmates and staff. Updates to the personal items authorized for possession address safety and security concerns. Safer institutions provide an environment more conducive to rehabilitation by providing inmates additional opportunity to participate in rehabilitative, self-help, and educational courses, thereby reducing recidivism. Inmates engaged in rehabilitative exercises may not have as much opportunity to engage in altercations within the institution.

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

In addition to the analysis regarding Section 3323(f)(14), the Department performed a search of existing regulations pursuant to Government Code 11346.5(a)(3)(D) and determined that the proposed changes are neither inconsistent or incompatible with 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. As stated above, the proposed regulations will benefit the health and welfare of California's residents by helping to make CDCR institutions safer for inmates and staff as the updates to the personal items authorized for possession address safety and security concerns. Safer institutions provide an environment more conducive to rehabilitation by providing inmates additional opportunity to participate in rehabilitative, self-help, and educational courses. Inmates engaged in rehabilitative exercises may not have as much opportunity to engage in altercations within the institution.

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.

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 which are sufficiently related to the originally proposed text, it will make the modified text, with the changes clearly indicated, available to the public for at least 15 days before the Department adopts, 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 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 3741 through 3746 and 3748 into Title 15, Division 3, Chapter 1, regarding Return and Transfer of Parole.

PUBLIC COMMENT PERIOD

The public comment period begins **August 28, 2020** and closes on **October 16, 2020**. Any person may submit written comments by mail addressed to the primary contact person listed below, or by email to rpm@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

Renee Rodriguez
Telephone: (916) 445-2217
Regulation and Policy
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Sacramento, CA 94283-0001

Back-Up

Y. Sun
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Management Branch
P.O. Box 942883
Sacramento, CA 94283-0001

Program Contact

Ayla Williams
Telephone: (916) 323-0474
Division of Adult Parole

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

Changes to these regulations are necessary to implement, interpret and comply with Penal Code (PC) Section 3003, which was recently amended to allow an offenders or parolee to be returned to the city of last legal residence if it is in the best interest of the public.

This action will:

- Amend Sections 3741 through 3746 and 3748, Return and Transfer of Parole, adding language which will allow all inmates and parolees committed to prison for a sex offense for which registration is required pursuant to PC 290 through all efforts reasonably possible to be returned to their city of last legal residence or a close geographic location.

DOCUMENTS INCORPORATED
BY REFERENCE

Not applicable.

SPECIFIC BENEFITS ANTICIPATED BY THE
PROPOSED REGULATIONS

The health and welfare of California residents will be enhanced by identifying and directing resources toward programs and services that will improve the

reintegration of offenders to their communities upon being released from serving a sentence in state prison. The offender's successful reintegration to the community will improve the public's safety.

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. After conducting a review for any regulations that would relate to or affect this area, the Department has concluded that these are the only regulations that concern the Return and Transfer of Parole.

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 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 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 make CDCR institutions safer for inmates, staff, and visitors. Additionally, safer institutions may provide an environment more conducive to rehabilitation, thereby reducing recidivism.

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.

**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 which are sufficiently related to the originally proposed text, it will make the modified text, with the changes clearly indicated, available to the public for at least 15 days before the Department adopts, 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 22. OFFICE OF STATEWIDE
HEALTH PLANNING AND
DEVELOPMENT**

**California Coronary Artery Bypass Graft
Outcomes Reporting Program**

**DIVISION 7, CHAPTER 10, ARTICLE
7: CABG DATA REPORTING
REQUIREMENTS**

NOTICE IS HEREBY GIVEN that the Office of Statewide Health Planning and Development (OSHPD) proposes to amend Sections 97170, 97174, 97177.25, 97177.35, 97177.55, 97177.60, 97177.65, 97177.67, and 97177.70 of Title 22 of the California Code of Regulations (CCR).

OSHPD proposes to amend Section 97174 to add, delete, revise, and rename certain hospital reported data elements in the California Coronary Artery Bypass Graft (CABG) Outcomes Reporting Program (CCORP) to conform to the national Society of Thoracic Surgeons (STS) database and to improve risk analysis and outcomes reporting.

OSHPD also proposes to incorporate by reference the revised CCORP Format and File Specifications and Data Element Specifications, which mirror the proposed changes to Section 97174.

OSHPD proposes to amend Sections 97177.55–97177.70 to provide hospitals options when transmitting documentation, signed surgeon certifications, and User Account Administrator Agreement forms to OSHPD. Hospitals will be allowed the additional options of uploading documentation securely in CORC (using the Cardiac Online Reporting for California system) or transmitting via email. OSHPD proposes to revise the Surgeon Certification Form to display the additional submission options and is incorporating the revised form by reference.

I. PUBLIC HEARING

OSHPD has not scheduled a public hearing. Any interested person, or his or her duly authorized representative, may submit a written request for a public hearing, pursuant to Section 11346.8(a) of the Government Code. The written request for a hearing must be received by OSHPD's contact person, designated below, no later than 15 days prior to the close of the written comment period.

**II. WRITTEN COMMENT PERIOD AND
CONTACT PERSON**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action. All comments must be received by OSHPD no later than 5:00 p.m., PDT on October 19, 2020.

Inquiries and comments concerning the proposed regulations should be addressed to the primary contact person named below. Comments delivered by e-mail are preferred. Comments may also be faxed, hand delivered, or mailed to:

Denise Stanton
Clinical Data Specialist, Clinical Data Unit
Information Services Division — Health Care
Analytics Branch
Office of Statewide Health Planning and
Development
2020 W. El Camino, Suite 1100
Sacramento, CA 95833
Tel: (916) 326–3865, Fax: (916) 445–7534
E-mail: Denise.Stanton@oshpd.ca.gov

Inquiries and comments may also be addressed to the backup contact person:

Holly Hoegh, Ph.D.
 Manager, Clinical Data Unit
 Information Services Division — Health Care
 Analytics Branch
 Office of Statewide Health Planning and
 Development
 2020 W. El Camino, Suite 1100
 Sacramento, CA 95833
 Tel: (916) 326-3868, Fax: (916) 445-7534
 E-mail: Holly.Hoegh@oshpd.ca.gov

Each comment may include the author's name, U.S. Postal Service address, and e-mail address, if applicable, so that the addressee may be included in future communications if the text of the currently proposed regulations changes.

III. AUTHORITY AND REFERENCE

Authority: California Health and Safety Code, Section 128810.

Reference: California Health and Safety Code, Section 128745.

IV. INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

1. *Summary of Existing Laws and Regulations*

Health and Safety Code Section 128745 requires that on an annual basis OSHPD prepare and publish risk-adjusted outcome reports for CABG surgeries performed in California hospitals. To produce these reports, OSHPD is mandated to collect certain data from these hospitals.

Section 97172, CCR mandates that every six (6) months, hospitals performing CABG surgeries file a report with OSHPD that contains certain patient level information. Known as CCORP, this program collects data from each hospital for each CABG patient.

Currently, CABG surgeries are performed in 121 hospitals in California. The reported data includes demographic and clinical data elements from the patient medical record. OSHPD analyzes the data, along with data collected from other sources, and prepares the risk-adjusted outcome reports that compare outcomes by hospital and, in every other year, by hospital and cardiac surgeon.

Health and Safety Code Sections 128745 and 128748 provide for the appointment of a nine (9) member Clinical Advisory Panel (CAP) to advise OSHPD on aspects of the CABG program. Upon recommendation of the CAP, OSHPD may add, delete or revise CCORP data elements, but shall add no more than a net of six elements not included in the Society of

Thoracic Surgeons (STS) Adult Cardiac Database over any five-year period. STS is the industry leader in defining and establishing data elements related to adult cardiac surgery. Approximately 86 percent of CCORP hospitals submit data to STS. This proposal does not add any non-STs data elements.

CCORP CAP held a public meeting on December 3, 2019 and unanimously approved the proposed additions, deletions, and revisions to Section 97174 Required Data Elements, except for the COVID-19 data element. COVID-19 emerged as a worldwide health concern after the December CAP meeting. In early 2020, STS added the COVID-19 data element to their data. COVID-19 can cause heart and lung damage and may be a major risk factor for CABG surgery outcomes. On June 29, 2020 the CCORP CAP held a public meeting and unanimously approved adding the COVID-19 data element.

CCORP data elements are defined in Section 97174. OSHPD proposes to amend this section to add, delete, and revise the data elements that hospitals report. The changes will update CCORP data and make it consistent with changes in the STS database.

Hospitals that submit their CABG surgery data to CCORP must comply with OSHPD's Format and File Specifications and Data Element Specifications to submit data to the Cardiac Online Reporting for California (CORC) database. Section 97174 and 97177.25, incorporate by reference these specifications. OSHPD proposes to update this section with the current Format and File Specifications version and Data Element Specifications to make it consistent with the proposed revisions to the CCORP data elements.

The requirements in the current regulations will continue to apply for patients discharged between January 1, 2018 and June 30, 2020. Implementation of the proposed revisions will apply for patients discharged on or after July 1, 2020.

Hospitals that submit their CABG surgery data to CCORP shall provide documentation to support data element values as required by the OSHPD. Documentation shall be faxed to OSHPD. This proposal amends Sections 97177.55-97177.65 to add the option for hospitals to upload documentation securely in CORC.

Within the 30-day period specified in Section 97177.65, each hospital shall complete correction of its report and notify CORC that its last accepted report is its final report. Each surgeon identified as a responsible surgeon in a final hospital report shall attest to the accuracy of the data for his or her CABG surgeries in that report by completing a Surgeon Certification Form. A hospital shall file with the OSHPD, via fax, all completed and signed Surgeon Certification Forms. This proposal amends Section 97177.67 to add the option for hospitals to email or upload signed Surgeon

Certification Forms securely in CORC and incorporates the surgeon certification form by reference.

Hospitals that submit their CABG surgery data to CCORP shall have up to three (3) User Account Administrators (UAA) responsible for maintaining the hospital's CORC user accounts and user account contact information. For each UAA there must be a signed CORC UAA Form submitted to CCORP. This proposal amends Section 97177.70 to add the option for hospitals to fax, email, or upload signed UAA Forms securely through the CORC system.

2. Policy Statement Overview/Specific Benefits of Proposed Regulation

An objective of the proposed amendment to the regulation is to: 1) update ten (10) CCORP data elements to align with STS definitions, found in their Adult Cardiac Surgery Database, version 4.20; 2) add ten (10) STS data elements to the CCORP database; 3) delete one (1) data element, and 4) rename twelve (12) data elements to align with STS revised data element names. It does not add any non-STS data elements. In addition, OSHPD will update the CCORP Format and File Specifications and Data Element Specifications documents to accommodate these changes.

The benefit of this revision is to lessen the burden to hospitals that report to both CCORP and STS by decreasing manual data abstraction and data entry. Updating and expanding the data elements OSHPD collects on CABG surgery will enable improved and expanded risk-adjusted outcomes analysis and reporting for mortality and complications of CABG surgeries. It will also allow OSHPD to continue to compare California outcomes to other state and national outcomes. These changes will enrich the CCORP public outcomes reports by providing a better reflection on the quality of care delivered by hospitals and surgeons, which may benefit the health and welfare of California residents.

A second objective of the proposed amendment to the regulation is to allow hospitals additional options for submitting documentation to the OSHPD such as via fax or upload through the CORC system. OSHPD also proposes to amend the regulations to submit signed surgeon certification forms via email or upload through the CORC system. Lastly, OSHPD proposes to amend the regulations to allow hospitals to submit UAA forms via fax, email, or upload through the CORC system.

The benefit of allowing hospitals additional ways to submit documentation, surgeon certification forms, and UAA forms is to assist hospitals in meeting their regulatory requirements. OSHPD would also receive these items more quickly and the change would allow hospitals to be able to choose the most efficient method of document transmission. As technology has advanced, hospitals do not have as many fax machines as

in the past. It is more difficult for hospital data contacts to find a fax to transmit the information to OSHPD. Some hospital data contacts work from home and do not have access to a fax but do have access to a scanner on a home printer. Allowing hospitals the flexibility of uploading their documentation, signed surgeon certifications, and UAA forms securely through the CORC system, by fax, or email will assist hospitals in meeting regulatory requirements more efficiently.

OSHPD proposes to amend the surgeon certification form to display the new transmission options; fax and upload in CORC. OSHPD also proposes to remove the surgeon unavailable checkbox while retaining the other checkbox. Surgeons who are unavailable may use the other checkbox and state unavailable.

3. Determination of Inconsistency/Incompatibility with Existing State Regulations

As required by Government Code Section 11346.5, subsection (a)(3)(D), OSHPD evaluated the language contained in the proposed amendment. OSHPD has determined that these proposed regulations are not inconsistent with or incompatible with existing state regulations. These regulations make minor modifications to an existing program.

4. Documents Incorporated by Reference

Format and File Specifications for California Coronary Artery Bypass Graft (CABG) Outcomes Reporting Program Version 8.3 dated June 29, 2020

Data Element Specifications for California Coronary Artery Bypass Graft (CABG) Outcomes Reporting Program Version 8.3 dated June 29, 2020

Surgeon Certification Form OSH-CCORP 415 revised 3.2.2020

V. DISCLOSURES REGARDING THE PROPOSED ACTION

OSHPD has made the following initial determinations:

1. Mandate on local agencies and school districts: None.
2. Cost or savings to any state agency: The estimated cost to OSHPD for programming the online reporting system is absorbable.
3. Costs to any local agency or school district that are required to be reimbursed by the state in accordance with Government Code Sections 17500 through 17630: None.
4. Other non-discretionary cost or savings imposed on local agencies: None.
5. Cost or savings in federal funding to the state: None.
6. Cost impact on representative persons or businesses: While some hospitals will realize a minor cost for the revision, the majority of

hospitals will experience a cost savings. Overall, OSHPD estimates an average annual cost savings of \$5,335 per hospital.

7. Significant effect on housing costs: None.
8. Significant statewide adverse economic impact directly affecting business: OSHPD has made an initial determination that the action would not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with other businesses in other states.
9. Effect on Small Business: OSHPD has determined that the proposed amendment does not affect small business. The health care facilities affected by the action either have more than 150 beds or more than \$1,500,000 in annual gross receipts. In accordance with Government Code Section 11342.610, these health care facilities are not defined as small businesses.

VI. STATEMENT OF THE RESULTS OF THE ECONOMIC IMPACT ASSESSMENT (EIA)

Revising, adding, deleting, and renaming these data elements and their definitions, and providing hospitals additional methods for submitting documents are anticipated to be beneficial to the reporting hospitals by reducing manual abstraction, and data processing, thereby reducing manual workload and administrative costs. It would also result in enhanced data quality, risk analysis, and outcomes reporting.

Therefore, OSHPD has concluded that this regulatory action would not affect the following:

- (1) The creation of jobs within the state.
- (2) The elimination of jobs within the State of California.
- (3) The creation of new businesses within California.
- (4) The elimination of existing businesses within California.
- (5) The expansion of businesses currently doing business in the state.
- (6) The benefit to the public is that more accurate and useful data will be available. Such data are used for understanding California's healthcare environment, which may benefit the health and welfare of California residents. Aligning the data elements with STS will be more efficient and less burdensome for facilities

VII. REASONABLE ALTERNATIVES STATEMENT

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

VIII. AVAILABILITY OF EXPRESS TERMS, INITIAL STATEMENT OF REASONS, AND INFORMATION UPON WHICH PROPOSED RULEMAKING IS BASED

OSHPD will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the address given for the contact persons. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the text of the proposed regulations, the initial statement of reasons, economic impact assessment contained in the initial statement of reasons, a letter from the Clinical Advisory Panel (CAP) Chair and all documents incorporated by reference.

In developing these regulations, OSHPD conducted a survey of affected hospitals and asked them to estimate the fiscal impact to their hospitals. Copies of the survey and survey results are included in the rulemaking file.

IX. AVAILABILITY OF SUBSTANTIAL CHANGES TO ORIGINAL PROPOSAL

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

Please send requests for copies of the modified text to the listed contact person. The modified text will also be available on OSHPD's website at: <https://oshpd.ca.gov/about/laws-regulations/>.

OSHPD will accept written comments on the modified regulations for 15 days after the date on which they are made available.

X. AVAILABILITY OF FINAL STATEMENT OF REASONS AND RULEMAKING FILE

The Final Statement of Reasons and Rulemaking File including a summary of all comments and responses will be available, after its completion, through OSHPD's website at: <https://oshpd.ca.gov/about/laws-regulations/>.

The Final Statement of Reasons will also be available for review from the designated contact person.

XI. AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and text of the proposed regulations in underline and strikeout can be accessed through our website at: <https://oshpd.ca.gov/about/laws-regulations/>.

TITLE 25. CALIFORNIA HOUSING AND COMMUNITY DEVELOPMENT

(MOBILEHOME RESIDENCY LAW PROTECTION PROGRAM)

NOTICE IS HEREBY GIVEN that the California Department of Housing and Community Development (HCD) proposes to adopt regulations governing the Mobilehome Residency Law Protection Program (MRLPP), which was established by the Mobilehome Residency Law Protection Act (MRLPA) (Health & Saf. Code, §§ 18800–18806, added by Stats. 2018, ch. 774, § 3.) These proposed regulations establish a process for allowing mobilehome park homeowners to register complaints with HCD regarding alleged violations of the Mobilehome Residency Law. Furthermore, it requires HCD to facilitate the resolution of these complaints, and, if appropriate, to refer complainants to its own Division of Codes and Standards, to other appropriate enforcement agencies, or to approved nonprofit legal services providers for possible enforcement action.

PUBLIC HEARING

A public hearing has been scheduled at which time any interested party may present statements, orally or in writing, about this proposed regulatory action. The hearing will continue until all oral comments are received, and will be held as follows:

Date:
October 12, 2020

Location:
HCD (Headquarters)
2020 W. El Camino Ave, Room 402
Sacramento, CA 95833

or
Join via Microsoft Teams
<https://tinyurl.com/MRLPPPpublicHearing>
Call-in Number: (916) 535-0998
Conference ID: 452 207 816#

Time:
9:00 a.m.

Pre-hearing registration will be conducted prior to the hearing. Those registered will be heard in order of their registration. Anyone else wishing to speak at the hearing will be afforded an opportunity after those registered have presented their oral comments. The time allowed for each person to present oral comments may be limited if a substantial number of people wish to speak.

Individuals presenting oral comments are requested, but not required, to submit a written copy of their statements. The hearing will be adjourned immediately following the completion of the oral comments.

SUBMISSION OF WRITTEN COMMENTS

Any interested person, or their authorized representative, may submit written comments relevant to the proposed regulatory action to HCD. All written comments must be received by HCD at this office no later than 8:00 a.m. on October 13, 2020 in order to be considered. Written comments may be submitted by mail, email, or facsimile as follows:

By mail to:
California Department of Housing and
Community Development
Division of Codes and Standards
P.O. Box 277820
Sacramento, CA 95827-7820
ATTN: MRLPP — Ruth Ibarra

By email to:
Ruth.Ibarra@hcd.ca.gov

By facsimile to:
(916) 263-3383 ATTN: Ruth Ibarra

PERMANENT ADOPTION OF REGULATIONS

Following the public comment period, HCD may adopt the proposals substantially as described below

or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of minor technical or grammatical changes, the text of any modified proposal will be available for at least 15 days prior to its adoption from the contact person(s) designated in this Notice, and will be mailed to those persons who have submitted written or oral testimony related to this proposal or who have requested notification of any changes to the proposal. HCD will accept written comments on the modified regulations during the 15-day period.

AUTHORITY AND REFERENCE

The MRLPA establishes the MRLPP within HCD, and it charges HCD with administering the program, reporting to the Legislature about the program, and imposing specified fees to cover its related costs. Health and Safety Code section 50406, subdivision (n) grants HCD the authority to “do any and all things necessary to carry out its purposes and exercise the powers expressly granted by this [Division 31, commencing with Section 50000].” This provision provides HCD with the authority to adopt regulations that implement, interpret, and make specific the MRLPA (Health & Saf. Code, §§ 18800–18806). The text of relevant statutes is available on the official California Legislative Information website and at: <http://leginfo.legislature.ca.gov/>.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws

Existing law governs the landlord-tenant relationships between mobilehome park owners or operators and mobilehome park residents, including homeowners. This law is known as the “Mobilehome Residency Law” (MRL) (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code). HCD does not have the authority to enforce these laws as they are only judicially enforceable.

Chapter 9 (commencing with Section 18150) of Part 2 of Division 13 of the Health and Safety Code establishes the Mobilehome Assistance Center (MAC), which assists the public by taking complaints from manufactured home and mobilehome owners and coordinating the resolution of those complaints. The complaints, which relate to manufactured homes and mobilehomes, include, but are not limited to, problems of titling and registration, installation, warranties, financing, sales, inspection of homes and parks, and mobilehome accessories and improvements, as well as problems relating to the MRL. The MAC cannot arbitrate, mediate, negotiate, or provide legal advice on mobilehome park rent disputes, lease or rental

agreements, or disputes arising from lease or rental agreements. However, it may provide direction to local community resources on these issues.

The Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code) authorizes HCD to establish rules and enforce physical operating requirements for mobilehome parks. Such enforcement includes responding to mobilehome park resident complaints about physical defects in their parks. The Manufactured Housing Act of 1980 (Part 2 (commencing with Section 18000) of Division 13 of the Health and Safety Code) authorizes HCD to establish rules for and enforce requirements related to the construction and alterations, sales, and registration and titling of manufactured housing (mobilehomes). Many other state laws and local ordinances also govern the relationship between mobilehome park residents and park operators, although they address different issues, such as fair housing (nondiscrimination) requirements, rent regulation, and crimes.

Health and Safety Code section 50402 requires the director of HCD to enforce all laws, rules, and regulations under the jurisdiction of the department. Health and Safety Code section 50404 identifies the Division of Codes and Standards as part of HCD. Health and Safety Code section 50406, subdivision (n) authorizes HCD to “do any and all things necessary to carry out its purposes and exercise the powers expressly granted by this division.”

Summary of Existing Regulations

Statewide regulations have not been developed for either the MRL or the MAC. Statewide emergency regulations are in effect for the MRLPP until April 23, 2021 and are located in Chapter 3.5 (commencing with section 4900) of Division 1 of Title 25 of the California Code of Regulations.

Summary of Effect of Proposed Regulatory Action

The purpose of these proposed regulations is to establish requirements and procedures for the MRLPP, which allows a mobilehome park homeowner to submit a complaint to HCD regarding alleged violations of the MRL, and which allows HCD to facilitate the resolution of such complaints and/or to refer the complaint to the appropriate enforcement agency or non-profit legal services provider for enforcement action. If applicants file a complaint as part of the MRLPP and the information provided is complete, HCD will do the following:

- Provide an initial review of the complaint to determine whether the alleged violation(s) is an MRL issue or needs to be referred to another appropriate enforcement agency.
- If the complaint is deemed to contain specified serious alleged violation(s) of the MRL, HCD will request information from the park management,

if needed, to assist with reviewing and evaluating the complaint in order to determine if it is eligible for retention, evaluation, and assistance.

- Upon determination the complaint is both valid and in compliance with requirements necessary for retention, evaluation and assistance, HCD will notify both parties that they must attempt to resolve the complaint through good faith negotiation and state that the parties may report the results of the negotiations to the MRLPP, as specified, within 25 days of the department communication.
- If a resolution is achieved between the parties, the MRLPP will close the complaint; if one or both parties report that there was no resolution, the complaint will be referred to a nonprofit legal services provider; or if the MRLPP does not receive a report from both parties after written inquiry from MRLPP, the complaint will be closed.
- HCD will review the complaint if deemed unresolved to ensure it is still one of the most serious; if it is, it will be referred to a nonprofit legal services provider who will review it, do an intake of the complainant, and decide to pursue the case or not. If it is not deemed the most serious, it will be referred to a more appropriate enforcement agency, retained, or closed.

These proposed regulations also establish requirements and criteria for the selection of the nonprofit legal services provider.

Those sections within Title 25, California Code of Regulations affected by this rulemaking (see “Sections Affected,” below), and the specific purpose for each adoption in these proposed regulations, are set forth in the Initial Statement of Reasons for this regulatory action.

SECTIONS AFFECTED

Following are the specific Sections of Chapter 3.5 affected by this proposed action:

Adopt: Chapter 3.5 of Division 1 of Title 25 of the California Code of Regulations. Sections 4900, 4902, 4904, 4906, 4908, 4910, 4912, 4914, 4916, and 4918.

POLICY STATEMENT OVERVIEW

ANTICIPATED BENEFITS OF THE PROPOSED ACTION

The proposed regulatory additions establish an administrative means of attempting to resolve mobile-home homeowner complaints about park owners’ alleged violations of the MRL, thus avoiding legal and

court costs for both parties and facilitating access to legal service providers for resolution between the parties.

EVALUATION OF INCONSISTENCY/ INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

HCD evaluated whether there were any other regulations concerning the MRLPP and determined that these are the only regulations in this area. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

SMALL BUSINESS IMPACT STATEMENT

Small businesses will not be affected by these regulations. (See “Cost Impact on Representative Private Person or Business” paragraph, below.)

DISCLOSURES REGARDING THE PROPOSED ACTION

- Mandate on local agencies and school districts: None.
- Costs or savings to any state agencies: None.
- Costs or savings to local agencies or school districts, which must be reimbursed in accordance with Part 7 (commencing with Section 17500) of Division 4 of the Government Code: None.
- Other nondiscretionary costs or savings imposed on local agencies: None.
- Costs or savings in federal funding to the state: None.
- Costs to housing: None.

BUSINESS IMPACT

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

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

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

RESULTS OF THE ECONOMIC
IMPACT ANALYSIS

HCD has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs in the State of California and will not result in the elimination of existing businesses nor create or expand businesses in the State of California.

Benefits of the Proposed Action: The proposed regulations provide mobilehome owners in a mobilehome park with clarity regarding their additional avenue to enforce the MRL, some provisions of which impact health and safety.

CONSIDERATION OF ALTERNATIVES

HCD must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.” HCD invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

AVAILABILITY OF DOCUMENTS AND
CONTACT PERSON

HCD has prepared an Initial Statement of Reasons for the proposed regulatory action and has available all the information upon which the proposal is based. Copies of the exact language of the proposed regulations, the Initial Statement of Reasons, the rulemaking file, the Final Statement of Reasons (when available) and other information, if any, may be obtained upon request from HCD at the following location or from the contact people listed below:

California Department of Housing and
Community Development
Division of Codes and Standards
2020 West El Camino, Room 250
Sacramento, CA 95814
Facsimile: (916) 263-3383

In addition, the Notice, the exact language of the proposed regulations, and the Initial Statement of Reasons may be found on the HCD’s website at the following address: <https://www.hcd.ca.gov/manufactured-mobile-home/mobilehome-residency-law-protection-program/index.shtml>.

Questions regarding the regulatory process or clarification on the substance of this regulatory proposal may be directed to:

Ruth Ibarra, Associate Governmental Program
Analyst
Telephone: (916) 263-3262
Facsimile: (916) 263-3383
Email: Ruth.Ibarra@hcd.ca.gov

Carrie Paine, Staff Services Manager II
Telephone: (916) 263-3281
Facsimile: (916) 263-3383
Email: Carrie.Paine@hcd.ca.gov

GENERAL PUBLIC INTEREST

**DEPARTMENT OF
FISH AND WILDLIFE**

**HABITAT RESTORATION AND
ENHANCEMENT ACT
CONSISTENCY DETERMINATION NO.
1653-2020-0058-001-R3**

Project: San Geronimo Creek Fish Passage and Bridge Stabilization

Location: Marin County

Applicant: Marin County, Department of Public Works

Background

Project Location

The San Geronimo Creek Fish Passage and Bridge Stabilization (Project) is located at the bridge on San Geronimo Valley Drive downstream of Roy’s Pools in San Geronimo, CA 94963, at a property owned by Marin County, designated as flood control Right of Way with no Assessor Parcel Number (APN), and affects San Geronimo Creek. San Geronimo Creek supports populations of Coho salmon south of Punta Gorda (*Oncorhynchus kisutch* pop. 4) and central California coast steelhead (*Oncorhynchus mykiss irideus* pop. 8).

Project Description

Marin County Department of Public Works (Applicant) proposes to enhance or restore habitat within San Geronimo Creek to provide a net conservation benefit for Coho salmon south of Punta Gorda (*Oncorhynchus kisutch* pop. 4). The Project includes the removal of a concrete weir that acts as fish barrier.

The streambed will be graded and rock boulders will be placed across the channel to create a roughened channel that matches the upstream channel bed.

The Project is associated with an upstream restoration project, Roy's Pools San Geronimo Creek Floodplain and Fish Passage Improvement Project, funded by The Department of Fish and Wildlife's (CDFW's) Fisheries Restoration Grants Program that will further improve fish passage and improve salmonid spawning and juvenile rearing habitat. Dewatering and any necessary fish rescue will take place in conjunction with this upstream project.

Project Size

The total area of ground disturbance associated with the Project is approximately 0.029 acres and 50 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 (CEQA) (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) rock boulders, (2) engineered streambed material including cobbles and sand, and (3) edge rock.

Project Timeframes:

Start date: August 2020

Completion date: October 2020

Work window: August 1–October 30

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 upstream spawning and rearing habitat, the San Francisco Bay Regional Water Quality Control Board (RWQCB) issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board (SWRCB) General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order) (Waste Discharge Identification (WDID) No. 2 CW438342, Place ID 867123) 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 northern spotted owl (*Strix occidentalis caurina*) and nesting birds.

Receiving Water:

San Geronimo Creek, a tributary to Lagunitas Creek

Filled or Excavated Area:

Permanent area impacted: 0 acres

Temporary area impacted: 0.29 acres maximum

Length temporarily impacted: 50 linear feet

Length permanently impacted: 0 acres

Dredge Volume: None

Discharge Volume: 45–cubic yards of 2–ton boulders, 15–cubic yards of 0.25–ton edge rock, and 105–cubic yards of engineered streambed material including uniformly graded cobble and sand.

Project Location: 38.0126 Latitude, –122.66299 Longitude

RWQCB staff determined that the Project may proceed under the Order. Additionally, RWQCB staff determined that the Project, as described in the Notice of Intent (NOI) complies with CEQA (Pub. Resources Code, § 21000 et seq.).

On August 6, 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 August 7, 2020, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z–2020–0807–01) on August 21, 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 SWRCB'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 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) Staging and Access; (2) Dewatering; (3) Fish Relocation; (4) Tree Removal; (5) Structural Bridge Modification; and (6) Erosion Control and Revegetation. The specific avoidance and minimization requirements are found in an attachment to the

NOI, Attachment A-3: Species Protection Measures Incorporated in Design.

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, Attachment A-2: SWRCB [State Water Resources Control Board] Monitoring Plan.

Notice of Completion

Coverage under the SWRCB 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 Place ID 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 Place ID 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: amanda.culpepper@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 RWQCB amends or replaces the NOA, the Applicant shall be required to obtain a new consistency determination from CDFW. [See generally Fish and Game Code, § 1654, subd. (c)].

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:

PLEASE NOTE: In accordance with Executive Order N-29-20, and Executive Order N-33-20, the PHYSICAL meeting location has been cancelled for October.

PUBLIC MEETING

On October 15, 2020, at 10:00 a.m.
via Video-conference at www.webex.com
(meeting ID 268 984 996) and Teleconference at
(844) 992-4726 using access code 268 984 996

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 October 15, 2020, at 10:00 a.m.
via Video-conference at www.webex.com
(meeting ID 268 984 996) and Teleconference at
(844) 992-4726 using access code 268 984 996

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.

**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH THE
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.

Board of Forestry and Fire Protection
File # 2020-0702-04
Safety Element Review Procedures Section 100

In this change without regulatory effect, the Board amends its regulation to update its document incorporated by reference, the "General Plan Safety Element Assessment." The update includes new requirements found in Government Code section 65302.15 and subdivision 65302(g)(5).

Title 14
Amend: 1265.02
Filed 08/12/2020
Agency Contact: Edith Hannigan (916) 862-0120

Board of Pharmacy
File # 2020-0703-03
Pharmacy Technician Application

The Board of Pharmacy (Board) submitted this action as a change without regulatory effect, pursuant to California Code of Regulations, title 1, section 100, to amend the Pharmacy Technician Application form that is incorporated by reference in a regulation. The proposed amendments to the application form include reformatting the form so that it complies with the accessibility standards of several laws, including the Americans with Disabilities Act and A.B. 434 (Stats. 2017, ch. 780), and related accessibility regulations and guidelines. The proposed amendments to the application form remove the criminal conviction question in

order to comply with recent changes to Business and Professions Code section 480(f)(2), which, effective July 1, 2020, precludes the Board from requiring an applicant for licensure to disclose any information or documentation regarding the applicant's criminal history. Additional amendments are made to the application form that are technical or not material.

Title 16
Amend: 1793.5
Filed 08/14/2020
Agency Contact: Lori Martinez (916) 574-7917

California Film Commission
File # 2020-0806-02
California Film and Television Tax Credit Program

This emergency rulemaking action by the California Film Commission amends California Film and Television Tax Credit Program 3.0 regulations pertaining to the application for tax credits and tax credit allocation to be implemented for the 2020-2021 fiscal year.

Title 10
Amend: 5521, 5524
Filed 08/17/2020
Effective 08/17/2020
Agency Contact: Nancy Rae Stone (323) 860-2960

California Highway Patrol
File # 2020-0420-01
California Highway Patrol Cannabis Tax Fund Grant Program

This rulemaking action by the California Highway Patrol adopts regulations to implement the CHP Cannabis Tax Fund Grant Program created by Revenue and Taxation Code, section 34019, subdivision (f)(3)(B). The regulations include outlining grant provisions, grant project types, application requirements, evaluation criteria, and administrative procedures.

Title 13
Adopt: 1890.00, 1890.01, 1890.02, 1890.03, 1890.04, 1890.05, 1890.05, 1890.06, 1890.07, 1890.08, 1890.09, 1890.10, 1890.11, 1890.12, 1890.13, 1890.14, 1890.15, 1890.16, 1890.17, 1890.18, 1890.19, 1890.20, 1890.21, 1890.22, 1890.23, 1890.24, 1890.25, 1890.26, 1890.27,
Filed 08/13/2020
Effective 08/13/2020
Agency Contact: Cathy Perry (916) 843-3460

California Horse Racing Board
File # 2020-0707-01
Use of Riding Crop

The California Horse Racing Board (CHRB) in this action is placing restrictions on the use of the riding

crop during races and during training. CHRB is also limiting the number of times the riding crop may be used during a race and how it can be held. Penalties are established for jockeys or exercise riders who use the riding crop beyond what is allowed.

Title 04
 Amend: 1688
 Filed 08/18/2020
 Effective 10/01/2020
 Agency Contact: Rick Pimentel (916) 274-6043

California Tax Credit Allocation Committee
 File # 2020-0703-01
 CTCAC Regulations Implementing federal and state Low Income Housing Tax Credit Laws

The California Tax Credit Allocation Committee's (CTCAC's) request, that the Office of Administrative Law (OAL) file with the Secretary of State and print in the California Code of Regulations amendments to the Low Income Housing Tax Credit Program, is granted. The amendments provide for a more equitable method of allocation within this program. Pursuant to Health and Safety Code (HSC) section 50199.17(a), these amendments are exempt from the rulemaking requirements of the Administrative Procedure Act so long as the CTCAC has complied with HSC section 50199.17(b). CTCAC has certified to OAL that it complied with HSC section 50199.17(b) in adopting these amendments.

Title 04
 Amend: 10310, 10315, 10317, 10325, 10327, 10328
 Filed 08/14/2020
 Effective 06/17/2020
 Agency Contact: Gina Ferguson (916) 651-7707

CalSavers Retirement Savings Board
 File # 2020-0707-02
 Board and Trust Name Change

This action without regulatory effect changes the name of the California Secure Choice Retirement Savings Investment Board to the CalSavers Retirement Savings Board and the California Secure Choice Retirement Savings Trust to the CalSavers Retirement Savings Trust to align with statutory changes to Government Code section 100000.

Title 10
 Amend: 10000
 Filed 08/17/2020
 Agency Contact: Eric Lawyer (916) 838-2869

Commission on Peace Officer Standards and Training
 File # 2020-0702-07
 Training and Testing Specifications – Learning Domain 20

This rulemaking action by the Commission on Peace Officer Standards and Training updates the document incorporated by reference entitled "Training and Testing Specifications for Peace Officer Basic Courses" to modify the training and testing specifications in Learning Domain 20.

Title 11
 Amend: 1005, 1007, 1008
 Filed 08/13/2020
 Effective 10/01/2020
 Agency Contact: Anita Finner (916) 227-3901

Department of Justice
 File # 2020-0603-03
 California Consumer Privacy Act

This action adopts new regulations to implement the California Consumer Protection Act of 2018 (CCPA), which confers new privacy rights on consumers and imposes corresponding obligations on businesses subject to it.

Title 11
 Adopt: 999.300, 999.301, 999.304, 999.305, 999.306, 999.307, 999.308, 999.312, 999.313, 999.314, 999.315, 999.316, 999.317, 999.318, 999.323, 999.324, 999.325, 999.326, 999.330, 999.331, 999.332, 999.336, 999.337
 Filed 08/14/2020
 Effective 08/14/2020
 Agency Contact: Julia Zuffelato (916) 210-6040

Department of Justice
 File # 2020-0714-05
 Department of Motor Vehicles Bond Form

This action submitted by the Department of Justice is a request pursuant to Government Code section 11343.8 to file and print the amended surety bond form of the Department of Motor Vehicles titled, "Third Party Tester Surety Bond".

Title 11
 Amend: 51.30
 Filed 08/12/2020
 Effective 08/12/2020
 Agency Contact: Cara M. Porter (415) 510-3508

Department of Pesticide Regulation
 File # 2020-0714-01
 Exempted Pesticide Products

The Department of Pesticide Regulation submitted this action as a change without regulatory effect, pur-

suant to California Code of Regulations, title 1, section 100, to amend a regulation that exempts pesticide products from registration. The amendments revise text to improve grammar, revise the lists of exempted pesticide products and allowable inert ingredients in exempted pesticide products for consistency with revisions to these products listed in U.S. Environmental Protection Agency (U.S. EPA) regulations, and revise labeling requirements of exempted pesticide products and such products with allowable inert ingredients to conform to changes in labeling requirements in U.S. EPA regulations.

Title 03
Amend: 6147
Filed 08/14/2020
Agency Contact: Lauren Otani (916) 445-5781

Department of Public Health
File # 2020-0618-03
RTCC Recommendations

This action by the Department of Public Health addresses recommendations of the Radiologic Technology Certification Committee (RTCC) regarding the movement of a patient or equipment during fluoroscopic X-ray procedures; the recording of cumulative irradiation time or exposure during fluoroscopic X-ray procedures; the scope of practice of a certified radiologic technologist (CRT); and the experience requirement of individuals who provide training oversight to students during training in radiologic technology. Nonsubstantial changes are also proposed.

Title 17
Adopt: 30305.5, 30441
Amend: 30252, 30307, 30400, 30411, 30417, 30418, 30423, 30450, 30456, 30456.4
Filed 08/18/2020
Effective 10/01/2020
Agency Contact: Dawn Basciano (916) 440-7367

Department of Social Services
File # 2020-0706-01
Safe Sleep Regulations

This rulemaking action by the Department of Social Services updates safe sleep requirements for infants in child care centers and family child care homes. This action includes supervision requirements for sleeping infants, specifies safe sleep equipment, and adopts an individual infant sleeping plan to be maintained in each infant's file.

Title 22, MPP
Adopt: 102425, 102426
Amend: 101239, 101416.5, 101419.2, 101429, 101430, 101439.1, 102352, 102417
Filed 08/19/2020
Effective 08/19/2020
Agency Contact: Oliver Chu (916) 657-3588

Department of Social Services
File # 2020-0811-01
CalWORKS Overpayment Threshold

This emergency action amends the Department of Social Services Manual of Policies and Procedures as it relates to the CalWORKs overpayment threshold. This action is exempt from Office of Administrative Law review pursuant to S.B. 726 (Stats. 2018, Ch. 930, Sec. 3).

Title MPP
Amend: 42-751, 44-350, 44-352, 44-353
Filed 08/18/2020
Effective 08/18/2020
Agency Contact:
Kenneth Jennings (916) 657-2586

Superintendent of Public Instruction
File # 2020-0709-01
Uniform Complaint Procedures

In this action without regulatory effect the State Superintendent of Public Instruction amends three sections related to Uniform Complaint Procedures to correct inaccurate cross-references.

Title 05
Amend: 4600, 4621, 4650
Filed 08/12/2020
Agency Contact: Lorie Adame (916) 319-0860

**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.