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

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**PROPOSED ACTION ON
REGULATIONS**

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AUTHORITY AND REFERENCE

Authority cited: Sections 19440 and 19562, Business and Professions Code (BPC). Reference: Sections 19580, 19581, and 19582, BPC.

TITLE 4. HORSE RACING BOARD

AMEND RULE 1845. AUTHORIZED BLEEDER MEDICATION

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 1845, Authorized Bleeder Medication, to eliminate the requirements that the furosemide veterinarian or California registered veterinary technician place the syringe used to administer furosemide in an evidence bag, the witnesses present during administration sign the sealed bag, and the syringe be provided to and securely stored by the Board until all testing of the horse is completed.

PUBLIC HEARING

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

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 **April 12, 2021**. The Board must receive all comments by that time. Submit comments to:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

BPC section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of Horse Racing Law. Responsibilities of the Board shall include, but not be limited to, adopting rules and regulations for the protection of the public and control of horse racing and parimutuel wagering. BPC section 19562 provides that the Board may prescribe rules, regulations, and conditions, consistent with the provisions of Horse Racing Law, under which all horse races with wagering on their results shall be conducted in California.

Board Rule 1845 governs the requirements for the administration of furosemide. Subsection (f)(2), in part, requires the furosemide veterinarian or California registered veterinary technician to place the syringe used to administer furosemide in an evidence bag to be sealed in front of the witnesses to the administration, who must sign the bag. It also requires that the syringe be provided to and securely stored by the Board in accordance with subsection (i). Subsection (i) requires that the syringe used to administer furosemide be provided to and securely stored by the Board until all testing of the horse is completed.

The proposed amendment to Board Rule 1845 would eliminate the provisions in subsection (f)(2) described above and delete subsection (i). The retention of syringes has proven to be cumbersome, costly, and ineffective. Since subsection (i), formerly subsection (h), went into effect on December 26, 2017, an estimated three furosemide syringes have been tested out of approximately 150,000 injections. None of the tested syringes altered the outcome of any violation. Therefore, subsection (i) has been burdensome without providing any benefit.

ANTICIPATED BENEFIT OF THE
PROPOSED REGULATION

The proposed amendment of Board Rule 1845 would benefit horse racing tracks and horsemen's organizations by eliminating the costs associated with the storage of syringes used in administering furosemide.

CONSISTENCY EVALUATION

Evaluation of Consistency and Compatibility with Existing State Regulations: During the process of developing the amendments, the Board conducted a search for any similar regulation on this topic and has concluded that Board Rule 1845 is the only regulation that governs the requirements for the administration of furosemide. 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 Government Code (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 of Board Rule 1845 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 proposed amendment of Board Rule 1845 will eliminate the requirements that the furosemide veterinarian or California registered veterinary technician place the syringe used to administer furosemide in an evidence bag, the witnesses present during administration sign the sealed bag, and the syringe be provided to and securely stored by the Board until all testing of the horse is completed.

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 impact 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 THE ECONOMIC
IMPACT ANALYSIS

The adoption of the proposed amendments to Board Rule 1845 will not (1) create or eliminate jobs within the state; (2) create new businesses or eliminate existing businesses within the state; (3) result in the expansion of businesses currently doing business with the state; or (4) benefit the health and welfare of California residents, worker safety, or the state's environment. The proposed amendment of Board Rule 1845 will eliminate the requirements that the furosemide veterinarian or California registered veterinary technician place the syringe used to administer furosemide in an evidence bag, the witnesses present during administration sign the sealed bag, and the syringe be provided to and securely stored by the Board until all testing of the horse is completed.

Effects on small businesses: none. The proposal to amend Board Rule 1845 does not affect small businesses because horse racing is not a small business under GC section 11346.3(b)(4)(B).

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:

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

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Policy, Regulations, and Administrative Hearings
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Email: amdrummond@chr.ca.gov

AVAILABILITY OF INITIAL
STATEMENT OF REASONS AND
TEXT OF PROPOSED REGULATIONS

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 email address listed above.

AVAILABILITY OF MODIFIED TEXT

After holding a hearing, if required, 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 this notice, the proposed text of the regulation, and

the initial statement of reasons. The Board's website address is www.chrb.ca.gov.

TITLE 4. HORSE RACING BOARD

AMEND RULE 1685. EQUIPMENT
REQUIREMENT

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 1685, Equipment Requirement, to limit the use of the riding crop for two-year-old horses and modify the specification requirements for the riding crop.

PUBLIC HEARING

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

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 **April 12, 2021**. The Board must receive all comments by that time. Submit comments to:

Rick Pimentel, Associate Governmental Program
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AUTHORITY AND REFERENCE

Authority cited: Sections 19420 and 19440, Business and Professions Code (BPC). Reference: Sections 19441.2 and 19481, BPC.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

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

Board Rule 1685 establishes the weight limit for the bridle, sets forth the specification requirements for riding crops allowed in flat racing and training, and provides that riding crops are subject to inspection and approval by the stewards.

The amendment to Board Rule 1685 will limit the use of the riding crop for two-year-old horses and modify the specification requirements for the riding crop. Specifically, the amendment will bar the use of riding crops in races for two-year-old horses before April 1 of each year. It will also require that all riding crops have a cylindrical shaft and a smooth foam cylinder at the contact end and have a minimum shaft diameter of three-eighths of an inch. The amendment will require the shaft of the riding crop to be smooth and covered with shock-absorbing material. It will require that the smooth foam cylinder be the only attachment to the shaft. The amendment will require that the smooth foam cylinder be crafted of waterproof, chemical-resistant, shock-absorbing foam that will not harden over time; have a diameter of 0.9 to 1.6 inches; have a minimum length of seven inches; and have no reinforcements or additions beyond the end of the shaft and no binding on the exterior of the soft tube at the end of the shaft.

ANTICIPATED BENEFIT OF THE
PROPOSED REGULATION

The proposed amendment to Board Rule 1685 will benefit the health and welfare of race horses and California residents and benefit worker safety by decreasing the likelihood of injury or harm to a race horse and, consequently, those riding or taking care of the horse. The use of a more equine-friendly riding crop with a softer impact will also promote a more humane form of horse racing and better animal treatment in general, resulting in a more positive view among the wagering public and population at large.

CONSISTENCY EVALUATION

Evaluation of Consistency and Compatibility with Existing State Regulations: During the process of developing the amendment, the Board conducted a search for any similar regulation on this topic and has concluded that Board Rule 1685 is the only regulation that sets forth the specification requirements for riding crop. Additionally, the proposed provision to bar the use of the riding crop in races for two-year-old horses before April 1 of each year does not conflict with any of the provisions in Board Rule 1688, Use of Riding Crop. 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 Government Code (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 the determination that the proposed amendment to Board Rule 1685 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 proposed amendment modifies the provisions governing the required specifications for the riding crop in an effort to promote the welfare and safety of race horses. The riding crop is a safety tool used to guide race horses during racing and training. As such, jockeys and exercise riders are the primary operators using riding crops. There are limited numbers of jockeys and exercise riders in the state, and they are not required to use a riding crop during racing or training, although they are allowed to use it pursuant to Board Rule 1685 and Board Rule 1688. The proposed amendment does not affect the number of jockeys or exercise riders who use riding crops. The proposed amendment affects only the specifications that the riding crops must meet. Therefore, overall demand for riding crops will not be impacted. Consequently, businesses that produce or sell riding crops will not be impacted beyond the transition to the new specifications.

The following studies/relevant data were relied upon in making the above determination: The Board relied on a report by The Stronach Group, titled, "The Stronach Group Racing Crop Study," May 1, 2020.

Cost impact on representative private persons or businesses: A representative private person or business that uses or produces riding crops in California may incur modest transition costs initially when complying with the proposed regulatory action. The proposed amendment modifies the specification requirements for riding crops allowed for use in Board inclosures. Consequently, a representative private person or business that uses or produces riding crops meant for use in Board inclosures may need to transition their riding crop inventory initially to comply with the proposed amendment.

Significant effect on housing costs: none.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The adoption of the proposed amendments to Board Rule 1685 will not (1) create or eliminate jobs within the state; (2) create new businesses or eliminate existing businesses within the state; (3) result in the expansion of businesses currently doing business with the state; or (4) benefit the state's environment. It will benefit the health and welfare of California residents and worker safety by promoting the welfare and safety of race horses in the state by decreasing the likelihood of injury or harm to a race horse and, consequently, its rider via limiting the use of the riding crop for two-year-old horses and modifying the specification requirements for the riding crop.

Effect on small business: The proposal to amend Board Rule 1685 will have a one-time effect on small businesses that produce or sell riding crops for use in Board inclosures. Such businesses are (1) not legally required to comply with the regulation; (2) not legally required to enforce the regulation; and (3) do not derive a benefit from the enforcement of the regulation. These businesses will incur one-time costs associated with transitioning to riding crops that meet the new specification requirements. The costs will not be prohibitive, and operations will continue normally after the brief transition.

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 during the hearing, if held, 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:

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

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

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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AVAILABILITY OF MODIFIED TEXT

After holding a hearing, if required, 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

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TITLE 4. HORSE RACING BOARD

**AMEND RULE 1866. VETERINARIAN'S
LIST**

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 1866, Veterinarian's List, to increase the time that a horse placed on the Veterinarian's List as unsound or lame may not work out, unless permitted by the official veterinarian, from 72 hours to seven days; specify that a horse placed on the list as receiving a veterinary treatment of an intra-articular injection of a corticosteroid or of Extracorporeal Shock Wave Therapy may not work out for 10 or 30 days, respectively; require any horse placed on the list to undergo a veterinary examination, which may include diagnostic imaging that the horse's owner(s) must pay for, prior to resuming training; and increase the number of days before a horse placed on the list as unsound or lame may be removed from the list, depending on the number of times the horse has been placed on the list in a 365-day period.

PUBLIC HEARING

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

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 **April 12, 2021**. The Board must receive all comments by that time. Submit comments to:

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AUTHORITY AND REFERENCE

Authority cited: Sections 19440, 19562, and 19583.5, Business and Professions Code (BPC). Reference: Sections 19440, 19562, and 19583.5, BPC.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

BPC section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of Horse Racing Law. Responsibilities of the Board shall include, but not be limited to, adopting rules and regulations for the protection of the public and control of horse racing and parimutuel wagering. BPC section 19562 provides that the Board may prescribe rules, regulations, and conditions, consistent with the provisions of Horse Racing Law, under which all horse races with wagering on their results shall be conducted in California. California Assembly Bill 1974 (Chapter 251, Statutes of 2020) added BPC section 19583.5, which is effective January 1, 2021, and provides that horses deemed unsound or lame are subject to immediate placement on the Veterinarian's List with criteria for removal that may include diagnostic imaging, examination of blood, and counsel with attending veterinarians. It also specifies a minimum number of days a horse must stay on the list before being eligible for removal, depending on the number of times it has been on the list in a 365-day period. Additionally, it provides that

the Board may adopt rules and regulations to carry out the purposes of the statute.

Board Rule 1866 requires the official veterinarian to maintain a Veterinarian’s List of horses determined to be unfit due to various reasons. The rule provides for a specified amount of time within which the trainer of a horse placed on the list shall be notified. The rule also specifies a certain amount of time during which the horse may not work out. Additionally, the rule allows for the official veterinarian to require a veterinary examination of a horse on the list prior to resuming training at a facility under the Board’s jurisdiction. Finally, the rule requires a horse on the list to demonstrate soundness before removal from the list and specifies a minimum number of days the horse must remain on the list, depending on the number of times it has been listed as lame or unsound within a 365–day period.

Board Rule 1866.2, Shockwave Therapy Restricted, in part requires that horses treated with Extracorporeal Shock Wave Therapy be placed on the Veterinarian’s List for 30 days. Board Rule 1866.3, Intra–articular Injection Restricted, in part requires the official veterinarian to place any horse receiving intra–articular injection treatment on the Veterinarian’s List, consistent with the regulation.

The proposed amendment to Board Rule 1866 will incorporate the changes required by BPC section 19583.5 and codify the provisions in Board Rule 1866.2 and Board Rule 1866.3 that pertain to the Veterinarian’s List. The amendment will increase the time that a horse placed on the list as unsound or lame may not work out from 72 hours to seven days, unless permitted by the official veterinarian; require a horse placed on the list to undergo a veterinary examination, which may include diagnostic imaging that the horse’s owner(s) must pay for, prior to resuming training; and increase the minimum number of days a horse must stay on the list due to unsoundness or lameness before being eligible for removal from the list, depending on the number of times it has been on the list within a 365–day period. The amendment will also specify that a horse placed on the list due to veterinary treatment of an intra–articular injection of corticosteroid or of Extracorporeal Shock Wave Therapy may not work out for 10 or 30 days, respectively.

ANTICIPATED BENEFIT OF THE PROPOSED REGULATION

The proposed amendment to Board Rule 1866 will benefit the health and welfare of California residents and benefit worker safety by ensuring the health of the horse, thereby reducing injuries to the horse and, consequently, its rider. The proposed amendment will increase the time that a horse deemed unsound

or lame must remain on the Veterinarian’s List before being able to work out; specify the amount of time, after having received an intra–articular injection of corticosteroid or having received Extracorporeal Shock Wave Therapy, that a horse must remain on the list before being able to work out; require a veterinary examination for a horse placed on the list prior to resuming training at a facility under the Board’s jurisdiction and allow the official veterinarian to require the horse to undergo diagnostic procedures, which include diagnostic imaging; and increase the time a horse deemed lame or unsound must stay on the list before being eligible for removal, depending on the number of times it has been on the list in a 365–day period. These changes have the effect of ensuring the horse is indeed fit when it returns to workouts and training, which reduces the risk of injury during training or subsequent racing, thereby protecting trainers and jockeys.

CONSISTENCY EVALUATION

Evaluation of Consistency and Compatibility with Existing State Regulations: During the process of developing the amendment, the Board conducted a search for any similar regulation on this topic and has concluded that Board Rule 1688 is the only regulation that sets forth requirements for horses placed on the Veterinarian’s List. Board Rule 1866.2 does require that horses treated with Extracorporeal Shock Wave Therapy be placed on the Veterinarian’s List for 30 days, and Rule 1866.3 requires the official veterinarian to place any horse receiving intra–articular injection treatment on the list. However, there is no inconsistency presented, as the proposed amendment to Rule 1866 will codify these provisions and incorporate the restrictions on when the horse may work out. 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 Government Code (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 1866 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 proposed amendment to Board Rule 1866 will increase the time before a horse placed on the Veterinarian's List as unsound or lame may work out, unless permitted by the official veterinarian. The proposed amendment will also stipulate the number of days for which a horse may not work out after placement on the list due to receiving an intra-articular injection of corticosteroid or receiving Extracorporeal Shock Wave Therapy as a veterinary treatment. Additionally, it will require any horse placed on the Veterinarian's List to undergo a veterinary examination and allow the official veterinarian to require diagnostic imaging, the cost for which the horse's owner(s) must pay. Finally, the proposed amendment will increase the number of days a horse placed on the list as lame or unsound must remain on the list before being eligible for removal, depending on the number of times it has been placed on the list within a 365-day period.

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

Cost impact on representative private persons or businesses: The proposed amendment will require that a horse placed on the Veterinarian's List undergo a veterinary examination prior to resuming training at a facility under the Board's jurisdiction. It will also allow, as part of the veterinary examination, the official veterinarian to require said horse to undergo diagnostic procedures, which include diagnostic imaging, among other procedures. The proposed amendment will require that the owner(s) of the registered horse pay all costs associated with administration of the diagnostic imaging.

Significant effect on housing costs: none.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The adoption of the proposed amendment to Board Rule 1866 will not (1) create or eliminate jobs within the state; (2) create new businesses or eliminate existing businesses within the state; (3) result in the expansion of businesses currently doing business with the state; or (4) benefit the state's environment. The proposed amendment to Board Rule 1866 will benefit the health and welfare of California residents and benefit worker safety. It will increase the time that a horse placed on the Veterinarian's List as unsound or lame may not work out, unless permitted by the official veterinarian, from 72 hours to seven days; specify that a horse placed on the list as receiving a veterinary treatment of an intra-articular injection of a corticosteroid or of Extracorporeal Shock Wave Therapy may not work out for 10 or 30 days, respectively; require any horse placed on the list to undergo a veterinary examination,

which may include diagnostic imaging that the horse's owner(s) must pay for, prior to resuming training; and increase the number of days before a horse placed on the list as unsound or lame may be removed from the list, depending on the number of times the horse has been placed on the list in a 365-day period. These changes will ensure the health of the horse, thereby reducing injuries to the horse and, consequently, its rider.

Effect on small business: none. The proposal to amend Board Rule 1866 does not affect small business because small businesses are not legally required to comply with or enforce the regulation and neither derive a benefit nor incur a detriment from the enforcement of the regulation. The proposed regulation will increase the time that a horse placed on the Veterinarian's List as unsound or lame may not work out, unless permitted by the official veterinarian, from 72 hours to seven days; specify that a horse placed on the list as receiving a veterinary treatment of an intra-articular injection of a corticosteroid or of Extracorporeal Shock Wave Therapy may not work out for 10 or 30 days, respectively; require any horse placed on the list to undergo a veterinary examination, which may include diagnostic imaging that the horse's owner(s) must pay for, prior to resuming training; and increase the number of days before a horse placed on the list as unsound or lame may be removed from the list, depending on the number of times the horse has been placed on the list in a 365-day period.

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) 263-6042
 E-mail: repimentel@chr.ca.gov

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 this notice, the proposed text of the regulation, and the initial statement of reasons. The Board's website address is www.chrb.ca.gov.

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

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

AVAILABILITY OF INITIAL
 STATEMENT OF REASONS AND
 TEXT OF PROPOSED REGULATIONS

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 email 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.

**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 the Title 15, Division 3, Chapter 1, concerning Use of Force.

PUBLIC COMMENT PERIOD

The public comment period begins **February 26, 2021** and closes on **April 16, 2021**. Any person may submit written comments by mail addressed to the primary contact person listed below, or by email to rmb@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

Anthony Carter
 Telephone: (916) 445-2220
 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

Aimee Sugapong
Telephone: (916) 324-9325
Division of Adult Parole
Operations
P.O. Box 942883
Sacramento, CA 94283-0001

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**

The California Department of Corrections and Rehabilitation (CDCR) proposes to amend Sections 3000, 3268, 3268.1, 3268.2, and 3268.3 of the California Code of Regulations (CCR), Title 15, Division 3, governing the reporting, investigating, and use of force.

The proposed regulations further the efforts of the Department to comply with court rulings, and more recently, changes to the California Penal Code by

revising the Use of Force policy to be more consistent as well as providing further clarification. Additionally, revisions and updates to several CDCR forms that are specific to the use of force outside of an institution are included in this regulatory action.

The proposed regulations are necessary to further update the use of force regulations. The proposed regulations incorporate suggestions from the Office of Inspector General, recent changes in law, and demonstrate the Department's commitment to transparency and establishing use of force regulations that recognize the sanctity of human life. For example, the proposed regulatory changes explicitly require, when feasible, that officers use verbal commands and de-escalation before resorting to force. The proposed changes more accurately reflect the values of the Department, as well as the training that officers have already received for several years and continue annually. These changes are necessary to align Department regulations with the values of the Department and the Department's current peace officer training.

**DOCUMENTS INCORPORATED
BY REFERENCE/REVISED FORMS**

CDCR CDCR 1662-A (Rev. 11/20) Field Incident Report: Part A — Cover Sheet

CDCR CDCR 1662-B (Rev. 11/20) Field Incident Report: Part B — Parole Summary Information

CDCR CDCR 1662-C (Rev. 11/20) Field Incident Report: Part C — Employee Report

CDCR CDCR 1662-C1 (Rev. 11/20) Field Incident Report: Part C1 — Supplemental Page

CDCR CDCR 3010-A (Rev. 11/20) Field: Use of Force Incident — Supervisor's Review

CDCR CDCR 3011-A (Rev. 11/20) Field: Use of Force Incident — Manager's Review

CDCR CDCR 3012-A (Rev. 11/20) Field: Use of Force Executive Manager's Review Qualitative Evaluation and Analysis

CDCR 3013-A (Rev. 11/20) Field: Supervisory Use of Force Interview Guide

CDCR 3014-A (Rev. 11/20) Field: Use of Force Incident-Interview Findings Report

CDCR 3034-A (Rev. 11/20) Field Executive Review Committee: Use of Force/Misconduct Allegation

CDCR 3035-A (Rev. 11/20) Field Executive Review Committee: Further Action Recommendation Use of Force/Misconduct

CDCR 3036-A (Rev. 11/20) Field Executive Review Committee: Qualitative Evaluation/Analysis Report of Findings

This action will:

The purpose of this regulatory action is to provide CDCR employees, inmates, and the public with

clarity of the Department's intent regarding the use of force. This proposed action also sets expectations as to what CDCR employees shall do prior to and after using force, or when observing force being used. Furthermore, these proposed regulations will further comply with court rulings and recent Penal Code changes regarding the use of force.

SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The proposed regulatory action will benefit the Department's staff, individuals under the jurisdiction of CDCR, and free citizens by providing further clarification for the definitions of use of force terminology and provide clarification for staff responsibilities and staff titles, and compliance with newly revised statutes as they relate to the use of force within CDCR.

EVALUATION OF INCONSISTENCY/ INCOMPATIBILITY 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 use of force within CDCR.

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 regulations will have no effect 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. The Department has determined that the proposed regulation will have no effect on worker safety or the state's environment. These regulations will benefit public safety by providing further clarification for the definitions of use of force terminology, providing clarification regarding staff responsibilities, and complying with recent changes to the law. Furthermore, a clearer, more consistent statewide policy on the use of force will help minimize potential liability to CDCR and the State.

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 during the written comment period or at a scheduled hearing should one be scheduled.

**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 16. BOARD OF OPTOMETRY

§ 1524, FEES

**§ 1572, IMMUNIZATION CERTIFICATE
APPLICATIONS**

NOTICE IS HEREBY GIVEN that the California State Board of Optometry (Board) is proposing to take the action described in the Informative Digest.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or the interested person's authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request, in writing, addressed to the individuals listed under "Contact Person" in this Notice.

WRITTEN COMMENT PERIOD

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on Tuesday, April 13, 2021, or must be received by the Board at the hearing.

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

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Business and Professions Code (BPC) section 3025, the Board proposes to implement, interpret or make specific BPC section 3152 in amending section 1524 of Division 15 of Title 16 of the California Code of Regulations (CCR), and implement, interpret or make specific BPC section 3041 in adopting section 1572 of Division 15 of Title 16 of the CCR.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

The Board currently regulates approximately 8,400 optometrists and 4,200 dispensing opticians. BPC 3010.1 provides that protection of the public is the highest priority for the Board in exercising its licensing, regulatory and disciplinary functions. BPC section 3025 authorizes the Board to make rules and regulations governing procedure of the Board, the admission of applicants for examination for an optometry license, and the practice of optometry.

The purpose of this proposal is to implement changes enacted by Assembly Bill 443 (Salas, Chapter 549, Statutes of 2017) (AB 443). Effective January 1, 2018, AB 443 amended BPC section 3041, which defines the scope of practice for optometrists. Section 3041(g) authorizes an optometrist who is certified to use therapeutic pharmaceutical agents (TPA) to administer immunizations provided the optometrist meets certain requirements. Senate Bill 762 (Hernandez, Chapter 330, Statutes of 2018) (SB 762), effective September 10, 2018, provides that immunization training programs may also be endorsed by the Accreditation Council for Pharmacy Education.

Under BPC section 3041(g)(2), “immunization” means the administration of immunizations for influenza, herpes zoster virus, and pneumococcus in compliance with individual Advisory Committee on Immunization Practices (ACIP) vaccine recommendations published by the Centers for Disease Control and Prevention (CDC) for persons 18 years of age or older.

The Board proposes the following changes:

Amend Section 1524, Fees

Existing law establishes, among other things, various fees for licensure and renewal of certificates of registrations for optometrists. This proposal would establish a \$50 application fee for an immunization certification for an optometrist.

Adopt Section 1572, Immunization Certificate Applications

Existing law authorizes an optometrist who is certified to use TPAs to administer immunizations provided the optometrist meets certain statutory requirements and applies for an immunization certificate on a Board-approved form.

This proposal would establish a regulation stating the fee for the application and the information an applicant must submit to obtain an immunization certificate.

ANTICIPATED BENEFITS OF PROPOSAL

This proposal will enhance public protection by allowing TPA-certified optometrists who meet all proposed requirements to be registered with the Board in order to provide specified immunizations. This proposal will offer patients additional means to get vaccinated and make it more convenient for them to do so, particularly in rural areas where primary care doctors are scarce.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

During the process of developing these regulations and amendments, the Board has conducted a search of

any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

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

There are no costs or savings in federal funding to the state, and there are no costs or savings to any state agency except the Board as follows. The Board estimates 500 optometry licensees will initially opt for the immunization certification in the first year of implementation and 100 per year annually thereafter.

The Board estimates costs of approximately \$55 per application. The Board notes projected initial processing costs of \$55 exceed the statutory maximum fee level of \$50 per certificate. An Office Technician (OT) will take approximately 45 minutes per application to perform any registration workload with total costs estimated as laid out in the ‘AB 443 Registration Workload and Costs’ table contained in the Board’s Initial Statement of Reasons. As a result, the proposed regulatory fee amount is set at the statutory maximum of \$50. The additional cost of \$5 per application over the statutory maximum would be absorbable by the Board.

Applicants will be required to pay a one-time registration fee of \$50 to the Board, which will generate revenues ranging from \$25,000 in year one to \$5,000 per year ongoing and up to \$70,000 over a ten-year period as laid out in the ‘AB 443 Registration Revenues’ table contained in the Board’s Initial Statement of Reasons.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Business Impact:

The Board has determined that the proposed amendment of section 1524 and adoption of section 1572 will not have a significant, statewide adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states. The proposed regulations affect optometrist licensees only, not a business.

Cost Impact on Representative Private Person or Business:

The Board has determined that the proposed amendment to section 1524 and adoption of section 1572 will not have a cost impact on representative private person or business. The proposed regulations affect optometrist licensees only, not a business, and

any fiscal impact would only be applicable to those licensees who choose to obtain the authorization and would be entirely voluntary.

Licensees who want to obtain an authorization for immunization certificate with the Board will be required to complete an immunization training course that meets the requirements of BPC section 3041. These courses cost up to \$800, in addition to the fee of \$50 for registering with the Board. The Board estimates a licensee applying to obtain immunization authorization would incur total one-time costs of up to \$850.

The Board estimates 500 licensees will initially apply for registration in year one of implementation and 100 per year annually thereafter. Registration costs are estimated to range from \$425,000 in year one to \$85,000 per year ongoing and up to \$1.19 million over a ten-year period.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses, since the proposed regulations affect optometrist licensees only, not businesses.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The Board has determined that this regulatory proposal will have the following effects:

- It will not create or eliminate jobs within the State of California because the proposed regulations establish a fee and a process for licensees to obtain a certification in administering immunizations. The Board does not anticipate that this certification will create or eliminate jobs.
- It will not create new business or eliminate existing businesses within the State of California because the proposed regulations establish a fee and a process for licensees to obtain a certification in administering immunizations. The Board does not anticipate that this certification will create new businesses or eliminate existing businesses.
- It will not affect the expansion of businesses currently doing business within the State of California because the proposed regulations establish a fee and a process for licensees to obtain a certification in administering immunizations. The Board does not anticipate that this certification will expand businesses.
- It benefits the health and welfare of California residents because it will require optometry licensees who wish to administer immunizations to obtain the proper training and subsequent

certification with the Board, which increases access to care and immunizations while protecting the public.

- It does not affect worker safety because the proposed regulations are not related to worker safety.
- It does not affect the state's environment because the proposed regulations are not relevant to the state's environment.

CONSIDERATION OF ALTERNATIVES

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

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

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from:

California State Board of Optometry
2450 Del Paso Road, Suite 105
Sacramento, CA 95834
916-575-7170
916-575-7292 fax
optometry@dca.ca.gov
www.optometry.ca.gov

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

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

file which is available for public inspection by contacting the person named below. You may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below.

CONTACT PERSON

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

Marc Johnson, Policy Analyst
 California State Board of Optometry
 2450 Del Paso Road, Suite 105
 Sacramento, CA 95834
 916-575-7170
 916-575-7292 fax
optometry@dca.ca.gov

The backup contact person is:

Cheree Kimball, Assistant Executive Officer
 California State Board of Optometry
 2450 Del Paso Road, Suite 105
 Sacramento, CA 95834
 916-575-7170
 916-575-7292 fax
optometry@dca.ca.gov

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

TITLE 16. BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

NOTICE OF REGULATORY ACTION CONCERNING REPEAL OF REGULATIONS REGARDING EXAMINATION APPEALS

NOTICE IS HEREBY GIVEN that the Board for Professional Engineers, Land Surveyors, and Geologists is proposing to take the action described in the Informative Digest. The Board does not intend to hold a hearing in this matter. If an interested party wishes that a hearing be held, he or she must make the request in writing to the Board no later than fifteen days prior to the close of the written comment period.

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

persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on April 13, 2021, or must be received by the Board immediately following the hearing if a hearing is requested and held. The Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text.

Authority and Reference: Pursuant to the authority vested by Sections 6716 and 8710 of the Business and Professions Code (BPC), and to implement, interpret, or make specific sections 6754 and 8745, the Board is considering changes to Division 5 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

BPC sections 6716, 7818, and 8710 authorize the Board to adopt, amend, or repeal rules and regulations which are reasonably necessary to carry out the provisions of the Professional Engineers Act (BPC sections 6700, *et seq.*), the Geologist and Geophysicist Act (BPC sections 7800, *et seq.*), and the Professional Land Surveyors' Act (BPC sections 8700, *et seq.*), respectively. BPC sections 6754 and 8745 prescribe and establish the statutory requirements to administer examinations for licensure.

The Board proposes to repeal Title 16, California Code of Regulations (CCR) sections 443 and 444 related to examination inspection and appeal. 16 CCR 443 and 444 allow for the inspection and appeal of a State-specific Professional Engineering or Professional Land Surveying examination by the examinee. Sections 443 and 444 indicate that an appeal can only be made on an essay problem and that multiple-choice problems are not appealable. However, because all the state-specific examinations are now multiple-choice, there are no longer any examinations that may be appealed. As such, these sections need to be repealed to ensure that individuals are not misled into believing that there are examinations that can be appealed.

Until 2012, some engineering and land surveying examinations had essay questions which allowed for disparity in the grading process. Because of this, the Board allowed the inspection and appeal of examinations. In the Fall of 2012, all of the state-specific engineering and land surveying examinations moved to computer-based testing (CBT) examinations made up entirely of multiple-choice questions.

In 2013, the Board intended to repeal Sections 443 and 444 at the same time as it was repealing other sections that related to the appeal and inspection of state specific geology and geophysics examinations. However, these sections were inadvertently left out of that rulemaking proposal. The Board is now pursuing the repeal of these two sections.

The board anticipates the proposed repeal will clarify that examinations may no longer be inspected or appealed. This will benefit examinees by clearing up any misunderstandings regarding examination appeals. In addition, the proposal seeks to improve the consistency between regulations for the various professions regulated by the board. During the process of developing these regulations and amendments, the Board has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

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

No fiscal impact exists as appeals for state specific engineering and land surveying exams ceased in 2012 when exams moved to CBT with multiple-choice questions.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Business Impact:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, because multiple-choice examinations cannot be appealed.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action, because multiple-choice examinations cannot be appealed

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. The

Board does not license businesses; the Board licenses individuals.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the state of California because multiple-choice examinations cannot be appealed.

Benefits of Regulation:

The Board has determined that this regulatory proposal benefits the health and welfare of California residents by eliminating regulations that address a review process that can no longer be followed.

CONSIDERATION OF ALTERNATIVES

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

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board at 2535 Capitol Oaks Drive, Suite 300, Sacramento, California 95833. Materials regarding this proposal can also be found at: http://www.bpelsg.ca.gov/about_us/rulemaking.shtml.

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

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

file which is available for public inspection by contacting the person named below. You may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

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

Name:

Angela Yu

Address:

2535 Capitol Oaks Drive, Suite 300
Sacramento, CA 95833

Telephone Number:

(916) 999-3610

Fax Number:

(916) 263-2246

E-Mail Address:

Angela.Yu@dca.ca.gov

The backup contact person is:

Name:

Nancy Eissler

Address:

2535 Capitol Oaks Drive, Suite 300
Sacramento, CA 95833

Telephone Number:

(916) 999-3580

Fax Number:

(916) 263-2246

E-Mail Address:

Nancy.Eissler@dca.ca.gov

WEBSITE ACCESS

The Board's website is: <http://www.bpelsg.ca.gov>.
Materials regarding this proposal can be found at: http://www.bpelsg.ca.gov/about_us/rulemaking.shtml.

TITLE 16. NATUROPATHIC MEDICINE COMMITTEE

NOTICE OF PROPOSED RULEMAKING REGARDING NOTICES TO CONSUMERS

The Naturopathic Medicine Committee (Committee) proposes to take action to adopt section 4255 of Article 9 of Division 40 of Title 16 of the California Code of Regulations (CCR) regarding notice to consumers of licensure by the Naturopathic Medicine Committee as described in the Informative Digest

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

PUBLIC HEARING

The Committee has not scheduled a public hearing on this proposed action. However, the Committee will hold a hearing if it receives a written request for a public hearing from any interested person, or their authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under "Contact Persons" in this Notice.

WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit written comments relevant to the proposed regulatory action to the Committee. Please submit written comments, including those sent by mail, facsimile, or email to the addresses listed under "Contact Persons" in this Notice. The written comment period closes at **5:00 p.m. on Tuesday, April 13, 2021**. The Committee will consider only comments received at the Committee's office by that time. Written or oral comments also may be received by the Committee at a hearing, if any is scheduled.

AVAILABILITY OF MODIFICATIONS

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

AUTHORITY AND REFERENCE

Business and Professions Code (BPC) sections 138 and 3622 authorize the Committee to adopt the proposed regulation, which implements, interprets, and makes specific BPC section 138.

INFORMATIVE DIGEST

The Committee licenses naturopathic medicine doctors who are primary health care practitioners that provide health care services. (BPC sections 3630, 3640, 3643, and 3645.) Existing law (BPC sections

138) mandates that every board within the Department of Consumer Affairs, as defined in BPC section 22, shall initiate the process of adopting regulations to require its licensees, as defined in BPC section 23.8, to provide notice to their clients or customer that the practitioner is licensed by the state. The Committee proposes to adopt regulations (16 CCR 4255) that set forth its notice to consumers of licensure by the Naturopathic Medicine Committee.

The primary purpose of these proposed regulations is to implement, interpret, and make specific the provisions of BPC section 138 that require providing notification to consumers that naturopathic doctors are licensed and regulated by the Committee, and to provide consumers with the Committee's website address, where consumers can verify the status of a naturopathic doctor license, or file a complaint against a naturopathic doctor.

The regulation provides three options for providing notice:

- (1) signage with specific wording and font size;
- (2) written notice that the patient or patient's representative signs acknowledging notice which is kept in the patient's medical record; or
- (3) written notice that appears in discharge and similar paper work provided to the patient or their representative.

Anticipated Benefits of the Proposed Regulation:

Public protection is the highest priority of the Committee and it is enhanced when patients and other interested parties are made aware of the Committee's existence at the place of service. The vast majority of enforcement and disciplinary actions are the result of consumer complaints. Providing consumers with the information about how the Committee has overall regulatory oversight of naturopathic doctors and providing the Committee's website address where consumers can complaints regarding naturopathic doctors will assist the Committee in its protection of consumers. If consumers are provided the website address where they can file complaints online, they can protect themselves and others from naturopathic doctors who may violate the Naturopathic Doctors Act.

The proposed regulation is intended to provide further protection of consumers through increasing awareness of the Committee's oversight and the consumer protection tools that are available on the Committee's website to assist consumers in making informed choices about the doctors who provide care and treatment. Adoption of the proposed language will promote better communication with the public by providing the Committee's contact information, purpose, and a website address where the Committee has provided consumer protection tools for the public.

The notice would also promote transparency in both the government and the profession by publicizing the Committee's responsibility to regulate the profession and protect the public.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

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

DISCLOSURES REGARDING THE PROPOSED ACTION

The Committee has made the following initial determinations:

1. *Mandate on local agencies and school districts:* None.
2. *Costs or savings to any state agencies:* The Committee anticipates that there would not be an increased cost to the state as a result of adopting these sections identified in the regulatory proposal.
3. *Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630:* None.
4. *Other nondiscretionary costs or savings imposed on local agencies:* None.
5. *Costs or savings in federal funding to the state:* None.
6. *Cost impacts on representative private person or business:* The Committee is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
7. *Statewide adverse economic impact directly affecting businesses and individuals:* None.
8. *Significant effect on housing costs:* None.

Fiscal Impact:

The Committee does not anticipate any increase in workload or costs to the state as a result of the proposed regulation. The Board may provide notice to licensees in the mail, although this may be done in conjunction with other materials being mailed.

Business Impact:

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

expense of less than \$10 per office, which would be minor and absorbable.

This minimal cost is outweighed by the benefits to the public of obtaining easily accessible information that informs consumers about the regulatory agency responsible for regulating Naturopathic Medicine in the State of California.

Effect on Small Business:

This regulation will not have a significant statewide effect on small businesses because the proposal has a minimal cost to licensees that will not expand businesses.

**RESULTS OF ECONOMIC IMPACT
ASSESSMENT/ANALYSIS**

The proposed regulatory action will not create or eliminate jobs within the State of California because the proposal has a minimal cost to licensees that is not sufficient to create or eliminate jobs.

The proposed regulatory action will not create new business or eliminate existing businesses and will not affect the expansion of businesses currently doing business within the State of California because the proposal has a minimal cost to licensees that is not sufficient to create or eliminate businesses.

This regulatory proposal will benefit the health and welfare of California residents by requiring consumers receive notice that naturopathic doctors are licensed and regulated by the Committee, thus providing consumers with information on how to contact the Committee directly should any problems arise.

This regulatory proposal will not affect worker safety because the proposal does not involve worker safety. The proposal will add a regulation that provides consumers with notice of the regulatory agency to contact should a problem arise with a naturopathic doctor.

This regulatory proposal will not affect the State's environment because the proposal does not involve environmental issues. The proposal will add a regulation that provides consumers with notice of the regulatory agency to contact should a problem arise with a licensed naturopathic doctor.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Committee must determine that no reasonable alternative the Committee considered, or that has otherwise been identified and brought to its attention, would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost-effective to affected private

persons and equally effective in implementing the statutory policy or other provision of law.

The Committee invites interested persons to submit written comments to the Committee at 1300 National Drive, Suite 150, Sacramento, California 95834 during the written comment period. The Committee further invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the hearing, if any is scheduled.

CONTACT PERSONS

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

Name:
Rebecca Mitchell, Executive Officer
Address:
Naturopathic Medicine Committee
1300 National Drive, Suite 150
Sacramento, CA 95834
Telephone Number:
(916) 928-4785
Fax Number:
(916) 928-4787
E-mail Address:
Rebecca.Mitchell@dca.ca.gov

The backup contact person is:

Name:
Raquel Oden, Program Analyst
Address:
Naturopathic Medicine Committee
1300 National Drive, Suite 150
Sacramento, CA 95834
Telephone Number:
(916) 928-4785
Fax Number:
(916) 928-4787
E-mail Address:
Raquel.Oden@dca.ca.gov

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

The Committee will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this Notice of Proposed Action, the proposed Text of the regulations, the Initial Statement of Reasons, and other information upon which the rulemaking is based, including:

1. Committee's March 15, 2021 meeting Agenda,

2. Committee’s relevant meeting materials from the March 5, 2019 Committee meeting,
3. Committee’s approved meeting minutes from the March 5, 2019 Committee meeting,

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**

After considering all timely and relevant comments received, the Committee may adopt the proposed regulations substantially as described in this Notice.

If the Committee makes modifications which are sufficiently related to the originally proposed text, the Committee will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Committee adopts the regulation as revised.

Please send requests for copies of any modified regulations addressed to the individuals listed under “Contact Persons” in this Notice. The Committee will accept written comments on the modified regulation for 15 days after the date on which they are made available.

**AVAILABILITY OF THE
FINAL STATEMENT OF REASONS**

Upon its completion, copies of the Final Statement of Reasons will be made available upon request. Please send requests addressed to the individuals listed under “Contact Persons” in this Notice.

**AVAILABILITY OF
DOCUMENTS ON THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the proposed regulations in underline and strikethrough can be accessed through our website at: www.naturopathic.ca.gov.

**TITLE 22/MPP. DEPARTMENT OF
SOCIAL SERVICES**

ORD #0920–07

COMMUNITY CRISIS HOMES

California Department of Social Services (CDSS) hereby gives notice of the proposed regulatory action described below. Any person interested may present statements or arguments relating to the proposed regulations in writing, e-mail, or by facsimile to the address, e-mail address, or numbers listed below. All comments must be received by April 14, 2021.

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

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

CONTACT

California Department of Social Services
Office of Regulations Development
744 P Street, MS 8–4–192
Sacramento, CA 95814
Tel: (916) 657–2586, Fax: (916) 654–3286
Email: ord@dss.ca.gov

Contact Person:
Kenneth Jennings (916) 657–2586
Backup:
Oliver Chu (916) 657–2586

CDSS has not scheduled a public hearing on this proposed action. However, CDSS will hold a public hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period. Any request should be made to the contact information provided above.

CHAPTERS

6.1 Community Crisis Homes

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

Senate Bill (SB) 81 (Chapter 28, Statutes of 2019) made changes to the community care facility category of community crisis homes which became effective when it was signed into law on June 27, 2019. Community crisis homes are licensed by the CDSS and certified by the Department of Developmental Services (DDS). Community crisis homes can be licensed as an adult residential facility or group home and provide 24-hour nonmedical care to individuals with developmental disabilities receiving regional center services, in need of crisis intervention services, and who would otherwise be at risk of admission to the acute crisis center at Fairview Developmental Center, Sonoma Developmental Center, an acute general hospital, acute psychiatric hospital, an institution for mental disease, as described, or an out-of-state placement. A community crisis home has a maximum capacity of eight consumers, as defined in Section 4698(a)(1) of the Welfare and Institutions Code, and shall be eligible for federal Medicaid home- and community-based services funding.

Community crisis homes were created under SB 856 (Chapter 30, Statutes of 2014) after state-operated developmental centers (DCs) were financially scrutinized and assessed for its efficiency in providing services for the individuals with developmental disabilities. The aging DC infrastructure, the moratorium on admissions and gradual decline in DC population, associated costs of operation and the recent development of new community-based residential and service models capable of meeting the service needs of people with significant health and behavioral needs reduced the reliance on state-operated DCs.

Prior to SB 81, community crisis homes could only be licensed as adult residential facilities, offering services to the adult population. Given the closure of DCs per the 2015 May Revision to the Governor’s Budget, the facilities which served children with developmental disabilities are no longer active, bringing to light a lack of specialized settings to meet the needs of this population. In light of this overall transition and need for placement of DDS consumers into community-based facilities, recent legislation has amended community crisis homes to include children in its clientele. These regulations are established to adequately serve and protect the individuals who will be utilizing these newer private services as opposed to the closely monitored and controlled services they have previously received from the closing and closed DCs.

These regulations also seek to serve and protect public welfare. Further, because the individuals served under these regulations will have behavioral challenges which go beyond the typical ones currently overseen by the facilities currently regulated by CDSS, these emergency Title 22 regulations are needed to provide the appropriate framework for the management of this new type of facility for children.

These proposed regulations amend community crisis home regulations found in Chapter 6.1 of Division 6 of Title 22 of the California Code of Regulations in order to implement SB 81 by adopting, amending, and/or incorporating regulations pertinent to group homes, allowing group homes to be licensed as community crisis homes to serve this population of children.

In addition, the proposed regulations will make other technical, conforming changes, such as amending cross references as necessary.

Consistency/Non-Duplication

The CDSS finds that these proposed regulations are compatible and consistent with the intent of the Legislature in adopting SB 81, as well as with existing state regulations.

During the process of developing these regulations and amendments, CDSS has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations. The CDSS has endeavored to ensure that these regulatory amendments comply with the non-duplication standard found in Title 1, California Code of Regulations. In some instances, the amended regulations duplicate California statute in part where the statute is cited as “authority” or “reference” for the proposed regulation and the duplication or overlap is necessary to satisfy the “clarity” standard of GC section 11349.1(a)(3).

Benefits

These regulations improve the health, safety, and quality of life of affected children by providing them appropriate services and placement settings. Other than listed, there are no other known benefits for protection of public health and safety, worker safety, or the environment.

Forms/Incorporation by Reference

There are no forms or other items incorporated by reference.

COST ESTIMATE

1. Costs or Savings to State Agencies: None.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance with Government Code Sections 17500–17630: None.

3. Nondiscretionary Costs or Savings to Local Agencies: There is no impact to the county share of cost for affected programs.
4. Federal Funding to State Agencies: None.

LOCAL MANDATE STATEMENT

These proposed Children’s Residential Program regulations do not impose a mandate on local agencies, or on local school districts. There are no reimbursable state–mandated costs under Section 17500 et seq. of the Government Code, because these regulations only make technical and clarifying changes.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made based on the proposed regulatory action, which was designed to impact only licensees that make the business decision to serve clients that present behavioral issues and are in need of crisis intervention services.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. This regulatory action is designed to impact only existing group homes which express an interest in licensure as a community crisis home and new provider applicants that without this new category would most likely apply to operate a group home to serve the same population, thus incurring the typical costs of running a group home.

SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses because these regulations are only applicable to licensees that make the business decision to serve clients that present behavioral issues and are in need of crisis intervention services. These regulations are mandated by SB 81 (Chapter 29, Statutes of 2019); therefore, they do not have a cost impact on the private sector, including small businesses.

STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California. The implementation of this regulatory action will benefit the health and safety of clients in facilities and will help with the placement of clients to a less institutionalized living arrangement as they receive crisis intervention services. There are no additional benefits for worker safety or the state’s environment, as the regulations only affect licensees that make the business decision to serve clients that present behavioral issues and are in need of crisis intervention services.

STATEMENT OF EFFECT ON HOUSING COSTS

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

STATEMENT OF ALTERNATIVES CONSIDERED

In developing the regulatory action, CDSS did not consider alternatives because no alternatives have been presented.

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

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Sections 1530, 1567.81, and 1567.87 of the Health and Safety Code. Subject regulations implement and make specific Section 1567.81 of the Health and Safety Code as amended by SB 81 (Chapter 29, Statutes of 2019).

EMERGENCY STATEMENT

These regulations are to be adopted on an emergency basis. To allow interested persons an opportunity to submit statements or arguments concerning these regulations, they will be noticed to the public for at least 45 days for public comment in accordance with Government Code section 11346.4.

GENERAL PUBLIC INTEREST

**DEPARTMENT OF
FISH AND WILDLIFE**

CESA CONSISTENCY DETERMINATION
REQUEST FOR
Sutter Bypass Pumping Plant
Rehabilitation Project
2080–2021–002–02
Sutter County

The California Department of Fish and Wildlife (CDFW) received a notice on February 5, 2021 that the California Department of Water Resources (DWR) proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project involves retrofitting three pumping plants. Proposed activities will include, but are not limited to, the demolition of abandoned control buildings; extension of gravity pipes; replacement of damaged trash rack systems, weir/stop log structures, and automated screw gate systems; levee reconstruction and partial filling of an old sump basin; and construction of new weir/stop log structures. The proposed project will occur at three separate pumping plants along the east levee of the Sutter Bypass in Sutter County, California.

The U.S. Fish and Wildlife Service (Service) issued a federal biological opinion (BO) (Service Ref. Number 08ESMF00–2020–F–2223) in a memorandum to the U.S. Army Corps of Engineers on August 13, 2020, which considered the effects of the proposed project on state and federally threatened giant garter snake (*Thamnophis gigas*).

Pursuant to California Fish and Game Code section 2080.1, DWR is requesting a determination that the BO and its associated Incidental Take Statement (ITS) are consistent with CESA for purposes of the proposed project. If CDFW determines the BO and its associated ITS are consistent with CESA for the proposed project, DWR will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) for the proposed project.

**DEPARTMENT OF FISH AND
WILDLIFE**

PROPOSED RESEARCH ON FULLY
PROTECTED SPECIES
Recovery and Research of California Condor

The Department of Fish and Wildlife (Department) received a proposal on August 7, 2020, from Chris West, Condor Restoration Program Manager at the Yurok Tribe, requesting authorization to take California Condor (*Gymnogyps californianus*) (condor), for scientific research purposes, consistent with the protection and recovery of the species. In addition, the Redwood National and State Parks Service will be working and coordinating with the Yurok Tribe on all condor research activities associated with all activities described in the proposal received by Mr. West. The condor is a Fully Protected bird and is also listed as Endangered under the California Endangered Species Act, as well as Endangered under the federal Endangered Species Act.

Mr. West requests authorization for research on condors in the wild, and the operation of a condor reintroduction program including: trapping and tagging condors, tracking wild condors, collection of blood, feather, and other samples, administration of vaccines, emergency treatment of orphaned, injured or sick condors, transport of condors and eggs between release sites and permitted facilities, nest entries, installation of nest cameras, and salvage of eggshells, feathers, or carcasses. These actions, or other actions consistent with recovery of the condor, will take place in support of and in coordination with the California Condor Recovery Program, and as approved by the Department and the U.S. Fish and Wildlife Service (under a Recovery Permit).

The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) to authorize qualified professional wildlife personnel, with Mr. West as the Principal Investigator, to carry out the proposed activities. The applicants are also required to have valid federal permits for the condor.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected bird species after a 30–day notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, it would issue the authorization on or after March 29, 2021, for an initial and renewable term of up to, but not to exceed, five years.

Contact: Carie Battistone, Carie.Battistone@wildlife.ca.gov, Phone (916) 373–6622.

FISH AND GAME COMMISSION

NOTICE OF FINDINGS

Milo Baker's Lupine
(*Lupinus milo-bakeri*)

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2074.2 of the Fish and Game Code, the California Fish and Game Commission (Commission), at its February 10, 2021 meeting, found that there is sufficient information to indicate that a change in the status of Milo Baker's lupine (*Lupinus milo-bakeri*) from threatened to endangered may be warranted based on the information in the record before the Commission.

The California Department of Fish and Wildlife (Department), pursuant to the provisions of Section 2077 of the California Fish and Game Code, completed a five-year status review of Milo Baker's lupine. At its December 2020 meeting, the Commission received the Department's five-year status review report; based on its review, the Department recommends a change in the species' status from threatened to endangered. This Department report is equivalent of a listing petition with a Department recommendation for the Commission to accept and consider under the California Fish and Game Code Section 2073.5 (Fish and Game Code Sections 2072.7 and 2077(e)).

Pursuant to subdivision (e)(2) of Section 2074.2 of the Fish and Game Code, the Commission determined that the amount of information contained in the Department's five-year status review, and the remainder of the administrative record, would lead a reasonable person to conclude there is a substantial possibility the requested listing could occur. Based on that finding and the acceptance of the petition, the Commission is also providing notice that Milo Baker's lupine is a candidate species as defined by Section 2068 of the Fish and Game Code.

Within one year of the date of publication of this notice of findings, the Department shall submit a written report, pursuant to Section 2074.6 of the Fish and Game Code, indicating whether the petitioned action is warranted. Copies of the petition, as well as minutes of the February 10, 2021 Commission meeting, are on file and available for public review from Melissa Miller-Henson, Executive Director, California Fish and Game Commission, 1416 Ninth Street, Suite 1320, Sacramento, California 95814, phone: (916) 653-4899.

Written comments or data related to the petitioned action should be directed to the California Department of Fish and Wildlife, P.O. Box 944209, Sacramento, CA 94244-2090, Attn: Raffica La Rosa or email nativeplants@wildlife.ca.gov (include "Milo Baker's

Lupine in the subject line). Submission of information via email is preferred.

OCCUPATIONAL SAFETY AND
HEALTH STANDARDS BOARD

NOTICE OF PUBLIC MEETING AND
BUSINESS MEETING

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

PUBLIC MEETING

On **April 15, 2021**, at 10:00 a.m. via the following:

- Video-conference at www.webex.com (meeting ID 268 984 996)
- Teleconference at (844) 992-4726 (Access code 268 984 996)
- Live video stream and audio stream (English and Spanish) at <https://videobookcase.com/california/oshsb/>

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 **April 15, 2021**, at 10:00 a.m. via the following:

- Video-conference at www.webex.com (meeting ID 268 984 996)
- Teleconference at (844) 992-4726 (Access code 268 984 996)
- Live video stream and audio stream (English and Spanish) at <https://videobookcase.com/california/oshsb/>

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.

**AVAILABILITY OF
PRECEDENTIAL DECISIONS
AND DECISION INDEX**

**CALIFORNIA GAMBLING
CONTROL COMMISSION**

**NOTICE OF AVAILABILITY
OF PRECEDENTIAL
DECISIONS AND DECISION INDEX**

Re: Government Code section 11425.60,
subdivision (c).

NOTICE IS HEREBY GIVEN that the California Gambling Control Commission (Commission), pursuant to the requirements of section 11425.60 of the Government Code, maintains an index of precedential decisions. The index is available to the public by annual e-mail subscription from the Commission. The index and the text of the precedent decisions can be viewed, by appointment, at the Commission's office below or on the Internet at http://www.cgcc.ca.gov/?pageID=Precedential_Decisions. For subscription or additional information, or to schedule an appointment to view precedent decisions, contact:

Russell Johnson, Staff Counsel
Legal Division
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 220
Sacramento, California 95833-4231
Telephone: (916) 263-1523
Facsimile: (916) 263-1365
E-Mail: rjohnson@cgcc.ca.gov

**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.

CalSavers Retirement Savings Board
File # 2021-0209-01
CalSavers Retirement Savings Program —
Extension of First Deadline

The CalSavers Retirement Savings Board submitted this deemed emergency readoption action to keep in effect the amendment of a regulation in the CalSavers Retirement Savings Program made in an emergency action, filed and effective 5/4/2020. The amended regulation changed the first registration deadline from June 30, 2020 to September 30, 2020 for eligible employers with more than 100 employees.

Title 10
Amend: 10002
Filed 02/17/2021
Effective 03/03/2021
Agency Contact: Eric Lawyer (916) 838-2869

Cemetery and Funeral Bureau
File # 2020-1201-02
Certification Affidavit Form Revision
(AB 2138 & AB 2113)

This change without regulatory effect modifies Form 16-CA to remove a reporting requirement regarding the applicant's criminal history and add information regarding expedited licensure for applicants who meet certain criteria regarding their immigration status.

Title 16
Amend: 2326, 2326.3
Filed 02/16/2021
Agency Contact:
Carolina Sammons (916) 574-7876

Dental Board of California
File # 2020-0904-02
Citation and Fine

This action raises the maximum penalty amount to \$5,000 for Class A and Class B violations of statutes

and regulations relating to the practice of dentistry and for the unlicensed practice of an activity requiring licensure by the Dental Board of California.

Title 16
Amend: 1023.2, 1023.3
Filed 02/10/2021
Effective 02/10/2021
Agency Contact: Gabriel Nevin (916) 263-2027

Department of Social Services
File # 2021-0208-01
CalWORKs Overpayment Threshold

This emergency action readopts amendments to 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 02/17/2021
Effective 02/17/2021
Agency Contact:
Kenneth Jennings (916) 657-2586

Fair Employment and Housing Council
File # 2020-1217-05
Employment Regulations Regarding Harassment Prevention Training

This action by the Fair Employment and Housing Council amends employment regulations to clarify harassment prevention training requirements.

Title 02
Amend: 11023, 11024
Filed 02/11/2021
Effective 02/11/2021
Agency Contact:
Kara Brodfueherer (916) 207-7959

Hastings College of the Law
File # 2021-0203-01
Conflict-of-Interest Code

This is a Conflict-of-Interest code that has been approved by the Fair Political Commission and is being submitted for filing with Secretary of State and printing only.

Title 02
Amend: 54100
Filed 02/16/2021
Effective 03/18/2021
Agency Contact:
John K. DiPaolo (415) 565-4787

Secretary of State
File # 2021-0105-03
Digital Signatures

This certificate of compliance makes permanent emergency action no. 2020-0415-02E, which replaced the existing Approved List of Digital Signature Certification Authorities with the requirement that public entities only accept certificates from authorities recognized by at least one of the three certificate programs identified in the regulations.

Title 02
Amend: 22000, 22002, 22003, 22005
Repeal: 22004
Filed 02/17/2021
Effective 02/17/2021
Agency Contact: Taylor Kayatta (916) 695-1530

Veterinary Medical Board
File # 2020-1230-01
Veterinarian Client-Patient Relationships

The Veterinary Medical Board is amending veterinarian client-patient relationships (VCPRs) to establish that when the original veterinarian is absent, the VCPR may continue to exist in the absence of client communication when the designated veterinarian serves at the same location where the medical records are kept. This action also establishes that without a VCPR, prescribing, dispensing, or furnishing dangerous drugs constitutes unprofessional conduct. These amendments allow a veterinarian during an emergency in the absence of the treating veterinarian to prescribe, dispense, or furnish drugs to maintain the health of the animal until it can return to the originally treating veterinarian and to authorize the veterinarian to prescribe, dispense, or furnish a drug to an animal patient when the original prescribing veterinarian is unavailable. In order to authorize a refill the veterinarian must satisfy several requirements including working in the same practice as the original prescribing veterinarian and in possession of and has reviewed the animal patient's records.

Title 16

Amend: 2032.15, 2032.25

Filed 02/11/2021

Effective 04/01/2021

Agency Contact: Justin Sotelo (916) 515-5238

**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.