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

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

MULTI-COUNTY:

Truckee Donnor Public Utility District

A written comment period has been established commencing on April 23, 2021 and closing on June 7, 2021. Written comments should be directed to the Fair Political Practices Commission, Attention Daniel Vo, 1102 Q Street, Suite 3000, Sacramento, California 95811.

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

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than June 7, 2021. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

EFFECT ON HOUSING COSTS AND BUSINESSES

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

AUTHORITY

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

REFERENCE

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

CONTACT

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

AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from

the Commission should be made to Daniel Vo, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

**TITLE 5. EDUCATION AUDIT
APPEALS PANEL**

*SUPPLEMENT TO AUDITS OF K-12
LOCAL EDUCATION AGENCIES
FISCAL YEAR 2020-21 AS OF MARCH 1, 2021*

The Education Audit Appeals Panel (EAAP) proposes to adopt an Audit Guide for Fiscal Year 2020-21, Supplemented as of March 1, 2021, as well as the Guide's incorporating regulation, as described below, after considering all comments, objections, and recommendations regarding the proposed action. The Supplemented Audit Guide, because it makes atypical changes resulting from Legislative action related to the COVID-19 pandemic, will be incorporated in new section 19810.5.

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action. The written comment period closes on **Monday, June 7, 2021**. EAAP will consider only written comments received by that time. Written comments for EAAP's consideration should be directed to:

Mary Kelly, Executive Officer
Education Audit Appeals Panel
770 L Street, Suite 1100
Sacramento, CA 95814

Fax: (916) 445-7626
E-mail: mkelly@eaap.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Section 14502.1, Education Code.

Reference: Sections 14502.1, 14503, 42010, and 41024 of the Education Code.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

This rulemaking amends Title 5, California Code of Regulations, section 19810 to clarify the incorporation by reference language to adopt the Appendices, supplemented as of March 1, 2021, which makes clarifying revisions and addresses legislative changes in the conditions of apportionment of school funding. This rulemaking also adds Title 5, California Code of Regulations, section 19810.5. Due to the significant changes that resulted from Senate Bill 98, the supplemental audit guide, which is the subject of this rulemaking, was created as a new guide incorporated by reference in the new section 19810.5. This methodology was taken to provide a shorter, simpler guide and avoid confusion to readers, specifically auditors and LEAs.

This rulemaking meets the requirements of Education Code section 14502.1, which mandates that an annual audit guide be adopted by the EAAP by July 1 of the fiscal year to be audited, and must adopt any supplement to address legislative changes to the conditions of apportionment before March 1 of the audit year. This supplemental filing ensures that audits include subjects pertinent to and/or required by Legislation through January 1, 2021. The purpose of the audit guide is to define terms and specify procedures to guide accountants in the conduct of statutorily required financial and compliance audits of K-12 local education agencies. The Controller, in a letter dated February 2, 2021, pursuant to Education Code section 14502.1, proposed supplemental changes to the 2020-21 audit guide. The proposed changes derive from the Controller's proposals and also contain changes designed to clarify audit steps.

EAAP does not anticipate that these proposed amendments would create specific benefits for the protection of public health and safety, worker safety, or the environment, the prevention of discrimination, the promotion of fairness or social equity, nor the increase in openness and transparency in business and government. EAAP has determined that the proposed amendments will ultimately benefit the welfare of California residents by ensuring that local education agencies are in compliance with regulatory requirements. In developing the rulemaking, EAAP evaluated the proposed changes to regulations and determined that they are not inconsistent or incompatible with existing regulations, state or federal.

A description of proposed changes to section 19810, the addition of 19810.5, and a discussion of revisions to the audit guide, follow.

SUPPLEMENT TO INFORMATIVE DIGEST:
INCORPORATION BY REFERENCE

The 2020–21 school year saw many changes in public education, especially remote instruction, in light of the COVID–19 pandemic. This required a large number of changes to the audit guide, most of which are expected to stay in place for only the 2020–21 school year. Due to the use of remote learning during the COVID–19 pandemic, most LEAs will not report ADA to CDE for 2020–21. Instead, pursuant to Education Code section 43502(b), except for newly operational charter schools, the 2019–20 reported data will be used to calculate 2020–21 funding.

After review and some amendment, EAAP proposes to amend Section 19810, add Section 19810.5 and amend the 2020–21 Guide for Annual Audits of K–12 Local Education Agencies and State Compliance Reporting. This rulemaking adopts the Supplemental Audit Guide for 2020–21, as required by Section 14502.1, through incorporation by reference in sections 19810 (appendices) and 19810.5 (main text of audit guide). The new section 19810.5 is proposed to incorporate by reference the audit guide which includes several amendments to reflect the provisions of Senate Bill 98 (Chapter 24, Statutes of 2020) which suspends for one year normal attendance reporting.

AUDIT GUIDE AMENDMENTS

This supplemental rulemaking would adopt by incorporation and reference the document entitled “2020–21 Guide for Annual Audits of K–12 Local Education Agencies and State Compliance Reporting (March 1, 2021)” which supersedes the version of the same title but dated July 1, 2020. The supplemental 2020–21 Audit Guide is largely based on preexisting text effective July 1, 2020, with notable changes making inapplicable a number of provisions in light of the Legislature’s decision to use ADA numbers from 2019–20 as the basis for apportionment in 2020–21. Sections of the Audit Guide that remain unchanged from the July 1, 2020 version will be noted; and sections made inapplicable for 2020–21 will be identified by their prior title with a notation that they are not part of the supplemental 2020–21 Audit Guide.

The proposed supplemental 2020–21 Audit Guide includes the following changes:

- **Materiality Levels:** For 2020–21 only, the existing introductory sentence mandating use of tabulated levels of materiality is replaced with a narrower applicability for the 2020–21 year, specifically, Section Y Independent Study—Course Based. All other ADA–related sections are suspended for 2020–21, including Sections:
 - D. Independent Study,
 - E. Continuation Education,
 - M. Juvenile Court Schools, and
 - N. Middle or Early College High Schools.

- E. Continuation Education,
- M. Juvenile Court Schools, and
- N. Middle or Early College High Schools.

The language for 2020–21 only includes that Independent Study — Course Based for LEAs other than charter schools that were classified as nonclassroom–based for 2019–20, be audited as a part of Section A. Attendance and Distance Learning. Finally, audit procedures for charter schools classified as nonclassroom–based for 2019–20 apply to programs related to Sections Y. Independent Study—Course based, CC. Nonclassroom Based Instruction/Independent Study, and DD. Determination of funding for Nonclassroom Based Instruction.

- **Report Components:** For 2020–21 only, item 5b, Schedule of ADA, which was in the July 1, 2020 version of the Audit Guide is suspended, because ADA numbers are not to be reported, nor audited, for 2020–21. Item 5c, Schedule of Instructional Time (now item 5b), deletes the requirements to show annual instructional minutes requirements and offerings. Relatedly, item 6a, Findings and Recommendations, deletes references to ADA for the 2020–21 Audit Guide.

Local Education Agencies

- **Section A. Attendance and Distance Learning:** For the 2020–21 Audit guide only, the Section A language included in the July 1, 2020 Audit Guide is replaced with language to evaluate a LEA’s compliance with attendance for in person and distance learning instruction and well as distance learning record keeping requirements pursuant to Education Code sections 43500–43504. The July 1, 2020 language will be reinstated for the 2021–22 audit guide. Section A includes language to verify that the LEA accurately reported in–person learning and distance–learning, with new provisions for sampling in such reviews. In addition, the new section provides for auditing of written tiered reengagement strategies for pupils who are absent more than three schooldays or 60 percent of the days in a school week. Further, using the same samples, the auditor is to compare records to specified “snapshot” enrollment counts as reported in either the Student Information System or a designated section of the (CALPADS). Finally, the auditor is directed to review the daily engagement record policies of the LEA and determine whether the pupils in the sample maintained a completed weekly engagement record in compliance with Education Code section 46504(e); that the schools documented participation in distance learning consistent with Education Code section 46504(d); and that the

schools documented as absent, days on which a pupil did not participate in distance learning. Finally, the audit report is to state in a finding the number of days out of compliance with the daily and/or weekly participation record requirements, excluding days prior to September 1, 2020, and to estimate their dollar value pursuant to Education Code section 46504(i)(2).

- **B. Teacher Certification and Misassignments:** uses language identical to the July 1, 2020 Audit Guide, but for the 2020–21 year only, makes technical amendments in paragraphs 1, 3b and 4. The reference is now to the new Section A.1 (previously the reference was to 3(c) in the prior Section A).
- **C. Kindergarten Continuance:** uses language identical to the July 1, 2020 Audit Guide, but for the 2020–21 year only, modifies prior language to identify any noncompliance with the requirement to use an approved Kindergarten Continuance Form or a signed alternative agreement, without any financial consequence.
- **D. Independent Study:** In accordance with the information digest above, this section is suspended for 2020–21 only, but will apply to 2021–22.
- **E. Continuation Education:** In accordance with the information digest above, this section is suspended for 2020–21 only, but will apply to 2021–22.
- **F. Instructional Time:** is revised for the 2020–21 guide, but will revert to the original form for 2021–22. The changes accommodate distance learning and the inapplicability of ADA reporting or reports of total annual minutes of instruction. The Section is made applicable not only to school districts (as existed in the July 1, 2020 audit guide) but also to classroom–based charters and any newly operational charter schools that began instruction in the 2020–21 school year by September 30, 2020. The audit steps require the auditor to determine whether qualifying days of instruction in each grade level met the requirements of Education Code sections 43504(c) and 37700 (applicable to a small number of identified districts authorized to operate on the basis of four–day school weeks). A shortfall requires calculation of the amount of any applicable penalties.
- **G. Instructional Materials:** retains the language of the July 1, 2020 audit guide, but makes two technical changes. This rulemaking eliminates references to Education Code sections 60605 and 60605.8 which no longer appear in reference to content standards referred to in section 60119(a)

(1)(A); and change the phrase “foreign language” to “world language in accordance with the change in section 60619(a)(1)(C).

- **H. Ratio of Administrative Employees to Teachers:** retains the language of the July 1, 2020 audit guide.
- **I. Classroom Teacher Salaries:** retains the language of the July 1, 2020 audit guide.
- **J. Early Retirement Incentive:** retains the language of the July 1, 2020 audit guide.
- **K. Gann Limit Calculation:** retains the language of the July 1, 2020 audit guide.
- **L. School Accountability Report Card:** retains the language of the July 1, 2020 audit guide, with a technical change of “teacher misassignment” to the plural “teacher misassignments.”
- **M. Juvenile Court Schools:** In accordance with the information digest above, this section is suspended for 2020–21 only, but will apply to 2021–22.
- **N. Middle or Early College High Schools:** In accordance with the information digest above, this section is suspended for 2020–21 only, but will apply to 2021–22.
- **O. K–3 Grade Span Adjustment:** retains the language of the July 1, 2020 audit guide, with an amendment for 2020–21 only to refer to school districts that “received funding for K–3 Grade Span Adjustment,” rather than “reported ADA,” because LEAs will not report ADA in 2020–21.
- **P. Requirements for Transportation Maintenance of Effort:** In accordance with the information digest above, this section is suspended for 2020–21 only, but will apply to 2021–22.
- **Q. Apprenticeship:** retains the language of the July 1, 2020 audit guide.
- **R. Comprehensive School Safety Plan:** retains the language of the July 1, 2020 audit guide.
- **S. District of Choice:** retains the language of the July 1, 2020 audit guide.
School Districts, County Offices of Education, and Charter Schools
- **T. California Clean Energy Jobs Act:** retains the language of the July 1, 2020 audit guide.
- **U. After/Before School Education and Safety Program[s]:** In accordance with the information digest above, this section is suspended for 2020–21 only, but will apply to 2021–22.
- **V. Proper Expenditure of Education Protection Account Funds:** retains the language of the July 1, 2020 audit guide.

- **W. Unduplicated Local Control Funding Formula Pupil Counts:** retains the language of the July 1, 2020 audit guide, with changes to distinguish between EL (English Learner) and the new designation of “ADEL” (Adult English Learner) and to add a requirement that the auditor verify that the LEA has documentation stating the student is an ADEL.
- **X. Local Control and Accountability Plan:** In accordance with the information digest above, this section is suspended for 2020–21 only, but will apply to 2021–22.
- **Z. Immunizations:** In accordance with the information digest above, this section is suspended for 2020–21 only, but will apply to 2021–22.

Charter Schools

- **Y. Independent Study–Course Based:** retains the language of the July 1, 2020 audit guide, but suspends this section for 2020–21 only, for school districts and county offices of education. This section is moved to the Charter School portion of the audit guide. This section is amended to remove LEAs and add nonclassroom–based charter schools, and to include a link to a listing of such. The amendments also delete references to ADA, the financial impact of disallowed ADA, and the Independent Study Ratio, as there is no ADA being reported for 2020–21.
- **AA. Attendance:** For the 2020–21 year only, this section is amended to eliminate provisions relating to reported ADA, since LEAs will not report ADA for 2020–21. It calls for reporting the number of attendance days inappropriately reported, but with such findings having no financial impact. For 2020–21 only, the verification of the annual days is moved to Section CC, since charters will not report the number of days offered in 2020–21.
- **BB. Mode of Instruction:** For the 2020–21 year only, this section is amended to determine whether the charter school was classified as a nonclassroom–based charter for 2019–20. If so, the auditor is referred to Section CC and DD. If not, the auditor is referred to Section A.
- **CC. Nonclassroom–Based Instruction/Independent Study:** For the 2020–21 year only, this section is amended to determine whether the charter school was classified as a nonclassroom–based charter for 2019–20. If so, the auditors will follow audit procedures similar to the July 1, 2020 version of the audit guide, with the addition of verification of annual days, which was moved from Section AA.
- **DD. Determination of Funding for Nonclassroom–Based Instruction:** For the 2020–21 year only, this section is amended

to determine whether the charter school was classified as a nonclassroom–based charter for 2019–20. If so, the auditors will follow audit procedures similar to the July 1, 2020 version of the audit guide, with the addition of language added to procedure 2 to report any inappropriately reported 2019–20 ADA by grade span and to estimate their dollar value.

- **EE. Annual Instructional Minutes–Classroom Based:** In accordance with the information digest above, this section is suspended for 2020–21, but will apply to 2021–22.
- **FF. Charter School Facility Grant Program:** retains the language of the July 1, 2020 audit guide.

Appendices

- **Appendix A. Local School Construction Bond Audits:** retains the language of the July 1, 2020 audit guide.
- **Appendix B School Facility Program Bond Fund Audits and Appendix C Full Day Kindergarten Program Audits:** addition of two sentences to various steps in Appendix B and Appendix C to clarify the audit steps. The added information currently resides in regulations, specifically Form SAB 50–06.

Specificity about audit hard costs less than 60 percent is added to:

Appendix B, Procedures II.A.10, III.A.11, and V.A.11

Appendix C, Procedure II.A.11

Detail, which clarifies non–compliance related to matching funds and the potential for loss of funding, is added to:

Appendix B, Procedures II.A.2, II.B.3, III.A.2, III.B.3, IV.A.2, IV.B.2, V.A.2, and V.B.2

Appendix C, Procedures II.A.2 AND II.B.2

NOTE: The changes described above are already in effect on an emergency basis.

DISCLOSURES REGARDING THE PROPOSED ACTION

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

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

CONSIDERATION OF ALTERNATIVES

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

AVAILABILITY OF RULEMAKING FILE

The entire rulemaking file will be available for inspection and copying throughout the rulemaking process at EAAP's office at the above address. As of the date this notice is published in the Notice Register,

the rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons, and the Economic Impact Assessment. A copy may be obtained by visiting EAAP's website, or by contacting Timothy Morgan at the above address. The bill analyses are also available online at <http://leginfo.legislature.ca.gov/faces/billSearchClient.xhtml>.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

AVAILABILITY OF DOCUMENTS ON THE INTERNET

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

CONTACT PERSONS

Inquiries concerning the substance of the proposed action, requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, and other technical information upon which the rulemaking is based, and questions on the proposed administrative action may be directed to Timothy Morgan, Staff Attorney IV, at tmorgan@eaap.ca.gov, or Mary C. Kelly, Executive Officer, at mkelly@eaap.ca.gov.

TITLE 10. CALIFORNIA HEALTH BENEFIT EXCHANGE

CHAPTER 12, ARTICLE 8 AMEND SECTIONS 6658, 6660, and 6664

The Board of Directors for the California Health Benefit Exchange (hereinafter referred to as the

“Exchange”) proposes to adopt the regulation described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Exchange. The written comment period closes on June 7, 2021. The Exchange will consider only comments received at the Exchange’s office by that time. Submit written comments to:

Courtney Leadham
California Health Benefit Exchange (Covered
California)
1601 Exposition Blvd.
Sacramento, CA 95815

Comments may also be submitted by facsimile (FAX) at 916–403–4468 or by e–mail to regulations@covered.ca.gov.

AUTHORITY AND REFERENCE

Government Code Section 100504(a)(6) authorizes the Board of Directors for the Exchange to adopt rules and regulations, as necessary. The proposed regulation implements, interprets, and makes specific Government Code Sections 100502 and 100503; Election Code Sections 2400, 2401, 2403, 2406, and 2048; and Title 45 of the Code of Federal Regulations, Sections 155.205 and 155.210.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Documents to be incorporated by reference:

None.

Summary of Existing Laws

In March 2010, President Obama signed federal health reform legislation called the Patient Protection and Affordable Care Act (ACA). It created the opportunity for each state to establish a state–based health insurance exchange to implement the ACA. California chose to operate an exchange that is commonly known as known as “Covered California.”

For purposes of this Notice, Covered California will be referred to as the “Exchange.” The Exchange’s mission is to increase the number of insured Californians, improve health care quality, lower costs, and reduce health disparities through an innovative, competitive marketplace that empowers consumers to choose their health plan.

State law also specifies the powers and duties of the executive board of the Exchange. Government Code Section 100504(a)(6) authorizes the Exchange’s Board of Directors to adopt rules and regulations, as necessary. The Exchange proposes this permanent rulemaking in furtherance of its rulemaking authority to implement, interpret, and make specific state and federal laws.

Summary of the Effect of the Proposed Regulation

This proposed regulation allows the Exchange to continue paying the background costs for all individuals seeking certification under Article 8. The originally filed regulation stated that the Exchange would pay for background check costs until December 31, 2015. After that date, Certified Enrollment Counselors were required to pay for background check costs. The Exchange decided to pay the background costs on an indefinite basis and, in order to ensure these continued payments, the Exchange filed an emergency rulemaking to modify 10 CCR §6658(d) (1) on December 12, 2016. This rulemaking package will make that emergency amendment permanent and ensure that the Exchange will continue to pay the background costs. By removing a potential cost barrier, the Exchange can continue to expand the Certified Enrollment Counselor program, which is an important enrollment partner in fulfilling the Exchange’s mission of improving the quality of health care and reducing California’s uninsured population.

The proposed regulation also requires Certified Enrollment Counselors to advise consumers about the process of filing eligibility appeals and refer consumers to licensed tax advisers, tax preparers, or other resources for assistance with tax issues should consumers have any tax–related questions regarding the Exchange application and enrollment process; exemptions from the requirement to maintain minimum essential coverage; the individual shared responsibility payment; and premium tax credit reconciliations. The regulation requires the Counselors to inform consumers that they are not acting as tax advisers or attorneys when providing assistance in their capacity as Certified Enrollment Counselors. They must inform consumers that they cannot provide tax or legal advice.

These requirements more narrowly define the scope of the Certified Enrollment Counselor’s role in the eligibility and enrollment process. Naturally, consumers will look to Certified Enrollment

Counselors for advice regarding taxes, exemptions, and health coverage. Unless they are independently qualified and licensed to do so, Certified Enrollment Counselors cannot provide tax advice to consumers. The eligibility and enrollment process often triggers a number of issues related to income taxes, particularly if the consumer receives financial assistance to help pay for the health insurance. Consumers must be aware that Counselors cannot provide tax advice in their role as a Certified Enrollment Counselor.

Additionally, the Exchange requires Certified Enrollment Entities and Counselors to provide targeted assistance to serve underserved or vulnerable populations, as identified by the Exchange, within the Exchange service area. The Exchange places a high emphasis on reaching the underserved and vulnerable populations who historically are underinsured or lack health insurance altogether and seeks enrollment partners who can reach those underserved and vulnerable populations. By specifically tasking Certified Enrollment Entities and Counselors with providing targeted assistance to underserved or vulnerable populations, the Exchange can achieve its goal of reducing California's uninsured population, improving the quality of health care, and ensuring fair and equal access to health care.

The Exchange amends its regulation pertaining to gift giving in order to clarify an ambiguity. Under 10 CCR § 6664(a)(9)(h)(11), Certified Enrollment Entities and Counselors are prohibited from giving gifts to consumers in order to induce enrollment. However, the regulation was unclear as to whether Entities and Counselors can give gifts to consumers for purposes other than inducement of enrollment. The proposed language clarifies this ambiguity. It allows Entities and Counselors to give gifts of nominal value (under \$15 dollars) for purposes other than enrollment. Gifts of nominal value may not include beer, wine, liquor, cigarettes, or lottery tickets. This new language ensures that Entities and Counselors can avoid conflicts of interest going forward.

Finally, references to 10 CCR § 6462 have been removed since Section 6462 was repealed by operation of law. All references to Section 6462 have been replaced with a reference to Chapter 6 of the California Elections Code.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations

After an evaluation of current regulations, the Exchange determined that this proposed regulation is not inconsistent or incompatible with any existing regulations. In Articles 8, 9, 11, and 12 there are a number of regulations pertaining to the roles and responsibilities of Certified Enrollers, such as Certified Enrollment Counselors, Certified Application Counselors, and Plan-Based Enrollers. The proposed

regulation does not conflict with any other regulations governing other Certified Enrollers.

Anticipated Benefits of the Proposed Regulation

The anticipated benefits of this proposed regulation include:

- Ensuring that the Exchange continues to pay the background check costs so that Certified Enrollment Entities and Counselors are not burdened by this potential barrier to certification;
- Narrowing the Certified Enrollment Counselor's role regarding tax advice to ensure that consumers receive such advice from qualified professionals;
- Ensuring consumers understand the process of filing an eligibility appeal;
- Providing targeted assistance to underserved or vulnerable populations to achieve the Exchange's goal of reducing California's uninsured population, improving the quality of health care, and ensuring fair and equal access to health care; and
- Removing outdated references to 10 CCR § 6462, which has been repealed.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Exchange has made the following initial determinations:

Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations

None.

Mandate on Local Agencies and School Districts

None. The Exchange has determined that this proposed regulatory action does not impose a mandate on local agencies or school districts.

Cost to Any Local Agency or School District Which Must Be Reimbursed in Accordance with Government Code Sections 17500 Through 17630

None. This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

Costs or Savings to State Agencies

The proposal results in additional costs to the Exchange but will have no impact on other agencies or the State General Fund. The Exchange is currently completely funded by assessments on premiums charged by Qualified Health Plans.

Costs or Savings in Federal Funding to the State

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

Other Nondiscretionary or Savings Imposed on Local Agencies

None. This proposal does not impose other nondiscretionary costs or savings on local agencies.

Significant Effect on Housing Costs

None.

Effect on Small Business

This proposed regulation is not expected to create or expand small business within the State of California. The current Certified Enrollment Entity and Counselor program already exists. Considering the limited nature of this proposed regulation, there are no anticipated effects on small businesses.

Significant, Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States

None.

Cost Impacts on a Representative Private Person or Business

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

Results of the Economic Impact Assessment/Analysis

The Exchange concludes regarding the proposed regulation that it is:

- (1) **unlikely** that the proposal will create or eliminate any jobs in the State;
- (2) **unlikely** that the proposal will create or eliminate businesses within the State;
- (3) **unlikely** that the proposal will impact the expansion of businesses currently doing business in California; and
- (4) **likely** that the health and welfare of consumers will benefit from the proposed regulation.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Exchange has determined that no reasonable alternative considered or that has otherwise been identified and brought to the attention of the Exchange would be more effective in carrying out the purpose for which this action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in effectuating the purpose of the statute. This proposed action is the most effective in effectuating the purpose of the statute.

The amendments to Sections 6658 and 6660 are necessary due to the repeal of Section 6462 of Article 4. References to a repealed section render the regulation

legally unenforceable and will cause confusion. The amendments to Section 6664 are necessary to ensure the consumer receives information regarding eligibility appeals and limit the role of Certified Enrollment Entities and Counselors with respect to tax advice. The Exchange understands consumers may have questions regarding their tax situation, but it is important for these consumers to seek the services of an independently qualified professional. Finally, the gift limitations in Section 6664 must be clarified to address an ambiguity.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Courtney Leadham
 California Health Benefit Exchange (Covered California)
 1601 Exposition Blvd.
 Sacramento, CA 95815
 Telephone: (916) 281-2562

The backup contact person for inquiries concerning the proposed administrative action may be directed to:

Brian Kearns
 Attorney
 California Health Benefit Exchange (Covered California)
 1601 Exposition Blvd.
 Sacramento, CA 95815
 Telephone: (916) 228-8843

Please direct copies of the proposed text of the regulation, the Initial Statement of Reasons, the modified text of the regulation, if any, or other information upon which the rulemaking is based to Brian Kearns at the above contact information.

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

The Exchange 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 of this notice 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 may be obtained by contacting Brian Kearns at the address or phone number listed above.

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**

After holding a hearing, if requested, and considering all timely and relevant comments received, the Exchange may adopt the proposed regulation substantially as described in this notice. If the Exchange makes modifications which are sufficiently related to the originally proposed text, it will make the modified text available to the public for at least 15 days before the Exchange adopts the regulation as revised. Please send requests for copies of any modified regulations to the attention of Brian Kearns at the address indicated above. The Exchange will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY OF THE FINAL
STATEMENT OF REASONS**

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Brian Kearns at the above address.

**AVAILABILITY OF
DOCUMENTS ON THE INTERNET**

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons and the proposed text of the regulation in underline can be accessed through our website at <https://hbex.coveredca.com/regulations/index-Enrollment-Assistance.html>.

**TITLE 10. DEPARTMENT OF
FINANCIAL PROTECTION AND
INNOVATION**

NOTICE IS HEREBY GIVEN

[Government Code Section 11346.5,
Subdivision (a)(1)]

The Commissioner of Financial Protection and Innovation (“Commissioner”) proposes to adopt new regulations under the Debt Collection Licensing Act. Specifically, the Commissioner proposes to adopt the following sections to subchapter 11.3 of Title 10 of the California Code of Regulations:

- Sections 1850, 1850.6, 1850.7, 1850.8, 1850.9, 1850.10, 1850.11, 1850.12, 1850.13, 1850.14, 1850.15, 1850.16, 1850.30, 1850.31, 1850.32, 1850.50, 1850.60 and 1850.61.

The Department of Financial Protection and Innovation (“Department”), formerly the Department of Business Oversight, administers and enforces the Debt Collection Licensing Act. The Debt Collection

Licensing Act requires licensing of debt collectors that collect consumer debt. The persons subject to licensure is broad and includes businesses and individuals who engage in debt collection or debt buying, or who compose and sell, or offer to compose and sell, forms and other collection media, intended to be used for debt collection.¹ The Debt Collection Licensing Act applies to debt collectors located in California or outside of California seeking to collect consumer debt from California residents.² The Act is operative on January 1, 2022.³

EFFECTIVE DATE OF REGULATIONS

The Commissioner anticipates the final rules, if adopted, will become effective on or about November 19, 2021. The Debt Collection Licensing Act permits debt collectors to apply for a license before January 1, 2022 and engage in business pending the Commissioner’s approval or denial of the application. This proposed rulemaking would adopt the license application and procedures to allow debt collectors to apply for a license before January 1, 2022.

The Commissioner expects to adopt additional regulations in 2022 in a separate rulemaking that would specify, among other things, the requirements for maintaining books and records, and for surety bonds based on a licensee’s volume of debt collection activity.

AUTHORITY

[Government Code Section 11346.5,
Subdivision (a)(2)]

Section 100003, Financial Code.

REFERENCE

[Government Code Section 11346.5,
Subdivision (a)(2)]

Sections 494.5, 17900, 17910, 17913, 17915, 17916 and 17926, Business and Professions Code; Sections 1633.7, 1788.50, 1788.52, 1798.17 and 1798.24, Civil Code; Section 995.320, Code of Civil Procedure; Section 1505, Corporations Code; Section 17520, Family Code; Sections 331.5, 100001, 100002, 100003, 100004, 100005, 100006, 100006.3, 100007, 100008, 100009, 100011, 100012, 100013, 100014, 100015, 100016, 100018, 100019 and 100022, Financial Code; Sections 11019.9, and 11523, Government Code; Section 11077.1, Penal Code; Section 552(a), Title 5, U.S.C.; Sections 1621, 1641 and 1642, Title 8, U.S.C.; and Section 1692g, Title 15, U.S.C.

¹Fin. Code, § 100002, subd. (j).

²Fin. Code, § 100001, subd. (a).

³Fin. Code, § 100000.5, subd. (a).

PUBLIC COMMENTS

[Government Code Section 11346.5,
Subdivision (a)(17)]

No public hearing is scheduled. Any interested person or his or her duly authorized representative may request, in writing, a public hearing pursuant to Section 11346.8, subdivision (a), of the Government Code. The request for hearing must be received by the Department's contact person designated below no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

[Government Code Section 11346.5,
Subdivision (a)(15)]

Where to Submit Comments

Any interested person, or his or her authorized representative, may submit written comments on the proposed regulatory action to the Department, addressed as follows, by any of these means:

Postal Mail

Department of Financial Protection and
Innovation
Attention: Sandra Sandoval
300 S. Spring Street, Suite 15513
Los Angeles, California 90013

Electronic Mail

Comments may be submitted electronically to regulations@dfpi.ca.gov. Please identify the comments as PRO 02/20 in the subject line.

Fax

(213) 897-8860

Time for Comments

Comments may be submitted until June 8, 2021. If the final day for the acceptance of comments is a Saturday, Sunday or state holiday, the comment period will close on the next business day.

INFORMATIVE DIGEST

[Government Code Section 11346.5,
Subdivision (a)(3)]

Policy Statement and Specific Benefits Anticipated from Regulatory Action [Government Code Section 11346.5, Subdivision (a)(3)(C)]

The objectives of the proposed regulations are to:

- Provide the process and requirements to apply for a license as a debt collector, including for affiliates or affiliated companies applying for a single license;

- Require applicants to apply for a license and maintain the license through the Nationwide Multistate Licensing System & Registry ("NMLS"), and identify the California-specific documents and information that must be filed with NMLS and the timeframes for filing the information;
- Specify the information required to enable the Commissioner to investigate applicants to determine whether they meet the standards for licensure;
- Provide the processes for applicants and licensees to challenge information entered in NMLS by the Commissioner, to submit and maintain a surety bond, to surrender a license, and to change information in the license application, including adding new branch offices, changing the location of existing branch offices or making changes to key personnel; and
- Specify the acts that may constitute grounds for the Commissioner to deny a license.

The Debt Collection Licensing Act was recently enacted by the Legislature to license and regulate debt collectors that collect consumer debt. Prior to enactment of the Debt Collection Licensing Act, debt collectors were not required to be licensed in California. The Debt Collection Licensing Act requires the Department to license, regulate, investigate, and examine persons engaged in collecting consumer debt. The proposed regulations would adopt the requirements to apply for a debt collector license.

The benefits anticipated from this regulatory action include the following nonmonetary benefits to consumers: protection against unlicensed activity by ensuring that those engaged in debt collection are licensed; preventing bad actors from entering the debt collection industry by requiring all individuals responsible for debt collection activities to be screened, investigated and meet standards to engage in the business; eliminating any loopholes in licensure by requiring all persons engaging in debt collection, including their affiliates and affiliated companies, to be subject to the same licensing requirements; facilitating the Department's ability to detect unlicensed operators by, among other things, requiring licensees when closing or transferring their business to another debt collector, or moving their business locations or opening new locations, to inform the Commissioner of the identity of the new company or new location; and enabling the Commissioner to take action to hold licensees that harm consumers accountable for their conduct by providing the Commissioner the means to serve legal process on any licensee.

Nonmonetary benefits to licensees are expected to include: enabling debt collectors to engage in business

while applying for a license before the Debt Collection Licensing Act becomes effective in January 2022; clarifying the process and requirements, including for affiliates and affiliated companies applying for a single license, to apply for a license through NMLS by providing instructions on California-specific application requirements; ensuring that applicants and licensees are treated fairly by providing the process to challenge the Commissioner's reporting of information in NMLS; requiring applicants to investigate and pay for the costs of investigating associated individuals who do not reside in the United States, which helps keep the fees and Department costs to administer the licensing program reasonable for all applicants; providing regulatory certainty when applying for a license to prevent licensees from inadvertently violating the Act; promoting fairness and equity by ensuring all persons engaged in debt collection are licensed and regulated under the Act; and providing the opportunity to participate in adopting balanced regulations.

The regulatory action increases transparency in government and encourages public participation in adopting balanced regulations through compliance with California's administrative rulemaking requirements.

Summary of Existing Laws and Regulations, and Effect of Proposed Action [Government Code Section 11346.5, Subdivision (a)(3)(A)]

The Debt Collection Licensing Act prohibits any person from engaging in the business of collecting consumer debt without first obtaining a license from the Department.⁴ Existing law defines "debt collector" to mean any person who, in the ordinary course of business, regularly, on the person's own behalf or on behalf of others, engages in debt collection, including a debt buyer and any person who composes and sells, or offers to compose and sell, forms, letters and other collection media used or intended to be used for debt collection.⁵

Existing law authorizes the Commissioner to allow affiliated companies to be under a single license,⁶ to prescribe the form of the application and to receive applications for licenses,⁷ and to require applications to be made through NMLS and applicants and licensees to submit fees, fingerprints, supporting documents, changes of address, and any other information, and amendments or modifications to the information in the application, through NMLS.⁸ Existing law requires the application to include the applicant's principal place of

business, all branch locations, and an application fee and investigation fee, and be signed under penalty of perjury.⁹ Existing law requires applicants to provide a surety bond in the minimum amount of \$25,000.¹⁰

The proposed rules would require applicants to apply for a debt collector license through NMLS, and to submit information and supporting documents, including a surety bond, and pay fees to the Commissioner through NMLS. The proposed rules would specify the application requirements and information specific to California's licensing scheme and for affiliates and affiliated companies when applying for licensure under a single license.

Existing law requires the Commissioner to investigate applicants and their key personnel to determine whether the applicant is eligible for a license¹¹ and authorizes the Commissioner to obtain fingerprints of key personnel;¹² criminal, civil and administrative history information; and personal history and experience information, including credit reports¹³ for purposes of conducting the investigations. The proposed rules would require applicants to provide the information to the Commissioner through NMLS to enable the Commissioner to conduct the investigations and sets forth the process for providing fingerprints through the California Department of Justice.

Existing law requires the Commissioner to establish a process through which applicants and licensees may challenge information entered into NMLS by the Commissioner and to share information with government agencies.¹⁴ The proposed rules set forth the process for challenging information entered into NMLS and identifies the government agencies the Commissioner may share information with from the NMLS filings.

Existing law authorizes the Commissioner to adopt rules to administer the Debt Collection Licensing Act;¹⁵ to suspend or revoke licenses, after notice and an opportunity for a hearing, for violating the Act;¹⁶ and to deny a license, after notice and an opportunity for a hearing, if the Commissioner determines the requirements have not been satisfied. Existing law specifies the grounds for denying a license, including the applicant's financial responsibility; and authorizes

⁴ Fin. Code, § 100001, subd. (a)

⁵ Fin. Code, § 100002, subd. (j).

⁶ Fin. Code, § 100003, subd. (b)(2).

⁷ Fin. Code, § 100003, subd. (b)(6).

⁸ Fin. Code, § 100006.3.

⁹ Fin. Code, § 100007.

¹⁰ Fin. Code, § 100019, subd. (e).

¹¹ Fin. Code, § 100003, subd. (b)(8).

¹² Fin. Code, § 100008.

¹³ Fin. Code, § 100004.

¹⁴ Fin. Code, § 100015, subd. (c) and (d).

¹⁵ Fin. Code, § 100003, subd. (a).

¹⁶ Fin. Code, § 100003.3.

the Commissioner to adopt regulations specifying the factors that the Commissioner will consider in denying a license.¹⁷ The proposed regulations would clarify “financial responsibility”, identify factors the Commissioner may consider in denying a license and require applicants to designate the Commissioner to receive legal service on behalf of the applicant.

Existing law requires licensees subject to the Department’s jurisdiction to establish a designated email address with the Department.¹⁸ The proposed regulations would require licensees under the Debt Collection Licensing Act to establish a designated email address and agree to accept notifications from the Department at this email address.

Existing law requires applicants to provide their principal place of business, all branch locations and key personnel, and requires applicants and licensees to notify the Commissioner of any changes to the information provided in the license application.¹⁹ The proposed regulations would provide the process for notifying the Commissioner of changes to the information in the license application, including the information that must be filed and when it must be filed with the Commissioner.

Existing law requires licensees to maintain a surety bond in the amount of at least \$25,000 and authorizes the Commissioner to require a higher bond amount based on the number of affiliates under the license and the dollar amount received by the licensee from collecting consumer debt.²⁰ The proposed regulations would set forth the process for submitting and maintaining the surety bond.

Existing law provides that a license remains effective until the license is either suspended or revoked by the Commissioner or surrendered by the licensee,²¹ and requires licensees to inform the Commissioner in writing and to surrender the license upon ceasing to engage in debt collection.²² The proposed regulations set forth the process for surrendering a license, including requiring licensees to file a plan with the Commissioner and obtaining the Commissioner’s approval before the surrender is effective.

Existing Federal Regulation or Statute [Government Code Section 11346.5, Subdivision (a)(3)(B)]

Debt collectors are subject to the federal Fair Debt Collection Practices Act.²³ The Fair Debt Collection Practices Act prohibits debt collectors from engaging in abusive or deceptive debt collection practices.

The Federal Trade Commission and the federal Consumer Financial Protection Bureau receive and investigate complaints from consumers concerning debt collection. The proposed regulatory action is not inconsistent with existing federal laws.

Existing State Regulations [Government Code Section 11346.5, Subdivision (a)(3)(D)]

The Commissioner has conducted an evaluation of whether the proposed regulations are consistent with existing state regulations and has concluded that these are the only regulations that license consumer debt collectors. Other state laws such as the Rosenthal Fair Debt Collection Practices Act and the Fair Debt Buying Practices Act regulate the activities of debt collectors. The Debt Collection Licensing Act authorizes the Commissioner to enforce these laws. This proposed regulatory action is consistent with existing policy considerations of the Rosenthal Fair Debt Collection Practices Act and the Fair Debt Buying Practices Act. The California Attorney General may investigate complaints concerning debt collectors. This proposed rulemaking is neither inconsistent nor incompatible with other existing state regulations.

FORMS INCORPORATED BY REFERENCE

[Title 1, California Code of Regulations, Section 20, Subdivision (c)(3)]

This proposed regulatory action incorporates the following forms by reference: NMLS Company Form, version 11.0, dated 09/12/15; NMLS Individual Form, version 9, dated 9/12/2016, NMLS Branch Form, version 10, dated 03/31/2014; and Surety Bond, Debt Collection Licensing Act Licensee bond, ESB Form Version 1 Effective 07/01/2021, NMLS Version: CA–DBO–07/01/2021.

DISCLOSURES REGARDING THE PROPOSED ACTION

[Government Code Section 11346.5, Subdivision (a)(5) and (6), and (12)(A)]

- Mandate on local agencies or school districts: none.
- Cost or savings to any State agency: \$6.2 million in costs to implement the proposed regulations and \$6.2 million in ongoing costs.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: none.
- Other nondiscretionary cost or savings imposed on local agencies: none.

¹⁷ Fin. Code, § 100012.

¹⁸ Fin. Code, § 331.5.

¹⁹ Fin. Code, § 100018.

²⁰ Fin. Code, § 100019, subd. (e).

²¹ Fin. Code, § 100014.

²² Fin. Code, § 100022.

²³ 15 U.S.C. § 1692 et seq.

- Cost or savings in federal funding to the state: none.
- Significant effect on housing costs: none.

ECONOMIC IMPACT ON BUSINESS
[Government Code Section 11346.5,
Subdivision (a)(8)]

The Commissioner has made an initial determination that the proposed regulatory action is unlikely to have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. In making this initial determination, the Commissioner relied on the legislative committee analyses of Senate Bill 908 (Chap. 163, Stats. 2020) to support this initial determination that the regulatory action will likely not have a significant adverse economic impact on business. The Commissioner has not relied on any other reports, facts, evidence, documents, or testimony to support the initial determination that the regulation is unlikely to have a significant, statewide adverse economic impact on business.

EFFECT ON SMALL BUSINESS

[Title 1, California Code of Regulations, Section 4]

Government Code section 11342.610 defines a small business to mean a business activity that is independently owned and operated and not dominant in its field of operation, and its annual gross receipts do not exceed two million dollars. The Commissioner is unable at this time to determine whether any of the persons subject to licensure are small businesses as defined in Government Code section 11342.610. There currently is no data on who is collecting consumer debt, the volume of consumer debt being collected or the number of debt collectors operating in this state.

**COST IMPACTS ON REPRESENTATIVE
PRIVATE PERSON OR BUSINESS**
[Government Code Section 11346.5,
Subdivision (a)(9)]

Applicants for a debt collector license will likely incur initial costs estimated at up to \$1,000 to comply with the proposed licensing requirements. They will be required to pay all costs associated with licensure, including a \$350 application fee, a \$150 investigation fee to investigate the applicant and the applicant's key personnel to determine the applicant's eligibility for licensure, the costs related to statutorily required fingerprinting of key personnel and to obtain credit reports for the individuals, and if any of the key personnel do not reside in the United States, the costs

to engage a search firm to investigate the individual, and the costs to obtain a surety bond in the minimum amount of \$25,000. The costs will vary among applicants based on the number of their key personnel who are subject to fingerprinting and investigation and whether any of these individuals reside outside the United States.

Licensees will likely incur annual estimated costs of approximately \$1,000 to comply with the requirements to maintain a license. Specifically, licensees may incur costs from maintaining the surety bond and the time required to notify the Department of changes to the license application, including to open a new branch office or change the location of an existing branch office or key personnel. The costs to maintain a surety bond may include having to periodically provide a new surety bond in a higher amount if the licensee's volume of debt collection activity under the license increases.

**RESULTS OF THE
ECONOMIC IMPACT ANALYSIS**
[Government Code Section 11346.5,
Subdivision (a)(10)]

The Commissioner has determined:

- The proposed action is unlikely to create or eliminate jobs within the state;
- The proposed action is unlikely to create new businesses or eliminate existing businesses within the state;
- The proposed action is unlikely to expand businesses currently doing business within California;
- As discussed above under the Informative Digest, the proposed action may benefit the health and welfare of California residents by protecting them against unlicensed activity; requiring debt collectors to be screened, investigated and meet standards to engage in the business; and eliminating any loopholes in licensure by requiring all persons engaging in debt collection, including their affiliates, to be subject to the same licensing requirements.
- No benefits or adverse impacts to worker safety or to the state's environment are anticipated from this regulatory action.

BUSINESS REPORTING REQUIREMENT
[Government Code Section 11346.5,
Subdivision (a)(11)]

This proposed rulemaking does not impose any business reporting requirements.

CONSIDERATION OF ALTERNATIVES

[Government Code Section 11346.5,
Subdivision (a)(13)]

The Commissioner 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; be as effective and less burdensome to affected private persons than the proposed action; or be more cost-effective to affected private persons and equally effective in implementing the policy and provisions of the Debt Collection Licensing Act.

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

[Government Code Section 11346.5,
Subdivision (a)(16) and (20), and (b)]

As of the date this Notice is published, the rulemaking file consists of: this Notice, the Initial Statement of Reasons, the Proposed Text of the regulations, and all the information upon which the proposal is based. The Notice, Initial Statement of Reasons and Proposed Text are available by contacting the person designated below:

Department of Financial Protection and
Innovation

Attention: Sandra Sandoval
300 S. Spring Street, Suite 15513
Los Angeles, California 90013
Telephone: (213) 897-3432
E-mail: regulations@dfpi.ca.gov

The Notice, Initial Statement of Reasons and Proposed Text are also available on the Department's website at www.dfpi.ca.gov. To access the documents from the Department's website, click on the "Laws and Regulations" tab under "Licensees" on the home page, click on the "Regulations/Rulemaking" link, and then click on the "Debt Collection Licensing Act" link.

As required by the Administrative Procedure Act, the Department's Legal Division maintains the rulemaking file. The rulemaking file is available for public inspection and copying throughout the rulemaking process at the Department of Financial Protection and Innovation, Legal Division, 300 S. Spring Street, Suite 15513, Los Angeles, California 90013.

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

[Government Code Section 11346.5,
Subdivision (a)(18)]

If the Department makes changes which are sufficiently related to the original Proposed Text, it will make the modified text (with changes clearly indicated) available to the public for at least 15 days before the Department adopts, amends or repeals the regulations as revised. A request for a copy of any modified regulation(s) should be addressed to the contact person designated above. The Department will accept written comments on the modified regulations for at least 15 days after the date on which they are made available.

AVAILABILITY OF FINAL
STATEMENT OF REASONS

[Government Code Section 11346.5,
Subdivision (a)(19)]

Upon its completion, the Final Statement of Reasons will be available to the public, and copies may be requested from the contact person named above or accessed on the Department's website listed above.

CONTACT PERSON

[Government Code Section 11346.5,
Subdivision (a)(14)]

Inquiries regarding the substance of the proposed regulation may be directed to:

Department of Financial Protection and
Innovation
Attention: Senior Counsel Peggy Fairman
2101 Arena Boulevard
Sacramento, California 95834
Telephone: (916) 576-4959
E-mail: Peggy.Fairman@dfpi.ca.gov

Non-substantive inquiries concerning this action, such as requests for copies of the proposed regulation or questions regarding the timelines or rulemaking status, may be directed to:

Department of Financial Protection and
Innovation
Attention: Sandra Sandoval
300 S. Spring Street, Suite 15513
Los Angeles, California 90013
Telephone: (213) 897-3432
E-mail: regulations@dfpi.ca.gov

The backup contact person for non-substantive inquiries is:

Department of Financial Protection and
Innovation
Attention: Mark Dyer
2101 Arena Boulevard
Sacramento, California 95834
Telephone: (916) 576-3637
E-mail: regulations@dfpi.ca.gov

Dated: April 8, 2021
Sacramento, California

TITLE 14. BOARD OF FORESTRY AND FIRE PROTECTION

“STATE MINIMUM FIRE SAFE REGULATIONS, 2021” (14 CCR), DIVISION 1.5, CHAPTER 7 SUBCHAPTER 2, ARTICLES 1-5

NATURE OF PROCEEDING

Notice is hereby given that the California State Board of Forestry and Fire Protection (Board) is proposing to take the action described in the Informative Digest.

PUBLIC HEARING

The Board will hold a public hearing on June 22, 2021, at 9:30 a.m., via GoToWebinar. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. Additionally, pursuant to **Government Code (GOV) § 11125.1(b)**, writings that are public records pursuant to **GOV § 11125.1(a)** and that are distributed to members of the state body prior to or during a meeting, pertaining to any item to be considered during the meeting, shall be made available for public inspection at the meeting if prepared by the state body or a member of the state body, or after the meeting if prepared by some other person.

*Hearing Registration Webpage*¹

Call in information (audio only): +1 (562) 247-8321;
access code: 695-151-027

WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period ends at the conclusion of the public hearing on June 22, 2021.

The Board will consider only written comments received at the Board office by that time and those written comments received at the public hearing, including written comments submitted in connection with oral testimony at the public hearing. The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection
Attention: Edith Hannigan
Land Use Planning Program Manager
P.O. Box 944246
Sacramento, CA 94244-2460

Written comments can also be hand-delivered to the contact person listed in this notice at the following address:

Board of Forestry and Fire Protection
Room 1506-14
1416 9th Street
Sacramento, CA 95814

Written comments may also be sent to the Board via facsimile at the following phone number:

(916) 653-0989

Written comments may also be delivered via e-mail at the following address:

PublicComments@BOF.ca.gov

AUTHORITY AND REFERENCE

(pursuant to GOV § 11346.5(a)(2),
1 CCR § 14 and 14 CCR § 1122)

Authority cited: Section 4290, Public Resources Code. Reference: Sections 4102, 4126, 4127 and 4290, Public Resources Code.

¹<https://attendee.gotowebinar.com/register/3650384515941113867>

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW
(pursuant to GOV 11346.5(a)(3)(A)–(D))

Pursuant to Public Resources Code (PRC) 4290, the Board is required to “...adopt regulations implementing minimum fire safety standards related to defensible space” applicable to “the perimeters and access to all residential, commercial, and industrial building construction.” In 2018, the Legislature passed and the Governor signed SB 901 (Dodd), which expanded the applicability of the regulations promulgated under PRC 4290 to land in the Local Responsibility Area (LRA) Very High Fire Hazard Severity Zone (VHFHSZ). SB 901 also revised PRC 4290 to require the Board to more frequently update regulations relating to fuel breaks and greenbelts near communities, and to preserve undeveloped ridgelines to reduce fire risk and improve fire protection.

The regulations set certain minimum standards for structures, subdivisions and developments in State Responsibility Area (SRA) and LRA VHFHSZ and provide for basic emergency access and perimeter wildfire protection, as well as standards for fuel breaks, greenbelts, and measures to protect undeveloped ridgelines. This proposed action amends the existing regulations for the purposes of addressing the general applicability of these standards; regulating fuel breaks and greenbelts near communities; including measures to protect undeveloped ridgelines; and improving regulatory clarity and ensuring the uniform implementation of wildfire protection standards association with residential, commercial, and industrial building construction.

The **problem** is that the regulations currently do not include measures to protect undeveloped ridgelines or standards for fuel breaks and greenbelts near communities. In addition, the regulations require updates for internal consistency and clarity. Processes for city and county compliance with the Fire Safe Regulations require amendments to address applicability, enforcement, and compliance in the LRA VHFHSZ. The regulations require greater specificity where and when local jurisdictions have flexibility when applying the Fire Safe Regulations in their communities and improvements to their general clarity.

The **purpose** of the proposed action is to

- Establish standards for fuel breaks and greenbelts near communities;
- Establish measures for the preservation of undeveloped ridgelines;
- Accurately reflect the applicable areas of the state where development may be subject to these regulations;

- Provide greater clarity regarding the types of development that may be subject to these regulations;
- Specify the conditions under which an existing road is subject to these minimum fire safety requirements;
- Reorganize the Fire Safe Regulations to reduce confusion and improve technical implementation and consistency;
- Reduce confusion regarding the inspection and enforcement agencies;
- Ensure definitions for these regulations are relevant, up to date, and consistent with their usage in the regulations;
- Promote local jurisdiction compliance with the Fire Safe Regulations and to clarify the process by which that occurs;
- Apply field-tested methods and industry-accepted computer-aided modeling to ingress and egress requirements; and
- Increase the flexibility offered to local jurisdictions in implementing the minimum standards provided in these regulations.

The **effect** of this proposed action is to establish standards for fuel breaks and greenbelts that protect communities; preserve undeveloped ridgelines; create clear, specific standards for where and when the regulations apply; amend the requirements for fire safe development for consistency and clarity; provide clearer lines of authority and implementation processes; and create standards that reflect modern firefighting apparatus dimensions and fire prevention policy.

The primary **benefit** of the proposed action is the continued protection of new and existing development in the SRA and LRA VHFHSZ from wildfire. These protection measures will increase the safety of people and property by providing minimum fire safety standards related to defensible space that may allow them to escape an oncoming wildfire; allow firefighters to find, defend, and protect their property from a wildfire; prevent the ignition of property due to flying embers or structure-to-structure ignition; and to protect natural resources and the environment. The proposed action will also increase government efficiency through the reduction of duplicative or inconsistent regulations. The action will improve regulatory compliance through considering stakeholder feedback to clarify the standards and requirements.

There is no comparable Federal regulation or statute. Board staff conducted an evaluation on whether or not the proposed action is inconsistent or incompatible with existing State regulations pursuant to **GOV § 11346.5(a)(3)(D)**. State regulations related to the

proposed action were, in fact, relied upon in the development of the proposed action to ensure the consistency and compatibility of the proposed action with existing State regulations. Otherwise, Board staff evaluated the balance of existing State regulations related to defensible space for new construction in the SRA and LRA VHFHSZ and found no existing State regulations that met the same purpose as the proposed action. Based on this evaluation and effort, the Board has determined that the proposed regulations are neither inconsistent nor incompatible with existing State regulations. The proposed regulation is entirely consistent and compatible with existing Board rules.

Statute to which the proposed action was compared: Sections 730, 4111, 4117, 4290, 4291, Public Resources Code; Sections 18001.8, 18007, 18008, 19970, 19971, 19976.1, Health and Safety Code.

Regulations to which the proposed action was compared: Article 3, Subchapter 3, Chapter 7, Division 1.5, Title 14, California Code of Regulations; Part 9, Title 24, California Code of Regulations.

Five documents are incorporated by reference in these regulations:

1. California Manual of Uniform Traffic Control Devices 2017 Revision 2
2. American Association of State Highway and Transportation Officials (AASHTO). 2018. A Policy on Geometric Design of Highways and Streets, 7th Edition.
3. National Fire Protection Association (NFPA), Standard 1142, "Standard on Water Supplies for Suburban and Rural Fire Fighting", 2017 ed.
4. US Federal Highway Administration "Highway Functional Classification Concepts, Criteria, and Procedures," 2013 Edition
5. American Association of State Highway and Transportation Officials (AASHTO) Standard Specifications for Highway Bridges, 17th Edition, published 2002

**MANDATED BY FEDERAL
LAW OR REGULATIONS**

The proposed action is not mandated by Federal law or regulations.

The proposed action neither conflicts with nor duplicates Federal regulations.

There are no comparable Federal regulations related to defensible space requirements for protection of communities from wildfire in the SRA, LRA VHFHSZ, or otherwise. No existing Federal regulations meeting the same purpose as the proposed action were identified.

**OTHER STATUTORY REQUIREMENTS
(pursuant to GOV § 11346.5(a)(4))**

There are no other matters as are prescribed by statute applicable to the specific State agency or to any specific regulation or class of regulations.

**LOCAL MANDATE
(pursuant to GOV § 11346.5(a)(5)).**

The proposed action imposes a mandate on local agencies which is not reimbursable under Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

**FISCAL IMPACT
(pursuant to GOV § 11346.5(a)(6))**

There is no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

A local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by the act, within the meaning of Section 17556 of the Government Code.

The proposed action will result in the imposition of other non-discretionary costs to local agencies, which can be financed from fees or revenues authorized by Section 66000 of the Government Code. The proposed action may result in savings to local agencies by slowing or stopping wildfire, through increased government efficiency, and the reduction of duplicative or inconsistent regulations.

The proposed action will not result in costs or savings in Federal funding to the State.

The proposed action will result in costs to State agencies which are absorbable in existing staff resources. The proposed action may result in savings to State agencies by slowing or stopping wildfire, increased government efficiency, and the reduction of duplicative or inconsistent regulations.

**HOUSING COSTS
(pursuant to GOV § 11346.5(a)(12))**

The proposed action does not impact housing costs.

SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT DIRECTLY
AFFECTING BUSINESS, INCLUDING
ABILITY TO COMPETE
(pursuant to GOV §§ 11346.3(a),
11346.5(a)(7) and 11346.5(a)(8))

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states (by making it costlier to produce goods or services in California).

FACTS, EVIDENCE, DOCUMENTS,
TESTIMONY, OR OTHER EVIDENCE
RELIED UPON TO SUPPORT INITIAL
DETERMINATION IN THE NOTICE THAT
THE PROPOSED ACTION WILL NOT HAVE
A SIGNIFICANT ADVERSE ECONOMIC
IMPACT ON BUSINESS
(pursuant to GOV § 11346.2(b)(5) and
GOV § 11346.5(a)(8))

Contemplation by the Board of the economic impact of the provisions of the proposed action through the lens of the decades of contemplating fire safe development in California that the Board brings to bear on regulatory development.

STATEMENTS OF THE RESULTS OF THE
ECONOMIC IMPACT ASSESSMENT (EIA)

The results of the economic impact assessment are provided below pursuant to **GOV § 11346.5(a)(10)** and prepared pursuant to **GOV § 11346.3(b)(1)(A)–(D)**. The proposed action:

- Will not create jobs within California (GOV § 11346.3(b)(1)(A)).
- Will not eliminate jobs within California (GOV § 11346.3(b)(1)(A)).
- Will not create new businesses (GOV § 11346.3(b)(1)(B)).
- Will not eliminate existing businesses within California (GOV § 11346.3(b)(1)(B)).
- Will not affect the expansion or contraction of businesses currently doing business within California (GOV § 11346.3(b)(1)(C)).
- Will yield nonmonetary benefits (GOV § 11346.3(b)(1)(D)). For additional information on the benefits of the proposed regulation, please see anticipated benefits found under the “Introduction Including Public Problem, Administrative Requirement, or Other Condition

or Circumstance the Regulation is Intended to Address.”

COST IMPACTS ON REPRESENTATIVE
PERSON OR BUSINESS
(pursuant to GOV § 11346.5(a)(9))

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. These regulations represent minimum standards for fire safe development and to not compel any action on the part of a representative person or business.

BUSINESS REPORT
(pursuant to GOV §§ 11346.5(a)(11) and 11346.3(d))

The proposed action does not impose a business reporting requirement.

SMALL BUSINESS
(defined in GOV 11342.610)

Small businesses, within the meaning of GOV § 11342.610, are not expected to be affected by the proposed action.

Small business, pursuant to 1 CCR § 4(a):

- (1) Is legally required to comply with the regulation;
- (2) Is not legally required to enforce the regulation;
- (3) Does not derive a benefit from the enforcement of the regulation;
- (4) May incur a detriment from the enforcement of the regulation if they do not comply with the regulation.

ALTERNATIVES INFORMATION

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

CONTACT PERSON

Requests for copies of the proposed text of the regulations, the Initial Statement of Reasons, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Board of Forestry and Fire Protection
Attention: Edith Hannigan
Land Use Planning Program Manager
P.O. Box 944246
Sacramento, CA 94244–2460
Telephone: (916) 653–8007

FINAL STATEMENT OF REASONS

When the Final Statement of Reasons (FSOR) has been prepared, the FSOR will be available from the contact person on request.

The designated backup person in the event Ms. Hannigan is not available is Matt Dias, Executive Officer for the Board of Forestry and Fire Protection. Mr. Dias may be contacted at the above address or phone.

INTERNET ACCESS

All of the material referenced in the Availability Statements is also available on the Board web site at: <https://bof.fire.ca.gov/regulations/proposed-rule-packages/>.

AVAILABILITY STATEMENTS
(pursuant to GOV § 11346.5(a) (16), (18))

All of the following are available from the contact person:

1. Express terms of the proposed action using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion.
2. Initial Statement of Reasons, which includes a statement of the specific purpose of each adoption, amendment, or repeal, the problem the Board is addressing, and the rationale for the determination by the Board that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem for which it is proposed.
3. The information upon which the proposed action is based (pursuant to **GOV § 11346.5(b)**).
4. Changed or modified text. After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board 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 Board adopts the regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who testified at the hearings, submitted comments during the public comment period, including written and oral comments received at the public hearing, or requested notification of the availability of such changes from the Board of Forestry and Fire Protection. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

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

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR or Department), proposes to amend Sections 3261.2, 3261.3, 3261.5, 3261.6, and 3261.7 into Title 15, Division 3, Chapter 1, regarding news and non-news media access.

PUBLIC COMMENT PERIOD

The public comment period begins **April 23, 2021** and closes on **June 11, 2021**. Any person may submit written comments by mail addressed to the primary contact person listed below, or by email to rpmb@cdcr.ca.gov, before the close of the comment period. For questions regarding the subject matter of the regulations, call the program contact person listed below.

No public hearing is scheduled for these proposed regulations; however, pursuant to Government Code Section 11346.8, any interested person or their duly authorized representative may request a public hearing, no later than 15 days prior to the close of the written comment period.

CONTACT PERSONS

Primary Contact
R. Orr
Telephone: (916) 445–2269
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

Terry Thornton

Telephone: (916) 716-5989

Office of Public and Employee

Communication

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

CDCR is committed to fulfilling its obligation to make known to the public information about the Department and how it is operated and fulfills this mission by contact with public groups and individuals, making its public records available for review, and through the news media.

This action will:

Amend sections regarding the release of offender photos and commitment information to the news media; media access to health care facilities, operations, and patients; information about a patient's condition; the definition of "news media"; requirements for filming on state property; and media access to parole hearings.

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.

DOCUMENTS INCORPORATED
BY REFERENCE

None.

SPECIFIC BENEFITS ANTICIPATED BY THE
PROPOSED REGULATIONS

This rulemaking will support the public's right to know about how the Department operates while preserving patients' legal rights to privacy as well as protecting the integrity of an investigation involving current or former offenders.

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 news and non-news media access.

LOCAL MANDATES

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

FISCAL IMPACT STATEMENT

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

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

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

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

EFFECT ON SMALL BUSINESSES

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

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The Department has determined that the proposed regulation will have no effect on the creation of new, or the elimination of existing, jobs or businesses within California, or effect the expansion of businesses currently doing business in California. The Department has determined that the proposed regulation will have no effect on worker safety or the state's environment. These regulations may benefit the welfare of California residents by helping to make CDCR institutions safer for inmates, staff, and visitors. Additionally, safer institutions may provide an environment more conducive to rehabilitation, thereby reducing recidivism.

CONSIDERATION OF ALTERNATIVES

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

**§ 832, SPECIALTY CONTRACTORS
CLASSIFIED**

**§ 832.49, CLASS C-49 — TREE AND
PALM CONTRACTOR**

NOTICE IS HEREBY GIVEN that the Contractors State License Board (CSLB or Board) is proposing to amend California Code of Regulations (CCR), title 16, Division 8, Article 3, section 832 and to adopt CCR section 832.49, as described in the Informative Digest.

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Written comments, including those sent by mail, email, or fax to the addresses listed under Contact Person in this Notice, must be received by CSLB at its office not later than **5:00 p.m. on Tuesday, June 8, 2021**. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modification is sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as the contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Business and Professions Code (BPC) sections 7008 and 7059, and to implement, interpret, or make specific BPC sections 7026.1, 7058, and 7059, CSLB is considering changes to Division 8 of title 16 of the CCR, as described below.

INFORMATIVE DIGEST

BPC section 7008 authorizes CSLB to adopt rules and regulations that are reasonably necessary to carry out the provisions of the Contractors State License Law. Section 7026.1 defines “contractor,” which

includes a person “who performs tree removal, tree pruning, stump removal, or engages in tree or limb cabling or guying.” (Bus. & Prof. Code, § 7026.1, subd. (a)(4).) Subdivision (a)(4) excludes nurserypersons and gardeners. Section 7058 establishes the specialty contractor license and defines “specialty contractor” as “a contractor whose operations involve the performance of construction work requiring special skill and whose principal contracting business involves the use of specialized building trades or crafts.” Section 7059 authorizes the Board to adopt rules and regulations to effect the classification of contractors in a manner consistent with established usage and procedure found in the construction business.

This proposal seeks to address the health and safety issues relating to licensure for tree care work. CSLB proposes to adopt a new regulation establishing a C-49 — Tree and Palm specialty contractor classification at CCR section 832.49, replacing the existing C-61/D-49 — Tree Service limited specialty contractor classification, and amend CCR section 832 to add the new C-49 — Tree and Palm classification to the list of specialty contractor classifications. CSLB proposes the following:

Amend Section 832 — Specialty Contractors Classified.

The existing language of CCR section 832 lists all existing specialty contractor classifications in alphabetical order.

This proposal will add the C-49 — Tree and Palm contractor classification in CCR section 832.49 to the listing between the Tile (C-54) and Warm-Air Heating, Ventilating and Air Conditioning (C-20) classifications.

Adopt Section 832.49 — Tree and Palm Contractor Classification.

There is no existing regulation relating to a C-49 — Tree and Palm contractor classification.

This proposal will adopt the regulation, as follows:

Addition of New Section Number and Title

- Add a new section and title to introduce the new C-49 — Tree and Palm contractor classification.

Addition of subdivision (a)

- Add a new subdivision to establish the scope of work for the newly-created C-49 — Tree and Palm contractor classification, including planting, maintaining, and removing trees and palms, as well as pruning, stump grinding, and tree, palm, or limb guying.

Addition of subdivision (b)

- Add a new subdivision to establish a “grandfather” clause that will automatically reclassify existing licensees that hold the C-61/D-49 — Tree

Service classification as new C-49 — Tree and Palm contractors.

Addition of subdivision (c)

- Add a new subdivision to clarify that the C-49 — Tree and Palm contractor license is not required for specified tree work performed by a nursery person or gardener pursuant to BPC section 7026.1.

POLICY STATEMENT OVERVIEW/
ANTICIPATED BENEFITS OF PROPOSAL

The Board proposes to redefine the licensure of contractors performing tree work by establishing a “C” specialty contractor classification for the work in place of the existing “D” limited specialty contractor classification. The Board will add a trade examination requirement to the existing experience and law and business examination requirements that applicants for the C-61/D-49 — Tree Service classification must currently complete for licensure.

Pursuant to BPC section 7000.6, protection of the public is CSLB’s highest priority in exercising its licensing, regulatory, and disciplinary functions. The primary methods by which CSLB achieves its consumer protection goals are: examining applicants and issuing licenses to qualified applicants; administering examinations; investigating complaints against licensed and unlicensed contractors; issuing citations and suspending or revoking licenses; seeking administrative, criminal, and civil sanctions against violators of the Contractors State License Law; providing consumer education and outreach; and establishing mandatory consumer disclosure requirements for contractors.

BPC section 7068(a) provides that CSLB “shall require an applicant to show the degree of knowledge and experience in the classification applied for, and the general knowledge of the building, safety, health, and lien laws of the state and of the administrative principles of the contracting business that the board deems necessary for the safety and protection of the public.” Pursuant to BPC section 7065(a), this must be done by written examination. However, BPC section 7065.01 provides that the trade examination is not required for the “D” limited specialty license classification. As a result, C61/D-49 — Tree Service contractors are not subject to a written trade examination designed to test the licensee’s knowledge of tree service work and related health and safety laws for the protection of workers and the public, but they are required to take and pass the law and business examination. However, “C” specialty contractors are required to successfully complete a trade examination for licensure, as well as the law and business examination.

The tree service industry is a dangerous one that is subject to various health and safety laws for the protection of workers and the public. Consistent with CSLB’s public protection goals, the proposed changes will benefit the welfare of California residents who hire contractors for tree work by helping ensure that individuals who are licensed as C-49 — Tree and Palm contractors have the necessary knowledge, skills, and abilities, as tested in the trade examination, and are able to perform tree work in a safe, responsible, and effective manner.

Regulatory action is needed because, without the proposed language that creates the C-49 — Tree and Palm specialty contractor classification, there will be no such specialty classification and tree work will remain at the limited specialty contractor classification level without a trade examination requirement, which could pose a threat to CSLB’s top priority of public protection. Amendments to CCR section 832.49 will create a new C-49 — Tree and Palm specialty classification.

CONSISTENCY AND COMPATIBILITY WITH
EXISTING STATE REGULATIONS

During the process of developing these regulations and amendments, CSLB 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.

DISCLOSURES REGARDING
PROPOSED ACTION

Fiscal Impact on Public Agencies

The proposed regulatory action will result in costs or savings to CSLB. These are described below:

- *Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies:* CSLB estimates that the cost of developing the new C-49 — Tree and Palm contractor classification trade examination and implementing the new classification will include the following anticipated costs in the forthcoming budget years (BY):
 - Total Costs in BY 2021/22 are: **\$89,000**
 - Total Costs in BY 2022/23 are: **\$20,000**
 - Total Costs in BY 2023/24 are: **\$8,000**

Existing CSLB staff can absorb the workload associated with the creation of the new classification. No additional permanent staff will need to be hired to perform the exam development work. However, there will be other costs associated with other aspects of examination development, including subject matter experts and printing, as reflected above and discussed below.

The BY 2021/22 costs cover the occupational analysis, exam bank development, and test booklets.

The BY 2022/23 costs will be for examination administration only and will be absorbable within existing CSLB staffing and other resources, including test centers. The Board has been administering and will continue to administer all other trade examinations at the existing test center locations, and it will not need to add any new test center locations or exam proctors or to extend test center hours of operation to administer the new C-49 — Tree and Palm classification trade examination.

CSLB is in the process of transitioning from administering its own examinations at its own test centers to using an outside vendor (PSI Exams) for exam administration through a Department of Consumer Affairs' master contract, but the relative cost impacts will exist whether the exams are administered by CSLB or PSI. The transition is anticipated to begin for examinations in the Bay Area by fall 2021, and a full transition to PSI only exams should occur sometime in 2022. These timelines are still subject to change as the transition is implemented. Regardless of whether CSLB or PSI will be administering the exams, the addition of the new C-49 — Tree and Palm classification trade examination will not result in the need to add any test center locations, personnel, or hours of operation; the administration will be absorbed within the existing resources.

The BY 2023/24 costs cover one follow-up exam development workshop after the C-49 — Tree and Palm trade examination has been in use for approximately one year.

The licensing workload and costs to issue the C-61/D-49 — Tree Service contractor license will be shifted to processing C-49 — Tree and Palm contractor license applications. As a result, no additional workload and costs are anticipated.

In addition, because the fee amounts for both license types are the same, no additional revenues are anticipated.

- *Nondiscretionary Costs/Savings to Local Agencies:* None.
- *Cost or Savings in Federal Funding to the State:* None.

Local Mandate

The proposed regulatory action does not impose a mandate on local agencies or school districts.

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

Business Impact

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

business, including the ability of California businesses to compete with businesses in other states. This initial determination is based on the following facts:

This regulation will not have a significant adverse economic impact on businesses because there is an existing classification for tree work (C-61/D-49 — Tree Service), and these licensees (3,413 licenses as of May 1, 2020) will be converted to the new classification automatically and at no charge or detriment to them. Such contractors will retain their existing license numbers and pay the same license renewal fee as they would have paid under their C-61/D-49 — Tree Service license. New applicants for the new C-49 — Tree and Palm classification will pay the same application and licensure fees that they would have paid for the C-61/D-49 — Tree Service license, so there is no adverse economic impact on these applicants. The proposed regulations will change the classification of license a contractor must hold to perform tree work, as well as contribute to enhanced safety and professionalism in the trade that is encouraged by the minimum standard associated with the passing of a trade examination.

BPC sections 7029.5, 7029.6, and 7159 require licensees to include their name and license number on vehicles and in home improvement contracts, but there is no requirement that they include their license classification. Therefore, this proposal would not result in additional costs to affected licensees to update their vehicles or contracts.

Cost Impact on Affected Private Persons or Businesses

The Board estimates that there will be no significant increased costs for businesses or individuals to comply with the proposed regulations.

This regulation will not have a significant adverse economic impact on affected private persons or businesses. This initial determination is based on the fact that there is an existing classification (C-61/D-49 — Tree Service) for tree work, and these licensees (3,413 licenses as of May 1, 2020) will be converted to the new classification automatically and at no charge or detriment to them. Such contractors will retain their existing license numbers and pay the same license renewal fee as they would have paid under their C-61/D-49 — Tree Service license. New applicants for the new C-49 — Tree and Palm classification will have to take and pass the new C-49 trade examination in addition to the existing law and business examination that they would have needed to pass for the C-61/D-49 — Tree Service classification. Such applicants will pay the same application and licensure fees that they would have paid for the C-61/D-49 — Tree Service license, so there is no adverse economic impact on these applicants. The proposed regulations will change the classification of license a contractor

must hold to perform tree work, as well as contribute to enhanced safety and professionalism in the trade that is encouraged by the minimum standard associated with the passing of a trade examination. Some applicants who do not have sufficient knowledge or experience in the trade may have difficulty passing the trade examination, which may limit the number of applicants who obtain the C-49 — Tree and Palm license in the future if they remain unable to pass the trade examination. Until the C-49 — Tree and Palm classification trade examination is developed and administered, it is not possible for CSLB to know if the percentage of new applicants who are unable to pass the new C-49 trade examination is larger or smaller than the percentage of existing applicants who would have been unable to pass the existing law and business examination that they would have been required to take for the C-61/D-49 — Tree Service license.

Housing Costs

The proposed regulatory action will not have an effect on housing costs.

Effect on Small Business

CSLB has determined that the proposed regulatory action may affect small businesses. Almost 66% of all contractors currently licensed by CSLB are sole ownerships (more than 228,000 out of nearly 348,000 licenses as of May 1, 2020). Therefore, applying that 66% rate to the 3,413 licensed C-61/D-49 — Tree Service contractors would mean that approximately 2,253 small businesses would be impacted by this regulatory proposal to reclassify their licenses to the C-49 — Tree and Palm contractor classification.

However, it will not create or eliminate jobs within the State of California because licensed contractors have been able to perform tree work under the C-61/D-49 — Tree Service license and will be able to continue to do so under the new C-49 — Tree and Palm license. This proposed regulation will simply change the classification of license a contractor must hold to perform such work.

Results of the Economic Impact Assessment/Analysis

Creation of Jobs/Businesses

CSLB has determined that this regulatory proposal will not result in the creation of new jobs or businesses within the state of California because licensed contractors have been able to perform tree work under the C-61/D-49 — Tree Service license and will be able to continue to do so under the new C-49 — Tree and Palm license. This proposed regulation will simply change the classification of license a contractor must hold to perform such work.

Elimination of Jobs or Businesses and Effect on the Expansion of Businesses

This proposal will not have a significant impact on the elimination of jobs or existing businesses or the expansion of businesses in the State of California because licensed contractors have been able to perform tree work under the C-61/D-49 — Tree Service license and will continue to do so under the new C-49 — Tree and Palm license. This proposed regulation will simply change the classification of license a contractor must hold to perform such work.

Benefits of Regulation

CSLB has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents, worker safety, and the state's environment:

- It will benefit the health and welfare of California residents who hire contractors for tree work and of the California population at large by helping ensure that individuals who are licensed as C-49 — Tree and Palm contractors have the necessary knowledge, skills, and abilities in the trade and related health and safety principles of the profession, as tested in the trade examination, and are able to perform tree work in a safe, responsible, and effective manner, which benefits the health and welfare of California residents.
- It will benefit worker safety because the requirement of a trade examination intended by the Legislature to test applicants on their knowledge of the trade and related health and safety principles of the profession helps ensure that only those contractors who are qualified to do so are licensed and authorized to perform tree work, which is a significant health and safety issue for workers.
- It will benefit the state's environment because the requirement of a trade examination intended by the Legislature to test applicants on their knowledge of the trade and related health and safety principles of the profession helps ensure that only those contractors who are qualified to do so and who possess the requisite knowledge and skills to perform the work in a manner that is effective for healthy trees and forests are licensed and authorized to perform tree work, which is a benefit to the environment.

AVAILABILITY OF TEXT AND INITIAL STATEMENT OF REASONS

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

Copies of the exact language of the proposed regulations and any document incorporated by reference therein, the Initial Statement of Reasons, and the information upon which the proposal is based may be obtained upon request from the contact person named below.

CONSIDERATION OF ALTERNATIVES

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

Interested persons are invited to present written statements or arguments relevant to the above determinations during the written comment period in accordance with this Notice.

AVAILABILITY OF FINAL STATEMENT OF REASONS AND RULEMAKING FILE

This Notice, the proposed text of the regulations, the Initial Statement of Reasons, and all the information upon which the proposed regulatory action is based is contained in the rulemaking file, which is available for public inspection by contacting the person named below. Interested parties 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.

WEBSITE ACCESS

Materials regarding the proposed regulatory action can be found at a link under the “What’s New” heading on CSLB’s home page at www.cslb.ca.gov.

CONTACT PERSON

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

Contractors State License Board
9821 Business Park Drive
Sacramento, CA 95827
Attention: Betsy Figueira
(916) 255-3369
(916) 364-0130 (FAX)
Betsy.Figueira@cslb.ca.gov

The backup contact person is:

Michael Jamnetski
(916) 255-2798
Michael.Jamnetski@cslb.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Betsy Figueira at (916) 255-3369.

TITLE 16. DENTAL BOARD OF CALIFORNIA

CALIFORNIA DENTISTRY LAW & ETHICS EXAMINATION, § 1031

NOTICE IS HEREBY GIVEN that the Dental Board of California (Board) is proposing to take the rulemaking action described below under the heading Informative Digest/Policy Statement Overview. Any person interested may present statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice must be received by the Board at its office on **Monday, June 7, 2021**.

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

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

AUTHORITY AND REFERENCE

Pursuant to the authority vested by section 1614 of the Business and Professions Code (BPC), to implement, interpret or make specific sections 139, 1630, 1632, and 1634.1 of the BPC the Board is considering changes to Division 10 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW/
ANTICIPATED BENEFITS

The Board regulates approximately 91,600 licensees, consisting of approximately 43,800 dentists, approximately 46,000 registered dental assistants, and approximately 1,800 registered dental assistants in extended functions. The Board's highest priority is the protection of the public when exercising its licensing, regulatory, and disciplinary functions. The primary methods by which the Board achieves this goal are issuing licenses to eligible applicants, investigating complaints against licensees, disciplining licensees for violating the Dental Practice Act (DPA), monitoring licensees whose licenses have been placed on probation, and managing the diversion program for licensees whose practice may be impaired due to abuse of dangerous drugs or alcohol.

Pursuant to BPC section 1614, the Board is authorized to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to enable the Board to carry into effect the provisions of the DPA. The Board is authorized to establish the definition of successful results of the California Dentistry Law and Ethics Examination by regulation. This proposal is necessary to ensure the legal defensibility of the Board's California Dentistry Law and Ethics Examination.

Pursuant to BPC section 1632, applicants for dental licensure in California are required to successfully complete an examination in California law and ethics developed and administered by the Board. Pursuant to the Board's regulations, the current passing score for the Board's Dentistry California Law and Ethics Examination is set at 75%.

In 2018, the Department of Consumer Affairs' (DCA) Office of Professional Examination Services (OPES) completed an occupational analysis of the dentistry profession in California. Based on the findings of this occupational analysis, the Board worked with OPES to ensure its California Dentistry Law and Ethics Examination is up to date and in compliance with BPC section 139. OPES recommended the Board not specify a particular passing score in regulation and instead utilize a criterion-referenced passing score.

At its February 2019 meeting, the Board approved regulatory language to amend the regulation pertaining to the passing score of the California Dentistry Law and Ethics Examination to allow for OPES to use a criterion-referenced passing score to make the Board's California Dentistry Law and Ethics Examination legally defensible. At its August 2020 meeting, the Board approved amended regulatory language.

The purpose of this proposal is to amend California Code of Regulations, Title 16, section 1031 to replace

the term "successfully complete" with "achieve a criterion-referenced passing score" to clarify that successful completion of the required examination means to have achieved a passing score on the examination. It would define a "criterion-referenced passing score" as "a specified point in a distribution of scores at or above which candidates have achieved entry level competence." This proposal would delete the requirement that a candidate is deemed to have passed the examination if his or her score is at least 75% in each examination. This amendment is necessary to maintain consistency with the DCA Departmental Licensure Examination Validation Policy (OPES 18-02).

These proposed amendments will ensure the Board maintains a legally defensible and valid California Dentistry Law and Ethics Examination that allows only those who are qualified to competently and safely practice dentistry to achieve a passing score and eventually become licensed in California.

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: None.

Because the Board currently administers the Dentistry California Law and Ethics Examination and requires license applicants to take and pass the exam, the proposed regulations are not anticipated to result in additional workload or costs to the state.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Business Impact:

The Board has made the initial determination that the proposed regulation would 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 this proposal would not affect businesses. This proposal would only impact qualified candidates applying to take the California Dentistry Law and Ethics Examination.

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. This proposal would only impact qualified candidates applying to take the California Dentistry Law and Ethics Examination.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. This proposal would only impact qualified candidates applying to take the California Dentistry Law and Ethics Examination.

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. This determination was made because the proposed changes are not sufficient to create or eliminate jobs or businesses.

The Board has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents, worker safety, and state's environment:

These amendments will ensure the Board maintains a legally defensible and valid California Dentistry Law and Ethics Examination that allows only those who are qualified to competently and safely practice dentistry to achieve a passing score and eventually become licensed in California.

This regulatory proposal does not affect worker safety because this proposal is not related to worker safety.

This regulatory proposal does not affect the state's environment because this proposal is 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 either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more

cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice.

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 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 2005 Evergreen Street, Suite 1550, Sacramento, California 95815 or by accessing the Board's website at https://www.dbc.ca.gov/about_us/lawsregs/.

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:
 Wilbert Rumbaoa, Administration Unit
 Manager
 Dental Board of California
 Address:
 2005 Evergreen Street, Suite 1550
 Sacramento, CA 95815
 Telephone Number:
 (916) 263-2215
 Fax Number:
 (916) 263-2140
 E-Mail Address:
Wilbert.Rumbaoa@dca.ca.gov

The backup contact person is:

Name:
Tina Vallery, Chief of Administration &
Licensing
Dental Board of California
Address:
2005 Evergreen Street, Suite 1550
Sacramento, CA 95815
Telephone Number: (916) 263–2580
Fax Number: (916) 263–2140
E–Mail Address: Tina.Vallery@dca.ca.gov

Website Access: Materials regarding this proposal can be found at the Board’s Web site at: <http://www.dbc.ca.gov/lawsregs/index.shtml>.

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

Authority and Reference: Pursuant to the authority vested by sections 138 and 6517 of the Business and Professions Code (BPC), and to implement, interpret, or make specific BPC sections 138, 6530, 6532, 6533, and 6560, and Probate Code sections 1250, 1511, 1822, 2700, and 17204, the Bureau is proposing changes to Division 41 of Title 16 of the California Code of Regulations as follows:

TITLE 16. PROFESSIONAL FIDUCIARIES BUREAU

INFORMATIVE DIGEST

CLIENT NOTIFICATION

NOTICE IS HEREBY GIVEN that the Professional Fiduciaries Bureau (Bureau) of the Department of Consumer Affairs (Department) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing via a WebEx event as follows:

Virtual Hearing via WebEx
Date: Friday, June 18, 2021
Time: 9:00 a.m.

To participate via Computer/Tablet/Smart Phone, please join via this website:

<https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=e6ba655b309ad57fbd26364d17026cc4d>

Event number: 187 612 7639
Event password: PFB06182021

To participate via Phone Call–In:

Phone Number: 1 (415) 655–001
Access Code: 187 612 7639
During hearing, use *3 to raise/lower hand

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 Bureau at its office not later than **5:00 p.m.** on **Tuesday, June 8, 2021**, or must be received by the Bureau at the hearing. The Bureau, 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

A. *Summary of Existing Laws and Regulations:*

Adopt Article 7.5 (commencing with section 4550) of Title 16 of the California Code of Regulations.

The Bureau was created within the Department by the Professional Fiduciaries Act (BPC Div. 3, Ch. 6), added by Chapter 491 of the Statutes of 2006 (SB 1550, Figueroa) as part of the Omnibus Conservatorship and Guardianship Reform Act of 2006 (Chs. 490–93, Stats. 2006 [SB 1116, Scott; SB 1550, Figueroa; SB 1716, Bowen; AB 1363, Jones]), to protect the “increasing number of people in the state [who] are unable to provide properly for their personal needs, manage their financial resources, or resist fraud or undue influence as well as fiscal, emotional, and physical harm,” and are therefore vulnerable to neglect or physical, emotional, or financial abuse by professional fiduciaries. (Ch. 491, Stats. 2006, § 2.) The Act makes the Bureau responsible for licensing and regulating professional fiduciaries and enforcing licensing requirements. (BPC §§ 6510, 6518.) The Act defines the “professional fiduciaries” who are subject to its provisions to include guardians, conservators, trustees, personal representatives of a decedent’s estate, and agents under durable power of attorney, with certain exceptions. (BPC §§ 6501, 6530.) Professional fiduciaries provide critical services to seniors, persons with disabilities, and children. They manage matters for clients including daily care, housing, and medical needs.

Existing law, BPC section 138, requires every board in the Department, as defined in BPC section 22, to initiate the process of adopting regulations that require its licensees to provide notice to their clients or customers that the practitioner is licensed in California. Notifying clients and customers that a professional is licensed by the state is a basic element of consumer protection. There currently is no regulation requiring Professional Fiduciary licensees to provide the BPC section 138 notification to their clients or customers.

The proposed regulation would require each licensee of the Bureau to provide clients or customers with notice that the licensee is licensed by the Bureau and the Bureau’s contact information.

B. Policy Statement Overview/Anticipated Benefits of Proposal:

This proposed regulation would require all professional fiduciaries licensed by the Bureau to disclose to clients or customers that they are licensed in accordance with the Professional Fiduciaries Act. Due to the nature of professional fiduciary services, which a professional fiduciary may perform for a minor (in the capacity of guardian), a person who lacks decision making ability (in the capacity of conservator or attorney-in-fact), or a decedent (in the capacity of trustee or personal representative of a decedent’s estate), the proposed regulation would interpret the term “clients or customers” broadly, to include persons who may not hire or pay a licensee, but who are “clients or customers” in the sense that the licensee stands in the place of a person with whom they have, or had, a personal or professional relationship, and, because of this, are interested in the licensee’s faithful performance of that role. (See Ch. 491, Stats. 2006, § 2(b)–(c).) This will help to ensure that all California consumers of professional fiduciary services, and those who are likely to be affected by the performance of those services, are protected from unlicensed activity and will provide all California consumers the ability to verify the validity of a license prior to acquiring the services of a professional fiduciary. The proposed regulation would make it easier for consumers to identify licensed and unlicensed individuals, providing greater protection for consumers.

Consistency and Compatibility with Existing State Regulations:

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

INCORPORATION BY REFERENCE

N/A

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: The Bureau is not required to verify licensees notify their clients to comply with the proposed regulations. As a result, no additional initial workload or costs are anticipated to verify compliance.

However, the Bureau is authorized to request a licensee’s client records, as specified, which would contain the notification. The Bureau may also request proof of completion during an investigation. The Bureau indicates in either circumstance the workload would be incidental and does not have an estimate of workload or costs at this time.

The Bureau does anticipate the regulations will result in approximately 60 additional phone inquiries received per year with each call taking approximately 15 minutes to resolve, which would result in costs of approximately \$1,500 per year.

In the event an inquiry results in an investigation, the Bureau would incur additional enforcement-related costs. However, any workload and costs are unknown at this time.

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

Although all licensees will be required to comply with this regulation, the economic impact to licensees would be negligible. Licensees would be required to provide initial written notice of their licensure by the Bureau to all clients and customers in person or by mail, email, or facsimile, or by including it in written correspondence or a contract with the client or customer. They would also be required to provide written notice of their licensure on an ongoing basis, in all written correspondence to clients and contracts for licensed services. The financial cost of providing this notification by mail, email, facsimile, and on written correspondence or contracts, is minimal (range \$0–\$1 per notification). The Bureau does not have an estimate of the total impact economic impact to licensees because the number of client notifications is unknown.

Cost Impact on Representative Private Person or Business:

The known cost impacts that a representative private person or business would incur for reasonably complying with this proposed action are as follows:

This proposed regulation requires licensees to notify their clients that they are licensed by the Bureau and to provide the Bureau’s contact information. Licensees will provide each client or any individual the licensee

reasonably deems sufficient to constitute notice to the client with written notice. Written notice shall be provided to the client personally or by mail, email, or facsimile.

Licensees can implement the first requirement of this regulation via written notice to their clients. If the licensee chooses to email their clients, the cost of this method would be only the amount of time it takes to send an email. If the licensee chooses to mail a hard copy letter, the cost would be less than \$1.00 per client.

The Bureau finds that expenses per licensee would be minor and absorbable.

Effect on Housing Costs: None.

Business Reporting Requirement: None.

Effect on Small Business:

The Bureau has determined that the proposed regulations may affect small businesses in a negligible manner if the licensee is a small business and mails a notice to clients, as noted above (under business impact and cost impact on representative private person or business); however, consumer protection will be enhanced by ensuring that clients/consumers receive the information contained in the notification.

The Bureau has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting small business, including the ability of California businesses to compete with businesses in other states.

Although all licensees will be required to comply with these proposed regulations, the economic impact will be negligible.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

The Bureau has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the state of California.

Benefits of Regulation:

The Bureau has determined that this regulatory proposal will have the following benefits to health and welfare of California residents, worker safety, and the state's environment:

BPC section 6516 states: "Protection of the public shall be the highest priority for the Bureau in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount."

This proposal is consistent with the Bureau's priority of protecting the public. An informed consumer is in

a better position to make a reasoned choice relating to fiduciary services. Additionally, an informed consumer would be able to assist the Bureau in regulating the professional fiduciary industry via the Bureau's complaint process should a problem arise. Consumers are often unaware of the existence and role of the Bureau and the services it offers. By ensuring that consumers know whether a person is licensed, they will know who to contact to verify a license or to lodge a complaint.

CONSIDERATION OF ALTERNATIVES

The Bureau must determine that no reasonable alternative to the regulation 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 Bureau has prepared an initial statement of the reasons for the proposed regulations and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Professional Fiduciaries Bureau at 1625 N. Market Blvd., Suite. S-209, Sacramento, California 95834.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Bureau may adopt the proposed regulations substantially as described in this notice. If the Bureau 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 Bureau adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Angela Cuadra at the address indicated below. The Bureau will accept

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

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 Cuadra
Address:
1625 N. Market Blvd., Suite S-209
Sacramento, CA 95834
Telephone Number:
(916) 574-7341
Fax Number:
(916) 574-8645
E-Mail Address:
fiduciary@dca.ca.gov

The backup contact person is:

Name:
Rebecca May
Address:
1625 N. Market Blvd., Suite S-209
Sacramento, CA 95834
Telephone Number:
(916) 574-7340
Fax Number:
(916) 574-8645
E-Mail Address:
fiduciary@dca.ca.gov

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

PROPOSITION 65

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND
TOXIC ENFORCEMENT ACT OF 1986
(PROPOSITION 65)**

**PROPOSED AMENDMENTS TO ARTICLE
6 CLEAR AND REASONABLE WARNINGS
CANNABIS (MARIJUANA) SMOKE AND
DELTA-9-TETRAHYDROCANNABINOL
(DELTA-9-THC) EXPOSURE WARNINGS
NEW SECTIONS 25607.38-25607.47**

**NOTICE OF PUBLIC HEARING AND
EXTENSION OF THE COMMENT PERIOD**

On March 19, 2021, the Office of Environmental Health Hazard Assessment (OEHHA) proposed amendments to Article 6, Clear and Reasonable warnings under Proposition 65¹, by adopting tailored safe harbor warnings for cannabis (marijuana) smoke and delta-9-tetrahydrocannabinol (delta-9-THC) exposures. The Notice of Proposed Rulemaking for the proposed amendments was published in the California Regulatory Notice Register on March 19, 2021 (Z-2021-0309-06) and initiated a 60-day public

¹The Safe Drinking Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code section 25249.5 et seq., commonly known as Proposition 65.

comment period. OEHHA has received a request from Katchko, Vitiello & Karikomi, PC to hold a public hearing on the proposed amendments.

OEHHA has scheduled a public hearing on May 10, 2021 at 1:00 p.m. In accordance with Governor Newsom's Executive Orders N-29-20 and N-33-20, as well as recommendations from the California Department of Public Health, the hearing will not have a physical location and will be conducted remotely. Information concerning how to participate in the hearing will be posted on our website prior to the hearing. The public comment period for this regulatory action is being extended to May 24, 2021, to accommodate the hearing.

If you have special accommodation or language needs, please contact Monet Vela by telephone at (916) 323-2517 or by email at monet.vela@oehha.ca.gov by April 30, 2021. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

Because of limited in-office staffing during the COVID-19 emergency, OEHHA strongly recommends that written comments be submitted electronically through our website at OEHHA's Public Comments Webpage at <https://oehha.ca.gov/comments>. Comments submitted in paper form may still be mailed, but delays may occur if staff are unable to access them in a timely manner.

Monet Vela
Office of Environmental Health Hazard
Assessment
1001 I Street, 23rd Floor
P. O. Box 4010
Sacramento, California 95812-4010
Telephone: 916-323-2517

OEHHA is subject to the California Public Records Act and other laws that require the release of certain information upon request. If you provide comments, please be aware that your name, address, and e-mail may be available to third parties.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH THE SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916)

653-7715. Please have the agency name and the date filed (see below) when making a request.

Board of Education
File # 2021-0329-02
CAASPP and ELPAC

In this emergency rulemaking action the State Board of Education adopts two sections to extend the testing window for the California Assessment of Student Performance and Progress (CAASPP) and the English Language Proficiency Assessment for California (ELPAC).

Title 05
Adopt: 855.1, 11518.1
Filed 04/07/2021
Effective 04/07/2021
Agency Contact: Lorie Adame (916) 647-2171

Bureau for Private Postsecondary Education
File # 2021-0301-01
STRF Application Form

The Bureau for Private Postsecondary Education within the Department of Consumer Affairs submitted this action as one without regulatory effect, pursuant to California Code of Regulations, title 1, section 100, to amend a regulation that sets forth requirements for applying for awards from the Student Tuition Recovery Fund (STRF) and to amend related English and Spanish STRF application forms that are incorporated by reference. The changes add language to the regulation and the STRF application forms to make them consistent with changes in Education Code section 94923 resulting from A.B. 1346 (Stats. 2019, ch. 521, sec. 1), update the address and telephone number on the STRF application forms, and correct the spelling of a word on the English version of the STRF application form.

Title 05
Amend: 76200
Filed 04/13/2021
Agency Contact: David Dumble (916) 574-8924

Bureau of Household Goods and Services
File # 2020-1023-01
Substantial Relationship Criteria and Rehabilitation
Criteria

In this action, the Bureau of Household Goods and Services adopts criteria to be used in determining whether a crime, professional misconduct, or other act is substantially related to the professional practice of its licensees for purposes of license denial, suspension, or revocation. The action adopts criteria for determining whether an applicant for a license, or for reinstatement of a license, or for the modification or termination of probation of a license, has been rehabilitated subse-

quent to a criminal conviction, professional misconduct, or other act. The action also adopts criteria for determining whether a licensee has been rehabilitated, subsequent to a criminal conviction, professional misconduct, or other act, when considering whether to suspend or revoke their license.

Title 04
 Amend: 1380, 1381
 Filed 04/09/2021
 Effective 04/09/2021
 Agency Contact: Diana Godines (916) 999-2068

Bureau of Household Goods and Services
 File # 2020-1023-02
 Substantial Relationship Criteria and Rehabilitation Criteria

In this action, the Bureau of Household Goods and Services adopts criteria to be used in determining whether a crime, professional misconduct, or other act is substantially related to the professional practice of its licensees for purposes of license denial, suspension, or revocation. The action adopts criteria for determining whether an applicant for a license, or for reinstatement of a license, or for the modification or termination of probation of a license, has been rehabilitated subsequent to a criminal conviction, professional misconduct, or other act. The action also adopts criteria for determining whether a licensee has been rehabilitated, subsequent to a criminal conviction, professional misconduct, or other act, when considering whether to suspend or revoke their license.

Title 16
 Amend: 2767, 2768
 Filed 04/09/2021
 Effective 04/09/2021
 Agency Contact: Diana Godines (916) 999-2068

California Health Benefit Exchange
 File # 2021-0329-01
 Average Statewide Monthly Premium

This emergency rulemaking action by the California Health Benefits Exchange adopts a regulation to implement the healthcare subsidy provision of Proposition 22 (November 3, 2020).

Title 10
 Adopt: 6466
 Filed 04/08/2021
 Effective 04/08/2021
 Agency Contact:
 Courtney Leadman (916) 281-2562

Department of Food and Agriculture
 File # 2021-0330-03
 Emerald Ash Borer Exterior Quarantine

This emergency action adopts an exterior quarantine against the emerald ash borer.

Title 03
 Adopt: 3288
 Filed 04/09/2021
 Effective 04/09/2021
 Agency Contact: Rachel Avila (916) 403-6813

Department of Food and Agriculture
 File # 2021-0330-04
 Industrial Hemp Harvesting

This emergency action by the Department of Food and Agriculture amends the harvest timeframe for industrial hemp from within 15 days after sampling to within 30 days and amends the timeframes for pre-harvest and laboratory testing notifications.

Title 03
 Amend: 4940, 4944, 4946
 Filed 04/09/2021
 Effective 04/09/2021
 Agency Contact: Rachel Avila (916) 403-6813

Department of Public Health
 File # 2021-0224-01
 Reportable Disease Changes

This file and print only action by the Department of Public Health amends reportable diseases requirements related to SARS-CoV-2 (coronavirus). This action is exempt from the Administrative Procedure Act pursuant to Health and Safety Code section 120130, subdivisions (a) and (b).

Title 17
 Amend: 2505
 Filed 04/07/2021
 Effective 04/07/2021
 Agency Contact:
 Hannah Strom-Martin (916) 440-7371

Division of Workers' Compensation
 File # 2021-0316-02
 Workers' Comp. — Official Medical Fee Schedule — Inpatient Hospital

The Division of Workers' Compensation submitted this action for filing and printing to publish changes to the official medical fee schedule for inpatient hospitals. This action is exempt from the APA pursuant to Labor Code section 5307.1(g)(2).

Title 08
Amend: 9789.25
Filed 04/12/2021
Effective 03/15/2021
Agency Contact: Karen Pak (510) 932-9286

State Lands Commission
File # 2021-0226-05
Removal of Duplicative Title 26 Toxics Regulations

This action by the State Lands Commission removes regulations contained in title 26 of the California Code of Regulations that are duplicative or outdated versions of regulations contained in title 2.

Title 26
Repeal: 2-2133, 2-2134, 2-2135, 2-2136, 2-2137,
2-2138, 2-2139, 2-2140, 2-2141, 2-2142
Filed 04/12/2021
Agency Contact: Patrick Huber (916) 574-0728

**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.