



California Regulatory Notice Register

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2021 RULEMAKING CALENDAR

(INCORPORATED BY REFERENCE)

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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, review the proposed/amended conflict-of-interest codes of the following:

CONFLICT-OF-INTEREST CODES

AMENDMENT

Multi-County: Hanford Joint Union High School District
Metropolitan Water District of Southern California

A written comment period has been established commencing on October 8, 2021 and closing on November 22, 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 November 22, 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 11. COMMISSION ON PEACE
OFFICER STANDARDS AND TRAINING**

TRAINING AND TESTING
SPECIFICATIONS FOR PEACE
OFFICER BASIC COURSES
COMMISSION REGULATIONS
1005, 1007, AND 1008

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Division 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code section 11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

PUBLIC COMMENTS DUE BY
NOVEMBER 22, 2021

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 227-4547, by email to Cheryl Smith at csmith@post.ca.gov, or by letter to:

Commission on POST
Attention: Rulemaking
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630

AUTHORITY AND REFERENCE

This proposal is made pursuant to the authority vested by Penal Code section 13503 (authority of POST) and Penal Code section 13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific Penal Code section 13503(e), which authorizes POST to develop and implement programs to increase the effectiveness

of law enforcement, including programs involving training and education courses.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

Penal Code section 13510 requires that POST develop guidelines and a course of instruction and training for law enforcement officers who are employed as peace officers, or who are not yet employed as a peace officer but are enrolled in a training academy for law enforcement officers. This proposed action will update the incorporated by reference document, Training and Testing Specifications for Peace Officer Basic Courses (revised April 1, 2022), to include updating the Requalification Basic Course to ensure the required legislative mandates are being met and revise content to address current trends. Updates to this course will ensure individuals are current on California law, officer safety practices, de-escalation techniques, and their partnership role with the community to prepare them for employment as a peace officer in California. Currently the course is 144 hours. The revisions would add an additional 14 hours to make the course 158 hours. The proposed changes also include updating Learning Domain 20 — Use of Force and Learning Domain 33 — Arrest and Control. Learning Domain 20 was updated to reflect the updates to *Penal Code section 13519.10* using the term intercede instead of intervene. Learning Domain 33 was updated to include body positioning that could restrict breathing (i.e., positional asphyxia).

The benefit anticipated by the proposed amendments to the regulations will be to update the training specifications for Peace Officer Basic Courses, which will increase the effectiveness of law enforcement standards for peace officers in preserving peace, protection of public health and safety, and welfare of California.

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

All changes to curriculum begin with recommendations from law enforcement practitioners or in some cases via legislative mandates. POST then facilitates meetings attended by curriculum advisors and subject matter experts who provide recommended changes to existing curriculum. The completed work of all committees is presented to the POST Commission for final review and adoption. Upon adoption of the proposed amendments, academies and course presenters will be required to teach and test the updated curriculum. The proposed effective date is April 1, 2022.

ADOPTION OF PROPOSED REGULATIONS

Following the public comment period, the Commission may adopt the proposal substantially as set forth without further notice or may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date that the revised text is made available.

ESTIMATE OF ECONOMIC IMPACT

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Non-Discretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses: POST has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California business, including the ability of California businesses to compete with businesses in other states.

Small Business Determination: POST has found that the proposed amendments will not affect California businesses, including small businesses, because the Commission's main function is to set selection and training standards for law enforcement which has no effect financially on small businesses.

Effect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulations would have no effect on housing costs.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

per Government Code section 11346.3(b)

The adoption of the proposed amendments to regulations will neither create, nor eliminate, jobs in the state of California, nor result in the elimination

of existing businesses or create, or expand, businesses in the state of California. The proposed amendments to regulations will increase the effectiveness of law enforcement standards for peace officers in preserving peace, protection of public health and safety, and welfare of California. There would be no impact that would affect worker safety or the state's environment.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

CONSIDERATION OF ALTERNATIVES

To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise identified and brought to the Commission, 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 than the proposed action.

CONTACT PERSON

Questions regarding this proposed regulatory action may be directed to Cheryl Smith, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630 at (916) 227-0544. General questions regarding the regulatory process may be directed to Katie Strickland at (916) 227-2802, or by FAX at (916) 227-5271.

TEXT OF PROPOSAL

Individuals may request copies of the exact language of the proposed regulations and of the initial statement of reasons, and the information the proposal is based upon, from POST at 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630. These documents are also located on the POST Website at <https://post.ca.gov/Regulatory-Action>.

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

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above.

To request a copy of the Final Statement of Reasons once it has been approved, submit a written request to the contact person(s) named above.

TITLE 16. BOARD OF PHARMACY

ADMINISTERING VACCINES

NOTICE IS HEREBY GIVEN that the California State Board of Pharmacy (board) proposes taking 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 by November 22, 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 that person's authorized representative, no later than 15 days prior to the close of the written comment period.

The board may, after holding a hearing if requested and 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: Section 4005 of the Business and Professions Code (BPC) authorizes the board to adopt this regulation. The proposed regulation implements, interprets, and makes specific sections 4052, 4052.8, and 4081 of the Business and Professions Code; Section 120440, Health and Safety Code; and Section 300aa–25, Title 42, United States Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The board is a state agency vested with the authority to regulate the pharmacy industry, including pharmacies, pharmacists, interns, and pharmacy technicians. The board's mandate and its mission are to protect the public (BPC § 4001.1).

Existing pharmacy law establishes the authority for a pharmacist to initiate and administer vaccines as specified (BPC 4052.8). Additionally, California Code of Regulations (CCR) Title 16, section 1746.4 specifies the conditions under which a pharmacist may administer vaccines. The regulation currently requires a pharmacist to notify each patient's primary care provider (PCP) of any vaccine administered to the patient as specified. Further, a pharmacist must report vaccine administration to California's vaccine immunization registry.

As part of both the state and national responses to the COVID–19 pandemic, pharmacists and pharmacies have served as a primary access point for patients to receive their COVID–19 vaccines. This access point was possible, in part, because the board approved a waiver effective December 17, 2020 (and available on the Board's website) to the mandatory notification requirement in section 1746.4(d) to each patient's PCP during the recently declared COVID–19 related statewide emergency declaration. Under the conditions of the waiver a pharmacist is not required to notify each patient's PCP if specified conditions are met, including that the pharmacist continue reporting vaccinations administered to a vaccination registry. As BPC 4052.8(b)(3) requires compliance with state and federal recordkeeping and reporting requirements (Title 42, United States Code, section 300aa–25), including reporting vaccinations in the immunization registry developed and maintained by the California Department of Public Health, physicians, including PCPs, currently have access to vaccine administration records for their patients without the additional notification from pharmacists.

Additionally, other health care providers, specifically, optometrists (BPC 3041(g)(1)), have the authority to administer certain vaccinations but are not obligated to notify the patient's PCP within 14 days. Optometrists are required to provide documentation of the immunization to the patient's PCP if the patient provides the PCP's information. Further, Assembly Bill 526 (Wood, Statutes of 2021), is under committee discussion with the California Legislature, and will grant authority to dentists and podiatrists to provide certain vaccinations without any requirement to notify the patient's PCP within 14 days of administration.

This proposal will permanently remove the 14–day mandatory reporting requirement to each patient's PCP as the notification is duplicative and creates additional workload for the pharmacist and pharmacy when the vaccination information is readily available to the patient's PCP through the immunization registry of the California Department of Public Health. Instead, the proposal will require reporting to the patient's PCP, only if requested by the patient as the patient has the right to request such notification. Notably, the

reporting requirement to notify a pregnant patient’s prenatal care provider, if known, of the administered vaccine, will remain due to the time sensitive nature of the medical treatment for pregnant patients.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS

By eliminating the current, mandatory 14–day reporting requirement, imposed only on pharmacists, the board is more closely aligning its regulation with the statutory reporting requirements in BPC 4052.8 as well as the reporting requirements for other health care providers. Additionally, making the reporting requirement mandatory only when requested by the patient will ease some of the administrative burden for pharmacists. Reducing some of the administrative burden will increase the availability of the pharmacists to provide patient–centered care, which is a benefit to public health. In addition, eliminating the word “ongoing” from the continuing education requirement in subsection (c) of Section 1746.4 will help avoid confusion for the regulated public regarding the board’s continuing education completion requirements.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

While developing these regulations and amendments, the board conducted a search of similar regulations on this topic and concluded that these regulations are neither inconsistent nor incompatible with existing state regulations. As noted above, these amendments make state law more consistent with federal law.

FISCAL IMPACT AND RELATED ESTIMATES

Fiscal Impact on Public Agencies Including Costs/Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

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 regulations will not have a significant statewide adverse economic impact directly affecting businesses including the inability of California businesses to compete with businesses in other States.

This initial determination is based on the following facts:

This initial determination is based on the absence of testimony to that effect during the public discussion and development of the proposed amendments to the regulation. The board determined that eliminating the mandatory 14–day reporting requirement would ease some of the administrative burden on pharmacists which will increase the availability of the pharmacists to provide patient–centered care, which may result in a minor cost savings to licensees.

Cost Impact on Representative Private Person or Business:

The board is not aware of any negative cost impacts that a representative private person or business would necessarily incur in reasonable compliance with proposed action. Eliminating the mandatory 14–day reporting requirement would ease some of the administrative burden on pharmacists which will increase the availability of the pharmacists to provide patient–centered care, which may result in a minor cost savings to licensees

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

While the board does not have, nor does it maintain, data to determine if any of its licensees (pharmacies and clinics) are a “small business,” as defined in Government Code section 11342.610, the board has made an initial determination that the proposed regulatory action will not affect small businesses. Although the proposed regulation will directly affect businesses statewide, which may include small businesses, the board does not anticipate any adverse economic impact. No costs were identified because the board determined that eliminating the mandatory 14–day reporting requirement would ease some of the administrative burden on pharmacists which will increase the availability of the pharmacists to provide patient–centered care, which may result in a minor cost savings to licensees.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/New Businesses:

The Board concludes that:

- (1) this proposal will not create jobs within California;
- (2) this proposal will not eliminate jobs within California;
- (3) this proposal will not create new businesses within California;
- (4) this proposal will not eliminate existing businesses within California; and,

- (5) this proposal will not expand businesses currently doing business in the State of California.

The board determined that this proposal will not cause any of the foregoing because these changes are not of sufficient magnitude to create those impacts. This proposal simply eliminates a single reporting requirement for pharmacists and strikes a confusing word from the continuing education provisions, which may result in minor cost savings to the licensees.

Additionally, the board determined that this regulatory proposal will not impact worker safety, or the state's environment as these changes do not involve worker safety or the environment. The board has determined that this regulatory proposal benefits the health and welfare of California residents by increasing the availability of the pharmacists to provide patient-centered care.

CONSIDERATION OF ALTERNATIVES

The Board determined that no reasonable alternative that 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, 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.

The board considered not removing the mandatory 14-day reporting requirement; however, the board determined that easing the administrative burden and more closely aligning the board's regulation with other licensed healthcare professionals was a benefit to patient safety.

Any interested person may present statements or arguments in writing relevant to the above determinations at the address listed for the Contact Person during the written comment period.

AVAILABILITY OF TEXT OF PROPOSAL AND INITIAL STATEMENT OF REASONS

The Board has prepared an Initial Statement of Reasons for the proposed action and has available all the information upon which the proposal is based. Copies of the exact language of the proposed regulations, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board of Pharmacy at 2720 Gateway Oaks Drive, Suite 100, Sacramento, California 95833, or from the Board of Pharmacy's website at <http://www.pharmacy.ca.gov>.

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

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

You may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

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

Name: Lori Martinez
Address: 2720 Gateway Oaks Drive
Suite 100
Sacramento, CA 95833
Phone Number: (916) 518-3078
Fax Number: (916) 574-8618
E-Mail Address: Lori.Martinez@dca.ca.gov

The backup contact person is:

Name: Debbie Damoth
Address: 2720 Gateway Oaks Drive
Suite 100
Sacramento, CA 95833
Phone Number: (916) 518-3090
Fax Number: (916) 574-8618
E-Mail Address: Debbie.Damoth@dca.ca.gov

WEBSITE ACCESS

Materials regarding this proposal can be found at the Board of Pharmacy's website: https://www.pharmacy.ca.gov/laws_regs/pending_regs.shtml.

TITLE 17. DEPARTMENT OF DEVELOPMENTAL SERVICES

PROPOSED AMENDMENTS TO THE PARTICIPANT-DIRECTED SERVICES REGULATION

The Department of Developmental Services (DDS or the Department) proposes amendments to the Participant-Directed regulation after considering all comments, objections, and recommendations.

PUBLIC HEARING

A public hearing is not currently scheduled; however, any interested person may request the Department to conduct a public hearing. A public hearing will be held if any interested person, or their duly authorized representative, requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice **no later than November 8, 2021**, fifteen (15) days prior to the close of the 45-day comment period, which is November 22, 2021. If a request for public hearing is received by November 8, 2021, the time, date, and location of the public hearing will be provided by separate notice.

WRITTEN COMMENT PERIOD AND
SUBMITTAL OF COMMENTS

Any interested person or his or her representative may present comments relevant to the proposed action to the Department by personal delivery, postal mail service, or email submittal as described in detail below. The public comment period for this regulatory action will begin on October 8, 2021. For any written comment to be considered, it must be received by the Department **no later than November 22, 2021**, the close of the 45-day comment period.

Comments sent to persons and/or addresses other than that specified, or received after the date and time specified above, may be included in the record of this proposed regulatory action, but may not be summarized or responded to regardless of the manner of transmission.

For consideration, any written comments shall be submitted as follows:

On the Department's Internet website via electronic submittal, or by United States Postal Service or personal delivery to:

Department of Developmental Services
RE: **Participant-Directed Services**
Legislation, Regulations & Public Affairs
1215 O Street, MS 10-50
Sacramento, CA 95814; or

Electronic Submittal: Participant-Directed Services: <https://www.dds.ca.gov/transparency/laws-regulations/emergency-and-proposed-regulations/>.

“Please note: Public comments should not include any personal or medical information, as your written and oral comments, and attachments become part of the public record and can be released to the public upon request under the California Public Records Act (Gov. Code, §6250 et seq.)”

INFORMATIVE DIGEST AND POLICY
STATEMENT OVERVIEW
(PURSUANT TO GOVERNMENT CODE
SECTION 11346.5 subdivision (a)(3))

Currently, the regional center offers services using the Participant-Directed model to allow the adult consumer and/or family member to procure their own services such as community-based training service, day care, nursing, respite, and/or transportation services. Participant-Directed services lets the consumer or family choose who to hire, schedule when the person works, and supervise the work. Consumers who choose to participate in Participant-Directed services work with a vendored Financial Management Service (FMS) agency to hire and pay staff and comply with employment laws.

Adding the proposed Participant-Directed service codes will offer flexibility to support consumers and their families by offering more control over how and by whom some Individual Program Plan (IPP) services are provided.

Additionally, the rate regulations for the in-home respite worker, participant-directed respite worker, and participant-directed community-based training service are being amended to state the rate's authority. These rates have changed over the years and by removing the rate and stating the authority the Department will not need to amend the regulations each time there are changes to the rate.

Financial Management Service Fiscal/Employer Agent (FMS FE/A) and Co-Employer rates are also being updated to reflect to most current rate.

Sections Affected: The Department proposes amendments to the California Code of Regulations, Title 17, Sections 58886 and 58888 to add three new service codes for Participant-Directed services for eligible participants.

Service Code 456 — Personal assistance
Service Code 457 — Independent living skills
Service Code 458 — Supported employment

Additionally, the Department proposes amendments to the following sections:

58888(a)(5) — Removing the rate and adding the rate's authority, Welfare and Institution Code
58888(b)(1)(A)-(C) and (2) amended to reflect the most current FMS FE/A and Co-Employer rates.

Section 57310(b)(3) — Removing the rate and adding the rate's authority, Welfare and Institution Code

Section 57332(c)(3)(A) and (c)(9)(A) — Removing the rate and adding the rate's authority, Welfare and Institution Code

Existing Laws/Regulations:

The Lanterman Developmental Disabilities Services Act (Lanterman Act), Welfare and Institutions

Code section 4500 et seq., was enacted to reduce institutionalization of people with developmental disabilities and prevent their dislocation from their home communities. Under the Lanterman Act, people with developmental disabilities have a right to services and supports in the least restrictive environment.

Government Code section 11152 provides that DDS may adopt and enforce rules and regulations necessary to carry out their respective duties.

Effect of the Proposed Regulatory Action:

Adding the proposed Participant-Directed services will allow consumers the ability to choose workers (e.g. friends, some family members, etc.) to provide personal assistance, independent living skills, and supported employment services which assists in their overall health and wellbeing of the consumer.

The amendments to existing rate regulations are necessary to update outdated rates.

Comparable Federal Regulations:

None.

Policy Statement Overview/Anticipated Objectives and Benefits of the Proposed Regulatory Action:

The Department proposes to amend Sections 58886 and 58888 of Title 17 to add three new service codes for Participant-Directed services for eligible participants. These new service codes will allow consumers to have more flexibility and choice over the services they receive.

- Service Code 456 — Personal assistance
- Service Code 457 — Independent living skills
- Service Code 458 — Supported employment

The proposed regulations will benefit persons with developmental disabilities and their families who choose to participate in the participant-directed services, by allowing them to choose how and by whom their services are provided. This benefits the health and welfare of the clients receiving these services and those who choose to participate in the future.

Amending the rates will benefit stakeholders interested in viewing the rate in regulations. With the proposed amendments, one will know the most recent rate or the statute that authorizes the rate.

An Evaluation of Inconsistency or Incompatibility with Existing State Regulations (Gov. Code, § 11346.5, subdivision (a)(3)(D)):

During the process of developing the proposed regulatory action, DDS conducted a search of any similar regulations on this topic and concluded these regulations are neither inconsistent nor incompatible with existing state regulations.

**MANDATED BY FEDERAL
LAW OR REGULATIONS**
(Gov. Code, §§ 11346.2, subdivision (c), 11346.9)

The proposed regulatory action is not mandated by federal law or regulations.

LOCAL MANDATE
(Gov. Code, § 11346.5 subdivision (a)(5))

Under Government Code sections 11346.5, subdivision (a)(5), DDS has determined that the proposed regulatory action would not impose a mandate on any local agency or school district that requires reimbursable by the State under Government Code, title 2, division 4, part 7 (commencing with section 17500).

FISCAL IMPACTS
(Gov. Code, § 11346.5, subdivisions (a)(6))

The determination of the Department concerning the costs or savings incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulatory action are presented below.

Cost to any local agency or school district requiring reimbursement under section 17500 et seq.:

DDS has determined that the proposed regulatory action would not create costs or savings to any local agency or school district.

Cost or savings to any state agency:

DDS has determined that the proposed regulatory action would not create costs or savings to any state agency.

Other non-discretionary costs or savings on local agencies:

DDS has determined that the proposed regulatory action would not create costs or savings to any other nondiscretionary cost or savings to state or local agencies.

Cost or savings in Federal funding to the state:

DDS has determined that the proposed regulatory action would not create costs or savings in federal funding to the state.

HOUSING COSTS
(Gov. Code, § 11346.5, subdivision (a)(12))

In accordance with Government Code Section 11346.5, subdivision (a)(12), the Department has made the initial determination that the proposed regulatory action will not have an effect on housing costs.

**SIGNIFICANT STATEWIDE
ADVERSE ECONOMIC IMPACT
DIRECTLY AFFECTING BUSINESS,
INCLUDING ABILITY TO COMPETE**

(Gov. Code, §§ 11346.3(a),
11346.5(a)(7), 11346.5 (a)(8))

DDS has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

**STATEMENT OF RESULTS OF THE
ECONOMIC IMPACT ASSESSMENT (EIA)**

(Gov. Code, § 11346.5, subdivision (a)(10))

Based on the economic impact assessment, the Department has made an initial determination that the proposed regulations 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.

The Department has further determined that the regulation would not significantly affect the creation or elimination of jobs within the state of California, the creation of new businesses or the elimination of existing businesses within the state of California, or the expansion of businesses currently doing business within the state of California.

Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The proposed changes will provide opportunities to families and consumers receiving services from a Regional Center by allowing them to customize services in order to meet their individualized needs; have opportunities to further their development and increase their ability to lead integrated and inclusive lives. The Department has also made an initial determination that there are no anticipated benefits to worker safety or the state's environment.

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

(Gov. Code, § 11346.5, subdivision (a)(9))

In developing this regulatory proposal, DDS evaluated the potential economic impacts on representative private persons or business. DDS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESS

(Cal. Code Regs., title 1, § 4,
subdivisions (a) and (b))

DDS has determined under California Code of Regulations, title 1, section 4, that the proposed regulatory action may affect small businesses because the proposed regulation gives consumers more options for how they will receive services.

ALTERNATIVES STATEMENT

(Gov. Code, § 11346.5, subdivision (a)(13))

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

During the written comment period, DDS invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation.

CONTACT PERSONS

(Gov. Code, § 11346.5, subdivision (a)(14))

Inquiries concerning the substance of the proposed regulatory action may be directed to the department representative Yasir Ali, Chief, Rates and Fiscal Support Section, at (916) 654-2302 or Ann Stiglmayer, Assistant Chief, Rates and Fiscal Support Section, at (916) 654-1608.

AVAILABILITY OF DOCUMENTS

(Gov. Code, § 11346.5, subdivision (a)(16))

The Department has compiled a record for this rulemaking action which includes all the information upon which the proposal is based, including an Initial Statement of Reasons (ISOR) for the proposed regulatory action and the proposed text (the "express terms") of the regulation.

Copies of the proposed ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on the Department's website listed below, or may be obtained upon written request to Sunday Balalis, Regulations Analyst at DDS Office, 1215 O Street, MS 1050 Sacramento, California.

Further, the Department's representative to whom nonsubstantive inquiries concerning the proposed administrative action may be directed is Sunday Balalis, Regulations Analyst at DDS Office, 1215 O Street, MS 1050 Sacramento, California, 95814. The Department has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

**HEARING PROCEDURES OR
MODIFIED TEXT**

If a request for public hearing is received by November 8, 2021, it will be conducted in accordance with the Administrative Procedure Act, Government Code, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340). After the Department holds a public hearing and considers all timely and relevant comments, it 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, with the exception of grammatical changes, it will make the modified text, with the changes clearly indicated, available to the public for at least 15 days before the Department adopts the regulation as revised. Please send requests for copies of any modified regulation to the attention of the contact persons indicated above. The Department will accept written comments on the modified regulation for 15 days after the date on which it is made available.

**AVAILABILITY OF THE FINAL
STATEMENT OF REASONS**

Upon its completion, the Final Statement of Reasons (FSOR) shall be available and copies may be requested from the Department contact persons in this notice or may be accessed on the Department's Internet website listed below.

**AVAILABILITY OF
DOCUMENTS ON THE INTERNET**

This notice, the ISOR, the proposed regulation text, and all subsequent regulatory documents, including the FSOR, when completed, are available on the Department's website for this rulemaking at Emergency and Proposed Regulations: <https://www.dds.ca.gov/transparency/laws-regulations/emergency-and-proposed-regulations/>.

**TITLE 22. DEPARTMENT OF
SOCIAL SERVICES**

ORD #0421-01

ITEM # Adoption Regulations Packages AB 1757, SB 1726, AB 848, etc.

The California Department of Social Services (hereafter known as CDSS or the Department) hereby gives notice of the proposed regulatory action(s) described below. A public hearing regarding this proposal is not currently scheduled. Not later than 15 days prior to the close of the public 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 sent to:

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

Statements or arguments relating to the proposals may be submitted in writing, e-mail, or by facsimile to the address/number listed above. All comments must be received by November 23, 2021.

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

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed above. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at CDSS Regulations In Process (<https://www.cdss.ca.gov/inforesources/letters-regulations/legislation-and-regulations/regulations-home-page/regulations-in-process>). Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading at the address listed above. Following the public comment period, copies of the Final Statement of Reasons will be available at the above address.

CHAPTERS

Title 22, Division 2, Subdivision 4, Chapter 3.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

The proposed regulations would establish procedures in which adoption agencies would follow current California Family Code sections. This includes:

- 1) Expanding the information adoption petitioners receive regarding fee structures set by law;
- 2) Expanding and clarifying who may have a legal claim to a child;
- 3) Clarify procedures and options for birth parents when relinquishing a child to an adoption agency; and
- 4) Clarifying circumstances in which an abbreviated assessment may be completed for prospective adoptive applicants.

These regulations are necessary to promote the best interest of children in out-of-home care by providing clarity to foster care and adoption agencies. These regulations comply with the provisions from noted state legislative bills and California statute. The intent of these revisions is to implement current California statute, primarily those within Family Code.

The proposed regulations are necessary to implement current California statute regarding adoption procedures. These regulatory changes will ensure that adoption agencies are following the most current laws and rules that apply to independent adoptions, agency relinquishments, and prospective adoptive applicant assessments. Further, the anticipated benefit is that families and children will receive accurate and ethical, care, information, and service.

The proposed regulations amend sections of Title 22, Division 2, Adoption Regulations. The proposed regulations do not alter any existing forms. The proposed regulation text incorporates the existing form AD 929A, implemented by Assembly Bill (AB) 1757 (Chapter 638, Statutes of 2012), adding Family Code section 8700.5.

CDSS considered other possible related regulations in this area, and we found that these are the only regulations dealing in this subject area. Therefore, CDSS finds that these proposed regulations are compatible and consistent with the intent of the Legislature in adopting AB 1757 as well as with existing state regulations.

COST ESTIMATE

1. Costs or Savings to State Agencies: These regulations will not result in a fiscal impact to the State Government.

2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance with Government Code Sections 17500–17630: These regulations do not result in any additional local assistance fiscal impact that is not already captured in the State Budget. The funding for Adoptions was adjusted for any costs as appropriate, and the program funding was realigned to counties as part of the 2011 Realignment. Additionally, funding for Assembly Bill (AB) 1757 was provided at the enactment of the legislation in 2010, and ABs 2773, 2674, 1757, and 1701, in 1998, 2004, 2012, and 2014 respectively, as well as Senate Bill 1726 in 2008, while complying with Family Code sections 7660.5 through 8810, provide clarifying language and do not require additional funding.
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: These regulations do not result in any additional local assistance fiscal impact that is not already captured in the State Budget. The funding for Adoptions was adjusted for any costs as appropriate, and the program funding was realigned to counties as part of the 2011 Realignment. Additionally, funding for AB 1757 was provided at the enactment of the legislation in 2010, and ABs 2773, 2674, 1757, and 1701, in 1998, 2004, 2012, and 2014 respectively, as well as Senate Bill 1726 in 2008, while complying with Family Code sections 7660.5 through 8810, provide clarifying language and do not require additional funding.

LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies, but not on school districts. There are no “state-mandated local costs” in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code because any costs associated with the implementation of these regulations are costs mandated by the federal government within the meaning of Section 17513 of the Government Code.

STATEMENT OF SIGNIFICANT ADVERSE
ECONOMIC IMPACT ON BUSINESS

The Department has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made based on the knowledge that these revisions do not represent new activities or services. The regulation revisions clarify and or

change language based on the passage of the assembly bills.

**STATEMENT OF POTENTIAL COST IMPACT
ON PRIVATE PERSONS OR BUSINESSES**

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

SMALL BUSINESS IMPACT STATEMENT

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

**STATEMENT OF RESULTS OF
ECONOMIC IMPACT ASSESSMENT**

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California. The benefits of the regulatory action to the health and welfare of California residents, worker safety, and the state's environment are as follows: These regulatory changes will ensure that adoption agencies are following the most current laws and rules that apply to independent adoptions and agency relinquishments, including services to birth and prospective adoptive parents. Further, the anticipated benefit is that families and children will receive accurate and ethical care, information, and service. There are no anticipated benefits to worker safety or the state's environment.

**STATEMENT OF EFFECT ON
HOUSING COSTS**

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

**STATEMENT OF
ALTERNATIVES CONSIDERED**

In developing the regulatory action, the Department considered the following alternatives with the following results: No alternatives have been presented to CDSS. Should the CDSS maintain the existing regulation language it would be more burdensome as it would be out of compliance of Assembly Bill 2773, Chapter 1056, Statutes 1998, Assembly Bill 2674, Chapter 306, Statutes 2004, and Assembly Bill 1757, Chapter 638, Statutes 2012.

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

AUTHORITY AND REFERENCE CITATIONS

Family Code (FC) Section, California Juvenile Laws and Rules, 2020: FC 7500, FC 7540, FC 7573, FC 7611, FC 7612, FC 7630, FC 7660.5, FC 7663, FC 7664, FC 8700, FC 8730, and FC 8810.

Assembly Bill 2773, Chapter 1056, Statutes 1998
Assembly Bill 2674, Chapter 306, Statutes 2004
Assembly Bill 1757, Chapter 638, Statutes 2012
Senate Bill 1726, Chaptered 534, Statutes 2008
Assembly Bill 1701, Chaptered 763, Statutes 2014

**DEPARTMENT REPRESENTATIVE
REGARDING THE RULEMAKING
PROCESS OF THE PROPOSED REGULATION**

Contact Person: Everardo Vaca: (916) 657-2586
Back-Up: Oliver Chu: (916) 657-2586

**TITLE 25. DEPARTMENT OF
HOUSING AND COMMUNITY
DEVELOPMENT**

**NOTICE OF INTENTION TO AMEND
THE CONFLICT-OF-INTEREST CODE OF
THE DEPARTMENT OF HOUSING AND
COMMUNITY DEVELOPMENT**

NOTICE IS HEREBY GIVEN that the **Department of Housing and Community Development**, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict-of-interest code. A comment period has been established commencing on September 28, 2021 and closing on November 22, 2021. All inquiries should be directed to the contact listed below.

The **Department of Housing and Community Development** proposes to amend its conflict-of-interest code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision

(a) of section 87302 of the Government Code. The amendment carries out the purposes of the law and no other alternative would do so and be less burdensome to affected persons.

Changes to the conflict-of-interest code include:

- Amending language in the General Provisions to reflect standard language currently recommended by the Fair Political Practices Commission.
- Amending the titles of several divisions within the department to reflect current organization.
- Adding branches/programs/units within each division.
- Eliminating designated positions which are no longer used by the department.
- Modifying the disclosure categories assigned to several designated positions.
- Amending language of the existing disclosure categories to reflect standard language currently recommended by the Fair Political Practices Commission, which is not substantive in nature.
- Adding an additional disclosure category that is applicable to several designated positions.

Information on the code amendment is available on the Department's intranet site.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than November 22, 2021, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than November 7, 2021.

The **Department of Housing and Community Development** has determined that the proposed amendments:

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

**NOTICE OF DECISION NOT TO
PROCEED**

PURSUANT TO GOVERNMENT
CODE SECTION 11347

**COMMISSION ON PEACE OFFICER
STANDARDS AND TRAINING**

Pursuant to Government Code Section 11347, the Commission on Peace Officer Standards and Training hereby gives notice that it has decided not to proceed with the rulemaking action published in the California Regulatory Notice Register (CRNR), April 2, 2021. The proposed rulemaking concerned amendments to Commission Regulation 1052 — Requirements for Course Certification and Commission Regulation 1053 — Requirements for Self-Paced Training Course Certification to establish course certification criteria for distance learning related courses. This proposed rulemaking will be published at a future date as part of a combined file relating to distance learning that includes proposed amendments to Commission Regulation 1001 — Definitions.

Any interested person with questions concerning this rulemaking should contact Michelle Weiler at either (916) 227-4870 or by e-mail at: michelle.weiler@post.ca.gov.

The Department will also publish this Notice of Decision Not to Proceed on its website.

**COMMISSION ON PEACE OFFICER
STANDARDS AND TRAINING**

Pursuant to Government Code Section 11347, the Commission on Peace Officer Standards and Training hereby gives notice that it has decided not to proceed with the rulemaking action published in the California Regulatory Notice Register (CRNR), April 2, 2021. The proposed rulemaking concerned amendments to Commission Regulation 1001 — Definitions to include definitions related to distance learning. This proposed rulemaking will be published at a future date as part of a combined file relating to distance learning that includes proposed amendments to Commission Regulation 1052 — Requirements for Course Certification and Commission Regulation 1053 — Requirements for Self-Paced Training Course Certification.

Any interested person with questions concerning this rulemaking should contact Michelle Weiler at

either (916) 227-4870 or by e-mail at: michelle.weiler@post.ca.gov.

The Department will also publish this Notice of Decision Not to Proceed on its website.

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.

Superintendent of Public Instruction
File # 2021-0810-02
Foster Youth Complaint Time Line

In this regulatory action, the State Superintendent of Public Instruction makes permanent the adoption of a regulation to create an exception to the one-year timeframe established in section 4630 of title 5 of the California Code of Regulations. Section 4630 requires Uniform Complaint Procedures (UCP) complaints to be filed no later than one year from the date the alleged violation occurred. The exception to this time frame applies to UCP complaints related to the educational rights of foster youth.

Title 05
Adopt: 4630.5
Filed 09/22/2021
Effective 09/22/2021
Agency Contact: Lorie Adame (916) 319-0860

Board of Parole Hearings
File # 2021-0917-01
Proceedings Conducted In Person and by
Videoconference

This emergency rulemaking action by the Board of Parole Hearings adopted regulations that establish procedures for conducting parole hearings and other proceedings by videoconference pursuant to Penal Code section 3041.6.

Title 15
Adopt: 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063
Filed 09/27/2021
Effective 09/27/2021
Agency Contact: Mina Y. Choi (916) 322-6729

Department of Cannabis Control
File # 2021-0915-01
Medicinal and Adult Use Commercial Cannabis
Control

Assembly Bill 141 (Stats. 2021, Ch. 70) consolidated the three former cannabis licensing programs within the Bureau of Cannabis Control, Department of Food and Agriculture, and Department of Public Health into a single new department within the Business, Consumer Services, and Housing Agency called the Department of Cannabis Control (DCC). This emergency rulemaking action by DCC consolidates, clarifies and makes consistent licensing and enforcement criteria for all commercial cannabis businesses, including cultivators, manufacturers, distributors, retailers, microbusinesses, testing laboratories, and temporary cannabis events. These regulations inform applicants for licensure of the applicable meaning of key statutory terms, identify documents and supplemental information required in an application for licensure, and provide specific terms, prohibitions, and conditions for compliance with the Medicinal and Adult-Use Cannabis Regulatory and Safety Act (MAUCRSA). This is a deemed emergency pursuant to Business and Professions Code sections 26013(b)(3) and 26153.1(k).

Title 04
Adopt: 15000.1, 15000.2, 15000.3, 15000.4, 15000.5, 15000.6, 15000.7, 15001.1, 15001.2, 15001.3, 15001.4, 15002.1, 15041.2, 15041.3, 15041.4, 15041.5, 15041.6, 15041.7, 15042.1, 15047.1, 15047.2, 15047.3, 15048.1, 15048.2, 15048.3, 15048.4, 15048.5, 15049.1, 15049.2, 16307, 16308, 16309, 16310, 16311, 17202.1, 17211.1, 17217, 17218, 17219, 17220, 17221, 17227, 17398, 17399, 17400, 17800, 17801, 17801.1, 17801.5, 17802, 17803, 17804, 17805, 17806, 17807, 17808, 17809, 17813, 17814, 17815, 17816, 17817, 17900, 17901, 17902, 17903, 17904, and 17905
Amend: 15000, 15001, 15002, 15003, 15004, 15005, 15006, 15007, 15007.1, 15009, 15010, 15011, 15012, 15013, 15014, 15015, 15017, 15018, 15020, 15021, 15023, 15024, 15024.1, 15025, 15027, 15034, 15035, 15036, 15037, 15038, 15040, 15040.1, 15041, 15041.1, 15042, 15043, 15044, 15045, 15046, 15047, 15048, 15049, 15050, 15051, 15052, 15054, 15300, 15301, 15302, 15303, 15304,

15305, 15306, 15307, 15308, 15309, 15312, 15313, 15314, 15315, 15402, 15405, 15406, 15407, 15408, 15410, 15411, 15413, 15414, 15418, 15420, 15427, 15500, 15600, 15601, 15602, 15604, 15700, 15702, 15703, 15704, 15705, 15706, 15709, 15710, 15711, 15713, 15714, 15717, 15718, 15719, 15720, 15721, 15722, 15723, 15724, 15725, 15726, 15727, 15728, 15729, 15730, 15731, 15732, 15733, 15734, 15735, 15736, 15737, 15738, 16000, 16100, 16101, 16102, 16103, 16104, 16105, 16108, 16109, 16110, 16112, 16113, 16114, 16115, 16201, 16202, 16209, 16300, 16301, 16302, 16303, 16304, 16305, 16306, 16410, 16411, 17006, 17009, 17117, 17123.1, 17123.2, 17124, 17126, 17127, 17128, 17203, 17204, 17205, 17206, 17207, 17208, 17209, 17210, 17211, 17212, 17213, 17214, 17215, 17216, 17217, 17218, 17219, 17220, 17221, 17223, 17225, 17226, 17300, 17301, 17302, 17303, 17304, 17305, 17401, 17402, 17403, 17404, 17405, 17406, 17407, 17408, 17409, 17410, 17411, and 17412

Repeal: 15007.2, 15008, 15010.1, 15010.2, 15010.3, 15022, 15026, 15028, 15030, 15031, 15032, 15033, 15052.1, 15053, 15310, 15426, 15501, 15502, 15503, 15504, 15505, 15506, 15506.1, 15507, 15715, 15739, 15800, 15801, 15802, 15803, 15804, 15805, 15806, 15807, 15808, 15809, 15810, 15811, 15812, 15813, 15814, 15815, 15900, 15901, 15902, 15903, 15904, 15905, 16106, 16107, 16200, 16203, 16204, 16205, 16206, 16207, 16208, 16210, 16211, 16212, 16213, 16214, 16215, 16216, 16400, 16401, 16402, 16403, 16404, 16405, 16406, 16408, 16409, 16500, 16501, 16600, 16601, 16602, 16603, 16604, 16605, 16606, 16607, 16608, 16609, 17000, 17001, 17002, 17003, 17004, 17005, 17100, 17101, 17102, 17103, 17104, 17105, 17106, 17107, 17108, 17109, 17110, 17111, 17113, 17114, 17115, 17116, 17118, 17119, 17120, 17121, 17122, 17123, 17125, 17200, 17201, 17202, 17217, 17218, 17219, 17220, 17221, 17222, 17224, 17400, 17500, 17501, 17502, 17503, 17504, 17505, 17506, 17507, 17508, 17509, and 17510

Filed 09/27/2021

Effective 09/27/2021

Agency Contact: Kaila Fayne (916) 465-9120

Department of Food and Agriculture
File # 2021-0927-01
Caribbean Fruit Fly Eradication Area

This emergency action by the Department of Food and Agriculture establishes Santa Clara County as part of the Caribbean fruit fly (*Anastrepha suspensa*) eradication area.

Title 03

Amend: 3591.11

Filed 09/29/2021

Effective 09/29/2021

Agency Contact: Rachel Avila (916) 403-6813

Department of Pesticide Regulation

File # 2021-0915-02

Registration Fees

This emergency action increases the annual renewal fee for the registration of a pesticide product with the Department of Pesticide Regulation from \$1,150 to \$1,525 and makes several changes without regulatory effect to the applicable regulations and a related form.

Title 03

Amend: 6170, 6170.5, 6216

Filed 09/27/2021

Effective 10/01/2021

Agency Contact: Lauren Otani (916) 445-5781

Department of Insurance

File # 2021-0915-04

Summary of Dental Benefits and Coverage
Disclosure Matrix

This is the first readoption of emergency action no. 2021-0119-01EFP, which established form, content, and delivery requirements for the uniform benefits and coverage disclosure matrix that must be used by insurers that issue, sell, renew, or offer a policy of insurance that covers dental services. This is a deemed emergency pursuant to Insurance Code section 10603.04(f)(1), and this action is exempt from OAL review pursuant to Insurance Code section 10603.04(f)(2).

Title 10

Adopt: 2239.10

Filed 09/27/2021

Effective 09/27/2021

Agency Contact: Ethan Lavelle (916) 492-3648

Department of Managed Health Care

File # 2021-0914-01

Summary of Dental Benefits and Coverage
Disclosure Matrix

The Department of Managed Health Care submitted this emergency file and print action to readopt a regulation originally adopted in OAL Matter No. 2021-0115-01E that implements Health and Safety Code section 1363.04, which requires the Department to develop a uniform benefits and coverage disclosure matrix that must be used by health care service plans that issue, sell, renew, or offer a contract that covers dental services. This action is exempt from OAL review pursuant to Health and Safety Code section 1363.04(f)(2).

Title 28
Adopt: 1300.63.4
Filed 09/22/2021
Effective 09/24/2021
Agency Contact: Pamela Stone (916) 669-6987

California Debt Limit Allocation Committee
File # 2021-0913-02
Re: Adopting 5231 to Correct Typographical Error
(Construction Type)

This emergency readoption rulemaking by the California Debt Limit Allocation Committee amends regulations relating to the Qualified Residential Rental Project (QRRP) Program.

Title 04
Adopt: 5231
Filed 09/23/2021
Effective 09/25/2021
Agency Contact: Emily Burgos (916) 651-8484

California Cut Flower Commission
File # 2021-0902-04
Conflict-of-Interest Code

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

Title 02
Repeal: 56700
Filed 09/28/2021
Effective 10/28/2021
Agency Contact:
Maria Almaraz-Mirazo (866) 275-3772

Department of Insurance
File # 2021-0818-01
Workers' Compensation Classification/Rating Rules

In this file and print action, the Department of Insurance has made annual amendments to the California Workers' Compensation Uniform Statistical Reporting Plan — 1995, the California Workers' Compensation Experience Rating Plan — 1995, and the Miscellaneous Regulations for the Recording and Reporting of Data. The three publications are incorporated by reference in sections 2318.6, 2353.1, and 2354, respectively, in title 10 of the California Code of Regulations. The full text of each publication is available at the Insurance Commissioner's offices and is published by the Workers' Compensation Insurance Rating Bureau of California. These amendments are exempt from the APA and OAL review under the rates exemption of Government Code 11340.9(g) and are effective 1/1/2021.

Title 10
Amend: 2318.6, 2353.1, 2354
Filed 09/29/2021
Effective 01/01/2021
Agency Contact: Brentley Yim (415) 538-4113

California Horse Racing Board
File # 2021-0902-01
Jockey's Riding Fee

The California Horse Racing Board submitted this action pursuant to California Code of Regulations, title 1, section 100 to increase jockey losing mount fees provided in a regulation based on a statutory requirement to increase losing mount fees by the percentage increase of the state minimum wage from 2021 to 2022.

Title 04
Amend: 1632
Filed 09/23/2021
Effective 01/01/2022
Agency Contact: Rick Pimentel (916) 263-6000

Air Resources Board
File # 2021-0813-02
2020 State Area Designations

This action amends the Area Designations for State Ambient Air Quality Standards as applied to some state areas based upon annual assessments of local compliance with ambient air quality standards for ozone and fine particulate matter, using the four available Area Designations of Attainment, Nonattainment, Nonattainment-transitional, or Unclassified.

Title 17
Amend: 60201, 60210
Filed 09/27/2021
Effective 09/27/2021
Agency Contact:
Bradley Bechtold (916) 322-6533

Board of Vocational Nursing and Psychiatric Technicians
File # 2021-0413-01
Substantial Relationship and Rehabilitation Criteria

In this action, the Board of Vocational Nursing and Psychiatric Technicians 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: 2578, 2579
 Filed 09/24/2021
 Effective 09/24/2021
 Agency Contact: Doris Pires (916) 263-7864

California Horse Racing Board
 File # 2021-0812-03
 Thyroxine Restricted

This action adopts a new regulation to restrict the use of Thyroxine and any other thyroid hormone or thyroid hormone analog in horse racing.

Title 04
 Adopt: 1866.4
 Filed 09/23/2021
 Effective 01/01/2022
 Agency Contact:
 Nicole Lopes-Gravely (916) 263-6397

Dental Hygiene Board of California
 File # 2021-0416-03
 Approval of RDM/ITR

This action by the Dental Hygiene Board establishes requirements for courses of instruction in Radiographic Decision Making (RDM) and Interim Therapeutic Restoration (ITR) for registered dental hygienists.

Title 16
 Adopt: 1109
 Filed 09/27/2021
 Effective 01/01/2022
 Agency Contact:
 Adina Pineschi-Petty (916) 516-5537

New Motor Vehicle Board
 File # 2021-0817-02
 Protests and Petitions

In this rulemaking action, the Board amends a regulation to specify that petitions must clearly identify the facts, legal authority, and relief sought. They must also include declarations or other evidence supporting the petition. The Board further adopts a regulation to establish a process for filing protests related to a franchisor's performance standard that is inconsistent with the Vehicle Code.

Title 13
 Adopt: 586.5
 Amend: 556
 Filed 09/29/2021
 Effective 01/01/2022
 Agency Contact:
 Danielle R. Phomsopha (916) 327-3129

New Motor Vehicle Board
 File # 2021-0817-03
 Case Management

This action by the New Motor Vehicle Board amends case management regulations to comply with new statutes that created new types of protests for franchisees and associations.

Title 13
 Amend: 550, 551.8, 551.12, 553.40, 558, 586, 590
 Filed 09/29/2021
 Effective 01/01/2022
 Agency Contact:
 Danielle R. Phomsopha (916) 327-3129

Office of Environmental Health Hazard Assessment
 File # 2021-0513-02
 Naturally Occurring Levels of Lead in Candy

This rulemaking action by the California Office of Environmental Health Hazard Assessment adopts levels of naturally occurring lead in candies flavored with chili and/or tamarind pursuant to Health and Safety Code section 110552.

Title 27
 Adopt: 28500
 Filed 09/22/2021
 Effective 09/22/2022
 Agency Contact: Kristi Morioka (916) 322-5624

Office of Spill Prevention and Response
 File # 2021-0416-01
 Nontank Vessel Fee Increase

An owner or operator of a vessel is required to demonstrate the financial ability to pay for cleanup costs and damages associated with potential oil spills to marine waters. A vessel owner or operator must apply for and obtain a certificate of financial responsibility issued by the Office of Spill Prevention and Response ("OSPR") Administrator. The Administrator is required to establish a barrel fee assessed against tank vessels and a fee assessed against nontank vessels. The nontank vessel fee is collected with each application to obtain a certificate of financial responsibility and every two years thereafter with the certificate renewal. In this regular rulemaking, OSPR is increasing the fee for nontank vessels and amending the "Application for Certificate of Financial Responsibility for Owners or

Operators of Nontank Vessels (300 GT or Greater”), which is incorporated by reference in the California Code of Regulations.

Title 14
Amend: 791.7, 793, 870.17
Filed 09/23/2021
Effective 10/01/2021
Agency Contact: Christine Kluge (916) 327-0910

State Water Resources Control Board
File # 2021-0817-01
Lahontan RWQCB Plan Update

The State Water Resources Control Board submitted this action to amend the Water Quality Control Plan for the Lahontan Region (Basin Plan). The amendments add definitions for three new beneficial uses to the Basin Plan. The beneficial uses added to the Basin Plan are Tribal Traditional Culture (CUL), Tribal Subsistence Fishing (T-SUB), and Subsistence Fishing (SUB).

Title 23
Adopt: 3959.10
Filed 09/22/2021
Effective 09/22/2021
Agency Contact: Daniel Sussman (916) 542-5466

Board of Behavioral Sciences
File # 2021-0604-05
Supervision-Related Requirements

The Board of Behavioral Sciences has made comprehensive amendments to regulations governing the supervision requirements related to licensure of three substantially equivalent license types. The three license types are Licensed Professional Clinical Counselors, Licensed Marriage and Family Therapists, and Licensed Clinical Social Workers. This action includes the repeal of eight incorporated by reference forms.

Title 16
Adopt: 1815.8, 1820.3, 1821.1, 1821.2, 1821.3, 1833.05, 1833.1.5, 1834, 1869, 1869.3, 1870.3, 1870.5, 1871
Amend: 1820, 1820.5, 1821, 1833, 1833.1, 1833.2, 1870
Repeal: 1822, 1870.1
Filed 09/27/2021
Effective 01/01/2022
Agency Contact: Christy Berger (916) 574-7817

**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.

2021 RULEMAKING CALENDAR

SPECIAL NOTE

In an effort to conserve resources, the 2021 Rulemaking Calendar is being incorporated by reference into this edition of the California Regulatory Notice Register (CRNR).

The 2021 Rulemaking Calendar is accessible through the following means:

1. Electronic copies are available from the Office of Administrative Law upon request by emailing staff@oal.ca.gov.
2. Your nearest depository library. Go to <http://www.library.ca.gov/government-publications/state-document-depository-program/depositories/> for a list of California depository libraries.
3. Hard copies are available. Please contact Thomson Reuters at 1-888-728-7677. The cost of the printed calendar is \$30.00. Subscribers of the Notice Register may obtain at no extra charge a hard copy of the Rulemaking Calendar upon request.