



California Regulatory Notice Register

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***Time-
Dated
Material***

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

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: Fire Agencies Self Insurance System
Stockton East Water District

A written comment period has been established commencing on November 8, 2024, and closing on December 23, 2024. Written comments should be directed to the Fair Political Practices Commission, Attention Belen Cisneros, 1102 Q Street, Suite 3050, Sacramento, California 95811.

At the end of the 45-day comment period, the proposed conflict-of-interest will be submitted to the Commission's Executive Director for their review, unless any interested person or their 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 will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict-of-interest codes, 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 their own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed 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. Any written comments must be received no later than December 23, 2024. 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 codes should be made to Belen Cisneros, Fair Political Practices Commission, 1102 Q Street, Suite 3050, Sacramento, California 95811, or email bcisneros@fppc.ca.gov.

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 Belen Cisneros, Fair Political Practices Commission, 1102 Q Street, Suite 3050, Sacramento, California 95811, or email bcisneros@fppc.ca.gov.

TITLE 22. HEALTH CARE ACCESS AND INFORMATION

DIVISION 7, CHAPTER 10: HEALTH FACILITY DATA — DISTRESSED HOSPITAL FINANCIAL MONITORING

SECTION 97018

The Department of Health Care Access and Information (HCAI) proposes, after considering all comments, objections, and recommendations regarding the proposed action, to adopt regulations for Distressed Hospital Financial Monitoring. This proposal modifies section 97018 to incorporate by reference an update to the *Accounting and Reporting Manual for California Hospitals*, Second Edition (Manual). Hospitals are required by law to file certain financial reports with HCAI. In addition to an annual financial disclosure report required by California Health and Safety Code (HSC) Section 128735, HSC Section 128740 requires hospitals to file quarterly financial and utilization reports with HCAI. HCAI maintains the uniform systems of accounting required by Health and Safety Code Section 128760 in the Manual, which is incorporated by reference in Section 97018.

I. PUBLIC HEARING

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

II. WRITTEN PUBLIC COMMENT PERIOD AND CONTACT PERSON

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action. All comments must be received by HCAI no later than Noon on December 24, 2024.

Inquiries and written comments regarding the proposed action should be addressed to the primary contact person named below. Comments delivered by

email are suggested. Comments may also be hand delivered or mailed.

Ty Christensen, Audit Manager
Accounting and Reporting Systems Section
Department of Health Care Access and
Information
Telephone: (916) 326–3856
Email: Ty.Christensen@hcai.ca.gov
Mailing address: 2020 West El Camino Avenue,
Suite 1100, Sacramento, CA 95833–1880

Inquiries and comments may also be directed to the backup contact person at the same mailing address:

Harry Dhami, Audit Supervisor
Accounting and Reporting Systems Section
Telephone: (916) 326–3856
Email: Harry.Dhami@hcai.ca.gov

Comments should include the author's name, U.S. Postal Service address, and email address, if applicable, for HCAI to provide copies of any notices for proposed changes to the regulation text on which additional comments may be solicited.

III. AUTHORITY AND REFERENCE

Authority: HSC, Section 128740, and 128810; and California Government Code, Section 11152.

Reference: HSC, Sections 128680, 128730, 128735, 128740, and 128760.

IV. INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

A. *Summary of Existing Law*

Pursuant to the Health Data and Advisory Council Consolidation Act (the Data Act), HSC § 128675–128810, HCAI has established uniform systems of accounting for all California health facilities licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code.

Pursuant to HSC §128740, hospitals are required to file quarterly financial and utilization data with HCAI. The data is submitted in a report known as the Hospital Quarterly Financial and Utilization Report.

HCAI's Manual is incorporated by reference in current regulation. The Manual establishes the accounting systems hospitals must use and details methods for preparing and filing required reports. Section 8000 of the Manual details the reporting requirements and report forms for the quarterly financial and utilization report.

Assembly Bill (AB) 112 (Chapter 6, Statutes of 2023) amended Section 128740 to require hospitals report balance sheet data and authorized HCAI to make additions or deletions of data on the quarterly finan-

cial and utilization report to support the purposes of the legislation.

B. Policy Statement Overview/Specific Benefits of the Proposed Regulations

While the annual financial disclosure report includes balance sheet data, the quarterly financial and utilization report does not. Since the annual financial disclosure report may not be filed until up to seven months after the hospital's fiscal year end, the most recent balance sheet data available may be as old as nineteen months. This results in not having timely data to adequately evaluate the hospital's current financial position.

In recognition of this delay of critical information, Assembly Bill (AB) 112 (Chapter 6, Statutes of 2023) was enacted to authorize the collection of balance sheet data and additions or deletions of data on the quarterly financial and utilization report to support the purposes of the legislation.

The proposed regulations have been developed to implement the additional data required by statute to monitor hospital financial distress. In developing the proposed regulations, extensive research and analysis was done to ensure information for tracking financial positions of hospitals was included, but the amount of detail was also limited to reduce any reporting burden imposed on hospitals. In addition to implementing the requirements of AB 112, these regulations will likely provide benefits to residents of California. The ability to monitor these hospital data will enable timely identification and analysis of financial challenges hospitals may face in communities across California, which may prevent hospitals from reducing services to their community or closing altogether.

C. Determination of Inconsistency/Incompatibility with Existing Law

As required by Government Code Section 11346.5(a)(3)(D), HCAI evaluated the language contained in the proposed regulation and determined these proposed regulations are not inconsistent with or incompatible with existing state regulations. HCAI also determined there are no comparable federal regulations or statutes.

D. Documents Incorporated by Reference

The proposed rulemaking incorporates by reference the *Accounting and Reporting Manual for California Hospitals*, Second Edition, as amended July 15, 2024.

V. DISCLOSURES REGARDING THE PROPOSED ACTION

HCAI has made the following initial determinations:

- A. Mandate on local agencies and school districts: None.
- B. Cost or savings to any state agency: None.

- C. Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: None.
- D. Other nondiscretionary cost or savings imposed on local agencies: None.
- E. Cost or savings in federal funding to the state: None.
- F. Cost impact on a representative person or business: Hospitals may incur a minor annual cost of approximately \$1,200 to gather the required information from their current accounting records and input them into the online reporting system.
- G. Statewide adverse economic impact directly affecting business and Individuals: HCAI has made an initial determination that the regulations will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California business to compete with businesses in other states.
- H. Significant effect on housing costs: None.
- I. Small business impact: This regulatory action will not impact small businesses as none of the regulated hospitals meet the definition of a small business.
- J. Business Reporting Requirement: HCAI determined it is necessary for the welfare of the people of the State of California that this regulation, which requires a report, apply to business.

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

HCAI prepared an Economic Impact Analysis in the Initial Statement of Reasons and concludes that:

- A. this regulatory action will not create jobs within the state;
- B. this regulatory action will not eliminate jobs within the state;
- C. this regulatory action will not create new businesses;
- D. this regulatory action will not eliminate existing businesses;
- E. this regulatory action will not affect the expansion of businesses currently doing business in the state; and,
- F. This regulatory action is likely to benefit the health and welfare of California residents by allowing early interventions when a hospital is in financial distress. These actions may prevent hospitals from eliminating healthcare services or closing altogether.
- G. This regulatory action may benefit the state's environment by reducing miles driven to a hospital

in another community if a hospital were to eliminate services or close.

- H. This regulatory action will not impact workers' safety.

VII. REASONABLE ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), HCAI must determine that no reasonable alternative considered by HCAI or that has otherwise been identified and brought to the attention of HCAI 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.

HCAI invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

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

HCAI will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the address given for the contact persons. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the text of the proposed changes to the regulations including the proposed changes to the Manual incorporated by reference, the initial statement of reasons, and an economic impact analysis contained in the initial statement of reasons. Copies may be obtained by contacting the listed contact person using the contact information above.

IX. AVAILABILITY OF SUBSTANTIAL CHANGES TO ORIGINAL PROPOSAL

After considering all timely and relevant comments received, HCAI may adopt the proposed regulations substantially as described in this notice. If HCAI 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 HCAI adopts the regulations as revised.

Please send requests for copies of the modified text to the listed contact person. The modified text will also be available on the website at

<https://HCAI.ca.gov/about/laws-regulations/>. HCAI will accept written comments on the modified regulations for 15 days after the date on which they are made available.

X. AVAILABILITY OF FINAL STATEMENT OF REASONS

The Final Statement of Reasons, including all the comments and responses, will be available, after its completion, through the HCAI website at <https://HCAI.ca.gov/about/laws-regulations/>. The Final Statement of Reasons will also be available for review from the designated contact person.

XI. AVAILABILITY OF DOCUMENTS ON THE INTERNET

The Notice of Proposed Action, Initial Statement of Reasons, the text of the proposed regulations and documents incorporated by reference with the text marked in italics and strike-out can be accessed through HCAI's website at <https://HCAI.ca.gov/about/laws-regulations/>.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

FISH AND GAME CODE SECTION 1653
CONSISTENCY DETERMINATION
REQUEST FOR CHICKEN RANCH BEACH
WETLAND ENHANCEMENT PROJECT
(TRACKING NUMBER:
1653–2024–149–001–R3)

MARIN COUNTY

California Department of Fish and Wildlife (CDFW) received a Request to Approve on October 23, 2024, that the Tomales Bay Foundation (Foundation) proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves restoring the site's ecological processes and functions by removing historical fill and sediment accumulation, rerouting flow through a restored wetland complex, creating an expanded wetland complex, and removing non-native invasive species. The proposed project will be carried out on Channel B and Thir Valley Creek, located at Chicken Ranch Beach, 13000 Sir Frances Drake Blvd., Inverness, Marin County, California.

On June 3, 2024, the San Francisco Bay Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the Chicken Ranch Beach Wetland Enhancement Project. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID Number 2CW457158) for coverage under the General 401 Order on 9/5/2024.

The Foundation is requesting a determination that the project and associated documents are complete pursuant to Fish and Game Code section 1653 subdivision (d). If CDFW determines the project is complete, the Foundation will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) or a Lake or Streambed Alteration Agreement under Fish and Game Code section 1605 for the proposed project.

In accordance with Fish and Game Code section 1653 subdivision (e), if CDFW determines during the review, based on substantial evidence, that the request is not complete, the Foundation will have the opportunity to submit under Fish and Game Code section 1652.

DECISION NOT TO PROCEED

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

PURSUANT TO GOVERNMENT CODE
SECTION 11347

RE: NOTICE OF PROPOSED RULEMAKING
CONCERNING DEFINITIONS RELATED TO
PEACE OFFICER CERTIFICATES

Pursuant to Government Code section 11347, the Commission on Peace Officer Standards and Training (POST) hereby gives notice that it has decided not to proceed with the rulemaking action published in the California Regulatory Notice Register on July 19, 2024, Register 2024, Number 29–Z. The proposed rulemaking concerned Definitions Related to Peace Officer Certificates (OAL Notice Z2024–0703–01.)

Any interested person with questions concerning this rulemaking should contact Katelynn Poulos at either (916) 227–4894 or by email at: katelynn.poulos@post.ca.gov.

The Commission will also post 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.

State Water Resources Control Board
File # 2024–1018–01

Emergency Regulation Amending ELAP Fee
Regulations

In this rulemaking action, the State Water Resources Control Board (Board) adopts additional accreditation fee tiers for greater numbers of Fields of Accreditation (FOAs) for which a laboratory may apply under the Environmental Laboratory Accreditation Program (ELAP). More specifically, the Board adopts accreditation fees of: \$19,500 if a laboratory is applying for 500–999 FOAs, \$24,500 for 1,000–1,999 FOAs, and \$29,500 for 2,000 or more FOAs. This action is deemed to be an emergency by Health and Safety Code section 100829(f)(3) and is only submitted to the Office of Administrative Law (OAL) for filing with the Secretary of State and printing in the California Code of Regulations, because, pursuant to the same statute, it is not subject to OAL review.

Title 22

Amend: 64802.25

Filed 10/24/2024

Effective 10/24/2024

Agency Contact: Justin Davis (916) 449–5670

State Water Resources Control Board
File # 2024–1018–02

Emergency Regulation Amending Drinking Water
Fee Schedule

In this emergency action, the State Water Resources Control Board (Board) increases drinking water fees that support drinking water activities to conform to

the revenue levels set forth in the Budget Act for fiscal year 2024–2025. This action will adjust the fee schedule by increasing the fees approximately 12.7 percent for community water systems, nontransient noncommunity water systems, transient noncommunity water systems, and wholesalers. The fees for community water systems defined as group quarters are changed to use residential population instead of service connections as the fee basis. This action is a deemed emergency and exempt from review by the Office of Administrative Law pursuant to Health and Safety Code section 116565. This action remains in effect until revised by the Board.

Title 22
Amend: 64305
Filed 10/25/2024
Effective 10/25/2024
Agency Contact: Justin Davis (916) 449–5670

Division of Workers' Compensation
File # 2024–0918–03
Notice to Employees Poster (DWC Form 7)

This action by the Division of Workers Compensation updates the Notice to Employees Poster (DWC Form 7) to include new language required by Labor Code, section 3350, subdivision (d), as modified by Statutes 2024, Chapter 87 (AB 1870).

Title 08
Amend: 9881.1
Filed 10/29/2024
Agency Contact: Maureen Gray (510) 286–0676

Fish and Game Commission
File # 2024–0917–01
Listing of Endangered and Threatened Species

These changes without regulatory effect amend the Fish and Game Commission's (FGC's) regulation and related form for petitioning to list or delist a species of plant or animal as threatened or endangered. These changes include, among other things, amendments to conform FGC's regulations to amended Fish and Game Code section 2075.5.

Title 14
Amend: 670.1
Filed 10/23/2024
Agency Contact: Jennifer Bacon (916) 653–4899

California Architects Board
File # 2024–0911–04
Experience Evaluation

This action clarifies the ways to meet the experience requirement for an architect license in California.

Title 16
Amend: 117
Filed 10/23/2024
Effective 01/01/2025
Agency Contact: Timothy Rodda (279) 895–1246

Department of Food and Agriculture
File # 2024–0918–02
Fruit Fly Interior Quarantine

This action by the California Department of Food and Agriculture ("Department") amends existing quarantine language in eight sections of interior plant quarantine regulations. The amendments prevent future detections of a single fruit fly of a species specified in each of the sections within a quarantine area from triggering an expansion of a quarantine or being automatically considered a satellite infestation, and further align with current United States Department of Agriculture guidelines ("USDA").

Title 03
Amend: 3406, 3417, 3423, 3424, 3441, 3442, 3444, 3445
Filed 10/23/2024
Effective 01/01/2025
Agency Contact: Rachel Avila (916) 698–2947

Department of Industrial Relations
File # 2024–0918–01
Recording and Reporting of Occupational Injuries

In this regular rulemaking, the Department of Industrial Relations is amending regulations pertaining to federal injury and illness reporting and recording requirements to align with amendments to the corresponding federal regulations in 29 Code of Federal Regulations part 1904.41 made on July 21, 2023.

Title 08
Amend: 14300.41
Filed 10/24/2024
Effective 10/24/2024
Agency Contact:
T. Michelle Henson (559) 445–5748

Education Audit Appeals Panel
File # 2024–0913–01
Supplement to Audits of K–12 LEAs — FY 2023–24

This rulemaking action amends section 19810 of the Title 5 of the California Code of Regulations to incorporate by reference the March 1, 2024, Supplement to the 2023–24 Guide for Annual Audits of K–12 Local Education Agencies and State Compliance Reporting.

Title 05

Amend: 19810

Filed 10/23/2024

Effective 10/23/2024

Agency Contact:

Timothy E. Morgan

(916) 445–7745

California Horse Racing Board

File # 2024–0913–05

Horse Racing and Wagering Entity Applications

This action amends application processing for licensing to conduct a horse racing meeting, approval of concessionaires, licensing of contractors and subcontractors, approval of a simulcast organization, licensing to operate a minisatellite wagering facility, licensing to conduct advance deposit wagering by a California applicant, and approval to conduct advance deposit wagering by an out-of-state applicant. The changes mainly relate to application content, application processing timing, and handling of an incomplete application. The Board adopts new form related to licensing as a contractor or subcontractor in connection with a horse racing meeting and/or parimutuel wagering.

Title 04

Amend: 1433, 1440, 1440.5, 2057, 2059, 2066,
2071, 2072

Filed 10/25/2024

Effective 01/01/2025

Agency Contact: Rick Pimentel

(916) 274–6043

**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 oal.ca.gov.