



# California Regulatory Notice Register

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

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**PROPOSED ACTION ON REGULATIONS**

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**TITLE 2. FAIR POLITICAL PRACTICES COMMISSION**

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

**CONFLICT-OF-INTEREST CODES**

**AMENDMENT**

**MULTI-COUNTY:** Consolidated Mosquito Abatement District

A written comment period has been established commencing on March 6, 2026, and closing on April 20, 2026. Written comments should be directed to the Fair Political Practices Commission, Attention: Andrea Spiller Hernandez, 1102 Q Street, Suite 3050, Sacramento, California 95811.

At the end of the 45-day comment period, the proposed conflict-of-interest code 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 code will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict-of-interest code, 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 code 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. Any written comments must be received no later than April 20, 2026. 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 should be made to Andrea Spiller Hernandez, Fair Political Practices Commission, 1102 Q Street, Suite 3050, Sacramento, California 95811, or email [aspiller-hernandez@fppc.ca.gov](mailto:aspiller-hernandez@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 Andrea Spiller Hernandez, Fair Political Practices Commission, 1102 Q Street, Suite 3050, Sacramento, California 95811, or email [aspiller-herandez@fppc.ca.gov](mailto:aspiller-herandez@fppc.ca.gov).

### **TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE**

#### **SPONGY MOTH ERADICATION AREA**

The California Department of Food and Agriculture (Department) proposes to amend Title 3, California Code of Regulations (CCR) Section 3591.6 Spongy Moth Eradication Area to include the entire State of California.

#### **PUBLIC HEARING**

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

#### **WRITTEN COMMENT PERIOD**

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulations to the Department. Comments may be submitted by USPS, FAX or email. The written comment period closes April 20, 2026. The Department will consider only comments received at the Department offices by that date or postmarked no later than April 20, 2026. Submit comments to:

Erin Lovig, Senior Environmental Scientist  
Supervisor  
California Department of Food and Agriculture  
Plant Health and Pest Prevention Services  
1220 N Sreett,  
Sacramento, CA 95814  
(916) 403–6650  
[Permits@cdfa.ca.gov](mailto:Permits@cdfa.ca.gov)

Questions regarding the substance of the proposed regulation should be directed to Erin Lovig. In her absence, you may contact Rachel Avila at (916) 698–2947 or [rachel.avila@cdfa.ca.gov](mailto:rachel.avila@cdfa.ca.gov).

Unless there are substantial changes to the proposed regulations prior to adoption, the Department of Food and Agriculture may adopt the proposal as set forth in this notice without further notice to the public. Following the public hearing, if one is requested, or following the written comment period if none is request-

ed, the Department, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

#### **AUTHORITY**

The Department proposes to amend Section 3854 pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code (FAC).

#### **REFERENCE**

The Department proposes this action to implement, interpret and make specific Sections 5322, 5761, 5762 and 5763 of the FAC.

#### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

This amendment will provide authority for the State to perform specific detection, control, and eradication activities against spongy moth in California. This will allow targeted actions for eradication of spongy moth and reduce the chance of natural and artificial dispersal and the subsequent spread of the pest in California. Any eradication actions taken by the Department will be in cooperation with the USDA and the affected county agricultural commissioners.

#### **EXISTING LAWS AND REGULATIONS**

Existing law, FAC Section 407, provides that the Secretary may adopt such regulations as are reasonably necessary to carry out the provisions of this code which the Secretary is directed or authorized to administer or enforce.

Existing law, FAC Section 5322, provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and such other regulations as are in their opinion necessary to circumscribe and exterminate or prevent the spread of any pest that is described in FAC Section 5321.

Existing law, FAC Section 5761, provides that the Secretary may proclaim any portion of the state to be an eradication area with respect to the pest, prescribe the boundaries of such area, and name the pest and the hosts of the pest which are known to exist within the area, together with the means or methods which are to be used in the eradication or control of such pest.

Existing law, FAC Section 5762, provides that the Secretary may proclaim any pest with respect to which an eradication area has been proclaimed, and any stages of the pest, its hosts and carriers, and any premises, plants, and things infested or infected or exposed to infestation or infection with such pest or its hosts or carriers, within such area, are public nuisances, which

are subject to all laws and remedies which relate to the prevention and abatement of public nuisances.

Existing law, FAC Section 5763, provides that the Secretary, or the commissioner acting under the supervision and direction of the director, in a summary manner, may disinfect or take such other action, including removal or destruction, with reference to any such public nuisance, which he thinks is necessary.

#### ANTICIPATED BENEFITS OF THE PROPOSED AMENDMENT

The amendment of this regulation provides the necessary regulatory authority for the prevention of movement of a serious plant pest which is a mandated statutory goal.

This amendment is necessary to prevent the future spread of spongy moths to un-infested areas of the State. The regulation benefits the environment, and the overall California economy by preventing the spread of spongy moths.

There are economic benefits to the State's general fund from these regulations. Spongy moth is a destructive insect pest which feeds on the leaves of trees and shrubs, threatening forests, urban settings, and agricultural tree crops. Between the flighted and unflighted species they feed on over 600 plant species. If not eradicated high populations are capable of defoliating millions of acres of both forest and urban trees. This not only kills and weakens trees, but the scale of devastation can also alter forest composition and destroys habitat for native fauna. Infestations can affect recreational use of forests, parks, and backyards. In urban areas this destruction would have an economic impact that would include the cost of clean-up, tree replacement, and loss of property values.

By adding have a statewide eradication are we will reduce the chances of future incursions and help maintain the economic baseline.

There is no existing, comparable federal regulations or statute.

There are no known specific benefits to worker safety.

There are specific benefits to the health of California residents.

#### EVALUATION OF INCONSISTENCY/ INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of Section 3591.6 and has determined that they are not inconsistent or incompatible with existing state regulations. After conducting a review for any regulations that would relate to or affect this area, the

Department has concluded that these are the only regulations that concern spongy moth eradication areas in California.

#### CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Prior to conducting any action authorized by this regulation, the Department shall comply with the California Environmental Quality Act of 1970 (Public Resources Code Section 21000 et seq. as amended) and the State CEQA Guidelines (Title 14 California Code of Regulations Section 15000 et seq.).

#### DISCLOSURES REGARDING THE PROPOSED ACTION

*The Department has made the following initial determinations:*

Mandate on local agencies or school districts: None.

Cost to any local agency or school district requiring reimbursement pursuant to 17500 et seq.: None.

Cost or savings to any state agency: None.

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

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

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

Significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states: The cost impacts are expected to be none and minimal/non-consequential. The Department makes the initial determination that the proposed action will not have a significant, statewide adverse economic impact.

Significant effect on housing costs: None.

Small business determination: The proposed action will not affect small business because compliance activities are currently being performed by existing staff throughout quarantine areas within the State without any impact on small business.

#### RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The amendment is designed to prevent or minimize the spread of spongy moths by amending Section 3591.6. The Department has made an assessment that the amendment to this regulation would: (1) not create or eliminate jobs within California, (2) not create new business or eliminate existing businesses within California, (3) not affect the expansion of business-

es currently doing business within California, (4) is expected to benefit the health and welfare of California residents, (5) is expected to benefit the state's environment, and is (6) not expected to benefit workers' safety.

**Health and welfare:** The proposed action will benefit the health and welfare of California residents by making it more likely that spongy moths would be detected before an infestation can happen, and, if there is an infestation, the Department can react quickly and effectively. Speed of response is key to eradicating an incipient pest infestation. Programmatic delays potentially can lead to pest quarantines, as well as increased production costs and potential job loss.

**The state's environment:** The proposed action will benefit the state's environment by increasing the chance that spongy moths would be detected before an infestation can happen. If the Department neglects to regulate the types of hosts, this pest could spread into the local environment via the surrounding non-agricultural ecosystems. This could adversely impact private and commercial landscape plantings, local, regional, state and national parks, other recreational sites, open habitats, and wild lands. Affected plants could become less vigorous and may produce fewer seeds. Plants/trees with low propagule output can result in major changes to plant community structure.

**CONSIDERATION OF ALTERNATIVES**

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

The Department invites interested persons to present alternatives during the written comment period.

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

The Department has prepared an initial statement of reasons for the proposed action, and has made available all the information upon which its proposal is based and the express terms of the proposed action. The Department has posted the information regarding this proposed regulatory action on its Internet website ([www.cdfa.ca.gov/plant/Regulations.html](http://www.cdfa.ca.gov/plant/Regulations.html)). A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be ob-

tained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

**AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After the comment period and considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer named herein. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY OF THE FINAL STATEMENT OF REASONS**

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting the agency officer named herein.

**TITLE 22. DEPARTMENT OF AGING**

**REVOCATION OF AAA DESIGNATION**

Notice is hereby given that the California Department of Aging (CDA) proposes to amend Section 7212 of Title 22, California Code of Regulations (22 CCR 7212) to clarify and update the process and conditions for revoking an Area Agency on Aging (AAA) designation. This rulemaking action reflects consideration of all comments, objections, and recommendation received regarding the proposed amendments.

**PUBLIC PROCEEDINGS**

CDA is conducting a 45-day written public proceeding during which time any interested person or such person's duly authorized representative may be present statements, arguments or contentions (hereinafter referred to as comments) relevant to the action described in the Informative Digest/Policy Statement Overview section of this notice.

To request copies of the regulatory proposal in alternate format, please write or call: Selamaria Nua, California Department of Aging, 2880 Gateway

Oaks Drive, Suite 200, Sacramento, CA 95833 at (916) 928-3327 or email to [regulations@aging.ca.gov](mailto:regulations@aging.ca.gov).

PUBLIC HEARINGS

A public hearing regarding this proposed regulatory action is not scheduled. However, CDA will conduct a public hearing if a written request for a public hearing is received from any interested person, or their authorized representative, no later than (15) days prior to the close of the written comment period, pursuant to Government Code section 11346.8.

*Assistive Devices*

CDA is committed to providing assistive services for individuals with disabilities. Available services include converting written materials into alternative formats such as braille, large print, audiocassette, and computer disk. For public hearings, assistive services may also include sign language interpretation, real-time captioning, note-taking, and reading or writing assistance.

To request these services, please email Dr. Nakia Thierry at [dhcl@aging.ca.gov](mailto:dhcl@aging.ca.gov) or write to CDA at the address listed above.

Please note: The availability of certain services may be limited if requests are made fewer than 10 business days before the public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit comments in writing about the proposed regulatory action. All written comments pertaining to this proposal, regardless of the method of transmittal, must be received by **April 21, 2026**, which is hereby designated as the close of the written period. Comments received after this date will not be considered timely.

Written comments must be submitted as follows:

1. By email to [regulations@aging.ca.gov](mailto:regulations@aging.ca.gov). It is requested transmission of comments, particularly those with attachments, contain the regulation package identifier “CDA-2026-DHCL-002” in the subject line to facilitate timely identification and review of the comment.
2. By fax transmission to (916) 928-2506.
3. By postal service or hand delivery to:

California Department of Aging  
 Division of Home Community Living  
 2880 Gateway Oaks Drive, Suite 200  
 Sacramento, CA 95833

**Attention:** Selamaria Nua

All comments, including email or fax transmission, should include the regulation package identifier ‘CDA-2026-DHCL-002’ along with your name and

your mailing address or email address for CDA to provide copies of any notices for proposed changes to the regulation text on which additional comments may be solicited.

AUTHORITY AND REFERENCE

CDA proposes to amend the regulation under the authority of Welfare and Institutions Code (WIC) sections 9002, 9102, and 9105, which authorize CDA to designate and oversee AAAs, ensure compliance with state and federal requirements, and adopt regulations necessary to implement its statutory responsibilities.

This amendment implements, interprets, and clarifies 22 CCR 7212 by updating the process and conditions for revoking an AAA designation. The revisions provide clear procedural guidance, ensure alignment with statutory requirements, including counties’ “right of first refusal” and improve transparency and accountability in CDA’s revocation process. These updates are intended to strengthen regulatory clarity, reflect current practices, and support the effective administration of CDA programs.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

*Summary of Proposal*

CDA proposed to amend 22 CCR 7212 to clarify and update the process and conditions for revoking an AAA designation. The proposed amendments provide clear procedural guidance for revocation, ensuring that AAAs and counties receive due process, and align the regulation with statutory requirements, including counties’ “right of first refusal” to serve as the AAA for their jurisdiction. The revisions improve transparency, accountability, and consistency in CDA’s administration of revocation actions, reflect current practices, and support effective oversight of AAA performance and compliance with federal and state laws. These changes are necessary to reduce ambiguity, ensure regulatory consistency with statutory authority, and enhance clarity for local agencies, stakeholders, and the public.

*Background*

CDA administers programs and services funded under the federal Older Americans Act (OAA) and related state statutes. The OAA requires each state to designate AAAs to plan, develop, coordinate, and deliver services for older adults within designated Planning and Service Areas (PSAs). Federal regulation at Title 45 Code of Federal Regulations section 1321.21 establishes requirements for the designation and revocation of AAAs.

At the state level, WIC 9000 et seq. governs the establishment and designation of AAAs. WIC 9002

grants each county the statutory right to express written interest in being designated as the AAA for its jurisdiction, while sections 9102 and 9105 authorize CDA to designate AAAs, oversee their performance, and adopt regulations to ensure compliance with state and federal requirements.

Current regulations in 22 CCR 7212 sets forth CDA’s authority and procedures for revoking AAA designations. However, the regulation does not fully incorporate current statutory requirements or provide sufficient procedural clarity. The proposed amendments update section 7212 to align with federal and state law, ensure due process for AAAs and counties, and strengthen transparency and accountability in CDA’s revocation process.

*Problem Statement*

The existing regulation, 22 CCR 7212, does not fully reflect current statutory requirements or provide sufficient clarity regarding the process and conditions for revoking an AAA designation. While the regulation identifies several grounds for revocation consistent with federal requirements in Title 45 Code of Federal Regulations section 1321.21(a), it does not incorporate the statutory right of counties under WIC 9002 to exercise first refusal to serve as the AAA for their jurisdiction.

This gap between statute and regulation creates uncertainty for counties, AAAs, and CDA and increases the risk of inconsistent implementation. The proposed amendments to 22 CCR 7212 are necessary to align the regulation with state and federal law, ensure due process and transparency, and establish a consistent, legally sound framework for revoking AAA designations.

*Objectives (Goals) of the Regulation*

By making these amendments, CDA seeks to:

- Align section 7212 with state and federal law by expressly incorporating a county’s right of first refusal under WIC 9002.
- Clarify the conditions under which CDA may revoke an AAA designation to ensure consistent and lawful application of its authority.

*Anticipated Benefits*

The expected benefits of this proposed regulatory action include:

- Consistency between statute and federal requirements, reducing uncertainty for counties and AAAs.
- Transparency and accountability in CDA’s revocation process.

*Evaluation as to Whether the Proposed Regulations are Inconsistent or Incompatible with Existing State and Federal Regulations*

CDA has evaluated whether the proposed amendments to 22 CCR 7212 are inconsistent or incomplete

with existing state or federal regulations. CDA has determined that the proposed regulations are neither inconsistent nor incompatible because they align with and implement the requirements of WIC 9002 and 45 CFR 1321.21.

No other state regulations address the specific process for revocation of AAA designations. Therefore, these amendments are the only regulations that directly govern this subject matter and are consistent with both state and federal law.

FORMS INCORPORATED BY REFERENCE (IDENTIFIED IN THE INFORMATIVE DIGEST)

None.

MANDATED BY FEDERAL LAW OR REGULATIONS

None.

OTHER STATUTORY REQUIREMENTS

None.

LOCAL MANDATE

CDA has determined that this regulatory action does not mandate local agencies or school districts and incurs no costs requiring state reimbursement under Part 7, beginning with Section 17500 of Division 4 of the Government.

DISCLOSURES REGARDING THE PROPOSED ACTION

FISCAL IMPACT ESTIMATES

**Cost to any local agencies or school districts that must be reimbursed pursuant to Section 17561 of Government Code:**

CDA has determined that the proposed regulatory action does not mandate any local agencies or school districts.

**The cost or savings to any state agency:**

The proposed amendments will not result in costs or savings to any state agency. The regulation clarifies existing statutory requirements and procedures related to the revocation of AAA designations. These changes are administrative in nature and do not impose new operational duties, alter funding levels, or require additional resources beyond those already used by CDA in carrying out its oversight responsibilities.



**Other Nondiscretionary Cost or Savings Imposed on Local Agencies:**

CDA has determined that the proposed regulation will not impact local government.

**Cost or Savings in Federal Funding to the State:**

CDA has determined that the proposed regulation will not affect federal funding.

HOUSING COSTS

CDA has determined that the proposed regulation would not have an impact on housing costs.

SIGNIFICANT STATEWIDE ADVERSE IMPACT ON BUSINESS

CDA had made an initial determination that the proposed regulation is not expected to have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

ECONOMIC IMPACT ASSESSMENT (EIA)

CDA has determined that the proposed amendment will not have a significant statewide economic impact.

- A. *The creation or elimination of jobs within the State of California:* The proposed amendment will not create or eliminate jobs in California. It does not impose new requirements or duties on businesses or local agencies.
- B. *The creation of new businesses or the elimination of existing businesses within the State of California:* The proposed amendment will not create new businesses or eliminate existing businesses in California. The amendment solely provides regulatory clarity and does not alter the way services are delivered by local entities.
- C. *Impact on Business Expansion:* The proposed amendment will not have an impact on the expansion of businesses currently operating in California. The proposed regulation does not create new obligations, restrictions, or opportunities for private businesses. Accordingly, the proposal is not expected to affect business growth, investment decisions, or competitiveness within the state.
- D. *Benefits to Health, Welfare, Worker Safety, and Environment:* The proposed amendments will benefit the health and welfare of older Californians by ensuring that AAAs operate in compliance with state and federal requirements, and that revocation proceedings are conducted fairly and transparently. By clarifying CDA’s authority and procedures, the regulation supports continuity and stability in the delivery of services to older adults and their caregivers.

The amendment does not impact worker safety or the environment, as they address administrative processes rather than workplace practices or environmental standards.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

CDA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed regulation does not create new obligations, fees, or reporting requirements for individuals or private entities.

BUSINESS REPORTING REQUIREMENTS

None.

EFFECT ON SMALL BUSINESS

CDA has determined that the proposed amendment will have no effect on small businesses. The proposed regulation does not regulate private entities.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

None.

ALTERNATIVE CONSIDERED

CDA 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 that statutory policy or other provisions of law.

CONTACT PERSON

For any inquiries or comments regarding the proposed rulemaking action, please contact:

**Selamaria Nua**, Policy Manager  
 California Department of Aging  
 Regulations and Policy Development  
 2880 Gateway Oaks Drive, Suite 200  
 Sacramento, CA. 95833  
 Phone: (916) 928–3327  
 Email: [regulations@aging.ca.gov](mailto:regulations@aging.ca.gov)

In the event the contact person is unavailable, please direct inquiries to:

**Dr. Nakia Thierry**, Staff Services Manager III

Division of Home and Community Living

Email: [dhcl@aging.ca.gov](mailto:dhcl@aging.ca.gov)

**For all inquiries or written comments, please reference the Department regulation package identifier: CDA–2026–DHCL–002.**

#### AVAILABILITY STATEMENTS

CDA has prepared the text of the proposed regulation, an Initial Statement of Reasons (ISOR), and all the information upon which the proposal is based for public review. The designated contact person in this notice serves as the custodian of public records, including reports, documentation, and other materials related to the rulemaking file.

In order to request that a copy of this public notice, the regulation text, and the ISOR or alternate formats for these documents be mailed to you, please send an email to [regulations@aging.ca.gov](mailto:regulations@aging.ca.gov) or write to the designated contact person at the address previously noted. Upon request, the document can be provided in an alternative format or another language as a disability-related accommodation.

If CDA 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 it adopts the regulation as revised. Please send requests for copies of any modified texts to the attention of Selamaria Nua using the contact information above. CDA will accept written comments on the modified text 15 days after the date on which it is made available.

#### *Final Statement of Reasons*

A copy of the final statement of reasons (when prepared) will be available on request from CDA.

#### INTERNET ACCESS

The Notice of Proposed Action, Initial Statement of Reasons, and proposed regulation text are available on CDA website: [https://aging.ca.gov/Providers\\_and\\_Partners/Laws\\_and\\_Rulemaking/](https://aging.ca.gov/Providers_and_Partners/Laws_and_Rulemaking/).

## GENERAL PUBLIC INTEREST

### DEPARTMENT OF FISH AND WILDLIFE

#### SECTION 1653 CONSISTENCY DETERMINATION REQUEST FOR WATERMAN GAP FISH PASSAGE PROJECT (TRACKING NUMBER: 1653–2026–181–001–R3) SANTA CRUZ COUNTY

California Department of Fish and Wildlife (CDFW) received a Request to Approve on February 23, 2026, that the California Department of Transportation proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves replacing a failing culvert with a full span bridge, stream regrading, and incorporation of large woody debris. The proposed project will be carried out on the San Lorenzo River, located at PM 19.2 on State Route 9, Santa Cruz County, California.

On February 9, 2026, the Central Coast 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 Waterman Gap Fish Passage 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 (Project Number 34426WQ01) for coverage under the General 401 Order on February 13, 2026.

The California Department of Transportation 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 California Department of Transportation 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 California Department of Trans-

portation will have the opportunity to submit under Fish and Game Code section 1652.

**OFFICE OF ADMINISTRATIVE LAW**

**PUBLIC INFORMATION SESSIONS  
SCHEDULED IN 2026**

The Office of Administrative Law (OAL) has scheduled two public information sessions this year. The sessions are scheduled for Tuesday, May 12<sup>th</sup>, from 11:00 a.m. to 1:00 p.m., and Tuesday, October 13<sup>th</sup>, from 11:00 a.m. to 1:00 p.m.

These two-hour public information sessions provide the basic principles of regulations and the Administrative Procedure Act (APA). Taught by OAL attorneys, students will learn about OAL and its role, how to participate in the rulemaking process, when an agency needs to adopt regulations, how regulations are adopted, and the underground regulation petition process. These special information sessions are specifically focused on assisting the public in understanding the APA and only members of the public are invited.

Registration information is available on OAL’s website at the following link: <https://oal.ca.gov/training/>.

**DECISION NOT TO PROCEED**

**HORSE RACING BOARD**

**RE: NOTICE OF PROPOSED RULEMAKING  
CONCERNING OCCUPATIONAL  
LICENSES, FEES, AND FORMS**

Pursuant to Government Code Section 11347, the California Horse Racing Board hereby gives notice that it has decided not to proceed with the rulemaking action published in the California Regulatory Notice Register on March 14, 2025, Register 2025, Number 11–Z. The proposed rulemaking concerned Occupational Licenses, Fees, and Forms. (OAL Notice Z2025–0304–04.)

Any interested person with questions concerning this rulemaking should contact Brooke Tuchman at either (916) 869–3221 or by email at: [batuchman@chr.ca.gov](mailto:batuchman@chr.ca.gov).

The California Horse Racing Board will also post this Notice of Decision Not to Proceed on its website.

**DEPARTMENT OF EDUCATION**

**NOTICE OF DECISION NOT TO PROCEED**

Pursuant to Government Code section 11347, the State Board of Education (SBE) has decided not to proceed with title 5, division 1, section 3043, Extended School Year Waivers (Notice File Number Z–2025–1112–02), published December 12, 2025, in the California Regulatory Notice Register 2025, Number 50–Z, based on procedural considerations and therefore, withdraws this proposed action for further consideration.

The SBE will initiate at a later date, with notice as required by law, a new proposal to adopt regulations pertaining to the same or similar subject matter. The California Department of Education (CDE) will also publish this Notice of Decision Not to Proceed on the CDE’s website at <http://www.cde.ca.gov/re/lr/tr>.

**RULEMAKING  
PETITION DECISIONS**

**MEDICAL BOARD**

**DATE:** February 17, 2026

**ACTION:** Notice of Decision on Petition for Rulemaking Action

**SUBJECT:** Petition for Rulemaking Pursuant to Government Code §11340.6 — Transparency in Malpractice Reporting

**AGENCY RESPONDING TO PETITION**

Medical Board of California (MBC), 2005 Evergreen Street, Suite 1200, Sacramento, CA 95815.

**PETITIONERS/PETITION**

Kristen Scapellato (petitioner) filed a petition with the MBC on January 20, 2026, requesting the MBC to “...adopt regulations requiring public disclosure when malpractice settlements or judgments involve life-threatening injury or sepsis, admission to an intensive care unit, emergency organ removal or major organ damage, or permanent disability or loss of major bodily function.”

**CALIFORNIA CODE OF REGULATION  
REQUESTED TO BE AFFECTED**

The petitioner did not identify an existing regulation to be affected but is asking for a new regulation(s).

AUTHORITY

Pursuant to Business and Professions Code (BPC) section 2018, the MBC may adopt, amend, and repeal regulations as necessary to carry into effect the provisions of law relating to the practice of medicine.

DECISION

The petition requests the MBC adopt regulations requiring public disclosure of malpractice settlements or judgments meeting certain requirements.

*BPC section 803.1(b) states:*

(b) Notwithstanding any other law, in addition to the information provided in subdivision (a), the Medical Board of California, the Osteopathic Medical Board of California, the California Board of Podiatric Medicine, and the Physician Assistant Board shall disclose to an inquiring member of the public all of the following:

(1) Civil judgments in any amount, whether or not vacated by a settlement after entry of the judgment, that were not reversed on appeal and arbitration awards in any amount of a claim or action for damages for death or personal injury caused by the licensee’s negligence, error, or omission in practice, or by rendering unauthorized professional services.

(2) (A) All settlements in the possession, custody, or control of the board shall be disclosed for a licensee in the low–risk category if there are three or more settlements for that licensee within the last 10 years, except for settlements by a licensee regardless of the amount paid where (i) the settlement is made as a part of the settlement of a class claim, (ii) the licensee paid in settlement of the class claim the same amount as the other licensees in the same class or similarly situated licensees in the same class, and (iii) the settlement was paid in the context of a case where the complaint that alleged class liability on behalf of the licensee also alleged a products liability class action cause of action. All settlements in the possession, custody, or control of the board shall be disclosed for a licensee in the high–risk category if there are four or more settlements for that licensee within the last 10 years except for settlements by a licensee regardless of the amount paid where (i) the settlement is made as a part of the settlement of a class claim, (ii) the licensee paid in settlement of the class claim the same amount as the other licensees in the same class or similarly situated licensees in the same class, and (iii) the settlement was paid in the context of a case where the complaint that alleged class liability on behalf of the licensee also alleged a products liability class action cause of action. Classification of a licensee in either a “high–risk category” or a “low–risk category” depends upon the specialty or subspecialty practiced by the licensee and the designation assigned to that specialty or subspecialty

by the Medical Board of California, as described in subdivision (f). For the purposes of this paragraph, “settlement” means a settlement of an action described in paragraph (1) entered into by the licensee on or after January 1, 2003, in an amount of thirty thousand dollars (\$30,000) or more.

(B) The board shall not disclose the actual dollar amount of a settlement but shall put the number and amount of the settlement in context by doing the following:

(i) Comparing the settlement amount to the experience of other licensees within the same specialty or subspecialty, indicating if it is below average, average, or above average for the most recent 10–year period.

(ii) Reporting the number of years the licensee has been in practice.

(iii) Reporting the total number of licensees in that specialty or subspecialty, the number of those who have entered into a settlement agreement, and the percentage that number represents of the total number of licensees in the specialty or subspecialty.

*BPC section 2027(b)(6) requires the MBC to post civil judgments on a physician’s online profile as follows:*

(6) Civil judgments issued in any amount, whether or not vacated by a settlement after entry of the judgment, that were not reversed on appeal, and arbitration awards issued in any amount, for a claim or action for damages for death or personal injury caused by the physician and surgeon’s negligence, error, or omission in practice, or by his or her rendering of unauthorized professional services.

*BPC section 2027(b)(10) requires the MBC to post settlements on a physician’s online profile as follows:*

(10) All settlements within the last five years in the possession, custody, or control of the board shall be disclosed for a licensee in the low–risk category if there are three or more settlements for that licensee within the last five years, and for a licensee in the high–risk category if there are four or more settlements for that licensee within the last five years. Classification of a licensee in either a “high–risk category” or a “low–risk” category depends upon the specialty or subspecialty practiced by the licensee and the designation assigned to that specialty or subspecialty by the board pursuant to subdivision (f) of Section 803.1.

(A) For the purposes of this paragraph, “settlement” means a settlement in an amount of thirty thousand dollars (\$30,000) or more of any claim or action for damages for death or personal injury caused by the physician and surgeon’s negligence, error, or omission in practice, or by his or her rendering of unauthorized professional services.

(B) For the purposes of this paragraph, “settlement” does not include a settlement by a licensee, regardless of the amount paid, when (i) the settlement is made as a part of the settlement of a class claim, (ii)

the amount paid in settlement of the class claim is the same amount paid by the other licensees in the same class or similarly situated licensees in the same class, and (iii) the settlement was paid in the context of a case for which the complaint that alleged class liability on behalf of the licensee also alleged a products liability class action cause of action.

(C) The board shall not disclose the actual dollar amount of a settlement, but shall disclose settlement information in the same manner and with the same disclosures required under subparagraph (B) of paragraph (2) of subdivision (b) of Section 803.1.

The MBC discloses and posts civil judgments and malpractice settlements consistent with its authority under BPC sections 803.1 and 2027(b)(6) and (10). The Board cannot expand its disclosure or posting authority through regulation. Such changes require legislative action.

For the reasons set forth above, the petition is denied.

Pursuant to Government Code section 11340.7(d), this decision will be transmitted to the Office of Administrative Law for publication in the California Regulatory Notice Register.

#### CONTACT PERSON

Inquiries concerning this decision may be directed to:

Kerrie Webb  
Attorney III  
Medical Board of California  
2005 Evergreen Street, Suite 1200  
Sacramento, CA 95815  
Phone: 916-263-2389  
Email: [Regulations@mbc.ca.gov](mailto:Regulations@mbc.ca.gov).

#### AVAILABILITY OF PETITION

The Petition is available upon request directed to the contact person listed above.

#### DEPARTMENT OF INSURANCE

February 20, 2026

Vagharshak Pilossyan, M.D.

Van Nuys, California

SUBJECT: Reconsideration of Petition Pursuant to California Government Code §11340.6 Regarding

Expedited Specialist Access Issues Following Confirmed Cancer Diagnosis

Dear Dr. Pilossyan:

The California Department of Insurance (Department) has received your email dated January 24, 2026. We are considering the email a request for reconsideration of the Department's denial of your petition for rulemaking regarding expedited specialist access issues following a confirmed cancer diagnosis.

Your request for reconsideration has been reviewed and there is no additional information that would change our denial of your original request. The request does not provide the information we would need to consider or reconsider a request for rulemaking; specifically, the regulatory provisions of the California Code of Regulations requested to be affected or the rulemaking authority in the Insurance Code to take the action requested. Therefore, your request for reconsideration is DENIED. However, we are very concerned about the issues you continue to raise and will reiterate some methods available to address them.

#### REQUESTS #1-2: AUDITS AND INVESTIGATIONS

In your most recent letter, you have made requests for audits and investigations (itemized as requests #1 and #2) regarding oncology care authorizations and timely access. We appreciate your requests, which appear to be restatements of some of the issues that you identified in your initial letter. Please refer to our response in our letter to you dated January 20, 2026, addressing your previous request #5.

The Department recognizes that for certain types of cancer, delaying care can lead to increased morbidity. This is part of the reason why the numerous incidents you referenced in your response that you have observed in your practice or in practices of your colleagues are particularly troubling.

The Department takes these access-to-care issues seriously but needs additional information to look into the matters that you have reported. I urge you to submit further detailed information as complaints to the Department via phone or through our website:

Phone: 1-800-927-4357

Website: <https://www.insurance.ca.gov/01-consumers/101-help/>

As noted previously, these are two areas where existing statutory and other legal authority may prove useful in resolving these issues. As stated in the Department’s initial response, audits and investigations by the Department are largely driven by complaints. Going through the Department’s formal complaint process ensures that appropriate safeguards are in place to protect personally identified information of patients, enables the Department to determine whether our regulated entities are the subject of the complaint, allows the Department to address compliance issues directly with insurers, and helps inform future investigations and audits.

REQUESTS #3-5:  
REQUEST FOR RECONSIDERATION OF  
PETITION FOR RULEMAKING

Regarding your request for a rulemaking, in your most recent letter (restated as requests #3-5), your request for reconsideration does not contain any information that would change our initial analysis. Your request includes language that would require the Department to promulgate regulations, which could conflict with existing statutes and may be redundant with current regulations, or may have unforeseen consequences, as intimated in our first response letter. Therefore, this request is DENIED. Please reference our analyses for your previously identified requests 1-4, found in our letter to you dated January 20, 2026.

CONCLUSION

Again, thank you for your letter detailing concerns related to access to care. The Department thanks you for the important work that you do and we do take your concerns seriously. As issues arise pertaining to patient access to care, please submit complaints to the Department through our website or dedicated hotline number, as referenced above and in our previous letter, so we are able to track issues and resolve violations in a prompt manner. This may also provide data that we may use to inform further Department action, if appropriate.

Phone: 1-800-927-4357

Website: <https://www.insurance.ca.gov/01-consumers/101-help/>

I remain the agency contact person for purposes of this denial of petition for rulemaking and denial of request for reconsideration. Any interested person has the right to obtain a copy of the petition from the Department.

Sincerely yours,  
STESHA HODGES  
Assistant Chief Counsel

**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.

Department of Public Health  
File # 2026-0210-02  
Genetic Counselor Licensing

This action by the Department of Public Health, which is a courtesy filing and submitted for printing pursuant to Health and Safety Code section 124977(d), amends existing genetic counselor licensing requirements and adopts a new section regarding reinstatement of a genetic counselor license. It is a statutorily deemed emergency and exempt from review by the Office of Administrative Law pursuant to Health and Safety Code section 124977(d). This action is a resubmittal of OAL File Nos. 2025-1218-01EFP and 2024-0508-05EFP.

Title 17  
Adopt: 6301.6  
Amend: 6301.1, 6301.3, 6301.5  
Filed 02/19/2026  
Effective 02/19/2026  
Agency Contact:  
Hannah Strom-Martin (279) 217-0764

Department of Justice  
File # 2026-0209-01  
Unflavored Tobacco List

In this emergency readoption action pursuant to Government Code section 11346.1, the Department of Justice adopts a process for applying to place products on the Unflavored Tobacco List, as well as to maintain and enforce that list.

Title 11  
Adopt: 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957  
Filed 02/18/2026  
Effective 02/24/2026  
Agency Contact:  
Marlon Martinez (213) 269-6437

Fish and Game Commission  
 File # 2026-0213-05  
 Recreational Take of Rockfish, Cabezon, Greenling  
 and Lingcod

This emergency readoption action pursuant to Government Code section 11346.1(h) readopts amendments regarding the recreational take of rockfish, cabezon, greenling, and lingcod in California as originally amended in emergency rulemaking action 2025-0822-02E.

Title 14  
 Amend: 1.91, 27.25, 27.30, 27.35, 27.40, 28.55  
 Filed 02/19/2026  
 Effective 02/19/2026  
 Agency Contact:  
 Sherrie Fonbuena (916) 902-9284

California Highway Patrol  
 File # 2026-0112-02  
 CVSA NAS Out-of-Service Criteria

This change without regulatory effect incorporates by reference the April 1, 2026, version of the Commercial Vehicle Safety Alliance North American Standard (CVSA NAS) Out-of-Service Criteria to replace the prior version.

Title 13  
 Amend: 1239  
 Filed 02/20/2026  
 Agency Contact: Erica De Parsia (916) 843-3400

California School Finance Authority  
 File # 2026-0109-01  
 State Charter School Facilities Incentive Grants  
 Program

In this rulemaking action, the School Finance Authority amends its regulations to modify the definition of "charter school," the amount of grant awards, the application deadline dates, the application form CSFA 05-01, and evaluation criteria for eligible applications.

Title 04  
 Amend: 10176, 10177, 10179, 10180, 10181, 10182,  
 10185, 10190  
 Filed 02/24/2026  
 Effective 04/01/2026  
 Agency Contact: Ryan Storey (213) 620-6360

Fish and Game Commission  
 File # 2026-0108-03  
 Recreational Red Abalone Closure Extension

This Fish and Game Commission rulemaking action extends the sunset date of the current recreational red abalone closure for 10 years, through the 2035 season until April 1, 2036.

Title 14,  
 Amend: 29.15  
 Filed 02/23/2026  
 Effective 02/23/2026  
 Agency Contact: David Haug (916) 902-9286

State Water Resources Control Board

File # 2026-0115-02

TMDL for Organophosphate Pesticides in the Lower  
 Salinas watershed

This action by the State Water Resources Control Board (SWRCB), conducted pursuant to Government Code section 11353, amends the Water Quality Control Plan for the Central Coastal Basin. On June 21, 2024, the Regional Water Quality Control Board, Central Coast Region adopted Resolution Number R3-2024-0002 to incorporate Total Maximum Daily Load (TMDL) or organophosphate pesticides in the lower Salinas River watershed, Monterey County, California. The SWRCB approved the amendment under Resolution Number 2025-0031 on October 7, 2025.

Title 23  
 Adopt: 3929.23  
 Filed 02/25/2026  
 Effective 02/25/2026  
 Agency Contact: Keara Tuso (805) 549-3877

**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](http://oal.ca.gov).