
Barclays Official
**CALIFORNIA
CODE OF
REGULATIONS**

Title 22. Social Security

Division 7. Health Planning and Facility Construction

Division 8. Nondiscrimination in State-Supported Programs and Activities

Vol. 31

Published by

BARCLAYS LAW PUBLISHERS
400 Oyster Point Boulevard
Post Office Box 3066
South San Francisco, CA 94080
(415) 244-6611

(f) If for any reason the study is not completed after the consultant and the Office sign the contract for the study, no part of the deposit for use by the Office to pay the consultant shall be refundable to the applicant until after the applicant requests the Office in writing to stop the study and the consultant agrees that no additional fees are owed to the consultant.

(g) If, after the study is completed, the final cost of the study by the consultant is less than the amount deposited by the applicant with the Office for that purpose, the Office shall refund the balance to the applicant.

NOTE: Authority cited: Sections 129015 and 127010, Health and Safety Code; and Section 11152, Government Code. Reference: Sections 129048 and 129049, Health and Safety Code.

HISTORY

1. New section filed 3-19-2001; operative 4-18-2001 (Register 2001, No. 12).

Article 3. California Health Facilities Construction Loan Insurance Program—State Plan

NOTE: Authority cited: Sections 436.3, 436.4, and 446.2, Health and Safety Code; and Section 11152, Government Code. Reference: Sections 436.3 and 436.4, Health and Safety Code.

HISTORY

1. Repealer of Article 3 (Sections 91501-91511, not consecutive) and renumbering of Article 7 (Sections 91545 and 91547) to Article 3 (Sections 91545 and 91547) filed 12-18-81; effective thirtieth day thereafter (Register 81, No. 51). For prior history, see Register 79, No. 25.
2. Amendment filed 12-18-81; effective thirtieth day thereafter (Register 81, No. 51).
3. Order of Repeal of Article 3 (Sections 91545 and 91547) filed 6-3-85 by OAL pursuant to Government Code Section 11349.7; effective thirtieth day thereafter (Register 85, No. 26).

Article 4. Defaults

NOTE: Authority cited: Sections 436.3 and 436.13, Health and Safety Code. Reference: Sections 436.2 and 436.9, Health and Safety Code, Statutes of 1973.

HISTORY

1. Repealer of Article 4 (Sections 91513-91531, not consecutive) filed 12-18-81; effective thirtieth day thereafter (Register 81, No. 51). For prior history, see Register 79, No. 25.

Article 5. Termination of Insurance

NOTE: Authority cited: Sections 436.3 and 436.23, Health and Safety Code. Reference: Sections 436.2 and 436.9, Health and Safety Code, Statutes of 1973.

HISTORY

1. Repealer of Article 5 (Sections 91533-91537, not consecutive) filed 12-18-81; effective thirtieth day thereafter (Register 81, No. 51). For prior history, see Register 79, No. 25.

Article 6. Health Facility Construction Loan Insurance Fund

NOTE: Authority cited: Sections 436.3 and 436.26, Health and Safety Code. Reference: Sections 436.2 and 436.9, Health and Safety Code, Statutes of 1973.

HISTORY

1. Repealer of Article 6 (Sections 91539-91543, not consecutive) filed 12-18-81; effective thirtieth day thereafter (Register 81, No. 51). For prior history, see Register 79, No. 25.

Article 7. California Health Facilities Construction Loan Insurance Program—State Plan

NOTE: Authority cited: Sections 436.3 and 436.4, Health and Safety Code. Reference: Sections 436.2 and 436.9, Health and Safety Code, Statutes of 1973.

HISTORY

1. Renumbering of Article 7 (Sections 91545 and 91547) to Article 3 (Sections 91545 and 91547) filed 12-18-81; effective thirtieth day thereafter (Register 81, No. 51). For prior history, see Register 79, No. 25.

Chapter 6. Health Workforce Pilot Project Program

Article 1. Definitions

§ 92001. Deputy Director.

Deputy Director means the Deputy Director of the Healthcare Workforce and Community Development Division of the Office of Statewide Health Planning and Development.

NOTE: Authority cited: Sections 127010 and 128155, Health and Safety Code; and Section 11152, Government Code. Reference: Section 128155, Health and Safety Code.

HISTORY

1. New Chapter 6 (Articles 1-7, Sections 92001-92604, not consecutive) filed 2-13-80; effective thirtieth day thereafter (Register 80, No. 7).
2. Repealer and new section filed 7-29-83; effective thirtieth day thereafter (Register 83, No. 31).
3. Change without regulatory effect amending chapter heading, section heading, section and NOTE filed 2-28-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 9).

§ 92002. Clinical Phase.

"Clinical Phase" means instructor supervised experience with patient during which the trainee applies knowledge presented by an instructor.

NOTE: Authority cited: Sections 127010 and 128155, Health and Safety Code; and Section 11152, Government Code. Reference: Section 128155, Health and Safety Code.

HISTORY

1. Repealer and new section filed 7-29-83; effective thirtieth day thereafter (Register 83, No. 31).
2. Change without regulatory effect amending NOTE filed 2-28-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 9).

§ 92003. Didactic Phase.

"Didactic Phase" means an organized body of knowledge presented by an instructor.

NOTE: Authority cited: Sections 127010 and 128155, Health and Safety Code; and Section 11152, Government Code. Reference: Section 128155, Health and Safety Code.

HISTORY

1. Repealer and new section filed 7-29-83; effective thirtieth day thereafter (Register 83, No. 31).
2. Change without regulatory effect amending NOTE filed 2-28-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 9).

§ 92004. Employment/Utilization Phase.

"Employment/Utilization Phase" means ongoing application of didactic and clinical knowledge and skills in an employment setting under the supervision of the supervisor.

NOTE: Authority cited: Sections 127010 and 128155, Health and Safety Code; and Section 11152, Government Code. Reference: Sections 128155 and 128180, Health and Safety Code.

HISTORY

1. Amendment of NOTE filed 7-29-83; effective thirtieth day thereafter (Register 83, No. 31).
2. Change without regulatory effect amending NOTE filed 2-28-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 9).

§ 92005. Employment/Utilization Site.

"Employment/Utilization Site" means health facility or any clinical setting where health care services are provided.

NOTE: Authority cited: Sections 127010 and 128155, Health and Safety Code; and Section 11152, Government Code. Reference: Sections 128135 and 128180, Health and Safety Code.

HISTORY

1. Amendment of NOTE filed 7-29-83; effective thirtieth day thereafter (Register 83, No. 31).

2. Change without regulatory effect amending NOTE filed 2-28-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 9).

§ 92006. Instructor.

"Instructor" means a person certified or licensed in California to practice or teach the knowledge or skills, or both, the trainee is to learn.

NOTE: Authority cited: Sections 127010 and 128155, Health and Safety Code; and Section 11152, Government Code. Reference: Section 128155, Health and Safety Code.

HISTORY

1. Amendment filed 7-29-83; effective thirtieth day thereafter (Register 83, No. 31).
2. Change without regulatory effect amending NOTE filed 2-28-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 9).

§ 92007. Program.

"Program" means the Health Workforce Pilot Project Program administered by the Office of Statewide Health Planning and Development.

NOTE: Authority cited: Sections 127010 and 128155, Health and Safety Code; and Section 11152, Government Code. Reference: Section 128155, Health and Safety Code.

HISTORY

1. Amendment filed 7-29-83; effective thirtieth day thereafter (Register 83, No. 31).
2. Change without regulatory effect amending section and NOTE filed 2-28-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 9).

§ 92008. Program Staff.

"Program Staff" means the staff of the Office of Statewide Health Planning and Development with responsibility for the Health Workforce Pilot Projects.

NOTE: Authority cited: Sections 127010 and 128165, Health and Safety Code; and Section 11152, Government Code. Reference: Section 128165, Health and Safety Code.

HISTORY

1. Repealer and new section filed 7-29-83; effective thirtieth day thereafter (Register 83, No. 31).
2. Change without regulatory effect amending section and NOTE filed 2-28-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 9).

§ 92009. Project.

"Project" means a Health Workforce Pilot Project approved by the Director.

NOTE: Authority cited: Sections 127010 and 128155, Health and Safety Code; and Section 11152, Government Code. Reference: Section 128155, Health and Safety Code.

HISTORY

1. Repealer and new section filed 7-29-83; effective thirtieth day thereafter (Register 83, No. 31).
2. Change without regulatory effect amending section and NOTE filed 2-28-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 9).

§ 92010. Project Director.

"Project Director" means the individual designated by the sponsor to have responsibilities for the conduct of the project staff, instructors, supervisors, and trainees.

NOTE: Authority cited: Sections 127010 and 128155, Health and Safety Code; and Section 11152, Government Code. Reference: Section 128155, Health and Safety Code.

HISTORY

1. Repealer and new section filed 7-29-83; effective thirtieth day thereafter (Register 83, No. 31).
2. Change without regulatory effect amending NOTE filed 2-28-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 9).

§ 92011. Sponsor.

"Sponsor" means a community hospital or clinic, nonprofit educational institution, or governmental agency engaged in health or educational activities.

NOTE: Authority cited: Sections 127010 and 128155, Health and Safety Code; and Section 11152, Government Code. Reference: Section 128135, Health and Safety Code.

HISTORY

1. Repealer and new section filed 7-29-83; effective thirtieth day thereafter (Register 83, No. 31).
2. Change without regulatory effect amending section filed 11-16-92 pursuant to section 100, title 1, California Code of Regulations (Register 92, No. 47).
3. Change without regulatory effect amending NOTE filed 2-28-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 9).

§ 92012. Training Program.

"Training Program" means an organized educational program that includes at least a didactic phase, clinical phase, and usually an employment/utilization phase. All or portions of the didactic and clinical phases may be concurrent.

NOTE: Authority cited: Sections 127010 and 128155, Health and Safety Code; and Section 11152, Government Code. Reference: Section 128155, Health and Safety Code.

HISTORY

1. Repealer and new section filed 7-29-83; effective thirtieth day thereafter (Register 83, No. 31).
2. Change without regulatory effect amending NOTE filed 2-28-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 9).

§ 92013. Training Program.

NOTE: Authority cited: Section 429.76, Health and Safety Code. Reference: Section 429.71, Health and Safety Code.

HISTORY

1. Repealer filed 7-29-83; effective thirtieth day thereafter (Register 83, No. 31).

Article 2. Minimum Standards

§ 92101. Minimum Standards.

Each pilot project shall:

- (a) Provide for patient safety.
- (b) Provide qualified instructors to prepare trainees.
- (c) Assure that trainees have achieved a minimal level of competence before they entered the employment/utilization phase.
- (d) Inform trainees that there is no assurance of a future change in law or regulations to legalize their role.
- (e) Demonstrate that the project has sufficient staff to monitor trainee performance and to monitor trainee supervision during the employment/utilization phase.
- (f) Possess the potential for developing new or alternative roles for health care personnel or for developing a reallocation of health care tasks, which would improve the effectiveness of health care delivery systems.
- (g) Demonstrate the feasibility of achieving the project objectives.
- (h) Comply with the requirements of the Health Workforce Pilot Projects statute and regulations.

(i) Comply with at least one of the eligibility criteria provided in Sections 128130, 128135, and 128160 of Article 1, Chapter 3, Part 3, Division 107, of the Health and Safety Code.

NOTE: Authority cited: Sections 127010 and 128155, Health and Safety Code; and Section 11152, Government Code. Reference: Section 128165, Health and Safety Code.

HISTORY

1. Amendment filed 7-29-83; effective thirtieth day thereafter (Register 83, No. 31).
2. Change without regulatory effect amending subsections (h) and (i) and NOTE filed 2-28-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 9).

Article 3. Application Procedure

§ 92201. Application Forms.

(a) The application forms and a copy of the Health Workforce Pilot Project statute and regulations shall be obtained from program staff. The forms shall be filled out completely.

(b) The sponsor and project director shall certify in writing that they:

- (1) Will not discriminate on the basis of age, sex, creed, disability, race, or ethnic origin.

(2) Will comply with the requirements of the Health Workforce Pilot Project statute and regulations.

NOTE: Authority cited: Sections 127010 and 128155, Health and Safety Code; and Section 11152, Government Code. Reference: Section 128155, Health and Safety Code.

HISTORY

1. Amendment filed 7-29-83; effective thirtieth day thereafter (Register 83, No. 31).
2. Change without regulatory effect amending subsections (a) and (b)(2) and NOTE filed 2-28-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 9).

§ 92202. Application Instructions.

The application instructions shall include, but not be limited to, the following:

- (a) Number of copies of completed applications to be submitted to the program.
- (b) Name, address and telephone number of person to whom the completed applications are to be submitted.
- (c) The time period for submission, when applicable.

NOTE: Authority cited: Sections 127010 and 128155, Health and Safety Code; and Section 11152, Government Code. Reference: Section 128155, Health and Safety Code.

HISTORY

1. Amendment of NOTE filed 7-29-83; effective thirtieth day thereafter (Register 83, No. 31).
2. Change without regulatory effect amending NOTE filed 2-28-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 9).

Article 4. Content of Application

§ 92301. Abstract.

An abstract shall be submitted with each application. This provides a brief description of the information included in the proposal's narrative.

NOTE: Authority cited: Sections 127010 and 128155, Health and Safety Code; and Section 11152, Government Code. Reference: Section 128155, Health and Safety Code.

HISTORY

1. Amendment of NOTE filed 7-29-83; effective thirtieth day thereafter (Register 83, No. 31).
2. Change without regulatory effect amending NOTE filed 2-28-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 9).

§ 92302. Purpose and Objectives.

These brief statements describe:

- (a) The purpose(s) of the project.
- (b) The objectives to meet the purpose(s).
- (c) The time plan for accomplishing the objectives.

NOTE: Authority cited: Sections 127010 and 128155, Health and Safety Code; and Section 11152, Government Code. Reference: Section 128155, Health and Safety Code.

HISTORY

1. Amendment of NOTE filed 7-29-83; effective thirtieth day thereafter (Register 83, No. 31).
2. Change without regulatory effect amending NOTE filed 2-28-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 9).

§ 92303. Background Information.

Background information shall include, but not be limited to the following:

- (a) Documentation of the need for this project.
- (b) A description of the types of patients or clients likely to be seen or treated.
- (c) A description of the skills trainees are to learn.
- (d) An identification of existing laws or regulations, or both, that, in the absence of Health Workforce Pilot Project statute Section 128125, et seq., of the Health and Safety Code, would prevent the preparation and utilization of trainees as proposed in this project.
- (e) A description of employment opportunities for trainees after the project terminates.
- (f) An identification of other educational programs or groups conducting similar projects.

NOTE: Authority cited: Sections 127010 and 128155, Health and Safety Code; and Section 11152, Government Code. Reference: Sections 128155 and 128165, Health and Safety Code.

HISTORY

1. Amendment filed 7-29-83; effective thirtieth day thereafter (Register 83, No. 31).
2. Change without regulatory effect amending subsection (d) and NOTE filed 2-28-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 9).

§ 92304. Sponsor Information.

Sponsor information shall include, but not be limited to the following:

- (a) A description of the sponsor, including a copy of an organizational chart that identifies the project's relationship to the sponsor.
- (b) A copy of a document verifying the sponsor's status as a community hospital or clinic, or non-profit educational institution.
- (c) A description of functions of the project director, instructors and other project staff.
- (d) A description of funding source(s) for the project.
- (e) A description of sponsor's previous experience in preparing health care workers.
- (f) A description of the composition and functions of an advisory group if one currently exists or will be developed to advise the project.
- (g) An identification of collaborative arrangements with other educational institutions and/or health care facilities, or both.
- (h) A description and location of facilities used in the didactic and clinical phases. This shall include the availability of support services such as library, equipment, etc.

NOTE: Authority cited: Sections 127010 and 128155, Health and Safety Code; and Section 11152, Government Code. Reference: Sections 128135 and 128155, Health and Safety Code.

HISTORY

1. Amendment filed 7-29-83; effective thirtieth day thereafter (Register 83, No. 31).
2. Change without regulatory effect amending subsection (b) and NOTE filed 11-16-92 pursuant to section 100, title 1, California Code of Regulations (Register 92, No. 47).
3. Change without regulatory effect amending NOTE filed 2-28-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 9).

§ 92305. Participant Selection Information.

Participant selection information shall include at least the following:

- (a) Trainee Information.
 - (1) Criteria used to select trainees.
 - (2) Plan to inform trainees of their responsibilities and limitations under the Health Workforce Pilot Project statute and regulation.
 - (3) Number of proposed trainees.
- (b) Supervisor Information.
 - (1) Criteria used to select supervisors.
 - (2) Plan to orient supervisors to their roles and responsibilities.
 - (3) Number of proposed supervisors.
- (c) Employment/Utilization Site Information.
 - (1) Criteria used to select an employment/utilization site.

NOTE: Authority cited: Sections 127010 and 128155, Health and Safety Code; and Section 11152, Government Code. Reference: Sections 128155 and 128180, Health and Safety Code.

HISTORY

1. Amendment filed 7-29-83; effective thirtieth day thereafter (Register 83, No. 31).
2. Change without regulatory effect amending subsection (a)(2) and NOTE filed 2-28-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 9).

§ 92306. Curriculum.

The curriculum plan shall include, but not be limited to the following:

- (a) A description of the minimum level of competence the trainee shall achieve before entering the employment/utilization phase of the project.
- (b) A description of the content required to meet this minimal competency.
- (c) A description of the methodology utilized in the didactic and clinical phases.
- (d) A description of the evaluation process used to determine when trainees have achieved the minimum level of competence.

(c) An identification in hours and months of the time required to complete the didactic and clinical phases.

NOTE: Authority cited: Sections 127010 and 128155, Health and Safety Code; and Section 11152, Government Code. Reference: Sections 128155 and 128180, Health and Safety Code.

HISTORY

1. Amendment of NOTE filed 7-29-83; effective thirtieth day thereafter (Register 83, No. 31).
2. Change without regulatory effect amending NOTE filed 2-28-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 9).

§ 92307. Evaluation.

The evaluation plan shall include, but not be limited to the following:

(a) A description of the baseline data and information collected about the availability or provision of health care delivery, or both, prior to utilization of trainee. The actual baseline data shall be collected and submitted in writing to the program within six (6) months after the project is initially approved.

(b) A description of baseline data and information to be collected about trainee performance, acceptance, and cost effectiveness.

(c) A description of the methodology to be used in collecting and analyzing the data about trainee performance, acceptance, and cost effectiveness.

(d) The data required in (b) and (c) shall be submitted in writing to the program at least annually or as requested by program staff.

(e) The evaluation plan shall include provision for reviewing and modifying the project's objectives and methodology at least annually. Results of this evaluation and project modification shall be reported to program staff in writing.

(f) The evaluation plan shall include provision for retaining for two (2) years after completion of the pilot project all raw data about trainees and the implementation of the project.

NOTE: Authority cited: Sections 127010 and 128155, Health and Safety Code; and Section 11152, Government Code. Reference: Sections 128155 and 128165, Health and Safety Code.

HISTORY

1. Amendment filed 7-29-83; effective thirtieth day thereafter (Register 83, No. 31).
2. Change without regulatory effect amending NOTE filed 2-28-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 9).

§ 92308. Monitoring.

The monitoring plan shall include, but not be limited to the following:

(a) A description of the provisions for protecting patients' safety.

(b) A description of the methodology used by the project director and project staff to provide at least quarterly monitoring of the following:

- (1) Trainee competency.
- (2) Supervisor fulfillment of role and responsibilities.
- (3) Employment/utilization site compliance with selection criteria.

(c) Acknowledgement that project staff or their designee shall visit each employment/utilization site at least semi-annually.

(d) The monitoring plan shall also identify a methodology for reporting information to program staff.

NOTE: Authority cited: Sections 127010 and 128155, Health and Safety Code; and Section 11152, Government Code. Reference: Sections 128155 and 128180, Health and Safety Code.

HISTORY

1. Amendment filed 7-29-83; effective thirtieth day thereafter (Register 83, No. 31).
2. Change without regulatory effect amending NOTE filed 2-28-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 9).

§ 92309. Informed Consent.

The plan used to obtain prior informed consent from patients to be treated by trainees or those legally able to give informed consent for the patients shall be described. It shall include, but not be limited to the following:

(a) A description of the content of the informed consent.

(1) Explanation of the role and status of the trainee, including the ready availability of the trainee's supervisor for consultation.

(2) Assurance that the patient can refuse care from a trainee without penalty for such a request.

(3) Identification that consenting to treatment by a trainee does not constitute assumption of risk by the patient.

(b) Provision that the content of the informed consent, either written or oral, shall be provided in a language in which the patient is fluent.

(c) Documentation in the patient record that informed consent has been obtained prior to providing care to the patient.

(d) Provision for obtaining witnesses to informed consent. Written informed consent must be witnessed. Oral informed consent obtained by the trainee shall have a third party document in writing that he/she has witnessed the oral consent.

(e) Informed consent need be obtained only for those tasks, services, or functions to be provided as a pilot project trainee.

(f) A copy of the language of the informed consent shall be included in the application.

NOTE: Authority cited: Sections 127010 and 128155, Health and Safety Code; and Section 11152, Government Code. Reference: Sections 128150 and 128155, Health and Safety Code.

HISTORY

1. Amendment filed 7-29-83; effective thirtieth day thereafter (Register 83, No. 31).
2. Change without regulatory effect amending NOTE filed 2-28-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 9).

§ 92310. Costs.

A plan for determining estimated or projected costs shall include, but not be limited to the following:

(a) An identification of the average cost of preparing a trainee. This shall include cost information related to instruction, instructional materials and equipment, space for conducting didactic and clinical phases, and other pertinent costs.

(b) An identification of the average cost per patient visit for similar care rendered by a current provider of care.

(c) An identification of predicted average cost per patient visit for the care rendered by a trainee.

(d) Specific information relative to these estimated or projected costs shall be provided to program staff at the time of annual renewal or as otherwise requested.

NOTE: Authority cited: Sections 127010 and 128155, Health and Safety Code; and Section 11152, Government Code. Reference: Sections 128155 and 128165, Health and Safety Code.

HISTORY

1. Amendment of NOTE filed 7-29-83; effective thirtieth day thereafter (Register 83, No. 31).
2. Change without regulatory effect amending NOTE filed 2-28-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 9).

§ 92311. Trainee Information.

A plan to provide information to program staff regarding trainees in the employment/utilization phase shall be described. It shall include, but not be limited to the following:

(a) Name, work address and telephone number of the trainee.

(b) Name, work address and telephone number and license number of the supervisor.

(c) This information shall be submitted in writing to program staff within five (5) days of the date trainee enters the employment/utilization phase.

NOTE: Authority cited: Sections 127010 and 128155, Health and Safety Code; and Section 11152, Government Code. Reference: Sections 128155 and 128180, Health and Safety Code.

HISTORY

1. Amendment of NOTE filed 7-29-83; effective thirtieth day thereafter (Register 83, No. 31).
2. Change without regulatory effect amending NOTE filed 2-28-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 9).

§ 92312. Modifications.

Any modifications or additions to an approved project shall be submitted in writing to program staff. Modifications include, but are not limited to the following:

(a) Changes in the scope or nature of the project.

(b) Changes in selection criteria for trainees, supervisors, or employment/utilization sites.

(c) Changes in project staff or instructors.

(1) This change will not require prior approval by program staff, but shall be reported to program staff within two (2) weeks after the change occurs.

(2) Curriculum vitae are required on all project staff and instructors.

(d) All other modifications require program staff approval prior to implementation.

NOTE: Authority cited: Sections 127010 and 128155, Health and Safety Code; and Section 11152, Government Code. Reference: Section 128155, Health and Safety Code.

HISTORY

1. Amendment filed 7-29-83; effective thirtieth day thereafter (Register 83, No. 31).
2. Change without regulatory effect amending NOTE filed 2-28-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 9).

§ 92313. Legal Liability.

Sponsors and other participants are advised to ascertain the legal liability they assume when participating in a pilot project.

NOTE: Authority cited: Sections 127010 and 128155, Health and Safety Code; and Section 11152, Government Code. Reference: Sections 128145 and 128155, Health and Safety Code.

HISTORY

1. Amendment of NOTE filed 7-29-83; effective thirtieth day thereafter (Register 83, No. 31).
2. Change without regulatory effect amending NOTE filed 2-28-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 9).

Article 5. Application Review Process

§ 92401. Review Process for New Applications.

The review process of a completed application shall include, but not be limited to the following:

(a) An initial review conducted by program staff to determine the appropriateness and completeness of the application.

(b) Review and comment by technical consultant(s) selected by program staff for review and comment within forty-five (45) calendar days from the date on which the application was distributed for review.

(c) Review and comment by appropriate Healing Arts Boards and professional associations within forty-five (45) calendar days from the date on which the application was distributed for review.

(d) An abstract of the application shall be made available to any interested party upon request.

(e) A complete application shall be available for review in program offices during normal working hours.

(f) A public meeting shall be scheduled on a date that is no sooner than forty-five (45) calendar days from the date on which the applications were distributed for review to discuss the application and comments of consultants, reviewers, healing arts boards, professional associations, and other interested parties with the applicant.

(g) Review for state agency applications shall be as noted in this section with the additional procedure of Section 128175 of the Health and Safety Code.

NOTE: Authority cited: Sections 127010 and 128155, Health and Safety Code; and Section 11152, Government Code. Reference: Sections 128135, 128155 and 128175, Health and Safety Code.

HISTORY

1. Amendment filed 7-29-83; effective thirtieth day thereafter (Register 83, No. 31).
2. Change without regulatory effect amending subsection (g) and NOTE filed 2-28-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 9).

§ 92402. Review for State Agency Application.

NOTE: Authority cited: Section 429.76, Health and Safety Code. Reference: Section 429.80, Health and Safety Code.

HISTORY

1. Repealer filed 7-29-83; effective thirtieth day thereafter (Register 83, No. 31).

Article 6. Project Approval

§ 92501. Initial Approval.

(a) The Director has the exclusive authority to grant approval or deny approval to a pilot project applicant.

(b) Approval may be for one year or less or until the project is completed, whichever is sooner.

(c) The Director's decision shall be transmitted in writing to the applicant with copies to interested parties.

(d) A sponsor whose project has been denied may resubmit a modified application after a sixty (60) day waiting period.

NOTE: Authority cited: Sections 127010 and 128155, Health and Safety Code; and Section 11152, Government Code. Reference: Section 128135, Health and Safety Code.

HISTORY

1. Repealer of Article 6 (Sections 92501-92504) and new Article 6 (Section 92501) filed 7-29-83; effective thirtieth day thereafter (Register 83, No. 31).
2. Change without regulatory effect amending NOTE filed 2-28-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 9).

Article 7. Program Responsibilities

§ 92601. Records.

The program shall maintain the following records:

(a) A copy of the application, related documents and evaluation data on all projects for a minimum of three (3) years after termination of a project. These shall be available for public review in the program office during regular working hours.

(b) A list of all trainees who are in the employment/utilization phase. This shall be updated at least semi-annually by the sponsors except as provided for in Section 92311(c).

(c) Information about project applications, approved projects and the status of trainees who are in the employment/utilization phase shall be provided to appropriate State regulatory bodies.

NOTE: Authority cited: Sections 127010 and 128155, Health and Safety Code; and Section 11152, Government Code. Reference: Sections 128155 and 128165, Health and Safety Code.

HISTORY

1. Repealer of Article 7 (Sections 92601-92604) and new Article 7 (Sections 92601-92604) filed 7-29-83; effective thirtieth day thereafter (Register 83, No. 31).
2. Change without regulatory effect amending NOTE filed 2-28-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 9).

§ 92602. Project Evaluation.

The evaluation of approved projects shall include, but not be limited to, the following:

(a) Written information shall be requested periodically by program staff to ascertain the progress of the project in meeting its stated objectives and in complying with program statutes and regulations.

(b) Periodic site visits shall be conducted to project offices, locations, or both, where trainees are being prepared or utilized as noted in Section 128165.

NOTE: Authority cited: Sections 127010 and 128155, Health and Safety Code; and Section 11152, Government Code. Reference: Sections 128125 and 128165, Health and Safety Code.

HISTORY

1. Change without regulatory effect amending subsection (b) and NOTE filed 2-28-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 9).

§ 92603. Site Visits.

Site visits shall include at least the following:

(a) Determination that adequate patient safeguards are being utilized.

(b) Validation that the project is complying with the approved or amended application.

(c) Interviews with project participants and recipients of care.

(d) An interdisciplinary team composed of representatives of the healing arts boards, professional organizations, and other State regulatory bo-

dies shall be invited to participate in a site visit. They will receive at least fourteen (14) calendar days written notice.

(e) Written notification of the date, purpose, and principal members of the site visit team shall be sent to the project director at least fourteen (14) calendar days prior to the date of the site visit.

(f) Plans to interview trainees, supervisors and patients or to review patient records shall be made in advance through the project director.

(g) Site visits by program staff may be scheduled, after consultation with the project sponsor or director, on less than twenty-four (24) hours notice when questions of patient or trainee safety necessitate.

NOTE: Authority cited: Sections 127010 and 128155, Health and Safety Code; and Section 11152, Government Code. Reference: Sections 128125 and 128165, Health and Safety Code.

HISTORY

1. Editorial correction of Reference cite (Register 95, No. 25).
2. Change without regulatory effect amending NOTE filed 2-28-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 9).

§ 92604. Continuing Approval.

(a) Continuing approval shall be contingent upon review of written information submitted by the project of the project's progress in meeting stated objectives and its compliance with plans described in the approval or amended application.

(b) Approval may be granted for periods of time up to one year as determined by the Director.

NOTE: Authority cited: Sections 127010 and 128155, Health and Safety Code; and Section 11152, Government Code. Reference: Sections 128155 and 128180, Health and Safety Code.

HISTORY

1. Change without regulatory effect amending NOTE filed 2-28-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 9).

Article 8. Project Completion/Termination

§ 92701. Completion of Project.

(a) An approved project shall indicate its intention in writing to discontinue its status as a Health Workforce Pilot Project.

(b) A closing report shall be submitted. This report shall include at least the following:

- (1) The reasons for discontinuation as a pilot project.
- (2) A summary of pilot project activities including the number of persons who entered the employment/utilization phase.
- (3) A description of the plan to inform trainees of the project's discontinuation, and that they are precluded from performing the skills authorized under the pilot project after discontinuation unless the role has been legalized.

NOTE: Authority cited: Sections 127010 and 128155, Health and Safety Code; and Section 11152, Government Code. Reference: Section 128155, Health and Safety Code.

HISTORY

1. New Article 8 (Sections 92701 and 92702) filed 7-29-83; effective thirtieth day thereafter (Register 83, No. 31).
2. Change without regulatory effect amending subsection (a) and NOTE filed 2-28-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 9).

§ 92702. Termination of Project.

A pilot project may be terminated during the term of approval in the following way:

(a) In the event of a general or non-critical failure to comply with the program's statute, regulations or conditions of the approved application, a written notice of intent to terminate, stating with specificity the reasons for the intended termination, shall be served on the project director and sponsor thirty (30) calendar days before the termination is to become effective.

(1) If a project director or sponsor desires to protest the termination, that director or sponsor shall, within seven (7) calendar days after service of notice of intent to terminate, serve upon the program, written notice

requesting that an informal conference be scheduled to review the matter with the Deputy Director.

(2) The Deputy Director, or designee, shall hold, within fourteen (14) calendar days from the service of the request, an informal conference.

(A) The project director or sponsor shall have the right to be represented by legal counsel and to present oral or written evidence or other information in its behalf at the informal conference.

(B) The representatives of the program shall attend the conference and present evidence or information, oral or written, in substantiation of the recommended termination.

1. The conference shall be a simple, informal proceeding and shall not be conducted in the manner of a judicial hearing or as a hearing under the Administrative Procedure Act (Chapter 5, commencing with Section 11500 of Part 1 of Division 3 of the Government Code), and need not be conducted according to technical rules relating to evidence and witnesses.

2. Neither the project director, sponsor, nor the program, shall have the right to subpoena any witnesses to attend the conference, or to formally cross-examine any person testifying at the conference. However, the project director or sponsor and the program may present any witnesses on their behalf at the conference.

(C) Within three (3) calendar days of the conclusion of the informal conference the Deputy Director shall either recommend the termination or withdraw the notice of intent to terminate. The Deputy Director shall state the decision in writing and shall immediately transmit a copy of the decision to the project director or sponsor.

(D) If the project director or sponsor desires to contest the decision made after the informal conference, that director or sponsor shall serve written notice on the Deputy Director within seven (7) calendar days after service of the decision of the informal conference.

(E) If the project director or sponsor fails to notify the Deputy Director of the intention to contest the decision of the informal conference within the specified time, the decision by the Deputy Director shall be deemed a final order of the Director and shall not be subject to further administrative review.

(F) Upon notifying the Deputy Director, in writing, of the intention to contest the decision of the informal conference the project director or sponsor shall, within seven (7) calendar days of the service of the decision of informal conference, serve upon the Director and the program a memorandum or brief which sets forth, with particularity, the specific grounds for contesting the decision and the support for these grounds.

(G) Within seven (7) calendar days of the service of the project director's or sponsor's memorandum or brief, the program may serve a memorandum or brief containing its arguments in support of the decision of the informal conference on the Director and the project director or sponsor.

(H) Within seven (7) calendar days from the service of the program's arguments, the project director or sponsor may serve a reply memorandum or brief containing its arguments to the program's position of the Director and the program. The project director or sponsor shall notify the Director in writing within seven (7) calendar days from the service of the program's memorandum or brief, if no reply will be filed.

(I) The Director shall, within seven (7) calendar days from the service of the project director's or sponsor's counter arguments, or within seven (7) calendar days from the service of the notice that no reply brief will be filed, render a decision to either terminate the project or to withdraw the notice of intent to terminate. The decision shall be in writing and shall state the reasons for the decision. The decision shall be immediately transmitted to the project director or sponsor. This decision shall be deemed a final order of the Director and shall not be subject to further administrative review.

(b) In the event of non-compliance with the program's statute, regulations, or conditions of the approved application, which constitute a threat to patient health or safety, project approval shall be immediately suspended. Notice of suspension, together with a notice of intent to terminate project approval, shall be provided the project director or sponsor. Notice of the suspension and of the intent to terminate may be given in

writing and must state, with particularity, the reasons for the suspension and the intended termination; or notice may be given orally, but must be followed within seven (7) calendar days, by a written notice which states, with particularity, the reasons for the suspension and the intended termination. A threat to patient health or safety occurs when the physical or mental well-being of a patient is in jeopardy from continued performance by the pilot project trainee(s).

(1) If the project director or sponsor desires to protest the suspension or intended termination, that director or sponsor shall, within seven (7) calendar days after service of the written notice, serve upon the program written notice requesting that an informal conference be scheduled to review the matter with the Deputy Director.

(2) The Deputy Director, or designee, shall hold an informal conference within fourteen (14) calendar days after service of the project director's or sponsor's request.

(3) The conference and appeals procedure shall be identical to the procedure established in Subsections 92702(a)(2)(A) through (I) of Title 22, of the California Administrative Code, except that these provisions shall also apply:

(A) If the decision of the informal conference is that there is no basis for the termination of the project approval, the Deputy Director's written decision shall contain, in addition to the reasons for the decision, an order lifting the suspension of project approval and withdrawing the notice of intent to terminate project approval.

(B) If the decision of the Director is that there is no basis for the termination of project approval, the Director's written decision shall contain, in addition to the reasons for the decision, an order lifting the suspension of project approval and withdrawing the notice of intent to terminate project approval.

(C) If the project director or sponsor fails to protest, in writing, the suspension or the intended termination within seven (7) calendar days after service of the written notice of suspension or intended termination, the Deputy Director shall order the termination of the project approval and shall serve upon the director or sponsor a notice stating that project approval has been terminated and stating the reasons for the termination. The decision by the Deputy Director shall be deemed a final order of the Director and shall not be subject to further administrative review.

(D) The temporary suspension shall remain in effect until such time as the hearing is completed and the Director has made a final determination on the merits provided. However, the temporary suspension shall be deemed vacated if the Director fails to make a final determination on the merits within seventy (70) days after the original hearing has been completed.

(c) All appropriate regulatory bodies shall be immediately informed in writing when procedure to terminate has been instituted by program staff.

(d) Program staff shall notify the project's trainees and trainee's supervising professional(s), in writing, of the suspension of the project and the outcome of any hearing relative to that suspension.

(e) Trainees are precluded from performing the skills authorized under the pilot project when a project is suspended or terminated.

NOTE: Authority cited: Sections 127010 and 128155, Health and Safety Code; and Section 11152, Government Code. Reference: Sections 128125, 128140 and 128155, Health and Safety Code.

HISTORY

1. Editorial correction of subsection (b)(3) filed 9-23-83 (Register 83, No. 39).
2. Change without regulatory effect amending section and NOTE filed 2-28-2007 pursuant to section 100, title 1, California Code of Regulations (Register 2007, No. 9).

Chapter 7. Seismic Structural Safety Standards

Article 1. General Provisions

§ 94001. Purpose.

NOTE: Authority cited: Sections 446.3 and 15020, Health and Safety Code. Reference: Sections 15000-15023, Division 12.5, Health and Safety Code.

HISTORY

1. New Chapter 7 (Sections 94001-94134, not consecutive) filed 10-11-79; effective thirtieth day thereafter (Register 79, No. 41).
2. Change without regulatory effect repealing chapter 7 (articles 1-16, sections 94001-94602), article 1 (sections 94001-94009) and section, filed 4-8-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 15).

§ 94003. Scope.

NOTE: Authority cited: Sections 446.3 and 15020, Health and Safety Code. Reference: Sections 15000-15023, Division 12.5, Health and Safety Code.

HISTORY

1. Change without regulatory effect repealing section, filed 4-8-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 15).

§ 94005. Authority.

NOTE: Authority cited: Sections 446.3 and 15020, Health and Safety Code. Reference: Sections 15000-15023, Division 12.5, Health and Safety Code.

HISTORY

1. Change without regulatory effect repealing section, filed 4-8-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 15).

§ 94007. Interpretation.

NOTE: Authority cited: Sections 446.3 and 15020, Health and Safety Code. Reference: Sections 15000-15023, Division 12.5, Health and Safety Code.

HISTORY

1. Change without regulatory effect repealing section, filed 4-8-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 15).

§ 94009. Application of Regulations.

NOTE: Authority cited: Sections 446.3 and 15020, Health and Safety Code. Reference: Sections 15000-15023, Division 12.5, Health and Safety Code.

HISTORY

1. Change without regulatory effect repealing section, filed 4-8-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 15).

Article 2. Definitions

§ 94011. Approved Drawings and Specifications.

NOTE: Authority cited: Sections 446.3 and 15020, Health and Safety Code. Reference: Sections 15000-15023, Division 12.5, Health and Safety Code.

HISTORY

1. Change without regulatory effect repealing article 2 (sections 94011-94033) and section, filed 4-8-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 15).

§ 94013. Building.

NOTE: Authority cited: Sections 446.3 and 15020, Health and Safety Code. Reference: Sections 15000-15023, Division 12.5, Health and Safety Code.

HISTORY

1. Change without regulatory effect repealing section, filed 4-8-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 15).

§ 94015. Building Safety Board.

NOTE: Authority cited: Sections 446.3 and 15020, Health and Safety Code. Reference: Sections 15000-15023, Division 12.5, Health and Safety Code.