

California Code of Regulations
Amendment of Sections 1920 and 1937.11 of Title 16
Economic Impact Assessment
(Government Code 11346.3(b))

Purpose:

The Board proposes to amend California Code of Regulations sections 1920 and 1937.11 to remove criteria to be used to determine the level of an administrative fine in excess of \$2,500 and to provide clarity regarding courses that may be required to complete as an enforcement tool, as well as to establish consistency in disciplinary penalties and probationary terms.

The Creation or Elimination of Jobs Within the State of California

The regulations are designed to maximize the board's authority to assess fines in excess of \$2,500 and to replace a disciplinary requirement to complete a correspondence course that is no longer available with a similar Board approved continuing education (CE) course. The regulations will only affect current licensees who are in violation of the Board's laws by either assessing a fine against them or requiring them to take a disciplinary correspondence course. The regulations afford an opportunity for the Board to assess a more egregious fine or require the completion of a CE course rather than revoking an individual's license. Therefore, SPCB has determined that this regulatory proposal will not have an impact on the creation or elimination of jobs in the State of California.

The Creation of New Businesses or the Elimination of Existing Businesses Within the State of California

The regulations are designed to maximize the board's authority to assess fines in excess of \$2,500 and to replace a disciplinary requirement to complete a correspondence course that is no longer available with a similar Board approved CE course. A company cannot be required to take a Board approved CE course; only an individual licensee can be required to do so, making the amendment to B & P Code Section 1937.11 not relevant to the creation or elimination of businesses in California. B & P Code Section 1920 will only affect companies who are in violation of the Board's laws and can only eliminate existing businesses if the business is constantly in violation of the Board's laws. Therefore, SPCB has determined that this regulatory proposal will not have a significant impact on the creation of new businesses or the elimination of existing businesses in the State of California.

The Expansion of Businesses Currently Doing Business Within the State of California

The regulations are designed to maximize the board's authority to assess fines in excess of \$2,500 and to replace a disciplinary requirement to complete a correspondence course that is no longer available with a similar Board approved CE course. A company cannot be required to take a Board approved CE course; only an individual licensee can be required to do so, making the amendment to B & P Code Section 1937.11 not relevant to the expansion of businesses in California. The amendment to B & P Code Section 1920 will not have an impact on the expansion of existing businesses in the State of California because it will only affect companies and licensees who are in violation of the Board's laws by assessing fines in excess of \$2,500.

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

The anticipated benefits to this regulation are increased consumer protections through industry compliance with rules and regulations; clarity for licensees in completing probationary Board approved CE courses; and establishing consistency in disciplinary proceedings.