

STATE OF CALIFORNIA--OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State and THE OFFICE OF

STD. 400 (REV. 01-2013)

| | | | |
|-------------------------|---|---|------------------|
| OAL FILE NUMBERS | NOTICE FILE NUMBER Z-2013-1126-05 | REGULATORY ACTION NUMBER 2014-0618-02FP | EMERGENCY NUMBER |
|-------------------------|---|---|------------------|

2014 JUL 21 PM 2:05

For use by Office of Administrative Law (OAL) only

2014 JUN 18 PM 4:23

OFFICE OF ADMINISTRATIVE LAW

| | |
|--------|-------------|
| NOTICE | REGULATIONS |
|--------|-------------|

Debra Bowen
DEBRA BOWEN
SECRETARY OF STATE

| | |
|--|---|
| AGENCY WITH RULEMAKING AUTHORITY CALIFORNIA DEPARTMENT OF PUBLIC HEALTH | AGENCY FILE NUMBER (if any) DPH-11-018 |
|--|---|

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

| | | | |
|---|--------------------------|------------------------|-------------------------------|
| 1. SUBJECT OF NOTICE | TITLE(S) | FIRST SECTION AFFECTED | 2. REQUESTED PUBLICATION DATE |
| 3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other | 4. AGENCY CONTACT PERSON | TELEPHONE NUMBER | FAX NUMBER (Optional) |
| OAL USE ONLY ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn | NOTICE REGISTER NUMBER | PUBLICATION DATE | |

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

| | |
|---|--|
| 1a. SUBJECT OF REGULATION(S) CONFLICT OF INTEREST CODE | 1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) Z-2013-1126-05 |
|---|--|

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

| | |
|--|-------------------------------------|
| SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.) | ADOPT 20100.5 per agency |
| | AMEND 20100.5 request |
| | REPEAL |

TITLE(S)
22

3. TYPE OF FILING

| | | | |
|---|---|---|---|
| <input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) | <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. | <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) | <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) |
| <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) | <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) | <input checked="" type="checkbox"/> File & Print | <input type="checkbox"/> Print Only |
| <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) | | <input type="checkbox"/> Other (Specify) _____ | |

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)
JANUARY 30, 2014 THROUGH FEBRUARY 13, 2014

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

| | | | |
|---|--|--|---|
| <input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) | <input type="checkbox"/> Effective on filing with Secretary of State | <input type="checkbox"/> \$100 Changes Without Regulatory Effect | <input checked="" type="checkbox"/> Effective other (Specify) 30th DAY AFTER SOS FILING PER 1974 PRA |
|---|--|--|---|

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY.

| | | |
|--|---|---|
| <input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) | <input checked="" type="checkbox"/> Fair Political Practices Commission | <input type="checkbox"/> State Fire Marshal |
| <input type="checkbox"/> Other (Specify) _____ | | |

| | | | |
|--------------------------------------|----------------------------------|---------------------------------------|---|
| 7. CONTACT PERSON LINDA M. CORTEZ | TELEPHONE NUMBER 916-440-7807 | FAX NUMBER (Optional) 916-440-5747 | E-MAIL ADDRESS (Optional) LINDA.CORTEZ@CDPH.CA.GOV |
|--------------------------------------|----------------------------------|---------------------------------------|---|

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

| | |
|---|-----------------|
| SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Karin S. Schwartz</i> | DATE 6/17/14 |
| TYPED NAME AND TITLE OF SIGNATORY KARIN S. SCHWARTZ, DEPUTY DIRECTOR AND CHIEF COUNSEL | |

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUL 21 2014

Office of Administrative Law

TITLE 22. SOCIAL SECURITY
DIVISION 2. DEPARTMENT OF SOCIAL SERVICES - DEPARTMENT OF
HEALTH SERVICES
SUBDIVISION 2. ADMINISTRATION
CHAPTER 2.05 DEPARTMENT OF PUBLIC HEALTH - CONFLICT OF
INTEREST CODE

ADOPT Section 20100.5 to read as follows:

20100.5 General Provisions.

The Political Reform Act, Government Code Sections 81000, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, 2 California Code of Regulations, Section 18730, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings.

Therefore, the terms of 2 California Code of Regulations, Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the attached Appendix A, in which officials and employees are designated, and Appendix B, in which disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the Department of Public Health.

Designated employees shall file statements of economic interests with the Department of Public Health. The Director's original statement and copies of statements for appointed members of multi-member boards and commissions

shall be sent to the Fair Political Practices Commission. A copy of the Director's statement along with the original statements for the commission and board members shall be retained by the filing officer of the Department of Public Health.

Note: Authority cited: Sections 87300 and 87311, Government Code. Reference: Sections 87300, et seq., Government Code.

DEPARTMENT OF PUBLIC HEALTH
CONFLICT OF INTEREST CODE, FORM 700 DESIGNATION

APPENDIX A

I. Office/Class Designation

| <u>OFFICE/CLASS TITLE</u> | <u>New CDPH DISCLOSURE CATEGORY</u> |
|--|---|
| <u>Executive Level</u> | |
| <u>Director</u> | <u>1</u> |
| <u>Chief Deputy Directors</u> | <u>1</u> |
| <u>C.E.A.</u> | <u>3, 5, 7</u> |
| <u>Assistant Directors</u> | <u>3, 5, 7</u> |
| <u>Chief Counsel</u> | <u>2, 4, 6</u> |
| <u>Deputy Directors</u> | <u>3, 5, 7</u> |
| <u>Assistant Deputy Directors</u> | <u>3, 5, 7</u> |
| <u>Chiefs (Acting, Division, Branch, Engineer)</u> | <u>3, 5, 7</u> |
| <u>Assistant Chiefs</u> | <u>3, 5, 7</u> |
| <u>Job Classifications</u> | |
| <u>Accounting Administrators I (Supervisor)</u> | <u>2, 4, 6</u> |
| <u>Accounting Administrators II & III</u> | <u>2, 4, 6</u> |
| <u>Attorney, All Ranges</u> | <u>2, 4, 6</u> |
| <u>Attorney, III & IV</u> | <u>2, 4, 6</u> |
| <u>Assistant Chief Counsels</u> | <u>2, 4, 6</u> |
| <u>Associate Accounting Analyst</u> | <u>2, 4, 6</u> |
| <u>Associate Administrative Analyst-Accounting Sys</u> | <u>2, 4, 6</u> |
| <u>Associate Budget Analyst</u> | <u>2, 4, 6</u> |
| <u>Associate Business Management Analyst</u> | <u>2, 4, 6</u> |
| <u>Associate Governmental Program Analyst [1/2]: only those who are regularly assigned tasks (above a clerical level) involving the development, review, or award of bids/contracts</u> | <u>3</u> |
| <u>Associate Governmental Program Analyst [2/2]: only those working in the Professional Certification Branch, Systems Technology & Research Branch, Staffing Audits & Research Branch, Licensing and Certification Program</u> | <u>3, 5, 7</u> |
| <u>Associate Information Systems Analysts (Specialist)</u> | <u>8</u> |
| <u>Associate Management Auditor</u> | <u>2, 4, 6</u> |
| <u>Associate Programmer Analyst (Specialist)</u> | <u>8</u> |

| <u>OFFICE/CLASS TITLE</u> | <u>New CDPH DISCLOSURE CATEGORY</u> |
|---|---|
| <u>Cytotechnologist</u> | <u>3, 5, 7</u> |
| <u>Data Processing Manager I/II/III/IV</u> | <u>3, 5, 7, 8</u> |
| <u>Environmental Scientist</u> | <u>7</u> |
| <u>Examiner I/II/III Lab Field Services</u> | <u>3, 5, 7</u> |
| <u>Food & Drug Program Specialist</u> | <u>7</u> |
| <u>Food & Drug Regional Administrator</u> | <u>7</u> |
| <u>Fraud Prevention Specialist</u> | <u>3, 5, 7</u> |
| <u>Health Education Consultant II</u> | <u>3, 5, 7</u> |
| <u>Health Education Consultant III/Specialist</u> | <u>3, 5, 7</u> |
| <u>Health Education Consultant III/Supervisor</u> | <u>3, 5, 7</u> |
| <u>Health Facilities Evaluator I/II</u> | <u>7</u> |
| <u>Health Facilities Evaluator II/Supervisor</u> | <u>7</u> |
| <u>Health Facilities Evaluator Manager I/II</u> | <u>7</u> |
| <u>Health Facilities Evaluator Nurse</u> | <u>7</u> |
| <u>Health Facilities Evaluator Specialist</u> | <u>7</u> |
| <u>Health Program Audit Manager II</u> | <u>2, 4, 6</u> |
| <u>Health Program Auditor III/IV</u> | <u>2, 4, 6</u> |
| <u>Information Systems Technician Specialist I/II</u> | <u>8</u> |
| <u>Information Systems Technician Supervisor II</u> | <u>8</u> |
| <u>Information Security Officer</u> | <u>2, 4, 6</u> |
| <u>Investigator, All Ranges</u> | <u>7</u> |
| <u>Medical Consultant I/II</u> | <u>3, 5, 7</u> |
| <u>Medical Record Consultant</u> | <u>3, 5, 7</u> |
| <u>Nurse Consultant II</u> | <u>3, 5, 7</u> |
| <u>Nurse Consultant III/Specialist</u> | <u>3, 5, 7</u> |
| <u>Nurse Consultant III/Supervisor</u> | <u>3, 5, 7</u> |
| <u>Occupational Therapy Consultant</u> | <u>3, 5, 7</u> |
| <u>Office Building Manager I/III</u> | <u>3, 5, 7</u> |
| <u>Personnel Supervisor I/II</u> | <u>3, 5, 7</u> |
| <u>Pharmaceutical Consultant II</u> | <u>3, 5, 7</u> |
| <u>Pharmaceutical Program Consultant</u> | <u>3, 5, 7</u> |
| <u>Principle Sanitary Engineer</u> | <u>3, 5, 7</u> |
| <u>Privacy Officer</u> | <u>2, 4, 6</u> |
| <u>Programmer II</u> | <u>8</u> |

| <u>OFFICE/CLASS TITLE</u> | <u>New CDPH DISCLOSURE CATEGORY</u> |
|--|-------------------------------------|
| <u>Public Health Medical Officer II/III</u> | <u>3, 5, 7</u> |
| <u>Public Health Nutrition Consultant II/III</u> | <u>3, 5, 7</u> |
| <u>Sanitary Engineer</u> | <u>3, 5, 7</u> |
| <u>Senior Accounting Officer Supervisor</u> | <u>2, 4, 6</u> |
| <u>Senior Environmental Scientist, Specialist, Supervisory</u> | <u>7</u> |
| <u>Senior Food & Drug Investigator</u> | <u>7</u> |
| <u>Senior Health Physicist</u> | <u>7</u> |
| <u>Senior Information Systems Analyst Specialist</u> | <u>8</u> |
| <u>Senior Information Systems Analyst Supervisor</u> | <u>8</u> |
| <u>Senior Programmer Analyst Specialist</u> | <u>8</u> |
| <u>Senior Sanitary Engineer</u> | <u>3, 5, 7</u> |
| <u>Staff Information Systems Analyst Specialist</u> | <u>8</u> |
| <u>Staff Information Systems Analyst Supervisor</u> | <u>8</u> |
| <u>Staff Programmer Analyst Specialist</u> | <u>8</u> |
| <u>Staff Services Analyst [1/2]: only those who are regularly assigned tasks (above a clerical level) involving the development, review, or award of bids/contracts</u> | <u>3</u> |
| <u>Staff Services Analyst [2/2]: only those working in the Professional Certification Branch, Systems Technology & Research Branch, Staffing Audits & Research Branch, Licensing and Certification Program</u> | <u>3, 5, 7</u> |
| <u>Staff Services Management Auditor</u> | <u>2, 4, 6</u> |
| <u>Staff Services Manager (all series): only those who are regularly assigned tasks (above a clerical level) involving the development, review, or award of bids/contracts</u> | <u>3</u> |
| <u>Staff Toxicologist Specialist</u> | <u>3, 5, 7</u> |
| <u>Stationary Engineer</u> | <u>3</u> |
| <u>Supervising Attorney</u> | <u>2, 4, 6</u> |
| <u>Supervising Food & Drug Investigator</u> | <u>7</u> |
| <u>Supervising Health Physicist</u> | <u>7</u> |
| <u>Supervising Sanitary Engineer</u> | <u>3, 5, 7</u> |

II. Other Disclosure Requirements

A. Contractor Employees: individuals who serve in a staff capacity for the department, and who perform the same, or substantially all the same, duties that would otherwise be performed by a departmental employee/officer holding a position designated above, shall file at the same level of disclosure shown for that departmental classification/office.

B. Contractor/Consultant and/or New Positions: shall disclose under Category 1 of this code, subject to the following limitation:

The Director may determine that a particular consultant and/or new position, although a "designated position," is hired to perform a range of duties that are limited in scope, and thus not required to disclose under Category 1 of this code. Such determination shall be made in writing, and shall include a description of the consultant's duties, and a statement of the extent of disclosure requirements. The Director's determination is a public record and shall be retained for public inspection.

III. Advisory Committees

| <u>NAME</u> | <u>New CDPH DISCLOSURE CATEGORY</u> |
|---|--|
| <u>Advisory Committees</u> | |
| <u>California Cannery Inspection Board</u> | <u>9</u> |
| <u>California Conference of Local Health Officers</u> | <u>10</u> |
| <u>Clinical Laboratory Technology Advisory Committee</u> | <u>11</u> |
| <u>Environmental Health Specialist Registration Committee</u> | <u>12</u> |
| <u>Forensic Alcohol Review Committee</u> | <u>13</u> |
| <u>Human Stem Cell Research Advisory Committee</u> | <u>14</u> |
| <u>Joint Advisory Committee</u> | <u>15</u> |
| <u>Office of Health Equity Advisory Committee</u> | <u>21</u> |
| <u>Radiologic Technology Certification Committee</u> | <u>16</u> |
| <u>Tobacco Education & Research Oversight Committee</u> | <u>17</u> |
| <u>Vital Records Protection Advisory Committee</u> | <u>18</u> |
| <u>Vital Statistics Advisory Committee</u> | <u>19</u> |
| <u>WIC Program Local Agency Task Force</u> | <u>20</u> |

DEPARTMENT OF PUBLIC HEALTH

CONFLICT OF INTEREST CODE, FORM 700 DESIGNATION

APPENDIX B - DISCLOSURE CATEGORIES

Category 1

Interests in real property in the State of California, as well as investments, business positions in business entities, and all sources of income (including receipt of loans, gifts, and travel payments).

Category 2

Investments and business positions in business entities, and all sources of income (including receipt of loans, gifts, and travel payments) – from sources that provide leased facilities, goods, equipment, vehicles, machinery, or services, including but not limited to training, administrative, billing, or public relations (i.e. advertising agencies), of the type utilized by the department.

Category 3

Investments, business positions in business entities, and all sources of income (including receipt of loans, gifts, and travel payments) – from sources that provide leased facilities, goods, equipment, vehicles, machinery, or services, including but not limited to training, administrative, billing, or public relations, of the type utilized by the employee's division.

Category 4

Investments and business positions in business entities, and all sources of income (including nonprofit organizations), receipt of loans, gifts, and travel payments – from sources of the type that receive grants or funding from or through the department.

Category 5

Investments and business positions in business entities, and all sources of income (including nonprofit organizations), receipt of loans, gifts, and travel payments – from sources of the type that receive grants or funding from or through the employee's division.

Category 6

Investments and business positions in business entities, and all sources of income (including receipt of loans, gifts, and travel payments) – from sources that are regulated, subject to testing, certification, research, audit, investigation, or license, by the department; and from sources that provide health care services, including but not limited to entities that manufacture, sell or distribute medical equipment and supplies, health care facilities (e.g. hospitals, medical clinics, nursing homes), providers (e.g. laboratories, pharmacies, ambulance companies) and practitioners (e.g. doctors, nurses).

Category 7

Investments and business positions in business entities, and all sources of income (including receipt of loans, gifts, and travel payments) – from sources that are regulated, subject to testing, certification, research, audit, investigation, or license, by the employee's division.

Category 8

Investments and business positions in business entities, and all sources of income (including receipt of loans, gifts, and travel payments) – from sources of the type that engage in the information technology field, including but not limited to, training and consulting.

Category 9- California Cannery Inspection Board

Investments, business positions in business entities, and all sources of income (including receipt of loans, gifts, and travel payments) from California canning operations or sources that provide equipment, products or services related specifically to cannery operations.

Category 10- California Conference of Local Health Officers (CCLHO)

Investments, business positions in business entities, and all sources of income (including receipt of loans, gifts, and travel payments) from sources that are subject to the regulatory authority of the Department of Public Health, e.g. registration, certification, permit, or licensing.

Category 11- Clinical Laboratory Technology Advisory Committee

Investments, business positions in business entities, and all sources of income (including receipt of loans, gifts, and travel payments) from clinical laboratories and sources that manufacture, sell or provide goods, equipment, or services relating specifically to the operations of clinical laboratories.

Category 12- Environmental Health Specialist Registration Committee

Investments and business positions in, and any income, including gifts, loans and travel payments from, a business entity, professional association or individual where the business entity, professional association or individual's profession is regulated by or offers programs or courses qualifying for licensing or continuing education credit by the Environmental Health Specialist Registration Committee.

Category 13- Forensic Alcohol Review Committee

Investments, business positions in business entities, and all sources of income (including receipt of loans, gifts, and travel payments) from operations that perform forensic alcohol testing or manufacture, sell or provide goods, equipment, or services relating specifically to such alcohol testing.

Category 14- Human Stem Cell Research Advisory Committee (HSRAC)

Investments, business positions in business entities, and all sources of income (including receipt of loans, gifts, and travel payments) from operations that fund and provide stem cell, regenerative medicine and nuclear reprogramming research and services, including but not limited to, the California Institute for

Regenerative Medicine, other governmental or privately owned hospitals and institutes, fertility medical clinics, laboratories, pharmacies, and individuals.

Category 15- Joint Advisory Committee (JAC)

Investments, business positions in business entities, and all sources of income (including receipt of loans, gifts, and travel payments) from any health care facility doing business in California, or any sources that sell equipment, supplies, or services directly related to emergency preparedness activities in California.

Category 16- Radiologic Technology Certification Committee (RTCC)

Investments, business positions in business entities and income, including gifts, loans and travel payments, from the following sources: radiologic technology schools, or any sources that market equipment, supplies, or services directly related to taking diagnostic X-rays or using X-rays for purposes of treatment.

Category 17- Tobacco Education & Research Oversight Committee (TEROC)

Investments, business positions in business entities, and all sources of income (including receipt of loans, gifts, and travel payments) from sources that produce, manufacture, sell or provide goods, equipment, or services, (including public relations services), for tobacco products, nicotine replacement and smoking cessation.

Category 18- Vital Records Protection Advisory Committee

Investments, business positions in business entities, and all sources of income (including receipt of loans, gifts, and travel payments) from Sources that sell equipment, supplies, and services specifically relating to record imaging and retrieval systems, or sources engaged in the business of selling or otherwise disseminating birth, death, or marriage records.

Category 19- Vital Statistics Advisory Committee

Investments, business positions in business entities, and all sources of income (including receipt of loans, gifts, and travel payments) from Sources conducting human subject trials.

Category 20- WIC Program Local Agency Task Force

Investments, business positions in business entities, and all sources of income (including receipt of loans, gifts, and travel payments) from: agricultural and farming interests, food manufacturers, food wholesalers, food retailers, grocer associations, manufacturers of WIC vendor product scanning equipment, and non-governmental associations that advocate for the WIC Program.

Category 21- Office of Health Equity Advisory Committee

Investments, business positions in business entities, and all sources of income (including receipt of loans, gifts, and travel payments).

This is the last page of the conflict of interest code for the **CALIFORNIA DEPARTMENT OF PUBLIC HEALTH.**



CERTIFICATION OF FPPC APPROVAL

Pursuant to Government Code Section 87303, the conflict of interest code for the California Department of Public Health was approved on June 11, 2014.

Handwritten signature of Erin V. Peth in cursive script, written over a horizontal line.

Erin V. Peth
Executive Director

Fair Political Practices Commission

Pursuant to Government Code Section 11346.2:

Secretary of State Filing Date:

Effective: