



Office of Statewide Health  
Planning and Development



# **Application Workbook Health Workforce Pilot Project**

Updated June 2015

# Application Workbook for Health Workforce Pilot Projects

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# Health Workforce Pilot Projects Program

## Background

Per California Health and Safety Code §128125-128195 and California Code of Regulations § 92001-92702, the Health Workforce Pilot Projects (HWPP) Program allows organizations to test, demonstrate, and evaluate new or expanded roles for healthcare professionals, or new healthcare delivery alternatives before changes in licensing laws are made by the California State Legislature. Various organizations use HWPP to study the potential expansion of a profession's scope of practice to:

- Facilitate better access to healthcare
- Expand and encourage workforce development
- Demonstrate, test and evaluate new or expanded roles for healthcare professionals or new healthcare delivery alternatives
- Help inform the Legislature when considering changes to existing legislation in the Business and Professions code

The Office of Statewide Health Planning and Development (OSHPD) provides oversight of health workforce pilot projects by reviewing applications from organizations, approving projects, and monitoring for program compliance. Monitoring pilots may include, but is not limited to, reviewing and approving training protocols, reviewing progress reports, conducting site visits, as well as ascertaining the progress of the project in meeting its stated objectives, and complying with program regulations.

Since 1972, 173 projects have been submitted for consideration to. A historical listing of applications can be found on the HWPP website: <http://oshpd.ca.gov/HWDD/HWPP.html>. Over 5,000 health care providers have been trained and given the platform to implement new skill sets under the protective and evaluative umbrella of the Health Workforce Pilot Projects Program. These health workers have learned and utilized new skills not permitted under existing licensing laws.

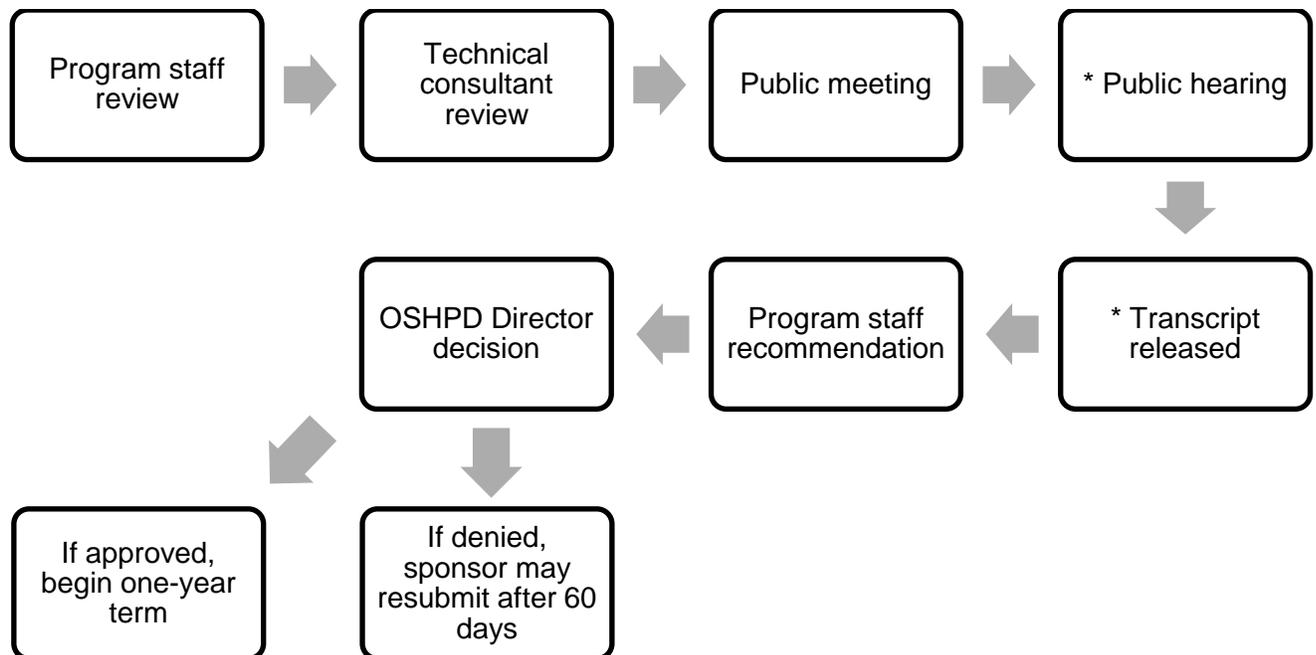
# Health Workforce Pilot Projects Program

## Instructions and Application Review Process

Review the instructions for each required section of the application carefully. If you have any questions, contact the HWPP Program Administrator via telephone at (916) 326-3718. Continuous filing of applications is permitted unless otherwise specified. Once an application is received, the following steps must be completed chronologically. The matrix below also depicts the steps required for application review:

- 1) HWPP program staff review for completeness
- 2) Technical consultants and Healing Arts Boards representatives selected by OSHPD review and comment on the application within 45 calendar days from the date on which the application was distributed. The sponsor is responsible for providing hard copies of the application for distribution.
- 3) Public meeting will be held to discuss the application and comments of interested parties with the applicant
- 4) \* Public hearing for state agency applications will be held
- 5) \* Transcript of public meeting and/or hearing to be released
- 6) HWPP program staff makes a recommendation of approval or denial within 60 days of the public meeting and/or hearing transcript release
- 7) OSHPD Director approves or denies the project on or after 30 calendar days from the release of the staff recommendation
- 8) If approved, project begins for a one-year term. Continuing approval shall be contingent upon review of written information submitted by the project's progress in meeting the stated objectives and its compliance with plans described in the application
- 9) If denied, a sponsor may resubmit a modified application after a 60 day waiting period

\*Not required for all applications



# Health Workforce Pilot Projects (HWPP) Program

## Checklist for Applications to be Deemed Complete

This checklist serves as a guide for assembling the HWPP application. Utilize the checklist below to ensure that all documents have been reviewed and included prior to submitting the application for assessment:

| Requirements   | Checklist |
|--|-----------|
| One electronic copy of the complete application packet is being sent as a single PDF attachment to: <a href="mailto:HWPP@oshpd.ca.gov">HWPP@oshpd.ca.gov</a> |           |
| All application documents are typed in no less than size 12 point font   |           |
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| a. Complete Fact Sheet   |           |
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| c. Sponsor   |           |
| d. Trainees  |           |
| e. Supervisors and Preceptors  |           |
| f. Sites   |           |
| g. Curriculum  |           |
| h. Monitoring, Evaluation and Data Plans   |           |
| i. Costs   |           |
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| Section V: Consent   |           |
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| Section XIII: Sign and Date Certification Form   |           |

In addition, mail one hard copy of the complete application package and checklist to the following address:

Health Workforce Pilot Projects Program  
 400 R Street, Suite 330  
 Sacramento, California 95814  
 Attention: Program Administrator

# Health Workforce Pilot Projects Program

## Section I: Minimum Standards

Per Health and Safety Code §128125-128195, the following minimum standards must be met, understood and accepted prior to submitting an HWPP Program application. Applicants should review the following criteria to make sure that they are able to meet the minimum standards for this program:

1. Provide for patient safety
2. Provide qualified instructors to prepare trainees
3. Assure that trainees have achieved a minimal level of competence before they enter the implementation phase
4. Inform trainees that there is no assurance of a future change in law or regulations to legalize their role
5. Demonstrate that the project has sufficient staff to monitor trainee performance and to monitor trainee supervision during the implementation phase
6. 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
7. Demonstrate the feasibility of achieving the project objectives
8. Do not discriminate on the basis of age, sex, creed, disability, race or ethnic origin, in the selection of participants

I have read and accept the Minimum Standards.

# Health Workforce Pilot Projects Program

## Section II: Fact Sheet

1. Title of Project:
2. Sponsoring Agency Name and Address:
3. Sponsoring Agency Contact Name, Phone and E-mail:
4. Sponsoring Agency Type:
  - Non-profit education institution
  - Community hospital or clinic
  - Governmental agency engaged in health or education activities
5. Name and Title of Administrative Officer signing:
6. Purpose of Project (check all that apply):
  - Teaches new skills to existing categories of health care personnel
  - Develops new categories of health care personnel
  - Accelerates the training of existing categories of health care personnel
  - Teaches new health care roles to previously untrained persons
7. Type of Project:
  - Expanded role medical auxiliaries
  - Expanded role nursing
  - Expanded role dental auxiliaries
  - Maternal child care personnel
  - Pharmacy personnel
  - Mental health personnel
  - Other health care personnel:
8. Project Director Name, Address, Phone and E-mail:
9. Training Supervisor(s) Name, Degree, Address, Phone and E-mail:
  
10. Estimated Project Period Start and End Date:
11. Project Site(s) Name, Address and Phone Number:
  
12. Training Sites Name and Address (where education and training will be conducted)

13. Implementation Site(s) Name and Address (where graduates of the training program will be employed during implementation):

14. Source(s) of funding:

15. Proposed budget for the project:

16. Provide the project timeline as an attachment. The timeline should minimally include the following three phases:

- Phase I: Baseline Data Collection
- Phase II: Training (Didactic and Clinical)
- Phase III: Implementation

The submission of reports and other critical project milestones should also be included in the timeline.

# Health Workforce Pilot Projects Program

## Section III: Abstract

An abstract shall be submitted with each application. It shall not exceed three pages in length and will provide a brief description of the project. The abstract should include the name of the sponsor, the specific purpose of the project, brief summary of trainee selection criteria, major project activities and milestones, short and long term objectives, primary factors to be considered during the evaluation process, and the expected outcome of the project. The abstract should also include a citation of the current statutory or regulatory barriers which prohibit the proposal's implementation without the HWPP Program.

## Section IV: Project Description

This section provides a comprehensive framework and description of all aspects of the proposed project. It should be succinct and well organized so that reviewers can understand the project. Each section will be evaluated for completeness and compliance with addressing all regulatory criteria per California Code of Regulations § 92001-92702.

1. **Introduction** shall include, but not be limited to:
  - (a) title of the project;
  - (b) purpose of and motivation for the project; and
  - (c) criteria for success and the capability of taking this innovation to the statewide scale.
2. **Purpose and Objectives** shall include, but not be limited to:
  - (a) purpose of the project;
  - (b) objectives to meet the purpose. Consider using S.M.A.R.T. goals when describing measurable objectives (Specific, Measurable, Attainable, Realistic, Timely); and
  - (c) time plan for accomplishing the objectives.
3. **Background** shall include, but not be limited to:
  - (a) documentation of the need for the project. Submit existing data studies/analysis or develop and submit your own;
  - (b) description of the type of patients or clients likely to be seen or treated;
  - (c) description of the skills trainees are to learn;
  - (d) identification of existing laws or regulations that would prevent the preparation and utilization of trainees as proposed in this project without the HWPP Program;
  - (e) description of employment opportunities for trainees after the project terminates; and
  - (f) identification of other educational programs or groups conducting similar projects.
4. **Sponsor** information shall include, but not be limited to:
  - (a) description of the sponsor, including a copy of an organizational chart that identifies the project's relationship to the sponsor;
  - (b) Verification of the sponsor's status as a non-profit education institution, community hospital or clinic, or governmental agency engaged in health or education activities;
  - (c) description of functions of the project director, instructors and other key project staff;
  - (d) description of funding sources for the project;
  - (e) description of sponsor's previous experience in preparing health care workers;

- (f) description of the composition and function of an Advisory Group if one currently exists or will be developed to advise the project;
- (g) identification of collaborative arrangements with other educational institutions and/or health care facilities; and
- (h) description and location of facilities used in the didactic and clinical phases including the availability of support services such as library, equipment, etc.

5. **Trainee** information shall include, but not be limited to:
- (a) criteria used in selecting trainees, prerequisite conditions or education requirements, and an explanation of previous experience providing related health care services;
  - (b) plan to inform trainees of their responsibilities and limitations under the HWPP Program statute and regulation; and
  - (c) number of proposed trainees.

A project must provide the name, work address, and telephone number of the trainees to the HWPP Program staff within five days of the employment/utilization phase.

6. **Supervisor and preceptor** information shall include, but is not limited to:
- (a) criteria used to select supervisors and preceptors and an explanation of previous experience in providing related health care services;
  - (b) plan to orient supervisors and preceptors to their roles and responsibilities;
  - (c) number of proposed supervisors and preceptors; and
  - (d) instructor and preceptor-to-trainee ratios.

7. **Site** information shall include but not be limited to:
- (a) criteria used to select an employment/utilization site.

8. **Curriculum** plan shall include, but not be limited to:
- (a) description of the minimum level of competence the trainee shall achieve before entering the employment/utilization phase of the project. Include a job description for the trainee;
  - (b) description of the content required to meet this minimal competency;
  - (c) description of the methodology utilized in the didactic and clinical phases;
  - (d) description of the evaluation process used to determine when trainees have achieved the minimum level of competence; and
  - (e) identification in hours and months of the time required to complete the didactic and clinical phases.

**9. Monitoring, Evaluation and Data Plans**

Pilot projects evaluate the quality of care, access, cost, workforce and efficacy by teaching new skills to existing categories of health care personnel; developing new categories of health care personnel; accelerating the training of existing categories of health care personnel; or teaching new health care roles to previously untrained persons. It is important that the sponsor measures their success or failure towards meeting these intended objectives.

The monitoring and evaluation plans should define the data to be collected and explain how it is going to be collected. Data indicators should include both quantitative numeric values as well as qualitative measurements such as patient satisfaction.

- A. **Evaluation** plan shall include, but not be limited to:

- (a) description of the baseline data and information collected about the availability or provision of health care delivery prior to utilization of trainee. The actual baseline data shall be collected and submitted in writing to the program within six months after the project is initially approved;
- (b) description of baseline data and information to be collected about trainee performance, acceptance, and cost effectiveness; and
- (c) description of the methodology to be used in collecting and analyzing the data about trainee performance, acceptance, and cost effectiveness.

The data required in items (b) and (c) shall be submitted in writing to the program at least annually or as requested by program staff. The evaluation plan shall include a 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. The evaluation plan shall include a provision to retain all raw data about trainees and the implementation of the project for two years after completion of the pilot project.

- B. **Monitoring** plan shall include, but not be limited to:
  - (a) description of the provisions for protecting patients' safety;
  - (b) description of the methodology used by the project director and project staff to provide at least quarterly monitoring of:
    - (1) trainee competency;
    - (2) supervisor fulfillment of roles and responsibilities; and
    - (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; and
  - (d) Methodology for reporting information to program staff.
- C. **Data collection** should minimally occur as a baseline measurement prior to training and during implementation. The data collection plan shall include, but not be limited to:
  - (a) identification of all data elements to be collected during each phase of the project;
  - (b) explanation of how data will be collected; and
  - (c) explanation of how data will be protected and secured.

- 10. **Costs** - A plan for determining estimated or projected costs shall include, but not be limited to:
  - (a) 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) identification of the average cost per patient visit for similar care rendered by a current provider of care;
  - (c) identification of predicted average cost per patient visit for the care rendered by a trainee; and
  - (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.

The total project costs are the total allowable costs (inclusive or direct and indirect costs) incurred by the recipient to carry out the pilot project. Provide the proposed budget for project implementation as an attachment.

# Health Workforce Pilot Projects Program

## Section V: 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 include, but not be limited to:

- (a) explanation of the role and status of the trainee, including the ready availability of the trainee's supervisor for consultation;
- (b) assurance that the patient can refuse care from a trainee without penalty for such a request;
- (c) identification that consenting to treatment by a trainee does not constitute assumption of risk by the patient;
- (d) provision that the content of the informed consent, either written or oral, shall be provided in a language in which the patient is fluent
- (e) documentation in the patient record that informed consent has been obtained prior to providing care to the patient;
- (f) 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; and
- (g) informed consent need be obtained only for those tasks, services, or functions to be provided as a pilot project trainee.

A copy of the informed consent form shall be included in the application as an attachment.

## Section VI: Project Modifications

1. Any modifications or additions to an approved project shall be submitted in writing to program staff and approved by the HWPP Program. Modifications include, but are not limited to:
  - Changes in the scope or nature of the project. **Changes in the scope of the project may require new project approval.**
  - Changes in selection criteria for trainees, supervisors, or employment/utilization sites
  - Changes in project staff or instructors
2. Changes in project staff or instructors do not require approval by program staff, but shall be reported to the program within two weeks after the change occurs along with the curriculum vitae for the new project staff and instructors.
3. All other modifications require program staff approval prior to implementation.

I have read and accept the Project Modifications guidelines.

## Section VII: Legal Liability

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

I have read and accept the Legal Liability guidelines.

# Health Workforce Pilot Projects Program

## Section VIII: Partnerships

Provide evidence that partnerships have been established with participating agencies (i.e. schools, hospitals, clinics, departments, etc.). This may include a letter or contractual obligation. Evidence of partnerships should be submitted as an attachment for each agreement.

## Section IX: Trainee Agreements

Provide a trainee agreement that outlines expectations, limitations and explains that there is no assurance of a future change in law to legalize their role. The trainee agreement should be submitted as an attachment.

## Section X: Curriculum Vitae

Provide curriculum vitae of the project director, instructors, supervisors, and other key project personnel. It should contain information about education (institutions attended and their locations, degrees and fields of study), professional certifications and licensures, professional employment positions with dates and locations, and any additional information relevant to qualifications, expertise and experience. The curriculum vitae for key project personnel should be submitted as an attachment.

# Health Workforce Pilot Projects Program

## Section XI: Project Completion

Sponsors must inform OSHPD in writing of their intention to discontinue status as a Health Workforce Pilot Project. A closing report shall be submitted and minimally include the following information:

- Reasons for discontinuation as a pilot project
- Summary of pilot project activities including the number of persons who entered the employment/utilization phase
- Description of the plan to inform trainees of the projects discontinuation, and that they are precluded from performing the skills authorized under the pilot project after discontinuation unless the role has been legalized

I have read and accept the Project Completion guidelines.

## Section XII: Project Suspension and Termination

A pilot project may be suspended or terminated during the term of approval in the event of a general or non-critical failure to comply with the program's statute, regulations or conditions of the approved application. All appropriate regulatory bodies shall be immediately notified in writing when program staff has deemed it necessary to terminate a project. Trainees are precluded from performing the skills authorized under the pilot project when it has been suspended or terminated. Additional information detailing the suspension and termination procedures are outlined in the regulatory guidelines:

- California Health and Safety Code §128125-128195
- California Code of Regulations § 92001-92702

I have read and accept the Project Suspension and Termination guidelines.

# Health Workforce Pilot Projects Program

## Section XIII: Certification and Acceptance

We, the undersigned certify that the statements herein are true and complete to the best of our knowledge. We accept the obligations to comply with the terms and conditions outlined in the Health Workforce Pilot Projects Program regulatory guidelines:

- California Health and Safety Code §128125-128195
- California Code of Regulations § 92001-92702

We agree to submit reports to OSHPD in accordance with the timelines determined after project approval. At any time, a sponsor must provide a report of information requested by OSHPD in a format and timeframe requested. Reports shall include but not limited to the following:

1. Trainee competency
2. Supervisor's fulfillment of roles and responsibilities
3. Project accomplishments and challenges
4. Status of data collection activities
5. Site compliance with program guidelines

We agree to allow program staff, Advisory Committee members, or designees to visit all training and employment/utilization sites during the project to determine that adequate patient safeguards are being utilized, validate project compliance, conduct interviews with project participants, and review patient records. We understand that site visits for program evaluation may be scheduled with less than 24-hours of notice if questions of patient or trainee safety necessitate urgency.

We agree to promptly inform OSHPD regarding:

1. Start and completion dates of the training phase
2. Start and completion dates of the implementation phase
3. Changes or modifications to the project, personnel or participating trainees
4. Adverse outcomes or patient safety concerns

Signature: \_\_\_\_\_  
(Signature of Project Sponsor)

Date: \_\_\_\_\_

Signatures: \_\_\_\_\_  
(Signature of Project Director)

Date: \_\_\_\_\_

# **Attachment A**

## **CALIFORNIA HEALTH AND SAFETY CODE**

### **DIVISION 107. STATEWIDE HEALTH PLANNING AND DEVELOPMENT**

#### **PART 3. HEALTH PROFESSIONS DEVELOPMENT CHAPTER 3. PROFESSIONAL PRACTICE DEVELOPMENT**

##### **ARTICLE 1. HEALTH WORKFORCE PILOT PROJECTS SECTION 128125-128195**

CALIFORNIA CODES  
HEALTH AND SAFETY CODE  
SECTION 128125-128195

**128125.** The Legislature finds that there is a need to improve the effectiveness of health care delivery systems. One way of accomplishing that objective is to utilize health care personnel in new roles and to reallocate health tasks to better meet the health needs of the citizenry.

The Legislature finds that experimentation with new kinds and combinations of health care delivery systems is desirable, and that, for purposes of this experimentation, a select number of publicly evaluated health workforce pilot projects should be exempt from the healing arts practices acts. The Legislature also finds that large sums of public and private funds are being spent to finance health workforce innovation projects, and that the activities of some of these projects exceed the limitations of state law. These projects may jeopardize the public **safety** and the careers of persons who are trained in them. It is the intent of the Legislature to establish the accountability of health workforce innovation projects to the requirements of the public health, **safety**, and welfare, and the career viability of persons trained in these programs. Further, it is the intent of this legislation that existing healing arts licensure laws incorporate innovations developed in approved projects that are likely to improve the effectiveness of health care delivery systems.

128130. For the purposes of this article:

- (a) "Office" means the Office of Statewide Health Planning and Development.
- (b) "Approved project" means an educational or training program approved by the office that does any of the following on a pilot program basis:
  - (1) Teaches new skills to existing categories of health care personnel.
  - (2) Develops new categories of health care personnel.
  - (3) Accelerates the training of existing categories of health care personnel.
  - (4) Teaches new health care roles to previously untrained persons, and that has been so designated by the office.
- (c) "Trainee" means a person to be taught health care skills.
- (d) "Supervisor" means a person designated by the project sponsor who already possesses the skills to be taught the trainees and is certified or licensed in California to perform the health care tasks involving the skills.
- (e) "Health care services" means the practice of medicine, dentistry, nursing, including, but not limited to, specialty areas of nursing such as midwifery, pharmacy, optometry, podiatry, and psychology.

128135. The office may designate experimental health workforce projects as approved projects where the projects are sponsored by community hospitals or clinics, nonprofit educational institutions, or government agencies engaged in health or education activities. Nothing in this section shall preclude approved projects from utilizing the offices of physicians, dentists, pharmacists, and other clinical settings as training sites.

128140. Notwithstanding any other provision of law, a trainee in an approved project may perform health care services under the supervision of a supervisor where the general scope of the services has been approved by the office.

128145. A trainee and his or her supervisor shall be held to the standard of care of, and shall be afforded the same immunities as, an individual otherwise legally qualified to perform the health care service or services performed by the trainee or supervisor.

128150. Any patient being seen or treated by a trainee shall be apprised of that fact and shall be given the opportunity to refuse treatment. Consent to the treatment shall not constitute assumption of the risk.

128155. The office, after one or more public hearings thereon, shall establish minimum standards, guidelines, and instructions for pilot projects. Advance notice of the hearing shall be sent to all interested parties and shall include a copy of the proposed minimum standards, guidelines, and instructions.

Organizations requesting designation as approved projects shall complete and submit to the office an application, that shall include a description of the project indicating the category of person to be trained, the tasks to be taught, the numbers of trainees and supervisors, a description of the health care agency to be used for training students, and a description of the types of patients likely to be seen or treated. Additionally, the application shall contain a description of all of the following:

- (a) The evaluation process to be used.
- (b) The baseline data and information to be collected.
- (c) The nature of program data that will be collected and the methods for collecting and analyzing the data.
- (d) Provision for protecting the **safety** of patients seen or treated in the project.
- (e) A statement of previous experience in providing related health care services.

128160. (a) Pilot projects may be approved in the following fields:

- (1) Expanded role medical auxiliaries.
- (2) Expanded role nursing.

- (3) Expanded role dental auxiliaries.
  - (4) Maternal child care personnel.
  - (5) Pharmacy personnel.
  - (6) Mental health personnel.
  - (7) Other health care personnel including, but not limited to, veterinary personnel, chiropractic personnel, podiatric personnel, geriatric care personnel, therapy personnel, and health care technicians.
- (b) Projects that operate in rural and central city areas shall be given priority.

128165. The office shall carry out periodic onsite visitations of each approved project and shall evaluate each project to determine the following:

- (a) The new health skills taught or extent that existing skills have been reallocated.
- (b) Implication of the project for existing licensure laws with suggestions for changes in the law where appropriate.
- (c) Implications of the project for health services curricula and for the health care delivery systems.
- (d) Teaching methods used in the project.
- (e) The quality of care and patient acceptance in the project.
- (f) The extent that persons with the new skills could find employment in the health care system, assuming laws were changed to incorporate their skill.
- (g) The cost of care provided in the project, the likely cost of this care if performed by the trainees subsequent to the project, and the cost for provision of this care by current providers thereof.

All data collected by the office and by projects approved pursuant to this article shall become public information, with due regard for the confidentiality of individual patient information. The raw data on which projects' reports are based and the data on which the office's evaluation is based shall be available on request for review by interested parties. The office shall provide a reasonable opportunity for interested parties to submit dissenting views or challenges to reports to the Legislature and professional licensing boards required by this section. The office shall publish those comments, subject only to nonsubstantive editing, as part of its annual, or any special, reports.

128170. The office shall approve a sufficient number of projects to provide a basis for testing the validity of the experiment.

128175. The office shall seek the advice of appropriate professional societies and appropriate healing arts licensing boards prior to designating approved projects. In the case of projects sponsored by a state agency, the following additional procedures shall apply:

(a) A hearing shall be conducted by a disinterested state government official selected by the director of the office from a state agency other than the office or the proponent of the project. The cost of the services of the disinterested state governmental official shall be paid by the office pursuant to an interagency agreement with the state agency represented by the state governmental official.

(b) A notice of hearing shall be sent by the office to interested parties, as designated by the director of the office, by registered mail no less than 30 days preceding the date of the hearing. The notice shall include, but not be limited to, the date, time, location, and subject matter of the hearing, and shall include a copy of the application for a pilot project that is the subject of the hearing.

(c) A verbatim transcript of the hearing shall be prepared and distributed to interested parties upon request.

(d) Within 60 days of the release of the transcript, the office shall submit a recommendation on the proposal to the director of the office and shall send copies to the interested parties.

(e) The director of the office shall accept comments on the recommendations, and, on or after 30 days after transmittal of the recommendations, the director of the office shall approve or disapprove the proposed project.

128180. The office shall not approve a project for a period lasting more than two training cycles plus a preceptorship of more than 24 months, unless the office determines that the project is likely to contribute substantially to the availability of high-quality health services in the state or a region thereof.

128185. The Legislature finds and declares all of the following:

(a) The Health Workforce Pilot Project No. 152 was approved in 1988 to respond to a shortage of adequately trained personnel to meet the needs of residents in long-term health care facilities.

(b) Long-term health care facilities continue to report difficulties recruiting and retaining adequate nursing staff to meet current needs.

(c) The population most in need of long-term care is growing rapidly. It is estimated by the year 2000, one-third of the entire population in the United States will be composed of persons over 65 years of age. Three-fourths of all residents of long-term health care facilities will be generated by this age group.

(d) A 30-percent decrease in the labor pool of health workers has been projected for the same time period. This decline in resources will exacerbate the problem of acquiring adequate nursing resources.

(e) The establishment of the geriatric technician as a new category of health worker may have the potential to increase the retention of experienced workers in long-term health care by creating health career opportunities and upward mobility for certified nurse assistants.

(f) The use of geriatric technicians is not intended to displace licensed nurses, but rather to augment the level of available trained staff to optimize the quality of long-term health care.

128190. The office may extend the geriatric technician pilot project, known as the Health Workforce Pilot Project No. 152, for a minimum of four additional years, pursuant to reapplication by the sponsoring agency. The project shall continue to meet the applicable requirements established by the office. The number of sponsors authorized to participate in the pilot project may be expanded to a maximum of five.

128195. (a) The office shall issue a report on the existing Health Workforce Pilot Project No. 152 that evaluates Sonoma County's experience with the project, by December 1, 1996. The report shall contain all of the following information:

- (1) A description of the persons trained, including, but not limited to, the following:
  - (A) The total number of persons who entered training.
  - (B) The total number of persons who completed training.
  - (C) The selection method, including descriptions of any nonquantitative criteria used by employers to refer persons to training.
  - (D) The education and experience of the trainees prior to training.
  - (E) Demographic characteristics of the trainees, as available.
- (2) An analysis of the training completed, including, but not limited to, the following:
  - (A) Curriculum and core competencies.
  - (B) Qualifications of instructors.
  - (C) Changes in the curriculum during the pilot project or recommended for the future.
  - (D) Nature of clinical and didactic training, including ratio of students to instructors.
- (3) A summary of the specific services and the standards of care for tasks performed by geriatric technicians.
- (4) The new health skills taught or the extent to which existing skills have been reallocated.
- (5) Implication of the project for existing licensure laws with suggestions for changes in the law where appropriate.
- (6) Implications of the project for health services curricula and for health care delivery systems.
- (7) Teaching methods used in the project.
- (8) The quality of care, including pertinent medication errors, incident reports, and patient acceptance in the project.
- (9) The extent to which persons with new skills could find employment in the health care system, assuming laws were changed to incorporate their skills.
- (10) The cost of care provided in the project, the likely cost of this care if performed by the trainees subsequent to the project, and the cost for provision of this care by current providers.

(b) The office shall issue followup reports on additional geriatric technician pilot projects approved by the office following 24 months of implementation of the employment utilization phase of each project. The reports shall contain all of the following information:

- (1) A description of the persons trained, including, but not limited to, the following:

- (A) The total number of persons who entered training.
- (B) The total number of persons who completed training.
- (C) The selection method, including descriptions of any nonquantitative criteria used by employers to refer persons to training.
- (D) The education and experience of the trainees prior to training.
- (E) Demographic characteristics of the trainees, as available.
- (2) An analysis of the training completed, including, but not limited to, the following:
  - (A) Curriculum and core competencies.
  - (B) Qualifications of the instructor.
  - (C) Changes in the curriculum during the pilot project or recommended for the future.
  - (D) The nature of clinical and didactic training, including the ratio of students to instructors.
- (3) A summary of the specific services provided by geriatric technicians.
- (4) The new health skills taught or the extent to which existing skills have been reallocated.
- (5) Implications of the project for existing licensure laws with suggestions for changes in the law where appropriate.
- (6) Implications of the project for health services curricula and for health care delivery systems.
- (7) Teaching methods used in the project.
- (8) The quality of care, including pertinent medication errors, incident reports, and patient acceptance in the project.
- (9) The extent to which persons with new skills could find employment in the health care system, assuming laws were changed to incorporate their skills.
- (10) The cost of care provided in the project, the likely cost of this care if performed by the trainees subsequent to the project, and the cost for provision of this care by current providers thereof.
- (c) Notwithstanding any other provision of law, issuance of the reports described in subdivisions (a) and (b) shall not require that the office terminate the Health Workforce Pilot Project No. 152 or subsequent geriatric technician pilot projects authorized by the office.

## Attachment B

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*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**

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(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.