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State of California—Health and Human Services Agency  
California Department of Public Health



EDMUND G. BROWN JR.  
Governor

Declaration of Deputy Director and Chief Counsel

The proposed conflict of interest code specifically enumerates each of the positions within the California Department of Public Health that involve the making or participation in the making of decisions that may foreseeably have a material financial effect on any financial interest. The agency has satisfied all of the requirements of Title 2, Division 6 of the California Code of Regulations Section 18750(c) preliminary to approval of the proposed code.

Karin S. Schwartz  
Deputy Director and Chief Counsel

1/6/17  
Date



### **Final Statement of Reasons**

The information contained in the Initial Statement of Reasons (ISOR) remains unchanged. All contents of the ISOR are hereby incorporated by reference into the Final Statement of Reasons.

#### Procedural History

The Notice of Proposed Rulemaking (Notice) was published in the California Regulatory Notice Register: 2016, No. 43-Z, on October 21, 2016, and on that same date was delivered to all active California Department of Public Health (Department) employee email accounts. The publication date commenced the 45-day public comment period, which was duly set to end December 5, 2016. The Notice did not require a hearing nor was a hearing requested by the applicable deadline.

#### **SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD AND DURING THE PUBLIC AVAILABILITY PERIOD**

One (1) person or entity submitted comments in response to the original Notice.

#### Summary of Comments and CDPH Responses

Identity of the commenter: Faye Borton, CIA, PMP, Deputy Chief, Office of Compliance-Internal Audits, California Department of Public Health.

**Comment received:** "Are Associate Information System Analysts required to complete a Form 700. The notification lists assistant information systems analyst."

**Department response:** The answer to the question is no. As the commenter noted, the proposed CDPH Conflict of Interest Code (COIC) amendment would designate only the Assistant Information Systems Analyst class and not the Associate Information Systems Analyst class.

The CDPH COIC is organized such that employees in a designated job class all file a Form 700, unless the express language of the class description limits its application to a specified sub-group, e.g. those performing a certain type of task, or those working in a specified CDPH office. None of these scenarios is present in this situation; we intentionally included only the specified classifications, to the exclusion of other classes that may be in the same or comparable class series.

#### Statements of Determination

##### **Local Mandate Determination**

The Department has determined that the regulation would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by part 7 (commencing with Section 17500) of division 4 of the Government Code, nor are there any other nondiscretionary costs imposed.

**Alternatives Considered**

No alternatives considered by the Department would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective as and less burdensome to affected private persons than the adopted regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

**Impact on Business**

The Department has made a determination that the regulations would not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

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

**APPENDIX A**

**I. Office/Class Designation**

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



OFFICE/CLASS TITLE	New CDPH DISCLOSURE CATEGORY
Cytotechnologist	3, 5, 7
Data Processing Manager I/II/III/IV	3, 5, 7, 8
Environmental Scientist	7
Examiner I/II/III Lab Field Services	3, 5, 7
Food & Drug Program Specialist	7
Food & Drug Regional Administrator	7
Fraud Prevention Specialist	3, 5, 7
Health Education Consultant II	3, 5, 7
Health Education Consultant III/Specialist	3, 5, 7
Health Education Consultant III/Supervisor	3, 5, 7
Health Facilities Evaluator I/II	7
Health Facilities Evaluator II/Supervisor	7
Health Facilities Evaluator Manager I/II	7
Health Facilities Evaluator Nurse	7
Health Facilities Evaluator Specialist	7
Health Program Audit Manager II	2, 4, 6
Health Program Auditor III/IV	2, 4, 6
<u>Health Program Manager I, II, III: only those who are regularly assigned tasks (above a clerical level) involving the development, review, or award of bids/contracts/grants.</u>	<u>3</u>
<u>Health Program Specialist I and II: only those who are regularly assigned tasks (above a clerical level) involving the development, review, or award of bids/contracts/grants.</u>	<u>3</u>
Information Systems Technician Specialist I/II	8
Information Systems Technician Supervisor II	8
Information Security Officer	2, 4, 6
Investigator, All Ranges	7
Medical Consultant I/II	3, 5, 7
Medical Record Consultant	3, 5, 7
Nurse Consultant II	3, 5, 7
Nurse Consultant III/Specialist	3, 5, 7
Nurse Consultant III/Supervisor	3, 5, 7
Occupational Therapy Consultant	3, 5, 7
Office Building Manager I/III	3, 5, 7
Personnel Supervisor I/II	3, 5, 7

OFFICE/CLASS TITLE	New CDPH DISCLOSURE CATEGORY
Pharmaceutical Consultant II	3, 5, 7
Pharmaceutical Program Consultant	3, 5, 7
Principle Sanitary Engineer	3, 5, 7
Privacy Officer	2, 4, 6
Programmer I/II	8
Public Health Medical Officer II/III	3, 5, 7
Public Health Nutrition Consultant II/III	3, 5, 7
Public Health Nutrition Consultant III (Specialist)	3, 5, 7
Public Health Nutrition Consultant III (Supervisory)	3, 5, 7
Sanitary Engineer	3, 5, 7
Senior Accounting Officer Supervisor	2, 4, 6
Senior Environmental Scientist, Specialist, Supervisory	7
Senior Food & Drug Investigator	7
Senior Health Physicist	7
Senior Information Systems Analyst Specialist	8
Senior Information Systems Analyst Supervisor	8
Senior Programmer Analyst Specialist	8
Senior Sanitary Engineer	3, 5, 7
Staff Information Systems Analyst Specialist	8
Staff Information Systems Analyst Supervisor	8
Staff Programmer Analyst Specialist	8
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	3
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	3, 5, 7
Staff Services Management Auditor	2, 4, 6
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	3
Staff Toxicologist Specialist	3, 5, 7
Stationary Engineer	3
Supervising Attorney	2, 4, 6
Supervising Food & Drug Investigator	7
Supervising Health Physicist	7
Supervising Sanitary Engineer	3, 5, 7

OFFICE/CLASS TITLE	New CDPH DISCLOSURE CATEGORY
<u>Systems Software Specialist I (Technical)</u>	<u>8</u>
<u>Systems Software Specialist II (Supervisory)</u>	<u>8</u>
<u>Systems Software Specialist II (Technical)</u>	<u>8</u>
<u>Systems Software Specialist III (Supervisory)</u>	<u>8</u>
<u>Systems Software Specialist III (Technical)</u>	<u>8</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

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



**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 ~~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 office/section; if there is no section, then the reporting scope is the employee's branch, and if there is no branch, the reporting scope is 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 office/section; if there is no section, then the reporting scope is the employee's branch, and if there is no branch, the reporting scope is 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 office/section; if there is no section, then the reporting scope is the employee's branch, and if there is no branch, the reporting scope is 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 AIDS Drug Assistance Program~~ Medical Advisory Committee (ADAP-MAC)**

Investments, business positions in business entities, and all sources of income (including receipt of loans, gifts, and travel payments) from pharmaceutical companies and retail drug stores, ~~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).