

TITLE 4. CALIFORNIA STATE ATHLETIC COMMISSION

NOTICE IS HEREBY GIVEN that the California State Athletic Commission (hereinafter "commission") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held:

August 11, 2014 @ 11am
Department of Consumer Affairs
Hearing Room
2005 Evergreen Street
Sacramento, CA 95815

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the commission at its office not later than 5:00 p.m. **August 11, 2014** or must be received by the commission at the hearing. The commission, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 18611 of the Business and Professions Code, and to implement, interpret or make specific Sections 18640 and 18645 of said Code, the commission is considering changes to Division 2 of Title 4 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

A. Informative Digest

Adopt subdivision (c) of Section 280. The specific purpose of Section 280 is to establish the necessary and specific regulations and establish a neurological assessment fee and carry out the Legislative intent of BPC 18711. This regulatory proposal establishes a flat neurological assessment fee of \$175 paid by promoters on a per event basis.

B. Policy Statement Overview/Anticipated Benefits of Proposal

Existing law at Section 18611 of the Business and Professions Code authorizes the commission to adopt, amend, or repeal, in accordance with the Administrative Procedure Act, rules and regulations as may be necessary to enable it to carry out the laws relating to boxing and the martial arts.

BPC Section 18711 requires *"as a condition of licensure and as a part of the application process, the examination by a licensed physician and surgeon who specializes in neurology and neurosurgery of each applicant for a license as a professional athlete or contestant licensed under this chapter or, if for the renewal of a license, this examination every year, in addition to any other medical examinations."*

The proposed regulations will clarify the intent of BPC 18711 (c), by establishing a Neurological Assessment (\$175 per sanctioned event) which will be imposed on licensed promoters.

Benefits of this regulatory proposal will allow the Commission to further fulfill its primary mandate of public protection. The Legislature established the neurological account to pay for neurological examinations that might detect physical conditions that could place athletes at risk for serious or permanent injury. This regulatory proposal will provide the most up-to-date and thorough neurological care for combatant sports athletes licensed in our state.

C. Consistency and Compatibility with Existing State Regulations

The commission has conducted an evaluation for any other regulations on this area and has concluded that these are the only regulations concerning Neurological Assessments. Therefore, the proposed regulations are neither inconsistent nor incompatible with any other existing state regulations.

D. Document Incorporated by Reference: None

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: **None**

Nondiscretionary Costs/Savings to Local Agencies: **None**

Local Mandate: **None**

Cost to Any Local Agency or School District for Which Government Code Sections 17500 - 17630 Require Reimbursement: **None**

Significant, Statewide adverse economic impact directly affecting businesses and individuals: The proposed action *will not* directly affect businesses statewide, including small businesses, the Commission concludes that the adverse economic impact, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Representative Private Person or Business:

BPC Section 18711 requires *"as a condition of licensure and as a part of the application process, the examination by a licensed physician and surgeon who specializes in neurology and neurosurgery of each applicant for a license as a professional athlete or contestant licensed under this chapter or, if for the renewal of a license, this examination every year, in addition to any other medical examinations."*

The proposed regulations will clarify the intent of BPC 18711 (c), by establishing a Neurological Assessment which will be imposed on licensed promoters.

Currently, a large majority of licensed promoters already cover the costs of the neurological examinations for professional athletes participating in their sanctioned event (an average of 16-30 athletes compete at each event). This cost is an average of \$100 per athlete, per year. The proposed regulations will impose a \$175 flat fee per sanctioned event, and the Neurological Examination Account will cover the costs for the neurological examinations required as a condition of licensure. It is anticipated that this may be a cost savings to those promoters that already cover the costs associated with the neurological examinations. Otherwise, there will be a cost savings of approximately \$100 per year to individual applicants or licensees.

EFFECT ON HOUSING COSTS: None

EFFECT ON SMALL BUSINESS

The commission has initially determined that this regulatory proposal would not affect small business. Because this proposal only charges the source of payment for athlete neurological exams, nothing changes with the respect to the amount of exams performed or the amount received by small business for conducting athlete neurological exams.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The commission concludes that this proposal will affect the State of California business environment as follows:

- Unlikely to eliminate any jobs, including for health care professionals
- Unlikely to create jobs, including for health care professionals
- Unlikely to create new businesses
- Unlikely to eliminate any existing businesses
- Unlikely to expand current business

Benefits of the Proposed Action: This regulation package would provide the necessary regulations to properly administer the Neurological Examination Account in accordance with the law. The Neurological Examination Account will pay for neurological examinations that are required as a condition for licensure, which could represent a considerable cost savings to athletes and/or promoters.

CONSIDERATION OF ALTERNATIVES

The commission must determine that no reasonable alternative it considered or that has

otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to private persons and equally effective in implementing the statutory policy or other provision of law.

INITIAL STATEMENT OF REASONS AND INFORMATION

The commission has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, any document incorporated by reference and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California State Athletic Commission at 2005 Evergreen Street, Suite 2010, Sacramento, California 95815.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name:	Sophia Cornejo
Address:	2005 Evergreen Street, Suite 2010 Sacramento, CA95815
Telephone No.:	(916) 263-2195
Fax No.:	(916) 263-2197
E-Mail Address:	Sophia.Cornejo@dca.ca.gov

The backup contact person is:

Name:	Heather Jackson
Address:	2005 Evergreen Street, Suite 2010

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(916) 263-2195
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Website Access: Materials regarding this proposal can be found at
<http://www.dca.ca.gov/csac>.