



the applicant's qualifications meet all other requirements and rules established by the Board.

The Board has the power to investigate and discipline licensees who act in violation of the Board's licensing statutes. The Board may issue a citation to licensees or unlicensed persons for violations of Board rules. These citations may be accompanied by an administrative fine of up to \$2,500.

The eight-member Board is composed of five public members, two geologists, and one geophysicist. BRGG's staff consists of five full-time employees. The Board's committees include the Professional Affairs, Legislative, and Examination Committees. BRGG is funded by the fees it generates.

MAJOR PROJECTS

Citation and Fine Regulations.

BRGG's proposed adoption of new sections 3062, 3062.1, 3062.2, 3062.3, 3062.4, 3063, 3063.1, 3063.2, 3063.3, and 3063.4, Title 16 of the CCR, still await review and approval by the Office of Administrative Law; the new sections would implement BRGG's authority under Business and Professions Code sections 125.9 and 148 by establishing a citation and fine system for the intermediate discipline of registrants and certificants for minor violations and of nonregistrants and noncertificants for engaging in activity for which registration or certification is required. [14:4 CRLR 58; 14:2&3 CRLR 59; 14:1 CRLR 46]

Under the proposed regulatory scheme, BRGG's Executive Officer would be empowered to issue citations, which may be accompanied by orders of abatement and/or a fine of at least \$500 but not more than \$2,500; the regulations specify ranges of fines for particular violations. In determining the fine, the Executive Officer must consider the gravity of the violation, the good faith of the person cited, and the history of previous violations. The citation must be in writing, must describe with particularity the offense for which it is being issued, must be served by certified mail on the cited individual, and must inform the cited individual of his/her right to appeal the citation by requesting an informal conference with the Executive Officer. If the Executive Officer affirms the citation after the informal conference, the cited individual is entitled to request a hearing before an administrative law judge.

RECENT MEETINGS

At BRGG's November 18 meeting in Los Angeles, Executive Officer Dalton Pollard announced that the Board's news-

letter is scheduled to be finalized in January; Pollard also announced his intent that the Board publish an information bulletin at least quarterly.

Also at its November meeting, the Board directed staff to perform a number of tasks; among other things, staff was instructed to prepare a brief explanation of the Board's grading process; revamp its mailing lists; update the Board's consumer pamphlet; check with other boards to determine if they allow examination review; and research the legality of teleconferencing between BRGG members.

Also in November, BRGG unanimously agreed to establish an ad hoc committee to determine a strategy for preparing for the sunset review process mandated by SB 2036 (McCorquodale) (Chapter 908, Statutes of 1994). [14:4 CRLR 58] The Board named the following persons to serve on the committee: Seena Hoose (Chair), Frank Kresse, Don Hallinger, Ray Seiple, John Larson, Robert Larson, Robert Lindblom, John Williams, and Dalton Pollard.

FUTURE MEETINGS

February 3 in South San Francisco.

April 20 in San Diego.

June 23 in Sacramento.

BOARD OF LANDSCAPE ARCHITECTS

Executive Officer: Jeanne Brode
(916) 445-4954

Authorized in Business and Professions Code section 5615 *et seq.*, the Board of Landscape Architects (BLA) licenses those who design landscapes and supervise implementation of design plans. Prior to 1993, applicants were required to pass the written examination of the national Council of Landscape Architectural Registration Boards (CLARB) in order to qualify for licensure. However, following years of dissatisfaction, BLA decided in May 1992 to discontinue its use of CLARB's exam; commencing in 1993, applicants must instead pass the Board's own Professional Examination for Landscape Architects (PELA) in order to qualify for licensure. [12:4 CRLR 86] In addition, an applicant must have the equivalent of six years of landscape architectural experience. This requirement may be satisfied by a combination of education at a school with a Board-approved program in landscape architecture and field experience.

In addition to licensing landscape architects, the Board investigates verified complaints against landscape architects, prosecutes violations of the Practice Act,

and establishes criteria for approving schools of landscape architecture. BLA's regulations are codified in Division 26, Title 16 of the California Code of Regulations (CCR).

BLA consists of seven members who serve four-year terms. One of the members must be a resident of and practice landscape architecture in southern California, and one member must be a resident of and practice landscape architecture in northern California. Three members of the Board must be licensed to practice landscape architecture in the state of California. The other four members are public members and must not be licentiates of the Board.

At its November 18 meeting, BLA announced the appointment by Governor Wilson of Sandra Gonzalez-Fiorenza to the Board; Gonzalez-Fiorenza has been a landscape architect with the Los Angeles County Department of Parks and Recreation since 1990, and earned her bachelor of science degree in landscape architecture from California Polytechnic State University at San Luis Obispo in 1984. At this writing, BLA is functioning with one public member vacancy due to the resignation of Michal Moore.

MAJOR PROJECTS

Strategic Planning Update. BLA is continuing its series of "strategic planning sessions" designed to address the proposed elimination of the Board and deregulation of the landscape architect profession; the deregulation could take place in 1997 following the "sunset" review process mandated by SB 2036 (McCorquodale) (Chapter 908, Statutes of 1994) if BLA does not convince the legislature that it is both a necessary and effective regulatory board. BLA's strategic planning sessions are designed to clarify the Board's role, function, and constituencies, improve its communication both internally and with external forces which impact it (such as the legislature and the Department of Consumer Affairs), and brainstorm about alternative regulatory structures for landscape architects. In recent sessions, the focus has shifted from straight opposition to the sunset of the Board to the development of alternative forms of regulation of the landscape architect occupation. [14:4 CRLR 59]

At its November 18 meeting in Sacramento, BLA heard from Senate Business and Professions Committee consultant Michael Gomez, who discussed and clarified the purpose of SB 2036. Gomez explained that, effective July 1, 1997, BLA will be eliminated unless the legislature takes some action before then to postpone



the Board's sunset. If no such action is taken, the Board's licensing authority will transfer to the Department of Consumer Affairs (DCA), which will determine how the profession will be regulated, if at all. Gomez further noted that BLA must appear before the Joint Legislative Sunset Review Committee in September 1995 and will have the opportunity to demonstrate why its existence is justified. Further, Gomez explained that SB 2036 specified the eleven specific criteria under which the Committee will evaluate the Board's necessity and effectiveness.

Also on November 18, a representative of the California Council of the American Society of Landscape Architects (CC/ASLA) suggested that BLA might be able to retain its licensure requirement if it were merged with other boards regulating design professionals, including the Board of Architectural Examiners (BAE) and the Board of Registration for Professional Engineers and Land Surveyors (PELS). CC/ASLA urged retention of the landscape architect licensure requirement, but argued that—in the alternative—all design professionals should be regulated similarly. DCA legal counsel Don Chang advised BLA to meet immediately with representatives of BAE and PELS to ascertain their interest in a possible merger.

Board member Greg Burgener suggested that BLA could enhance its enforcement performance and preserve the landscape architect licensure requirement by assuming jurisdiction over other landscape professionals, such as golf course architects and irrigation consultants. Michael Gomez advised the Board to be realistic about the current conservative political climate, and noted that—in light of the "sunset" initiative to streamline the state's regulatory structure and eliminate unnecessary and/or ineffective boards—it is highly unlikely that the legislature will approve new regulatory programs for currently unregulated trades and professions. Gomez also encouraged the Board to develop alternative regulatory schemes; he stated that if BLA embraces the status quo and resists consideration of other forms of regulation, the legislature will most likely abolish the Board.

BLA is expected to continue its discussion of the upcoming sunset review process at future meetings and strategic planning workshops.

Citation and Fine Program for Unlicensed Activity. At BLA's November 18 meeting, Executive Officer Jeanne Brode reported that she had met with representatives of the Contractors State License Board (CSLB) for advice on implementing a citation and fine enforcement pro-

gram, which would enable BLA to take action against unlicensed activity; Brode reported that most of the complaints received by the Board are not from consumers complaining about the incompetent performance of licensees, but from licensees complaining anonymously about unlicensed activity. The implementation of its citation and fine authority to address unlicensed practice would enable BLA to enhance its enforcement performance and statistics, which are perceived to be major weaknesses as the Board approaches its sunset review. [14:4 CRLR 59]

DCA legal counsel Don Chang suggested that BLA's citation and fine system require that the first offense be a clear violation of law; BLA would develop a summary of facts and issue an order to cease and desist from the unlicensed activity. Following a second offense, BLA would issue another order to cease and desist as well as an appealable citation, which could be issued with or without a monetary civil penalty; the fine could range from \$50 to \$2,000. The cited person would also be subject to an informal conference with the Board's Executive Officer. Following a third offense, BLA would seek the disconnection of the offender's telephone service. Brode plans to meet again with CSLB to review the entire process and study actual citation and fine cases and appeals.

Examination Update. At BLA's November 18 meeting, Dr. Norman Hertz of DCA's Office of Examination Resources presented an update on his research into the formats of CLARB's Landscape Architect Registration Examination (LARE) and BLA's PELA, which was developed by BLA in response to several shortcomings of CLARB's national exam. [13:1 CRLR 42; 12:4 CRLR 86] However, the cost of administering its own exam, the declining number of licensure applicants, and the refusal of other states to grant California landscape architects license reciprocity have recently prompted BLA to reevaluate the LARE and changes CLARB has made to it since California's secession. [14:4 CRLR 60-61] Dr. Hertz noted several improvements that CLARB has made to its examination, but stated that the factor analysis selected by CLARB to support its grading strategy is still not defensible. Dr. Hertz will continue to be in contact with CLARB to provide assistance in developing what California can consider a legally defensible examination.

Board Proposes Amendments to Licensing Regulations. On September 30, BLA published notice of its intent to amend sections 2620, 2621, and 2649,

Title 16 of the CCR, regarding licensing requirements and fees. [14:4 CRLR 59-60]

Currently, a candidate for licensure must be 18 years of age and possess at least six years of training and educational experience in landscape architecture; a bachelor's degree in landscape architecture from an approved school is considered four years of educational credit. Among other things, BLA's proposed amendments to section 2620 would limit the type of education which qualifies as "educational credit" to education in landscape architecture; eliminate educational credit for an associate degree; require candidates to possess at least two years of educational credit to be eligible to sit for the examination; provide for up to four years of work experience credit for applicants who are licensed as landscape contractors; eliminate credit for partial completion of landscape architecture degree or certificate programs; and quantify a year's worth of work experience as 1,500 hours. [14:4 CRLR 59-60]

Section 2621 provides that a candidate will forfeit his/her examination fee if he/she fails to appear for the scheduled examination, unless within 30 days after the examination the candidate makes a showing of good cause to the Board for his/her failure to appear at the scheduled examination. BLA's proposed amendments to section 2621 would require a candidate to make his/her showing of good cause to the Board within 90 days prior to the scheduled examination.

Existing law provides that the application fee for the examination shall not exceed \$425; section 2649 currently sets the application fee at \$325. BLA's proposed amendments to section 2649 would increase the application fee for the examination to \$425.

BLA held a public hearing on these proposed changes on November 18 in Sacramento; following the hearing, the Board made minor modifications to its proposed amendments to section 2620 and directed staff to release the modified text for an additional 15-day public comment period. At this writing, BLA is expected to consider the adoption of the proposed changes at its February meeting.

Other BLA Rulemaking. BLA's amendments to section 2615, Title 16 of the CCR, relating to the PELA, were approved by the Office of Administrative Law on October 18. The amendments allow candidates who are not licensed landscape architects and who have received credit from a state licensing authority for sections of a written examination other than the PELA to receive credit for those



passed sections, provided the exam is administered prior to December 31, 1994 and the Board determines that the exam is equivalent in scope and subject matter to the written exam last given in California. Candidates who begin the exam process by taking CLARB's exam after January 1, 1995 must either take the PELA in its entirety in order to be licensed in California, or become fully licensed in another state and apply to qualify for California's licensure under section 2615 by taking the reciprocity section of the PELA only. [14:4 CRLR 60]

LEGISLATION

Future Legislation. At its November 18 meeting, BLA agreed to draft legislation which would authorize it to recover the costs of allowing candidates to review their PELA exams; according to BLA, approximately 25-30 candidates request to review and/or appeal their graded exams on a biannual basis. The Board noted that licensure candidates who take CLARB's national exam pay a fee separate from the exam fee to review their tests.

RECENT MEETINGS

At its November 18 meeting, BLA's Budget Committee reported that due to the current decrease in the number of applicants and lack of license reciprocity afforded by other states to California PELA candidates, the Board must continue to streamline its exam costs. [14:4 CRLR 60-61] BLA decided to offer the PELA exam only once per year and also agreed to recoup from candidates the actual costs of providing the exam handbook.

FUTURE MEETINGS

February 3 in Burbank.
May 12 in Sacramento.
August 5 in Irvine.
November 3 in Sacramento.

MEDICAL BOARD OF CALIFORNIA

Executive Director: Dixon Arnett
(916) 263-2389

License/Discipline Information:
(916) 263-2382

Toll-Free Complaint Number:
1-800-MED-BD-CA

The Medical Board of California (MBC) is an administrative agency within the state Department of Consumer Affairs (DCA). The Board, which consists of twelve physicians and seven public members appointed to four-year terms, is

divided into two autonomous divisions—the Division of Licensing and the Division of Medical Quality. The Board and its divisions are assisted by several standing committees, ad hoc task forces, and a staff of 250 who work from 13 district offices throughout California.

The purposes of MBC and its divisions are to protect the consumer from incompetent, grossly negligent, unlicensed, or unethical practitioners; enforce the provisions of the Medical Practice Act (Business and Professions Code section 2000 *et seq.*); and educate healing arts licensees and the public on health quality issues. The Board's regulations are codified in Division 13, Title 16 of the California Code of Regulations (CCR).

MBC's Division of Licensing (DOL), composed of four physicians and three public members, is responsible for ensuring that all physicians licensed in California have adequate medical education and training. DOL issues regular and probationary licenses and certificates under the Board's jurisdiction; administers the Board's continuing medical education program; and administers physician and surgeon examinations for some license applicants. Assisted by the Board's Committee on Affiliated Healing Arts Professions (CAHAP), DOL also oversees the regulation of dispensing opticians, lay midwives, research psychoanalysts, and medical assistants.

In response to complaints from the public and reports from health care facilities, the Division of Medical Quality (DMQ)—composed of eight physicians and four public members—reviews the quality of medical practice carried out by physicians and surgeons. This responsibility includes enforcement of the disciplinary and criminal provisions of the Medical Practice Act. In this regard, DMQ receives and evaluates complaints and reports of misconduct and negligence against physicians, investigates them where there is reason to suspect a violation of the Medical Practice Act, files charges against violators, and prosecutes the charges at an evidentiary hearing before an administrative law judge (ALJ). In enforcement actions, DMQ is represented by legal counsel from the Health Quality Enforcement Section (HQES) of the Attorney General's Office; created in 1991, HQES is a unit of deputy attorneys general who specialize in medical discipline cases. Following the hearing, DMQ reviews the ALJ's proposed decision and takes final disciplinary action to revoke, suspend, or restrict the license or take other appropriate administrative action. For purposes of reviewing individual disciplinary cases, DMQ is divided

into two six-member panels (Panel A and Panel B), each consisting of four physicians and two public members. DMQ also oversees the Board's Diversion Program for physicians impaired by alcohol or drug abuse.

MBC meets approximately four times per year. Its divisions meet in conjunction with and occasionally between the Board's quarterly meetings; its committees and task forces hold additional separate meetings as the need arises.

On September 27, Governor Wilson announced his appointment of four new members to the Medical Board. William Foster Friedman, MD, the J.H. Nicholson Professor of Pediatrics (Cardiology) at UCLA School of Medicine, was appointed to the Division of Licensing. Also appointed to DOL was Raja Mohan Toke, MD, who practices medicine in Pittsburgh. Carole Hughes Hurvitz, MD, the director of the Pediatric Department of Hematology-Oncology and vice-chair of Pediatrics at Cedars-Sinai Medical Center in Los Angeles, was appointed to the Division of Medical Quality. Also joining DMQ is public member Phillip Pace, the president of Pace Development Company, a management consulting firm in Montebello.

Also on September 27, Governor Wilson reappointed Robert del Junco, MD, to another term on the Board; Dr. del Junco, who has already served a term on DOL and was elected MBC president at the Board's November meeting, was reappointed to DMQ. The Governor also reappointed public member Stewart Hsieh, a practicing attorney from Los Angeles, to another term on DOL.

MAJOR PROJECTS

MBC Recognizes "Near Crisis" in Hospital Peer Review Reporting. In the January 1995 issue of its *Action Report* newsletter, the Medical Board published an article highlighting several flaws in the so-called "peer review" process, a private system utilized by health care facility administrators, executives, and directors through which facilities grant admitting privileges to physicians, review complaints and reports of misconduct against staff physicians, and take disciplinary action against those privileges. Such disciplinary actions include denial, rejection, suspension, termination, and restriction of staff privileges or employment.

The hospital "peer review" process is unusual in that competitors are allowed to sit in judgment against one of their own in complete confidentiality and free from the antitrust laws which restrict anticompetitive conduct in almost every other trade