



dards, prior to agency approval of this work. The bill would also provide that, notwithstanding existing law, all state and local enforcement agencies shall return any incomplete building plans, specifications, reports, or documents, accompanied by a statement to the applicant identifying the part or parts of the plans that are incomplete, and specifying the actions required to be taken by the architect, engineer, geologist, or building designer to complete the plans, specifications, reports, or documents prior to any resubmission. [S. H&LU]

RECENT MEETINGS

At its February 3 meeting in South San Francisco, BRGG unanimously voted to change the format of future license examinations, effective October 1995. Under the new format, the exam's morning session will consist of a four and one-half hour problem solving section; the afternoon session will consist of a two and one-half hour multiple choice section.

At BRGG's April 21 meeting in San Diego, the Ad Hoc Committee on Sunset Review announced that it is developing information for the Board's report to the Joint Legislative Sunset Review Committee, which is due by October 1. [15:1 CRLR 57] According to Ad Hoc Committee Chair Seena Hoose, the report will include, among other things, a statement of the Board's mission, goals, and objectives, and justifications for the existence of the Board and its licensing requirement. The Committee anticipates that the legislature will particularly scrutinize the Board's low level of enforcement activity; as of the April meeting, only one complaint had been received since November 1994.

FUTURE MEETINGS

June 23 in Sacramento.
August 18 in El Segundo.
October 6 in Sacramento.
December 7-8 in San Francisco.

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 Reg-

istration 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.

MAJOR PROJECTS

BLA Prepares for Sunset Review. BLA continues to work towards addressing the legislature's proposed elimination of the Board and the deregulation of the landscape architect profession, which 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. [15:1 CRLR 57-58; 14:4 CRLR 59]

At its February 3 meeting in Burbank, BLA expressed frustration about being too understaffed to address the sunset legislation as well as perform its daily duties. The Board noted that the California Chapter of the American Society of Landscape Architects (CC/ASLA)—instead of Board members and staff—has been working on addressing the specific criteria set forth in SB 2036, and briefly considered the fact that such input would give the appearance that the Board is more licensee-oriented than consumer-oriented, and that the trade association would appear to be justifying the need for regulation rather than the

Board, which was created to protect consumers' interests. Following discussion, the Board identified three goals to pursue regarding the sunset legislation: documentation of the Board's current strengths; analysis of the Board's effectiveness and efficiency; and suggestion(s) for an alternative regulatory structure.

At its May 12 meeting, BLA authorized Board President Sandra Gonzalez-Fiorenza and Executive Officer Jeanne Brode to prepare a request for proposals for \$10,000 to be used to hire a consultant to assist Brode in gathering information and writing a comprehensive sunset report to be presented to the legislature by October 1, as required by SB 2036.

Enforcement Priorities Clarified. At BLA's February 3 meeting in Burbank, Executive Officer Jeanne Brode recognized the Enforcement Committee's long struggle to define the scope of practice of landscape architects, to enable the Board to properly regulate the practice of landscape architecture; Brode stated that the Board's primary mission is consumer protection and reiterated that the Board will give highest priority to pursuing consumer complaints against licensed landscape architects, with consumer complaints against unlicensed persons and landscape architect complaints against unlicensed persons receiving second and third priority, respectively.

The Board noted, however, that it receives very few complaints from consumers—against either BLA licensees or unlicensed persons performing landscape architecture; BLA claimed that homeowners wronged by landscape architects tend to seek relief in small claims court. The Board also cited misinformation and misunderstanding as frequent bases for consumer disputes with landscape architects, and noted that written contracts have been extremely helpful in preventing such complaints.

With regard to landscape architects' frequently anonymous complaints against unlicensed persons, the Board urged the licensee population to file complaints, especially if the landscape architect suspects consumer fraud or a threat to the welfare of the consumer.

Also at the February 3 meeting, Department of Consumer Affairs (DCA) legal counsel Don Chang stated that the Board may accept anonymous complaints as long as staff can substantiate the evidence without involving the complainant. If the case were to proceed to DCA's Division of Investigation or to hearing, however, Chang stated that the identity of the complainant must be revealed or the case must be dropped.



REGULATORY AGENCY ACTION

Community Outreach. At the February 2 meeting of BLA's Enforcement Committee in Burbank, the Committee discussed ways to educate the public about landscape architects and the Board. Enforcement Committee Vice-Chair Dan Johnson suggested that the Board create informational pamphlets to be distributed at nurseries, home improvement warehouses, garden shops, and other consumer-oriented locations. The Board has also approved an informational letter to be sent on BLA letterhead to public agencies, and suggested that staff prepare a standard article identifying the difference between a landscape architect and a landscape contractor, to be submitted for newspaper and magazine circulation.

BLA Rulemaking. At its February 3 meeting, the Board adopted its proposed amendments to sections 2620, 2621, and 2649, Title 16 of the CCR, regarding licensing requirements and fees. BLA's proposed amendments to section 2620 concern the amount and type of training, experience, and educational credits that qualify a person to sit for its landscape architect examination; the proposed changes to section 2621 would provide that a candidate will forfeit his/her examination fee if he/she fails to appear for the scheduled examination, unless he/she makes a showing of good cause within 90 days prior to the scheduled examination; and the proposed changes to section 2649 would increase the application fee for the examination from \$325 to \$425. [15:1 CRLR 58] At this writing, DCA's Legislative Unit is currently reviewing the rule-making package, with the exception of the amendment to section 2649(a), which BLA severed from the package when CC/ASLA failed to submit a letter of support for the examination fee increase in a timely fashion.

RECENT MEETINGS

At its February 3 meeting in Burbank, the Board ratified a 3% salary increase for Executive Officer Jeanne Brode, retroactive to January 1, 1995. BLA also elected Sandra Gonzalez-Fiorenza as Board President; in anticipation of the arrival of two new members, the Board tabled the election of a Vice-President.

Also at the February 3 meeting, the Board voted to award full accreditation to UCLA Extension's School of Landscape Architecture. The Board is currently evaluating the University of California at Berkeley's Extension Program for Landscape Architecture.

At BLA's May 12 meeting, Board President Sandra Gonzalez-Fiorenza announced that the Enforcement Committee had finalized the legal definition of a landscape architect for presentation at the

Board's July meeting; Gonzalez-Fiorenza confirmed that exemptions would be clearly defined under scope of practice, which will give the Board the "teeth" to pursue unlicensed activity.

FUTURE MEETINGS

July 14 in Irvine.
October 20 in Burbank.
December 8 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.

MAJOR PROJECTS

Public Disclosure Regulations Clarified, Approved, Then Amended in Attempt to Settle Lawsuit. At its February 3 meeting, DMQ attempted to clarify the action it took after a November 1994 public hearing on proposed section 1354.5, Title 16 of the CCR, which would codify the Medical Board's new public disclosure policy in regulation. The Board adopted its new policy in May 1993, and it became effective on October 1, 1993. State law requires MBC to adopt public disclosure regulations by July 1; however, the precise language of the regulations has been complicated by litigation filed by the California Medical Association (CMA) to invalidate the May 1993 policy (*see LITIGATION*). [15:1 CRLR 66; 14:1 CRLR 50; 13:4 CRLR 1, 56-57]

Under section 1354.5 as originally published, MBC planned to disclose to