



## LEGISLATION

**SB 433 (Craven)**, as amended July 13, would provide that prior to January 1, 1994, professional geological work shall qualify an applicant seeking certification as a hydrogeologist if performed under the supervision of a geologist qualified in hydrogeology. The bill would require BRGG to define, by regulation, professional geological work for purposes of persons seeking certification in hydrogeology; require BRGG to establish, by regulation, criteria to determine whether a geologist is qualified in hydrogeology for purposes of supervising persons seeking certification in hydrogeology; allow BRGG to waive the examination requirement for certification as a hydrogeologist if the applicant is registered as a geologist and has specified experience, prior to January 1, 1994; and exempt from registration any person, other than a registered geologist, who does not use the title of a registered certified hydrogeologist and who is licensed by this state and whose licensed scope of practice includes those activities performed by a registered certified hydrogeologist, insofar as he/she practices within the scope of his or her licensed practice.

The Geologist and Geophysicist Act exempts certain individuals from registration under the Act; the Act requires applicants for certification in a specialty in geology to have certain experience in professional geological work. This bill would exempt from registration any person, other than a registered geologist, who does not use the title of a registered certified specialty geologist and who is licensed by this state and whose licensed scope of practice includes those activities performed by a registered certified specialty geologist, insofar as he/she practices within the scope of his/her licensed practice. [A. CPGE&ED]

**SB 746 (Rogers)**. Under the Geologist and Geophysicist Act, the terms "geology" and "responsible charge of work" are defined. As amended August 26, this bill would revise the definition of the term "geology." This bill would also revise the definition of the term "responsible charge of work" to include supervision or review and approval of geologic or geophysical work on behalf of the public.

Existing law provides that the State Personnel Board (SPB) shall prescribe classifications in the state civil service, as well as create and adjust classes of positions. This bill would require the SPB, in cooperation with BRGG, to revise the job specifications for certain engineering geologist positions to require certification by

BRGG as an engineering geologist. [S. B&P]

**AB 1807 (Bronshvag)**, as amended September 8, would authorize BRGG to issue citations if, upon investigation, it has probable cause to believe that a person is advertising in a telephone directory with respect to the offering or performance of services without being properly licensed, and to require the violator to cease the unlawful advertising.

The Contractors State License Law provides that it does not apply to licensed architects, professional engineers, or structural pest control operators. This bill would also make that law inapplicable to BRGG licensees operating within the scope of the Geologist and Geophysicist Act.

Existing law authorizes the refund of 50% of the amount of the application fee for a geologist or geophysicist that BRGG finds lacks the qualifications required for admission to the examination for registration. This bill would repeal that provision. [13:1 CRLR 40] [A. Inactive File]

**AB 1392 (Speier)**, as amended July 1, would—among other things—provide that BRGG's executive officer is to be appointed by the Governor, subject to Senate confirmation, and that the Board's executive officer and employees are under the control of the Director of the Department of Consumer Affairs. [S. B&P]

## RECENT MEETINGS

At its December 3 meeting in Los Angeles, BRGG revised its Guidelines for Geophysical Reports, Geologic Guidelines for Earthquake and/or Fault Hazard Reports, Guidelines for Groundwater Investigation Reports, and Guidelines for Engineering Geologic Reports. The guidelines, which BRGG issues for informational purposes only, present the general procedures used by geologists in reporting on the various areas of investigation; while they do not constitute a complete listing of all the reporting methods for such studies, the guidelines attempt to cover all major topics for the particular field.

## FUTURE MEETINGS

To be announced.

## 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.

## MAJOR PROJECTS

**Legislative Oversight Hearings.** On October 20, BLA and the Board of Architectural Examiners (BAE) presented testimony to the Senate Subcommittee on Efficiency and Effectiveness in State Boards and Commissions, chaired by Senator Dan McCorquodale, on several issues related to the possible restructuring of the boards. Specifically, the Subcommittee requested comments on (1) whether architects and landscape architects should be deregulated and both boards abolished; (2) whether the two boards should be merged; and (3) whether either or both boards should be transformed into bureaus which lack a multi-member policymaking board and operate under the direct control of the Director of the Department of Consumer Affairs (DCA). The Legislative Analyst's Office (LAO) has already called for the abolition of BLA. [13:2&3 CRLR 77]



Executive Officer Jeanne Brode testified on behalf of the Board, arguing that BLA has improved its regulatory program in recent years, primarily by switching to its own licensing exam (which achieved a 42% pass rate on its first administration) and by sponsoring legislation requiring contracts between licensees and consumers to be in writing. She also stated that BLA has entered into a memorandum of understanding with the Contractors State License Board (CSLB) which enables BLA to give license verification information to consumers who erroneously call BLA about landscape contractors (who are licensed by CSLB). Finally, Brode noted that the Board has engaged in consumer outreach efforts through its publication of *How to Hire a Landscape Architect* and a new pamphlet entitled *Fires, Floods, and Droughts*.

Senator McCorquodale questioned the effectiveness of the Board's enforcement program. BLA statistics provided to the Subcommittee indicated that the Board received 59 complaints during 1992-93, 33 of which alleged fraud on the part of a licensee. Only 13 of these complaints were filed by consumers, whereas 44 were filed by other landscape architects. The Board opened 18 investigations and issued 16 letters of reprimand, but filed only one accusation and took no formal enforcement action during 1992-93. The Board has revoked only two licenses in the past five years, and spends only 25% of its budget on enforcement. Brode acknowledged that the Board's disciplinary program is "in its infancy," and stated that BLA does not oppose a "sunset" provision which would enable the legislature to re-evaluate its enforcement performance every five years.

Senator McCorquodale, LAO representative Gerald Beavers, and Center for Public Interest Law Supervising Attorney Julianne D'Angelo all asked Brode to identify the risks which are both presented by landscape architects and addressed by the Board. In response, Brode and members of the landscape architect profession presented lengthy written handouts describing the landscape architect's role in planting design, irrigation design, soil conservation, grading, drainage, signage, reduction of fire hazards, and water management. The California Council of the American Society of Landscape Architects (CCASLA) also argued that insurance companies will stop writing liability insurance policies for landscape architect businesses if the state abolishes the Board and the licensure requirement.

In response, D'Angelo stated that BLA's regulatory program appears to do

more to stifle competition for existing licensees than it does to protect the public. D'Angelo argued that the Board's program consists solely of licensing (which has been extremely restrictive), and that the Board does not fulfill the other two duties of a properly-functioning occupational licensing agency—it does not set standards of professional conduct for landscape architects through rulemaking in any of the areas described above, and its enforcement program is almost non-existent and probably unnecessary. In subsequent written testimony, CPIL questioned whether the absence of a licensing program for landscape architects would actually present a risk of irreparable harm to consumers (which, in CPIL's view, is a prerequisite for the creation of a licensing program), and recommended that BLA and its licensing program be abolished and replaced with a bond requirement or, at most, a certification program to protect the title "landscape architect." [13:4 CRLR 5]

At this writing, the Subcommittee is scheduled to release a final report on the oversight hearing and recommendations for legislation in early 1994.

**BLA Licensure Requirements for Landscape Contractors.** At its November 19 meeting, BLA finally agreed to the language of proposed changes to regulatory section 2620, Title 16 of the CCR, which defines how candidates seeking to sit for the PELA can meet BLA's six-year education and training credit requirements. At the request of the California Landscape Contractors Association (CLCA), the Board created a special committee to explore the possibility of easing its existing education/experience requirements for licensed landscape contractors. [13:4 CRLR 52]

On December 17, the Board formally published notice of its intent to amend section 2620 to revise the credits to be granted for experience as a landscape contractor. Under the proposed amendments, an individual who is self-employed as a landscape contractor may be granted credit on a 50% basis up to a maximum of three years of educational credit and two years of training credit. Candidates qualifying to sit for the PELA exam with more than two years of landscape contractor experience will be required to submit samples of their landscape design work for evaluation by the Board to determine if the candidate has sufficient experience and knowledge to qualify for the PELA. Candidates qualifying to sit for the PELA by the exclusive use of landscape contractor experience would not be required to obtain supervised experience under a landscape architect otherwise required under

section 2620(c)(1). The amendments would also state that one year of training shall consist of 1,500 hours of qualifying employment, and that training experience may be accrued on the basis of part-time employment.

At this writing, the Board is scheduled to hold a public hearing on its proposed amendments to section 2620 on February 4 in Sacramento.

**Other BLA Rulemaking.** Also on December 17, BLA published notice of its intent to repeal section 2614 and amend section 2615, Title 16 of the CCR. Section 2614 currently specifies a transition procedure for transferring credit received by a candidate from CLARB's Uniform National Examination (UNE) or Landscape Architectural Registration Examination (LARE) to the Board's new Professional Examination for Landscape Architecture (PELA). [13:2&3 CRLR 77; 13:1 CRLR 43]

Section 2615 currently specifies the form of the examination which must be completed by a candidate depending upon his/her background (for example, out-of-state licensed landscape architects or out-of-state unlicensed individuals transferring to California). As amended, section 2615 would require all persons to pass all sections of the PELA, and provide that a candidate who has received transfer credit from the UNE or the LARE and who has unsuccessfully taken the PELA shall be eligible for licensure upon passing the remaining sections of the PELA. It would also provide that, effective July 1, 1994, candidates who were eligible to receive transfer credit to the PELA for sections completed in the UNE or LARE, but who have not taken the PELA, are not allowed to transfer credit from the UNE or LARE to satisfy their PELA requirements. It would continue to allow a candidate who is licensed in another jurisdiction by having passed an examination substantially equivalent in scope and subject matter to the examination last given in California to be eligible for licensure upon passing the reciprocity examination.

These regulatory changes are also scheduled for a public hearing on February 4 in Sacramento.

**Revising the Definition of "Landscape Architect."** At its November 19 meeting, the Board discussed the Enforcement Committee's draft revisions to Business and Professions Code section 5615, which defines the term "landscape architect." Several Board members and staff believe existing section 5615 is too long, esoteric, and "ethereal," is not understandable to "lay people," and draws no real lines among landscape architecture, engi-



neering, and architecture. The Enforcement Committee needs a precise definition of "landscape architect" so it can tell when an unlicensed individual is violating the law. Thus, Enforcement Committee member Reed Dillingham drafted two versions of proposed revisions to section 5615 which are much shorter and illustrate the types of activities in which landscape architects engage.

CCASLA representative Dick Ratliff cautioned the Board to proceed with care on revising the statutory definition. Department of Consumer Affairs legal counsel Don Chang agreed, noting that such a proposal might raise excessive scrutiny of the profession and the Board by engineers, architects, and the legislature. However, several Board members stated that the current definition is so vague as to be unenforceable, and urged that the project continue. BLA took no action on either version drafted by Dillingham, and will discuss this issue further at future meetings.

**PELA and Possible Reciprocity with Other States.** At its November 19 meeting, BLA discussed whether to accept an invitation from Michigan's Board of Landscape Architects to make a presentation at a future Michigan board meeting on the PELA; the Michigan board is interested in accepting the PELA for license reciprocity purposes. Rather than paying for someone to attend the Michigan board meeting, the Board approved a motion instructing staff and HRStrategies, the Board's exam vendor, to respond to other state board requests for information about the PELA and to encourage reciprocity wherever possible.

## LEGISLATION

**Future Legislation.** Along with possible sponsorship of a bill revising the definition of "landscape architect" (see above), BLA is expected to sponsor several legislative proposals during 1994. Last July, BLA approved proposed legislative changes to (1) require landscape architects to use 20% recyclable materials for their design plans, (2) amend Business and Professions Code section 5650 to require six years of education and/or experience in order to sit for the licensing exam, (3) require landscape architects to report professional malpractice judgments to the Board; and (4) increase the fee for filing an application for approval of an extension school. [13:4 CRLR 53]

**AB 1392 (Speier)**, as amended July 1, would—among other things—provide that BLA's executive officer is to be appointed by the Governor, subject to Senate confirmation, and that the Board's executive officer and employees are under the

control of the Director of the Department of Consumer Affairs. [S. B&P]

**AB 1807 (Bronshvag)**, as amended September 8, would reduce the time within which a landscape architect may renew his/her expired license from five to three years. [A. Inactive File]

## RECENT MEETINGS

At its November 19 meeting in Sacramento, the Board decided to hold all its 1994 meetings in Sacramento due to a budget shortfall. To cope with the budget deficit, the Board discussed many areas of cost-cutting, including a curb on Board member travel and a possible exam fee increase for the PELA.

The Board also approved new Disciplinary Guidelines drafted by the Enforcement Committee and addressed other enforcement issues, including recent complaints about an extension certificate program in Garden Design offered by the University of California at Berkeley. Several Board members wanted to find a way to stop this certificate program, characterizing it as "aiding and abetting unlicensed activity." Legal counsel Don Chang disagreed, and advised the Board that there are many legitimate uses for such a certificate.

Also in November, the Board passed a motion directing legal counsel to draft the language of a proposed policy establishing a fee for candidates who wish to review their PELA exam. The Board also agreed not to distribute its old PELA exams to review course providers, but to provide them with the candidate's handbook instead.

Finally, the Board elected its officers for 1994. Larry Chimbole was elected to another term as Board President, and Marian Marum was elected Board Vice-President.

## FUTURE MEETINGS

May 6 in Sacramento.

August 5 in Sacramento.

November 4 in Sacramento.

## MEDICAL BOARD OF CALIFORNIA

*Executive Director: Dixon Arnett (916) 263-2389*

*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 non-physi-

cians appointed to four-year terms, is currently divided into three autonomous divisions: Licensing, Medical Quality, and Allied Health Professions.

The purpose of MBC and its three divisions is to protect the consumer from incompetent, grossly negligent, unlicensed, or unethical practitioners; to enforce provisions of the Medical Practice Act (California Business and Professions Code section 2000 *et seq.*); and to 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).

The functions of the individual divisions are as follows:

MBC's Division of Licensing (DOL) is responsible for issuing regular and probationary licenses and certificates under the Board's jurisdiction; administering the Board's continuing medical education program; and administering physician and surgeon examinations for some license applicants.

In response to complaints from the public and reports from health care facilities, the Division of Medical Quality (DMQ) 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. It also includes the suspension, revocation, or limitation of licenses after the conclusion of disciplinary actions.

Until July 1, 1994, the Division of Allied Health Professions (DAHP) directly regulates five non-physician health occupations and oversees the activities of eight other examining committees and boards which license podiatrists and non-physician certificate holders under the jurisdiction of the Board. The following allied health professions are subject to the oversight of DAHP: acupuncturists, audiologists, hearing aid dispensers, medical assistants, physical therapists, physical therapist assistants, physician assistants, podiatrists, psychologists, psychological assistants, registered dispensing opticians, research psychoanalysts, speech pathologists, and respiratory care practitioners. Pursuant to the provisions of SB 916 (Presley) (Chapter 1267, Statutes of 1993), DAHP will cease to exist on July 1, 1994, and its members will be transferred to DMQ. [13:4 CRLR 55, 60]

MBC's divisions meet together approximately four times per year. Individual divisions and subcommittees also hold additional separate meetings as the need arises.

Three new gubernatorial appointees were sworn in at the Board's November