



## BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

*Executive Officer:*  
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The Board of Registration for Professional Engineers and Land Surveyors (PELS) regulates the practice of engineering and land surveying through its administration of the Professional Engineers Act, sections 6700 through 6799 of the Business and Professions Code, and the Professional Land Surveyors' Act, sections 8700 through 8805 of the Business and Professions Code. The Board's regulations are found in Division 5, Title 16 of the California Code of Regulations (CCR).

The basic functions of the Board are to conduct examinations, issue certificates, registrations, and/or licenses, and appropriately channel complaints against registrants/licensees. The Board is additionally empowered to suspend or revoke registrations/licenses. The Board considers the proposed decisions of administrative law judges who hear appeals of applicants who are denied a registration/license, and those who have had their registration/license suspended or revoked for violations.

The Board consists of thirteen members: seven public members, one licensed land surveyor, four registered Practice Act engineers and one Title Act engineer. Eleven of the members are appointed by the Governor for four-year terms which expire on a staggered basis. One public member is appointed by the Speaker of the Assembly and one by the Senate Rules Committee.

The Board has established four standing committees and appoints other special committees as needed. The four standing committees are Administration, Enforcement, Examination/Qualifications, and Legislation. The committees function in an advisory capacity unless specifically authorized to make binding decisions by the Board.

Professional engineers are registered through the three Practice Act categories of civil, electrical, and mechanical engineering under section 6730 of the Business and Professions Code. The Title Act categories of agricultural, chemical, control system, corrosion, fire protection, industrial, manufacturing, metallurgical, nuclear, petroleum, quality, safety, and traffic engineering are registered under section 6732 of the Business and Professions Code.

Structural engineering and geotechnical engineering are authorities linked to the civil Practice Act and require an additional examination after qualification as a civil engineer.

### MAJOR PROJECTS

**Legislative Oversight Hearing.** On November 10, PELS and the Board of Registration for Geologists and Geophysicists (BRGG) were required to present 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 engineers, land surveyors, geologists, and geophysicists 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).

Board President Richard Johnson testified on behalf of PELS, arguing that the Board exercises "minimal regulation" over the professions it regulates in that its entry standards test for "minimal competency" and it requires fewer years of experience than other states. He noted that only four of the disciplines regulated by PELS are practice-oriented (the rest are certification programs) such that any further deregulation would be inappropriate. With regard to enforcement, Johnson stated that PELS receives 200-300 complaints each year and forwards 30-40 cases to the Attorney General's Office for formal disciplinary action; he said that 80% of the complaints received by PELS come from members of the public and that most are successfully mediated by staff.

Members of engineering professional associations generally expressed their preference for retaining the status quo; some stated merger for the sake of merger is inappropriate and that PELS is both effective and needed. John Troy of the California Society of Professional Engineers dissented, stating that "turf battles" between the various engineering disciplines "consume an enormous amount of the time of this board." Troy stated that the statutes defining the various disciplines are unclear and that PELS has done nothing to flesh out those statutes or draw defensible lines between disciplines.

Subcommittee members—especially Senator Dan Boatwright, who chairs the Senate Business and Professions Commit-

tee—expressed extreme displeasure with PELS over its failure to adopt citation and fine regulations, although it has had cite and fine authority since 1986. Johnson responded that PELS began the process of adopting cite and fine regulations earlier this year.

Center for Public Interest Law (CPIL) Supervising Attorney Julianne D'Angelo testified that both BRGG and PELS fulfill only one of the three traditional responsibilities of an occupational licensing agency: They administer a barrier to entry into a profession and register people. According to D'Angelo, neither board has established any standards of professional conduct through rulemaking, and neither has an active or effective enforcement program.

With regard to standard-setting, D'Angelo stated that with the exception of one regulation pertaining to corner records, PELS' regulations wholly fail to address the post-entry practice of engineering in California. As an example of PELS' failure to set standards of practice in an area where standards are needed, she noted that PELS refused to adopt rules governing the billing practices of engineers [10:2&3 CRLR 119], and then opposed a bill requiring engineer-consumer contracts to be in writing, although its staff admits that more than half of the complaints PELS receives stem from the lack of a written contract. Instead of setting standards for professional conduct, D'Angelo stated that PELS "spends the vast majority of its time at meetings attempting unsuccessfully to define and draw lines between" the eighteen disciplines of engineering and land surveying it is supposed to regulate. According to D'Angelo, PELS "has a very hard time with the rulemaking process in general." She stated that of all the boards monitored by CPIL, "no other board proposes rules and then drops them like this board does. PELS has very contentious rulemaking hearings which are really a turf battle come alive, and the Board—which should be above turf battles between various segments of the profession—is instead paralyzed by them and takes no action." She also testified that because it is unable to properly adopt regulations through the Administrative Procedure Act rulemaking process, PELS is frequently the subject of petitions to the Office of Administrative Law over alleged "underground rulemaking."

In response to PELS' claim about its citation and fine regulations, D'Angelo stated that although the Board has been authorized to adopt cite and fine regulations since 1986, it took no initiative to do



so until Senator Boatwright carried SB 2044 in 1992; since then, PELS has published citation and fine regulations on at least two occasions and has failed to adopt them on both occasions. [13:4 CRLR 83; 12:1 CRLR 96] D'Angelo agreed with John Troy that the statutory schemes administered by PELS are extremely vague and confusing, but argued that it is PELS' responsibility to either sponsor clarifying legislation or adopt rules which interpret and flesh out the statutes; she stated that PELS has done neither. In conclusion, D'Angelo urged the Subcommittee to transform both boards into a bureau, which could offer the same regulatory program currently provided by BRGG and PELS but at much greater efficiency and lesser cost to the state and to consumers.

At this writing, the Subcommittee is expected to release a final report on the hearing and its recommendations in early 1994.

**Board Considers Overview of Engineering Discipline Definitions.** Perhaps in response to the Senate Subcommittee hearing (see above), Board President Rich Johnson prepared a November 15 "white paper" entitled *Confronting the Issues of Engineering Discipline Definitions*, which was considered by PELS at its November 19 meeting. Johnson's report acknowledged that various provisions of the Professional Engineers Act, Business and Professions Code sections 6700-99, are contradictory and lack clarity; the report also suggested that certain Title Act disciplines overlap or are entirely contained within one or more Practice Act disciplines. According to Johnson, the definitional ambiguity has resulted in the following conditions:

-The current system has resulted in the overlap of functions and activities between the two "classes" of engineers—licensed and certified; that is, most Title Act definitions describe work which is encompassed by one or more Practice Act, but each Title Act states that its definition should not be construed to permit the practice of the Practice Act disciplines (civil, electrical, or mechanical engineering). According to Johnson, this is "technically illegal."

-PELS' rules are "contradictory and ambiguous in their discipline definitions."

-“Ostensibly, practice protection for public safety and welfare only applies to licensed categories, and is heavily skewed toward building construction. Other important consumer protection areas are lightly treated and huge numbers of practitioners are totally exempted for various, unexplained reasons.”

-“A multiplicity of certification programs have been created over the years,

many of which have over 90% of their current registrants certified without having ever taken an exam ("grandfathered").”

Johnson contended that this situation "leads to public confusion and is a solid barrier preventing clear and comprehensive guidelines to spell out what various disciplines (of engineers) really do and what type of engineer is legally required to do what function or activity. Moreover, not only is the public confused, practicing engineers and the Board (itself) are plagued by this nagging problem. Even the most discriminating and experienced consumers of engineering services are bewildered by our laws and regulations when it comes to discipline distinctions....”

In his white paper, Johnson also opined that, "[o]ther than the day-to-day normal activities that have an immediate, direct effect upon individual or collective State consumers, this is the most pressing issue before the Board." He acknowledged that the "turf battles" that these issues evoke "tend to choke off our creative abilities and prevent us from progressing as we could and should." Johnson stated that "[w]e have all experienced seemingly simple suggestions for change that would benefit consumers being stifled because 'turf' battles overwhelm us. I believe the Board has been too quick to back off when this happens, retract our proposed regulations or ideas and dismiss the incident as another controversy that has no solution."

Johnson's report concluded by urging PELS to "initiate actions to attempt to update the laws and regulations that are creating the issues" regarding the definitional ambiguities. Johnson offered the following recommendations for Board consideration:

-PELS should openly discuss these issues at its next meeting.

-PELS should draw up a more official statement of the issues and its concerns, and then invite public opinion through one or more informal hearings.

-Based upon the results of the hearing(s), the Board should formulate policy and develop a plan for moving California toward a more progressive system of defining engineering disciplines that is more consumer protection-oriented and lessens or eliminates turf issues; review all certification programs to determine if some should be sunsetted; and review the exemptions to the Acts to ascertain legal intent and determine whether they are logically justified.

-PELS should then implement its plan by sponsoring legislation and commencing rulemaking, as appropriate.

Johnson stressed that the "white paper" represents his opinion, and that his pur-

pose in circulating it is to initiate and stimulate public discussion of these issues. Following discussion of the "white paper" at its November meeting, the Board agreed to hold a two-day "retreat" meeting in February for Board members and staff, at which time it will begin to outline a strategic plan, a mission statement, and an approach to reaching consensus on defining the various engineering disciplines.

**PELS Committee Considers Increasing Experience Requirement.** On November 5, PELS' Examination/Qualification Committee discussed whether to increase the amount of experience required to qualify for registration as a professional engineer. Currently, Business and Professions Code section 6751 requires an applicant to have a minimum of six years of qualifying experience in engineering work which indicates to PELS that the applicant is competent to practice the type of engineering for which registration is sought; because applicants are able to apply four years of education to satisfy the experience requirement, most applicants currently qualify with only two years of practical experience. The Committee discussed whether to increase the experience requirement from six to eight years, which would have the effect of doubling the practical experience required for most candidates. Past efforts to increase the qualifying experience requirement failed in 1986 when then-Governor Deukmejian vetoed SB 2184 (Greene), and again in 1991 when SB 201 (Greene) died in committee. [12:2&3 CRLR 141; 6:4 CRLR 52] Opponents contend that the proposed increase is a protectionist measure designed to restrict entry of young engineers into the profession without any significant increase in consumer protection. The Committee decided to further research this proposal by consulting with other states regarding their experience requirements.

**Board Pursues Computer-Assisted Examinations.** At its November 19 meeting, PELS agreed to implement computer-assisted examinations for one or more of the October 1994 "Special Four" examinations (corrosion, quality, safety, and traffic). The computer-assisted examinations will require candidates to take their examinations by directly responding to questions generated by a computer. According to PELS, the advantages of such testing include the ability to inform a candidate of his/her results immediately, and the possibility that computer-assisted examinations will lead to a decrease in cheating. PELS staff will meet with representatives of the Board of Vocational Nurse and



# REGULATORY AGENCY ACTION

Psychiatric Technician Examiners to discuss renting that board's computers for administration of PELS' exam.

**Registration of Hydrogeologists.** At its October 8 meeting, PELS voted to request that BRGG reopen the public comment period on its proposal to create a hydrogeologist specialty certification which would require hydrogeologists to register with BRGG. PELS belatedly sought to express its concern over the growing number of title protection certification programs and possible conflicts with the Professional Engineers Act. In December, BRGG denied PELS' request and adopted the proposed certification regulations, which await review and approval by the Department of Consumer Affairs and the Office of Administrative Law (OAL) (see agency report on BRGG for related discussion).

**Corner Records Rulemaking.** On October 7, OAL approved PELS' amendment to section 464, Title 16 of the CCR, which provides that when a survey is a retracement of lines shown on a recorded map, no material discrepancies with the record are found, and sufficient recorded monumentation is found to establish the precise location of property corners thereon, a corner record may be filed in lieu of a record of survey for any property corners which are set or reset or found to be of different character than indicated by prior records. The amendment deletes the requirement that the monumentation found to establish the precise location of property corners must be recorded. [13:4 CRLR 83]

**Future Rulemaking Proposals.** At its October 8 and November 19 meetings, PELS discussed the following rulemaking proposals:

• **Three-Year Delinquent Registrants.** Amid growing concern among PELS members that holders of certificates and registrations which have been expired for more than three years are able to secure reinstatement of these certificates and registrations with relative ease, PELS has approved criteria to assist the Board and staff in making consistent and proper determinations about which applicants may be reinstated without an examination. [13:4 CRLR 83]

Business and Professions Code section 6796.3(c) provides that certificates of registration as a professional engineer and certificates of authority to use the titles "structural engineer," "soil engineer," or "consulting engineer" which are not renewed within five years after expiration may not be renewed unless, among other things, the registrant or certificate holder passes the examination, if any, which would be required of him/her if he/she

were applying for the first time, or otherwise establishes to the satisfaction of the Board that he/she is qualified to practice the branch of engineering in which he/she seeks renewal or reinstatement. AB 1807 (Bronshvag) would shorten section 6796.3(c)'s time period to three years (see LEGISLATION). In order to establish uniform criteria by which it can determine if a registrant or certificate holder "otherwise establishes" his/her qualification to practice engineering, the Board drafted proposed section 473, Title 16 of the CCR, which would provide that certificates or registrations which have not been renewed within three years after expiration may be reinstated if the applicant complies with the following requirements:

(1) submits a completed, typewritten application on a form prescribed by the PELS Executive Officer accompanied by the required application fee, and submits completed appropriate reference forms as specified in sections 427.10, 427.20, or 427.30, Title 16 of the CCR;

(2) takes and passes the examination as specified in Business and Professions Code sections 6755.2 or 8741.1;

(3) takes and passes examinations on seismic principles and engineering surveying, if he/she is a civil engineering applicant whose initial registration was issued prior to January 1, 1988; and

(4) pays all accrued and unpaid renewal fees.

Under proposed section 473, an applicant who is unable to submit sufficient evidence satisfactory to the Board that he/she is qualified as provided in (1) above shall take and pass the appropriate second division examination in addition to the requirements specified in (2)-(4) above.

At its November 19 meeting, PELS unanimously agreed to pursue this action, and directed staff to commence the rulemaking process to adopt new section 473; at this writing, notice of the proposed action has not been published in the *California Regulatory Notice Register*.

• **Citation and Fine Program.** As instructed by Senator Boatwright at the November 10 Senate Subcommittee hearing (see above), PELS has renewed its effort to implement its citation and fine authority. PELS Enforcement Committee Chair Steve Lazarian is working with staff to draft proposed new sections 472 and 472.5, Title 16 of the CCR, which would create a cite and fine program as an enforcement tool to deal with violations of the Board's enabling acts and regulations which do not merit full-blown disciplinary action but which should not be ignored. [13:4 CRLR 83] Lazarian is looking at the

cite and fine program currently used by the Contractors State License Board to assist in the development of a similar program for PELS. At this writing, the Enforcement Committee is expected to continue its discussion of this matter at its January meeting.

• **Definition of Electrical Engineering.** At its November 19 meeting, PELS once again discussed amendments to section 404 and the adoption of new section 426.70, Title 16 of the CCR, regarding the practice of electrical engineering. During 1992, the Board proposed similar changes; however, those amendments were not submitted to OAL for review and approval within one year of publication in the *California Regulatory Notice Register*, as required by Government Code section 11346.4, due in large part to the Board's receipt of several critical comments from industry members. [13:1 CRLR 66; 12:4 CRLR 120]

The draft language of the proposed regulatory action reviewed at the November meeting would provide the following:

-An electrical engineer is a professional engineer, as defined in Business and Professions Code section 6701, who holds a valid registration as an electrical engineer as defined in Business and Professions Code section 6702.1.

-An electrical engineer uses engineering judgment, applies engineering principles, performs engineering analysis, and/or is in responsible charge of electrical engineering work.

-Electrical engineering is that branch of professional engineering which involves the use of engineering judgment, the application of engineering principles, engineering analysis, the review of engineering work, and/or the assumption of responsible charge of electrical devices, electrical equipment, electrical systems, or electrical processes (collectively termed "electrical engineering design products") whose functioning depends primarily on electrical, electronic, magnetic, or electromagnetic effects and/or phenomena.

-Electrical engineering design products comply with applicable codes and recognized standards, where such codes and standards have been established, in order to safeguard life, health, property, and public welfare, and include but are not limited to design products in the areas of electrical power generation, transmission, conversion, distribution, and utilization, including associated software and/or firmware; electrical lighting systems for interior, exterior, and special applications, where the systems impact the safety of the public; communication and broadcast networks, systems, and equipment, including



telecommunications transmission and switching equipment and facilities, and associated software and/or firmware; and electrical systems for feedback, stability, amplification, and filtering applications, including associated software and/or firmware.

—Experience which qualifies an applicant for registration as an electrical engineer is work that conforms with the definition of “electrical engineering” as specified above, and complies with applicable codes and recognized standards, where such codes and standards have been established in order to safeguard life, health, property, and public welfare, in any of the following or combination of any of the following: work as a subordinate under the direct supervision of a registered electrical engineer or other legally authorized supervisor who is technically qualified in the area of the work; work in a manufacturing or other exempt facility, where the work is reviewed by a registered electrical engineer, or where the product is subject to independent review by an individual knowledgeable in the area of design and product performance testing; and work judged by the Board to be equivalent to one or more of the above.

Following discussion, PELS directed staff to again commence the rulemaking process in order to pursue this regulatory action; at this writing, notice of the proposed action has not yet been published in the *California Regulatory Notice Register*.

• **Registration of Engineering Professors.** At its October 8 meeting, PELS agreed to pursue a regulatory proposal to encourage the registration of college engineering professors by amending sections 424 and 438, Title 16 of the CCR, to allow professors to waive the engineering-in-training examination and qualify for the professional engineering examinations. [13:4 CRLR 83] The exemption would be available to professors who have a doctorate in engineering, or who are tenure-track faculty members at the level of assistant professor or higher. At this writing, notice of the proposed action has not been published in the *California Regulatory Notice Register*.

## LEGISLATION

**Future Legislation.** PELS’ Legislative Committee is considering sponsoring legislation which would add the terms “geotechnical engineer” and “structural engineer” to the list of restricted titles in Business and Professions Code section 6732. A restriction on the use of these titles, along with “soil engineer,” was originally included in AB 1807 (Bronshvag), the De-

partment of Consumer Affairs’ omnibus bill (*see below*); however, the language was later removed because of the opposition’s claim that lumping the two “authority” disciplines (geotechnical/soils and structural) into a statute pertaining to Title Act and Practice Act disciplines could cause confusion as to who is authorized to stamp or seal certain plans, specifications, plats, reports, and other documents. PELS’ Legislative Committee directed staff to discuss a modified proposal with the opposition before it makes its recommendation to the full Board.

**AB 1807 (Bronshvag),** as amended September 8, would add additional titles to the list of titles that may be used only by a registered professional engineer.

Under existing law, the provisions of the Professional Engineers Act pertaining to registration of professional engineers in the branches of chemical, electrical, industrial, mechanical, metallurgical, and petroleum engineering do not apply to employees in the communication industry, or to employees of contractors while engaged in work on communication equipment. This bill would recast these provisions to instead make the provisions of the Act pertaining to registration of professional engineers other than civil engineers inapplicable to those employees.

Existing law requires PELS to prepare a roster and a supplemental roster of all registered professional engineers, and a roster and supplemental roster of all licensed land surveyors. This bill would delete the requirement that PELS prepare the supplemental rosters of professional engineers and licensed land surveyors, and would require that the rosters be a public record.

This bill would revise requirements relating to engineering plans, specifications, reports, or documents prepared by a registered engineer to require that they bear a seal and the expiration date of the registration of the engineer; this bill would also require licensed land surveyors to obtain a seal, and would require that the license expiration date be shown within the confines of the seal.

Existing law allows renewal of a certificate or registration as a professional engineer or of a license to practice land surveying for five years after expiration, and allows reinstatement beyond the five-year period unless the certificate holder, registrant, or licentiate has committed specified acts. If the registrant or certificate holder has practiced with an expired license, PELS may act in specified ways, including by renewing or restoring the license and attaching conditions. This bill would shorten the renewal period to three

years and delete the provision specifying the Board’s discretionary power to act beyond the delinquent renewal period.

Finally, this bill would revise certain administrative functions and responsibilities of PELS. [*A. Inactive File*]

**AB 1392 (Speier),** as amended July 1, would—among other things—provide that PELS’ 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 1363 (Lee).** Existing law provides that if the county surveyor finds that the record of survey does not comply, as specified, it shall be returned to the person who presented it, together it with a written statement of the changes necessary. Existing law also provides that the licensed land surveyor or registered civil engineer submitting the record may then make the agreed changes and note on the map those matters which cannot be agreed upon, and resubmit the survey. As introduced March 3, this bill would require the licensed land surveyor or registered civil engineer to make the agreed changes and note on the map any specific matters which cannot be agreed upon, before resubmission. The bill would also provide that the land surveyor or civil engineer and county surveyor shall not be prevented from resolving their differences prior to resubmission.

The bill would also provide that a record of survey may also be prepared and filed for the express purpose of (1) rescinding the effect of prior matters of disagreement, as specified, or (2) rescinding the effect of prior county surveyor opinions, as specified. The bill would provide that a record of survey amended and filed pursuant to this provision shall include an explanation of how these matters of disagreement or opinion were resolved. [*S. B&P*]

**SB 296 (Ayala).** Existing law permits a licensed land surveyor to offer to practice, procure, and offer to procure civil engineering work incidental to his/her land surveying practice, even though he/she is not authorized to do that work, provided all civil engineering work is performed by or under the direction of a registered civil engineer. As introduced February 17, this spot bill would make technical, nonsubstantive changes to existing law. [*S. Rls*]

**AB 358 (Eastin).** Existing law requires that all contracts awarded by any state agency, department, officer, or other state governmental entity for construction, certain professional services, material, supplies, equipment, alteration, re-



pair, or improvement have statewide participation goals of not less than 15% for minority business enterprises, not less than 5% for women business enterprises, and not less than 3% for disabled veteran business enterprises. Existing law defines minority business enterprise, women business enterprise, and disabled veteran business enterprise for purposes of these provisions.

As amended March 24, this bill would add to these definitions the requirement that if a business concern performs engineering or land surveying services, the persons who control the management and daily operations of the business shall be appropriately licensed or registered to render these services. In addition, the bill would require that if a business concern performs more than one of these professional services, a person who controls the management and daily operations of the business need only be licensed or registered to render any one of these individual services. [A. U&C]

## RECENT MEETINGS

At its October 8 meeting in San Jose, PELS reappointed Jerry Tippen and Ron Parker to its Land Surveyor Technical Advisory Committee for another two years each, and Terence Keefe to its Electrical Engineering Technical Advisory Committee for another two years.

At its November 19 meeting in San Diego, PELS reappointed Jack Coe and Robert DeWitt to two-year terms on its Civil Engineering Technical Advisory Committee; appointed Joseph Elliot to replace Jim Shepherd on the same committee for a two-year term; and reappointed Marie Thornton and Gerald Pearce III to a second term on its Geotechnical Engineering Technical Advisory Committee.

At its November meeting, PELS discussed drafting a mission statement to clarify the Board's purpose; the Board is expected to further discuss its mission statement at its February "retreat" meeting (see MAJOR PROJECTS).

At its November meeting, PELS discussed various effects the North American Free Trade Agreement (NAFTA) could have on the practice of engineering in California. PELS Executive Officer Hal Turner reported that although NAFTA will allow Mexican and Canadian engineers to enter the profession in California, California law will prevail in regulating the profession. Turner reported that California's Business and Professions Code will be included in Appendix 3 of NAFTA, so that specific laws regarding the regulation of the engineering profession in California will prevail over NAFTA's broad provisions.

## FUTURE MEETINGS

April 8 in Sacramento.  
May 27 in Sacramento.  
July 8 in San Diego.  
August 19 in Sacramento.  
September 30 in San Francisco.  
November 18 in Sacramento.

## BOARD OF REGISTERED NURSING

*Executive Officer:*  
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Pursuant to the Nursing Practice Act, Business and Professions Code section 2700 *et seq.*, the Board of Registered Nursing (BRN) licenses qualified RNs, certifies qualified nurse-midwifery applicants, establishes accreditation requirements for California nursing schools, and reviews nursing school curricula. A major Board responsibility involves taking disciplinary action against licensed RNs. BRN's regulations implementing the Nursing Practice Act are codified in Division 14, Title 16 of the California Code of Regulations (CCR).

The nine-member Board consists of three public members, three registered nurses actively engaged in patient care, one licensed RN administrator of a nursing service, one nurse educator, and one licensed physician. All serve four-year terms.

The Board is financed by licensing fees, and receives no allocation from the general fund. The Board is currently staffed by 90 people.

## MAJOR PROJECTS

**BRN Executive Officer and President Testify Before Senate Subcommittee.** On October 19, BRN Executive Officer Ruth Ann Terry presented information on BRN's activities to the Senate Business and Professions Committee's Subcommittee on Efficiency and Effectiveness of State Boards and Commissions, chaired by Senator Dan McCorquodale. Among other things, Terry reported on BRN's enforcement program, noting that the Board has tripled its enforcement budget to \$1.5 million over the past three years; consequently, the Board has seen a 70% increase in the number of accusations filed during the past year. Additionally, the Board has proposed to the Attorney General's Office that the two agencies enter into a memorandum of understanding to formalize BRN's commitment to processing all cases in a timely manner.

Regarding the Board's diversion program for substance-abusing licensees, Terry explained that an impaired nurse can be removed from practice within two weeks after a complaint is received; approximately 340 licensees have completed the diversion program to date, with only a 4% recidivism rate.

On November 10, BRN and the Board of Vocational Nurse and Psychiatric Technician Examiners (VNPTE) presented testimony to the Subcommittee on several issues related to the possible restructuring of the boards. Specifically, the Subcommittee requested comments on (1) whether registered nurses, vocational nurses, and psychiatric technicians 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).

Testifying on behalf of BRN, Board President Harriett Clark stated that deregulation, elimination of BRN, and/or transformation of BRN into a bureau would "clearly not be in the best interests of the consumer." On the issue of merger, Clark recognized that the two boards work closely together on many shared issues. She argued that this collaborative approach has prevented duplication of effort and averted confusion that the public may experience due to having separate boards. Clark concluded that the regulation of nurses through two boards is working well, and suggested other alternatives short of a merger; those alternatives include expanding and formalizing board coordination and collaboration, and relocating the boards next to each other to facilitate consumer access.

At the November 10 hearing, Center for Public Interest Law Supervising Attorney Julianne D'Angelo testified that both boards are quite large (BRN has nine members and VNPTE has thirteen members), well-run, and tend to be driven by well-organized staff, such that they could and should be merged into one agency run by a smaller board dominated by public members. Short of complete merger, D'Angelo urged that the boards be merged in some way so as to enable them to achieve economies of scale by combining certain functions, such as examination administration, complaint intake, and enforcement. Additionally, VNPTE licensees should be able to participate in BRN's diversion program, which D'Angelo stated is one of the most consumer-protective diversion programs in the Department