



This bill would prohibit these hospitals from utilizing certain personnel to perform prescribed functions that require scientific knowledge or technical skill. [A. W&M/ SB 1148 (Watson), as amended April 29, would require each health facility to make a nurse patient advocate available to receive complaints from patients or staff relating to inappropriate denial of treatment, limitations on treatment, early discharge or transfer, or unnecessary treatments or procedures. This bill would require that a nurse patient advocate be employed by DHS and be licensed as a registered nurse. The bill would require that the nurse patient advocate investigate any complaints and report his/her findings to DHS. This bill would also prohibit any licensed personnel or other staff member of the health facility from being subject to discipline for providing information to a nurse patient advocate, or for referring a patient or relative of a patient to the nurse patient advocate. [S. H&HS]

RECENT MEETINGS

At its December meeting, BRN revised its Recommended Guidelines for Disciplinary Orders and Conditions of Probation; the revisions include the addition of language related to Business and Professions Code section 2761, regarding the knowing failure to protect patients by failing to follow universal infection control guidelines. As revised, the guidelines also provide that the successful completion of a court-ordered diversion program does not prohibit BRN from denying or disciplining a license based upon the underlying misconduct, and that the record of a conviction of a crime shall be conclusive evidence of the fact that the conviction occurred and the Board may inquire into the circumstances surrounding the crime in order to fix the degree of discipline or determine if the conviction is substantially related to the qualifications, functions, and duties of an RN.

The Board also revised its Instructions for Filing a Petition for Reinstatement of License or Reduction in Penalty; the revisions clarify that RNs may not use their revoked license number to obtain course credits in nursing. Additionally, the revised instructions provide that it is a probationer's responsibility to provide what he/she considers to be appropriate documentation in support of his/her petition for reinstatement; BRN made this change in response to past assumptions by probationers that the Probation Monitor would submit documents on their behalf.

Also at its December meeting, BRN agreed to implement a policy implementing AB 2743 (Frazee) (Chapter 1289, Stat-

utes of 1992), which authorizes the Board to recover investigation, expert witness, paralegal, and attorney costs from RNs who have violated the Nursing Practice Act. [12:4 CRLR 124] Pursuant to Business and Professions Code section 125.3, the recovery of costs will be in addition to any disciplinary penalty, and not in lieu of discipline. Staff was directed to develop internal procedures to implement this authority.

Finally, at its December meeting, BRN held its annual election of officers. The Board re-elected public member Harriett Clark as President and selected Genny Deutsch, RNC, OGNP, as Vice-President.

FUTURE MEETINGS

April 29-29 in Fresno.

June 9-10 in Oakland.

September 8-9 in San Diego.

November 17-18 in Sacramento.

CERTIFIED SHORTHAND REPORTERS BOARD

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The Certified Shorthand Reporters Board (CSRB) is authorized pursuant to Business and Professions Code section 8000 et seq. The Board's regulations are found in Division 24, Title 16 of the California Code of Regulations (CCR).

CSRB licenses and disciplines shorthand reporters; recognizes court reporting schools; and administers the Transcript Reimbursement Fund, which provides shorthand reporting services to low-income litigants otherwise unable to afford such services.

The Board consists of five members—three public and two from the industry—who serve four-year terms. The two industry members must have been actively engaged as shorthand reporters in California for at least five years immediately preceding their appointment. The Governor appoints one public member and the two industry members; the Senate Rules Committee and the Speaker of the Assembly each appoint one public member.

At its November 11 meeting, CSRB welcomed new members Peggy Porter of Sacramento and Carolyn Kleine Gregor of Santa Ana, who were recently appointed by Governor Wilson to fill the two industry positions on the Board.

MAJOR PROJECTS

Board Reviews Progress in Key Areas. At its November 11 meeting, CSRB re-

viewed its committees' progress on various issues in the areas of examinations, school oversight, public relations and advocacy, continuing education, and real time/closed captioning. Among other things, CSRB member Teri Jackson reported on the activities of the Continuing Education Committee, which is considering various continuing education (CE) requirement proposals, although CSRB is not currently authorized by law to impose a CE requirement. The Committee has identified a number of issues which must be addressed, such as how to compel compliance with CE requirements; whether licensees should be required to take a test after attending a CE seminar; whether to require inactive licensees to comply with CE requirements; and the extent to which self-study should be available as an alternative to CE courses. In response to a comment regarding the necessity of CE requirements in the shorthand reporting field—in which competitive forces are present to force out incompetent reporters, Jackson asserted that other professions require CE and opined that because reporters will be learning from the CE courses, it will benefit the profession as a whole.

Board to Revisit Idaho Reciprocity Issue. At its August 28 meeting, CSRB discussed the criteria it uses to determine whether it should grant reciprocity to licensees of other states; generally, the Board requires that the exam administered by another state be "substantially the same" as the California exam in order to admit licensees of that state to the California exam. Staff considers the following three criteria to determine whether an exam is substantially the same as California's exam: whether the examination had a written knowledge test; the speed of the machine portion of the test; and the percentage of accuracy required to pass the examination. Based on these criteria, CSRB discussed whether it should recognize the Idaho exam as substantially the same as the California exam; the Board directed staff to contact Idaho officials to determine exactly what the current requirements are and to present its findings at CSRB's November meeting. [13:4 CRLR 89]

At the Board's November 11 meeting, CSRB Chair Mary Steiner stated that staff had investigated the matter and found that Idaho's test meets the criteria established by the Board in order to be accepted as a satisfactory method of qualification for admission to California's exam. However, at CSRB's December 18 meeting, Executive Officer Richard Black reported that the Idaho exam was approved based upon representations by Idaho officials that they would be increasing the percentage



of accuracy required to pass the test from 95% to 97.5%, and that they would increase speed requirements to be similar to those on the national Registered Professional Reporter (RPR) examination; currently, Idaho speed requirements are approximately 20 words per minute lower than RPR standards on each segment. Following discussion, CSRБ agreed to no longer accept the Idaho test as a satisfactory means to qualify for the California exam; however, applicants who passed the Idaho exam between January 1, 1992, and September 30, 1993 would still be able to use it as a method of qualifying for the California CSR exam.

At this writing, CSRБ is scheduled to hold a special meeting on January 24 in El Segundo in order to reconsider its decision regarding the Idaho exam, at least as it pertains to its February 1994 administration; based on CSRБ's apparent November acceptance of the Idaho exam, many individuals applied to take the February Idaho examination with the understanding that CSRБ would accept it as a satisfactory method of qualifying for California's exam. The Board is expected to accept successful completion of the Idaho exam as a satisfactory method of qualification for the May California exam only; however, the Board is expected to withhold further approval until it conducts a comprehensive review of each state's examination and licensing requirements.

LEGISLATION

AB 1392 (Speier), as amended July 1, would—among other things—provide that CSRБ'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 change the name of the Board to the Court Reporters Board of California.

Existing law allows CSRБ to grant provisional recognition to a school which has met specified requirements; under existing law, CSRБ is required to recognize a school after it has been in continuous operation for at least three years from the issuance of the provisional recognition, upon the fulfillment of certain requirements. This bill would allow CSRБ to recognize a provisionally recognized school in operation from three to five years after the issuance of the provisional license, upon the school's fulfillment of those requirements. [*A. Inactive File*]

AB 585 (Knight), as amended May 5, would abolish CSRБ, repeal provisions

pertaining to CSRБ, and enact new provisions providing for the regulation of shorthand reporters by the Shorthand Reporters Program in DCA, to be administered by the DCA Director and a program administrator appointed by the Governor. [*A. W&M*]

AB 721 (Horcher). Under existing law, an official reporter of the superior court is required to take down in shorthand all testimony and proceedings at the request of either party or the court, in a civil action, and on the order of the court, the district attorney, or the attorney for the defendant in a criminal proceeding. As amended June 9, this CCRA-sponsored bill would provide that in all proceedings in which a felony offense is alleged in a justice, municipal, or superior court, a stenographic court reporter who uses computer-aided transcription equipment shall be present, and all pretrial motions and trial proceedings in civil cases in superior court shall be conducted with a stenographic court reporter present who uses computer-aided transcription equipment. The bill would also provide that a nonstenographic method of recording may be utilized in all other civil proceedings in superior courts upon approval of the bench officer presiding over the proceedings; that no court reporter employed on the effective date of the bill shall have his/her hours of employment as a court reporter reduced as the result of the use of nonstenographic methods; and that, except as provided above, no stenographic court reporter employed on the effective date of the bill shall be prevented from reporting any civil or criminal proceedings as a result of not using computer-aided transcription equipment.

Existing law provides that when an official court reporter or a temporary court reporter is unavailable to report an action or proceeding in a municipal or justice court, the court may order the action or proceeding be electronically recorded, as specified, and requires the court to assign available reporters first to report preliminary hearings and then to other proceedings. This bill would revise this provision to make it apply only to misdemeanor or civil proceedings in municipal or justice courts, and to delete the latter provision above regarding preliminary hearings. The bill would require a good faith effort to be made to secure a court reporter, and would provide that when a transcript is required, any transcript prepared from such an electronic recording shall be a stenographic transcript.

This bill would also change the penalty fee for failure to notify CSRБ of a change of address, from no greater than \$20, to no greater than \$100. [*S. Jud*]

LITIGATION

On December 23, the 3,200-member California Court Reporters Association (CCRA) filed suit in Alameda County Superior Court, seeking to enjoin the California Judicial Council from enforcing its proposed Rule of Court 980.3, scheduled to take effect on January 1, which would allow jurisdictions to replace court reporters with tape recorders or video cameras when "funds available for reporting services are insufficient to employ a qualified person...at the prevailing wage." In *California Court Reporters Association v. Judicial Council of California*, No. 728173-6, CCRA contends that the Council should not have approved the use of electronic equipment in courtrooms because the legislature recently rejected a bill extending a state pilot program on electronic recording; the state pilot program ends on January 1. CCRA also contends that the Judicial Council's rule is contrary to statute, which authorizes only official court reporters to prepare verbatim transcripts of superior court proceedings.

On December 29, Alameda County Superior Court Judge James Lambden disqualified himself and the entire Alameda County court system from hearing the lawsuit because the court's executive clerk, Ron Overholt, is named as a defendant along with the Judicial Council. Noting that the judges tell the executive officer what to do, Lambden opined that, in essence, the court is part of the suit. Although the CCRA suit asked that the court enjoin the Council from implementing the rule, Lambden took no such action. Instead, he agreed to help find a retired judge who could hear the matter. In addition, he accepted an "understanding" by both sides that Alameda County will not expand its electronic recording program for a month while the rule is being challenged. Additionally, the Judicial Council also agreed to write letters to the 57 other superior courts statewide, urging them not to expand the electronic recording program for a month.

RECENT MEETINGS

At CSRБ's October 4 meeting, Executive Officer Richard Black reported that without a fee increase, the Board would not have sufficient funds to complete the 1994-95 fiscal year. Accordingly, CSRБ adopted a resolution which increases the license renewal fee from \$80 to \$100, effective January 1, 1994.

FUTURE MEETINGS

May 12 in San Francisco.