



meeting, SPCB agreed to pursue a number of legislative and regulatory changes in 1994, including the following:

- amend Business and Professions Code section 8505.5 to prohibit fire departments from charging fees in excess of \$5 for notification of fumigations;

- amend Business and Professions Code sections 8516(j) and 8652 to change the time period that specified documentation must be retained from two to three years;

- amend section 1919, Title 16 of the CCR, to delete a requirement that the public member of SPCB's Research Advisory Panel must be one of the SPCB public members;

- amend section 1971(a)(2), Title 16 of the CCR, to specify that each fumigation truck must be provided with proper testing equipment as required by the manufacturer's label instructions and all applicable laws and regulations;

- amend section 1973, Title 16 of the CCR, to require proper testing after aeration with proper testing equipment as required by the manufacturer's label instructions and all applicable laws and regulations;

- amend section 1993(c), Title 16 of the CCR, to require that limited inspection reports include recommendations for further inspection of the entire structure; and

- adopt a regulation to clarify that Branch 2 or Branch 3 licensees may identify carpenter ants and carpenter bees.

LEGISLATION

AB 1392 (Speier), as amended July 1, would—among other things—provide that SPCB'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 1851 (Connolly). Section 8505.1 of the Business and Professions Code includes a list of lethal fumigants, including methyl bromide, and a list of simple asphyxiants. As amended May 17, this bill would require SPCB to publish that list of simple asphyxiants and make it available to the public. This bill would also remove methyl bromide from the list of lethal fumigants, and require SPCB to prohibit the use of methyl bromide as a fumigant for structural pest control purposes, commencing January 1, 1996. [A. W&M]

AB 520 (Knight), as introduced February 18, would repeal the Structural Pest Control Act and its provisions creating the Board. [A. CPGE&ED]

AB 1807 (Bronshvag), as amended May 3, would authorize SPCB to issue a

citation 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. [A. Inactive File]

RECENT MEETINGS

At its October 22 meeting, SPCB unanimously approved the proposed issuance of photo identification licenses, which are expected to permit easier verification of applicants by SPCB and by the general public.

Also at its October meeting, SPCB adopted or revised various Board policies as follows: Policy No. G-2 requires Board members to receive prior approval from the Board president before attending meetings (other than Board meetings and Board committee meetings) at state expense; Policy No. G-3 now provides that Board members are ad hoc members of all Board committees; Policy No. G-5 now provides that minutes of SPCB meetings will be distributed to individuals on the mailing list within ten days after approval by the Board; Policy No. E-1, regarding the complaint process, now provides that the initial contact letter sent to a registered company will request that building permit final papers be provided to the Board for each repair performed when such permit is required; Policy No. E-3 now provides that at each Board meeting, the Board will be provided with a list of closed consumer complaints by number and disposition, and that a committee of two Board members will select and review cases; and Policy No. E-4 now provides that in cases of significant wrongdoing involving false advertising or unfair competition, the Board will consider taking appropriate action under the provisions of Business and Professions Code sections 17500 and 17200.

Also at the October meeting, the Board considered six proposed regulatory changes submitted by Dale Luger of National Building Inspectors, Inc.; of the six proposals, the Board rejected four, Luger withdrew one from consideration, and the Board agreed to appoint a committee to study the issues raised by one of the proposals concerning the inspection and treatment of wooden decks. At this writing, the committee—which is to include Luger—is expected to review the matter and present its recommendations to the Board at its February meeting.

Finally, the Board elected Wayne Grisham to serve as SPCB President and Carl Doucette to serve as Vice-President for 1994.

FUTURE MEETINGS

April 22 in Sacramento.

BOARD OF EXAMINERS IN VETERINARY MEDICINE

Executive Officer: Gary K. Hill
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Pursuant to Business and Professions Code section 4800 *et seq.*, the Board of Examiners in Veterinary Medicine (BEVM) licenses all doctors of veterinary medicine (DVMs), veterinary hospitals, animal health facilities, and animal health technicians (AHTs). The Board evaluates applicants for veterinary licenses through three written examinations: the National Board Examination, the Clinical Competency Test, and the California State Board Examination.

The Board determines through its regulatory power the degree of discretion that veterinarians, AHTs, and unregistered assistants have in administering animal health care. BEVM's regulations are codified in Division 20, Title 16 of the California Code of Regulations (CCR). All veterinary medical, surgical, and dental facilities must be registered with the Board and must conform to minimum standards. These facilities may be inspected at any time, and their registration is subject to revocation or suspension if, following a proper hearing, a facility is deemed to have fallen short of these standards.

The Board is comprised of six members—four licensees and two public members. The Governor appoints all of the Board's DVM members; the Senate Rules Committee and the Assembly Speaker each appoint one public member. Board members serve four-year terms. The Board has eleven committees which focus on the following BEVM functions: continuing education, citations and fines, inspection program, legend drugs, minimum standards, examinations, administration, enforcement review, peer review, public relations, and legislation. The Board's Animal Health Technician Examining Committee (AHTEC) consists of the following political appointees: three licensed veterinarians, three AHTs, and two public members.

MAJOR PROJECTS

BEVM Considers Alternative AHT Requirements. At its November 18 meeting, BEVM discussed draft amendments to section 2068.5, Title 16 of the CCR,



which currently provides that a combination of practical experience and postsecondary education which meets specified criteria is deemed to be equivalent to completion of a two-year curriculum in animal health technology for purposes of AHT registration eligibility. Under existing section 2068.5, the postsecondary academic instruction must consist of a total of 50 semester or 75 quarter units of instruction, and must be accumulated as follows:

-a minimum of 25 college semester units or 37.5 college quarter units of instruction must be acquired within ten years prior to the date of examination application, and must include chemistry, mathematics, communication skills, biology, microbiology, anatomy and physiology, and medical terminology; and

-in addition to the general coursework listed above, further instruction at a Board-approved animal health technology program must be completed within five years prior to examination application in areas specifically related to animal health care. This instruction must consist of a minimum of 25 semester units or 37.5 quarter units of instruction in the following five specific course areas: dental prophylaxis and extraction; anesthetic instrumentation, induction, and monitoring; surgical nursing and assisting, including instrumentation, suturing techniques, and application of casts and splints; radiography and radiation safety; and diseases and nursing of animals, including zoonotic diseases and emergency veterinary care.

The practical experience must consist of 36 months (4,680 hours) of experience since January 1, 1979, under the direct supervision of a California-licensed veterinarian who must attest to the completion of that experience at the time application is made to the Board for the AHT examination.

As drafted, the amendments to section 2068.5 would provide that the postsecondary academic instruction shall consist of a total of 20 semester units, 30 quarter units, or 300 hours of instruction in the five animal care-related areas described above; these courses shall include instruction in chemistry, biology, mathematics, microbiology, anatomy and physiology, and medical terminology, or the applicant may attend separate courses in these subjects. BEVM is also considering amending the practical experience requirements; at this writing, however, draft language has not been released.

Following discussion regarding the proposed changes, BEVM referred the matter to the AHT Committee for further review. At this writing, the Board is expected to continue its discussion of this matter at its January meeting.

Premise Program Legislative Committee Report. At BEVM's November 18 meeting, its Premise Program Legislative Committee reported on its ongoing review of alternative veterinary practices such as house calls, mobile veterinary facilities, for-profit vaccination clinics, offsite vaccination clinics, and public vaccination clinics; the Committee is in the process of developing language for premise permits, minimum standards of practice, and scope of practice limits for mobile practices. [13:4 CRLR 92; 13:2&3 CRLR 113] The Committee made a number of suggestions for the Board's consideration, including the following:

-change the term "vaccination clinics" to "preventive care clinics";

-propose a specific limitation in the scope of practice for those types of clinics;

-establish a regulatory definition of the veterinarian/patient/client relationship;

-define the term "examination," but specify that the extent of any physical examination required should be left up to the veterinarian;

-determine that these clinics must provide access to emergency service the same as any other clinic; and

-require mobile clinics to file quarterly itineraries reports.

BEVM directed staff to draft proposed language regarding these proposals for its consideration at its next meeting.

Update on PES Conflict of Interest. Discussions continue regarding the potential conflict of interest that may exist in BEVM's contract with Professional Examination Service (PES), which develops and prepares the National Board Examination and the Clinical Competency Test. The conflict concerns a clause in the contract which authorizes the American Veterinary Medical Association (AVMA), a national trade association, to set the pass point for the examination. According to the Department of Consumer Affairs' Central Testing Unit, no state licensing board should allow, or appear to allow, a professional association such as AVMA to control a passing score for a test that is part of the board's licensing process. [13:4 CRLR 91]

BEVM supports a transfer of authority for examination preparation from AVMA to the American Association of Veterinary State Boards (AAVSB). The AAVSB would administer the examination; be responsible for developing the examination contract with PES; and hire staff to support these activities. According to BEVM, this transfer of authority would remove any perception of a conflict of interest between the professional association and the li-

ensing process. On October 18, BEVM President Nancy Collins attended a special AVMA committee meeting in Chicago, and presented a proposal for transferring the contractual authority from AVMA to AAVSB, a cost proposal for funding the AAVSB, and a proposal for separating AVMA's National Board Examination Committee (NBEC) from the AVMA.

Although it contends there is no conflict of interest, the AVMA has appointed a special committee to propose changes to NBEC's guidelines to help alleviate any perceived conflict of interest; however, BEVM views the proposed changes as "fairly cosmetic" and believes they fail to address the conflict in a satisfactory manner. At BEVM's November 18 meeting, Dr. Collins reported that the issue will also be addressed at the Western States Veterinary Boards' February conference; BEVM is expected to continue its discussion of this matter at future meetings.

LEGISLATION

Future Legislation. At its November meeting, BEVM continued to discuss its plan to seek legislative changes to clarify the scope of veterinary practice for the purpose of identifying the unlicensed practice of veterinary medicine. [13:4 CRLR 92] Board member Michael Clark, DVM, reported that staff and legal counsel are also continuing to develop legislative language concerning limited licensure; the scope of the veterinarian/client/patient relationship; California veterinarians' role in using out-of-state consultants; veterinarian drug orders; and food animals.

AB 1807 (Bronshvag), as amended September 8, would change the name of animal health technicians to "registered veterinary technicians," rename AHTEC as the "Registered Veterinary Technician Examining Committee," and revise its composition. AB 1807 would also delete the requirement that no two members of BEVM be from the same congressional district. [A. Inactive File]

AB 302 (Horcher), as introduced February 3, would require an owner, as defined, of a cat over the age of six months to have the cat sterilized by a veterinarian if the cat is permitted outdoors without supervision. The bill would prohibit this provision from preventing a city, county, or city and county from enforcing or enacting an ordinance relating to cat sterilization if the ordinance is equal to or more stringent than this provision. [A. LGov]

AB 1209 (Tucker). Existing regulations adopted by the California Horse Racing Board (CHRB) provide for an official veterinarian whose duty it is to su-



pervise practicing licensed veterinarians at horserace meetings, and to enforce CHRFB's rules and regulations relating to veterinary practices. As introduced March 2, this bill would require every veterinarian who treats a horse within a racing inclosure to report to the official veterinarian in a manner prescribed by him/her, in writing and on a form prescribed by CHRFB, the name of the horse treated, the name of the trainer of the horse, the time of treatment, any medication administered to the horse, and any other information requested by the official veterinarian. [S. Inactive File]

RECENT MEETINGS

At its November 18 meeting, BEVM discussed microchip technology, an identification system that is believed to benefit public animal shelters by reuniting lost pets with their owners. Although there are numerous other methods of identification such as tattoos and tags, such methods are considered to be less effective. Following discussion, BEVM unanimously agreed that microchip implantation is not a surgical procedure which only a veterinarian may perform, but should be performed under the direct supervision of a licensed veterinarian.

Also at its November meeting, BEVM reviewed a Department of Consumer Affairs (DCA) legal opinion on the lien and abandonment laws affecting the practice of veterinary medicine. DCA legal counsel Greg Gorges provided the Board with the following opinions:

- under Civil Code section 3051 *et seq.*, a veterinarian is authorized to hold an animal for payment after treatment is ended and payment for service is due;

- veterinarians appear to have a possessory lien for boarding and feeding an animal after it is ready to be claimed by the owner and during the statutory lien period; and

- a veterinarian is permitted to destroy an animal which has been abandoned if the veterinarian follows the procedures set forth in Civil Code section 1834.5.

FUTURE MEETINGS

March 10-11 in Davis.
 May 12-13 in Sacramento.
 July 7-8 in Sacramento.
 September 15-16 in San Diego.
 November 17-18 in Sacramento.

BOARD OF VOCATIONAL NURSE AND PSYCHIATRIC TECHNICIAN EXAMINERS

*Executive Officer: Billie Haynes
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As its name suggests, the Board of Vocational Nurse and Psychiatric Technician Examiners (VNPTE) regulates two professions: licensed vocational nurses and psychiatric technicians. Its general purpose is to administer and enforce the provisions of Chapters 6.5 and 10, Division 2, of the Business and Professions Code. A licensed practitioner is referred to as either an "LVN" or a "psych tech."

The Board consists of five public members, three LVNs, two psych techs, and one LVN or registered nurse (RN) with an administrative or teaching background. At least one of the Board's LVNs must have had at least three years' experience working in skilled nursing facilities.

The Board's authority vests under the Department of Consumer Affairs (DCA) as an arm of the executive branch. It licenses prospective practitioners, conducts and sets standards for licensing examinations, investigates complaints against licensees, and may revoke, suspend, and reinstate licenses. The Board is authorized to adopt regulations, which are codified in Division 25, Title 16 of the California Code of Regulations (CCR). The Board currently regulates 64,724 LVNs with active or inactive licenses, and 30,992 LVNs with delinquent active licenses, for a total LVN population of 95,716. The Board's psych tech population includes 13,278 with active or inactive licenses and 5,964 with delinquent active licenses, for a total of 19,242 psych tech practitioners. Inactive licensees include those who have paid their license fees but have not yet completed thirty units of continuing education within two years of reactivation.

On November 17, the Board unanimously selected Teresa Bello-Jones, RN, JD, as its new Executive Officer, effective January 3. Bello-Jones has served as the Board's Supervising Nursing Education Consultant for eight years, and has experience as a public health nurse, assistant clinical professor at UC San Francisco, and consultant for the World Health Organization. At this writing, retiring Executive Officer Billie Haynes is expected to leave her post on January 14.

MAJOR PROJECTS

Legislative Oversight Hearing. On

November 10, VNPTE and the Board of Registered Nursing (BRN) 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 licensed vocational nurses, psychiatric technicians, and registered nurses 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 VNPTE, Executive Officer Billie Haynes stated that she would not recommend deregulation and/or elimination of the Board. Haynes noted that the merger issue has surfaced periodically during the past fifteen years; she stated she does not favor merger because of the sheer volume of licensees (approximately 377,000) who would then be regulated by one board. Haynes noted that she fully supports regular "sunset" review based upon specified criteria, to ensure that regulatory agencies are accountable to the legislature and to the public. As an alternative to a merger of BRN and VNPTE, Haynes stated her preference for a "horizontal" merger of all state programs which regulate RNs, LVNs, certified nurse assistants, and home health aides into a new "Division of Nursing." Haynes suggested that this arrangement would promote consumer protection by providing a centralized location for complaints and consumer direction about nursing in general.

LVN and psych tech professional groups also testified in opposition to the merger proposal. They argued that RNs outnumber LVNs and psych techs by approximately two to one, and suggested that a merged board dominated by RNs would place a lower priority on LVN/psych tech licensing, testing, and enforcement. These groups also stated that such RN domination would jeopardize the economic status of LVNs and psych techs in the health care industry.

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. Approximately 40