



## REGULATORY AGENCY ACTION

engaged in work on communication equipment. This bill recasts 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 deletes the requirement that PELS prepare the supplemental rosters of professional engineers and licensed land surveyors, and requires that the rosters be a public record.

This bill revises 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 also requires licensed land surveyors to obtain a seal, and requires 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 shortens the renewal period to three years and deletes the provision specifying the Board's discretionary power to act beyond the delinquent renewal period.

Finally, this bill revises certain administrative functions and responsibilities of PELS. This bill was signed by the Governor on March 30 (Chapter 26, Statutes of 1994).

**AB 1392 (Speier)**, as amended July 1, 1993, 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 DCA Director. [S. B&P]

**AB 1363 (Lee)**. Existing law provides that if the county surveyor finds that the record of survey does not comply with section 8766 of the Business and Professions Code, 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, 1993, 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]

The following bills died in committee: **SB 296 (Ayala)**, which would have made technical, nonsubstantive changes to existing law which 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; and **AB 358 (Eastin)**, which would have required that persons who control the management and daily operations of a business concern which performs engineering or land surveying services be appropriately licensed or registered to render these services.

### RECENT MEETINGS

At its January 7 meeting, PELS directed Executive Officer Hal Turner to draft a letter to the members of the legislature asking that they refrain from introducing any legislation that would make significant changes to the Professional Engineers Act until the Board has completed its "regulatory reform evaluation" (see MAJOR PROJECTS).

At its February 4 meeting, PELS agreed to create a Professional Engineers Review Committee to address issues related to the January 17 Northridge earthquake. Specifically, the Review Committee is charged with evaluating the implications of the earthquake with respect to PELS' responsibilities for examination, enforcement, and licensing. The Committee toured the devastated area to observe firsthand the different types of failures that occurred and how they affected the community and the economy. The Committee

will present a report and recommendations to PELS at a future meeting.

At its April 8 meeting, PELS unanimously agreed to take a proactive role to accommodate metric conversion, and directed its Examination/Qualification Committee to prepare a schedule of metric implementation for each examination administered by the Board.

### FUTURE MEETINGS

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:*

*Ruth Ann Terry*

*(916) 324-2715*

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

**Board Proposes Citation and Fine Regulations.** At its February meeting, BRN approved a proposed framework for assessing fines and citations against RNs and unlicensed persons performing services for which an RN license is required. Pursuant to Business and Professions Code sections 125.9, 148, and 2715, the Board agreed to pursue the adoption of Article 3.5, Division 14, Title 16 of the CCR. The objectives of the program are to establish a mechanism to enhance con-



sumer protection, deter future violations, and provide a more expeditious and less costly alternative to the existing disciplinary system. [13:2&3 CRLR 106]

On March 18, BRN published notice of its intent to adopt the citation and fine system, which would allow the Board's Executive Officer to issue citations against a licensee for minor violations of the Nursing Practice Act, in lieu of filing an accusation against the licensee; citations may also be issued to an unlicensed person who is performing or has offered to perform services for which a license is required under the Nursing Practice Act. Under the proposed regulations, a class "A" violation—for which a fine of at least \$1,001 but not more than \$2,500 may be assessed—would include any violation resulting in patient harm, a violation committed for personal gain, or a technical violation which is more than six months in duration. A class "B" violation—for which the fine could not exceed \$1,000—would be defined as a minor or technical violation which is neither directly or potentially detrimental to patients, and which continues for less than six months.

The proposed regulations permit a cited person to request, within 14 calendar days after service of the citation, an informal citation review with the Executive Officer or his/her designee. If the citation is upheld after the informal review, the cited person may request a hearing before an administrative law judge, pursuant to Business and Professions Code section 125.9(b)(4). If a hearing is requested, the person cited must be given one within thirty days, at which he/she may be represented by legal counsel or an authorized representative.

On May 5, BRN held a public hearing on the proposed regulations; at this writing, the rulemaking proposal awaits adoption by BRN and review and approval by the Office of Administrative Law.

**Board Approves Additional Diversion Evaluation Committee.** At its February 10-11 meeting, BRN approved funding for an additional Diversion Evaluation Committee (DEC) to be established in Chico, bringing the total number of BRN DEC's to twelve. The Board's DEC's, which function as part of its Diversion Program for substance-abusing licensees, develop a rehabilitation program for participants, enter into a contract with each participant, determine when (and whether) a licensee may return to practice safely, and coordinate with a worksite monitor at the participant's place of employment. [13:2&3 CRLR 106-07] Staff noted several reasons for the creation of another DEC; for example, staff noted that as the

Diversion Program has become more well known, more nurses are being referred to it. Additionally, many of the current participants present complex problems and require more time for the DEC to assess each problem.

The Board's decision to place the new DEC in northern California was based on the large number of cases pending at its Sacramento, Bay Area, and North Coast DEC's, which have 49, 38, and 35 cases respectively, compared to the average DEC caseload of 33. The creation of the Chico DEC will cost the Board \$17,340 for the first year of operation, and \$16,840 annually thereafter. BRN will evaluate each DEC and reassign committee members to even the caseload among the DEC's.

**Board Creates Task Force to Study Clinical Nurse Specialists.** At its April 21-22 meeting, BRN approved the creation of a task force to conduct a study regarding clinical nurse specialists and report its findings to the legislature by January 1, 1995, pursuant to AB 518 (Woodruff) (Chapter 77, Statutes of 1993). [14:1 CRLR 81] BRN agreed to conduct a survey of employers, educational institutions, and advanced practice nurses by July and to complete its final report by November.

The task force will be chaired by BRN Vice-President Genevieve Deutsch and will have ten members, including two educators, two clinical nurse specialists, two nursing administrators, one nurse practitioner, one member each from two specified nurse associations, and one consumer. The task force will meet at least twice, with its first meeting expected to be held in late May.

**BRN Implements Computer Adaptive Testing.** At both its February and April meetings, BRN discussed its implementation of the computer adaptive testing (CAT) program recently approved by the National Council of State Boards of Nursing, which oversees RN exams nationwide. [13:1 CRLR 67; 12:4 CRLR 122] Board staff is continuing to work on developing procedures to accommodate the transition of the National Council Licensure Exam (NCLEX) from paper and pencil testing to computer adaptive testing; CAT is expected to be more efficient and provide faster results to applicants for state licensure. At BRN's February meeting, staff reported that the last paper-and-pencil NCLEX-RN exam was administered on February 2-3 to approximately 8,500 candidates; CAT began with the April exam administration.

On March 23, BRN conducted a satellite broadcast presentation to provide information on CAT to educators, candi-

dates, and other interested persons; over 50 sites tuned into the broadcast. BRN will make available a videotape of the broadcast to interested parties.

**BRN Adopts Pain Management Policy.** At its April meeting, BRN accepted the recommendations of its Nursing Practice Committee and adopted the Committee's proposed policy on pain management; the policy acknowledges that pain management is within the RN's role as a patient advocate. The policy defines the RN's role in pain management to include ensuring informed consent by the patient to pain management; intervening to treat pain before pain becomes severe; using non-drug interventions before pain becomes severe; and educating staff, patients, and families regarding the difference between tolerance, physical dependence, and addiction in relation to pain-relieving medications and the low risk of addiction from long-term use and/or high doses of opiates for pain relief.

**BRN Co-Sponsors Nursing Summit.** On February 4, BRN and the California Strategic Planning Committee on Nursing co-sponsored the Nursing Summit on Health Care Reform in Sacramento. Over 400 people attended the Summit, which informed RNs on the latest issues and opportunities facing nursing as a result of various health care reform proposals. Board President Harriett Clark moderated the Summit, which included presentations from various nursing professionals on federal and state proposals for health care reform, the impact of these proposals on RNs in California, and strategies to enable RNs to positively impact reform proposals.

## LEGISLATION

**SB 2036 (McCorquodale)**, as amended May 18, would create a "sunset" review process for occupational licensing agencies within the Department of Consumer Affairs (DCA), requiring each to be comprehensively reviewed every four years. This bill is a direct result of the Fall 1993 oversight hearings by the Senate Subcommittee on Efficiency and Effectiveness in State Boards and Commissions, in which BRN participated. [14:1 CRLR 80] SB 2036 would impose an initial "sunset" date of July 1, 1998 for BRN; create a Joint Legislative Sunset Review Committee within the legislature, which would review BRN's performance approximately one year prior to its sunset date; and specify 11 categories of criteria under which BRN's performance will be evaluated. Following review of the agency and a public hearing, the Committee would make recommendations to the legislature on whether BRN should be abolished, re-



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structured, or redirected in terms of its statutory authority and priorities. The legislature may then either allow the sunset date to pass (in which case BRN would cease to exist and its powers and duties would transfer to DCA) or pass legislation extending the sunset date for another four years. (See agency report on DCA for related discussion of the "sunset" concept.) [S. Appr]

**AB 3386 (Burton)**, as amended April 11, would authorize RNs to assign simple, routine tasks to medical assistants, and to supervise the performance of those tasks, under described circumstances. [14:1 CRLR 81] [A. Health]

**AB 2839 (Solis)**. Existing law requires the state Department of Health Services (DHS) to establish certain standards and regulations for health facilities, including staffing with duly qualified licensed personnel based on the type of health facility and the needs of the persons served by those facilities. As amended April 6, this bill would prohibit those standards and regulations from requiring the use during the evening and night shifts of an RN for the performance of any service or staffing of any position in skilled nursing facilities that may be lawfully performed or staffed by a licensed vocational nurse if the facility is unable to obtain a RN. It would require the facility to make a good faith effort to obtain an RN, and if it is unable to do so, to document this effort in its records. The bill would authorize DHS to require the facility to provide additional staffing if the level of care is determined to be inadequate. [A. Floor]

**SB 1834 (Campbell)**, as amended May 5, would provide that the law regulating the practice of clinical laboratory technologists and the licensure of the laboratories does not prohibit RNs from exercising authority within their scope of practice, including using point-of-care diagnostic devices, as defined. The bill would require any health facility where point-of-care diagnostic devices are used to establish protocols for the use of these devices. [A. Health]

**SB 2101 (McCorquodale)**, as amended April 4, would delete an existing provision requiring BRN to elect its officers at the first meeting in each year.

Existing law authorizes BRN to take disciplinary action against a person possessing a certificate as a nurse-midwife for specific acts of unprofessional conduct. This bill would repeal that authority and would instead subject those persons and other persons whose practice is regulated under the Nursing Practice Act to discipline under that Act; the bill would also revise the various procedures and grounds

for discipline applicable to certain persons regulated by that Act. [A. Health]

The following is a status update on bills reported in detail in CRLR Vol. 14, No. 1 (Winter 1994) at pages 81-82:

**AB 1807 (Bronshvag)**. Existing law authorizes BRN to issue interim permits to practice nursing pending the results of the first licensing examination taken by an applicant, and requires the Board to notify the applicant of termination of the interim permit by certified mail upon failure of the examination; existing law authorizes an applicant who fails the examination to be reexamined as deemed appropriate by the Board. As amended March 23, this bill limits the authorization to practice under an interim permit to a maximum of six months; requires BRN to send the notice by first-class mail; and provides that an applicant may not be reexamined more frequently than once every three months.

Existing law authorizes BRN to issue, upon the submission and approval of an application and payment of a prescribed fee, a temporary certificate to practice as a certified nurse midwife, certified nurse practitioner, or certified nurse anesthetist for a period of six months. This bill also authorizes issuance of a temporary certificate to practice as a certified public health nurse.

Existing law authorizes disciplinary action against a nurse for unprofessional conduct and for certain other actions. This bill revises these provisions to make the denial, revocation, suspension, or restriction of a license, or other disciplinary action against a nurse taken by another state or other government agency, part of the definition of unprofessional conduct that is grounds for discipline in this state.

Finally, this bill provides that an applicant for renewal of a nursing license who receives his/her license after payment of fees with a check that is subsequently returned unpaid shall not be granted a renewal until the amount owed is paid, including any applicable fees. This bill was signed by the Governor on March 30 (Chapter 26, Statutes of 1994).

**AB 1445 (Speier)**, as amended January 26, would require DHS to review data compiled by the Office of Statewide Health Planning and Development on the ratio of licensed nurse and unlicensed direct care personnel to patients, collate and adjust the data in a prescribed manner, compare the data to nationally recognized standards, and make recommendations to the legislature by July 1, 1997, regarding standards for these staffing ratios. [S. H&HS]

**SB 1148 (Watson)**, which would have required health facilities to make a nurse patient advocate available to receive com-

plaints from patients or staff relating to inappropriate denial of treatment, limitations on treatment, early discharge or transfer, or unnecessary treatments or procedures, died in committee.

### RECENT MEETINGS

At the Board's April 21-22 meeting, Executive Officer Ruth Ann Terry reported that BRN received a repayment of \$2.48 million from its 1992-93 operating budget which the state had improperly transferred to the general fund; this restoration of funds will help keep BRN's operating budget solvent without having to raise fees in the near future. (See agency report on DCA for related discussion.)

Terry also reported that on February 15, BRN introduced a telephone verification system which provides consumers with the license status of all RNs in the state. The system provides the current status of an RN's license, the issue and expiration date of the license, and certification categories (e.g., nurse practitioner, nurse midwife). According to Terry, if the licensee has current, previous, or pending discipline or other problem with his/her licensure status, the call will be transferred immediately to a BRN hotline where the call receives priority handling.

Also at its April meeting, BRN accepted the following goals of its Nursing Practice Committee: to continue to monitor issues related to licensed nursing tasks being performed by ancillary personnel; to identify and analyze current issues pertinent to nursing practice for congruency with the Nursing Practice Act and the standards of nursing practice; to monitor issues related to advanced levels of nursing practice; and to facilitate efforts to promote use of current knowledge and technology in pain management.

Also at its April meeting, the Board accepted the following goals of its Education/Licensing Committee: to develop systems for gathering and analyzing information about nursing education in California; to promote uniformity in interpretation of nursing program approval criteria and guidelines; to increase and facilitate communication with nursing educators; to refine and formalize the approval process for advanced practice programs; to develop a process assuring a job-related national examination and continued commitment to elimination of artificial barriers to licensure; to assure a smooth transition to CAT (see above); and to develop an effective and comprehensive system for monitoring the Board's continuing education program and assuring compliance of providers and licensees with BRN requirements.



## ■ FUTURE MEETINGS

June 9-10 in Oakland.  
September 22-23 in Los Angeles.  
November 17-18 in Sacramento.

## COURT REPORTERS BOARD OF CALIFORNIA

*Executive Officer: Richard Black  
(916) 445-5101*

The Court Reporters Board of California (CRB) 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).

CRB licenses and disciplines certified shorthand reporters (CSRs); 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.

On May 16, Governor Wilson appointed Sacramento attorney Peggy Cecil to CRB.

## ■ MAJOR PROJECTS

**Board To Review Reciprocity Issue.** In determining whether it should permit a CSR licensee from another state to sit for the California exam, CRB requires either that the licensee have passed the national Registered Professional Reporter (RPR) exam or that the licensing requirements of and the exam administered by the other state be "substantially the same" as those of California. Staff considers the following three criteria to determine whether an exam is substantially the same as California's exam: whether the examination has a written knowledge test; the speed of the machine portion of the test; and the percentage of accuracy required to pass the examination. At its November 1993 meeting, the Board concurred with staff's recommendation 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 CRB's December 1993 meeting, staff 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 it would increase speed requirements to be similar to those on the RPR examination; currently, Idaho speed requirements are approximately 20 words per minute lower than RPR standards on each segment. Following discussion in December, CRB agreed to discontinue accepting 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. [14:1 CRLR 82-83]

However, at a special meeting on January 24, CRB agreed to also accept the Idaho exam as a satisfactory method of qualifying for the May California exam; thereafter, the Board will withhold further approval until it conducts a comprehensive review of each state's examination and licensing requirements. At this writing, CRB is scheduled to review those requirements and determine those states which it deems to have an examination which is "substantially the same" as California's exam at its July 23 meeting.

**CRB Adopts Exam Certification and Appeals Program Policies.** At its February 19 meeting, CRB considered and adopted policies regarding its examination certification process and its appeals program. Under CRB's examination certification policy, the Board will select nine licensed CSRs to serve, on a rotating basis, on a Certification Panel; the Panel will serve as a resource to the Executive Officer for the purpose of grading the written portions of the examination. Each Certification Panel will consist of two licensed court reporters and a staff member. Certification Panel members will attend a training workshop which will be conducted by the Department of Consumer Affairs' Office of Examination Resources (OER), the Board's Executive Officer, and Board staff. Once the written examinations are graded and analyzed by OER, the Executive Officer will call upon two of the Board-selected panel members (two persons per exam) to make determinations relative to any questionable items which result either from OER's analysis or from comments provided by examinees on the established "critique form." According to the policy, the recommendations made by the Certification Panel will be considered the final finding of the Board; the Executive Officer will implement the recommendations of the Certification Panel and regrade the written examinations as necessary.

Under CRB's appeals program policy, the Board will select nine licensed CSRs to serve, on a rotating basis, on an Appeals Panel, which will serve as a resource to the Executive Officer for the purpose of appeals on the dictation and/or transcription portion of the examination. Each Appeals Panel will consist of two CSR members, the Executive Officer, and one staff member. Appeals Panel members will attend a training workshop which will be conducted by the Board's Executive Officer. The recommendations of the Appeals Panel will be considered the final finding of the Board; the Executive Officer will implement the recommendations of the Appeals Panel.

## ■ LEGISLATION

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**SB 2037 (McCorquodale)**, as amended April 5, would have transferred CRB from DCA to the Judicial Council; however, Senator McCorquodale agreed to delete that provision at the May 9 hearing of the Senate Business and Professions Committee, as it has not yet been the subject of a public hearing by the Senate Subcommittee on Efficiency and Effectiveness in State Boards and Commissions. Thus, SB 2037 no longer pertains to CRB. [S. Appr]

**AB 3657 (Weggeland)**. Existing law prohibits various acts by a licensed court reporter, including acts of unprofessional conduct defined as including, but not limited to, impartiality. As amended April 28, this bill would provide that the failure of a certified shorthand reporter to be impar-