



ing law, a license expires after three years. As amended April 12, this bill would authorize an individual licensed as both an operator and a field representative to request that both licenses expire on the same date.

Existing law provides for disciplinary action against operators who violate various provisions. This bill would authorize SPCB or a county agricultural commissioner to levy a fine against a registered structural pest control company acting as a prime contractor for work conducted under a Branch 1 license for certain major violations by subcontractors, which would be paid into the Education and Enforcement Account in the Structural Pest Control Education and Enforcement Fund. [A. CPGE&ED]

**SB 991 (Kelley).** Existing law provides a comprehensive scheme for the regulation of structural pest control operators. Exempt from those provisions are, among others, authorized representatives of any educational institution or state agency engaged in research or study of pest control. As amended April 12, this bill would enlarge the scope of that exemption to apply to authorized representatives of any educational institution or state or federal agency engaged in research or study of pest control, or engaged in investigation or preparation for expert opinion or testimony as a representative of any educational institution or state or federal agency, as specified.

Existing law provides for the deposit of funds derived from certain pesticide use report fees collected from structural pest control operators in the Structural Pest Control Research Fund. This bill would authorize the fee to be deposited in an account designated by SPCB's Research Advisory Panel or into the Structural Pest Control Research Fund, as determined by the Panel. [A. CPGE&ED]

**AB 1851 (Connolly).** Under existing law, fumigation shall be performed only under the direct and personal supervision of a licensed individual. Existing law provides 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 the list of simple asphyxiants and to 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. W&M]

**SB 842 (Presley),** as amended April 13, would permit SPCB to issue interim orders of suspension and other license restrictions, as specified, against its licensees. [A. CPGE&ED]

## RECENT MEETINGS

At its May 6-7 meeting, SPCB unanimously voted to ask the Technical Advisory Committee to research the issue of cardboard spacers installed under the grade beam; apparently, there is some question as to whether or not cardboard spacers are to be considered cellulose debris by termite inspectors upon inspection.

## FUTURE MEETINGS

October 21-22 in San Diego.

## TAX PREPARER PROGRAM

*Administrator:*  
*Jacqueline Bradford*  
*(916) 324-4977*

Enacted in 1973, abolished in 1982, and reenacted by SB 1453 (Presley) effective January 31, 1983, the Tax Preparer Program registers approximately 19,000 commercial tax preparers and 6,000 tax interviewers in California, pursuant to Business and Professions Code section 9891 *et seq.* The Program's regulations are codified in Division 32, Title 16 of the California Code of Regulations (CCR). An Administrator, appointed by the Governor and confirmed by the Senate, enforces the provisions of the Tax Preparer Act.

Registrants must be at least eighteen years old, have a high school diploma or pass an equivalency exam, have completed sixty hours of instruction in basic personal income tax law, theory, and practice within the previous eighteen months, or have at least two years' experience equivalent to that instruction. Twenty hours of continuing education are required each year.

Prior to registration, tax preparers must deposit a bond or cash in the amount of \$2,000 with the Department of Consumer Affairs. Registration must be renewed annually, and a tax preparer who does not

renew his/her registration within three years after expiration must obtain a new registration. The Program's initial registration fee is \$50; the renewal fee is \$50; and the registration fee for a branch office is \$25.

Members of the State Bar of California, accountants regulated by the state or federal government, and those authorized to practice before the Internal Revenue Service are exempt from registration.

## MAJOR PROJECTS

### LAO Proposes To Eliminate Program.

In its *Analysis of the 1993-94 Budget Bill*, one of the recommendations made by the Legislative Analyst's Office (LAO) for streamlining state government proposed that the legislature eliminate the state's regulatory role in thirteen currently-regulated areas. Particularly relevant to the Tax Preparer Program is LAO's recommendation that the state stop regulating several consumer-related business activities. In determining whether the state should continue to regulate a particular area, LAO recommended that the state consider whether the board or bureau protects the public from a potential health or safety risk that could result in death or serious injury; whether the board or bureau protects the consumer from severe financial harm; and whether there are federal mandates that require the state to regulate certain activities. Based on these criteria, LAO recommended that the state remove its regulatory authority over activities currently regulated by the Program, among other bureaus and agencies. At this writing, LAO's recommendations have not been amended into any pending legislation.

## LEGISLATION

**SB 574 (Boatwright),** as amended May 17, would delete the category of tax interviewer from tax preparer registration provisions, and would repeal provisions relating to the Tax Preparer Advisory Committee, which was eliminated by ABX 66 (Vasconcellos) (Chapter 21X, Statutes of 1992). [12:4 CRLR 130] [A. CPGE&ED]

## BOARD OF EXAMINERS IN VETERINARY MEDICINE

*Executive Officer: Gary K. Hill*  
*(916) 263-2610*

Pursuant to Business and Professions Code section 4800 *et seq.*, the Board of Examiners in Veterinary Medicine (BEVM) licenses all veterinarians, veter-



inary 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 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

**PES Contract Clause Revised.** At its October 1992 meeting, BEVM discussed a potential conflict of interest in its contract with Professional Examination Services (PES), which develops and prepares the national veterinary examination. [13:1 CRLR 73] The conflict focuses on 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 the AVMA to control a passing score for a test that is part of the Board's licensing process. Accordingly, the Board directed Executive Officer Gary Hill to strike the objectionable language from the contract and return the signed document to PES; the Board also agreed to work with PES to improve the contract language for future years.

On April 22, PES notified all state veterinary licensing boards of its intention to amend the contract language to instead

provide that AVMA's National Board Examination Committee (NBEC) will use appropriate psychometric procedures to set a criterion-referenced passing score for each examination. Because NBEC is a committee of AVMA and is under AVMA's financial control, it is unclear whether this change satisfactorily addresses BEVM's concerns. At this writing, BEVM is scheduled to revisit this topic at its July 7-8 meeting.

**BEVM Studies Alternative Veterinary Practice Issues.** In January, the Board's Premise Permit Legislative Subcommittee met for the first time to discuss alternative veterinary practices such as house calls, mobile veterinary facilities, for-profit vaccination clinics, offsite vaccination clinics, and public vaccination clinics; the subcommittee focused its discussion on premise permits and the application of the minimum standards of veterinary practice in these alternative practice situations. Following discussion of these topics, subcommittee participants were asked to consider the following two issues and submit written comments, suggestions, and guidelines for consideration at the next subcommittee meeting: (1) the types of veterinary services which may be rendered by a veterinarian in a mobile clinic setting or an offsite setting; and (2) the limitations which should be placed on the type of veterinary services that may be offered in these settings. Although the subcommittee was scheduled to meet in March and May, those meetings were cancelled; at this writing, the subcommittee is scheduled to meet in July to consider the submitted comments and suggestions regarding these issues.

**BEVM To Revise Unlicensed Practice Definition.** At its January 7-8 meeting, BEVM formed a subcommittee to consider whether the Board should seek statutory amendments redefining the unlicensed practice of veterinary medicine. According to the Board, the use of alternative practice modalities on animals—including chiropractic medicine, acupuncture, and massage therapy—has increased in recent years. Since December 1991, 10% of all complaints received by BEVM and approximately 35% of investigations conducted by the Board concern unlicensed activity; according to the Board, at least half of these complaints involve alternative practice modalities. Accordingly, the subcommittee met on March 3, reviewed the practice acts from over twenty states, and developed suggestions to expand California's current definition of the practice of veterinary medicine. The subcommittee also suggested revisions regarding exemptions to the

practice of veterinary medicine. At this writing, however, the subcommittee's proposed legislative changes are in preliminary drafting stages and have not yet been presented to the Board for review.

**AAVSB Proposes to Establish National Disciplinary Registry.** On February 23, the American Association of Veterinary State Boards (AAVSB) informed its members of a proposal to establish a National Registry of Disciplined Veterinarians, to be operated by PES' Interstate Reporting Service, whereby a database of all licensed veterinarians in the country would be established, along with a database of official disciplinary actions taken. According to AAVSB, the disciplinary registry would be integrated with the registry of NBE/CCT scores; the method of financing the database would be to increase the fee paid by individuals who request their certified test scores to be sent to state boards. AAVSB is scheduled to formally vote on this proposal at its July meeting.

**BEVM/AHTEC Consolidation Update.** At its October meeting, BEVM agreed to seek legislation to bring AHTEC under the Board as a subcommittee and eliminate the independent AHTEC fund; the Board took this action in response to current difficulties facing the AHT profession, including low pay, shortage of available AHTs, and possible deregulation by the legislature. [13:1 CRLR 73] This proposal has been incorporated into AB 1807 (Bronshvag) (see LEGISLATION).

## LEGISLATION

**AB 1807 (Bronshvag),** as amended May 3, 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. [A. W&M]

**SB 842 (Presley),** as amended April 13, would permit BEVM to issue interim orders of suspension and other license restrictions, as specified, against its licensees. [A. CPGE&ED]

**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 supervise practicing licensed veterinarians at horserace meetings, and to enforce CHRB'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 CHRB, 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. GO]

**AB 2046 (Margolin).** Existing law prohibits any person licensed by BEVM to charge, bill, or otherwise solicit payment from any patient, client, or customer, for any clinical laboratory service if the service was not actually rendered by that person or under his/her direct supervision, unless the patient, client, or customer is apprised at the first, and any subsequent, solicitation for payment of the name, address, and charges of the clinical laboratory performing the service. As amended May 4, this bill would require, by January 1 and July 1 of each year, a clinical laboratory to provide to each of its referring providers, as defined, a schedule of fees for prescribed services. [A. W&M]

## RECENT MEETINGS

At its January 7-8 meeting, the Board discussed AHTEC's proposal to seek amendments to Business and Professions Code section 4841.5, which describes eligibility requirements for taking the written and practical examination for registration as an AHT. The section generally requires that applicants be at least eighteen years of age and furnish satisfactory evidence of graduation from a two-year curriculum in animal health technology, or the equivalent thereof as determined by the Board, in a college or other institution approved by BEVM. AHTEC believes this language is too restrictive and should be expanded to accommodate candidates with many years of experience but limited education. AHTEC suggested that section 4841.5 be broadened to require applicants to furnish satisfactory evidence of graduation from a two-year curriculum in veterinary technology or the equivalent thereof as determined by the Board, thus giving BEVM discretion to consider alternative eligibility requirements. However, believing that this proposal might generate some opposition, the Board decided not to pursue it at this time.

Also at its January meeting, the Board elected Nancy Collins, DVM, to serve as BEVM Chair and Michael Clark, DVM,

to serve as Vice-Chair. Although noting that she has no lack of confidence in Dr. Clark, public member Jean Guyer opposed his nomination, contending that public members should be considered for BEVM office positions.

At its March 4 meeting, BEVM considered a request by the Southern California Veterinary Medical Association for its opinion on whether implanting an exterior "earring"-type device in a cat's ear for identification purposes is considered the practice of veterinary medicine. The Board noted that problems associated with this procedure include sterilization and the feline's tendency to develop abscesses; following discussion, BEVM unanimously agreed that this is a veterinary procedure and should only be performed by or under the supervision of a licensed veterinarian.

Also at its March 4 meeting, the Board heard a report from John Pasco, DVM, regarding the alternative surgical program being implemented at UC Davis. According to Dr. Pasco, students who refuse to perform terminal surgery are asked to work on cadavers as part of their coursework. Also, the school is involved in a spay/neuter program with five area pounds, the Humane Society, and the Society for the Prevention of Cruelty to Animals; the animals are neutered or spayed by the students and returned to the pound for adoption. Finally, Dr. Pasco reported that the school will also be incorporating work involving organ models, which he reported are very real in texture and appearance. [13:1 CRLR 74; 12:2&3 CRLR 153]

At its May 7-8 meeting, BEVM discussed issues concerning the trapping and sterilization of feral cats; according to the Board, several feral cat coalitions in California are trapping and capturing feral cats, spaying or neutering them, and releasing them into colonies. The Board noted that the term "feral cat" has not been positively defined; it may refer either to a stray or a cat that was born in the wild and lives in the wild. According to the Board, other issues which must be resolved concern ownership (e.g., whether impoundment for purposes of sterilization constitutes ownership); how or whether the sutures are being removed from the animals; and whether the coalitions and local veterinarians who volunteer their services are meeting the Board's minimum standards for sanitary conditions, sterilization, and recordkeeping. Following discussion, the Board agreed to send a letter concerning feral cats, including the Board's opinion that licensees must meet the minimum standards applicable to them, to the parties

who contacted the Board for information on this subject. The Board also asked Department of Consumer Affairs legal counsel Greg Gorges to prepare a legal opinion on the feral cat issue.

## FUTURE MEETINGS

September 9-10 in Sacramento.  
November 18-19 in Sacramento.

## BOARD OF VOCATIONAL NURSE AND PSYCHIATRIC TECHNICIAN EXAMINERS

*Executive Officer: Billie Haynes  
(916) 445-0793/(916) 323-2165*

This agency regulates two professions: 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 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, and has the authority to grant adjudicatory hearings. Certain provisions allow the Board to revoke or 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 65,630 LVNs with active licenses, 27,262 LVNs with delinquent active licenses, and 10,539 with inactive licenses, for a total LVN population of 103,431. The Board's psych tech population includes 13,728 with active licenses and 5,159 with delinquent active licenses, for a total of 18,887 psych tech practitioners.

## MAJOR PROJECTS

**Executive Officer Announces Retirement.** After fifteen years with the Board, Executive Officer Billie Haynes announced her retirement at the Board's