



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

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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



May 14 meeting. Haynes, who has a master's degree in education and is a registered nurse, expressed her gratitude for the opportunity to work with the Board and staff through the years. At this writing, the Board has not selected Haynes' replacement.

Board Revokes Accreditation of Pacific Coast College. At its May 14 meeting, the Board ratified a staff recommendation to revoke the accreditation of Pacific Coast College in Encino. After the Board received numerous written and telephone complaints, its nursing education consultants made a special visit to Pacific Coast College in November 1992; the consultants identified a number of violations of the Board's regulations, including a lack of opportunity for students to make up missed theory and clinical hours; insufficient faculty; non-availability of appropriate and current textbooks; and lectures and examination being provided from sources other than the available textbooks. The consultants also noted other areas of concern, including a lack of communication between students, faculty, and administration. In March, the Board directed Executive Director Billie Haynes to provide written notice warning to the school that the Board may take action to revoke its accreditation if the violations are not corrected; agreed to require the school to come before the Board for approval of each additional class; and decided to place all issues concerning the school on its May agenda.

At the May meeting, the Board's nursing education consultants reported that the violations had not been corrected, despite the given notice. Accordingly, the Board voted to revoke accreditation of the school indefinitely.

Board Adopts DCA Complaint Disclosure Policy. At its May 14 meeting, the Board adopted DCA's complaint disclosure policy, the stated purpose of which is to make available to the public information concerning the conduct of Board licensees, as well as information regarding actions taken by the Board in the disposition of complaints against its licensees. Under the policy, the Board will maintain a system of information regarding complaints received during the preceding three years, and will provide the following information to consumers upon request: the number of such complaints which, after investigation including contact with the licensee, have been found by the Board to be violations of the licensing law or regulations and, with respect to each complaint, the date of its receipt and its disposition; such comparative data as may be considered by the Board to be informative

to consumers, which may include the average number of complaints received against licensees in a given region or locality; and—as the Board deems appropriate—a general cautionary statement regarding the utility of complaint information to individual consumers in their selection of licensees. Also, the Board will maintain records showing the disciplinary history of all current license holders and provide to members of the public, upon request, information regarding whether a current license holder has ever been disciplined and, if so, when and for what offense, and whether a current license holder has been named in any disciplinary action.

Board Adopts Examination Application Policy. At the Board's March meeting, Executive Officer Haynes reported an increase in the number of errors on examination applications submitted by schools' program directors; applications with errors must be returned to the program directors for correction, pursuant to the Board's regulations. Program directors are required to submit a completion statement for each student applying to take the examination, certifying that the student completed all program requirements, no less than ten days prior to the scheduled examination date; testing admission notices may not be sent to students until the required completion statements are received by the Board.

At its May 14 meeting, the Board adopted an examination application policy which provides that the first time a program director fails to comply with the examination application procedures, the Executive Officer shall send a letter to the director outlining the errors and requiring the director to attend a training session on application procedures in the Board's Sacramento headquarters. For any subsequent failure to comply with the examination application procedures, the director will be required to appear before the Board at its next meeting; students for whom incomplete applications are submitted may be prevented from sitting for the examination.

Regulatory Action on Processing Times for Psych Tech CE Provider Permits. In May 1992, the Board closed its public comment period on its proposed amendment to section 2567, Chapter 25, Title 16 of the CCR, which would specify thirty days as the maximum period of time in which the Board will notify an applicant if his/her application to be a psych tech continuing education provider is complete or deficient, and identify specific information which is required. [12:4 CRLR 133] Thereafter, the Board submitted the regulatory proposal to the Office of Adminis-

trative Law (OAL); OAL approved the change on December 11. However, according to the Board's minutes, the Board has never formally adopted the regulatory change at a public meeting, as required by the Administrative Procedure Act. [13:1 CRLR 74] At this writing, the Board has not ratified this rulemaking at a public meeting.

Psych Tech Occupational Analysis. At its September 1992 meeting, the Board heard an update from the DCA's Central Testing Unit (CTU) on the occupational analysis being conducted of the psychiatric technician population to determine the validity of the California Psychiatric Technician Licensure Examination; CTU reported that it had interviewed psych techs to identify the tasks of each job category and the knowledge, skills, and abilities (KSAs) required to complete each task. [12:4 CRLR 133] At the Board's November 1992 meeting, staff reported that the Psychiatric Technician Professional Validation Panel met at Board headquarters on October 6-7 to conduct the final critique of the KSAs; this information was used to refine a draft questionnaire developed by CTU. [13:1 CRLR 75] During March and April, the Board distributed the questionnaire to 2,000 entry-level practitioners and fifty supervisors; the deadline for returning completed questionnaires was May 5. At this writing, the panel is scheduled to meet on June 3-4 at Mt. San Antonio College to provide a final review of all respondent data, and to evaluate the proposed components of a new test plan. Panel participants include ten subject matter experts, supervisors, educators, CTU representatives, and individuals from the Board's exam vendor, CTB MacMillan/McGraw-Hill. The project's scheduled completion date is July 1; the revised test plan is scheduled to be presented to the Board in January 1994.

At its March meeting, the Board reconsidered its policy of requiring an occupational analysis of psych tech practice every three years. According to staff, a preliminary survey of current practice indicates that there is no significant change in entry level practice. Therefore, the Board revised its policy to instead consider conducting an occupational analysis of psych tech practice every five years.

Computer Testing. Pursuant to the recommendation of CTB MacMillan/McGraw-Hill, the Board's exam contractor for computerized psych tech exams, the Board developed a practice test to field-test newly-developed test questions. [12:2&3 CRLR 155] A total of 399 candidates took the practice during the six sessions it was administered. In February,



the Board announced that CTB had completed its final evaluation of the project, and reported that 78% of the tested items met the criteria for the psych tech testing item bank; an average of 66% of field-test items qualify for comparable licensure examinations.

■ LEGISLATION

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

SB 574 (Boatwright), as amended May 17, would revise certain revenue and fee provisions relative to psych techs. [A. CPGE&ED]

SB 993 (Kelley), as introduced March 5, would require all legislation becoming effective after January 1, 1995, which either provides for the creation of new categories of health professionals who were not required to be licensed before January 1, 1994, or revises the scope of practice of an existing category of health professional, to be supported by expert data, facts, and studies. [S. B&P]

AB 1807 (Bronshvag), as amended May 3, would authorize the issuance of a temporary certificate to practice as a psych tech under prescribed circumstances, including payment of a fee. This bill would add the knowing failure to protect patients by following specified infection control guidelines to the list of actions that constitute unprofessional conduct for a psych tech. This bill would also prohibit the Board from maintaining a reserve fund greater and three months of the appropriated operating expenditures for any fiscal year. [A. W&M]

■ RECENT MEETINGS

At its January 22 meeting, the Board re-elected Charles L. Bennett as president and elected Manuel Val as vice-president. Also, Executive Officer Billie Haynes noted that Texas has combined its LVN and RN boards and reported that hearings were scheduled in the Senate Business and Professions Committee to determine whether the two comparable California boards should be combined.

At its March meeting, the Board announced the following committee chairs for 1993: Education and Practice Committee, Gwen Hinchey, RN; Enforcement Committee, Manuel Val; Legislative Committee, Maryann Maloney; Budget Committee and Executive Committee, Charles L. Bennett, LVN.

At its May meeting, the Board reviewed its policy stating that a maximum of 85 hours of psych tech clinical experi-

ence may be in long-term or convalescent care settings. The California Association of Psychiatric Technicians Educators (CAPTE) requested that the Board rescind this policy or increase the maximum hours from 85 to 100, based on the unavailability of clinical experience for psych tech students in acute care settings, where students in RN and LVN programs are given first priority. Also, CAPTE contended that students who complete 100 hours of supervised clinical experience would meet the requirement to become certified nursing assistants, and noted that such certifications would be helpful for students who wish to work during their education. Accordingly, the Board modified its policy to provide that a maximum of 100 hours of clinical experience may be in long-term or convalescent care settings.

■ FUTURE MEETINGS

September 16-17 in San Diego.