



are considered "wild" and are not "owned," there is no licensure exemption for those who treat feral cats and anyone performing veterinary medicine on feral animals must meet the minimum standards of practice.

Also at BEVM's September meeting, staff noted that AAVSB recently informed its members of its decision 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 all official disciplinary action taken. [13:2&3 CRLR 113]

## ■ FUTURE MEETINGS

January 8-9 in Sacramento.

## BOARD OF VOCATIONAL NURSE AND PSYCHIATRIC TECHNICIAN EXAMINERS

*Executive Officer: Billie Haynes  
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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 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.

In May, Executive Officer Billie Haynes announced her retirement, effective January 1994; at this writing, the Board has not selected Haynes' replacement. At the Board's September meeting, President Charles L. Bennett introduced three new Board members: LVN Karen Feller, psych tech Holly Donn, and RN Cecelia Estrada.

## ■ MAJOR PROJECTS

**Board Enforcement Statistics.** At its September 17 meeting, the Board discussed recent changes to its Enforcement Unit and fiscal year 1992-93 enforcement statistics. In February, the Board dedicated an administrative manager to the Enforcement Unit, which now consists of two enforcement analysts, two support staff, and the enforcement manager. The function of the Enforcement Unit is to review all complaints regarding licensees; staff must determine whether the Board has jurisdiction and the complaint has merit. If the complaint has merit, the Enforcement Unit refers the case to the Department of Consumer Affairs' Division of Investigation (DOI); based upon DOI's report and recommendations, the Board may refer the case to the Attorney General's (AG) Office for disciplinary proceedings and/or to law enforcement for criminal investigation and action.

In fiscal year 1992-93, the Board received 88 complaints against psych techs, referred 77 to DOI and 85 to the AG, revoked 18 psych tech licenses, and placed 15 psych tech licensees on probation. Also in fiscal year 1992-93, the Board received 237 complaints against LVNs, referred 213 to DOI and 146 to the AG, revoked 37 LVN licenses, and placed 44 LVNs on probation.

**Computer Adaptive Testing.** In July, the Board participated in a nationwide experimental testing program, known as the BETA test, to compare computer adaptive testing (CAT) to computer-administered and "paper and pencil" tests for LVNs. [13:2&3 CRLR 115] The Board recruited California test candidates and the Educational Testing Service, which sponsored the test program, selected 1,050 candidates; 193 of those selected were not eligible for licensure or failed to arrive at the California test center. Of the 413 candidates who took the CAT, 178 passed (43%); of the 89 who took the computer-administered exam, 41 passed (46%); and of the 355 who took the "paper and pencil" test, 146 passed (41%).

At the National Council of State Boards of Nursing (NCSBN) Delegate

Assembly, held in Orlando, Florida in August, the Assembly approved the Readiness Criteria for CAT, which must be met before CAT can be implemented. If the NCSBN, which administers LVN and RN exams nationwide, adopts CAT this December, the new testing will take effect on April 1, 1994. If implemented, the Board must also adopt a new retesting policy so that retest candidates are not exposed to the same exam questions within a three-month period. According to Executive Officer Billie Haynes, CAT provides greater flexibility for administration and grading, and is also more reflective of actual knowledge and skills. A candidate must pass a minimum level to receive his/her license; however, the test comprises several skill levels and automatically adapts to the candidate's level of performance.

**Board Participates at CLEAR Conference.** On September 6-11, six Board members, Executive Officer Billie Haynes, and eight members of the Board's administrative staff attended the thirteenth annual meeting of the Council on Licensure, Enforcement and Regulation (CLEAR) in San Diego; the Council provides educational and training assistance to administrative regulatory agencies and boards, and also acts as a clearinghouse for enforcement activities. Among other things, the Board's Enforcement Analysts attended the conference's National Certified Investigator/Inspector Training program. Executive Officer Billie Haynes chaired CLEAR's Management and Administration Subcommittee, and gave a presentation to define the role and function of CLEAR's Program Committee. Other topics discussed at the conference included the impact of the Americans with Disabilities Act, the North American Free Trade Agreement, national health care reform, global competition, test development, case studies in consumer protection, and reinventing government.

## ■ LEGISLATION

**SB 842 (Presley)**, as amended July 14, permits the Board to issue interim orders of suspension and other license restrictions against its licensees. This bill was signed by the Governor on October 5 (Chapter 840, Statutes of 1993).

**SB 574 (Boatwright)**, as amended September 2, revises certain revenue and fee provisions relative to psych techs. This bill was signed by the Governor on October 11 (Chapter 1264, Statutes of 1993).

**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 September 8, 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 than three months of the appropriated operating expenditures for any fiscal year. [A. Inactive File]

### RECENT MEETINGS

At the Board's September 16-17 meeting, Executive Officer Billie Haynes asked Board members to consider pursuing alternative sources of revenue, instead of increasing license renewal fees; possible sources are accreditation fees and application fees for evaluation of revoked licenses. The Executive Officer also announced that the Board will be moving its office to a new location in Sacramento.

### FUTURE MEETINGS

January 14 in San Diego.  
 March 17-18 in Los Angeles.  
 May 19-20 in Sacramento.  
 September 15-16 in San Diego.  
 November 17-18 in Los Angeles.



## BUSINESS, TRANSPORTATION AND HOUSING AGENCY

### DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

Director: Jay Stroh  
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The Department of Alcoholic Beverage Control (ABC) is a constitutionally-authorized state department established in 1955 (section 22 of Article XX, California Constitution). The Alcoholic Beverage Control Act, Business and Professions Code sections 23000 *et seq.*, vests the Department with the exclusive power to regulate the manufacture, sale, purchase, possession, and transportation of alcoholic beverages in California. In addition, the Act vests the Department with authority, subject to certain federal laws, to regulate the importation and exportation of alcoholic beverages across state lines. ABC also has the exclusive authority to issue, deny, suspend, and revoke alcoholic beverage licenses. Approximately 77,000 retail licensees operate under this authority. ABC's regulations are codified in Divisions 1 and 1.1, Title 4 of the California Code of Regulations (CCR). ABC's decisions are appealable to the Alcoholic Beverage Control Appeals Board. Further, ABC has the power to investigate violations of the Business and Professions Code and other criminal acts which occur on premises where alcohol is sold. Many of the disciplinary actions taken by ABC, along with other information concerning the Department, are printed in liquor industry trade publications such as the *Beverage Bulletin* and *Beverage Industry News*.

The Director of ABC is appointed by, and serves at the pleasure of, the Governor. ABC divides the state into two divisions (northern and southern) with assistant directors in charge of each division. The state is further subdivided into 21 districts, with two districts maintaining branch offices.

ABC dispenses various types of licenses. "On-sale" refers to a license to sell alcoholic beverages which will be bought and consumed on the same premises. "Off-sale" means that the licensee sells alcoholic beverages which will not be consumed on the premises. Population-

based quotas determine the number of general liquor licenses issued each year per county. No such state restrictions apply to beer and wine licenses.

### MAJOR PROJECTS

**Governor's Blue Pencil Saves ABC's \$4.5 Million Reserve Fund.** While signing the 1993-94 Budget Act, Governor Wilson used his line item veto authority to delete the legislature's attempt to transfer \$4.5 million from ABC's reserve fund to the general fund for use elsewhere in the state budget. According to Wilson, the transfer would have left ABC "with insufficient reserves to meet emergencies or contingencies which might occur during the fiscal year." Wilson also noted that AB 432 (Floyd) (Chapter 900, Statutes of 1992) requires ABC to transfer revenues from specified fees to the general fund annually; for the 1993-94 fiscal year, the transfer pursuant to that legislation is estimated to be over \$13 million. [12:4 CRLR 136]

ABC's budget for fiscal year 1993-94 has been set at \$22.9 million; the Department of Finance estimated ABC's 1992-93 expenditures to be \$24 million.

**Telecommunications and Computer Upgrade in Progress.** Proceeds from the one-time \$70 surcharge on various annual fees for different categories of ABC licensees authorized by AB 432 (Floyd) (Chapter 900, Statutes of 1992) have financed a \$3 million upgrade of the Department's telecommunications and computer systems; a number of new computer work stations and phone lines are being installed in ABC's main Sacramento office and other satellite offices around California. ABC Deputy Director Manuel Espinoza estimates that there will be a computer for almost every employee; Espinoza expects the upgrade to be completed by the beginning of 1994. The computer system will be used for all aspects of ABC's operations, including administrative, enforcement, and licensing programs.

**ABC Strengthens Enforcement Unit.** ABC is well on its way to rebuilding its workforce to approximately the same level as it was in 1990, before budget cuts forced the Department to reduce its spending by \$5 million. [13:2&3 CRLR 117] For example, ABC is increasing its staff of