workers. The Commission cited the following key concerns with the IHSS program:

-Fragmentation of responsibility. According to the report, state government funds, sets standards for, and generally oversees the operation of IHSS; the counties administer the program, screening people for eligibility, providing ongoing assessments, and acting as case managers; and the recipient is responsible for employing and supervising the care providers. This fragmentation allows the state to deny responsibility for problems that occur when care providers are unreliable or abusive. In turn, counties may deny responsibility because the state neither provides sufficient funds nor requires counties to provide adequate oversight.

-The method of managing care. Ironically, in most IHSS cases it is the recipients—individuals who have been assessed and found to need assistance to get by with their daily living activities—who must manage the services they receive. The recipient is expected to recruit, interview, hire, supervise, train, and—if necessary—fire the workers who provide care to them. Unfortunately, this task is beyond the capabilities of some recipients and is a drain on energy and health for many others.

-The quality of care delivered. One of the major concerns expressed by IHSS recipients is that the quality of service is poor. Workers are neither trained nor educated to handle the needs of a geriatric population. The Commission found that those connected with the program believe most of the quality problems stem from the unattractive nature of the care provider jobs. The pay offered is low and benefits are nonexistent, leading to low incentive and high turnover. Individual care providers are paid $4.25 per hour. No criminal or background checks of potential workers are required or conducted. Finally, the quality of care is undermined by the lack of training programs or standards. Neither the state nor the counties will own up to being the "employer" of the providers for a variety of reasons—all of which work to the detriment of the dependent recipient. According to the Commission, "workers need know nothing more to become care providers than how to find their way to the recipient's house and how to fill out a time card."

-The differences in modes of delivering care. The two primary methods of delivering care to IHSS recipients are independent providers (IP) and contract care agencies. IP service appears to be cheaper and allows for greater personal choice and flexibility in who provides care. For example, the IP program allows a relative to be paid to provide care. However, the Commission notes that although many people provide care for family members, statewide statistics reflect that elder abuse is typically committed by family members rather than outsiders. Contract care agencies recruit, screen, train, and supervise workers, and are usually authorized for low-hour-need recipients who might otherwise have difficulty finding a willing care provider. The Commission concluded that the right of the elderly to choose who they want as a caregiver is meaningless if they can only find inadequate workers who are poorly screened, trained, and supervised. According to the Commission, contract care agencies hold greater promise for accountability and quality control.

The Commission also found that the state has failed to establish uniform mechanisms that would allow it to fully implement the goals of the California State Plan on Aging; thus, elderly in need of assistance are left to navigate a fragmented system of programs run by a diversity of state and county entities.

Finally, the Commission found that the effect of "county realignment" remains uncertain; while it may pose risks for the future of elder care programs, it also presents opportunities for improvements. As part of the plan to close the state's $14 billion budget gap in 1991–92, the legislature turned over certain health and social service programs, including IHSS, to counties, along with new sources of revenue. Because there is no certainty that the new revenue sources for counties will keep pace with program costs, counties in the future may suspend IHSS services for some recipients. On the positive side, the legislative realignment package directed that new approaches to long-term care for the elderly be studied.

The Commission's report concluded that the state should take immediate action to improve the IHSS program, move more aggressively to integrate the array of services offered to the elderly, and monitor closely the effects of realignment. The Commission offered the following recommendations:

-The Governor and legislature should enact legislation to require each county to adopt one of several approaches that will provide accountability, worker training, and reliability in the IP mode of care.

-The Governor and legislature should enact legislation to encourage counties to place new non-severely impaired, low-hour cases into the contract care mode of service.

-The Governor and legislature should enact legislation to institute other IHSS improvements and set standards that will allow the program to work more smoothly and responsively.

-The Secretary of the Health and Welfare Agency should move aggressively across departmental lines to implement the integration of services outlined in the California State Plan on Aging and, in the process, maximize federal funding of programs.

-The Governor and the legislature should closely monitor the effect of county realignment on IHSS and other programs that protect the frail elderly.

Conflict of Interest Code Amendments. At this writing, the Commission's proposed amendments to its conflict of interest code in Division 8, Title 2 of the California Code of Regulations, await review and approval by the Fair Political Practices Commission. (See CRLR Vol. 11, No. 4 (Fall 1991) p. 50 for background information.)

Recent Hearing. On October 17, the Commission held its second public hearing on California's transportation system and needs. The Commission hoped to release a report in January.

DEPARTMENT OF CONSUMER AFFAIRS

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In addition to its functions relating to its 38 boards, bureaus, and commissions, the Department of Consumer Affairs (DCA) is charged with carrying out the Consumer Affairs Act of 1970. The Department educates consumers, assists them in complaint mediation, advocates their interests before the legislature, and represents them before the state's administrative agencies and courts.

The Department may intervene in matters regarding its boards if probable cause exists to believe that the conduct or activity of a board, its members, or employees constitutes a violation of criminal law.

MAJOR PROJECTS:

DCA Administration Takes Hands-On Approach. Starting at the top with Director Jim Conran, the new DCA administration is actively and visibly participating in the business of the Department's constituent boards and bureaus. In a sharp departure from previous administrations, top DCA staff—

including Conran, Chief Deputy Director C. Lance Barnett, Deputy Director of Legislation Anne Sheehan, Deputy Director of Bureaus and Programs Tom Maddock, and Karen McGagin, Special Assistant to the Director for Boards and Commissions—are attending and participating in all meetings of DCA agencies. This activity has increased DCA management's familiarity with the agency-specific issues and problems of DCA's 38 boards, bureaus, and commissions; resulted in more effective Department-wide communication; and contributed to an air of accountability on the part of the Department for the actions of its constituent agencies—an accountability which was non-existent in past administrations.

While in the process of learning more and more about DCA's agencies, Conran has not been shy about putting them on notice that DCA will no longer tolerate cartel or trade-protective decision-making by regulatory agencies which are supposed to be consumer advocates. He has threatened several agencies that DCA will support their elimination if they do not improve their licensing and enforcement performance.

Court Interpreters Seek Creation of Board Under DCA. The California Court Interpreters Association (CCIA) has proposed legislative changes which would establish comprehensive regulation of court interpreters statewide. Currently, anyone may become a court interpreter by passing a test administered by the State Personnel Board and having their names put on a list of "state-recommended interpreters." CCIA's changes call for a sweeping revision of Government Code section 68560 *et seq.*, and would create a state agency within DCA to assure tighter certification requirements and minimum training guidelines for court interpreters. The proposed agency's scope would include the creation and enforcement of standards regarding competency, discipline, recruiting, and continuing education. At this writing, CCIA expected to introduce legislation containing these proposals early in the 1992 legislative session.

Director Scrutinizes "900" Telephone Services. Although DCA lacks authority to regulate telecommunications, it has investigated the detrimental effect on consumers created by "900" telephone numbers. Unlike the more well-known toll-free "800" numbers, 900 numbers require callers to pay rates which are often higher than normal long distance rates. The new 900 technology allows many callers simultaneous access to a given telephone number, and offers services such as polling and marketing, sports information, and adult entertainment.

DCA Director Jim Conran fears that the new technology may encourage consumer exploitation because many callers do not realize a charge is incurred. Conran has called on both the Federal Communications Commission and the California Public Utilities Commission (PUC) to monitor abuses of the 900 technology. These agencies, which have primary regulatory roles in telecommunications, have developed some regulations to protect consumers from unexpected telephone charges, including measures to block access to 900 services from a given line if the subscriber so requests.

Because DCA receives numerous telecommunications complaints, Conran also directed DCA staff to educate California consumers and policymakers on the potential for 900 number abuse. DCA suggests that consumers take the following actions regarding 900 telephone services:

-be cautious of any "offer" that requires a consumer to call a 900 line;

-do not use a 900 line unless the consumer is aware of the cost;

-be aware that the phone company will provide free blocking services upon request; and

-notify the phone company and the PUC if a consumer believes he/she is the victim of unethical or illegal 900 telephone practices.

DCA Developing Consumer Services Quality Award Program. DCA is currently developing an award program to bring attention to outstanding California business successes. The Department will recognize companies and organizations which demonstrate excellent responsiveness to consumer concerns, dedication to product quality, and commitment to value. Modeled after the Malcolm Baldrige Award, DCA's Consumer Services Quality Award will be presented by the Governor.

LEGISLATION:

SB 1036 (Killea and Rosenthal), as amended July 10, would establish state policy on the use and operation of "900/976" telephone numbers by state agencies. The bill would permit state agencies to use such numbers provided that the service is priced to recover not more than its cost; the service does not replace an existing service; and the agency must provide an alternative means of obtaining the service without having to pay the 900/976 cost. This bill is pending in the Assembly Utilities and Commerce Committee.

AB 126 (Moore), as amended July 10, would enact the "One-Day Cancellation Law," which would provide that, in addition to any other right to revoke an offer or rescind a contract, the buyer of a motor vehicle has the right to cancel a motor vehicle contract or offer until the close of business on the first business day after the day on which the buyer signs a motor vehicle contract or offer which complies with specified requirements. This bill, which imposes other vehicle sales restrictions, is currently pending in the Senate Judiciary Committee.

AB 735 (Areias) would enact a provision prescribing the maximum lawful finance charge which may be imposed on any retail installment account with respect to amounts charged to the account on or after January 1, 1992. Under the bill, these charges could not exceed the sum of 7% plus the average annual percentage yield on six-month obligations of the United States issued by the Secretary of the Treasury pursuant to a specified provision of federal law. This bill, which would repeal existing provisions of the Unruh Act, is pending in the Assembly Committee on Banking, Finance and Bonded In debtedness.

AB 1394 (Speier). SB 101 (Hart) (Chapter 110, Statutes of 1991) precludes state professional licensing agencies from issuing or renewing a license if the licensee is on a list of persons who have not complied with child support orders. (See CRLR Vol. 11, No. 4 (Fall 1991) p. 89 for background information on SB 101.) As amended September 10, AB 1394 would revise the provisions of SB 101 by adding definitions and time limitations, requiring notices to licensees to include specified information, and specifying the duties of district attorneys, the Department of Social Services, and professional licensing boards. This bill is pending in the Assembly Conference Committee.

AB 168 (Eastin) would create the Board of Legal Technicians in DCA and require every person who practices as a legal technician to be licensed or registered by the Board, which would determine which areas require licensure and which require registration. (See CRLR Vol. 11, No. 3 (Summer 1991) p. 201 for background information on legal technicians.) This two-year bill is still pending in the Assembly Committee on Consumer Protection, Governmental Efficiency and Economic Development.

AB 1555 (Filante), as amended May 30, would, among other things, require DCA to administer and enforce the pro-

visions of the Filante Tanning Facility Act of 1988; make it unlawful for any and all tanning facilities to operate at a specific location without a license issued by DCA; and permit DCA to deny, suspend, or revoke a license. This two-year bill passed the Assembly on June 18 and is pending in the Senate Business and Professions Committee.

OFFICE OF THE LEGISLATIVE ANALYST

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Created in 1941, the Legislative Analyst's Office (LAO) is responsible for providing analysis and nonpartisan advice on fiscal and policy issues to the California legislature. LAO meets this duty through four primary functions. First, the office prepares a detailed, written analysis of the Governor's budget each year. This analysis, which contains recommendations for program reductions, augmentations, legislative revisions, and organizational changes, serves as an agenda for legislative review of the budget.

Second, LAO produces a companion document to the annual budget analysis which paints the overall expenditure and revenue picture of the state for the coming year. This document also identifies and analyzes a number of emerging policy issues confronting the legislature, and suggests policy options for addressing those issues.

Third, the Office analyzes, for the Assembly Ways and Means Committee and the Senate Appropriations and Budget and Fiscal Review Committees, all proposed legislation that would affect state and local revenues or expenditures. The Office prepares approximately 3,700 bill analyses annually.

Finally, LAO provides information and conducts special studies in response to legislative requests.

LAO staff consists of approximately 75 analysts and 24 support staff. The staff is divided into nine operating areas: business and transportation, capital outlay, criminal justice, education, health, natural resources, social services, taxation and economy, and labor, housing and energy.

MAJOR PROJECTS:

State's Budget Woes Continue. In a December 1991 Policy Brief, LAO presents a perspective on California's short-term and long-term fiscal problems. According to LAO, the state is facing three phases of troubled financial times. First, LAO estimates that revenues in the current fiscal year are likely to fall short of budget estimates by $2.5 billion, and spending is likely to exceed estimates by $850 million. Without corrective action, LAO states that California will end fiscal year 1991–92 with no reserve and a deficit of $2.2 billion.

Second, LAO estimates that fiscal year 1992–93 will bring another multibillion-dollar gap between revenues and spending, due primarily to the cumulative effect of the recession on the state's revenue base. This estimate also reflects the scheduled expiration of one-time revenue measures that were used to help balance the 1991–92 budget.

Finally, LAO predicts that the state will still face increasing multibillion-dollar budget gaps after 1992–93, due to the basic structural imbalance between the growth of revenues and expenditures.

In order to assist the legislature in developing solutions to the state's fiscal problems, LAO suggests that the following principles guide the legislature in its decisionmaking:

-Make significant reductions in major programs. Because more than 80% of the state's budget is spent on education, Medi-Cal, welfare, and corrections, LAO contends that there is no way to achieve multibillion-dollar savings without affecting these programs.

-Restructure programs. According to LAO, significant changes in the organization, delivery, and financing of government services will be necessary to enable reduced levels of spending to more effectively address basic program objectives in the major program areas.

-Make choices rather than "across-the-board" cuts. LAO notes that by making specific choices, the legislature could provide adequate funding to the programs with the highest priority.

-Use one-time solutions appropriately. Often, one-time solutions can be justified only if used in conjunction with necessary structural changes.

-Avoid short-term savings that increase long-term costs. LAO notes that the budget imbalance is already a long-term one; shifting costs to the future will only make subsequent budget problems worse.

-Examine tax base and coverage in order to determine if it can be made more responsive to economic growth in all sectors of the state's economy.

Regarding strategies for achieving long-term fiscal balance, LAO recommends that the state decide which programs are the most important, restructure and reform programs to operate at optimum efficiency, improve intergovernmental relationships, and make California's economy more productive by, for example, providing a well-educated workforce, efficient transportation facilities, and adequate water supplies.

A Review of the State Bar Court (December 1991). The attorney discipline system of the State Bar has undergone dramatic structural changes over the past five years; the centerpiece of the legislature's reform efforts in this area was its enactment of SB 1498 (Presley) (Chapter 1159, Statutes of 1988) which, among other things, professionalized the adjudicative decisionmaking function of the State Bar. SB 1498 wiped out the Bar's old system—which used hundreds of volunteer practicing attorneys as "hearing referees" to preside over evidentiary discipline hearings of their colleagues and competitors, and then subjected all hearing referee decisions to review by an eighteen-member Review Department, again dominated by practicing attorneys (twelve attorney members and six public members). Instead, SB 1498 created a six-judge Hearing Department and a three-judge Review Department. All nine judges are full-time professional judges appointed by the California Supreme Court; one of the Review Department judges is a non-lawyer. (See CRLR Vol. 8, No. 4 (Fall 1988) pp. 123–24 for background information on SB 1498.)

SB 1498 also directed LAO to review the workload of the State Bar Court, based upon quarterly statistical reports submitted by the State Bar. LAO first described the attorney discipline system of the State Bar, and then focused on three areas of the State Bar Court's operation—workload, productivity, and cost-effectiveness. LAO concluded that the State Bar Court has generally done an effective job of managing and processing its workload following the transition to the new attorney discipline system created by SB 1498, and made the following specific findings and recommendations.

Regarding workload, LAO noted that the number of cases filed with the State Bar Court by the Bar's prosecutorial office has steadily increased over the past four years, culminating in a record high of 368 cases filed during the third quarter of 1991. This dramatic increase is due to the efforts of the Bar's investigative and prosecutorial offices to decrease a long-standing backlog of consumer complaints, and to a longer-term trend of increases in the number of disciplinary complaints lodged by consumers against California attorneys. LAO