



Third, CPA supports SB 917 (Kopp), a two-year bill which would require certain health care service plans, when offering new pharmacy benefits in an area, to notify all pharmacies in the area and take bids from all such pharmacies (*see supra*).

Finally, CPA may seek legislation to provide that it is a felony offense for any person who, in order to obtain any drug, falsely represents him/herself to be a physician or other person who may lawfully prescribe the drug, or falsely represents that he/she is acting on behalf of a person who may lawfully prescribe the drug, in a telephone communication with a registered pharmacist; currently, such an act constitutes a misdemeanor.

## RECENT MEETINGS:

At its October 16 meeting, the Board once again discussed the possibility of adopting regulations to better control fee arrangements between physicians and home health agencies. (See CRLR Vol. 11, No. 4 (Fall 1991) p. 104; Vol. 11, No. 3 (Summer 1991) p. 101; and Vol. 11, No. 2 (Spring 1991) p. 97 for background information.) Specifically, the Board has been considering regulations that would require the disclosure of contracts between home health care companies and health care consultants and which would provide the Board with authority to access the financial records of pharmacies. Department of Consumer Affairs (DCA) legal counsel Robert Miller suggested that the Board work with the DCA Director, who has broad investigatory powers to obtain such records; the Board took no formal action at the October meeting.

Also at its October meeting, the Board discussed the final rule adopted by the federal Nuclear Regulatory Commission (NRC) which requires medical licensees to establish quality management programs in an effort to reduce misadministrations of radiopharmaceuticals. (See CRLR Vol. 11, No. 3 (Summer 1991) p. 101 for background information.) The Board had previously opposed such a requirement as unnecessary in light of existing state regulations, and not warranted by the data compiled by the NRC. Despite this and other opposition, the NRC adopted the rule. The Board heard testimony from radiopharmacists who believe the rule places an enormous burden on small businesses without adding any safety or other benefit to the public beyond what is already in place. The Board agreed to send another letter to the NRC requesting that the Commission reconsider the rule.

The Board also discussed a letter from Deputy Attorney General Edward G. Weil advising the Board that the state Department of Justice has received numerous complaints that pharmacists are not providing the FDA-required patient package insert (PPI) when dispensing conjugated estrogens. Mr. Weil recommended that the Board notify its licensees of their potential liability not only under federal law, but for civil penalties under Proposition 65 when the PPI is not provided. Proposition 65, the Safe Drinking Water and Toxics Enforcement Act of 1986, provides that "no person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the State of California to cause cancer, birth defects or reproductive harm," without providing a "clear and reasonable warning." Proposition 65 applies to consumer products in general, and to prescription drugs; in 1987, the state determined that conjugated estrogens are a chemical known to cause cancer under Proposition 65. The Board agreed to publish a warning to licensees in its next newsletter. Board member Robert Toomajian noted that in light of the upcoming oral consultation requirement (*see supra* MAJOR PROJECTS), pharmacists should be notified of other prescription drugs that are known to cause cancer. Deputy Attorney General Bill Marcus opined that, to his knowledge, conjugated estrogens are the only drug identified by the state as cancer-causing thus far in its Proposition 65 implementation process.

## FUTURE MEETINGS:

May 27-28 in Sacramento.  
July 29-30 in San Francisco

## BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

*Executive Officer: Darlene Stroup*  
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The Board of Registration for Professional Engineers and Land Surveyors (PELS) regulates the practice of engineering and land surveying through its administration of the Professional Engineers Act, sections 6700 through 6799 of the Business and Professions Code, and the Professional Land Surveyors' Act, sections 8700 through 8805 of the Business and Professions Code. The Board's regulations are found in Division 5, Title 16 of the California Code of Regulations (CCR).

The basic functions of the Board are to conduct examinations, issue certificates, registrations, and/or licenses, and appropriately channel complaints against registrants/licensees. The Board is additionally empowered to suspend or revoke registrations/licenses. The Board considers the proposed decisions of administrative law judges who hear appeals of applicants who are denied a registration/license, and those who have had their registration/license suspended or revoked for violations.

The Board consists of thirteen members: seven public members, one licensed land surveyor, four registered Practice Act engineers and one Title Act engineer. Eleven of the members are appointed by the Governor for four-year terms which expire on a staggered basis. One public member is appointed by the Speaker of the Assembly and one by the Senate Rules Committee.

The Board has established four standing committees and appoints other special committees as needed. The four standing committees are Administration, Enforcement, Examination/Qualifications, and Legislation. The committees function in an advisory capacity unless specifically authorized to make binding decisions by the Board.

Professional engineers are registered through the three Practice Act categories of civil, electrical, and mechanical engineering under section 6730 of the Business and Professions Code. The Title Act categories of agricultural, chemical, control system, corrosion, fire protection, industrial, manufacturing, metallurgical, nuclear, petroleum, quality, safety, and traffic engineering are registered under section 6732 of the Business and Professions Code.

Structural engineering and geotechnical engineering are authorities linked to the civil Practice Act and require an additional examination after qualification as a civil engineer.

Board members and industry representatives expressed sorrow at the October 12 death of Board member Clarence E. (Bill) Mackey. In December, Governor Wilson appointed David J. Slawson as the Board's land surveyor member. Slawson, the president of a civil engineering firm, replaces former Board member James Dorsey. The Governor also appointed Mim Scott to the Board as a public member. Scott, a senior vice-president of a master-planned community developer, fills the seat of former Board member Robert Thornberg. Finally, the Senate Rules Committee reappointed public member Sharon Reid to the Board for her final four-year term.



## REGULATORY AGENCY ACTION

### MAJOR PROJECTS:

**Board Debates Applicable Contracting Procedure.** At its October, November, and December meetings, the Board discussed its request for proposals (RFP) for a land surveyor consultant who will review complaints to determine whether a violation of the Professional Land Surveyors' Act has occurred, serve as a witness for the Board in disciplinary hearings against land surveyors, respond to requests for information and interpretation of the Act, review and coordinate land surveyor examination appeals, act as in-house consultant for the Board staff relative to land surveying questions, and develop and monitor regulatory packages relating to land surveying. Following the release of the RFP, the Board received two proposals, only one of which scored above the minimum qualifying score.

During the pendency of the RFP process, Board members and industry representatives began debating whether the RFP procedure was appropriate for this particular contract. As part of the RFP procedure, bids are evaluated to determine if they meet the minimal qualifications; thereafter, the contract is awarded to the lowest bidder who possesses the minimum qualifications. Industry members contended that the nature of the work involved in this contract warrants the use of "Little Brooks Act" (Government Code section 4525 *et seq.*) contracting procedures; the Little Brooks Act provides a procedure for selecting private architectural, landscape architectural, engineering, environmental, land surveying, and construction project management services for public projects on the basis of demonstrated competence and professional qualifications necessary for the satisfactory performance of the job, as opposed to selection on the basis of minimum competence and competitive bidding. Although the Act does not indicate those situations when its bidding procedures must be used, Government Code section 4529 does provide that the Act "shall not apply where the state or local agency head determines that the services needed are more of a technical nature and involve little professional judgment and that requiring bids would be in the public interest."

The RFP originally released by PELS established as 50% of the evaluation criteria "land surveying experience and knowledge of professional methods, procedures, requirements and standards." However, Department of Consumer Affairs (DCA) legal counsel Don Chang opined that "the services called for in the RFP would be of a technical nature

rather than the professional practice of land surveying. Although the consultant would be called upon the [sic] exercise his or her judgment, it would not involve the exercise of professional judgment. That is, the judgment called for in the RFP would not relate to the consultant's actual practice of land surveying." As a result, Mr. Chang concluded that the RFP process used by the Board was proper and that use of the Little Brooks Act's procedures would be inappropriate.

Nonetheless, at PELS' December 20 meeting, the Board unanimously agreed to reject the current bids and directed staff to rewrite the proposal to include consideration of the Little Brooks Act criteria. Interestingly, Government Code section 4526 states that, in order to implement this method of selection, state agency heads contracting for the specified services "shall adopt by regulation . . . procedures that assure that these services are engaged on the basis of demonstrated competence and qualifications for the types of services to be performed and at fair and reasonable prices to the public agencies." No such regulations have been adopted by PELS; at this writing, it is not known whether the agency will be required to adopt such regulations prior to contracting pursuant to the Little Brooks Act procedures.

**Yolo County Building Official Facing Criminal Charges.** The December 1991 issue of *Engineers Board Review*, a newsletter written and published by land surveyor Robert G. Hoerger, contained an in-depth description of the alleged events leading to the arraignment of Yolo County Chief Building Inspector Freddie Eugene McCrory on charges of forgery by signing the name of another person or a fictitious person to receipts for the payment of money, forgery or counterfeiting of professional engineer seals, false representation as a civil engineer, and conflict of interest for willfully and unlawfully making, participating in making, or attempting to use his official position to influence a governmental decision in which he knew or had reason to know he had a financial interest. McCrory would allegedly inform building plan submitters that in order for their plans to be approved, more engineering work would be required; McCrory would allegedly tell the applicants that he knew of someone who could perform the necessary work. According to the *Review*, McCrory, a non-engineer, would perform the work himself, forge the professional seal of an engineer, and bill the submitters, asking for a cash payment. McCrory would

then review the project plan submittal, including his own contribution, and approve it in his official capacity as Chief Building Inspector.

According to the *Review*, Sacramento structural engineer Charles Greenlaw came across some of the bogus engineering drawings and suspected that they had been performed by an unlicensed person. Greenlaw compared the registration numbers written on the documents with PELS' records, and discovered that the numbers did not correspond to the proper names; Greenlaw informed PELS' enforcement unit of his findings in May 1991. After two months of apparently minimal investigation, the enforcement unit turned the matter over to the Department of Consumer Affairs' Division of Investigation (DOI). Within 24 hours of talking to Greenlaw, DOI uncovered key evidence apparently implicating McCrory as the party responsible for the phony drawings. According to Yolo County Assistant Planning Director Elizabeth Kemper, subsequent investigation uncovered eighteen cases during the course of one year in which McCrory may have forged design plans. According to the *Review*, McCrory's entire Yolo County work product is being reviewed; McCrory is currently facing six felony and six misdemeanor charges.

As for PELS' enforcement unit, the *Review* charges that "once again staff too long accepted as gospel info from a public agency official, did not apparently suspect the possibility of self-servingness in that info, and did not verify through some independent means the accuracy of what they were told. Things didn't go right until the Division of Investigation was given the job. D of I elevates protection of the public as a priority over protecting public officials." Greenlaw and *Review* editor Hoerger leveled similar criticism against the Board last year after PELS dismissed Greenlaw's complaint regarding unlicensed practice by City of Sacramento officials. (See CRLR Vol. 11, No. 4 (Fall 1991) p. 108; Vol. 11, No. 3 (Summer 1991) p. 104; and Vol. 11, No. 2 (Spring 1991) p. 103 for background information.)

**Board to Pursue Aiding/Abetting Regulations.** At its October 4 meeting, the Board agreed to pursue regulatory revisions to establish definitions of aiding and abetting as it relates to the practice of professional engineers and land surveyors. According to PELS, activities for which it is difficult to determine if a violation of aiding and abetting has occurred—because there is no clear definition in the law—include



overstamping of prefabricated designs or materials; the signing of entire structural designs when not all portions have been completed by a single engineer; contracting out various portions of jobs to unlicensed individuals; maintaining branch offices which do not have licensed individuals working onsite; using a licensee's stamp on jobs performed by unlicensed individuals; and hiring unlicensed individuals by licensees to perform photogrammetric surveying.

Under the draft language prepared by staff, aiding and abetting would include but not be limited to the situation where a California licensed engineer signs any plans, specifications, plats, reports, or other engineering documents which have been prepared by any person who is not (1) a California licensed architect or civil, electrical, or mechanical engineer; (2) a subordinate employee under his/her responsible charge; or (3) an individual who is associated by written agreement with the engineer and who is under the engineer's responsible charge. Similarly, aiding and abetting would include but not be limited to the situation where a California licensed land surveyor or registered civil engineer signs any plans, specifications, plats, reports, or other surveying documents which have been prepared by any person who is not (1) a California licensed land surveyor or registered civil engineer; (2) a subordinate employee under his/her responsible charge; or (3) an individual who is associated by written agreement with the land surveyor or civil engineer and who is under the land surveyor or civil engineer's responsible charge. At this writing, the proposed amendments have not yet been published in the *California Regulatory Notice Register*.

**Board Proposes Electrical Engineering Regulations.** According to PELS, its existing regulations do not adequately address the mode of practice and the areas of responsibility of the modern electrical engineer, nor the areas covered by the modern practice of electrical engineering. Further, the Board states that widespread use of the personal computer has a very significant impact on the public, and that the software which determines how these computers function is frequently created by engineers instead of programmers; the Board believes "there is a need to recognize these changes and to bring some of this activity under the Board's control." Also, there are no current regulations which advise an applicant for registration as an electrical engineer what type of experience PELS will accept

toward meeting the requirements for that registration.

As a result, on October 18, PELS published notice of its intent to amend sections 404(k) and 404(l) and adopt new section 426.70. Title 16 of the CCR. Specifically, amendments to section 404(k) would provide that an electrical engineer (1) is a professional engineer as defined in Business and Professions Code section 6701, who holds a valid registration as an electrical engineer as defined in Business and Professions Code section 6702.1; (2) uses engineering judgment, applies engineering principles, performs engineering analysis, and/or is in responsible charge of electrical work; and (3) practices electrical engineering as defined in Business and Professions Code section 6734.1.

Proposed amendments to section 404(l) would provide that electrical engineering is that branch of professional engineering which involves the use of engineering judgment, the application of engineering principles, engineering analysis, the review of engineering work, and/or the assumption of responsible charge for the design or development of devices, equipment, systems, or processes ("design products") whose functioning depends primarily on electrical, electronic, magnetic, or electromagnetic effects and/or phenomena. Section 404(l) would also provide that electrical engineering design products comply with applicable codes and recognized standards, where such codes and standards have been established in order to safeguard life, health, property, and public welfare, and include but are not limited to design products in the following areas: power generation, transmission, conversion, distribution, and utilization; lighting systems for interior, exterior, and special applications; communications and broadcast networks, systems, and equipment, including telecommunications transmission and switching equipment and facilities; control systems for feedback, stability, amplification, and filtering applications; software and/or firmware used to design, control, and/or monitor the products of electrical engineering design; software and/or firmware which becomes an integral part of the design product, replacing components of the design product which would otherwise be included in the above-defined areas; and such other design and application work judged by PELS to be equivalent to one or more of the above.

Proposed new section 426.70 would provide that experience which qualifies an applicant for registration as an electrical engineer shall be work that con-

forms with the definition of electrical engineering as specified in section 404(l) and complies with applicable codes and recognized standards, where such codes and standards have been established in order to safeguard life, health, property, and public welfare, in any of the following or combination thereof: (1) work as a subordinate under the direct supervision of a registered electrical engineer or other legally authorized supervisor who is technically qualified in the area of the work; (2) work in a manufacturing or other exempt facility, where the work is reviewed by a registered electrical engineer, or where the product is subject to independent review by an individual knowledgeable in the area of design and product performance testing; and (3) work judged by PELS to be equivalent to one or more of the above.

PELS conducted public hearings on these proposed changes on December 5 and 6. Due to the extensive debate regarding the term "software" as used in section 404(l), the Board extended the public comment period until January 31 and was scheduled to conduct a February 15 workshop for the purpose of drafting amendments to the proposed regulations.

**Board to Pursue Professor Registration Regulations.** At its December 20 meeting, the Board unanimously agreed to pursue regulatory amendments to sections 424 and 438, Title 16 of the CCR, to encourage Board registration of engineering professors. Proposed amendments to section 424 would provide that applied engineering research shall be considered to be an engineering task which constitutes qualifying experience for purposes of registration as a professional engineer. Proposed amendments to section 438 would provide that an applicant for registration as a professional engineer whose qualifications meet all requirements of the Business and Professions Code and PELS' regulations will be allowed to appear for only the second division of the written examination prescribed by Business and Professions Code section 6755 if he/she is the holder of an earned doctorate in engineering from a curriculum at a university or college where the same undergraduate engineering curriculum is accredited by the Accreditation Board for Engineering and Technology; this provision would remain in effect for a five-year period. At this writing, these proposed amendments have yet to be noticed in the *California Regulatory Notice Register*.

**Regulatory Update.** At its October 4 meeting, the Board agreed to abandon its proposed adoption of new sections



## REGULATORY AGENCY ACTION

424(f) and 426.60, Title 16 of the CCR, which would have defined qualifying experience for civil engineers. According to the Board's Administration Committee, PELS' legal counsel opined that a less specific document would be acceptable and would not violate Business and Professions Code section 6717. (See CRLR Vol. 11, No. 4 (Fall 1991) p. 107 for background information.)

At PELS' October 4 meeting, the Board adopted its proposed amendments to section 424(b), which would provide an exception to PELS' after-graduation experience requirement for cooperative work-study experience, and add that a maximum of five years' experience shall be credited for graduation from an approved cooperative work-study engineering curriculum. (See CRLR Vol. 11, No. 4 (Fall 1991) p. 107 for background information.) At this writing, this amendment awaits review and approval by the Office of Administrative Law (OAL).

At its November 8 meeting, the Board unanimously adopted proposed changes to sections 424 (experience requirements for professional engineer registration), 425 (experience requirements for land surveyor registration), 464 (single corner record), and 465 (time extensions for record of survey). (See CRLR Vol. 11, No. 4 (Fall 1991) p. 107; Vol. 11, No. 3 (Summer 1991) p. 104; and Vol. 11, No. 2 (Spring 1991) pp. 100-01 for extensive background information.) At this writing, the proposed amendments await review and approval by OAL.

Finally, at PELS' December 20 meeting, the Board decided to make minor revisions to proposed new section 472 (fines for citations against a professional engineer or land surveyor). (See CRLR Vol. 11, No. 4 (Fall 1991) pp. 106-07; Vol. 11, No. 3 (Summer 1991) p. 104; and Vol. 11, No. 2 (Spring 1991) pp. 100-01 for background information.) Government Code section 11346.4 provides that the effective period of a notice of proposed rulemaking shall not exceed one year from the date thereof. PELS had originally published notice of its intent to adopt new section 472 on January 4, 1991; therefore, the rulemaking file for section 472 would have had to be forwarded to OAL by January 4, 1992. Because the modifications made at the Board's December 20 meeting warranted an additional 15-day public comment period, PELS was unable to comply with that deadline. Therefore, the Board decided at its December meeting to renote the entire rulemaking proceeding and conduct a new 45-day public comment pe-

riod. The Board was expected to republish the proposed changes in the *California Regulatory Notice Register* in mid-January.

### LEGISLATION:

**AB 1801 (Frazee)**, as amended July 11, would require contracts for engineering services between registered professional engineers and consumers to be in writing and to contain specified provisions, including a prominent-type notice to consumers that engineers are regulated by PELS. This two-year bill, which is opposed by the Board, is pending in the Senate Business and Professions Committee.

**SB 201 (L. Greene)**, as amended April 9, would amend the Professional Engineers Act to require that an applicant for registration as a professional engineer furnish evidence to PELS of eight years or more of qualifying experience in engineering work satisfactory to the Board. Commencing January 1, 1994, this bill would also prohibit the Department of Transportation from requiring a civil engineer to be registered to qualify for or advance to civil engineering positions, as specified. This two-year bill, which is opposed by the Board, is pending in the Senate Business and Professions Committee.

**AB 801 (Lancaster)**, as amended April 16, would require any found, unreferenced, and unmarked monument found in connection with a survey used or accepted by a licensed land surveyor or registered civil engineer to mark or reference a point on a property or land line, to be marked or tagged permanently and visibly with the certificate number of the land surveyor or civil engineer accepting the monument. This bill is pending in the Assembly Local Government Committee.

**AB 640 (Lancaster)**, as amended May 8, would, among other things, delete a provision of law that excludes public officers from the requirement that a record of survey be filed in specified circumstances; delete the requirement that a county surveyor prepare a map of retracement or remonument surveys and make the map a part of the public records within 90 days; and require the county surveyor to instead assure compliance with the Land Surveyors' Act for those surveys. This two-year bill is pending in the Assembly Ways and Means Committee.

**AB 1268 (Mays)**, as amended April 15, would revise the second division of the examination for registration as a professional engineer and the examination procedure for licensure as a land surveyor. This bill would require PELS

to prescribe by regulation reasonable education or experience requirements, but not to exceed three years of either postsecondary education or experience in land surveying. This two-year bill, which is opposed by the Board, is pending in the Assembly Committee on Consumer Protection, Governmental Efficiency, and Economic Development.

**SB 575 (L. Greene)**, as amended April 16, would require, on the civil engineering examination, that the questions regarding seismic principles be general and conceptual in nature rather than specific structural design problems. This bill, which would be operative until January 1, 1995, would also require PELS to make an annual report containing specified information to certain legislative committees on or before January 30 of each year. This two-year bill, which is opposed by the Board, is pending in the Senate inactive file.

**SB 416 (Royce)**, as amended April 18, would provide, on or after July 1, 1992, that no person shall practice photogrammetry or use the title of photogrammetric surveyor unless he/she is a licensed photogrammetric surveyor, a registered civil engineer, or a licensed land surveyor. This bill, which would also require PELS to establish qualifications and standards to practice photogrammetry, is pending in the Senate Business and Professions Committee.

**AB 1354 (Tanner)**, as amended August 19, would prohibit any person from engaging in the practice of chemical engineering unless he/she is registered by PELS. This bill is pending in the Senate Business and Professions Committee.

**Proposed Legislation.** At its December 20 meeting, the Board agreed to sponsor legislation to amend Business and Professions Code sections 6799 and 8805, which specify PELS' licensing fees. According to the Board, the current fee structure results in "gross inequities," noting that an applicant who applies to take the civil engineering examination pays \$175 for his/her application to be reviewed and to sit for twelve hours of examination (the eight-hour NCEES exam and the four-hour special civil exam), while another applicant, who previously took the civil engineering examination and passed the eight-hour portion and the two-hour special civil portion, must also pay \$175 to sit for just two hours of examination. According to the Board, the proposed legislation would make the fee structure more equitable, while ensuring that exam fees support the exam program, application fees support the application



process, and renewal fees support PELS' enforcement/ongoing programs.

## RECENT MEETINGS:

At PELS' October 4 meeting, DCA Director Jim Conran addressed the Board. Conran reminded the Board that its primary goal is consumer protection and noted that DCA is available to assist the Board in meeting this goal.

At its November 8 meeting, the Board engaged in a lengthy discussion regarding the powers of the Board chair and committees, and various rights of Board members. Following the discussion, the Board agreed that the rights of each Board member are to be recognized as contributing to the Board effort as a whole; no Board member, without the approval of the Board, may represent himself/herself as a spokesperson for the Board on any matter which has not been acted on by the Board; no Board member shall be denied his/her right to agenda an item on a Board or Committee agenda; and no Board member shall be denied his/her right to have counsel present from any recognized state agency if he/she so desires.

## FUTURE MEETINGS:

To be announced.

## BOARD OF REGISTERED NURSING

*Executive Officer: Catherine Puri (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 60 people.

## MAJOR PROJECTS:

**Budget Update.** At its November meeting, the Board discussed the effect

of AB 222 (Vasconcellos), the 1991-92 budget bill which will, among other things, transfer excess reserve funds from special fund agencies, including BRN, to the state's general fund. BRN estimates that the state will transfer \$840,000 from the Board's special fund into the general fund to help offset the state's \$14.3 billion budget deficit. This money, which is not expected to be returned, will significantly decrease BRN's fund to three months' worth of operating expenses. In the past, any unexpended funds from one year were transferred into the special fund to be used by BRN for operating expenses or emergencies in future years. The loss of \$840,000 thus has an effect not only on this fiscal year, but on future years' operations as well.

Also at the November meeting, BRN Executive Officer Catherine Puri reported on the status of the Board's budget change proposal (BCP) for fiscal year 1992-93, which would add 27 permanent positions to the Board's staff. (See CRLR Vol. 11, No. 4 (Fall 1991) p. 110 for background information.) According to the Board, its present staff can answer only 30% of incoming calls, has a one-week backlog of over 5,000 pieces of mail in the mailroom, has 57,000 license files waiting to be microfilmed, and takes two to three months to process licensure applications. The BCP was approved by the Department of Consumer Affairs (DCA) and the State and Consumer Services Agency, and is expected to be included in the Governor's proposed budget for the 1992-93 fiscal year.

**Computer Adaptive Testing.** Following its 1991 Delegate Assembly vote to implement computer adaptive testing (CAT) for the national standardized licensing examinations for registered nursing (NCLEX-RN), the National Council of State Boards of Nursing (NCSBN) recognized that various aspects of the implementation of computer testing must be managed by committees and other appropriate groups. As a result, NCSBN—the national organization which provides the NCLEX-RN—established a Computerized Testing Steering Committee, CAT Education/Information Team, CAT RN Field Test Team, CAT Implementation Team, Proposal Evaluation Team, Negotiating Team, and CAT Technical Psychometric Review Panels. Julie Campbell-Warnock, a member of the CAT Education/Information Team, attended BRN's November meeting and reported that her team's charge is to develop, coordinate, and prioritize dissemination of all educational and infor-

mational materials related to the implementation of CAT. At its first meeting, the team developed priorities, set timelines, and developed a budget for its activities.

**Board Discusses Perfusionist Licensing Bill.** In 1991, former BRN member and now Assemblymember Tricia Hunter introduced AB 566, which would provide for the licensure and regulation of perfusionists; early versions of the bill delegated the authority to regulate perfusionists to the Medical Board's Division of Allied Health Professions. However, Assemblymember Hunter is now exploring the possibility of amending AB 566 to place perfusionist licensing under the jurisdiction of BRN. According to BRN, there are approximately 300 perfusionists in California, and they provide a highly technical type of care both inside the operating room and in other areas. Perfusionists typically deal with patients requiring open heart surgery, extracorporeal support or stand-by for angioplasty of the coronary arteries, extracorporeal membrane oxygenator support, autotransfusion services during a variety of cardiac and non-cardiac surgical procedures, intra-aortic balloon support, limb perfusion for cancer treatments, protection of donor hearts for heart transplantation, and a variety of other supportive procedures.

The Board noted that precedent exists for a board to regulate an entity other than its original licensees; the perfusionists' funding and fees would be deposited in a separate account from BRN; the Board could create a five-member advisory committee that would address all questions of perfusionist practice, evaluate the credentials of those applying for certification, and make recommendations to BRN on perfusionist issues or candidates; there is a national examination sanctioned by the American Board of Cardiovascular Perfusion and accredited by the Council on Allied Health Education of the American Medical Association, which would have to be evaluated by the Department of Consumer Affairs' Central Testing Unit and BRN to ascertain whether the exam meets California testing requirements; for the credentialing of perfusionists, there is a national certification process in place, and those standards could form a basis for credentialing in California; and there are also national standards for schools that educate perfusionists, and those standards could be used to develop education regulations.

At the conclusion of the discussion, BRN decided to take no definite action on the proposal until the Board knows