

REGULATORY AGENCY ACTION



which will enable employers to contact BRN via computer hook-up to directly check an RN's license record; staff expected to implement a pilot program in January. Dr. Puri also announced that she has met with DCA Director Jim Conran and that he is assisting BRN in ensuring that its recently-adopted disciplinary guidelines are provided to administrative law judges and deputy attorneys general. (See CRLR Vol. 11, No. 4 (Fall 1991) p. 109 for background information.)

FUTURE MEETINGS:

May 27-28 in San Diego.
July 22-23 in Oakland.
September 23-24 in Bakersfield.
November 18-19 in San Francisco.

BOARD OF CERTIFIED SHORTHAND REPORTERS

Executive Officer: Richard Black
(916) 445-5101

The Board of Certified Shorthand Reporters (BCSR) is authorized pursuant to Business and Professions Code section 8000 *et seq.* The Board's regulations are found in Division 24, Title 16 of the California Code of Regulations (CCR).

BCSR licenses and disciplines shorthand reporters; recognizes court reporting schools; and administers the Transcript Reimbursement Fund, which provides shorthand reporting services to low-income litigants otherwise unable to afford such services.

The Board consists of five members—three public and two from the industry—who serve four-year terms. The two industry members must have been actively engaged as shorthand reporters in California for at least five years immediately preceding their appointment.

MAJOR PROJECTS:

Board Establishes Equivalency Standards. At its December 14 meeting, the Board noted that AB 2002 (Horcher) (Chapter 1097, Statutes of 1991) amended Business and Professions Code section 8020(e) to provide that a person shall be admitted to the BCSR licensing examination if he/she submits satisfactory evidence to the Board that, within the five years immediately preceding the date of application for a license, the applicant has obtained a valid certified shorthand reporter certificate or license to practice shorthand reporting issued by a state other than California whose requirements and licensing examination

are substantially the same as those in California: previously, the statute did not require the other states' requirements and licensing examinations to be substantially the same as those in California.

Board member Rod Clifton stated that this amendment requires the Board to review the standards of the other states that have CSR exams to determine which are "substantially the same as" California requirements. Clifton suggested that the Board consider (1) whether the state requires a written examination; (2) the nature of the machine portion of the state's exam; and (3) the percentage of accuracy required. The Board agreed that a state would have to require a written exam in order to be considered substantially equivalent to California, and agreed that any state which has an exam equivalent to that administered by the National Court Reporters Association should be considered to have substantially similar licensing requirements. Further, the Board reviewed the requirements of several states and agreed that Illinois, Iowa, Nevada, New York, Texas, and Utah have substantially similar requirements. In addition, applicants who passed the Idaho exam after February 1992 and those who received a Georgia "A" certificate after 1990 and took the entire exam (including the written portion) shall be admitted to the BCSR licensing exam.

The Board noted that, despite the unconstitutionality of residency requirements, the state of Nevada requires a person to be a resident before he/she may obtain a CSR license, even if the person has passed Nevada's licensing examination. The Board directed staff to consult with legal counsel to determine if, pursuant to the amended language in section 8020(e), the Board could allow a person who has passed the Nevada exam to sit for the California exam, rather than requiring that person to have a "valid certified shorthand reporter certificate or license" from Nevada.

The Board also discussed the fact that many students had taken the November Washington state exam, and perhaps other states' exams, believing that successful completion of that exam would qualify them to take the California licensing exam, as was the case prior to the passage of AB 2002. However, many of those states are not yet on BCSR's list of states recognized as having substantially similar licensing requirements. The Board directed staff to determine whether BCSR may make an exception and admit such applicants to the upcoming May examination only.

BCSR Proposes to Amend Curriculum Requirements. In late December, BCSR finally commenced the formal regulatory process to revise its school curriculum regulations. Section 2411, Title 16 of the CCR, currently specifies the minimum curriculum to be provided by court reporting schools recognized by the Board; those requirements have not been updated since 1979. According to the Board, its proposed amendments to section 2411, based on recommendations from a committee convened by BCSR, constitute "primarily language clarifications rather than new requirements." However, the amendments would increase the minimum amount of time required to be spent studying the fundamentals of English from 135 hours to 215 hours; eliminate the 1,320-hour requirement in the areas of shorthand, dictation, and transcription; decrease the required hours of medical terminology from 140 to 125; increase the time required to be spent studying legal terminology by five hours; and eliminate the requirement for courses on general office practice, thus deleting the current 40-hour requirement. Overall, the minimum number of academic hours a school is required to instruct in order to be approved by the Board would decrease from 1,940 to 600. (See CRLR Vol. 11, No. 3 (Summer 1991) pp. 107-08; Vol. 11, No. 2 (Spring 1991) p. 104; and Vol. 10, No. 4 (Fall 1990) pp. 104-05 for background information.)

Section 2420(a)(3), Title 16 of the CCR, currently states specific pass percentages for each part of BCSR's licensing examination. The Department of Consumer Affairs' Central Testing Unit has informed BCSR that such fixed points are contrary to the recommended practices of the testing profession. As a result, BCSR proposes to amend section 2420(a)(3) to delete the reference to the pass percentages.

The Board was scheduled to hold a public hearing on these proposed changes on February 22 in Burlingame.

OAL Approves Citation and Fine Rules. On December 12, the Office of Administrative Law approved BCSR's proposed new sections 2480 and 2481, Title 16 of the CCR, which implement a citation and fine program to remedy consumer complaints and discipline licensees. (See CRLR Vol. 11, No. 4 (Fall 1991) p. 111; Vol. 11, No. 3 (Summer 1991) p. 108; and Vol. 11, No. 2 (Spring 1991) p. 105 for background information.)

RECENT MEETINGS:

At BCSR's November 7 meeting, Executive Officer Rick Black reported



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that the Department of Finance approved BCSR's 1991-92 budget change proposal, which augments several of the Board's line items and took effect on January 1.

At the Board's December 14 meeting, Rick Black reported that he had attended a meeting of the clerks of the courts of appeal and the California Supreme Court to discuss the process by which Board staff write letters to CSRs who receive delinquent notices or orders to show cause from the courts; the clerks assured Black that this process is worthwhile, as it greatly reduces the number of delinquent transcripts.

FUTURE MEETINGS:

May 7 in San Francisco.
June 13 in southern California.
August 15 in Santa Clara.

STRUCTURAL PEST CONTROL BOARD

Registrar: Mary Lynn Ferreira
(916) 924-2291

The Structural Pest Control Board (SPCB) is a seven-member board functioning within the Department of Consumer Affairs. The SPCB is comprised of four public and three industry representatives. SPCB's enabling statute is Business and Professions Code section 8500 *et seq.*; its regulations are codified in Division 19, Title 16 of the California Code of Regulations (CCR).

SPCB licenses structural pest control operators and their field representatives. Field representatives are allowed to work only for licensed operators and are limited to soliciting business for that operator. Each structural pest control firm is required to have at least one licensed operator, regardless of the number of branches the firm operates. A licensed field representative may also hold an operator's license.

Licensees are classified as: (1) Branch 1, Fumigation, the control of household and wood-destroying pests by fumigants (tenting); (2) Branch 2, General Pest, the control of general pests without fumigants; (3) Branch 3, Termite, the control of wood-destroying organisms with insecticides, but not with the use of fumigants, and including authority to perform structural repairs and corrections; and (4) Branch 4, Roof Restoration, the application of wood preservatives to roofs by roof restorers. Branch 4 was enacted by AB 1682 (Sher) (Chapter 1401, Statutes of 1989), and became effective on July 1, 1990. An operator may be licensed in all four

branches, but will usually specialize in one branch and subcontract out to other firms.

SPCB also issues applicator certificates. These otherwise unlicensed individuals, employed by licensees, are required to take a written exam on pesticide equipment, formulation, application, and label directions if they apply pesticides. Such certificates are not transferable from one company to another.

SPCB is comprised of four public and three industry members. Industry members are required to be licensed pest control operators and to have practiced in the field at least five years preceding their appointment. Public members may not be licensed operators. All Board members are appointed for four-year terms. The Governor appoints the three industry representatives and two of the public members. The Senate Rules Committee and the Speaker of the Assembly each appoint one of the remaining two public members.

MAJOR PROJECTS:

Board Considers Regulatory Changes. At its December 3 meeting, the Board conducted a public hearing on the proposed adoption of new sections 1990(c), 1973, and 1996.2, Division 19, Title 16 of the CCR.

Proposed new section 1990(c), extensively discussed at SPCB's September 5 meeting, again met with public criticism. (See CRLR Vol. 11, No. 4 (Fall 1991) p. 112 for background information.) Proposed section 1990(c) would provide that "[a]ny wood structure that touches or connects to the structure being inspected must be inspected or stated as not inspected in a 'limited report.' This includes, but is not limited to, decks, steps, patio covers, trellises, sheds and workshops. If these structures do not touch or connect to the structure being inspected, they may be excluded from the scope of the inspection. If fences and trellises are separated from the main structure by stucco, metal flashing, or other non-wood barriers, they may be excluded from the scope of the inspection." Public comments focused on the "volunteer" nature of inspections of wood structures that are separated from the main structure, which "may" be excluded from inspection; the unclear meaning of the phrase "touch or connect" and its interpretation by building inspectors; and the pejorative meaning of "limited report" and its probable impact on lenders. The Board voted to revise the proposed new subsection; a subcommittee was scheduled to address this issue in Irvine on February 20.

Proposed new section 1973 would require a SPCB licensee, following a fumigation, to release property for occupancy "by either personally returning the key(s) of the structure being fumigated to the owner/occupant/agent of the property or by posting a Notice of Re-Entry." The format of the required notice was also included as part of the Board's regulatory proposal. (See CRLR Vol. 11, No. 4 (Fall 1991) p. 112 for background information.) During its December 3 meeting, the Board voted to eliminate the option of returning the keys to the property owner/occupant/agent. The Board was expected to renotice the revised section and conduct another public hearing on February 21.

Proposed new section 1996.2 would revise SPCB's "Standard Notice of Work Completed and Not Completed" form and require the use of the form, which has long been in use by the pest control industry. On December 3, the Board unanimously approved proposed section 1996.2, subject to minor modifications. Staff released the modified text for a fifteen-day public comment period. At this writing, staff is preparing the rulemaking package for submittal to the Office of Administrative Law (OAL).

Board Continues to Define the Branch 4 Classification. On January 21, SPCB's Branch 4 Committee was scheduled to meet in San Francisco to continue defining and clarifying the Branch 4 (Roof Restoration) classification of pest control, which became effective on July 1, 1990. The Committee was slated to discuss various topics, including licensing requirements, continuing education requirements, consumer relations, and inspection report forms.

To enable the Branch 4 Committee to consider all relevant issues in toto, the Board removed discussion of its proposed amendments to regulatory sections 1950 and 1996 from the public hearing portion of its December 3 agenda. The Board's proposed amendments to section 1950 would require operators licensed in all four branches of pest control to obtain 48 continuing education (CE) hours during each three-year renewal period. Proposed amendments to section 1996 would revise SPCB's "Wood Destroying Pests and Organisms Inspection Report" form to inform consumers of SPCB's existence and update the Board's mailing address on the inspection report form. (See CRLR Vol. 11, No. 4 (Fall 1991) pp. 112-13 for background information.) Based on its findings, the Com-