



## REGULATORY AGENCY ACTION

Funeral Directors Association spoke in opposition to any proposal which would consolidate the Board with the Cemetery Board.

Also at its January 23 meeting, the Board heard from its Legislative and Budget Committee concerning methods of generating additional revenue for Board operations. [12:1 CRLR 62] The Committee recommended that the Board increase the death certificate filing fee or burial permit fee; these options will be discussed at future Board meetings.

Also at its January meeting, the Board elected its 1992 officers: Virginia Anthony was elected President, Carol Weddle was elected Vice-President, and Wesley Sanders was elected Secretary. Also, new Board member Lottie Jackson was introduced; Jackson replaces Randall Stricklin on the Board.

At the Board's April 16 meeting, DCA Director Jim Conran addressed the Board, congratulating it on its efforts to create a consumer booklet and suggesting that it mandate that before any contract is entered into, the licensee give the booklet to the consumer. Conran also strongly suggested that the Board become more proactive in addressing public concerns within its jurisdiction, and suggested that the Board require licensees to post its telephone number to enable consumers to file complaints. In response to Executive Officer Jim Allen's comment that the industry would not favor such an idea, Conran reminded the Board that its responsibility is to protect the public, not the industry. Conran reprimanded the Board for failing to solicit comments from the public—in addition to comments from industry members—during its meetings. Finally, Conran stated that the Board needs to assure the legislature that it is serious about fulfilling its mandate of protecting consumers.

Also at its April 16 meeting, the Board voted to support SB 2044 (Boatwright) sponsored by DCA. (See *supra* LEGISLATION.) This bill would authorize the Board to order an unlicensed person advertising funeral services in the telephone directory to request that the phone company disconnect the phone number of the unlicensed business. However, Jim Allen expressed concern that citations might be issued on the spot during investigations, something with which the Board has never been comfortable, and that the required offense would have to be committed in the presence of the person issuing the citation, something that would probably never happen.

Also at its April meeting, the Board again addressed its funding problem.

Recent fund analyses indicate that the Board will soon experience a deficiency. The Board's recent fee increases will not be sufficient to enable it to sustain its budgeted level of activity and build a prudent reserve. The only possible source of additional revenue, under present authority, is another increase in annual embalmer license renewal fees. An increase in the embalmer license renewal fee, from the present \$100 to the authorized maximum of \$125, would potentially generate another \$65,000 or more per year. However, the Board noted that many non-practicing embalmers who now continue to renew their licenses might not do so if fees are increased. As a result, Mr. Allen mentioned five possible alternatives for generating additional revenues, which include increasing the statutory ceiling on fees in all but the embalmer-related categories; charging funeral director licensees a fee, in addition to the flat license renewal fee, of \$.50-\$1 for each case handled during a calendar or license year; increasing the death certificate filing fee or the disposition permit fee; changing the fee for filing the annual preneed trust fund report; and establishing a system for licensing funeral establishment managers. This subject is expected to be discussed at future meetings.

Also at its April 16 meeting, in order to enable the license application process to work more efficiently, the Board agreed to delegate to the Executive Officer the authority to approve all funeral director applications, with the provision that this delegation be revisited annually.

### FUTURE MEETINGS:

To be announced.

### BOARD OF REGISTRATION FOR GEOLOGISTS AND GEOPHYSICISTS

*Executive Officer: Frank Dellechiaie (916) 445-1920*

The Board of Registration for Geologists and Geophysicists (BRGG) is mandated by the Geologist and Geophysicist Act, Business and Professions Code section 7800 *et seq.* The Board was created by AB 600 (Ketchum) in 1969; its jurisdiction was extended to include geophysicists in 1972. The Board's regulations are found in Division 29, Title 16 of the California Code of Regulations (CCR).

The Board licenses geologists and geophysicists and certifies engineering geologists. In addition to successfully passing the Board's written examination,

an applicant must have fulfilled specified undergraduate educational requirements and have the equivalent of seven years of relevant professional experience. The experience requirement may be satisfied by a combination of academic work at a school with a Board-approved program in geology or geophysics, and qualifying professional experience. However, credit for undergraduate study, graduate study, and teaching, whether taken individually or in combination, cannot exceed a total of four years toward meeting the requirement of seven years of professional geological or geophysical work.

The Board may issue a certificate of registration as a geologist or geophysicist without a written examination to any person holding an equivalent registration issued by any state or country, provided that the applicant's qualifications meet all other requirements and rules established by the Board.

The Board has the power to investigate and discipline licensees who act in violation of the Board's licensing statutes. The Board may issue a citation to licensees or unlicensed persons for violations of Board rules. These citations may be accompanied by an administrative fine of up to \$2,500.

The eight-member Board is composed of five public members, two geologists, and one geophysicist. BRGG's staff consists of five full-time employees. The Board's committees include the Professional Practices, Legislative, and Examination Committees. BRGG is funded by the fees it generates. Currently, two public member positions on BRGG are vacant.

### MAJOR PROJECTS:

**Hydrogeology Specialty Update.** At its March 9 meeting, BRGG decided to pursue regulations which would enable the Board to certify hydrogeologists as a specialty. The proposed regulations would require an applicant to first meet all of the requirements for geologist registration before being eligible to take the specialty examination. The specialty examination would require applicants to have a knowledge of, among other disciplines, geologic factors relating to the water resources of the state, principles of groundwater hydraulics and groundwater quality including the vadose zone, and interpretation of borehole logs as they relate to porosity, permeability, or fluid character. The regulations would also provide that civil engineers and soil scientists are exempt from hydrogeology certification requirements, insofar as they are regulated by the Board of Registration for



Professional Engineers and Land Surveyors.

Although the Board has concluded that its current enabling statute authorizes it to create the hydrogeology specialty by regulation, it believes that legislation is required to enable the regulations to operate with a "grandparent" clause which would allow certain qualified geologists presently practicing hydrogeology to be certified without having to pass the specialty examination. The Board's proposed regulations and legislation are responsive to AB 892 (Tanner), which would have renamed the Geologist and Geophysicist Act as the Earth Scientist Act and authorized BRGG to regulate the practice of hydrologists. [12:1 CRLR 63] BRGG contends that regulating hydrology, as opposed to hydrogeology, is beyond the scope of the Board's expertise and mandate.

BRGG had hoped to have the regulatory and legislative packages proceed simultaneously so that by the time the legislation is enacted, the regulations would be ready for formal adoption. However, the Board has thus far been unsuccessful in its attempts to locate a legislator willing to sponsor the necessary legislation. Although the last day to introduce a new bill was February 21, the Board has until July 4 to locate a legislator willing to integrate BRGG's proposal into existing legislation. If BRGG is unable to locate a "host" bill to carry the proposal, it will be forced to postpone introduction of the legislation until next term. In such a case, the Board would also have to defer adoption of the corresponding regulations until next year. As a result of these complications, the Board has not yet published notice of its intent to adopt the regulations in the *California Regulatory Notice Register*.

**Automation of Enforcement and Application Tracking Systems.** In early May, BRGG automated its enforcement tracking system by gaining access to the state's mainframe computers, which utilize the Teale Data Center and enable BRGG to compile information necessary for the efficient monitoring and discipline of practitioners requiring enforcement activity. The system is operated by BRGG's recently-hired enforcement analyst and is expected to significantly improve BRGG's enforcement capabilities. [12:1 CRLR 63]

BRGG is still on the waiting list, however, for access to the Department of Consumer Affairs' (DCA) Sun Micro Data Center, which would enable BRGG to use scantron computers to automatically determine if an applicant's qualifications to take the examination are lacking in any

way. BRGG is not expected to gain access to DCA's mainframe until after 1994, and has therefore implemented a substitute automated application tracking system which utilizes smaller computers already in BRGG's possession. Although the new system is expected to save considerable time in reviewing applications, the program's limitations will still prevent BRGG from administering its examination twice per year until 1994.

**BRGG Examination Development and Validation Process Update.** On April 24, BRGG's Examination Committee met with Donnoe & Associates, the private firm BRGG contracted with to develop and validate its examination, as well as a group of experts in the fields of geology and geophysics who have been chosen to assist the firm in validating BRGG's examination. The validation process requires the experts to determine the "state of the industry" and ensure that the Board's current examination properly tests the knowledge, skills, and abilities necessary to function within that industry. [12:1 CRLR 63] At the meeting, the Committee was presented with preliminary validation information which will be utilized in updating BRGG's current examination. BRGG Executive Officer Frank Dellechiaie stated that the validation process is progressing smoothly and is expected to be completed by the scheduled deadline of January 1993.

**BRGG Increases Fees.** On January 14, the Office of Administrative Law approved BRGG's regulatory amendments to sections 3005, 3025, 3036, and 3037, Division 29, Title 16 of the CCR, which will increase the Board's revenue by increasing application, registration, and renewal fees, and discontinuing the 50% refund of the application fee previously given to applicants who lack the qualifications required for admission to the examination. [12:1 CRLR 63] The revised fee schedules and related changes are now in effect and will apply to all future application, registration, and renewal requests.

#### LEGISLATION:

**SB 2044 (Boatwright)**, as amended April 2, would declare legislative findings regarding unlicensed activity and authorize all DCA boards, bureaus, and commissions, including BRGG, to establish by regulation a system for the issuance of an administrative citation to an unlicensed person who is acting in the capacity of a licensee or registrant under the jurisdiction of that board, bureau, or commission. This bill would also provide that the unlicensed performance of ac-

tivities for which a BRGG license or registration is required may be classified as an infraction punishable by a fine not less than \$250 and not more than \$1,000. [A. CPGE&ED]

**AB 2743 (Lancaster)**, as amended April 9, would authorize BRGG to establish a system of staggered certificate expiration dates and a pro rata formula for the payment of renewal fees by certificate holders affected by the implementation of the program. This bill would also authorize BRGG to establish a "cost recovery program"—that is, in a disciplinary proceeding, the Board could request the administrative law judge to direct the licentiate, in certain circumstances, to pay to the Board a sum not to exceed the reasonable costs of the investigation and enforcement of the case. [A. Floor]

**AB 892 (Tanner)** would have renamed the Geologist and Geophysicist Act as the Earth Scientist Act and revised specified provisions to authorize BRGG to regulate the practice of groundwater hydrology. This bill died in committee.

**SB 958 (Rogers)** would have amended Public Resources Code section 2774, which currently specifies that those conducting surface mine inspections must be state-registered geologists, state-registered civil engineers, state-licensed architects, or state-registered foresters. SB 958 would have deleted the requirement for state registration or licensure, and stated that the proposed inspections could be conducted by a qualified professional with experience in land reclamation. This bill died in committee.

#### RECENT MEETINGS:

At its March 9 meeting, the Board approved Executive Officer Frank Dellechiaie's proposal to publish BRGG's consumer brochure, which will inform the public about topics ranging from how to file a complaint to what a geologist's work entails. [11:4 CRLR 79] Although publishing and disseminating the brochure will cost between \$1,500 and \$3,000, the Board stated that the brochure will serve a valuable purpose which justifies the cost.

#### FUTURE MEETINGS:

To be announced.

#### BOARD OF GUIDE DOGS FOR THE BLIND

*Executive Officer: Manuel Urena*  
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The Board of Guide Dogs for the Blind has three primary functions. The Board