



partner or officer of a registered company to be licensed either as an operator or as a field representative. [12:1 CRLR 101] [A. Floor]

RECENT MEETINGS:

At SPCB's February 21, staff reported that Governor Wilson had abandoned his plan to appropriate \$244,000 from the Structural Pest Control Research Fund to help alleviate the state's financial deficit. [12:1 CRLR 100] The Board expressed appreciation to representatives of the Pest Control Operators of California, who successfully explained to administration officials that the fund is for pest control research only, and does not comprise part of the Board's reserve fund.

Also at its February meeting, the Board agreed to include a rules and regulations course in licensees' continuing education requirements. Possible areas of study include the Structural Pest Control Act, as well as regulations adopted by the Board, Cal-OSHA, Cal-EPA, and the Department of Pesticide Regulation.

At SPCB's May meeting, the Board reviewed the Technical Advisory Committee's proposed Glossary of Branch 3 terms, such as "inaccessible areas," "limited report," and "drywood termite." The Board agreed to include the glossary in the Branch 3 consumer brochure.

FUTURE MEETINGS:

August 7 in San Diego.

TAX PREPARER PROGRAM

Administrator: Jacqueline Bradford
(916) 324-4977

Enacted in 1973, abolished in 1982, and reenacted by SB 1453 (Presley) effective January 31, 1983, the Tax Preparer Program registers approximately 19,000 commercial tax preparers and 6,000 tax interviewers in California, pursuant to Business and Professions Code section 9891 *et seq.* The Program's regulations are codified in Division 32, Title 16 of the California Code of Regulations (CCR).

Registrants must be at least eighteen years old, have a high school diploma or pass an equivalency exam, have completed sixty hours of instruction in basic personal income tax law, theory, and practice within the previous eighteen months, or have at least two years' experience equivalent to that instruction. Twenty hours of continuing education are required each year.

Prior to registration, tax preparers must deposit a bond or cash in the amount of

\$2,000 with the Department of Consumer Affairs. Registration must be renewed annually, and a tax preparer who does not renew his/her registration within three years after expiration must obtain a new registration. The initial registration fee is \$50 and the renewal fee is \$40.

Members of the State Bar of California, accountants regulated by the state or federal government, and those authorized to practice before the Internal Revenue Service are exempt from registration.

An Administrator, appointed by the Governor and confirmed by the Senate, enforces the provisions of the Tax Preparer Act. Under the Act, the Administrator is supposed to be assisted by a nine-member State Tax Preparer Advisory Committee which consists of three registrants, three persons exempt from registration, and three public members. All members are appointed to four-year terms. However, the last committee members' terms expired on December 31, 1988; no members have ever been appointed to replace them.

On March 19, the Senate approved Governor Wilson's appointment of Jacqueline Bradford as Administrator of the Tax Preparer Program.

MAJOR PROJECTS:

Program Proposes Fee Increase. Business and Professions Code section 9891.42 authorizes the Program to set the annual renewal fee for tax preparers and tax interviewers at no more than \$50 per registrant and the fee for an additional tax preparer location at \$25. Currently, section 3230, Division 32, Title 16 of the CCR, sets the renewal fees for tax preparers and interviewers at \$40; existing regulations do not specify the fee for a branch office.

On April 3, the Program published notice of its intent to amend section 3230 to increase the renewal fees for tax preparers and interviewers to \$50. The amendments would also set the branch office fee at \$25. The Program was scheduled to conduct a public hearing on the proposed changes on May 19 in Sacramento.

LEGISLATION:

AB 683 (Moore), as amended April 1, would establish a Legal Access Pilot Program and Advisory Commission within the Tax Preparer Program to, among other things, register and regulate nonlawyers providing legal assistance (sometimes called "legal technicians" or "independent paralegals") [11:4 CRLR 51, 211-12]; provide that the pilot program be implemented using existing Tax Preparer Pro-

gram administrative and support staff, and become operative January 1, 1993; provide that the registration requirement and duties imposed upon registrants would become operative January 1, 1994 and sunset on January 1, 1999; provide for an advisory commission to advise the Program Administrator, as specified; and specify the duties and functions of the Program Administrator and Advisory Commission. [S. Jud]

SB 2044 (Boatwright), as amended April 2, would declare legislative findings regarding unlicensed activity and authorize all DCA boards, bureaus, and commissions, including the Tax Preparer Program, 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 activities for which Tax Preparer registration is required may be classified as an infraction punishable by a fine not less than \$250 and not more than \$1,000. SB 2044 would also provide that if, upon investigation, the Program has probable cause to believe that a person is advertising in a telephone directory with respect to the offering or performance of services without being properly licensed by the Program to offer or perform those services, the Program may issue a citation containing an order of correction which requires the violator to cease the unlawful advertising and notify the telephone company furnishing services to the violator to disconnect the telephone service furnished to any telephone number contained in the unlawful advertising.

Existing law requires that, as a condition of the Program's acceptance of an assurance of voluntary compliance by a registrant accused of a disciplinary offense, a registrant must pay all investigative costs actually incurred in discovering the alleged violations, not to exceed \$500. Existing law requires a registered tax preparer to post a \$2,000 bond and provides that the total bond required for any single tax preparer and associated interviewers not exceed \$50,000; existing law also limits the registrant fees paid by a single tax preparer and associated tax interviewers to \$1,500 per calendar year. SB 2044 would delete the investigative costs requirement; increase the amount of the bond for a tax preparer to \$50,000 and set the maximum total bond for a single tax preparer and associated tax interviewers at \$125,000; and remove the annual \$1,500 cap on registrant fees paid by a single tax preparer and associated tax



REGULATORY AGENCY ACTION

interviewers. [A. CPGE&ED]

BOARD OF EXAMINERS IN VETERINARY MEDICINE

Executive Officer: Gary K. Hill
(916) 920-7662

Pursuant to Business and Professions Code section 4800 *et seq.*, the Board of Examiners in Veterinary Medicine (BEVM) licenses all veterinarians, veterinary hospitals, animal health facilities, and animal health technicians (AHTs). The Board evaluates applicants for veterinary licenses through three written examinations: the National Board Examination, the Clinical Competency Test, and the California State Board Examination.

The Board determines through its regulatory power the degree of discretion that veterinarians, AHTs, and unregistered assistants have in administering animal health care. BEVM's regulations are codified in Division 20, Title 16 of the California Code of Regulations (CCR). All veterinary medical, surgical, and dental facilities must be registered with the Board and must conform to minimum standards. These facilities may be inspected at any time, and their registration is subject to revocation or suspension if, following a proper hearing, a facility is deemed to have fallen short of these standards.

The Board is comprised of six members, including two public members. The Board has eleven committees which focus on the following BEVM functions: continuing education, citations and fines, inspection program, legend drugs, minimum standards, examinations, administration, enforcement review, peer review, public relations, and legislation. The Board's Animal Health Technician Examining Committee (AHTEC) consists of the following political appointees: three licensed veterinarians, three AHTs, and two public members. BEVM is currently operating with only five members, due to the recent resignation of Alice Suet Yee Barkley.

MAJOR PROJECTS:

Board Goals and Objectives for 1992-93. In response to the Department of Consumer Affairs' Annual Planning Questionnaire, BEVM identified its goals and objectives for 1992-93, strategies to achieve its goals and objectives, and timetables for the accomplishment of those goals and objectives. BEVM's goals for 1992-93 include the following:

—establish and maintain an equitable, job-related licensing examination that

tests competency to practice veterinary medicine;

—ensure that licensees provide safe and effective veterinary services in accordance with the practice of veterinary medicine;

—develop and administer regulations and legislation to clarify and establish the current minimum standards of professional performance and qualification; and

—enhance professional and consumer knowledge of acceptable standards of professional practice and the Board's functions and activities.

Proposed Legislation and Rulemaking to Include Fee Increases. On March 20, BEVM conducted a public hearing on its proposal to amend sections 2014, 2015, 2015.1, 2024, 2031(a), 2070, and 2071, Title 16 of the CCR, to effect a number of regulatory revisions relating to the practice of veterinary medicine. Specifically, the Board proposes to amend section 2014, regarding the veterinary licensing examination, to change an existing reference to the "written portion and practical portion" of the exam to the "national examination and California state board exam," reflecting more accurate terminology for both exams. The proposed amendments would also change an exam score reference from "75%" to "a passing score determined by the Angoff criterion-referenced method of establishing the pass point."

The Board's amendment to section 2015 would eliminate a provision that requires an applicant to take and pass the California written examination before being admitted to the California practical exam.

Proposed amendments to section 2015.1 would delete an existing reference to particular sections of the licensing examination for which an applicant may receive conditional credit if he/she has taken a similar exam in another state.

Proposed amendments to section 2024 would specify that a graduate of an unrecognized veterinary school shall be eligible to take the state board examination when he/she takes and passes both parts of the national examination and possesses a certificate of successful completion of the Educational Commission for Foreign Veterinary Graduates program.

Section 2031(a) provides that a veterinarian performing any act requiring a license upon any animal or group of animals in his/her custody or in the custody of an animal hospital shall prepare a written record concerning the animal(s). The Board's proposed amendment to section 2031(a) would delete the phrase "in his custody or in the custody of an animal

hospital." [12:1 CRLR 103]

BEVM's proposed amendments to section 2070 would increase the practical examination application fee from \$100 to \$180 and the initial and renewal fees for veterinary premises from \$30 to \$50. [12:1 CRLR 102-03] Section 2071 provides that the fee for application for the AHT and radiology and radiation safety examinations is \$35; the Board's proposed amendments would raise this fee to \$50 and delete the reference to the radiology and radiation safety examination. Also, section 2071 sets the application fee for retaking the AHT and radiology and radiation safety examination at \$35 and the application fee for retaking the radiology and radiation safety examination at \$20. The Board proposes to delete the application fees for retaking the above-mentioned examinations.

At the public hearing, California Veterinary Medical Association (CVMA) Executive Director Richard Schumacher voiced CVMA's support for the proposed amendments; there were no other public comments. Following the hearing, BEVM unanimously adopted the proposed amendments. At this writing, the regulatory package awaits review and approval by the Office of Administrative Law (OAL).

The Board also intends to pursue its November 1991 decision to seek legislation to raise the statutory ceiling on its licensure fees. [12:1 CRLR 102-03] At its May meeting, BEVM noted that Senator Ken Maddy has agreed to its request to amend SB 663 (Maddy) to raise licensing and examination fees (*see infra* LEGISLATION).

Budget Overview Report. To offset an anticipated budget deficit, the Board has proposed rulemaking and legislation to increase examination, licensing, and premise permit fees (*see supra*). In a February budget overview report, the Board analyzed its areas of operation, reviewed modifications implemented to reduce operating costs, and proposed a contingency plan should its efforts to raise fees fail. As part of its review, the Board analyzed its Alcohol/Drug Diversion Program; veterinary premise and inspection program; complaint review and investigation program; citation and fine program; computerized enforcement tracking; examinations; and office administration. The Board concluded that various modifications implemented in these areas would produce an estimated \$76,105 in savings during fiscal year 1992-93.

If sufficient savings do not materialize, the Board's contingency plan would call for the elimination of the California State