



quirement is unnecessary and, in some cases, overly burdensome and a financial detriment to licensees. The bill was subsequently amended to provide that only commingled preneed trust funds are subject to an annual certified audit (*see supra* LEGISLATION).

Also at its June meeting, the Board discussed a request from DCA Director Jim Conran for copies of any evaluation forms or other interview formats used by DCA boards to conduct an evaluation of their executive officers; Conran also encouraged DCA boards to periodically evaluate their executive officers. James Allen, the Board's executive officer, stated that he has no objection to performance evaluations, but suggested that in his case they might be a bit unnecessary as he attempts to make himself available to anyone who wants to comment on his performance. The Board moved to create a Personnel Committee to research the matter further.

The Board's July meeting was canceled.

■ FUTURE MEETINGS

January 28 in northern California.

BOARD OF REGISTRATION FOR GEOLOGISTS AND GEOPHYSICISTS

Executive Officer:
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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. BRGG's proposal to implement a specialty certification for hydrogeologists was delayed by the state's budget crisis. The Board plans to sponsor legislation enabling it to certify hydrogeologists and to permit—through a "grandparent" clause—certain qualified geologists presently practicing hydrogeology to be certified without having to pass the specialty examination. Following that, the Board intends to adopt regulations which would—among other things—require an applicant to first meet all of the requirements for geologist registration before being eligible to take the hydrogeologist specialty examination; require that the specialty examination test applicants' knowledge of geologic factors relating to the water resources of the state, principles of groundwater hydraulics and groundwater quality, interpretation of borehole logs as they relate to porosity, permeability, or fluid character, and other relevant issues; and 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. [12:2&3 CRLR 88]

However, because the legislature devoted a substantial portion of the final months of the 1991-92 session to negotiating the 1992-93 state budget, BRGG was unable to locate a legislator willing to carry the grandparenting provision, and thus postponed its legislative amendment until the 1992-93 session. In conjunction with the introduction of that legislation, the Board intends to publish notice of its intent to adopt the regulatory package creating the new hydrogeology certification.

BRGG Administers Exam to Record Number of Applicants. During BRGG's most recent examination, the Board administered the test to approximately 2,000 applicants; 1,500 of those applicants successfully passed the exam, 300 more than even applied to take the examination the previous year. According to BRGG Executive Officer Frank Dellechiaie, the Board's new automated application tracking system and testing data bank allow for the expeditious processing of applications. [12:2&3 CRLR 89] Despite the substantial increase in its applicant base, a 10% reduction in the Board's 1992-93 budget will force BRGG to delay the introduction of semi-annual testing until 1994 and to consider consolidating examination sites.

Automated Enforcement Tracking System Update. BRGG recently received 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. [12:2&3 CRLR 89] After a brief delay, during which BRGG staff familiarized itself with the new system, the Board began opening more concurrent investigations than ever before. In an effort to reduce a backlog of consumer complaints, staff has processed complaints on a number of licensees and expects to forward that information to the Department of Consumer Affairs' Division of Investigation by the end of the year.

Examination Development and Validation Process Update. According to BRGG, the development and validation of its examination by Donnoe & Associates is proceeding on schedule, and is expected to be completed by the scheduled deadline of January 1993. The validation process requires a group of experts in the fields of geology and geophysics to determine the "state of the industry" and ensure that the Board's examination properly tests the knowledge, skills, and abilities necessary to function within that industry. [12:2&3 CRLR 89]



■ LEGISLATION

SB 2044 (Boatwright) declares legislative findings regarding unlicensed activity and authorizes 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 also provides that the unlicensed performance of activities 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. This bill was signed by the Governor on September 30 (Chapter 1135, Statutes of 1992).

AB 2743 (Frazee) authorizes BRGG to establish a "cost recovery program"—that is, in a disciplinary proceeding, the Board could request the administrative law judge to direct the licensee, in certain circumstances, to pay to the Board a sum not to exceed its reasonable costs of the investigation and enforcement of the case.

AB 2743 also amends Business and Professions Code section 7880 to provide that a certificate of registration as a geologist or as a specialty geologist shall expire at 12:00 a.m. on the last day of the birth month of the certificate holder during the second year of a two-year term if not renewed. To renew an unexpired certificate, the certificate holder shall, on or before the date of expiration of the certificate, apply for renewal on a form prescribed by BRGG, and pay the renewal fee. For purposes of implementing the distribution of the renewal of registrations throughout the year, BRGG is authorized 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 was signed by the Governor on September 30 (Chapter 1289, Statutes of 1992).

■ FUTURE MEETINGS

January 22 in Los Angeles.

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 protects the blind guide dog user by

licensing instructors and schools to ensure that they possess certain minimum qualifications. The Board also enforces standards of performance and conduct of these licensees as established by law. Finally, the Board polices unlicensed practice.

The Board, authorized by Business and Professions Code section 7200 *et seq.*, consists of seven members, two of whom must be dog users. In carrying out its primary responsibilities, the Board is empowered to adopt and enforce regulations, which are codified in Division 22, Title 16 of the California Code of Regulations (CCR).

The Board currently licenses three guide dog schools and 48 trainers.

■ LEGISLATION

AB 1077 (Bronzan) conforms California law relating to discrimination against individuals with disabilities with the federal Americans with Disabilities Act (ADA). Among other things, this bill modifies a requirement in the Unruh Civil Rights Act respecting rental of housing to persons with guide dogs, to expand the definition of the term "guide dog" to include guide dogs meeting definitional criteria of the federal law.

Existing law gives specified blind, hearing-impaired, and physically handicapped persons the right to be accompanied by guide, signal, or service dogs without paying an extra charge therefor. This bill makes those provisions applicable to individuals with disabilities, rather than physically handicapped persons, and prohibits requiring a special security deposit for those dogs. This bill was signed by the Governor on September 24 (Chapter 913, Statutes of 1992).

SB 2044 (Boatwright) declares legislative findings regarding unlicensed activity and authorizes all Department of Consumer Affairs boards, bureaus, and commissions, including the Board, 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 was signed by the Governor on September 28 (Chapter 1135, Statutes of 1992).

SB 1793 (Marks). Under existing law, persons licensed to train guide dogs or authorized to train signal or service dogs are entitled to train the dogs in the same facilities to which disabled persons are entitled to take the dogs; existing law requires these trainers to carry and display prescribed identification upon request. This bill would have extended these ac-

cess rights to disabled persons who are training the dogs.

Existing law requires zoos and wild animal parks that do not permit guide dogs to provide free transportation for blind persons who would otherwise use a guide dog. This bill would have made these provisions also applicable with respect to visually impaired persons who use guide dogs.

Existing law requires high schools and community college schoolbuses to transport guide, signal, and service dogs when accompanied by a pupil, teacher, or trainer employed by a guide dog school licensed by the Board; existing law restricts these provisions to guide dogs that are trained by guide dog schools licensed by the Board. Existing law also allows a schoolbus driver to determine whether a guide, signal, or service dog should be muzzled while being transported in a schoolbus. This bill would have expanded these provisions to include guide dogs and trainers that are not trained or employed by a school licensed by the Board, and would have deleted the provision regarding muzzling of a guide, signal, or service dog while being transported in a schoolbus.

Also, this bill would have made it a crime for any person to permit any dog which is owned, harbored, or controlled by him/her to cause injury to or the death of, or to interfere with any guide, signal, or service dog, while the guide, signal, or service dog is in discharge of its duties, and would have made it a misdemeanor for any person to knowingly and fraudulently represent him/herself as the owner or trainer of a guide, signal, or service dog. Finally, this bill would have, until January 1, 1996, made related changes with respect to provisions regulating the Board, and would have provided the Board with exclusive authority, until January 1, 1996, to issue licenses for the training of guide dog school instructors. This bill died in the Assembly Ways and Means Committee.

■ RECENT MEETINGS

At its July 24 meeting, the Board reviewed the proposed format of an arbitration agreement which would establish an arbitration panel to settle disputes between guide dog users and licensed schools regarding continued use of a guide dog by a user. The disputes which may be subject to the agreement concern differences between the user and school regarding whether a guide dog should continue to be used; the appropriate treatment of the dog by the user; whether a dog should be returned to the school by the user; and whether a user should continue to have