



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.

Previous versions of SB 2044 would have substantially increased the statutory ceiling on various BHFTI licensing fees; however, the fee increase provisions were deleted in the final days of the session.

Existing law provides for the registration of dry cleaning plants with BHFTI. This bill transfers the registration of dry cleaning plants to the Department of Commerce; any monies in the Dry Cleaning Account in the Bureau of Home Furnishings Fund will be transferred to the Dry Cleaning Fund, which is created by the bill. SB 2044 was signed by the Governor on September 30 (Chapter 1135, Statutes of 1992).

**AB 2370 (Canella).** Existing law requires dry cleaning plants to register with BHFTI, and expresses the intent of the legislature that the provisions relating to registration do not affect the statutes, regulations, or the jurisdiction of state agencies relating to control of toxic chemicals used in fabric care and dry cleaning. This bill establishes the California Dry Cleaning Industry Task Force and requires it to prepare a report on prescribed matters relating to the effect of dry cleaning industry practices on the environment. This bill was signed by the Governor on July 24 (Chapter 347, Statutes of 1992).

### BOARD OF LANDSCAPE ARCHITECTS

*Executive Officer: Jeanne Brode  
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**A**uthorized in Business and Professions Code section 5615 *et seq.*, the Board of Landscape Architects (BLA) licenses those who design landscapes and supervise implementation of design plans. Currently, applicants must pass the written examination of the national Council of Landscape Architectural Registration Boards (CLARB) in order to qualify for licensure; however, commencing in 1993, BLA will administer its own written examination. [12:2&3 CRLR 92] In addition, an applicant must have the equivalent of six years of landscape architectural experience. This may be a combination of education from a school with a Board-approved program in landscape architecture and field experience.

The Board investigates verified complaints against any landscape architect and prosecutes violations of the Practice Act. The Board also governs the examination of applicants for certificates to practice landscape architecture and establishes criteria for approving schools of landscape architecture. BLA's regulations are codified in Division 26, Title 16 of the California Code of Regulations (CCR).

BLA consists of seven members who serve four-year terms. One of the members must be a resident of and practice landscape architecture in southern California, and one member must be a resident of and practice landscape architecture in northern California. Three members of the Board must be licensed to practice landscape architecture in the state of California. The other four members are public members and must not be licensees of the Board. On July 30, Governor Wilson appointed San Diego landscape architect Marian Marum to fill the southern California seat on the Board.

### MAJOR PROJECTS

**Board Responds to Anticipated Lack of Reciprocity Licensure.** On May 8, following years of dissatisfaction, demands, and ultimatums, BLA decided to break off its relationship with CLARB and administer its own written examination. Although it has long been dissatisfied with CLARB's test, the immediate impetus for BLA's decision stemmed from its need to review and rescore the examinations of California takers of CLARB's 1991 Uniform National Examination (UNE). Under CLARB's scoring method, only 9% of California applicants successfully completed that exam; the pass rates in some states were as low as 0% and the national pass rate was 6%. In response to the troubling low pass rates, BLA convened a score modification workshop last December and subsequently revised the scores of California examinees. BLA then notified CLARB that it would continue to utilize CLARB's examination only if CLARB agreed to certain conditions, such as the use of criterion-referenced methodology for establishing the passing score for each section of the examination; providing California with the recommended passing score for each section of the examination and the results of its passing score workshop; pretesting the multiple choice questions; and using a procedure for scoring the graphic sections of the UNE where each section is graded independently by at least two evaluators. Because CLARB did not agree to BLA's conditions, BLA decided to administer its own 1993 licensing examination, and sub-

sequently selected Human Resources Strategies of Newport Beach to draft the exam. [12:2&3 CRLR 93; 12:1 CRLR 66-67]

BLA and the landscape architecture profession have expressed concern that other states will not recognize California's new test and will not grant reciprocity licensure to California landscape architects. In fact, the landscape architecture boards in several states, including Texas, Arkansas, Ohio, and Oregon, have since notified BLA that they will not accept for reciprocity licensure purposes a California examinee's 1991 UNE score, if that score has been modified. However, while acknowledging that BLA's decision would—to some extent—affect reciprocity, Department of Consumer Affairs (DCA) Director Jim Conran observed that his responsibility, and that of BLA, is to protect the people of California, and that “the fundamental purpose of state licensing programs is to protect the public of the state issuing the license. Reciprocity can only be an incidental benefit not the primary reason for state licensure.”

On June 8, CLARB President Gary Bollier notified all CLARB member boards of California's decision to prepare its own examination for administration, and stated that CLARB “regret[s] this decision and the effect that it will have on reciprocity into and out of the state of California.” CLARB claimed that it “made several proposals to the California Board which [CLARB] believed addressed [BLA's] technical concerns about the examination.” Further, Bollier contended that BLA's decision to administer its own examination was based on “some other internal problems which were beyond [CLARB's] ability to resolve. It appears that these problems ultimately guided [BLA] to [its] decision to proceed with a California-only examination.”

In response to this communication, BLA staff drafted a letter to CLARB's member boards clarifying its reasons for discontinuing the use of CLARB's examination. At its July 17 meeting, BLA reviewed the letter, which states that several factors contributed to the Board's decision to administer its own examination, only one of which was consistently low pass rates for candidates. According to BLA, testing experts consider the low passing rate to be indicative of one or more of the following factors: (1) test items that are too difficult on average; (2) a passing score that assesses “mastery” as opposed to “minimum competency” for this type of licensing examination; or (3) test items that do not measure appropriate knowledge, skills, and abilities. The letter



notes that California has also become increasingly concerned with CLARB's inability to "revisit" exams that have produced such poor passing scores, or to demonstrate the defensibility of its exam. BLA stated that another factor influencing its decision concerns the capacity of a national exam to adequately measure all of the knowledge, skills, and abilities that are critical for the safe performance of landscape architecture in California, or in any other state. According to BLA, it is "attempting to strike a balance between State laws for licensure, candidates, the profession, and reciprocity with other State Boards." Finally, the letter informed fellow boards that California will offer a reciprocity exam for out-of-state candidates, covering content areas specific to practicing landscape architecture in California which are not covered in CLARB's exam, and noted that "[w]hile a national exam would appear to ostensibly 'guarantee' licensee reciprocity, a California local exam will in no way prohibit it."

After making minor modifications to the letter, BLA directed staff to forward the letter to the various state boards of landscape architecture by August 1.

**Human Resources Strategies Submits Five-Year Proposal.** On June 30, BLA's 1993 exam contractor, Human Resources Strategies (HRS), submitted its five-year proposal for developing and administering the Board's licensing examination. HRS' proposed administration plan includes the objectives of enhancing the objectivity and scoring reliability of the performance component of the exam; reducing the turnaround time for scoring and reporting results; reducing the number of appeals through a fair and technically sound examination process; and developing a computerized applicant tracking, scoring, and reporting system. HRS promised to work closely with subject matter experts representing both academic and practitioner perspectives in order to develop relevant exam content, and to maintain a fair passing rate that is representative of those candidates who are fully qualified to safely and effectively practice landscape architecture. HRS also provided BLA with cost estimates for the five-year test administration period; according to the estimates, per-candidate testing costs will range from approximately \$325 in 1993 to approximately \$375 in 1997. BLA hopes that exam administration will become so efficient that it will be able to offer its licensing exam twice per year, instead of the annual exam currently administered by CLARB.

At BLA's July 17 meeting, HRS representatives Anita Kamouri and Mark

Blankenship updated the Board on HRS' plans for the landscape architecture examination administration. HRS is currently seeking qualified subject matter experts to assist in the development of the examination. Also, BLA President Larry Chimbole announced that HRS' Project Advisory Committee would consist of BLA members Bob Hablitzel and Greg Burgener, BLA Executive Officer Jeanne Brode, DCA legal counsel Don Chang, and landscape architects Ken Nakaba and Brian Powell.

**Board Considers Terminating CLARB Membership.** Although BLA has decided not to utilize CLARB's licensing examination (*see supra*), it currently remains a member of the national Council. At its July 17 meeting, the Board discussed whether it should continue its CLARB membership. BLA Executive Officer Jeanne Brode reported that the annual membership fee is \$1,200; that fee is expected to increase to \$1,400 in 1993. In addition to allowing member boards to purchase CLARB's examination, that fee provides member boards with information regarding continuing education, the code of ethics, and site visitations, among other things. The Board directed Brode to determine all of the services that CLARB provides for its member boards; BLA will continue this discussion at a future meeting.

**Rulemaking Update.** At this writing, BLA's amendments to sections 2610 and 2671, Title 16 of the CCR, still await review and approval by the Office of Administrative Law. Amendments to section 2610 would change the deadline for filing an application for the licensing exam from the current requirement of at least ninety days prior to the date of the examination to on or before March 15 of the year in which the application is made. Amendments to section 2671 would require a landscape architect to include his/her name and the words "landscape architect" in all public presentations. [12:1 CRLR 68]

## LEGISLATION

**SB 2044 (Boatwright)** declares legislative findings regarding unlicensed activity and authorizes all DCA boards, bureaus, and commissions, including BLA, 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. SB 2044 also provides that if, upon investigation, BLA 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 Board to offer or perform those services, the Board 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. This bill was signed by the Governor on September 30 (Chapter 1135, Statutes of 1992).

**AB 2743 (Frazee)** requires that a landscape architect's certificate number and renewal date of the certificate appear on plans, specifications, and other instruments of service and contracts therefor, prepared for others, as specified. Additionally, this bill enables BLA to create a "cost recovery program"—in disciplinary proceedings, the Board is authorized to request the administrative law judge to direct the licensee, in certain circumstances, to pay the Board a sum not to exceed the reasonable costs of the investigation and enforcement of the case. This bill was signed by the Governor on September 30 (Chapter 1289, Statutes of 1992).

## RECENT MEETINGS

At its July 17 meeting, the Board discussed its options in light of probable mandatory budget cutbacks. In response to a proposed 50% reduction to the Board's travel line item, BLA proposed to transfer the location of all Board meetings to Sacramento and limit out-of-state travel to two Board members on one trip per year. BLA directed staff to develop alternatives to two other proposed options (reducing BLA committee meetings to two per year and eliminating the Executive Officer's visits to landscape architectural schools).

## FUTURE MEETINGS

February 19 in southern California.

## MEDICAL BOARD OF CALIFORNIA

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*Toll-Free Complaint Number:  
1-800-MED-BD-CA*

**T**he Medical Board of California (MBC) is an administrative agency within the state Department of Consumer Affairs (DCA). The Board, which consists of twelve physicians and seven non-physicians appointed to four-year terms, is divided into three autonomous