



## BOARD OF CERTIFIED SHORTHAND REPORTERS

*Executive Officer: Richard Black  
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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. Currently, the Board is functioning with one public member vacancy.

### MAJOR PROJECTS

**Curriculum Revisions Update.** On July 30, BCSR submitted its proposed amendments to sections 2411 and 2420(a)(3), Division 24, Title 16 of the CCR, to the Office of Administrative Law (OAL) for review and approval. BCSR's proposed amendments to section 2411 would revise the school curriculum requirements by decreasing the required hours of study in medical terminology; eliminating the required hours in general office practice, shorthand, dictation, and transcription; and increasing the required hours of study in legal terminology and English grammar. Overall, the proposed changes would decrease the minimum number of required hours of instruction from 1,950 to 600. Additionally, BCSR's proposal would repeal section 2420(a)(3), which states specific pass percentages for each part of the Board's licensing exam. According to the Department of Consumer Affairs' Central Testing Unit, such fixed points are contrary to the recommended practices of the testing profession. [12:2&3 CRLR 145]

On September 11, BCSR withdrew its rulemaking file at OAL's request, in order to add supplementary documentation on the method of setting the passing scores, an explanation of the impact the regulations would have on small businesses, and

additional punctuation. The Board expected to resubmit the file to OAL by the end of September, whereupon OAL's thirty-day review process will begin again.

**Future Board-Sponsored Legislation.** At its August 29 meeting, the Board discussed various proposals for the 1993-94 legislative session. For example, the Board is considering amendments to Business and Professions Code section 8024.5, regarding the renewal of a license which has been expired for three years or longer. Section 8024.5 currently requires the holder of such a license to repeat the licensing process. However, the Board wishes to have some flexibility to handle special cases in an appropriate manner. BCSR's proposed amendments to section 8024.5 would allow the holder of an expired license to obtain a new license if (1) no fact, circumstance, or condition exists which would justify denial of licensure; (2) the license holder pays all late fees and new licensing fees; and (3) the licensee passes the Board's exam or otherwise establishes to the satisfaction of the Board that he/she is qualified to practice shorthand reporting. Under the draft language, the Board would be able to impose conditions on any such license as it deems necessary, and would be able to promulgate regulations for the waiver or refund of any examination fees in cases where the license is issued without an examination.

The Board also discussed the possible addition of new section 8024.7 to the Business and Professions Code, to create an inactive license status. Among other things, section 8024.7 would provide that an inactive license is intended to allow a person who has a license, but who is not actively engaged in the practice of shorthand reporting, to maintain licensure in a non-practicing status. In order for the holder of an inactive license to restore that license to an active status, the inactive licensee would be required to pay the renewal fee and pass the examination, if any, which would be required of him/her if he/she were then applying for the license for the first time, or otherwise establish to the satisfaction of the Board that he/she is qualified to practice shorthand reporting.

The Board is also considering amending Business and Professions Code section 8027(c), which currently provides that BCSR may grant provisional recognition to a new court reporting school upon satisfactory evidence that it has met specified provisions, and that recognition shall be granted by BCSR to a provisionally-recognized school after it has been in continuous operation for a period of no less than three consecutive years from the date provisional recognition was granted,

during which period the school shall provide satisfactory evidence that at least one person has successfully completed the entire course of study established by BCSR and has been issued a license to practice shorthand reporting. BCSR's amendments would provide that the period for which a school may be granted provisional recognition may not exceed five years.

Other legislative proposals under consideration by the Board would change the Board's name to the Certified Court Reporters Board; bifurcate the Board's examination fee to require a separate application fee and examination fee; allow for the automatic suspension of a license upon conviction of a crime related to the duties of a court reporter, while providing the licensee with the right to a hearing in a timely fashion subsequent to such suspension; and prohibit contracting between reporters and attorneys for any insurance carriers (*see infra* RECENT MEETINGS). At its August 29 meeting, the board instructed staff to work with legal counsel to refine these legislative proposals.

**Update on BCSR Budget Problems.** On June 4, the Senate Business and Professions Committee provided money-saving suggestions to BCSR and other boards within the Department of Consumer Affairs. Among other things, the Committee suggested that boards limit the number of meetings to four per year; limit the number of committees and the frequency of their meetings; encourage committee meetings to be held the day before or the day after a board meeting and eliminate per diems; place a moratorium on rental cars for board members and staff unless no other ground transportation is available; limit the amount of paid overtime awarded to "rank and file employees"; limit board members' use of telephone credit card charges to those which can be traced to board business; hold meetings in cost-effective locations based on the residence of the majority of board members; eliminate all out-of-state travel for board members except one annual out-of-state trip for the chair; and eliminate all assistant executive officer positions.

At its June 20 meeting, the Board expressed concern over the effect that such limitations would have upon BCSR's ability to function, especially in light of impending budget reductions to be included in the state's 1992-93 budget. As was expected by the Board, AB 979 (Bates) (Chapter 587, Statutes of 1992), the 1992-93 Budget Act, requires the Board to reduce its expenditures by 10%



## REGULATORY AGENCY ACTION

from 1991-92 levels, in addition to a 50% reduction in travel expenses. Despite these cuts, BCSR Executive Officer Richard Black announced at the Board's August 29 meeting that a previously-considered fee increase will not be necessary at this time. Black also reported that at a recent meeting of the California Court Reporters Association, he encouraged the group to file a lawsuit to challenge a provision in the 1991-92 Budget Act which required the transfer of all but three months' worth of operating expenses from the reserve funds of the state's special-funded agencies—such as BCSR—to the state's general fund. (See *supra* COMMENTARY.)

### ■ LEGISLATION

**SB 2044 (Boatwright)** declares legislative findings regarding unlicensed activity and authorizes all DCA boards, bureaus, and commissions, including BCSR, 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 BCSR license 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 28 (Chapter 1135, Statutes of 1992).

**AB 2743 (Frazee)** revises the definition and the authorized activities of a shorthand reporting corporation, deletes certain filing requirements, and specifies the professional corporate status of a shorthand reporting corporation. This bill also makes technical and corrective changes in provisions relative to the suspension or license revocation of shorthand reporters. This bill was signed by the Governor on September 30 (Chapter 1289, Statutes of 1992).

### ■ RECENT MEETINGS

At its June 20 meeting, the Board elected Ron Clifton to serve as BCSR's chair and Mary Steiner to serve as vice-chair.

At its August 29 meeting, the Board discussed how the federal Americans with Disabilities Act (ADA), which went into effect in January, may influence the Board's licensing examination procedures. Presently, some special testing accommodations are available; however, the Board requires testing applicants to provide a written description of their special needs. At this time, the Board is unsure of its responsibilities with respect to the ADA. According to DCA, a disabled stu-

dent whose disability makes him/her unable to pass the licensing examination without special accommodations may sue BCSR under the ADA if the disability is not related to the essential job requirements of a shorthand reporter. The Board expressed concern over certain disabilities that may preclude someone from taking the exam without special accommodations, and reasoned that if disabled individuals need special accommodations to take the licensing exam, they may be unable to do their job in the courtroom. BCSR has asked DCA to keep it informed of any further developments, and will ask its legal counsel to inform the Board of its responsibilities under the ADA.

Also in August, the Board briefly discussed a letter from a representative of the Court Reporters Action Fund Committee (CRAF) regarding shorthand reporter firms which allegedly contract with insurance carriers or their attorneys. CRAF urged BCSR to seek legislation or adopt regulations prohibiting direct contractual relationships between CSRs and attorneys for insurance carriers, as these relationships may compromise the objectivity of CSRs and lead to the wholesale replacement of the CSR profession with audiovisual equipment. Because this matter was not properly agendaed, the Board postponed discussion of it to its November meeting.

In a related matter, a member of the audience at the Board's August meeting expressed alarm at Rick Black's report of a recent meeting with DCA Director Jim Conran, at which Conran apparently suggested that BCSR look into the necessity and viability of licensing, certifying, or registering tape operators, video operators, and/or rapid text entry operators. The audience member urged the Board to reject such a proposal, as it may lead to the end of the CSR profession as it currently exists. Black responded that the Board's fundamental mandate is to protect consumers, not the CSR profession. Acknowledging that the issue would not be popular with CSRs, Black stated that it is one which the Board should address during the upcoming year.

### ■ FUTURE MEETINGS

December 28 (location undecided).  
February 27 (location undecided).

## STRUCTURAL PEST CONTROL BOARD

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**T**he Structural Pest Control Board (SPCB) is a seven-member board functioning within the Department of Consumer Affairs. 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. Effective January 1, 1993, AB 3327 (Sher) (Chapter 274, Statutes of 1992) will convert Branch 4 licenses into "wood roof cleaning and treatment" registered company licenses; effective July 1, 1993, all Branch 4 licensees must be licensed contractors (*see infra* LEGISLATION). An operator may be licensed in all four branches, but will usually specialize in one branch and sub-contract 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 Gover-