



REGULATORY AGENCY ACTION

The grade-change incident has also disrupted the Board's functioning, and triggered a heavy flow of heated correspondence and cross-correspondence among Board members, Board staff, legal counsel, and members of the public. Among other things, Dorsey accuses Board Executive Officer Darlene Stroup and two other Board members of discussing the matter with DCA Deputy Director Jeff Marschner without Dorsey's knowledge, and misrepresenting the facts surrounding Board's and the exam contractor's decisions on McHugh's appeal.

LEGISLATION:

Anticipated Legislation. The California Land Surveyors Association (CLSA) may introduce a number of bills during 1991. For example, CLSA may seek to amend the Subdivision Map Act. Government Code section 66442, which concerns final maps for subdivisions creating five or more parcels, requires that the certificate of the city engineer or county surveyor guarantee that he/she has examined the map, the subdivision as shown is substantially the same as it appeared on the tentative map, all relevant statutes and ordinances have been complied with, and the map is technically correct. Government Code section 66450, which concerns parcel maps applicable to subdivisions creating four or fewer parcels, merely requires the county surveyor or city engineer to certify that the map is technically correct and meets the requirements of the Subdivision Map Act and local ordinance. Thus, the statutes require different guarantees on the certificates; CLSA hopes to expand section 66450 to require the assurances contained in section 66442.

CLSA may introduce a bill which would require the county recorder to transmit a certified copy of a filed subdivision map to the county surveyor or county engineer, who shall maintain an index of the filed maps and records of survey. The proposed bill would also permit the recorder to charge a fee for recording in order to finance the index.

CLSA may propose a minor change to section 8726 of the Business and Professions Code. Currently, section 8726(d) states that a person practices land surveying when he/she "determines the configuration or contour of the earth's surface...by...applying trigonometry..." CLSA may seek to change "trigonometry" to "mathematics," in order to broaden the authority of land surveyors.

CLSA may also propose substantial changes in the current requirements for

certification, by amending Business and Professions Code section 8741(a) to provide that the first division of the land surveyor's examination shall test the applicant's fundamental knowledge of surveying, mathematics, basic science, real property law, boundary law, and land title transfer.

CLSA may seek to amend various sections of the Professional Engineers Act. Section 6731.1(a)-(b) enumerates the two land surveying functions which a civil engineer may perform without possessing a land surveyor's license. CLSA's proposed bill would add language ensuring that civil engineers are restricted to performing only those two specified activities, which are identical to the activities identified in section 8726(a)-(b) of the Professional Land Surveyors' Act.

In addition, another proposed bill would add language to Business and Professions Code section 6755.1, to ensure that the questions on the second division of the examination for registration as a professional engineer regarding engineering surveying principles are as difficult as those on the land surveying exam.

LITIGATION:

Floyd E. Davis, et al. v. Department of Consumer Affairs, et al., No. 512457 (Sacramento County Superior Court) was scheduled to go to trial on January 16; the trial was expected to last three days. In this action, plaintiffs challenge the validity of PELS regulations which provide that only structural engineers may serve as references for structural engineering candidates, and only plan-checking experience obtained under the supervision of a structural engineer constitutes valid qualifying structural experience. (See CRLR Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) p. 119; Vol. 9, No. 4 (Fall 1989) pp. 76-77; and Vol. 9, No. 3 (Summer 1989) p. 68 for background information.)

RECENT MEETINGS:

At its November 2 meeting, PELS directed its Legislative Committee to research the legislative history of the exemptions to the Professional Engineers Act. PELS believes that the rationales behind many of the exemptions may no longer exist.

Also at its November 2 meeting, PELS directed its staff to automatically implement the Accreditation Board of Engineering and Technology (ABET) recommendations for accreditation of foreign schools after receiving clarification from ABET.

At the Board's December 14 meeting, PELS decided to make the ratio between the grading system and point system on the land surveyor exam 1 to 100. If the exam is worth 300 points, then the grading system will be based on three-point increments.

PELS also discussed the Board's position on having a retired status for engineers and land surveyors, and agreed that it is still opposed to having such a status.

FUTURE MEETINGS:

March 22 in San Diego.

BOARD OF REGISTERED NURSING

Executive Officer: Catherine Puri
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Pursuant to the Nursing Practice Act, Business and Professions Code section 2700 *et seq.*, the Board of Registered Nursing (BRN) licenses qualified RNs, certifies qualified nurse midwifery applicants, establishes accreditation requirements for California nursing schools, and reviews nursing school curricula. A major Board responsibility involves taking disciplinary action against licensed RNs. BRN's regulations implementing the Nursing Practice Act are codified in Division 14, Title 16 of the California Code of Regulations (CCR).

The nine-member Board consists of three public members, three registered nurses actively engaged in patient care, one licensed RN administrator of a nursing service, one nurse educator and one licensed physician. All serve four-year terms.

The Board is financed by licensing fees, and receives no allocation from the general fund. The Board is currently staffed by 60 people.

MAJOR PROJECTS:

BRN Rulemaking. At its November meeting, BRN adopted proposed new sections 1410.1 and 1419.2, Division 14, Title 16 of the CCR. The proposed regulations specify time periods for the processing of licensure and renewal applications, in conjunction with the Permit Reform Act of 1981, Government Code section 15374 *et seq.* (See CRLR Vol. 10, No. 4 (Fall 1990) p. 103 for background information.)

The Board also adopted a proposed amendment to section 1417, which increases the fees for RN license renewals, applications, and examinations. Based on historical workload trends, the Board's budget projections indicate that expenditures will deplete



the BRN fund balance in the 1991-92 fiscal year. Currently, BRN is preparing the rulemaking packages on these regulatory changes for submittal to the Office of Administrative Law (OAL).

At its November meeting, BRN discussed a draft amendment to section 1443.5 of its regulations, which allows a nurse to delegate nursing tasks to licensed subordinates. Due to technological advances in health care, BRN claims there is a need to permit RNs to delegate or assign specified nursing tasks to unlicensed subordinates. Board staff will hold ad hoc meetings with all interested parties prior to publication of the proposed regulatory language, to determine whether additional amendments are necessary. According to the Board's proposed timeframe, the ad hoc meetings will be completed by March 29, and the formal notice of proposed changes and the initial statement of reasons will be published by April 19.

Ad Hoc Mental Health Committee. BRN's Ad Hoc Mental Health Committee is charged with developing a model treatment plan for use by the Board's Diversion Program in treating the mentally ill participant. The Committee's tasks include: (1) identifying appropriate monitoring criteria, such as counseling, support groups, sociological monitoring, and practice limitations; (2) identifying minimum elements of the treatment plan, such as drug therapy monitoring; (3) defining assessment criteria for successful completion of the Diversion Program; and (4) developing procedures and guidelines for acceptance, failure to derive benefit from the Program, and successful completion. (See CRLR Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) p. 120 for background information on BRN's Diversion Program.)

The Ad Hoc Committee will submit progress reports to the Diversion/Discipline Committee, with the final report and recommendations presented by November 1. The Committee is expected to meet at least six times during 1991 in order to meet this goal.

Diversion Participant Fee Guidelines. The Diversion Participant Fee Guidelines, approved by BRN in May 1989, were revised at the Board's November meeting. In addition to paying the \$15 fee assessed by the Board to help defray the Diversion Program's costs, body fluid testing costs, chemical dependency and psychiatric treatment costs, and nurse support group fee charges, each participant must now pay any applicable laboratory fees needed to comply with the Diversion Contract. According to BRN, clear articulation of the Board's expectation of financial

responsibility will benefit the participants, the diversion committees, and the program.

LEGISLATION:

Anticipated Legislation. At its November meeting, BRN approved a plan to propose legislation which would amend sections 2815, 2815.1, 2815.4, and 2815.5 of the Business and Professions Code; the proposed amendments would increase the statutory limits on BRN's licensing fees. The Board asserts that without an increase in fees in 1992, "regulatory programs would have to be drastically curtailed." Cost analyses indicate that certain areas of increased demand, such as increases in the number of applicants for licensure and increased enforcement activities, have affected BRN's budget. Other notable expenditures include increased salaries and wages, Division of Investigation costs, and data processing services.

FUTURE MEETINGS:

March 21-22 in Sacramento.

May 23-24 in San Diego.

BOARD OF CERTIFIED SHORTHAND REPORTERS

Executive Officer: Richard Black
(916) 445-5101

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.

MAJOR PROJECTS:

Citation and Fine Regulations. On December 28, BCSR published notice of its intent to adopt sections 2480 and 2481, Division 24, Title 16 of the CCR. The proposed sections would provide for the issuance of administrative citations, orders of abatement, and fines, and would list the specific provisions of BCSR's laws and regulations the viola-

tion of which may result in such citations, orders, and fines. (See CRLR Vol. 10, No. 4 (Fall 1990) p. 104; Vol. 9, No. 2 (Spring 1989) p. 74; and Vol. 8, No. 4 (Fall 1988) p. 73 for background information.) The Board was scheduled to hold a public hearing on the proposed new sections on February 16.

Other Proposed Rulemaking. On December 28, BCSR published notice of its intent to adopt sections 2407, 2408, and 2409, Division 24, Title 16 of the CCR. The Permit Reform Act of 1981 requires BCSR to adopt regulations regarding procedures for considering and issuing permits, specifying the following processing times: (1) the time period dating from the receipt of a permit application within which the agency must either inform the applicant in writing that the application is complete and accepted for filing, or that the application is deficient and what specific information is required; (2) the time period dating from the filing of a completed application within which the agency must reach a permit decision; and (3) the agency's median, minimum, and maximum times for processing a permit, from the receipt of the initial application to the final permit decision, based on the agency's actual performance during the two years immediately preceding the proposal of the regulation. The proposed regulations meet this requirement by specifying time periods, based upon actual performance, for CSR applications, examinations, and renewal procedures. BCSR was scheduled to hold a public hearing on the proposed changes on February 16.

LEGISLATION:

Anticipated Legislation. During 1991, BCSR may introduce clean-up amendments to Business and Professions Code sections 8008, 8017, 8020, 8022, 8023.5, 8024.2, 8025, 8030.2, 8030.4, 8030.6, and 8030.8; these changes are largely technical and nonsubstantive. BCSR may also introduce the following legislative amendments:

-Amendments to section 8024, which currently provides that all certificates issued by BCSR shall expire at midnight on April 30 of each year, if not renewed. BCSR may amend this section to provide that all certificates shall be valid for a period of one year, except for the initial period of licensure as prescribed by the Board, and shall expire at midnight on the birthdate of the licensee unless renewed. This restructured renewal process will even out the Board's cash flow and workload.

-BCSR may add section 8025.1, to specify conditions under which the