



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

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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.

## 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



Board may deny or suspend any certificate.

-Proposed amendments to section 8027 would redefine what constitutes a court reporting school, pursuant to the Private Postsecondary and Vocational Education Reform Act; and would delete many of the Board's existing requirements for schools, as schools are now accredited by the new Council for Private Postsecondary and Vocational Education. (See CRLR Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) pp. 82-83 for background information on the CPPVE.)

-BCSR may propose to add or amend sections 8024.2, 8024.3, 8028-28.8, and 8031, regarding mandatory continuing education (CE) for CSRs. (See CRLR Vol. 10, No. 4 (Fall 1990) p. 104 and Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) p. 121 for background information.) The proposed amendments would require twenty hours of CE during each two-year period following licensure; at least one hour shall be in each of the following six subject areas: English, reporting technology, academic knowledge, statutes and regulations, ethical practices, and practice of business management.

#### FUTURE MEETINGS:

May 10 in San Francisco.

#### STRUCTURAL PEST CONTROL BOARD

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The Structural Pest Control Board (SPCB) is a seven-member board functioning within the Department of Consumer Affairs. The SPCB is comprised of four public and three industry representatives. 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.

Licenses 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. Branch 4 was enacted by AB 1682 (Sher) (Chapter 1401, Statutes of 1989), and became effective on July 1, 1990. An operator may be licensed in all four branches, but will usually specialize in one branch and subcontract 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 Governor appoints the three industry representatives and two of the public members. The Senate Rules Committee and the Speaker of the Assembly each appoint one of the remaining two public members.

#### MAJOR PROJECTS:

*Research Advisory Panel Regulation Approved.* On November 28, SPCB submitted the rulemaking file on proposed new regulatory section 1919, which was adopted by SPCB on July 12, to the Office of Administrative Law (OAL); OAL approved the new section on December 26. Section 1919 establishes a five-member research advisory panel to solicit and review research proposals for recommendation to SPCB for funding from the Structural Pest Control Research Fund. The panel will consist of one public member from SPCB, two representatives from the structural pest control industry, one representative from the California Department of Food and Agriculture (CDFA), and one representative from the University of California.

*Continuing Education Regulations.* At its July meeting, the Board adopted with modifications several proposed amendments to sections 1950, 1950.5, and 1953, relating to continuing education (CE). (See CRLR Vol. 10, No. 4 (Fall 1990) p. 106 for background information.) Amendments to section 1950 would change the point credit system to

an hour credit system to simplify the credit accrual process for licensees, and require field representatives to earn the same number of CE hours as structural pest control operators. The increase in required CE hours for field representatives is graduated over a three-year period of time so that licensees can fairly adjust to the increase. The proposed amendments to section 1950.5 would reflect the change from the point credit system to an hour credit system. The proposed amendments to section 1953 would allow the Registrar to grant an exception to the requirement that CE activities be submitted to the Board 60 days prior to presentation; require CE providers to notify the Board 30 days prior to the presentation of an activity; require a specific evaluation method form and certificate of course completion form so SPCB and licensees receive adequate information regarding CE courses attended; and allow the Registrar to grant an exception to approving for CE credit courses which focus on the policies, procedures, or products of a single firm. On November 13, the Board released a modified version of the proposed amendment to section 1950; the 15-day public comment period ended on November 28. At this writing, SPCB is preparing the rulemaking package for submission to OAL.

*Other Regulatory Changes.* On January 11, the Board was scheduled to hold a public hearing on the proposed adoption by reference of section 2516(c)(1), (2), (4), and (6), Title 24 of the CCR. Section 1991(a)(1) through (12) of the Board's regulations sets forth the recommendations for corrective measures once a registered company has inspected a structure and reported its findings. Section 1991(a)(1), (6), (7), and (10) were identified by the State Building Standards Commission as being building standards, thereby requiring sections of 1991(a) to be incorporated into the Uniform Building Code. This action necessitates removing these sections from the California Code of Regulations, and adopting by reference section 2516(c)(1), (2), (4), and (6) of Title 24. This action will allow SPCB to retain the authority to enforce against licensees the intent of section 1191(a)(1), (6), (7), and (10).

Previously, OAL approved the Board's proposed amendment to section 1996(a), which established a uniform inspection report form and set January 1, 1991, as the effective date for use of the new form. (See CRLR Vol. 10, No. 4 (Fall 1990) p. 106 and Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) pp. 124-25 for background information.) On October