



REGULATORY AGENCY ACTION

regulations, to increase the fees for RN license renewals, applications, and examinations. (See CRLR Vol. 11, No. 1 (Winter 1991) p. 86 and Vol. 10, No. 4 (Fall 1990) p. 103 for background information.)

LEGISLATION:

AB 14 (Margolin), as introduced December 3, would enact the Health Insurance Act of 1991 for the purpose of ensuring basic health care coverage for all persons in California. This bill would require all employers to provide basic health care benefits, or to pay a premium for the provision of those benefits through the health coverage system established by this bill. The bill allows direct reimbursement for nurse practitioners. The bill would create a sixteen-member California Health Plan Commission to implement the bill's provisions; that Commission would include one RN. In addition, this bill would establish additional fee requirements for various licensed or certified health care professionals, including nurse midwives, nurse anesthetists, and nurse practitioners, not to exceed certain limits, to be used to support specified health data collection activities. BRN supports the concept of the bill, which is currently pending in the Assembly Insurance Committee.

AB 95 (Friedman), as introduced December 4, would prohibit a long-term health care facility from using a physical restraint or alternative treatment modality on a patient unless the facility has obtained the consent of the patient, a member of the patient's family, the patient's conservator, or the patient's guardian to use the physical restraint or alternative treatment modality. The bill, which is pending in the Assembly Health Committee, is supported in concept by BRN.

AB 127 (Frizzelle), as amended February 21, would establish the State Health Services Commission, which would set priorities and determine the cost of providing health care services for Medi-Cal and medically indigent services programs. One member of the Committee would be a public health nurse. The bill is currently pending in the Assembly Health Committee.

AB 485 (Hunter). Existing law authorizes BRN to fix fee schedules in connection with the issuance of licenses for RNs and the issuance of certificates as nurse-midwives. As introduced February 12, this BRN-sponsored bill would increase and revise these fee schedules, and would authorize BRN to fix a new fee to be paid for applications by regis-

tered nurses for licensure by endorsement.

Existing law creates one fee schedule in connection with the issuance of certificates for nurse-midwives and nurse anesthetists. This bill would create a separate fee schedule in connection with the issuance of certificates for nurse anesthetists. This bill is pending in the Assembly Health Committee.

AB 1350 (Vasconcellos), as introduced March 7, would require BRN to charge a certified nurse-midwife a fee to cover the costs associated with issuing a number to be included on all orders for drugs or devices by the midwife. This bill would also require every nonprofit hospital service plan contract, policy of disability insurance, and nonprofit hospital service plan contract issued, amended, or renewed on or after January 1, 1992, that offers coverage for perinatal services to contain a provision providing for direct reimbursement to certified nurse-midwives and nurse practitioners for perinatal services. This bill is pending in the Assembly Health Committee.

AB 2186 (Floyd), as introduced March 8, would require the legislature to establish a Task Force on Registered Nursing to develop recommendations on effectively utilizing RNs in state government; require the task force to study various aspects of nursing; require specified state government entities to cooperate with the task force; and provide the task force with the power to subpoena witnesses. This bill is pending in the Assembly Health Committee.

SB 54 (Lockyer), as introduced December 4, would provide that any disease, illness, syndrome, or condition requiring treatment pursuant to prescribed provisions resulting from blood-borne pathogens which occurs, develops, or manifests itself in certain health care workers shall constitute an injury presumed to arise out of and in the course of employment for workers' compensation purposes. This bill is a reintroduction of last year's SB 2509 (Lockyer), which was vetoed by then-Governor Deukmejian. (See CRLR Vol. 10, No. 4 (Fall 1990) p. 104 for background information.) Under the bill, the rebuttable presumption applies only if the worker consents to an HIV or hepatitis B test within 100 hours of the potential exposure. The bill is pending in the Senate Industrial Relations Committee.

FUTURE MEETINGS:

July 25-26 in Oakland.

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.

MAJOR PROJECTS:

Proposed School Curriculum Changes. On February 16, BCSR held an informal hearing on proposed changes to section 2411, Division 24, Title 16 of the CCR. These changes would affect the curriculum required by court reporting schools recognized by the Board. (See CRLR Vol. 10, No. 4 (Fall 1990) pp. 104-05 for background information.)

Among other things, the Board proposes to eliminate the 1,320-hour requirement in the area of shorthand, dictation, and transcription, to allow for the different pace of individual students. The existing requirement of 140 hours in medical terminology would be reduced to a total of 125 hours of instruction, of which 75 hours must be classroom lecture.

Representatives of night schools expressed concern that the new regulation would require that all tests be taken on location with supervision. This would cause logistical problems for the schools and students. After taking an audience vote at the meeting, the Board agreed that only qualifying tests will be required to be transcribed on campus under supervision.

The proposed changes to section 2411 still await notice, a formal comment period, a hearing, and approval by the Office of Administrative Law (OAL).

Permit Reform Act Regulations. On February 16, BCSR held a public hearing to add sections 2407, 2408, and 2409 to Division 24, Title 16 of the CCR.



These sections specify processing times for considering and issuing permits, in compliance with the Permit Reform Act, Government Code section 15374 *et seq.* (See CRLR Vol. 11, No. 1 (Winter 1991) p. 87 for background information.) The Board adopted the proposed regulations; at this writing, they await review and approval by OAL.

Citation and Fine Regulations. Following a February 16 hearing, BCSR adopted new regulatory sections 2480 and 2481, which provide for the issuance of citations, fines, and orders of abatement to CSRs who violate BCSR's statute or regulations. (See CRLR Vol. 11, No. 1 (Winter 1991) p. 87; Vol. 10, No. 4 (Fall 1990) p. 104; and Vol. 9, No. 2 (Spring 1989) p. 74 for background information.) At the public hearing, several witnesses expressed concern that BCSR's Executive Officer is vested with sweeping discretion to write citations and issue fines. Concern was also raised that the language does not expressly require the EO to investigate before issuing the fines. The Board felt this was implied in the language, but the Board chair asked the EO to add language clarifying the investigation requirement.

The witnesses who testified unanimously agreed that a violation of Business and Professions Code section 8030.2(e), failure to repay the Transcript Reimbursement Fund, should be moved to the maximum fine category of \$1,001 to \$2,500, rather than the \$500 to \$1,000 category where it was originally placed. These witnesses stated that CSRs who failed to repay the Fund would still be profiting if the fine is not as stiff as possible.

Because the Board agreed to make the above-described modifications to the originally proposed regulatory language, the modified regulations must be released for an additional 15-day comment period. At this writing, BCSR has not yet commenced that 15-day comment period.

LEGISLATION:

AB 2002 (Horcher), as introduced March 8, would make numerous changes in BCSR's enabling act. Among other things, this bill would provide that all BCSR certificates shall expire on the last day of the birth month of the licensee, instead of on April 30 of each year; provide that gross negligence or incompetence in practice are grounds for discipline or denial of certification; set forth additional grounds for discipline or denial of certification, including physical or mental incapacity to perform the duties of a CSR, and inability to perform those duties because of abuse of chemi-

cal substances or alcohol; provide that a court reporting school is a court reporting training program or an institution which provides a course of instruction approved by the Board and by the Council for Private Postsecondary and Vocational Education, is a public school in this state, or is accredited by the Western Association of Schools and Colleges; provide that persons appearing *pro se* to represent themselves in a legal proceeding may not apply for reimbursement under the Transcript Reimbursement Fund; require BCSR to prescribe an application form for reimbursement from the Fund; change the delinquency fee for late certificate renewal to 50% of the renewal fee (but not less than \$25 nor more than \$150). This bill is pending in the Assembly Judiciary Committee.

RECENT MEETINGS:

At its February 16 meeting, the Board reminded those attending that license renewal dates are changing and licenses will now expire on the month of each reporter's birthdate. (See CRLR Vol. 10, No. 4 (Fall 1990) p. 105 for background information.) Due to this change, fees for this year will range from \$47 to \$120 and will be effective for seven to eighteen months, depending on a licensee's birthdate.

The Board also discussed whether it should create specialty licenses for real time reporters or closed caption reporters. BCSR decided such specialty licensing is not within its jurisdiction and is also unnecessary, so it took no action on this agenda item.

FUTURE MEETINGS:

July 1 in Sacramento.
August 24 in northern California.

STRUCTURAL PEST CONTROL BOARD

Registrar: Mary Lynn Ferreira
(916) 924-2291

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.

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. 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:

Building Standards Regulation. Following a public hearing on January 11, the Board adopted by reference subsections 2516(c)(1), (2), (4), and (6), Title 24 of the CCR, into section 1991 of its own regulations in Title 16 of the CCR. Subsections 1991(a)(1) through (12) of the Board's regulations set forth the recommendations for corrective measures once a registered company has inspected a structure and reported its findings. Subsections 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