



added by the draft revisions include various forms of calcium silicate, cellular insulation, and phenolic. (See CRLR Vol. 9, No. 2 (Spring 1989) pp. 58-59 for background information on BHF's IQS program.)

On April 15, BHF sent the draft revisions to all licensed manufacturers and interested parties; comments have been received from approximately 20 industry members and interested parties. BHF will schedule public hearings to discuss the proposed modifications later this year.

Dry Cleaning Plant Registration Fee Increased. Effective May 1, BHF increased the one-time registration fee for dry cleaning plants from \$25 to \$75, the maximum fee allowed under Business and Professions Code section 19236. According to BHF, this increase was necessary because the Dry Cleaning Program fund has declined rapidly since the program's inception in January 1987 (see CRLR Vol. 7, No. 2 (Spring 1987) p. 52 and Vol. 7, No. 1 (Winter 1987) p. 45 for background information), resulting in the severe depletion of the Dry Cleaning Account. The depletion is primarily due to the lack of sufficient revenue from dry cleaning plant registration fees, the program's basic source of income.

The increased fee is only a short-term solution. In addition, BHF recommends imposition of a biennial renewal process in place of the current one-time-only fee requirement. According to BHF, implementation of such a renewal process would require changes in the law; BHF has drafted proposed legislation to address this issue.

License Verification System. In April, BHF installed a License Verification System (LVS), which allows BHF employees to verify a license status without using the state's Teale Data Center, thus avoiding Teale's costs. The advantages of LVS include free searches, increased search speed, more versatile search scope, and the availability of essential data for license verification. However, data on LVS is not always current, as it is updated twice weekly, and data for each licensee is limited compared to the Teale system.

Budget Change Proposals. BHF is in the process of preparing two budget change proposals (BCP) which would affect Bureau staffing in fiscal year 1992-93. One change would make permanent the limited-term Staff Services Analyst position that is scheduled to expire on December 31, 1991; the second BCP would create a word processing position to provide clerical support to the flammability research and analyti-

cal/data processing work units. The final BCPs are expected to be submitted to DCA's Budget Office by July 10. After DCA review, the BCPs will go to the Department of Finance for acceptance or rejection.

False and Misleading Advertising Pamphlets. DCA has approved the text of the Bureau's false and misleading advertising booklets, which address what constitutes false or misleading advertising under the Home Furnishings and Thermal Insulation Act, BHF regulations, and the California Business and Professions Code. (See CRLR Vol. 11, No. 2 (Spring 1991) p. 78 for background information.) BHF is currently preparing the pamphlet for printing, and expects the first printing to be completed early this summer.

Licensing Project. BHF is continuing to analyze different approaches to locating unlicensed industry members and enforcing licensing requirements. (See CRLR Vol. 11, No. 2 (Spring 1991) p. 78 and Vol. 11, No. 1 (Winter 1991) p. 65 for background information.) BHF had considered the possibility of including information regarding its licensing program in State Board of Equalization pamphlet #35 (Tax Tips for Interior Designers and Decorators); however, after considering the data that would be provided and the cost involved, BHF decided not to pursue this option. BHF is pursuing other alternatives, including contacting design centers, furniture marts, showrooms, interior design association chapters, and city and county licensing offices, requesting assistance in reducing unlicensed activity.

LEGISLATION:

AB 1749 (Johnson). Under existing law, a BHF licensee who fails to timely renew his/her license prior to expiration must pay a delinquency fee. If the renewal fee and delinquency fee are not paid within a specified time period, the licensee is assessed an additional penalty fee of 5% of the renewal fee for each month or fraction thereof that the license is delinquent. As introduced March 8, this bill would revise to an unspecified amount the penalty fee for failure to timely renew a BHF license prior to its expiration. This bill is pending in the Assembly Committee on Consumer Protection, Governmental Efficiency, and Economic Development.

AB 1893 (Lancaster), as amended May 24, is DCA's omnibus bill. With respect to BHF, it would increase the additional penalty fee for failure to timely renew a BHF license after January 1, 1992, to 30% of the renewal fee. The bill also provides that a BHF license which

is not renewed within one year of its expiration shall be cancelled, and sets forth conditions for reinstatement of such a cancelled license. This bill is pending in the Assembly Ways and Means Committee.

LITIGATION:

In *People v. United Shredding, Inc.*, No. 366280 (Sacramento County Superior Court), United Shredding agreed to pay \$9,401 in civil penalties, investigation costs, and attorneys' fees. United Shredding, a Pennsylvania corporation, did not admit to any violation of law, although the court's judgment enjoins United Shredding from, among other things, placing upon its upholstered furniture a label or notice which indicates that the furniture complies with requirements of California law, unless in truth and in fact the upholstered furniture does comply with the legal requirements. Of the \$9,401 judgment, the Bureau will receive \$6,901 to cover its investigation costs in the matter.

FUTURE MEETINGS:

September 10 in San Francisco.
December 10 in Los Angeles.

BOARD OF LANDSCAPE ARCHITECTS

Executive Officer: Jeanne Brode
(916) 445-4954

The Board of Landscape Architects (BLA) licenses those who design landscapes and supervise implementation of design plans. To qualify for a license, an applicant must successfully pass the written exam of the national Council of Landscape Architectural Registration Boards (CLARB) and a section covering landscape architecture in California; out-of-state applicants must also pass an oral examination given by the Board. 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.

Authorized in Business and Professions Code section 5615 *et seq.*, BLA consists of seven members. One of the members must be a resident of and practice landscape architecture in southern



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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 licentiates of the Board. Board members are appointed to four-year terms. BLA's regulations are codified in Division 26, Title 16 of the California Code of Regulations (CCR).

MAJOR PROJECTS:

Update on Proposed Regulatory Changes. BLA's rulemaking package which proposes to repeal existing section 2620, adopt new sections 2620 and 2620.5, and amend section 2649, Division 26, Title 16 of the CCR, has not yet been sent to the Office of Administrative Law (OAL) at this writing. The proposed changes would clarify educational and work requirements necessary to sit for BLA's licensing exam and increase selected fees. (See CRLR Vol. 11, No. 2 (Spring 1991) p. 79; Vol. 11, No. 1 (Winter 1991) pp. 65-66; and Vol. 10, No. 4 (Fall 1990) p. 78 for background information.)

LEGISLATION:

AB 1996 (Campbell). Under existing law, in any action for indemnity or damages arising out of the professional negligence of a person licensed as a professional architect, engineer, or land surveyor, the plaintiff's attorney is required to attempt to obtain consultation with at least one professional architect, engineer, or land surveyor who is not a party to the action. The attorney is then required to file a certificate which declares why the consultation was not obtained or that, on the basis of the consultation, the attorney believes there is reasonable and meritorious cause for filing an action. As introduced March 8, this bill would specify that these provisions also apply to actions arising out of the professional negligence of landscape architects. This bill is pending in the Assembly Judiciary Committee.

SB 173 (Bergeson). Under existing law, state and local agency heads may contract for specified services based on demonstrated competence and professional qualifications rather than competitive bidding. As introduced January 14, this bill would add landscape architectural services to the list of specified services. This bill is pending in the Senate Transportation Committee.

AB 1893 (Lancaster), as amended May 24, would authorize BLA to adopt guidelines for the delegation of its authority to grade the examinations of

licensure applicants to any vendor under contract to the Board. This bill is pending in the Assembly Ways and Means Committee.

FUTURE MEETINGS:

August 2 in Irvine.

MEDICAL BOARD OF CALIFORNIA

Executive Director: Ken Wagstaff
(916) 920-6393

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

The 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 divisions: Licensing, Medical Quality, and Allied Health Professions.

The purpose of MBC and its three divisions is to protect the consumer from incompetent, grossly negligent, unlicensed, or unethical practitioners; to enforce provisions of the Medical Practice Act (California Business and Professions Code section 2000 *et seq.*); and to educate healing arts licensees and the public on health quality issues. The Board's regulations are codified in Division 13, Title 16 of the California Code of Regulations (CCR).

The functions of the individual divisions are as follows:

MBC's Division of Licensing (DOL) is responsible for issuing licenses and certificates under the Board's jurisdiction; administering the Board's continuing medical education program; suspending, revoking, or limiting licenses upon order of the Division of Medical Quality; approving undergraduate and graduate medical education programs for physicians; and developing and administering physician and surgeon examinations.

The Division of Medical Quality (DMQ) reviews the quality of medical practice carried out by physicians and surgeons. This responsibility includes enforcement of the disciplinary and criminal provisions of the Medical Practice Act. The division operates in conjunction with fourteen Medical Quality Review Committees (MQRC) established on a geographic basis throughout the state. Committee members are physicians, other health professionals, and lay persons assigned by DMQ to investigate matters, hear disciplinary charges against physicians, and receive input

from consumers and health care providers in the community.

The Division of Allied Health Professions (DAHP) directly regulates five non-physician health occupations and oversees the activities of eight other examining committees and boards which license non-physician certificate holders under the jurisdiction of the Board. The following allied health professions are subject to the jurisdiction of DAHP: acupuncturists, audiologists, hearing aid dispensers, medical assistants, physical therapists, physical therapist assistants, physician assistants, podiatrists, psychologists, psychological assistants, registered dispensing opticians, research psychoanalysts, speech pathologists, and respiratory care practitioners.

DAHP members are assigned as liaisons to one or two of these boards or committees, and may also be assigned as liaisons to a board regulating a related area such as pharmacy, optometry, or nursing. As liaisons, DAHP members are expected to attend two or three meetings of their assigned board or committee each year, and to keep the Division informed of activities or issues which may affect the professions under the Medical Board's jurisdiction.

MBC's three divisions meet together approximately four times per year, in Los Angeles, San Diego, San Francisco, and Sacramento. Individual divisions and subcommittees also hold additional separate meetings as the need arises.

MAJOR PROJECTS:

Senate Committee Reviews Auditor General's Report on MBC's Discipline System, Board's Implementation of SB 2375. On May 23, the Senate Business and Professions Committee held an oversight hearing on the progress of the Medical Board in implementing SB 2375 (Presley), a 37-part physician discipline system reform bill enacted by the legislature in 1990. (See CRLR Vol. 11, No. 1 (Spring 1991) pp. 81-82; Vol. 11, No. 1 (Winter 1991) pp. 66-67; and Vol. 10, No. 4 (Fall 1990) pp. 79-80 for extensive background information on DMQ's preliminary implementation of SB 2375.) According to a May report issued by Public Citizen, a Washington D.C.-based consumer advocacy group, California ranks 38th in physician discipline.

The Committee first received a report from Tom Britting of the Office of the Auditor General (OAG); OAG had recently completed an in-depth analysis of MBC's complaint processing system and released a critical report. (See *supra* agency report on OAG for more detailed summary of the report.) Specifically,