



participation which would require reimbursement by the Board.

LEGISLATION:

SB 664 (Calderon), as introduced March 5, would prohibit RNs, among others, from charging, billing, or otherwise soliciting payment from any patient, client, customer, or third-party payor for any clinical laboratory test or service if the test or service was not actually rendered by that person or under his/her direct supervision, except as specified. This bill is pending in the Senate Business and Professions Committee.

AB 819 (Speier). Existing law provides that it is not unlawful for prescribed health professionals to refer a person to a laboratory, pharmacy, clinic, or health care facility solely because the licensee has a proprietary interest or coownership in the facility. As introduced February 27, this bill would instead provide that, subject to specified exceptions, it is unlawful for these licensed health professionals to refer a person to any laboratory, pharmacy, clinic, or health care facility which is owned in whole or in part by the licensee or in which the licensee has a proprietary interest; the bill would also provide that disclosure of the ownership or proprietary interest would not exempt the licensee from the prohibition. This bill is pending in the Assembly Health Committee.

AB 1224 (Hunter), as amended April 18, would require that services provided by a certified nurse practitioner shall be covered under the Medi-Cal program to the extent mandated by federal law, and would authorize independent billing by certified nurse practitioners. This bill passed the Assembly on May 30 and is pending in the Senate Health and Human Services Committee.

SB 1190 (Killea), as amended May 2, would enact the Licensed Midwifery Practice Act of 1991, establishing a five-member Licensed Midwifery Examining Committee within the Medical Board's Division of Allied Health Professions. This bill was rejected by the Senate Business and Professions Committee on May 13, but has been granted reconsideration.

The following is a status update on bills reported in detail in CRLR Vol. 11, No. 2 (Spring 1991) at page 104:

AB 14 (Margolin), as amended May 14, would enact the Health Insurance Act of 1991 for the purpose of ensuring basic health care coverage for all persons in California. This bill is pending in the Assembly Ways and Means Committee.

AB 95 (Friedman), as amended May 15, would prohibit, except in emergency situations, a long-term health care facility from using a physical restraint on a resident unless the facility has obtained the informed consent of the patient, as specified. This bill, which is pending in the Assembly Ways and Means Committee, is supported in concept by BRN.

AB 127 (Frizzelle), as amended May 20, would require the California Commission on Health Care Policy and Financing to establish a cost-effective ranking within surgical, medical, and preventive health care procedures or courses of treatment, and to report its findings to the legislature no later than January 1, 1993. This bill is pending in the Assembly Ways and Means Committee.

AB 485 (Hunter). As amended April 1, this BRN-sponsored bill would, among other things, increase and revise the fee schedules for RN licenses and nurse-midwife certificates, and would authorize BRN to fix a new fee to be paid for applications by RNs for licensure by endorsement. This bill passed the Assembly on May 2 and is pending in the Senate Business and Professions Committee.

AB 1350 (Vasconcellos), as amended May 30, would permit certified nurse-midwives to furnish drugs and devices under prescribed conditions, and 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 furnished by the midwife. This bill would also require every 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 Ways and Means Committee.

AB 2186 (Floyd), as amended May 15, would require the legislature to establish a Task Force on Registered Nursing to develop recommendations on effectively utilizing RNs in state government. This bill is pending in the Assembly Ways and Means Committee.

SB 54 (Lockyer), as amended April 17, would provide that any disease, illness, syndrome, or condition requiring treatment pursuant to prescribed provisions resulting from bloodborne 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 rebuttable presumption applies only if the worker consents to an HIV or hepatitis B test within 100 hours of the potential exposure. The bill passed the Senate on May 16 and is pending in the Assembly Insurance Committee.

FUTURE MEETINGS:

September 26-27 in Bakersfield.
November 21-22 in San Francisco.
January 23-24 in Los Angeles.
March 26-27 in Sacramento.
May 28-29 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:

BCSR Budget Problems. At its May 9 meeting, the Board announced that its June meeting would be postponed due to a lack of funds. The meeting, which had originally been scheduled for late June, was postponed until early July, after the beginning of the new fiscal year.

The Board usually certifies the results of its May examination at its June meeting; the results are then forwarded to the examinees, initiating the 45-day period during which an applicant may seek reconsideration of his/her examination. Since the examination results will not be sent out until later this year, BCSR's August meeting may be moved to September to ensure that the necessary time for appealing the test results is provided.

Draft School Curriculum Changes. The Board is still considering draft changes to section 2411, Division 24, Title 16 of the CCR, which would affect



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the curriculum requirements of Board-recognized court reporting schools. (See CRLR Vol. 11, No. 2 (Spring 1991) p. 104 and Vol. 10, No. 4 (Fall 1990) pp. 104-05 for background information.) Among other things, the changes would eliminate the 1,320-hour requirement in the area of shorthand, dictation, and transcription, to allow for the different pace of individual students. At its May 9 meeting, the Board noted that these changes are still in the discussion stage, and that the revisions must be adopted in accordance with formal rulemaking procedures and approved by the Office of Administrative Law (OAL) before they are effective.

Regulatory Update. Proposed new sections 2407, 2408, and 2409, Division 24, Title 16 of the CCR, which specify BCSR's processing times for considering and issuing permits pursuant to the Permit Reform Act of 1981, have been submitted to OAL for approval; at this writing, the Board is awaiting OAL's response. (See CRLR Vol. 11, No. 2 (Spring 1991) pp. 104-05 and Vol. 11, No. 1 (Winter 1991) p. 87 for background information.)

On March 1, BCSR released a modified version of new 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. The modifications resulted from comments received at a public hearing in February. (See CRLR Vol. 11, No. 2 (Spring 1991) p. 105; Vol. 11, No. 1 (Winter 1991) p. 87; and Vol. 10, No. 4 (Fall 1990) p. 104 for background information.) The Board accepted comments on the modified version until March 20; at this writing, the rule-making file awaits review and approval by OAL.

LEGISLATION:

AB 2002 (Horcher), as amended May 7, 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; and 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 chemical substances or alcohol. This bill is pending in the Assembly Ways and Means Committee.

RECENT MEETINGS:

At BCSR's May 9 meeting, Executive Officer Richard Black announced that staff had compiled a booklet containing all of BCSR's statutes and regulations. Because the booklet is longer than originally expected, the Board approved a minimal charge to cover copying and mailing expenses. The booklet will not be copyrighted, and may be copied and distributed as desired, according to Mr. Black.

Also at its May 9 meeting, the Board agreed to recognize San Diego City College (SDCC), if an SDCC student passes BCSR's exam. Prior to this, the school has been on provisional recognition.

FUTURE MEETINGS:

August 24 in Sacramento.

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:

Board Proposes New Regulatory Action. At its April 5 meeting, the Board agreed to pursue proposed amendments to regulatory sections 1970.4 and 1983, and to adopt new sections 1990.1 and 1991.1, Division 19, Title 16 of the CCR. The amendments to sections 1970.4 and 1983 would add the term "fungicide" to numerous subsections which currently relate to the use of pesticides. Proposed section 1990.1 would establish new reporting requirements under Business and Professions Code subsections 8516.1(b) and 8516.1(c)(1)-(8); proposed section 1991.1 would establish additional requirements for reports required under Business and Professions Code subsection 8516.1(c)(8).

Also at its April 5 meeting, the Board unanimously agreed to seek amendment to Article 5 of its regulations, regarding the Wood Destroying Pests and Organisms Inspection Report requirements, to include a notice to consumers and to adopt into regulation the revised Standard Notice of Work Completed and Not Completed.

Board Adopts Roof Inspection Specific Notice. At its April 5 meeting, SPCB adopted Specific Notice No. III-1-91, regarding Branch 3 roof inspections. According to the Notice, "[i]nfestations or conditions visible from ground level or the attic must be reported (roof eaves, rafters, fascias, exposed timbers, exposed sheathing, exposed rafters and ceiling joists, and attic walls)." The Notice also states that the Board considers moss an uncontrollable moisture source and it should be reported. Further the Notice mandates that "[w]ater stains