



REGULATORY AGENCY ACTION

regulations requiring continuing education of licensed embalmers. (See *infra* RECENT MEETINGS for more information regarding SB 637.) This bill is pending in the Assembly Committee on Consumer Protection, Governmental Efficiency, and Economic Development.

AB 1540 (Speier), as introduced March 7, would repeal the enabling statutes of the Board of Funeral Directors and Embalmers and the Cemetery Board, and enact the Cemeteries, Funeral Directors and Embalmers Act, with unspecified contents. This bill is also pending in the Assembly Consumer Protection Committee, which was scheduled to hold interim hearings on the bill and the boards' respective performances in October.

AB 1981 (Elder), as amended May 2, would, commencing July 1, 1992, require any person employed by, or an agent of, a funeral director who consults with a family of a deceased person or its representatives concerning the arranging of funeral services to be licensed by the Board as an arrangement counselor, or to be designated as an arrangement counselor trainee, with specified exceptions. This bill would also set forth qualifications and licensure requirements for an arrangement counselor's license. This bill is pending in the Senate Business and Professions Committee.

LITIGATION:

On June 25, Funeral Security Plans, Inc. (FSP) filed a notice of appeal of the trial court's ruling in *Funeral Security Plans, Inc. v. Board of Funeral Directors and Embalmers*, No. 512564 (Sacramento County Superior Court). In its decision, the court rejected FSP's allegations that the Board repeatedly violated the Bagley-Keene Open Meeting Act, Government Code section 11120 *et seq.* (See CRLR Vol. 11, No. 3 (Summer 1991) p. 77; Vol. 11, No. 2 (Spring 1991) p. 74; and Vol. 11, No. 1 (Winter 1991) p. 62 for background information.) At this writing, FSP is awaiting receipt of the record from the superior court; following such receipt, FSP will have thirty days in which to file its opening brief.

On September 10, the California Supreme Court heard oral argument in *Christensen, et al. v. Superior Court*, No. S016890, a class action against several mortuary and crematorium defendants for the intentional and negligent mishandling of corpses and human remains. The industry defendants are challenging a ruling of the Second District Court of Appeal which substantially enlarged the plaintiff class in this multi-

million dollar action. (See CRLR Vol. 11, No. 3 (Summer 1991) p. 78; Vol. 11, No. 2 (Spring 1991) p. 75; and Vol. 11, No. 1 (Winter 1991) p. 62 for extensive background information.) At this writing, the Supreme Court has not yet issued a decision.

RECENT MEETINGS:

At its May 23 meeting, the Board agreed upon numerous recommended changes to SB 637 (Roberti), including reducing the embalmers' apprenticeship period from two years to one year; repealing Business and Professions Code section 7667, which authorizes the Board to grant embalmer apprentices a one-year leave of absence during the apprenticeship; eliminating the requirement that an apprentice may only have one designated employer to supervise his/her apprenticeship; and allowing apprentices to practice in more than one establishment owned by the same firm. In August, the California Funeral Directors Association, the sponsors of SB 637, accepted the Board's recommendations; the Board anticipates that the amendments will be made to SB 637 when the legislature reconvenes in January.

Also at its May 23 meeting, the Board discussed further amendments to the embalming apprenticeship requirements such that the apprentice must complete the educational requirements prior to the commencement of the apprenticeship; realigning licensing fees such that the embalmers would pay less since they do not cost as much to regulate in comparison with funeral directors; and changing the method of calculating funding for the preneed trust fund to a percentage basis from a flat fee. These subjects will be discussed at future Board meetings.

FUTURE MEETINGS:

December 12 in Sacramento.
January 23 in Sacramento.

BOARD OF REGISTRATION FOR GEOLOGISTS AND GEOPHYSICISTS

Executive Officer: Frank Dellechiaie
(916) 445-1920

The Board of Registration for Geologists and Geophysicists (BRGG) is mandated by the Geologist and Geophysicist Act, Business and Professions Code section 7800 *et seq.* The Board was created by AB 600 (Ketchum) in 1969; its jurisdiction was extended to include geophysicists in 1972. The Board's regulations are found in Divi-

sion 29, Title 16 of the California Code of Regulations (CCR).

The Board licenses geologists and geophysicists and certifies engineering geologists. In addition to successfully passing the Board's written examination, an applicant must have fulfilled specified undergraduate educational requirements and have the equivalent of seven years of relevant professional experience. The experience requirement may be satisfied by a combination of academic work at a school with a Board-approved program in geology or geophysics, and qualifying professional experience. However, credit for undergraduate study, graduate study, and teaching, whether taken individually or in combination, cannot exceed a total of four years toward meeting the requirement of seven years of professional geological or geophysical work.

The Board may issue a certificate of registration as a geologist or geophysicist without a written examination to any person holding an equivalent registration issued by any state or country, provided that the applicant's qualifications meet all other requirements and rules established by the Board.

The Board has the power to investigate and discipline licensees who act in violation of the Board's licensing statutes. The Board may issue a citation to licensees or unlicensed persons for violations of Board rules. These citations may be accompanied by an administrative fine of up to \$2,500.

The eight-member Board is composed of five public members, two geologists, and one geophysicist. BRGG's staff consists of three full-time employees (Executive Officer Frank Dellechiaie and two clerical staff members) and two part-time personnel. The Board's committees include the Professional Practices, Legislative, and Examination Committees. BRGG is funded by the fees it generates. Currently, two public member positions on BRGG are vacant.

MAJOR PROJECTS:

BRGG Proposes Regulatory Amendments. At its July 9 meeting, the Board continued its discussion of proposed amendments to sections 3005, 3025, 3036, and 3037, Division 29, Title 16 of the CCR, which would increase the Board's revenue by increasing application, registration, and renewal fees, and discontinuing the 50% refund of the application fee previously given to applicants who lack the qualifications required for admission to the examination. Other amendments would reduce the number of applicants who fail the examination and are eligible to



appeal for Board review of their examination papers. (See CRLR Vol. 11, No. 3 (Summer 1991) pp. 78-79 for detailed background information.) BRGG anticipates that the additional resources created by these amendments will enable the Board to hire additional staff for examination processing and enforcement activities. BRGG was scheduled to hold a public hearing on these proposed regulatory amendments on October 7 in Los Angeles.

BRGG Examination Development and Validation Process Update. BRGG concluded earlier this year that it could save a considerable amount of money if it purchased the appropriate hardware and software enhancements and conducted its own examination development program. (See CRLR Vol. 11, No. 3 (Summer 1991) p. 79 for background information.) In accordance with this plan, the Board has recently purchased a new 386 Compaq computer to begin developing the program. The new system will perform an item analysis of different questions and automatically categorize them according to subject. The system will also enable the Board to generate new examinations in future years without having to retype them each year. Both of these functions are expected to greatly reduce the amount of time which is currently dedicated toward accomplishing these tasks.

BRGG still intends to contract with a private company to conduct a validation of the resulting examination. The validation process will require the contractor to send out a series of extensive questionnaires to registered geologists to determine the nature of the issues and work they encounter in their professional practice. After determining the "state of the industry" and the knowledge, skills, and abilities necessary to function as a competent licensee, the contractor will evaluate the examination created by the Board and make appropriate recommendations for revisions as necessary. Because the examination is updated every year, BRGG expects that the validation process will result in few, if any, modifications. BRGG is currently seeking a contractor to carry out the validation process.

BRGG's Budget Change Proposal for Hiring Additional Staff. BRGG has unsuccessfully attempted to seek budget change proposals (BCPs) for hiring additional staff for the past two years and is trying again this year. Because the Board has proposed regulatory amendments increasing its licensing fees, BRGG should have sufficient funds to convince the Department of Finance (DOF) and the Governor's office to ap-

prove the BCPs this time. The additional staff would be hired for examination processing and enforcement purposes, and would hopefully enable the Board to administer its licensing examination twice per year and develop a more aggressive enforcement program. At this writing, the Board is awaiting approval from DOF and the Governor's office. BRGG is especially sensitive to the BCP approval at this time of year, as its limited staff are processing hundreds of exam applications for the November examination.

LEGISLATION:

The following is a status update on bills reported in detail in CRLR Vol. 11, No. 3 (Summer 1991) at page 79:

AB 892 (Tanner), as amended May 15, would rename the Geologist and Geophysicist Act as the Earth Scientist Act and would revise and recast specified provisions to authorize BRGG to regulate the practice of groundwater hydrology. BRGG would become the Board of Registration for Earth Scientists and provide for the registration of groundwater hydrologists. This bill is pending in the Senate Business and Professions Committee.

SB 958 (Rogers), as amended April 11, would amend Public Resources Code section 2774, which currently specifies that those conducting surface mine inspections must be state-registered geologists, state-registered civil engineers, state-licensed architects, or state-registered foresters. SB 958 would delete the requirement for state registration or licensure, and states that the proposed inspections would be conducted by a qualified professional with experience in land reclamation. This bill is pending in the Senate Committee on Natural Resources and Wildlife.

RECENT MEETINGS:

At its July 9 meeting, the Board elected Howard Spellman as BRGG President and re-elected Karen Melikian as Vice-President. Mr. Spellman succeeds James Weddle, who will continue to serve on the Board as a professional member.

At the recommendation of the Professional Practices Committee, which met recently with Assemblymember Sally Tanner, the Board has decided that it has the authority to create a specialty license for hydrogeologists. (See CRLR Vol. 11, No. 3 (Summer 1991) pp. 79-80 for background information.) BRGG believes that this new program would accomplish the goals of AB 892 (see *supra* LEGISLATION) and thus make further legislative action on AB 892 un-

necessary. The specifics of the new registration program for hydrogeologists will be developed by BRGG's Professional Practices Committee in the near future. The results of the Committee's efforts may also determine whether AB 892 is pursued during 1992.

Executive Officer Frank Dellechiaie reported that BRGG's consumer brochure is "camera ready" but that the Board has insufficient funds to publish it at this time. He believes that the brochure—which would inform the public about topics ranging from how to file a complaint to what a geologist's work entails—would serve a valuable purpose, but that hiring additional staff for examination processing and enforcement purposes is a more exigent concern at the present time. He intends to pursue another BCP for the brochure, a new directory, and additional hardware next year. Once the BCP for the brochure is approved, he intends to disseminate approximately 5,000 consumer pamphlets to various state agencies and members of the public.

FUTURE MEETINGS:

January 13 in Los Angeles (tentative).

BOARD OF GUIDE DOGS FOR THE BLIND

Executive Officer: Manuel Urena (916) 445-9040

The Board of Guide Dogs for the Blind has three primary functions. The Board protects the blind guide dog user by licensing instructors and schools to ensure that they possess certain minimum qualifications. The Board also enforces standards of performance and conduct of these licensees as established by law. Finally, the Board polices unlicensed practice.

The Board, authorized by Business and Professions Code section 7200 *et seq.*, consists of seven members, two of whom must be dog users. In carrying out its primary responsibilities, the Board is empowered to adopt and enforce regulations, which are codified in Division 22, Title 16 of the California Code of Regulations (CCR).

The Board currently licenses three guide dog schools and 48 trainers.

LEGISLATION:

The following is a status update on bills reported in detail in CRLR Vol. 11, No. 3 (Summer 1991) at page 80:

AB 567 (Hunter), as amended April 18, would abolish the Board of Guide Dogs for the Blind and require the train-