



REGULATORY AGENCY ACTION

Assignment of Funeral Directors' Licenses. At its November meeting, the Board expressed concern that applications for license assignments were not being received by the Board prior to the effective date of the transfer. Section 1213 of Chapter 12, Title 16 of the CCR, requires notification to the Board no later than thirty days prior to the effective date of the transfer. Licensees have indicated that they are worried that notice to the Board will become public and therefore interfere with tentative business dealings. The Board established a special committee to review the notification requirement and the concerns of the licensees. The committee is to report back to the Board with proposed policy or rules on enforcement of the notification requirement.

LEGISLATION:

The following is a status update of bills described in detail in CRLR Vol. 9, No. 4 (Fall 1989) at pages 57-58:

SB 26 (Lockyer) would, among other things, amend section 7739 of the Business and Professions Code to provide that a person who willfully violates the laws regarding preneed trusts is guilty of a Class E felony, punishable by no more than six months in county jail or no more than a \$500 fine, or both. The bill is pending in the Assembly Public Safety Committee.

AB 459 (Frizzelle) would have provided that a previously licensed individual may renew his/her license at any time after license expiration upon payment of the applicable fees and satisfaction of continuing education requirements. This bill was dropped by its author.

SB 722 (Stirling) would require a local registrar to issue a permit for the disposition of human remains immediately upon presentation to the local registrar of a certificate of death or fetal death, except when the certificate contains medical or other information indicating that the death is a case requiring investigation by the coroner pursuant to existing provisions of law and the certificate does not contain evidence that this information has been reported to the coroner, or the certificate does not establish the identity of the decedent, and the place, date, and time of death. *SB 722* is currently pending in the Assembly Judiciary Committee.

AB 2271 (Farr) would have allowed a trustor in a preneed funeral trust to elect, for any reason, that the trust is irrevocable. This bill died in committee.

RECENT MEETINGS:

At the Board's November meeting, the Publications Committee reported that the Board's proposed consumer information guide is currently being reviewed by the Department of Consumer Affairs. Distribution of the guide is not expected to occur until at least summer of 1990.

The Board also revised its policy regarding the issuance of press releases following formal disciplinary action. The Board decided that it will issue a press release and/or publish in its quarterly newsletter results of disciplinary actions at the time the actions become effective and final.

Finally, the Board assigned staff to prepare proposed written disciplinary guidelines to be used as an advisory tool when formulating disciplinary orders.

FUTURE MEETINGS:

June 18 in San Jose.

BOARD OF REGISTRATION FOR GEOLOGISTS AND GEOPHYSICISTS

Executive Officer: John E. Wolfe (916) 445-1920

The Board of Registration for Geologists and Geophysicists (BRGG) is mandated by the Geology 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 Chapter 29, Title 16 of the California Code of Regulations (CCR).

This eight-member 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 educational requirements and have the equivalent of seven years of professional experience in his/her field. This requirement may be satisfied with a combination of education from a school with a Board-approved program in geology or geophysical science, and qualifying field experience.

The Board has the power to 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 Board is composed of five public members and three professional members. BRGG's staff consists of two full-time employees (Executive Officer John Wolfe and his secretary) 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.

MAJOR PROJECTS:

Examinations. At BRGG's October 3 meeting, Executive Officer John Wolfe reported that 1,026 applicants qualified to take the September exam and a total of 874 applicants actually took the exam. This is the largest number of applicants ever tested at one time, and represents an increase of 355 examinees over the 1988 exam.

In setting the examination date for 1990, the Board again decided to administer only one exam. BRGG members expressed concern that it may be unfair to qualified applicants not to administer the test twice per year, as they have to wait longer to become licensed geologists. However, the current number of Board staff is insufficient to review the exams and complete other required work, especially with the large increase in examinees. One possible solution would be to move to multiple choice or machine-graded exams so grading would be less time-consuming, allowing for the administration of two exams each year. However, the Board feels that its current exam, which includes essay questions, is of very high quality, and moving to a machine-graded exam may compromise this quality. BRGG believes that the benefits of its current exam outweigh the benefits of administering a machine-graded exam twice per year. However, the Board asked the Examination Committee to address this issue and find ways in which the process can be improved.

National Exam Questionnaire. The American Institute of Professional Geologists (AIPG) is exploring the desirability and feasibility of creating a national examination for geologists which could be used as part of the registration/certification process. The AIPG sent state geology boards a questionnaire to determine interest in such a national exam, which is in a very preliminary stage at this point. While such an exam might reduce the workload on individual state boards, the BRGG sees



several flaws in the proposal. Because California has geological problems unique to the rest of the country (such as earthquakes), such a standardized exam may not address enough California problems, resulting in registered geologists unable to deal with California's unique geological features. One solution would be to administer a smaller, supplemental California exam. The national exam also conflicts with the Board's strong desire to avoid standardized, machine-graded exams. The Board decided that the Examination Committee should work with the AIPG, but state that California has reservations about such a national exam.

Enforcement. At its October meeting, the Board unanimously agreed to adopt the stipulation by Ken Masero regarding his license surrender. In New Mexico, Mr. Masero defrauded investors in a company in which he had a financial interest by misrepresenting the value of that company's gold mining operations, and was convicted of felony fraud practices. Masero's conviction in New Mexico state court constitutes cause for disciplinary action against his California geologist license. Because the factual circumstances surrounding his conviction of felony fraud practices are substantially related to the function, qualifications, and duties of a geologist, Masero was required, among other things, to surrender his geologist's license. The Board agreed not to file an accusation against Masero if he agreed to the stipulation, which includes a provision that for purposes of license reinstatement, Masero's license surrender will be treated as a license revocation. The Board has no authority to impose civil penalties on Masero because the violation occurred in New Mexico.

Proposed Regulatory Changes. The Board recently published in the *Notice Register* a notice of its intent to adopt new section 3022, Chapter 29, Title 16 of the CCR. Under existing law, an applicant for registration as a geologist or geophysicist is required to meet specified educational requirements at a school or university whose curricula meet criteria established by the Board. The Board's existing regulations do not specify its criteria for approval of curricula in geology or geophysics or a procedure by which the Board can evaluate an applicant's educational background where it has been obtained in a foreign country. This regulatory proposal would provide for such criteria and procedures.

Under new section 3022, a school which was accredited by specified accrediting agencies at the time the student attended the school will be deemed approved by the Board. Additionally, an applicant attending a foreign school must submit a certified transcript and other applicable documents showing his/her geology or geophysics coursework. If the Board is unable to evaluate the course content, the applicant must pay for an approved evaluation service to evaluate his/her credentials. The Board may consider certified copies of other documents which establish the applicant's eligibility when circumstances beyond the control of the applicant prevent him/her from furnishing the Board with the required documents. Any document submitted in a language other than English shall be accompanied by a certified translation performed by someone other than the applicant who will attest to the accuracy of the translation under penalty of perjury.

The Board also recently published notice of its intent to amend regulatory section 3005, to increase the fee for application for registration as a geologist or geophysicist from \$40 to \$60. All other fees (renewal, delinquency, etc.) will remain the same.

Additionally, the Board seeks to adopt sections 3028 and 3029 to implement the Permit Reform Act of 1982, which requires the Board to specify the period of time between receiving a permit application and notifying the applicant as to whether his/her application is complete and accepted or whether the application is deficient. The Act also requires the Board to specify the minimum, median, and maximum times for processing an application for licensure, from receipt of the initial application to the final decision, based on the Board's actual performance during the previous two years. Sections 3028 and 3029 would set forth the required processing times.

The Board was scheduled to hold a hearing on these proposed regulatory actions in Los Angeles on January 10.

LEGISLATION:

The following is a status update on bills reported in CRLR Vol. 9, No. 4 (Fall 1989) at page 68:

AB 469 (Harvey) would increase the maximum fee for the filing of an application for registration as a geologist or geophysicist from \$60 to \$100, the renewal fee for a geologist or geophysi-

cist from \$100 to \$200, and the specialty renewal fee from \$20 to \$50. (See CRLR Vol. 9, No. 1 (Winter 1989) p. 48 for background information.) This bill is pending in the Senate Rules Committee.

AB 459 (Frizzelle) would have provided that a previously licensed individual may renew his/her license at any time after license expiration upon payment of the applicable fees and upon satisfaction of continuing education requirements. This bill was dropped by its author.

RECENT MEETINGS:

A representative of the Oregon Board of Registration for Geologists attended BRGG's October 3 meeting to discuss exam reciprocity. BRGG state that it is open to such discussions and unambiguously agreed to exchange exams with Oregon. Both boards will compare the exams and try to work out some sort of reciprocity procedure.

FUTURE MEETINGS:

To be announced.

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 Chapter 22, Title 16 of the California Code of Regulations (CCR).

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

MAJOR PROJECTS:

Implementation of SB 2229. Pursuant to Business and Professions Code section 7218, enacted in 1988, the Board is conducting a study of the feasibility of developing programs to license