



# REGULATORY AGENCY ACTION

examinees achieved an 85% passage rate.

The national licensing exam is given twice per year and the most recent results are similar to past California averages. The Board monitors the passage rate for each California nursing school to detect areas that may require assistance in improving exam results. If a school experiences a failure rate of 30% or higher on three consecutive exams, the Board will conduct a site visit at the school.

The site visit involves a review of the curriculum and classes at the school and recommendations for improvement. Currently, four California schools are under review for improvement in their national exam passage rates. These schools are East Los Angeles College, Glendale Community College, California State University at Los Angeles, and Loma Linda University.

*DCA's New Cashiering System Presents Problems for Nurses.* The Department of Consumer Affairs' (DCA) implementation of a new central cashiering system is causing problems for nurses attempting to renew their licenses. As units within DCA, BRN and other California licensing boards are involved in the initial phase of a system-wide centralized cashiering project. The Department is attempting to arrange a system which brings all licensing records of all DCA boards into one central cashier. The demise of the previous fragmented cashier system and implementation of the new program was intended to ultimately expedite cashier transactions and improve cash management for the DCA.

However, the implementation process for the new centralized system has resulted in a considerable backlog. Approximately 11,000 nurses throughout the state have experienced delays due to a one-month backlog in processing the license renewals. Many of these nurses have telephoned BRN to complain and express concern that although their renewal payments have been accepted, their licenses have not been received. These calls have deluged BRN's telephone system. BRN requests that concerned nurses telephone a hotline for information concerning the license renewal backlog. The hotline number is (916) 445-3783. In addition, BRN states that a nurse's cancelled check, money order, or receipt for licensing fees may be used as evidence of licensure, under section 121 of the

Business and Professions Code. Such evidence is sufficient under the Code for continued employment as an RN, pending receipt of a delayed license.

*Interim Permits for Immigrating Nurses.* Many California health care employers recruit internationally for nurses due to the severe nursing shortage in the United States. Normally, BRN issues interim nursing permits to qualified immigrating nurses to enable them to work legally as a nurse when they initially arrive in California, but before they have had an opportunity to take the licensing exam. However, the interim nursing permits are effective for a maximum of thirty days. The permits, which are often secured by the employer before the nurse has left for the United States, tend to expire before the immigrating nursing applicant arrives in California and can arrange to take the licensing exam. This problem is further compounded because the interim permits may not be reissued or renewed under California law.

To avoid this dilemma, BRN is now issuing "Authorizations for Interim Permits" to out-of-state applicants, rather than the permit itself. Once the nursing applicant arrives in California and provides the necessary evidence of qualifications, the thirty-day interim permit is issued, thereby enabling the nursing applicant to arrange for licensure testing.

## LEGISLATION:

The following is a status update of bills described in detail in CRLR Vol. 9, No. 4 (Fall 1989) at pages 78-79:

*SB 368 (Torres).* Existing law defines nursing hours as the number of hours of work performed per patient day by aides, nursing assistants, or orderlies, plus two times the number of hours worked per patient day by RNs and licensed vocational nurses. This bill would instead define nursing hours as the number of hours of work performed per patient day by aides, nursing assistants, orderlies, RNs or licensed vocational nurses, and would require the state Department of Health Services to adopt regulations to take effect January 1, 1991, to reflect that change. This bill is pending in the Assembly Health Committee.

*AB 1055 (Roos)* would state legislative intent concerning the need to promote recruitment of persons into registered nursing education programs. This bill would also specifically require the

Office of Statewide Health Planning to create a Model Projects Information Network to disseminate information to health facilities and educational institutions about successful efforts by health facilities and educational institutions to recruit persons into registered nursing. This bill is pending in the Senate Education Committee.

*AB 395 (Felando)* would have required all hemodialysis technicians, vocational nurses, and RNs who provide health care services to dialysis patients in the patient's home to be held to the same requirements as are applied to those categories of personnel when they provide health care services to dialysis patients in a chronic dialysis clinic. This bill died in committee.

*AB 1581 (Murray),* which would create the California Commission on AIDS, one member of which would be a representative of the nursing profession, is pending in the Senate Appropriations Committee suspense file.

*AB 856 (Felando),* which would have required health care facilities to utilize only persons employed by the facility, thus eliminating the use of nurses from registries in the in-hospital setting, died in committee.

*AB 2183 (Murray),* which would have required the state Department of Health Services to license geriatric technicians, died in committee.

*AB 2422 (Polanco)* would have required a 10% surcharge on licensing fees for specified health-related professional group, including registered nursing. This bill died in 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.

## FUTURE MEETINGS:

To be announced.

**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 regula-



tions are found in Chapter 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:

*Education Committee.* The Board's Education Committee, which was formed to study the Board's school curriculum requirements as set forth in section 2411, Chapter 24, Title 16 of the CCR, was formerly composed primarily of representatives from various shorthand reporter schools. The Board currently seeks to involve shorthand reporter firm owners in the Education Committee. Because firm owners see the end product of shorthand reporter schools, they should be able to add valuable insight to this Committee. Executive Officer Richard Black will contact firm owners and ask them to serve on the Committee. As soon as the Committee is reformed, it will resume study of section 2411, with possible informational hearings to follow. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 79 and Vol. 9, No. 2 (Spring 1989) p. 75 for background information.)

*English Examination.* The Board has awarded a contract for the review of its English exam to Hoffman Research. Although the Board is generally pleased with the English portion of its exam, it is seeking input from Hoffman as to possible improvements.

*School Visitations.* Three schools (Achieve Success in Nevada City and Barclay College in Cypress and Los Angeles) recently applied for recognition by BCSR. Board members will select dates to visit these schools and develop a site visit schedule. Achieve Success in Auburn and Barclay College in Lawndale recently gained provisional recognition.

## LEGISLATION:

*AB 1438 (Burton)* would require the

official reporter of felony cases, unless otherwise directed by the court, to certify a daily transcript of the proceedings if the court estimates that the case will involve twenty court days or more. This bill is pending in the Senate Judiciary Committee.

*AB 1439 (Burton)* would require all criminal proceedings in open court in superior, municipal, and justice court involving a defendant charged with a felony to be conducted on the record with a stenographic reporter in attendance. This bill is pending in the Senate Judiciary Committee.

*AB 459 (Frizzelle)* would have allowed a BCSR licensee whose license has expired to renew that license at any time, without regard to length of delinquency and without requirement of reexamination, so long as continuing education requirements have been fulfilled and the appropriate fees have been paid. This bill was dropped by its author.

*SB 1186 (Stirling)* would provide that, notwithstanding any other provisions of law, an appellate court may grant an extension of time for the preparation of a reporter's transcript in a civil appeal to that court upon a showing of good cause. This bill is pending in the Assembly Judiciary Committee.

*Future Legislation.* The Board's Transcript Reimbursement Fund, originally established in 1981, provides shorthand reporting services to low-income litigants in civil cases. In the last nine years, the Fund disbursed \$1.9 million. Because the Fund is scheduled to sunset on June 30, 1991, the Board plans to introduce a bill extending the Fund for an additional five years.

## RECENT MEETINGS:

At BCSR's November 10 meeting, Sue Coleman from West Valley College asked the Board how it would administer the certified shorthand reporter written exam to a blind examinee, since a blind student who attends her school will be eligible to take the exam next year. Since the volume of material an examinee must absorb during the written exam is so great, merely reading the test to a blind examinee may disadvantage him/her. The Board currently has no policy to cover such a situation and will discuss this issue at a future Board meeting.

The Board's October 27 Planning Session in San Francisco was postponed due to the earthquake. The Board

rescheduled this planning session for February 9-10 in Santa Clara.

Representatives from appellate courts attended the Board's December 16 meeting to discuss delinquent transcripts. These representatives will be working in conjunction with Board members and other interested parties to determine how to reduce the number of delinquent transcripts.

## FUTURE MEETINGS:

May 18 in San Francisco.

## 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 Chapter 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); licensing and regulation of individuals practicing in Branch 4 will commence after 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.