



members' lack of awareness of numerous actions undertaken by CHRB staff. Commissioner Lansdale addressed the Board in support of the resolution. As an example of the problem, he noted that staff had initiated disciplinary actions against trainers for drug violations, and that certain CHRB members were not even aware that the actions had been initiated until reading about them in the press.

Also at its December meeting, CHRB elected new officers for the 1990 term. Henry Chavez, who served as Vice-Chair during 1989, will serve as Chair. William Lansdale will serve as Vice-Chair.

#### FUTURE MEETINGS:

To be announced.

#### NEW MOTOR VEHICLE BOARD

*Executive Officer: Sam W. Jennings*  
(916) 445-1888

Pursuant to Vehicle Code section 3000 *et seq.*, the New Motor Vehicle Board (NMVB) licenses new motor vehicle dealerships and regulates dealership relocations and manufacturer terminations of franchises. It reviews disciplinary action taken against dealers by the Department of Motor Vehicles. Most licensees deal in cars or motorcycles.

NMVB is authorized to adopt regulations to implement its enabling legislation; the Board's regulations are codified in Title 13 of the California Code of Regulations (CCR). The Board also handles disputes arising out of warranty reimbursement schedules. After servicing or replacing parts in a car under warranty, a dealer is reimbursed by the manufacturer. The manufacturer sets reimbursement rates which a dealer occasionally challenges as unreasonable. Infrequently, the manufacturer's failure to compensate the dealer for tests performed on vehicles is questioned.

The Board consists of four dealer members and five public members. The Board's staff consists of an executive secretary, three legal assistants and two secretaries.

#### MAJOR PROJECTS:

*Status Report on Certification Fees.* Pursuant to Business and Professions Code section 9889.75, NMVB has been

collecting fees from manufacturers and distributors of new motor vehicles for the purpose of funding the Bureau of Automotive Repair's (BAR) certification of third party dispute programs. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 132; Vol. 9, No. 3 (Summer 1989) p. 121-22; and Vol. 9, No. 2 (Winter 1989) p. 101 for complete background information.) Billing for 1989-1990 fees began on September 29; at this writing, \$182,000 has been collected.

*Regulatory Changes Approved.* On October 16, the Office of Administrative Law (OAL) approved the Board's amendments to sections 550, 554, and 595, Title 13 of the CCR, to specify that petitions may be filed against new motor vehicle dealers, and to eliminate the requirement that petitioners be California residents. OAL also approved new section 555.1, amended sections 555, 556, 557, 558, and 562, and the repeal of section 559, to simplify existing petition procedures in several ways. The Board also moved section 579 concerning the availability of subpoenas in protest hearings from Article 4 to Article 1, and renumbered it as section 551.2. (See CRLR Vol. 9, No. 2 (Spring 1989) p. 116 and Vol. 9, No. 1 (Winter 1989) pp. 101-02 for detailed background information on these changes.)

#### LEGISLATION:

The following is a status update on bills reported in detail in CRLR Vol. 9, No. 4 (Fall 1989) at page 132:

*AB 552 (Moore)* would have given buyers of a motor vehicle pursuant to a conditional sales contract or purchase order the right to cancel the contract or purchase order, without penalty or obligation, until midnight of the first business day after the day on which the contract was signed. This bill died in committee.

*SB 582 (Green)*, which would have deleted existing separate statutory provisions relating to lessor-retailers, and provided instead for their licensing and regulation under the same provisions which apply to dealers, died in committee.

*SB 587 (Doolittle)*, which would make it unlawful for any person to provide unsafe, improperly equipped, unsafely loaded, or unregistered vehicles to a highway carrier, is pending in the Assembly Transportation Committee.

#### FUTURE MEETINGS:

To be announced.

#### BOARD OF OSTEOPATHIC EXAMINERS

*Executive Director: Linda Bergmann*  
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In 1922, California voters approved a constitutional initiative which created the Board of Osteopathic Examiners (BOE). Today, pursuant to Business and Professions Code section 3600 *et seq.*, BOE regulates entry into the osteopathic profession, examines and approves schools and colleges of osteopathic medicine, and enforces professional standards. The Board is empowered to adopt regulations to implement its enabling legislation; BOE's regulations are codified in Chapter 16, Title 16 of the California Code of Regulations (CCR). The 1922 initiative, which provided for a five-member Board consisting of practicing doctors of osteopathy (DOs), was amended in 1982 to include two public members. The Board now consists of seven members, appointed by the Governor, serving staggered three-year terms.

The Board's licensing statistics as of August 1989 include the issuance of 1,481 active licenses and 450 inactive licenses to osteopaths.

At BOE's November 1989 meeting, Dr. Stan Flemming and Dr. Earl Gabriel were introduced as new Board members.

#### MAJOR PROJECTS:

*Regulatory Changes.* On September 22, the Office of Administrative Law (OAL) approved numerous changes to BOE's regulations, which the Board had adopted at its June 23 meeting. These changes include an amendment to section 1621 regarding approved written examinations for reciprocity licensure; the addition of sections 1660-1662 to implement BOE's Impaired Physicians' Diversion Program; an amendment to section 1676(a) which allows BOE to register previously unauthorized fictitious names; and amendments to section 1690(f), (g), (i), and (j), which lower the annual tax and registration fee, the inactive certificate fee, the medical corporation renewal fee, and the fictitious name permit renewal fee. (See CRLR Vol. 9, No. 3 (Summer 1989) p. 122 for background information on these regulatory changes.)

#### LEGISLATION:

*Proposed Legislation.* Under existing law, a physical therapist assistant or aide may perform physical therapy services



only under the direction and supervision of a physical therapist. In 1990, BOE plans to support draft legislation which would permit DOs to utilize physical therapist aides. The Board hopes that this legislation will remedy the fact that many insurance companies do not cover services rendered by a physical therapist aide who works with a DO instead of a physical therapist.

#### RECENT MEETINGS:

At its November 10 meeting, BOE discussed possible criteria which would be used to evaluate and select candidates for examination commissioners. These commissioners act as substitutes for Board members when they administer the oral examination to licensure applicants. The possible criteria include: the candidate must be able to administer the exam at three out of the four annual examinations scheduled; the candidate must supply three letters of recommendations; and the candidate must be board-certified. BOE will develop these criteria and address them again at its March meeting.

BOE also discussed the "single pathway resolution" drafted by the Federation of State Medical Boards. This resolution would institute a single national examination to test both MDs and DOs; the examination which would be used is the standard MD examination. BOE is concerned that, because this single examination does not test skills of osteopathic manipulation, it will not adequately ensure that only DOs competent to practice osteopathy are licensed. To address this concern, BOE has proposed a resolution which would allow BOE, or any other state DO agency, to independently test DOs in their jurisdiction for osteopathic manipulation. BOE has submitted this resolution to all state osteopathic boards for their input. At the November meeting, some Board members expressed the view that the single pathway resolution is a tactic being used by the American Medical Association, which supports the resolution, to absorb the DO profession into the MD profession; and that BOE's resolution is an inadequate attempt to preserve the independent identity of DOs.

Also present at the November meeting was a representative of the California Academy of Physician Assistants (CAPA). Members of the Board explained to the CAPA representative that they are displeased with a booklet that CAPA has distributed. This

booklet describes the physician assistant profession to the consumer. Specifically, BOE members objected to CAPA's use of the term "medical doctor/physician assistant" throughout the booklet, and requested that it be replaced with the term "physician/physician assistant."

#### FUTURE MEETINGS:

June 22 in Orange County.  
November 2 in Sacramento.

#### PUBLIC UTILITIES COMMISSION

*Executive Director: Neal J. Shulman*  
*President: G. Mitchell Wilk*  
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The California Public Utilities Commission (PUC) was created in 1911 to regulate privately-owned utilities and ensure reasonable rates and service for the public. Today, under the Public Utilities Act of 1951, Public Utilities Code section 201 *et seq.*, the PUC regulates the service and rates of more than 43,000 privately-owned utilities and transportation companies. These include gas, electric, local and long distance telephone, radio-telephone, water, steam heat utilities and sewer companies; railroads, buses, trucks, and vessels transporting freight or passengers; and wharfingers, carloaders, and pipeline operators. The Commission does not regulate city- or district-owned utilities or mutual water companies.

It is the duty of the Commission to see that the public receives adequate service at rates which are fair and reasonable, both to customers and the utilities. Overseeing this effort are five commissioners appointed by the Governor with Senate approval. The commissioners serve staggered six-year terms. The PUC's regulations are codified in Chapter 1, Title 20 of the California Code of Regulations (CCR).

The PUC consists of several organizational units with specialized roles and responsibilities. A few of the central divisions are: the Advisory and Compliance Division, which implements the Commission's decisions, monitors compliance with the Commission's orders, and advises the PUC on utility matters; the Division of Ratepayer Advocates (DRA), charged with representing the long-term interests of all utility ratepayers; and the Division of Strategic Planning, which examines changes in the regulatory environment

and helps the Commission plan future policy. In February 1989, the Commission created a new unified Safety Division. This division consolidated all of the safety functions previously handled in other divisions and put them under one umbrella. The new Safety Division is concerned with the safety of the utilities, railway transports, and intrastate railway systems.

The PUC is available to answer consumer questions about the regulation of public utilities and transportation companies. However, it urges consumers to seek information on rules, service, rates, or fares directly from the utility. If satisfaction is not received, the Commission's Consumer Affairs Branch (CAB) is available to investigate the matter. The CAB will take up the matter with the company and attempt to reach a reasonable settlement. If a customer is not satisfied by the informal action of the CAB staff, the customer may file a formal complaint.

#### MAJOR PROJECTS:

*PUC Orders Investigation Into Household Goods Carriers.* In November 1989, the PUC formally ordered an investigation into the economic regulation of household goods transportation, and into whether and the extent to which prior Commission decisions or general orders should be modified. (See CRLR Vol. 9, No. 3 (Summer 1989) pp. 124-25 for background information.)

The PUC has regulated for-hire trucking since 1917, when the Auto Stage and Truck Transportation Act was enacted. During the 1930s, the Commission established a system of minimum rates for regulated truckers to promote the trucking industry. The household goods market is a unique sector of the state's trucking industry in that it is the only sector that tends to deal directly with the individual consumer. As a result, provisions emphasizing consumer protection historically have played a major role in the state's regulatory program for household goods carriers.

In 1951, the California legislature passed the Household Goods Carrier Act. The goal of this Act was to protect consumers and provide for adequate and dependable services by implementing certain requirements concerning business ethics and operating ability. The Act further established rules concerning notification of delay and estimates of costs. Finally, it gave broad power to the PUC to establish any other rules it