



licensure to practice speech pathology and audiology. Many are under the mistaken impression that ASHA certification is all that is required.

The Committee plans to send letters to program directors of universities requesting that they stress the difference between certification and licensure to the students in speech pathology and audiology programs. The Committee will also include an article explaining this difference in the 1990 newsletter.

*Proposed Amendments to AB 3787.* At SPAEC's March 30 meeting, the California Speech-Language-Hearing Association (CSHA) proposed that SPAEC amend its clean-up bill, AB 3787 (Leslie). (See *infra* LEGISLATION). The proposed amendment included an exemption which would permit speech-language pathologists to provide hearing screenings to their patients. By consensus, the Committee decided not to include this amendment because of its controversial nature and the possibility that audiologists and hearing aid dispensers would desire similar exemptions to conduct speech and hearing screenings, respectively. SPAEC also decided to put an article in its 1990 newsletter explaining the prohibition against speech-language pathologists conducting hearing screenings.

The Committee did approve a proposed amendment proposed by California Speech Pathologists and Audiologists in Private Practice (CALSPAPP), to revise the definition of audiology to one which more accurately reflects the current practice of audiology.

#### LEGISLATION:

*AB 3787 (Leslie)*, as amended June 6, would change SPAEC's name to the Board of Speech-Language Pathology and Audiology Licensure, and would make conforming changes to existing law. Among other things, the bill proposes to revise the education requirements for licensure applicants, and increase the number of days which a speech-language pathologist or audiologist from another state may practice in California while awaiting California licensure. This bill is pending in the Senate Business and Professions Committee.

#### RECENT MEETINGS:

At SPAEC's January meeting, the Committee reelected Gail Hubbard as Chair, and selected Phil Reid as Vice-Chair.

#### FUTURE MEETINGS:

September 28 in Burbank.

### BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

*Executive Officer: Ray F. Nikkel (916) 920-6481*

Pursuant to Business and Professions Code section 3901 *et seq.*, the Board of Examiners of Nursing Home Administrators (BENHA) develops, imposes, and enforces standards for individuals desiring to receive and maintain a license as a nursing home administrator (NHA). The Board may revoke or suspend a license after an administrative hearing on findings of gross negligence, incompetence relevant to performance in the trade, fraud or deception in applying for a license, treating any mental or physical condition without a license, or violation of any rules adopted by the Board. BENHA's regulations are codified in Chapter 39, Title 16 of the California Code of Regulations (CCR). Board committees include the Administrative, Disciplinary, and Education, Training and Examination Committees.

The Board consists of nine members. Four of the Board members must be actively engaged in the administration of nursing homes at the time of their appointment. Of these, two licensee members must be from proprietary nursing homes; two others must come from nonprofit, charitable nursing homes. Five Board members must represent the general public. One of the five public members is required to be actively engaged in the practice of medicine; a second public member must be an educator in health care administration. Seven of the nine members of the Board are appointed by the Governor. The Speaker of the Assembly and the Senate Rules Committee each appoint one member. A member may serve for no more than two consecutive terms.

#### MAJOR PROJECTS:

*Implementation of AB 1834.* At the Board's February 21 meeting, Executive Officer Ray Nikkel updated BENHA on one of the proposals made by the Education Committee at the December meeting regarding the administrator-in-training (AIT) program. (See CRLR Vol. 10, No. 1 (Winter 1990) p. 87 for background information.) Under the proposal, BENHA would adopt a regulation change which would require a BENHA staff member to visit each AIT training site, i.e., each nursing home which has an AIT. Such an inspection would ensure compliance with the AIT program requirements. Currently, the Board

has an ongoing agreement with the American College of Health Care Administrators, which provides volunteers (current and former nursing home administrators) to make one visit to an AIT training site during the training period. However, visitations are not always made and are sometimes substituted by a telephone conference between the AIT and Board staff. The proposed regulation is currently in the discussion stage in the Education Committee, and should be ready by the end of the year.

Nikkel noted that, ideally, the Board should be able to make four quarterly visits, but that one visit at the beginning and one at the end of training would be satisfactory. Support staff or consultants to make such regular visits to the approximately 150 AIT sites statewide would require a legislative change allowing the Board to increase AIT application fees from \$100 to approximately \$500.

*Residential Care Facility Administrator Certification Study.* The Department of Social Services (DSS) is presently conducting a study, mandated by AB 2323 (Hannigan) (Chapter 434, Statutes of 1989), regarding the certification of administrators of residential care facilities for the elderly (RCFE). (See CRLR Vol. 9, No. 4 (Fall 1989) p. 72 for background information.) Details are sketchy, but DSS has until December 1, 1990 to submit the study to the legislature. According to Ray Nikkel, BENHA does not have a role in the study and has no position regarding a role in a possible certification program. Says Nikkel, "The DSS has the lead; there is no obligation by the Board." However, in a follow-up phone conversation, Don Ackerman of DSS anticipated a role for BENHA on the advisory committee being formed to conduct the study. Nikkel did admit that testing of and fee collection from RCFE administrators would most logically eventually fall to BENHA. Ackerman did not foresee any definitive results of the study for at least two years.

#### LEGISLATION:

*AB 1886 (Quackenbush)*, which would have eased licensure requirements for any administrator of a distinct part skilled nursing facility (DP/SNF) of an acute care hospital in California, was dropped by its author.

#### RECENT MEETINGS:

At BENHA's February meeting, the Education Committee reported that two hours of continuing education (CE) credit will be awarded to NHAs who attend a Board meeting. NHAs are cur-



rently required to complete forty hours of Board-approved CE every two years to renew an active license.

The Exam Change Committee is still discussing the incorporation of other material into the licensing exam. The material for the state exam is presently drawn from Division 5, Title 22 of the California Code of Regulations. However, according to Ray Nikkel, there have been important statutory changes which are not a part of the regulations, but which are relevant to NH administration and should be part of the exam.

State agencies usually hold their public meetings in private hotels in the larger metropolitan areas. But pursuant to a recent Governor's directive, the Department of Consumer Affairs (DCA) is requiring all agencies to schedule their meetings in state-owned facilities; Business Services will not approve any exceptions unless they are in "the best interest of the public." The policy is in response to recent publicity regarding agency meetings in "plush resorts" at taxpayer's expense.

At BENHA's April meeting, Ray Nikkel noted that hotels in the various cities in which meetings are held, and in which board members must stay anyway, often provide meeting rooms for free or a nominal charge. He argued, for example, that any possible savings accrued during BENHA's April meeting at the San Diego State Building were lost in downtown parking fees and taxi fares. Further, many state facilities such as the State Building in San Diego are not as accessible to the public for the same reasons, and most people are more familiar with the hotel locations than state buildings. He also announced that many of the executive officers of other DCA agencies have sent a memo to the administration and DCA protesting the policy. However, he concluded that these arguments would probably be ineffective, since the policy had more to do with "public perception" than with reality.

#### FUTURE MEETINGS:

August 24 in Oakland.

#### BOARD OF OPTOMETRY

Executive Officer: Karen Ollinger  
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Pursuant to Business and Professions Code section 3000 *et seq.*, the Board of Optometry is responsible for licensing qualified optometrists and disciplining malfeasant practitioners. The Board establishes and enforces regulations per-

taining to the practice of optometry, which are codified in Chapter 15, Title 16 of the California Code of Regulations (CCR). The Board's goal is to protect the consumer patient who might be subjected to injury resulting from unsatisfactory eye care by inept or untrustworthy practitioners.

The Board consists of nine members. Six are licensed optometrists and three are members of the community at large.

#### MAJOR PROJECTS:

*Foreign Graduates.* Prodded by Senator Roberti's office, the Board continues to address the problems experienced by foreign optometric graduates seeking licensure in California. (See CRLR Vol. 10, No. 1 (Winter 1990) pp. 87-88; Vol. 9, No. 4 (Fall 1989) p. 73; and Vol. 9, No. 3 (Summer 1989) pp. 64-65 for extensive background information on this issue.)

At its February meeting, the Board unanimously approved a plan conceived and formulated by the Senator's office, which would establish a pilot program designed to provide remedial coursework and clinical work for graduates of foreign optometric schools. Approximately fifteen students are in immediate need of this program; all are located in southern California. Thus, Senator Roberti's office was attempting to negotiate an interagency agreement between the Department of Education and the Pacific Rim Extension Program at UCLA to set up the remedial pilot program in Los Angeles.

At the Board's May meeting, however, staff reported that the Los Angeles pilot program concept had been dropped due to complaints from the two existing California optometry schools that the program would eventually become a third school of optometry. Senator Roberti is now pursuing another option—an April 26 request for \$300,000 from the general fund to augment the Board's budget and enable the Board to contract for the development of a refresher course to be operated out of the Extension Program at UC Berkeley, where one of the existing optometry schools is located. Because the Extension Program is not a degree-granting entity, there is no concern that the program would evolve into another school of optometry. The course would be available to foreign optometric graduates, California optometric graduates who failed to pass the national or state licensing exams, and out-of-state optometric graduates who must pass the national exam in order to be licensed in California. Whether the full legislature

approves the \$300,000 augmentation for development of the course is a question which cannot be answered until the 1990-91 budget bill has passed.

In a related matter, Senator Roberti—who in 1987 carried legislation stripping the Board of its authority to deny a foreign-trained optometrist entrance to its examination—has now agreed to amend his SB 1104 to delay the effective date of that legislation until January 1, 1994. (See *infra* LEGISLATION.)

*Board Rulemaking.* At its February meeting, the Board held a public hearing on several proposed regulatory changes. First, the Board once again proposed to adopt new section 1570, to require that contact lens prescriptions contain descriptions of the optical and physical characteristics of the lenses and provide instructions for wear (e.g., "daily wear only"). (See CRLR Vol. 9, No. 2 (Spring 1989) p. 69 and Vol. 9, No. 1 (Winter 1989) p. 59 for background information on the Board's earlier attempt to adopt new section 1570.) The Board believes this regulation is necessary to enable consumers to distinguish between a prescription for eyeglasses and a prescription for contact lenses (such that they will not attempt to have contact lenses prepared from an eyeglasses prescription), and to enable consumers who see an optometrist and obtain a contact lens prescription to get that prescription filled elsewhere.

Several organizations opposed this proposal. Pearle, Inc., Pearle Vision-Care, Inc., Eye-Exam 2000, the California Association of Ophthalmology, and the California Association of Dispensing Opticians all argued that the proposal exceeds the Board's authority, and encroaches on the "dispensing" authority of registered dispensing opticians licensed under Business and Professions Code section 2542. The California Optometric Association (COA) objected because one consequence of the regulation may be that optometrists will be required to release contact lens prescriptions, while ophthalmologists will not be required to do so.

In response to these comments, Board members stated that they do not intend to affect opticians or to require release of contact lens prescriptions. Board member Morris Applebaum, OD, stated that this regulation should have no impact on opticians, because opticians are permitted to fit contact lenses only under the direct supervision of an optometrist or ophthalmologist. Board member Pamela Miller, OD, stated that the regulation is not intended to require