



nursing facilities would have to complete specified requirements for certification as a nurse assistant within six months from the date of employment with the temporary nursing service. The bill would prohibit a health facility from using unregistered services; require the facility to maintain a list of temporary nursing services it utilizes; and require the facility to perform certain duties with regard to nursing personnel which it utilizes. Under the bill, DHS would be authorized to periodically inspect temporary nursing services, and to deny any initial application or renewal application or suspend or revoke any registration which it has approved, for specified reasons. The bill would also disclaim authority of DHS to determine the scope of practice of RNs or LVNs, or to relieve a licensed health facility of its responsibilities for patient care under existing law. Any person in violation of these provisions shall be guilty of a misdemeanor. This bill is pending in the Assembly Health Committee.

**AB 3242 (Lancaster)**, the Department of Consumer Affairs' omnibus bill, would delete an option for an RN to take an examination in lieu of completing 30 hours of continuing education as a condition of renewal of a license. This bill is pending in the Senate Business and Professions Committee.

The following is a status update of bills reported in CRLR Vol. 10, No. 1 (Winter 1990) at page 94:

**SB 368 (Torres)**, introduced February 6, 1989, would redefine nursing hour calculations, and would require DHS to adopt regulations to take effect January 1, 1991, to reflect that change. The bill is still pending in the Assembly Health Committee.

**AB 1055 (Roos)** would state legislative intent concerning the need to promote recruitment of persons into RN education programs, and would require the dissemination of information to health facilities and educational institutions about successful efforts by health facilities and education institutions to recruit persons into registered nursing. This bill is pending in the Senate Education Committee.

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

#### FUTURE MEETINGS:

September 27-28 in Los Angeles.  
November 29-30 in San Francisco.

## BOARD OF CERTIFIED SHORTHAND REPORTERS

*Executive Officer: Richard Black  
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The Board of Certified Shorthand Reporters (BCSR) is authorized pursuant to Business and Professions Code section 8000 *et seq.* The Board's regulations 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:

**Electronic Recording.** At its planning session on February 9-10, the Board determined that it should examine the use of electronic recording (ER), given its growing usage, to determine the Board's role relative to ER. Five options seem available: (1) ignore ER; (2) wait until the ER pilot project is finished before making any determination (see CRLR Vol. 9, No. 4 (Fall 1989) p. 79 for background information on the pilot project); (3) determine that ER should be regulated by BCSR; (4) determine that ER should be regulated by some other entity; or (5) determine that ER is not a viable option and lobby against the use of it. The Board decided on Option 2, and will wait until 1993 when the pilot project is completed before making any determination.

**Continuing Education.** One of the biggest issues confronting BCSR is continuing education. Certified shorthand reporters should keep up with technology, ethics, emerging public issues, and should maintain at least a minimum level of competency. During the spring, the Continuing Education Committee conducted a study of issues surrounding a continuing education program.

At BCSR's May 18 meeting, the Continuing Education Committee recommended that BCSR seek legislative authority to implement a continuing education program for certified shorthand reporters. The Committee

reviewed continuing education programs adopted by other agencies and is developing some of its own ideas on requirements. The Committee will meet once more to summarize its findings and will then present those ideas to the Board. The Board anticipates the legislation to be introduced next year.

#### LEGISLATION:

**AB 2865 (Burton)**, as amended May 10, would require the official reporter, upon the conviction of a defendant of a felony following a trial in superior court, to immediately commence preparation of an original transcript unless the court determines, based on standards and rules adopted by the Judicial Council, that it is unlikely that an appeal from the decision would be made. This bill is pending in the Senate Judiciary Committee.

**SB 2376 (Presley)**, as amended April 17, would extend the sunset date of the Transcript Reimbursement Fund until January 1, 1996, and would increase fees, as specified, for court reporters' transcripts. This bill is pending in the Assembly Judiciary Committee.

The following is a status update of bills previously reported in CRLR Vol. 10, No. 1 (Winter 1990) at page 95:

**AB 1438 (Burton)**, which 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, is still pending in the Senate Judiciary Committee.

**AB 1439 (Burton)**, which 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, is still pending in the Senate Judiciary Committee.

**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. As amended May 26, 1989, this bill is pending in the Assembly Judiciary Committee.

#### RECENT MEETINGS:

Several committee heads were recently appointed. Linda Wing now chairs the Continuing Education Committee, which is exploring the components of a viable continuing education program. Lois Johnson was appointed to the Work Standards and Transcript Production Committee, which will



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develop work production standards the Board and the courts may use to determine whether a reporter is incompetent or delinquent. Ron Clifton now heads the Education Committee. Recently, firm owners were added to this committee to enable them to contribute their thoughts on appropriate curricula. This Committee will review the work already done regarding school curriculum and make additional recommendations to the Board.

## FUTURE MEETINGS:

To be announced.

## STRUCTURAL PEST CONTROL BOARD

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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.

Licenses 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.

SPCB also issues applicator certificates. These otherwise unlicensed indi-

viduals, employed by licensees, are required to take a written exam on pesticide equipment, formulation, application and label directions if they apply pesticides. Such certificates are not transferable from one company to another.

SPCB is comprised of four public and three industry members. Industry members are required to be licensed pest control operators and to have practiced in the field at least five years preceding their appointment. Public members may not be licensed operators. All Board members are appointed for four-year terms. The Governor appoints the three industry representatives and two of the public members. The Senate Rules Committee and the Speaker of the Assembly each appoint one of the remaining two public members.

## MAJOR PROJECTS:

*Corrective Measures Regulation.* Section 8516(b)(9) of the Business and Professions Code requires that recommendations for corrective measures for a structure be set forth in a registered company's inspection report. SPCB's report requirements under section 8516(b)(9) are set forth in section 1991 of its regulations in Chapter 19, Title 16 of the CCR. Specifically, section 1991(a)(8) requires that the corrective measures must include extermination of all reported infestations of wood-destroying pests. If evidence indicates that an infestation of drywood termites or wood-boring beetles extends into an inaccessible area or wall, then the licensee must recommend whether to fumigate or to expose the infestation for local chemical treatment. "Exposing the infestation for local treatment" requires the SPCB licensee to remove all wall and floor materials to expose all of the infected timbers of the infestation.

During the summer of 1989, the Board proposed amendments to section 1991(a)(8) in order to resolve confusion among licensees as to when local treatment may be used instead of fumigation to eradicate wood-destroying pests. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 80 for background information.) Under SPCB's proposed amendment, localized treatment is an acceptable method only when the known infestation can be physically reached for hand-drill treatment with liquid, dust, or paste application of chemicals. The amendment would require fumigation of a structure when hand application of chemicals is impractical.

The Board is also considering other amendments to this section which would allow the use of new technologies in treating wood-infesting insects. These

new technologies include such methods as the heat process and the use of liquid nitrogen. (See CRLR Vol. 9, No. 3 (Summer 1989) p. 72 and Vol. 9, No. 2 (Spring 1989) p. 76 for background information.)

Just prior to the Board's August 1989 hearing on its proposed amendment to section 1991(a)(8), Interested California Exterminators (ICE) submitted extensive comments. (See CRLR Vol. 9, No. 4 (Fall 1988) p. 80 for background information.) ICE stated that it supported the Board's proposed amendment, and noted that it would merely codify as a regulation the substance of SPCB's Specific Notice III-2-83, which—according to ICE—"has been the Board's well considered policy for over six years." However, ICE suggested some modifications to the Board's language. Specifically, under ICE's proposal, if there is evidence which indicates an infestation of drywood termites or wood-boring beetles in an inaccessible area, then a licensee shall make a *primary* recommendation either to fumigate, or to expose the infestation for local treatment. Under ICE's proposal, fumigation of the structures is the required primary recommendation when drywood termite infestation exists in areas inaccessible and impractical to expose for local treatment. If a primary recommendation is made to expose the infestation for local treatment, the inspection report must disclose that this localized treatment will not provide eradication of other drywood termite-infested areas, if any, and may not destroy the colony.

Regarding the use of liquid nitrogen (the "freezing method"), ICE proposed that, where a drywood termite infestation extends into an inaccessible area, a licensee would be permitted to make a *secondary* recommendation to inject liquid nitrogen into the space within walls, without exposing the infestation for treatment, providing it also makes an approved primary recommendation and complies with section 1992. Section 1992 of the CCR allows a licensee to suggest secondary recommendations on an inspection report; however, the report must include a full explanation of secondary methods of pest eradication which are needed and must include a statement that such methods are "below standard" measures. ICE also proposed that section 1991(a)(8) be modified to allow the freezing method as a *primary* recommendation only where all of the infected timbers are exposed for local treatment. Such treatment involves wrapping infected timbers with an insulating blanket and injecting liquid nitrogen behind the blanket.