



delay the effective date of the new inspection report form. The rulemaking file had not yet been submitted to OAL; however, once submitted and approved, SPCB will amend the rulemaking file to take effect one year after OAL approval. The Board will have to resubmit the file to OAL for approval of the extended date. The extension will allow industry members sufficient time to update their equipment to accommodate the revised form and to deplete their supply of the old forms.

Other Board Rulemaking. On April 12, OAL approved the Board's adoption of section 1970.5, to define the term "the time aeration is commenced" in order to reduce confusion among licensees as to the meaning of this term. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 80 for background information.)

On March 19, SPCB released modifications to the proposed language of new section 1990(c), which specifies when a wood patio, deck, or similar structure should be inspected. (See CRLR Vol. 9, No. 4 (Fall 1989) pp. 80-81 for background information.) The new language, which is now awaiting review by OAL, reads as follows: "If a wood deck, wood patio or other similar structure touches or connects with the structure being inspected, it must also be inspected and reported or stated as not inspected in a 'limited report.' If a deck, patio or other structure does not touch, attach to or connect with the structure, it may be excluded from the scope of the inspection. The attachment, touching, or connection acts as a triggering device for requiring inspections. Separation from the main structure by stucco, metal flashing or other common barriers does not remove it from being considered part of the structure with regard to inspection."

LEGISLATION:

AB 4050 (Sher), as amended June 12, would require the registration of a pest control device, as defined, with the CDFA Director before the device may be used or offered for sale in California. The bill would authorize the Director to establish standards and tests and a fee for registration of a device, and authorize the Director to refuse to register or to revoke a registration under specified circumstances. The bill would also make it unlawful to manufacture, deliver, distribute, sell, possess, or use any device which is not registered. This bill is pending in the Senate business and Professions Committee.

RECENT MEETINGS:

At SPCB's February 9-10 meeting, staff reported that they are making

progress with Branch 4 developments. (See CRLR Vol. 10, No. 1 (Winter 1990) p. 96 for background information.) Staff are currently in the process of identifying roof restoration companies and individuals affected by this new law. On March 1, SPCB published notices in various newspapers in order to specify the Board's role in the Branch 4 license; notice of the new branch was also placed in the Contractor's Registry. The contract for examination development will be in place by June 1. Staff are also revising the Board's current forms in order to include Branch 4. UC Berkeley intends to develop a correspondence course on Branch 4 fumigation.

At SPCB's May 4 meeting, the Health and Safety Committee presented the results of a survey conducted by CDFA. The present practice in the pesticide industry is to place chloropicrin, a nontoxic substance much like tear gas, inside a structure which is being fumigated in order to deter persons from entering the structure. CDFA has proposed that the chloropicrin be injected between the tarp covering the structure and the structure itself, such that individuals would be completely deterred from breaking into the structure. The Health and Safety Committee intends to propose regulations on this issue for the Board's review.

FUTURE MEETINGS:

October 24 in San Diego.

TAX PREPARER PROGRAM

Administrator: Don Procida
(916) 324-4977

Enacted in 1973, abolished in 1982, and reenacted by SB 1453 (Presley) effective January 31, 1983, the Tax Preparer Program registers approximately 19,000 commercial tax preparers and 6,000 tax interviewers in California, pursuant to Business and Professions Code section 9891 *et seq.* The Program's regulations are codified in Chapter 32, Title 16 of the California Code of Regulations (CCR).

Registrants must be at least eighteen years old, have a high school diploma or pass an equivalency exam, have completed sixty hours of instruction in basic personal income tax law, theory and practice within the previous eighteen months, or have at least two years' experience equivalent to that instruction. Twenty hours of continuing education are required each year.

Prior to registration, tax preparers must deposit a bond or cash in the

amount of \$2,000 with the Department of Consumer Affairs.

Members of the State Bar of California, accountants regulated by the state or federal government, and those authorized to practice before the Internal Revenue Service are exempt from registration.

An Administrator, appointed by the Governor and confirmed by the Senate, enforces the provisions of the Tax Preparer Act. He/she is assisted by a nine-member State Preparer Advisory Committee which consists of three registrants, three persons exempt from registration, and three public members. All members are appointed to four-year terms.

LEGISLATION:

AB 3242 (Lancaster), as amended May 15, is the Department of Consumer Affairs' omnibus bill. The bill would prohibit the use of experience gained in violation of the Tax Preparer Act towards a tax preparer's or tax interviewer's registration requirements; change the existing two-year registration renewal system to an annual renewal requirement of registration for tax preparers and tax interviewers; and provide that a tax preparer who does not renew his/her registration within three years of its expiration must obtain a new registration. This bill is pending in the Senate Business and Professions Committee.

RECENT MEETINGS:

The Advisory Board has not met since December 13, 1988.

FUTURE MEETINGS:

To be announced.

BOARD OF EXAMINERS IN VETERINARY MEDICINE

Executive Officer: Gary K. Hill
(916) 920-7662

Pursuant to Business and Professions Code section 4800 *et seq.*, the Board of Examiners in Veterinary Medicine (BEVM) licenses all veterinarians, veterinary hospitals, animal health facilities, and animal health technicians (AHTs). Effective May 1990, the Board will evaluate applicants for veterinary licenses through three written examinations: the National Board Examination, the Clinical Competency Test, and the California Practical Examination.

The Board determines through its regulatory power the degree of discretion that veterinarians, AHTs, and



unregistered assistants have in administering animal health care. BEVM's regulations are codified in Chapter 20, Title 16 of the California Code of Regulations (CCR). All veterinary medical, surgical, and dental facilities must be registered with the Board and must conform to minimum standards. These facilities may be inspected at any time, and their registration is subject to revocation or suspension if, following a proper hearing, a facility is deemed to have fallen short of these standards.

The Board is comprised of six members, including two public members. The Animal Health Technician Examining Committee consists of two licensed veterinarians, three AHTs, and two public members.

MAJOR PROJECTS:

Teeth Cleaning Regulation Approved. For almost two years, BEVM has attempted to adopt new section 2037, Chapter 20, Title 16 of the CCR, which would clarify the term "dental operations" to include the use or application of any instrument or device to any portion of an animal's teeth or gums for specified purposes, including preventive dental procedures such as the removal of tartar or plaque from an animal's teeth. This section would allow these operations to be performed only by a licensed veterinarian or veterinarian-supervised AHT. This section would not prevent non-vet dog groomers from providing the cosmetic service of cleaning an animal's teeth with a toothbrush, dental floss, gauze, or similar items. (See CRLR Vol. 9, No. 1 (Winter 1989) p. 66; Vol. 8, No. 4 (Fall 1988) pp. 75-76; Vol. 8, No. 3 (Summer 1988) pp. 81-82; and Vol. 8, No. 2 (Spring 1988) p. 79 for detailed background information.)

In March 1989, Department of Consumer Affairs (DCA) Director Michael Kelley rejected proposed section 2037, indicating that the restrictions which section 2037 would impose on groomer teeth cleaning would deprive the public of an affordable and valuable service. (See CRLR Vol. 9, No. 3 (Summer 1989) p. 73 for background information.)

At its November 29 meeting, the Board made a change to the wording of proposed section 2037. The change consisted of deleting the words "or other condition" from the following provision in proposed section 2037: "The application or use of any instrument or device to any portion of an animal's tooth, gum or any related tissue for the prevention, cure or relief of any wound, fracture, injury, or disease, or other condition of an animal's tooth, gum or related tis-

sue." Additionally, the Board decided to include in the rulemaking file a survey of fees charged by veterinarians for teeth cleaning, in an attempt to persuade Mr. Kelley that this service, when performed by veterinarians, is affordable. (See CRLR Vol. 10, No. 1 (Winter 1990) p. 97 for background information.)

BEVM staff submitted the proposed regulation to Mr. Kelley, who had until March 2 to reject the package. Mr. Kelley neither approved or rejected the proposed regulation; therefore, the regulation was submitted to the Office of Administrative Law (OAL) for review. OAL approved the section on April 2. However, if AB 3482 (Bronzan) is enacted, it will supersede section 2037. (See *infra* LEGISLATION.)

Exam Grading Changes. On November 30, the Board held a public hearing on amendments to regulatory section 2014, which changes the grading method of the California Practical Examination (CPE) from fixed percentage to a criterion reference method. Under a criterion reference method of grading, a candidate's response on each test item is compared to an absolute standard which is designed to represent the minimum level of competency needed for safe and effective veterinary practice. (See CRLR Vol. 10, No. 1 (Winter 1990) pp. 97-98 and Vol. 9, No. 4 (Fall 1989) pp. 82-83 for background information.) On April 20, OAL approved the amendments.

On April 4, the Board held a public hearing in Sacramento for the purpose of entertaining comments on a proposed amendment to section 2062. The proposed amendment, which was approved by the Board, would change the current fixed percentage method of scoring the California Animal Health Technician Examination to a criterion reference method. BEVM staff is in the process of assembling the rulemaking file for submission to OAL.

NBE and CCT Report. At BEVM's January 11-12 meeting, Board staff reported the results of the December 1989 National Board Exam (NBE) and Clinical Competency Test (CCT). Of the 233 candidates who sat for the NBE, 131 passed for a 56% passage rate. Of the 98 candidates sitting for the CCT, 39 passed for a 40% passage rate. BEVM staff attributed the relatively poor passage rate on the CCT to the performance of Educational Commission for Foreign Veterinary Graduates (ECFVG) candidates. Only 17 of the 70 ECFVG candidates passed the December CCT.

Imposition of Oral Clinical Examinations in Connection with

Disciplinary Proceedings. Section 4876 of the Business and Professions Code provides that "[i]n addition to its authority to suspend or revoke a license, or assess a fine of a person licensed under this chapter, the board shall have the authority to place a licensee on probation. The authority of the board to discipline by placing on probation shall include, but not be limited to, ...[r]equiring the licensee to submit to a complete diagnostic examination given by one or more physicians of the licensee's choice."

At its November 29-30 meeting, the Board discussed the possibility of conditioning licensee probation on the licensee's agreement to take an oral clinical examination prior to reinstatement. As a basis for this discussion, the Board referred to *Bryce v. Board of Medical Quality Assurance*, 184 Cal. App. 3d 1479, 229 Cal. Rptr. 483 (1986). In *Bryce*, the court held that the Board of Medical Quality Assurance (BMQA) (now the Medical Board of California) properly conditioned the reinstatement of a physician's suspended license upon his passing an oral clinical examination in family practice. BMQA found that the physician aided and abetted the unlicensed practice of medicine by permitting laypersons to give injections and prescribe medication. The court stated that since BMQA could have reasonably suspected that the physician failed to understand the serious potential dangers posed by injections into the human body or by misprescribed medications, conditioning reinstatement on passage of an examination covering those areas was warranted. Similarly, BEVM might consider using parts of the NBE or CCT to test areas of a veterinarian's alleged incompetence as a condition of reinstatement.

Board President Dr. Edmondson directed members Warren, Hazarabedian, and Stiern to research the details involved in implementing an oral/clinical examination as part of the Board's conditions for reinstatement of a license after a probationary period. This proposal is still under consideration. The Board is also considering the inclusion of a cost recovery clause (requiring the veterinarian to pay the examination costs) as part of the reinstatement/probation conditions.

Legend Drug Program Update. As reported in CRLR Vol. 9, No. 4 (Fall 1989) at page 83, the federal Food and Drug Administration (FDA) is attempting to track the extent of abuses in the distribution and administration of veterinary legend drugs (drugs prescribed by veterinarians), and the levels of legend



drug residues in food animals. Toward this end, the FDA awarded a contract to the California Department of Food and Agriculture (CDFA), with BEVM as a subcontractor, to track the sale and distribution of veterinary legend drugs in California.

The initial results obtained by CDFA indicate that drug residues in food animals are extraordinarily high. Residue levels of 25-50% over the acceptable levels are commonplace and are being temporarily ignored; CDFA is more concerned about its findings of residue levels of 150-200% over the acceptable levels. Initial results also indicate that the majority of residue abuse is from over-the-counter drugs, rather than prescription drugs.

BEVM's function has been to inspect veterinarian hospitals and clinics, drug distributors, and feed and supply stores looking for violations which might contribute to this problem (including possession of outdated drugs, sale of drugs without proper instructions or labels, and failure to maintain proper records on restricted/legend drugs). As of March 31, nine BEVM inspectors had audited 165 veterinary hospitals, 149 veterinary clinics, 2 drug distributors, 3 feed and supply stores, and 23 pet stores for violations. The inspectors also attempted 30 buys of legend drugs. Based on these audits and attempted buys, BEVM inspectors have documented 195 violations and 3 successful buys.

The overall objective of this program has been educational rather than enforcement-oriented. The inspectors are attempting to educate veterinarians and the public about the correct levels of drug administration and the effects of excessive legend drug levels in food animals. However, cases of blatant abuse, such as repeated violations, may be subject to disciplinary action. The goal of the program is to conduct 450 audits by the end of the program (June 30, 1990).

Consideration of Current Practice Exemptions. Section 4827 of the Business and Professions Code provides a practice exemption for individuals who treat their own animals, so long as the treatment is not cruel. This section also provides a practice exemption for animals owned by and treated at wildlife centers, zoos, and the Society for Prevention of Cruelty to Animals. At its March 8-9 meeting, the Board remarked that this is an out-of-date law. It was written to protect owners of small farms and pet owners. The Board suggested that, considering the growth of the farming and dairy industries today, it is no longer in the public interest to allow

unlicensed persons to administer drugs to food animals. BEVM member Dr. Hazarabedian stated that all drugs administered to food animals should be administered only under the supervision of a licensed veterinarian. The Board noted that high levels of drug residues found in food animals are primarily due to the excessive administration of over-the-counter drugs, not legend drugs. The Board voted to study the issue of treatment of food animals by non-veterinarians.

Mandatory Continuing Education. The issue of mandatory continuing education (MCE) has been discussed by the Board and the veterinary profession in California informally for many years. The Board currently has a voluntary continuing education (CE) policy, which strongly suggests that practitioners obtain twenty hours of CE annually. This year, the Board has decided to take a serious look at implementing an MCE program in California. (See CRLR Vol. 10, No. 1 (Winter 1990) p. 98 for background information.)

In an April 26, 1990 letter to the California Veterinary Medical Association (CVMA), the Board asked CVMA for input regarding MCE. In the same letter, the Board outlined two alternative proposals for an MCE program: a simplistic program and a comprehensive program. Under the simplistic program, licensees would be required to attest to completion of CE requirements when applying for license renewal. Under the comprehensive program, not only would the licensee have to attest to CE at license renewal, but staff would also conduct random audits of CE compliance. Additionally, staff would conduct audits when a veterinarian's license becomes delinquent, when three complaints are made against a veterinarian in a two-year period, and when a disciplinary action is pending against a licensee.

The Board also listed the pros and cons associated with MCE. The advantages include: (1) MCE provides incentive for marginal practitioners to participate; (2) MCE improves communication within the profession; (3) MCE enhances a veterinarian's credibility with the Board and judicial authorities in cases of complaints or possible malpractice suits; (4) MCE improves public perception of the profession; and (5) 26 states now have MCE. The disadvantages include: (1) studies by DCA have shown that MCE does not improve the quality of professional practice, and adds a substantial cost for the individual licensee; and (2) MCE requires additional staff and funds to administer.

Hospital Inspection Program. Section 4854 of the Business and Profession Code states "[a]ll premises where veterinary medicine, veterinary dentistry, or veterinary surgery is being practiced, and all instruments, apparatus and apparel used in connection with those practices, shall be kept clean and sanitary at all time, and shall conform to those minimum standards established by the board." (The minimum standards are set forth in section 2030, Title 16 of the CCR.) Section 4809.7 of the Business and Professions Code requires the Board to establish a regular inspection program which provides for random unannounced inspections. On March 31, the Board published its quarterly report on its Hospital Inspection Program for fiscal year 1989-90. As of March 31, five BEVM inspectors had completed 173 of the 237 inspections planned for the year. The inspectors reported 235 violations.

LEGISLATION:

AB 3482 (Bronzan), as amended May 31, would provide that the law regulating veterinary medicine shall not prohibit any person from performing specified procedures on an animal's teeth, thus superseding section 2037 of BEVM's regulations (*see supra* MAJOR PROJECTS). This bill would additionally prohibit the dissemination of any form of public communication containing a false, fraudulent, misleading, or deceptive statement or claim, as defined, for the purpose of or that is likely to induce the rendering of animal teeth cleaning services. This bill would require a person not licensed under the Veterinary Practice Act to obtain written permission before performing those services. It would also provide that a violation of its prohibitions against false advertising is a misdemeanor. This bill is pending on the Senate floor at this writing.

AB 4357 (Farr), as amended May 16, would require a notice to be conspicuously posted on the cage of any dog displayed for sale by a retail dealer indicating the state in which the dog was bred and brokered. It would require additional information to be made available upon request to consumers, and would require a notice regarding the availability of this information to be conspicuously posted. This bill is pending in the Senate Judiciary Committee.

AB 3260 (Floyd), as introduced February 26, would prohibit a veterinarian from administering medications to any horse entered in the same race in which a horse owned or trained by the veterinarian is entered. A violation of this provision would be a misdemeanor.



REGULATORY AGENCY ACTION

This bill is also pending on the Senate floor.

SB 2224 (Watson), as amended May 16, would enact the Consumer Pet Protection Act, to provide that (1) it shall be unlawful for any pet dealer to have possession of any animal which is less than twelve weeks of age; (2) if, within 21 days following the sale and delivery of an animal to a consumer, a licensed veterinarian executes a signed statement that the animal was unfit for purchase, the consumer shall have the right to elect one of specified options; (3) a pet dealer shall, within two days of receiving an animal and at least every ten days thereafter while the animal is in the custody of the pet dealer, provide for the examination of the animal by a licensed veterinarian; if the veterinarian deems an animal unfit for purchase, the veterinarian shall destroy that animal, and provide the pet dealer with a written statement explaining why that action was taken; (4) the pet dealer has a right to contest a consumer's demand; (5) a pet dealer shall display on the pet dealer's business premises a sign which sets forth a summary of the rights provided under this bill; post a notice advising consumers that specified information on an animal's pedigree is available upon request; and provide that information in writing at the time of sale of an animal; (6) animals in the possession of pet dealers must be exercised daily; (7) pet dealers must have a fire alarm system; (8) pet shops must allow access for inspection purposes to various health, humane, and law enforcement officials; and (9) any person who violates the bill's provisions is subject to a civil penalty not to exceed \$2,500, an action for recovery of which may be brought by the district attorney for the county in which the violation occurred.

The bill would also prohibit pet dealers from referring consumers to a veterinarian with whom the pet dealer has a financial or contractual relationship, and from representing that an animal is or is capable of being registered, under certain circumstances; and would require pet dealers to post a specified notice in the animal display area regarding animals for sale and to isolate animals under certain circumstances. This bill is pending in the Assembly Committee on Governmental Efficiency and Consumer Protection.

AB 786 (Polanco) would require pet dealers, as a condition of sale of a dog and at intervals of not less than fourteen days until the dog is sold, to provide for an examination of the dog by a licensed veterinarian; and would provide reme-

die for purchasers if, within fourteen days of the sale of a dog by a pet dealer or breeder, the dog becomes ill or dies of any illness which existed in the dog at the time of the sale, or if, within one year, a licensed veterinarian certifies a dog to be unfit for purchase due to specified conditions. This bill is still pending in the Senate Judiciary Committee.

LITIGATION:

In *Hall v. Kelley*, No. 549265 (Orange County Superior Court), Linda Hall, a dyslexic, sued BEVM for its alleged failure to provide an adequate setting for her to take the California Practical Exam. (See CRLR Vol. 9, No. 4 (Fall 1989) pp. 84-85 and Vol. 8, No. 4 (Winter 1988) p. 76 for detailed background information on this case.) On January 29, the U.S. District Court for the Central District of California denied the Attorney General's motion to remove this case from Orange County Superior Court to federal court, and also denied its motion for dismissal. On March 9, the Attorney General's office filed a demurrer in the Orange County Superior Court; on April 9, the court granted the demurrer without leave to amend. Linda Hall has appealed the court's decision.

Ho v. Board of Examiners in Veterinary Medicine, No. 2 Civil B043471 (Second District Court of Appeal). Appellant Herbert Lok-Yee Ho is a veterinarian; he was also a member of BEVM from January 12, 1983 until November 4, 1985. In October 1985, the Board conducted an inspection of a veterinarian facility owned by Ho. Dr. Ho claims the inspection was prompted by animus between himself and other Board members. The inspection disclosed violations, and on November 4, 1985, the Board filed an accusation alleging Ho had made false statements on his California license application concerning a guilty plea and subsequent conviction in Canada for practicing veterinary medicine without a license in 1977, and concerning the status of his Canadian license. On March 13, 1987 an administrative law judge (ALJ) sustained both the inspection violations and false statement accusations. On March 23, 1987, the Board accepted the ALJ's findings as its own, and revoked Dr. Ho's license. On May 12, 1989, the Los Angeles County Superior Court set aside the finding that Ho had been convicted in a Canadian court, but affirmed the ALJ's other findings. Dr. Ho is now appealing the case in the Second District court of Appeal. Oral argument was scheduled for June 28.

RECENT MEETINGS:

At its January 11-12 meeting, the Board considered a request by Steve Jordan, DVM, for extra time in which to take the California Practical Exam (the last in the three-exam sequence required for licensure in California). Dr. Jordan suffers from dyslexia, a reading disorder. The Board noted that Dr. Jordan has been given extra time on a prior attempt to pass this exam. Board member Dr. Hazarabedian suggested that the Board take precautions to avoid a repeat of the Linda Hall situation. (See *supra* LITIGATION.) The Board agreed to provide Dr. Jordan with a reader and eight hours in which to take the one-hour exam. The Board also plans to draw up a written agreement memorializing these provisions to protect itself in the event of future legal action.

In January, the Board elected Dr. Richard Stiern, DVM, as Board President for 1990. Dr. Stiern succeeds Dr. Alan Edmondson as President. The Board deadlocked on the election of Vice-President. Public member Jean Guyer and Dr. Hazarabedian each received three votes. At the March meeting, two of the three members who supported Guyer were absent, and Hazarabedian was elected Vice-President.

In 1983, the Board implemented its alcohol and drug diversion program. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 83 and Vol. 4, No. 1 (Winter 1984) p. 61 for background information.) The Board's primary objective is to ensure that veterinarians and AHTs will not attempt to deliver veterinary medical services while under the influence of alcohol or other dangerous drugs. An important secondary goal is to provide the means whereby a veterinarian or AHT affected with illness or chemical addition may enter treatment and work towards recovery.

At BEVM's January 11-12 meeting, Maureen Whitmore, director of the Alcohol and Drug Abuse Diversion Program for Veterinarians and AHTs, submitted a report on the program for the period of October 1-December 31, 1989. The program currently has 11 participants. During the report period, the program received one new applicant, a female DVM currently living in a long-term residential drug treatment program. Also during this period, the program terminated another DVM for continuous noncompliance with his treatment contract. The program referred this DVM back to BEVM for further investigation and possible discipline. At this writing, no accusation has been filed.



FUTURE MEETINGS:

September 13-14 in Sacramento.

BOARD OF VOCATIONAL NURSE AND PSYCHIATRIC TECHNICIAN EXAMINERS

*Executive Officer: Billie Haynes
(916) 445-0793/(916) 323-2165*

This agency regulates two professions: vocational nurses and psychiatric technicians. Its general purpose is to administer and enforce the provisions of Chapters 6.5 and 10, Division 2, of the Business and Professions Code. A licensed practitioner is referred to as either an "LVN" or a "psych tech."

The Board consists of five public members, three LVNs, two psych techs, and one LVN with an administrative or teaching background. At least one of the Board's LVNs must have had at least three years' experience working in skilled nursing facilities.

The Board's authority vests under the Department of Consumer Affairs as an arm of the executive branch. It licenses prospective practitioners, conducts and sets standards for licensing examinations, and has the authority to grant adjudicatory hearings. Certain provisions allow the Board to revoke or reinstate licenses. The Board is authorized to adopt regulations, which are codified in Chapter 25, Title 16 of the California Code of Regulations (CCR). The Board currently licenses approximately 65,795 LVNs with active licenses, 27,000 LVNs with delinquent active licenses, and 11,000 LVNs with inactive licenses, for a total LVN population of 103,795. The Board's psych tech population includes 13,400 with active licenses and 4,000 with delinquent and inactive licenses, for a total of 17,400 psych tech practitioners.

Current Board members include Kathleen Fazzini Barr, LVN (President), E. Charles Connor (Vice-President), Frances Junilla, LVN, Gwendolyn Hinchey, RN, Bruce Hines, PT, Kenneth G. Audibert, PT, and public members Betty Fenton, Patricia A. Lang, Helen Lee, and Manuel Val. Charles L. Bennett, the Board's newest appointee, was sworn in during the Board's May 11 meeting. Bennett is an LVN and a medical-technical assistant for the state Department of Corrections. His term will expire on June 1, 1991.

MAJOR PROJECTS:

Fee Increase Legislation. Debbie Ochoa, budget analyst for the Department of Consumer Affairs

(DCA), presented a detailed packet delineating eight separate fee structures, as well as the impact that each would have on the Vocational Nurse Fund, to the Board during its January 19 meeting. (See CRLR Vol. 10, No. 1 (Winter 1990) p. 99 and Vol. 9, No. 4 (Fall 1989) p. 85 for background information.) After careful scrutiny and discussion, the Board decided to pursue legislation to increase LVN fees. (See *infra* LEGISLATION.)

Management Study Completed. The accounting firm of Ernst and Young has completed its management study of the Board. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 96 for background information.) Among its recommendations are the following: 43.8 staff positions are needed; the PT and LVN components of the Board should be separate organizational units; task completion standards should be devised for all clerical staff; an improved telephone system is needed; and a manager should be hired to oversee the functioning of the PT organizational unit of the Board. The Board plans to use the recommendations to validate its budget change proposals.

Computer Aided Testing Rated Successful. In April, the first computerized testing sessions for PTs were completed in Los Angeles and Sacramento. To ensure accuracy of results, the first 386 exams will be analyzed by McGraw Hill. This first cycle of testing was scheduled to be completed by June 1. With this review completed, the Board will be able to give students immediate computerized results as of the July 1 testing sessions. The students have thus far expressed a satisfaction rate of 99%. At present, eight tests can be administered per day in Los Angeles and six per day in Sacramento, including morning and afternoon sessions at each facility. The problems noted to date are the need for more computers at each site to enable more tests to be given per day, more proctors for the testing centers, and "down" time for the computers to facilitate proper maintenance of the units.

Privacy Interest of Licensees. By law, all licensing boards are required to surrender the name, license number, and address of record to anyone who requests it. As a result, LVN and PT licensees receive mail with their license numbers exposed to the public, and have expressed concern to the Board in regard to their personal safety as well as the potential for fraudulent use of such information. After discussion with legal counsel, the Board plans to contact the Board of Registered Nursing in pursuit of sponsoring joint legislation during the

1991 legislative sessions, to protect the privacy interest that a licensee has in his/her address of record, as well as the license number itself.

LEGISLATION:

AB 4349 (Filante), as amended June 4, would amend sections 2892.6 and 2895 of the Business and Professions Code, increasing the fees relating to the practice of vocational nursing, and adding fees for a duplicate license and for endorsement of a license. The bill would also require the Auditor General to review and report to the legislature by January 1, 1993, concerning the operation of the Board. This bill is pending in the Senate Business and Professions Committee.

AB 3306 (Lancaster), as amended April 4, would affect LVN applicants by increasing the education requirement to twelfth grade. This bill is pending in the Senate Business and Professions Committee.

SB 2481 (Hart), as amended April 30, would prohibit any person or public agency from operating, conducting, or maintaining a temporary nursing service, after January 1, 1992, unless it has applied for and been approved by the state Department of Health Services (DHS). The bill would also specify procedures for the annual registration of temporary nursing services, specify standards an applicant would be required to satisfy to be approved by DHS, and require DHS to establish a fee for the initial registration and renewal of a registration. Unlicensed individuals placed as nurse assistants in skilled 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.