



AB 425 (Floyd), which would have repealed the statute providing that no state lottery game may use the theme of horse racing or be based on the results of a horse race, failed passage in the Assembly on January 25.

AB 170 (Floyd), which would require CHRB to include in its annual report a tabulation of injuries, fatalities, and comparative accident rates for all racing and training venues in California, is pending in the Senate Governmental Organization Committee.

SB 593 (Maddy), which would require that, from the revenue received by CHRB, an amount equal to five-tenths of 1% of the amount of money handled in the annual parimutuel pool from wagers at the racetrack where the racing meeting is being conducted, be distributed to the Equine Research Laboratory at UC Davis for an equine drug testing laboratory, is pending in the Assembly Governmental Organization Committee.

AB 216 (Floyd), which would enact the California Drug Free Horseracing Act of 1989, is pending in the Senate Governmental Organization Committee.

SB 519 (Maddy), which would authorize CHRB to adopt regulations to allow the entry of thoroughbred horses and Appaloosa horses in quarter horse races at a distance not exceeding five furlongs at certain meetings, is pending in the Assembly inactive file.

RECENT MEETINGS:

At its January 26 meeting in Monrovia, Executive Secretary Leonard Foote announced his retirement, effective April 10. Board Chair Chavez announced that CHRB's nationwide search for a new Executive Secretary would begin immediately, and that Assistant Secretary Dennis Hutcheson would act as interim Executive Secretary should the position not be filled by April 10.

Also in January, CHRB approved a resolution limiting the authority of its staff members to perform acts on behalf of CHRB. (See CRLR Vol. 10, No. 1 (Winter 1990) pp. 148-49.) The resolution limits the authority of CHRB staff to performing only those acts which do not require the formulation, amendment, or modification of policy; and prohibits staff from signing, executing, authorizing, or approving any specified document, unless specifically authorized by a majority of the Board members at a regularly noticed public meeting.

At its April 27 meeting in Los Angeles, CHRB discussed guidelines for penalties to be imposed for certain

medication violations. These guidelines were previously adopted by the Board on November 21, 1988, as recommendations and guidelines to the stewards. CHRB unanimously adopted these guidelines as proposed regulatory amendments. The Board was scheduled to hold a hearing on these proposed amendments at its July meeting.

FUTURE MEETINGS:

August 24 in Del Mar.
September 28 in San Mateo.
October 26 in Monrovia.
November 16 in Los Angeles.

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 resolution programs. (See CRLR Vol. 10, No. 1 (Winter 1990) p. 149; Vol. 9, No. 4 (Fall 1989) p. 132; and Vol. 9, No. 3 (Summer 1989) pp. 121-22 for complete background information.) The final fee collection for the last fiscal year was

\$182,000. The Board is in the process of collecting data from the manufacturers as to the number of vehicles sold last year, so as to assess and invoice the manufacturers for next year.

LEGISLATION:

AB 2604 (Moore), as amended May 31, would provide that, in addition to any other right to revoke an offer or rescind a contract, the buyer of a motor vehicle has the right to cancel a motor vehicle contract or offer, as specified, until midnight of the first business day after the day on which the buyer signs a motor vehicle contract or offer which complies with specified requirements. This bill, which is a reintroduction of last year's AB 552 (Moore), is pending in the Senate Judiciary Committee.

AB 3190 (Tanner), as amended May 3, would require a specified disclosure to the buyer of a new vehicle by both the manufacturer and the dealer regarding the ability of the vehicle to be operated with tire chains. This bill is pending in the Senate Transportation Committee.

AB 3515 (Bane). Existing law prescribes the procedures for a hearing and decision by NMVB on a petition to terminate the franchise of a motor vehicle dealer, or resolve the protest of a franchisee. The secretary of the Board is authorized to dismiss a protest for failure to comply with discovery without a showing of good cause. Also, the parties may submit a proposed stipulated decision and order of the Board, and the proposed stipulated decision and order are deemed to be adopted by the Board unless any member of the Board objects thereto.

As amended April 26, this bill would require substantial justification for the failure to comply with discovery procedures, and would authorize the secretary of the Board to require a party who fails to comply with discovery procedures, authorized by the Board, to pay the attorneys' fees and costs of the party who successfully makes or opposes a motion to compel enforcement of discovery. The bill would also revise the prescribed procedures with respect to a stipulated decision and order to resolve a protest filed by a franchisee in which the parties stipulate that good cause exists for the termination of the franchise, by eliminating the requirement for further proceedings by the Board to terminate the franchise. This bill is pending in the Senate Transportation Committee.

AB 3796 (Bane). Existing law, with specified exceptions, makes residence addresses in the records of the Department of Motor Vehicles confiden-



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tial, and restricts the release of mailing addresses in those records. This bill would exempt from those provisions, under specified conditions, licensed vehicle manufacturers and dealers, and persons who provide advance adequate written assurance that the information will be used solely for statistical research or reporting purposes. This bill is pending in the Senate Judiciary Committee.

SB 587 (Doolittle), which would have made it unlawful for any person to provide unsafe, improperly equipped, unsafely loaded, or unregistered vehicles to a highway carrier, was dropped by its author.

FUTURE MEETINGS:

To be announced.

BOARD OF OSTEOPATHIC EXAMINERS

Executive Director: Linda Bergmann (916) 322-4306

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.

MAJOR PROJECTS:

Regulatory Changes. On April 20, BOE published notice of its intent to amend sections 1610(b), 1615(b), 1635(b)-(e), 1638(b), 1641(a), 1646(b), 1646(d), 1680, 1690(a), 1690(c), 1690(h), and to delete section 1690(l), Chapter 16, Title 16 of the CCR.

The proposed amendments to section 1610(b) would delete the exercise of due diligence as a ground for the refund of an application fee and add failure to take the examination to the existing ground of insufficient credentials.

The proposed amendments to section 1615(b) would delete the existing proce-

dures for a reciprocity licensure application, which presently requires the payment of an initial fee, subsequent completion of the practical examination, and notification of final approval. Also, the proposal would provide that after payment of the full application fee of \$200, the refund of part of an applicant's fee (\$100) will be made if an applicant's credentials are insufficient or if the examination is not taken.

The proposed amendments to section 1635(b) would replace the existing four-year continuing medical education (CME) requirement period commencing in January 1988 with a three-year requirement period commencing on January 1, 1989, and would require 150 hours during the three-year period ending December 1991, instead of the previously required 200 hours during the four-year period ending December 1991.

The proposed amendments to section 1635(c) would delete the existing requirement of 50 hours of CME per year, while retaining the requirement of 20 hours per year of American Osteopathic Association (AOA) category 1-A CME, for a total of 60 hours of AOA category 1-A CME during the proposed three-year CME requirement period. The remaining thirty hours per year, for a total of 90 hours, may be accomplished at any time during the entire proposed three-year CME requirement period.

The proposed amendments to section 1635(d) would provide that a new licensee who becomes licensed during an existing three-year CME requirement period shall commence his/her CME hours on a pro rata basis beginning on the first full calendar year subsequent to initial licensure.

The proposed amendments to sections 1635(e), 1638(b), 1641(a), and 1646(b) would make technical, nonsubstantive changes related to the proposed CME amendments.

The proposed amendments to section 1646(d) would delete an existing reference to the reactivation of an active certificate to instead refer to the reactivation of an inactive certificate.

The proposed amendments to section 1680 reflect the statutory name change of the Board of Medical Quality Assurance to its new name (Medical Board of California).

The proposed amendments to section 1690(a) and (b) would provide for a refund of \$100 instead of \$190 if an applicant's credentials are insufficient or if the examination is not taken, and impose an initial application fee of \$200 (instead of the present required payment of \$10 and then a subsequent payment

of \$200 upon approval of application).

The proposed amendments to section 1690(h) set forth the formula for the fee of a delinquent renewal as one-half of the annual tax and registration fee.

Also, BOE proposes to delete section 1690(l), which presently establishes the transition procedure to a birth month annual tax and registration fee.

BOE was scheduled to hold a public hearing on these proposed regulatory changes on June 22 in Irvine.

LEGISLATION:

AB 4088 (Friedman), as amended May 25, would provide that it is a crime for any licensed osteopath who has undertaken the care of a dependent person, or whose duties of employment include an obligation to care for a dependent person, or to directly supervise others who provide direct patient care, who intentionally or with gross negligence, under circumstances or conditions which cause great bodily harm, serious physical or mental illness, or death, and fails to provide for the dependent person's care or commits an act or omission which causes great bodily harm, serious physical or mental illness, or death.

This bill would also provide that whenever a person is convicted of violating these provisions, the court shall immediately send notice of that conviction identifying the dependent person by name and supplying the license number of the convicted person to the appropriate licensing board, which shall then conduct a full and timely investigation of the matter to determine what disciplinary action is deemed appropriate. This bill is pending in the Senate Judiciary Committee.

SB 1323 (B. Greene), as amended May 10, would prohibit group policies of disability insurance, group nonprofit hospital service plans, and group health care service plans from denying access to the contracting process to osteopathic hospitals to provide covered services. This bill would also provide that any health care service plan which contracts with osteopathic hospitals pursuant to specified provisions of this bill shall not be deemed to be engaged in a criminal act in violation of the Knox-Keene Health Care Service Plan Act of 1975. This bill is pending in the Assembly Finance and Insurance Committee.

AB 4361 (Leslie), as amended June 6, would state that an osteopathic physician and surgeon may employ an aide to assist him/her in the rendering of osteopathic manipulative treatment, as specified. This bill is pending in the Senate Business and Professions Committee.