



REGULATORY AGENCY ACTION

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.



RECENT MEETINGS:

At its March 2 meeting in Palm Springs, BOE adopted six criteria for evaluating and selecting candidates for examination commissioners and/or consultants. (See CRLR Vol. 10, No. 1 (Winter 1990) p. 150 for background information.) According to BOE's criteria, a candidate must: (1) be a graduate from an approved osteopathic medical school; (2) be currently licensed by BOE; (3) have either satisfied the CME requirements during the most recent CME requirement period or have been granted a waiver by BOE; (4) be a member in good standing of either a national, state, or local osteopathic professional organization; (5) demonstrate an interest in the academics or current concepts of osteopathic medicine by possessing a current faculty appointment to teach, by having CME credits within the past year, or through another means approved by BOE; and (6) have a current curriculum vitae on file with BOE. The candidate, if approved, would serve a two-year term and be eligible for reappointment.

Also at its March 2 meeting, BOE discussed the possibility of changing its name. This discussion was prompted by the recent name change by the Board of Medical Quality Assurance to "Medical Board of California." BOE is concerned that its name confuses consumers, who may not realize that the jurisdiction of the "Board of Osteopathic Examiners" extends beyond examinations. Also, BOE noted that consumers attempting to find the regulatory agency dealing with an osteopath might be unable to locate BOE in a directory, since they may not know to look under "Board." BOE will continue to consider a possible name change at future meetings.

Also, BOE discussed the possibility of issuing licenses every two years, instead of the current practice of issuing them every year. BOE will take this subject up at a future meeting.

FUTURE MEETINGS:

November 2 in Sacramento.

PUBLIC UTILITIES COMMISSION

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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:

SCE's Proposed Acquisition of SDG&E. On May 16, under the direc-

tion of PUC Administrative Law Judges (ALJ) Lynn Carew and Brian Cragg, the PUC finally began its formal evidentiary hearings on Southern California Edison's (SCE) proposal to take over San Diego Gas & Electric Company (SDG&E), which—if approved—would create the largest electric utility in the nation. (See CRLR Vol. 10, No. 1 (Winter 1990) pp. 151-52; Vol. 9, No. 4 (Fall 1989) p. 133; Vol. 9, No. 3 (Summer 1989) p. 123; and Vol. 9, No. 2 (Spring 1989) p. 117 for background information.) The PUC hearings began with consideration of policy and general issues, and will eventually cover environmental impacts surrounding the merger, competition issues such as market power and affiliated transactions, net costs and benefits of the merger, and ratemaking issues.

The hearings, which will be held in San Diego throughout the summer and early fall, were preceded by the release of several reports on various aspects of the proposed takeover. On February 8, the Commission's Division of Ratepayer Advocates (DRA) recommended that the PUC reject the merger. DRA argued that the proposed merger fails to satisfy the requirements of Public Utilities Code section 854, which requires that the merger "provide net benefits to ratepayers in both the short-term and the long-term, and provide a ratemaking method that will ensure, to the fullest extent possible, that ratepayers will receive the forecasted short- and long-term benefits." While DRA found that the merger would provide some small short-term benefits, it was not satisfied that long-term benefits would be passed on to ratepayers. In fact, DRA concluded that, beyond 1994, "the proposed merger could result in inefficiencies and higher rates compared to those expected on a stand-alone basis." DRA further noted environmental problems presented by the merger, including worsening air quality in southern California. DRA foresees an estimated 22-25% average increase in power plant emissions in the South Coast Air Basin unless specific mitigation measures are implemented.

DRA also concluded that the proposed merger raises serious anticompetitive concerns. The merger would increase SCE's already substantial market power in the Southwest and remove SDG&E as a major purchaser of economy energy—both of which raise issues of anticompetitiveness. In addition, the merger would contribute to what DRA views as a continuing and serious problem of Edison purchasing energy from its Mission Energy affiliate (see CRLR Vol. 9, No. 4 (Fall 1989) p. 133 for