



# REGULATORY AGENCY ACTION

receive \$3,675 to cover its investigation costs in the matter.

## RECENT MEETINGS:

At the Advisory Board's June 12 meeting in San Diego, Deputy Chief Ernest Chard reviewed the improvements to the Bureau's inspection program since the Bureau obtained its own inspectors in January 1986. Chard stated that these improvements include the following: notices of violations issued by inspectors are processed in a timely fashion; inspectors have received a printout of Bureau licensees listed by county and by each inspector's area; the Bureau Chief and Deputy Chief each spend one day per year in the field with each inspector; and the Bureau is establishing a computer tracking system that enables BHF to coordinate all enforcement activities.

At the Advisory Board's September 11 meeting in San Francisco, Chief Damant reviewed several draft budget change proposals (BCP) for the 1991-92 fiscal year. BHF may seek the following BCPs: \$37,000 to fund one position at the Office Assistant level to address workload increases; \$20,000 to augment its staff benefits allotment to reflect historical expenditures; and \$25,000 to augment various operating expenses and equipment allotments to conduct full-scale flammability testing of furniture used in public facilities. BHF will pursue some or all of these BCPs in upcoming months.

## FUTURE MEETINGS:

December 11 in Los Angeles.  
March 12 in Sacramento.

## BOARD OF LANDSCAPE ARCHITECTS

*Executive Officer: Jeanne Brode*  
(916) 445-4954

The Board of Landscape Architects (BLA) licenses those who design landscapes and supervise implementation of design plans. To qualify for a license, an applicant must successfully pass the written exam of the national Council of Landscape Architectural Registration Boards (CLARB), an additional section covering landscape architecture in California, and an oral examination given by the Board. As of January 1, 1990, the oral exam requirement is deleted for all in-state applicants. In addition, an applicant must have the equivalent of six years of landscape architectural experience. This may be a combination of education from a school with a Board-

approved program in landscape architecture and field experience.

The Board investigates verified complaints against any landscape architect and prosecutes violations of the Practice Act. The Board also governs the examination of applicants for certificates to practice landscape architecture and establishes criteria for approving schools of landscape architecture.

Authorized in Business and Professions Code section 5615 *et seq.*, BLA consists of seven members. One of the members must be a resident of and practice landscape architecture in southern California, and one member must be a resident of and practice landscape architecture in northern California. Three members of the Board must be licensed to practice landscape architecture in the state of California. The other four members are public members and must not be licentiates of the Board. Board members are appointed to four-year terms. BLA's regulations are codified in Chapter 26, Title 16 of the California Code of Regulations (CCR).

## MAJOR PROJECTS:

*Draft Regulatory Changes.* At BLA's August 17 meeting, the Board held a workshop to discuss draft amendments to section 2620, Chapter 26, Title 16 of the CCR, regarding work experience requirements for licensure applicants. To be eligible for examination, a candidate must meet the requirements of Business and Professions Code section 5650, which provides that any person over the age of eighteen who has had "six years of training and educational experience in actual practice of landscape architectural work" shall be entitled to take the examination. The section also provides that a degree from a Board-approved school of landscape architecture shall be deemed equivalent to four years of training and educational experience in the actual practice of landscape architecture.

At previous meetings, BLA agreed on draft amendments to section 2620 regarding the amount of credit toward the six-year requirement to be given for various educational degrees. (See CRLR Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) pp. 95-96; Vol. 10, No. 1 (Winter 1990) p. 73; and Vol. 9, No. 4 (Fall 1989) p. 61 for background information.) In a further discussion of this issue at the August 17 workshop, BLA agreed that a potential candidate who has a high school diploma or GED equivalent and no formal education, and who possesses eight years of work experience under the direct supervision of a licensed landscape architect, should be able to take the exam. BLA further agreed that, in

order to be eligible for the exam, all candidates must possess at least two years of training experience, at least one year of which must be under the direct supervision of a licensed landscape architect.

BLA also agreed that self-employment as, or employment by, a landscape architect in a foreign country shall be granted credit on a 50% basis, in an amount not to exceed four years; self-employment as, or employment by, a licensed architect or a registered civil engineer shall be granted credit on a 50% basis, in an amount not to exceed a total of one year; and self-employment as, or employment by, a licensed landscape contractor or a certified nurseryman shall be granted credit on a 50% basis, in an amount not to exceed one year.

Finally, BLA created a special committee to develop a proposal to present at the Board's October meeting regarding all of these proposed revisions to section 2620. The committee is comprised of Board members Robert Hablitzel and Juanita Raven, and Department of Consumer Affairs (DCA) legal counsel Don Chang.

*BLA/CLARB Exam Task Analysis.* BLA is conducting a task analysis of the practice of landscape architecture through a random sampling of licensed landscape architects in California, and hopes that CLARB will do the same on a national basis. (See CRLR Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) p. 96 for background information.) However, CLARB has not yet done so and now states that it does not have the funds for such an undertaking. In addition, should CLARB fail to honor its resolution to offer a new exam by 1992, BLA may proceed to withdraw from the organization and create its own licensing exam.

## LEGISLATION:

The following is a status update on bills reported in CRLR Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) at page 96:

*SB 2899 (Green)*, as amended August 27, amends Business and Professions Code section 5681 to increase the maximum fees which may be assessed by BLA; and requires BLA and DCA, prior to June 30, 1991, to report to the appropriate policy and fiscal committees of the legislature with a cost comparison of developing a new licensing examination independent of the national examination. This bill was signed by the Governor on September 30 (Chapter 1548, Statutes of 1990).

*AB 3330 (Frazee)*, which, as amended June 28, requires landscape architects to provide each customer with a detailed written contract, was signed by the



Governor on July 26 (Chapter 438, Statutes of 1990).

## RECENT MEETINGS:

At BLA's August 17 meeting, the Board agreed to pursue legislative changes to Business and Professions Code sections 5640 and 5641, to incorporate tougher language for enforcement of unlicensed activity, as suggested by DCA's Division of Investigation. The Board also agreed to seek legislation which would incorporate the use of a misdemeanor citation, to assist the Executive Officer in handling enforcement cases in a more effective manner.

## FUTURE MEETINGS:

To be announced.

## MEDICAL BOARD OF CALIFORNIA

*Executive Director: Ken Wagstaff*

(916) 920-6393

*Toll-Free Complaint Number:*

1-800-MED-BD-CA

The Medical Board of California (MBC) is an administrative agency within the state Department of Consumer Affairs. The Board, which consists of twelve physicians and seven lay persons appointed to four-year terms, is divided into three autonomous divisions: Licensing, Medical Quality, and Allied Health Professions.

The purpose of MBC and its three divisions is to protect the consumer from incompetent, grossly negligent, unlicensed, or unethical practitioners; to enforce provisions of the Medical Practice Act (California Business and Professions Code section 2000 *et seq.*); and to educate healing arts licensees and the public on health quality issues. The Board's regulations are codified in Chapter 13, Title 16 of the California Code of Regulations (CCR).

The functions of the individual divisions are as follows:

MBC's Division of Licensing (DOL) is responsible for issuing licenses and certificates under the Board's jurisdiction; administering the Board's continuing medical education program; suspending, revoking, or limiting licenses upon order of the Division of Medical Quality; approving undergraduate and graduate medical education programs for physicians; and developing and administering physician and surgeon examinations.

The Division of Medical Quality (DMQ) reviews the quality of medical practice carried out by physicians and

surgeons. This responsibility includes enforcement of the disciplinary and criminal provisions of the Medical Practice Act. The division operates in conjunction with fourteen Medical Quality Review Committees (MQRC) established on a geographic basis throughout the state. Committee members are physicians, other health professionals, and lay persons assigned by DMQ to investigate matters, hear disciplinary charges against physicians, and receive input from consumers and health care providers in the community.

The Division of Allied Health Professions (DAHP) directly regulates five non-physician health occupations and oversees the activities of eight other examining committees and boards which license non-physician certificate holders under the jurisdiction of the Board. The following allied health professions are subject to the jurisdiction of DAHP: acupuncturists, audiologists, hearing aid dispensers, medical assistants, physical therapists, physical therapist assistants, physician assistants, podiatrists, psychologists, psychological assistants, registered dispensing opticians, research psychoanalysts, speech pathologists, and respiratory care practitioners.

MBC's three divisions meet together approximately four times per year, in Los Angeles, San Diego, San Francisco, and Sacramento. Individual divisions and subcommittees also hold additional separate meetings as the need arises.

## MAJOR PROJECTS:

### *Physician Discipline Bill Enacted.*

The bill which will begin the long-awaited overhaul of DMQ's physician discipline system was signed by Governor Deukmejian on September 30. (See CRLR Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) pp. 74-75; Vol. 9, No. 3 (Summer 1989) pp. 54-56; and Vol. 9, No. 2 (Spring 1989) pp. 1 and 60 for background information.) SB 2375 (Presley)—also known as the Medical Judicial Procedure Improvement Act—is a 39-section bill which infuses DMQ's discipline system with information on physician misconduct and negligence from a wide variety of sources; authorizes DMQ to suspend a physician's license on an interim basis pending conclusion of the disciplinary process; injects a much-needed prosecutorial influence into the process; and creates a special panel of administrative law judges to hear medical discipline cases. The bill was endorsed by the California Medical Association (CMA) and—after many objections and amendments—was finally supported by the Medical Board toward the end of the legislative session.

(See *infra* LEGISLATION for details on SB 2375.)

In defense of its system, DMQ emphasized during its September meeting that physician discipline has increased by 41% over the past year. From July 1, 1989 to June 30, 1990, 141 doctors were formally disciplined (an increase over 99 discipline actions during the prior year). When confronted with the fact that even 141 disciplinary actions appear minimal, considering that well over 6,000 complaints were received during that period, the Medical Board defended its output by stating that at least half of the complaints it receives are not within the Board's jurisdiction, have no merit or are frivolous, cannot be confirmed, are withdrawn, or the complainant will not cooperate. DMQ members also noted that other complaints have some merit but that there is not enough evidence of wrongdoing; thus, these complaints are dismissed but saved in case of future complaints.

In a related matter, the number of consumer complaints about physicians is expected to rise dramatically now that MBC's new toll free number—1-800-MED-BD-CA—is operational and is being published in telephone directories statewide. (See CRLR Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) p. 98 for background information.) Although MBC Executive Director Ken Wagstaff stated that he "can't believe there will be a doubling of [complaints] for the price of a long distance phone call," DMQ public member Gayle Nathanson expressed concern that the Board may be underestimating the number of people who previously had complaints but had no idea where to go or who to call. After discussing the number of additional staff needed to handle the expected deluge of complaints, DMQ made no decision, but entertained suggestions for as many as 48 new investigators, supervisory staff, and clerical support positions. DMQ Program Manager Vern Leeper indicated that, at minimum, eight temporary investigator positions should be made permanent.

*Discipline Backlog: The Numbers Game.* In a March 31 report to the legislature, DMQ admitted that its backlog of medical discipline cases, most of which involved patient harm, had increased to 914 cases awaiting investigation by January 1, 1990. (See CRLR Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) p. 97 for background information.) At that time, 1,161 cases were already under investigation. By July 1, 1990, the backlog of cases awaiting investigation had decreased to 675, but the number of cases under investigation increased to