



bill died in the Assembly Health Committee.

AB 1055 (Roos), as amended August 17, states legislative intent concerning the need to encourage the provision of an adequate supply of registered nurses and to promote articulation between programs to educate registered nurses. The bill also requires the California Postsecondary Education Commission to conduct a preliminary inquiry into the capacity of public and private institutions of higher education in California to educate registered nurses. This bill was signed by the Governor on September 14 (Chapter 924, Statutes of 1990).

AB 1582 (Murray), which would have created the California Commission on AIDS, died in the Senate Appropriations Committee's suspense file.

SB 368 (Torres), which would have redefined nursing hour calculations, among other things, died in the Assembly Ways and Means Committee.

AB 3242 (Lancaster), as amended July 27, deletes an option for an RN to take an examination in lieu of completing thirty hours of continuing education as a condition of license renewal. This bill was signed by the Governor on September 21 (Chapter 1207, Statutes of 1990).

SB 2509 (Lockyer), as amended July 6, would have provided that any disease, illness, syndrome, or condition requiring treatment pursuant to prescribed provisions resulting from blood-borne pathogens which occurs, develops, or manifests itself in certain health care workers shall constitute an injury arising out of and in the course of employment for workers' compensation purposes. This bill was vetoed by the Governor on September 18.

RECENT MEETINGS:

At its July 26 meeting in Oakland, the Board was updated on the development of the National Practitioner Data Bank (NPDB). On September 1, the NPDB opened, requiring state health care professional licensing agencies, hospitals, health maintenance organizations, and insurance companies to report to the Bank any malpractice and disciplinary actions against physicians and dentists. (See *supra* agency reports on MEDICAL BOARD OF CALIFORNIA and BOARD OF DENTAL EXAMINERS for further information on the NPDB.) BRN will ultimately be required to report data on disciplined nurses to the NPDB in late 1990 or early 1991. The Board must report (1) where the nurse works, including name and address of the facility; (2) all known states of licensure; (3) any specialty of nursing;

(4) date of birth; and (5) professional school(s) attended and year(s) of graduation.

FUTURE MEETINGS:

January 24-25 in Los Angeles.
March 21-22 in Sacramento.
May 23-24 in San Diego.

BOARD OF CERTIFIED SHORTHAND REPORTERS

Executive Officer: Richard Black
(916) 445-5101

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:

Mandatory Continuing Education. At BCSR's August 25 meeting, Continuing Education Committee chair Linda Wing presented the Board with the Committee's recommendations on a proposed mandatory continuing education requirement for CSRs. (See CRLR Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) p. 121 for background information.) The Committee recommended that five areas of continuing education (CE) be required: (1) English, (2) reporting technology, (3) academic knowledge, (4) statutes, regulations, and ethical practices, and (5) prevention, detection, and treatment of substance abuse. Under the proposal, CSRs would be required to take 20 hours of CE over each two-year period. CSRs must take a minimum of one "contact hour" (fifty to sixty minutes of instruction) in each of the five CE categories; the remaining 15 "selective hours" may be taken in any of the five categories.

The Committee also set forth specific activities which should earn CE credit, including the completion of seminars, courses, and workshops given by various trade associations and reporting schools.

The Committee recommended that BCSR approve and officially recognize each CE provider (the institution), each CE instructor, and each CE course. Proof of compliance with the CE requirement would be provided by each CSR upon license renewal; the CSR would be required to provide detailed information about CE courses or activities completed, and sign the form under penalty of perjury. The Board would annually undertake an audit of a random sample of licensees to verify compliance.

Following the Committee's presentation, BCSR Executive Officer Rick Black summarized the potential impacts on staff and budget if a CE requirement is implemented. The Committee's draft was rescheduled for further discussion at the Board's November meeting, to allow Board members time to review the document before voting on it.

Citation and Fine Regulations. At its August 25 meeting, BCSR reviewed draft citation and fine regulations, and approved them for formal publication and a rulemaking proceeding. (See CRLR Vol. 9, No. 2 (Spring 1989) p. 74 and Vol. 8, No. 4 (Fall 1988) p. 73 for background information.) New sections, 2480 and 2481 would be added to Chapter 24, Title 16 of the CCR, to authorize BCSR's Executive Officer to issue citations containing orders of abatement and fines for violations by a licensed CSR of the Board's statutes or regulations. The draft regulations set forth a range of fines up to \$2,500 for specified violations of the Business and Professions Code and the CCR; permit the cited licensee to request an informal conference with the Executive Officer for purposes of resolving the matter; and implement the hearing requirement set forth in section 125.9 of the Business and Professions Code. These draft regulations now await a formal comment period, public hearing, and approval by the Office of Administrative Law.

Changes in Court Reporting School Curricula. Also in August, the Board approved draft changes to section 2411, Chapter 24, Title 16 of the CCR, which currently sets forth the required curriculum for an approved court reporting school. Specifically, existing section 2411 requires a specified number of hours in several components, including shorthand, dictation, and transcription (1,320 hours); English (135 hours); medical (140 hours); legal (170 hours); vocabulary development (80 hours); reference material (10 hours); typing (45 words per minute); general office practice (40 hours); apprenticeship training (40 hours); and ethics of court reporting (5 hours).



The most significant element of the proposed change would eliminate the 1,320-hour requirement for the short-hand, dictation, and transcription component, because students who quickly meet speed and accuracy standards must nonetheless complete the required hours. Thus, exceptional students are unnecessarily delayed from taking the qualifying exam. An additional concern is that the current requirement tempts court reporting schools to falsify hourly totals for exceptional students.

The proposed changes to section 2411 await notice, a formal comment period, and a hearing.

Change in Transcription Test Format. At its August 25 meeting, BCSR discussed several problems presented by the unusually large number of examinees expected at the November 1990 exam. The Board anticipated 966 examinees at the November test, compared to an average group of 600-700 examinees.

The major problem presented by such a large number of examinees is how to administer the transcription test, since it is imperative that all examinees see and hear the readers clearly. BCSR decide that the best available alternative is to give candidates only one transcription test, instead of the present best-of-two format. The best-of-two procedure was implemented in the hope it would significantly increase pass rates, but that goal has not been realized. The impact of the new test format on examinees should be minimal, especially if a longer warm-up period is provided.

License Renewal Cycle Changes. BCSR will soon shift its license renewal process to a cyclical system based on the licensee's or applicant's birthdate. Previously, all license renewals came up in April, swamping BCSR staff and sidelining other projects. The new renewal schedule will be implemented within the year by prorating the fees for both new licenses and renewals.

The Board unanimously adopted the cyclical renewal plan at its August meeting after a presentation by Willie Diggs of the Department of Consumer Affairs' budget office. Ms. Diggs said the new system would even out the workload of BCSR staff and provide a more steady cash flow.

LEGISLATION:

The following is a status update of bills reported in CRLR Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) at page 121:

AB 2865 (Burton), as amended May 10, requires 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 was signed by the Governor on September 8 (Chapter 636, Statutes of 1990).

SB 2376 (Presley), as amended April 17, extends the sunset date of the Transcript Reimbursement Fund until January 1, 1996, and increases fees, as specified, for court reporters' transcripts. This bill was signed by the Governor on August 10 (Chapter 505, Statutes of 1990).

AB 1438 (Burton), which would have required 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, died in the Senate Judiciary Committee.

AB 1439 (Burton) was substantially amended on July 3 and is no longer relevant to BCSR.

SB 1186 (Robbins) was substantially amended on August 27 and is no longer relevant to BCSR.

RECENT MEETINGS:

At BCSR's August meeting, Board Chair Ron Clifton and Vice Chair Linda Wing were both reelected to their respective posts by unanimous and uncontested votes.

At the August meeting, BCSR discussed whether it should administer its qualifying exam three or four times per year, instead of twice per year. This discussion was prompted by a letter from Sarnoff Deposition Service, Inc. in Los Angeles. The letter argued that if the test were given more often, more students would pass and test groups would be smaller. After discussion, BCSR concluded that even three examination dates per year would strain staff resources and require more testing material. The benefit to examinees would be negligible, since the difference between a four-month wait and a six-month wait until the next exam is not great. Also, examinees who do not pass may not have their results in time to sign up for the next examination date.

BCSR ended fiscal year 1989-90 with a surplus of approximately \$5,000. However, an increase in license renewal fees may be necessary in the near future to continue adequate funding for the Transcript Reimbursement Fund.

FUTURE MEETINGS:

February 16 in southern California.

STRUCTURAL PEST CONTROL BOARD

Registrar: Mary Lynn Ferreira (916) 924-2291

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.

Licensees 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), and became effective on 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 individuals, 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