



REGULATORY AGENCY ACTION

SPEECH PATHOLOGY AND AUDIOLOGY EXAMINING COMMITTEE

Executive Officer: Carol Richards
(916) 920-6388

The Board of Medical Quality Assurance's Speech Pathology and Audiology Examining Committee (SPAEC) consists of nine members: three speech pathologists, three audiologists and three public members (one of whom is a physician).

The Committee registers speech pathology and audiology aides and examines applicants for licensure. The Committee hears all matters assigned to it by the Board, including, but not limited to, any contested case or any petition for reinstatement, restoration, or modification of probation. Decisions of the Committee are forwarded to the Board for final adoption.

MAJOR PROJECTS:

Speech Pathology and Audiology Aide Regulations. SPAEC's proposed changes to regulatory sections 1399.170, 1399.171, 1399.172, 1399.174, 1399.175, and 1399.176 were scheduled to be submitted to the Office of Administrative Law for review in mid-December. The new regulations will impose stricter requirements regarding registration, supervision, and training programs for speech pathology and audiology aides. (See CRLR Vol. 8, No. 4 (Fall 1988) p. 66 and Vol. 8, No. 3 (Summer 1988) pp. 70-71 for background information.)

Impedance Testing and Hearing Aid Dispensers. At the Committee's November 4 meeting, SPAEC Chair Dr. Philip Reid appointed Ellen Rosenblum-Mosher and Gail Hubbard to an ad hoc committee composed of two members of SPAEC and two members of the Hearing Aid Dispensers Examining Committee. The committee was formed at Dr. Reid's suggestion to consider whether a procedure known as tympanometry is restricted to audiologists or may be performed by hearing aid dispensers. (See CRLR Vol. 8, No. 4 (Fall 1988) p. 66 for background information.)

LEGISLATION:

While no definite plans for 1989 legislation have been established, the Committee is considering sponsoring legislation to require continuing education for speech pathologists and audiologists.

RECENT MEETINGS:

On November 4 in Monterey, Dr. Reid reported on his attendance at the annual meeting of the National Council

of State Boards for Speech Pathologists and Audiologists recently held in Washington, D.C. Highlights of this meeting included a report and discussion on the recent controversy concerning the use of support personnel for speech pathologists and audiologists. Trends regarding supportive personnel range from states which allow very loose control to other states, including California, which advocate very tight controls. A major speech was given at the Washington meeting advocating continuing education (CE) as a necessity for speech pathologists and audiologists. Dr. Reid distributed a chart indicating that seventeen states now have mandatory CE requirements, while an additional five have enabling legislation allowing the licensing board to adopt CE requirements through regulation.

FUTURE MEETINGS:

April 7 in Sacramento.
June 30 in Los Angeles.
September 8 in San Jose.
November 10 in San Diego.

BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

Executive Officer: Ray F. Nikkel
(916) 445-8435

The Board of Examiners of Nursing Home Administrators (BENHA) develops, imposes, and enforces standards for individuals desiring to receive and maintain a license as a nursing home administrator. The Board may revoke or suspend a license after an administrative hearing on findings of gross negligence, incompetence relevant to performance in the trade, fraud or deception in applying for a license, treating any mental or physical condition without a license, or violation of any rules adopted by the Board. Board committees include the Administrative, Disciplinary, and Education, Training and Examination Committees.

The Board consists of nine members. Four of the Board members must be actively engaged in the administration of nursing homes at the time of their appointment. Of these, two licensee members must be from proprietary nursing homes; two others must come from nonprofit, charitable nursing homes. Five Board members must represent the general public. One of the five public members is required to be actively engaged in the practice of medicine; a

second public member must be an educator in health care administration. Seven of the nine members of the Board are appointed by the Governor. The Speaker of the Assembly and the Senate Rules Committee each appoint one member. A member may serve for no more than two consecutive terms.

MAJOR PROJECTS:

Implementation of AB 1834. BENHA continues to work towards compliance with the requirements of AB 1834 (Connelly). (For details on AB 1834, see the implementation plan outlined in CRLR Vol. 8, No. 4 (Fall 1988) p. 67; see also CRLR Vol. 8, No. 2 (Spring 1988) p. 69; and Vol. 8, No. 1 (Winter 1988) pp. 66-67.) Four new cases have been referred from the Department of Health Services (DHS) in 1988, making a total of seven active disciplinary cases. Executive Officer Ray Nikkel reports that DHS has informed him that three new cases will be referred in the near future.

Also pursuant to AB 1834, BENHA has published a list of all administrators who have had their licenses placed on probation, suspended, or revoked during the previous three-year period. The list includes administrators who stipulate to agreements, including temporary suspension of their license.

RECENT MEETINGS:

At BENHA's December 1 meeting in Sacramento, the Education Committee submitted an outline for study of BENHA's administrator-in-training program and its continuing education requirements. These studies are also related to AB 1834 implementation. BENHA was to have submitted a report to the legislature on the progress of these study topics no later than December 31, 1988.

FUTURE MEETINGS:

To be announced.

BOARD OF OPTOMETRY

Executive Officer: Karen Ollinger
(916) 739-4131

The Board of Optometry establishes and enforces regulations pertaining to the practice of optometry. The Board is responsible for licensing qualified optometrists and disciplining malfeasant practitioners. The Board's goal is to protect the consumer patient who might be subjected to injury resulting from unsatisfactory eye care by inept or untrustworthy practitioners.



The Board consists of nine members. Six are licensed optometrists and three are members of the community at large.

At the Board's December 13 meeting, public member Julia Preisig was elected president. Stephen Chun, OD, was retained as vice-president, and Pamela Miller, OD, was elected secretary.

MAJOR PROJECTS:

Regulatory Changes. Following the Board's October meeting, Board staff made minor changes to the extensive regulatory package rejected by the Office of Administrative Law (OAL) on September 12. The package would have added three new sections—section 1526 (CPR requirement), section 1536 (continuing education), and section 1565 (requiring specified information to be included in optometric prescriptions)—and amended existing sections 1530, 1531, 1532, 1533, and 1535 in Chapter 15, Title 16 of the California Code of Regulations. (See CRLR Vol. 8, No. 4 (Fall 1988) pp. 67-68 for background information on this rulemaking package.) At the October meeting, the Board instructed staff to supplement the justification for the section 1526 CPR requirement, delete section 1536's provision authorizing the Board to require continuing education in a specified area, and resubmit the regulations to OAL. At this writing, the package is still awaiting OAL approval.

On September 30, the Board released slightly modified versions of new section 1533.1 (examination appeals) and amended section 1561 (topical pharmaceutical agents usage) for a fifteen-day comment period. (See CRLR Vol. 8, No. 4 (Fall 1988) p. 68; Vol. 8, No. 3 (Summer 1988) p. 72 for background information.) The regulations had been approved by the Board after a May 25 public hearing. On October 17, the Board extended the comment period until November 1. These regulations were subsequently forwarded to OAL for approval.

At its December 13 meeting, the Board held a regulatory hearing on several proposed changes. The Board considered a proposed amendment to section 1531 which would have specified the independent sections of the Board's examination and added a Part II consisting of general optometry, contact lenses, binocular vision, low vision, pediatric optometry, geriatric optometry, and use of specified instruments. Following the hearing, the Board deleted the provision about Part II of the exam, and voted to adopt the change and publish it for a fifteen-day comment period.

Also considered and adopted on

December 13 were an amendment to section 1510, to provide that the failure of an optometrist to inform the patient of the risks and benefits of the treatment prescribed and all alternative viable modes of treatment constitutes professional inefficiency; and new section 1570, which requires that contact lens prescriptions contain descriptions of the optical and physical characteristics of the lenses and provide directions for wear.

The Board considered but did not adopt the following proposed changes: the adoption of section 1531.1, which would have authorized the Board to waive portions of proposed Part II of its exam; an amendment to section 1518, which would have required a geographical locator or family name of an optometrist in a fictitious name; the adoption of section 1530.3, which would have specified that schools of optometry accredited by the Council on Optometric Education shall be deemed accredited by the Board; and the adoption of section 1575, to require release of prescriptions to patients upon request (except contact lens prescriptions).

LEGISLATION:

Anticipated Legislation. The Board is seeking permission from the Department of Consumer Affairs to sponsor a bill to ban the use of fictitious names. The California Optometric Association has indicated it would support such legislation.

FUTURE MEETINGS:

To be announced.

BUREAU OF PERSONNEL SERVICES

Chief: Jean Orr
(916) 920-6311

The Bureau of Personnel Services was established within the Department of Consumer Affairs (DCA) to regulate those businesses which secure employment or engagements for others for a fee. The Bureau regulates both employment agencies and nurses' registries. Businesses which place applicants in temporary positions or positions which command annual gross salaries in excess of \$25,000 are exempt from Bureau regulation; similarly, employer-retained agencies are also exempt from Bureau oversight.

The Bureau's primary objective is to limit abuses among those firms which place individuals in a variety of employment positions. It prepares and adminis-

ters a licensing examination and issues several types of licenses upon fulfillment of the Bureau's requirements. Approximately 900 agencies are now licensed by the Bureau.

The Bureau is assisted by an Advisory Board created by the Employment Agency Act. This seven-member Board consists of three representatives from the employment agency industry and four public members. All members are appointed for a term of four years. As of this writing, seats for one public and two industry members remain vacant.

MAJOR PROJECTS:

The Bureau Survives into the New Year. The Bureau's future existence and funding status remain unclear. Following the Assembly's June 30, 1988 rejection of an amendment to AB 4145 (Wright) which would have abolished the Bureau, the issues raised in the proposed amendment were referred for interim hearing by the Senate Business and Professions Committee, which promptly set a November 2 hearing date. However, the November 2 interim hearing was cancelled due to scheduling problems of Committee members. The hearing was not rescheduled. (See CRLR Vol. 8, No. 4 (Fall 1988) p. 69 for background information.)

The Department of Consumer Affairs (DCA) had planned to use the hearing to discuss its plans to deal with the Bureau's problem. According to DCA Deputy Director Michael Vader, the Bureau cannot effectively serve the public much longer at its present level of funding. The DCA sees three alternatives to resolve the situation: (1) increase Bureau licensing fees; (2) seek legislation to expand the Bureau's jurisdiction and undo the effects of AB 2929; or (3) abolish the Bureau and transfer its duties to other administrative or civil enforcement agencies.

The Bureau's funding problem is the result of AB 2929 (Chapter 912, Statutes of 1986). That bill, which became effective on July 1, 1987, exempts employer-retained agencies from the Bureau's oversight. The number of licensees regulated by the Bureau has decreased as a result, with a major decline occurring in April 1988, when the number of Bureau licensees dropped almost 60%. (For more information on the effects of AB 2929, see CRLR Vol. 7, No. 2 (Spring 1987) p. 64 and Vol. 7, No. 1 (Winter 1987) p. 56.) Licensing fees constitute the Bureau's sole source of funding.

Although AB 2929 led to a significant decrease in the Bureau's funding, the bill did not correspondingly reduce