



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



REGULATORY AGENCY ACTION

the Bureau's workload. The agencies which remain under the Bureau's jurisdiction accounted for at least 90% of the Bureau's investigative and enforcement workload before AB 2929 took effect, so the 60% drop in licenses was coupled with only a 10% reduction in workload.

Bureau Chief Jean Orr had planned to use the November 2 hearing to demonstrate that the Bureau is operating effectively and to argue for measures which would ensure its continued effectiveness. Bureau Office Manager Janelle Wedge credits cost-cutting measures (including a reduction of staff from seven to four) and computerization as responsible for enabling the Bureau to handle over 2,000 written complaints during the first half of the 1988-89 fiscal year. She notes that the Bureau processed fewer than 500 complaints per year less than a decade ago.

Computer matching employment services, overseas employment services, and prepaid employment agencies account for most of the Bureau's present workload. Although an attempt was made last year in AB 4145 to outlaw prepaid employment agencies, the attempt was blocked by a successful lobbying effort by those agencies. The Bureau continues to favor efforts to prohibit such agencies.

The California Association of Personnel Consultants (CAPC) is a private group which lobbies for legislation affecting the personnel services industry. CAPC sponsored AB 2929, and the group's October 26, 1988 "CAPC Inner View" newsletter announced the association's plans to oppose increases in the Bureau's licensure fees, and to sponsor legislation to make AB 2929 permanent. Absent such legislation, AB 2929 will sunset on January 1, 1991, and employer-retained agencies will once again fall under the Bureau's jurisdiction.

DCA Deputy Director Vader calls the CAPC position "understandable" and feels that, even if the Association fails in its efforts to make deregulation permanent, the 1991 sunset of AB 2929 would be too late to help the Bureau. Vader also states his disappointment that the November 2 hearing was cancelled, but says the DCA continues to formulate plans to deal with the Bureau's immediate funding problem. The DCA has not ruled out any specific legislative or administrative solutions to the problem, but it expects any attempt to outlaw prepaid employment agencies will again face stiff opposition. Deputy Director Vader has indicated a DCA belief that 95% of complaints received by the Bureau might be curable through enhance-

ment of the Civil Code. The DCA was expected to announce its official proposals on these matters in February 1989.

LEGISLATION:

As described above, CAPC has announced plans to sponsor legislation to make AB 2929 effective beyond its present sunset date of January 1, 1991; and the DCA was scheduled to announce in February its legislative proposals to deal with the Bureau's funding problem.

FUTURE MEETINGS:

To be announced.

BOARD OF PHARMACY

*Executive Officer: Lorie G. Rice
(916) 445-5014*

The Board of Pharmacy grants licenses and permits to pharmacists, pharmacies, drug manufacturers, wholesalers and sellers of hypodermic needles. It regulates all sales of dangerous drugs, controlled substances and poisons. To enforce its regulations, the Board employs full-time inspectors who investigate accusations and complaints received by the Board. Investigations may be conducted openly or covertly as the situation demands.

The Board conducts fact-finding and disciplinary hearings and is authorized by law to suspend or revoke licenses or permits for a variety of reasons, including professional misconduct and any acts substantially related to the practice of pharmacy.

The Board consists of ten members, three of whom are public. The remaining members are pharmacists, five of whom must be active practitioners. All are appointed for four-year terms.

MAJOR PROJECTS:

Fee Increases. Amendments to section 1749, Chapter 17, Title 16 of the California Code of Regulations (CCR), which increase licensing fees, were approved by the Office of Administrative Law (OAL) and became effective on January 1, 1989. (See CRLR Vol. 8, No. 4 (Fall 1988) p. 70 and Vol. 8, No. 3 (Summer 1988) p. 74 for background information.)

Examination Changes. The Board's examination committee has revised the pharmacist's examination specifications and proposed an integrated exam format which eliminates the current seven subtest division. The Board plans to administer the new integrated examination beginning in June 1989. Since the current regulation contains language reflect-

ing the subtest format, the Board proposes amending section 1724 of Chapter 17, Title 16 of the CCR. This amendment will eliminate the language referring to the subtests and require that the candidate achieve a score of 75 under the new format. A public hearing on the proposed regulation was scheduled to be held at the Board's January meeting in San Diego.

Continuing Education Regulations.

After further definition of the requirements of an "accreditation agency" in section 1732.05, the Board's fourth version of amendments to its continuing education regulations (sections 1732-1732.7, Chapter 17, Title 16 of the CCR), was finally approved by OAL and became effective on January 8, 1989. (For more information, see CRLR Vol. 8, No. 4 (Fall 1988) pp. 69-70; Vol. 8, No. 3 (Summer 1988) p. 73; Vol. 8, No. 2 (Spring 1988) p. 73; and Vol. 8, No. 1 (Winter 1988) pp. 68-69.)

Pharmacy Technician Legislation.

At this writing, the Board is in the process of finding an author for proposed legislation which will add section 4008.5 to the Business and Professions Code. The bill will create the category of pharmacy technician and define the requirements and authority of such technicians. (See CRLR Vol. 8, No. 4 (Fall 1988) p. 70 for background information.)

LEGISLATION:

AB 229 (Polanco) would state that hypodermic needles and syringes shall only be distributed, possessed, or used as authorized by specific provisions of the Pharmacy Law; define the term "warehouse" as that term is used in provisions dealing with storage facilities owned by a medical device retailer; and make other technical changes. This bill is pending in the Assembly Health Committee.

RECENT MEETINGS:

At its October meeting, the Board approved the amendment of section 1717(a), Chapter 17, Title 16 of the CCR, which permits the reuse of clean multiple-drug medication packages ("med paks") by pharmacies for home use by patients. The med paks are particularly useful for older patients because the compartments increase compliance by setting out the medications for each day. The reuse of med paks had previously been permitted for licensed health and community care facilities. At this writing, the amendment is being reviewed by the legal office of the Department of Consumer Affairs. (See CRLR Vol. 8, No. 4 (Fall 1988) p. 70 for background