



license fees twice since 1984 in order to make the program self-supporting.

In 1984, the legislature authorized a \$50,000 loan from the General Fund to cover the Board's start-up costs. The loan was to be repaid in 1984, but was extended by statute. Intermediate payments of \$10,000 per year plus interest were to be made beginning in fiscal year 1985-86. To date, the Board has made one \$10,000 interest-only payment. (See CRLR Vol. 8, No. 2 (Spring 1988) p. 74 for background information.) This loan, coupled with the decreasing number of licensees, will play a large role in the Board's approach to its January 1, 1990 sunset date.

March 4 and September 9 were set as the proposed 1989 examination dates.

FUTURE MEETINGS:

To be announced.

BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

*Executive Officer: Darlene Stroup
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The Board of Registration for Professional Engineers and Land Surveyors regulates the practice of engineering and land surveying through its administration of the Professional Engineers Act and the Professional Land Surveyors' Act.

The basic functions of the Board are to conduct examinations, issue certificates and/or licenses and appropriately channel complaints against its licensees. The Board is additionally empowered to suspend or revoke certificates or licenses. On a routine basis, the Board considers the proposed decisions of administrative law judges who hear appeals of applicants who are denied registration and licensees who have had their licenses suspended or revoked for violations.

The Board consists of thirteen members: seven public members, one licensed land surveyor, four registered practice act engineers and one title act engineer. Eleven of the members are appointed by the Governor for four-year terms which expire on a staggered basis. One public member is appointed by the Speaker of the Assembly and one by the Senate President pro Tempore.

The Board has established seven standing committees dealing with land surveying and the various branches of engineering. These committees, each composed of three Board members, approve or deny applications for exam-

inations and register applicants who pass the examinations. Their actions must have the approval of the entire Board, which is routinely forthcoming.

Professional engineers are now licensed through the three Practice Act categories of civil, electrical and mechanical engineering under section 6730 of the Business and Professions Code, and the Title Act categories of agricultural, chemical, control system, corrosion, fire protection, industrial, manufacturing, metallurgical, nuclear, petroleum, quality, safety, and traffic engineering.

Structural engineering and soil engineering are linked to the civil Practice Act and require an additional examination after qualification as a Practice Act engineer.

MAJOR PROJECTS:

Rulemaking. On November 9, the Board held a public hearing to consider several proposed changes in its regulations, which appear in Title 16 of the California Code of Regulations. The proposed amendments and additions would set forth the procedure for registered civil engineers to obtain authorization to use the title "structural engineer"; implement the Permit Reform Act; and make technical changes in existing rules. (See CRLR Vol. 8, No. 4 (Fall 1988) pp. 71-72 for detailed background information.)

Following public comment, the Board made the following changes in the proposed rules. In proposed section 426.12, the Board eliminated the portion of the experience requirement that provides that an applicant must have worked under the supervision of an engineer "who holds a valid California registration to use the title 'structural engineer' in this State." In proposed section 426.13, to promote clarity, the Board changed the term "supplemental experience" to "supplemental evidence" wherever it appeared. In section 427, the Board rejected a proposed amendment prohibiting family references for engineer applicants. The Board changed the wording of proposed section 427.30 to allow both structural and civil engineers to act as references. Finally, the Board adopted minor changes in wording in its proposed clean-up amendments to sections 400, 403, 404, 410, and 411.

The Board adopted the regulatory package as amended, and extended the public comment period on the package for fifteen days.

Future Rulemaking. The Board currently has rules in place to handle renewal applications from engineers who have let their registrations lapse for a

period of five years or longer; an amnesty period is presently in effect to facilitate the processing of these applications. The Board is considering a change in these rules which would treat five-year delinquent applications as new applications.

The Board also plans to consider changes to its rules regarding comity applications, examination appeals, and the application process in general. Comity is the process by which the Board accepts the registration of applicants who are registered in other states.

LEGISLATION:

Title Act Reform Legislation. At its November 18 meeting, the Board voted to drop its proposed legislation regarding the freeing of Title Act registrations.

In 1982, the legislature enacted section 6730.1 of the Business and Professions Code, which required the Board to review all existing engineering Title Act disciplines and submit a report to the legislature regarding Practice Act registration of any title disciplines.

The purpose behind this proposed change from Title Act to Practice Act registration was to bring existing Title Act disciplines under the authority of the Board. The Board is powerless to take action against an engineer for negligence or incompetence if he/she is registered in a Title Act branch. Title acts only protect the use of the title, and do not prevent nonregistered persons from performing the work of that discipline. So, under current law, while anyone may perform the work of a safety engineer, only registered people may use the title "safety engineer". (See CRLR Vol. 2, No. 3 (Summer 1982) pp. 15-16 for background information on Board discipline and Title and Practice Acts.)

In 1985, the legislature passed SB 1030 (Chapter 732, Statutes of 1985), which amended section 6732 of the Business and Professions Code to include some existing engineering disciplines into the Professional Engineers Act. This legislation also repealed section 6730.1 of the Business and Professions Code, resulting in a removal of the Board's authority to establish new engineering disciplines by petition.

The Board has determined that the passage of the 1985 legislation fulfilled the legislature's mandate to reform the Title Act disciplines. In addition, it believes that the Title Act legislation is not necessary since current registration requirements establish a minimum practice standard, and engineers registered under the Title Act have not generated complaints in the Board's enforcement unit.



FUTURE MEETINGS:

May 5 in Sacramento.
July 14 in Sacramento.
September 29 in Sonoma County.
December 1 in San Francisco.

BOARD OF REGISTERED NURSING

Executive Officer: Catherine Puri
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The Board of Registered Nursing (BRN) licenses qualified RNs, certifies qualified nurse midwifery applicants, establishes accreditation requirements for California nursing schools and reviews nursing school curricula. A major Board responsibility involves taking disciplinary action against licensed RNs.

The nine-member Board consists of three public members, three registered nurses actively engaged in patient care, one licensed RN administrator of a nursing service, one nurse educator and one licensed physician. All serve four-year terms.

The Board is financed by licensing fees, and receives no allocation from the general fund. The Board is currently staffed by 56 people.

MAJOR PROJECTS:

Fee Increase to Implement SB 1267. At its November meeting, BRN adopted a nonsubstantive regulation change to section 1417(b) of Chapter 14, Title 16 of the California Code of Regulations, to conform with SB 1267 (Maddy) (Chapter 252, Statutes of 1988), which directs BRN to raise the biennial renewal fee from \$40 to \$45 effective July 1, 1989. The \$5 increase will be used to create a California Registered Nurse Education Program within the Minority Health Professions Fund.

Advisory Committee on Nursing Shortage. The BRN recently approved the criteria and nomination procedure for the special advisory committee on the nursing shortage. SB 2755 (Royce) (Chapter 1321, Statutes of 1988) authorizes BRN to appoint this committee to develop recommendations for the legislature and for licensing agencies to address the shortage of RNs in California. BRN was scheduled to appoint committee members in January.

Functions Interim Permittees May Perform. At its November meeting in San Francisco, the BRN voted to change its former position statement on functions which may be performed by interim permittees. The BRN changed its position in response to public comment opposing its May 1988 interpretation that a permittee may perform "any

function taught in the interim permittee's basic nursing program." Representatives of the nursing community feel this position is too limiting and does not take advantage of the permittee's opportunity to learn skills under the supervision of a RN. The amended statement adds functions for which the permittee has learned theory and acquired clinical practice through "planned learning experiences in the practice setting." The amended statement also provides that "nursing management has ultimate and ongoing responsibility for establishing the permittee's competence prior to assigning the permittee to a staff RN for supervision."

BRN Position on Student Workers. The BRN has received frequent inquiries from various acute hospitals and skilled nursing facilities asking what functions student workers may perform. Student workers are defined as "in a basic nursing program, working for money outside of the program." Section 2729(a) of the Business and Professions Code states that nursing services may be rendered by a student when these services are incidental to the course of study while enrolled in a Board-approved pre-licensure program. The current BRN position asserts that students are unlicensed workers who may not be used in any capacity other than as nurse aides. However, at its November meeting, the Board recognized that student workers are performing functions beyond nurse aide practice in some settings. Therefore, BRN referred this matter to its Education Committee for study and a recommendation whether to alter its policy to permit student workers to perform functions beyond nurse aide practice.

FUTURE MEETINGS:

May 18-19 in San Diego.
July 20-21 in Oakland.

BOARD OF CERTIFIED SHORTHAND REPORTERS

Executive Officer: Richard Black
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The Board of Certified Shorthand Reporters (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:

Professional Practice Exam Test Plan. At BCSR's November meeting, the Board considered whether to revamp its professional practice exam. Following a presentation by Nick Fittinghoff of the Department of Consumer Affairs' Central Testing Unit (CTU), BCSR decided to rewrite the exam through a committee composed of school representatives, official and freelance reporters, and firm owners. (See CRLR Vol. 8, No. 3 (Summer 1988) p. 79; Vol. 8, No. 1 (Winter 1988) p. 72; and Vol. 7, No. 4 (Fall 1987) p. 67 for background information.)

The CTU analyzed the relative importance of the various tasks performed by certified shorthand reporters by conducting an opinion poll among licensed reporters. They were asked to comment on the duration of particular tasks, the likelihood of harm if the task were performed incompetently, the level of resultant harm, and an estimate of the level of proficiency that an entry level shorthand reporter should have in each area. The CTU came to three different results by assigning different weights to each of the four factors. The Board approved the plan which placed most emphasis on the level of harm from incompetent performance. The CTU then set the percentage of questions that should be asked from each category of tasks.

In commenting on the proposed test format, Bryan School owner Nancy Patterson objected to the relatively few number of items which would be devoted exclusively to medical and legal terminology. According to Patterson, this would frustrate the schools' policy of emphasizing these subjects. Mr. Fittinghoff met these concerns by explaining that knowledge of medical and legal terminology would be required throughout the test sections, so knowledge of these areas would still be very important. Other problems were discovered in CTU's scheme. Four or five questions dealing with how to distribute a transcript seemed excessive to several of the school representatives. No one could imagine how to frame a question which would reflect an examinee's ability to read back the transcript. The Board explained that the CTU's report is a tool which the Board (along with the Professional Practice Exam Test Committee) will use to draft the new test and should not be