



approval. OAL subsequently approved section 2043 on December 21.

LITIGATION:

In *Hall v. Kelley*, Linda Hall, a dyslexic, has sued BEVM for its alleged failure to provide an adequate setting for her to take her veterinarian's practical exam. She took the examination three times and passed it on her third attempt. However, because she could not practice for a period of time because she failed the exam twice, she filed suit, claiming that the exam conditions were unfair to her. She has asked the court for lost wages and costs. BEVM recently filed a motion to dismiss the action, but the motion was denied. A settlement conference has been scheduled.

RECENT MEETINGS:

At its October meeting, BEVM heard public comments concerning proposed regulatory sections 2017 and 2018, Title 16 of the CCR. These new regulations would establish specified time frames for reviewing examination applications. Pursuant to the Permit Reform Act of 1982, the Board is required to delineate the time period within which it will notify licensure applicants whether their application file is complete, and (from that point) the period within which it will make a decision regarding licensure. The Board deferred action on these proposed regulations until its January meeting, in order to modify the language of the provisions.

BEVM also discussed new scoring methods for the state practical examination. The Board examined the "Ang-hoff" method, which assigns a specific rating to each question and thus determines the passing point. BEVM is trying to determine whether this system would provide more accuracy than the current scoring technique. The Board discussed the method's statistical accuracy, and whether it could be easily applied to the current examination format.

The Board also heard from Maureen Whitmore, manager of BEVM's alcohol and drug diversion program for impaired vets and AHTs. (See CRLR Vol. 8, No. 4 (Fall 1988) p. 76; Vol. 8, No. 3 (Summer 1988) p. 82; and Vol. 8, No. 2 (Spring 1988) p. 79 for background information.) Ms. Whitmore reported that she had made a presentation regarding the diversion program to the California Veterinary Medical Association, which supports the program and has promoted it by printing advertisements and an article in its journal.

FUTURE MEETINGS:

May 4-5 in Sacramento.

July 6-7 in San Diego.

September 7-8 (location undecided).

November 9-10 in Monterey.

BOARD OF VOCATIONAL NURSE AND PSYCHIATRIC TECHNICIAN EXAMINERS

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This agency regulates two professions: vocational nurses and psychiatric technicians. Its general purpose is to administer and enforce the provisions of Chapters 6.5 and 10, Division 2, of the Business and Professions Code. A licensed practitioner is referred to as either an "LVN" or a "psych tech."

The Board consists of five public members, three LVNs, two psych techs, and one LVN with an administrative or teaching background. At least one of the Board's LVNs must have had at least three years' experience working in skilled nursing facilities.

The Board's authority vests under the Department of Consumer Affairs as an arm of the executive branch. It licenses prospective practitioners, conducts and sets standards for licensing examinations, and has the authority to grant adjudicatory hearings. Certain provisions allow the Board to revoke or reinstate licenses. The Board currently licenses approximately 68,000 LVNs and 14,000 psychiatric technicians.

Current Board members include Gwendolyn Hinchey, RN (President), Deloyce Harris, LVN (Vice-President), Kathleen Fazzinin Barr, LVN, Janiece Lackey, LVN, Bruce Hines, PT, Kenneth G. Audibert, PT, and public members E. Charles Connor, Betty Fenton, Patricia A. Lang, Helen Lee, and Manuel Val.

MAJOR PROJECTS:

Proposed Regulatory Changes. The Board recently published a notice of its intent to amend numerous regulatory provisions regarding qualifications of faculty at Board-approved schools of vocational nursing and PT programs; the course content in vocational nursing and PT curricula; and the establishment of a reexamination fee for PTs. The Board's regulations appear in Chapter 25, Title 16 of the California Code of Regulations.

Existing regulations regarding faculty qualifications require that a vocational nursing school director, assistant direct-

or, and instructor (registered nurse) hold a current California RN license, and that teaching assistants hold a current California LVN license. Proposed changes to sections 2529(c)(1)(A), 2529(c)(2)(A), 2529(c)(3)(A)(1), 2529(c)(3)(B)(1), and 2529(c)(4)(A) would require that these licenses be active licenses. Similarly, changes to sections 2584(c)(1)(A)(1), 2584(c)(1)(B)(1), 2584(c)(2)(A)(1), 2584(c)(2)(B)(1), 2584(c)(3)(B)(1), and 2584(c)(4)(A) would require that a director and assistant director of an accredited PT program hold an active California RN license; and that a PT instructor and teaching assistant hold an active California PT license. Also with regard to faculty qualifications, a proposed change to section 2884(c)(2) would require an assistant director of an accredited PT program to complete a course or courses in teaching and curriculum or counseling.

Proposed changes to curriculum content regulations include the following: section 2533(a)(8) would be amended to clarify the specific curriculum content for required pharmacology course(s); and new section 2587(i) regarding PT curriculum would be adopted to specify five nursing-related courses which may be taught by non-nurse instructors, with a maximum of 54 hours for each course.

Finally, section 2570.1 would be amended to require PT applicants to pay a \$35 reexamination fee to be scheduled for a subsequent examination, as specified in section 2590.

The Board was scheduled to hold a public hearing on these proposed regulatory changes on January 13.

Adoption of Task Force Recommendations. At its November 16 meeting in Los Angeles, the Board considered 24 separate recommendations of the Task Force on the Future Roles of the Licensed Vocational Nurse and Psychiatric Technician. The Board's Education/Practice Subcommittee had previously reviewed the Task Force's recommendations and had made further recommendations to the Board on acceptance, rejection, or amendment.

At the November 16 meeting, and following the recommendations of the Education/Practice Subcommittee, the Board accepted seven of the Task Force's recommendations, rejected eight, amended four, and approved six in concept. The recommendations address a broad range of topics, including LVN and PT curricula, school philosophies, utilization, and continuing education. Any interested person may contact the Board for a copy of the recommendations.



REGULATORY AGENCY ACTION

The original Task Force was created in 1986 to analyze the future role of LVNs and PTs. (See CRLR Vol. 6, No. 4 (Fall 1986) pp. 56-57 for background information.) The Task Force and the Board held numerous public hearings on the issues presented throughout 1987-88.

PT Computer Aided Testing. The implementation of computer aided testing for psychiatric technicians has been put on the back burner due to an increase in both the length and the breadth of the licensure exam. The computer aided testing, which was originally scheduled to take place in September 1989, has been pushed back to some time in 1990. (See CRLR Vol. 8, No. 4 (Fall 1988) p. 77 and Vol. 8, No. 2 (Spring 1988) for background information.)

Although the focus of computer aided testing has been limited to the relatively small number of PTs in California, the

Board is also working for implementation of statewide computerized testing for vocational nurses as well. With the help of McGraw-Hill, the Board hopes to realize this goal by 1991.

RECENT MEETINGS:

At its November meeting, the Board directed its Education/Practice Subcommittee to study SB 1552 (Chapter 1213, Statutes of 1988). This bill, sponsored by Senator Kopp, requires healing arts board regulating dentists, physicians and surgeons, registered nurses, marriage, family and child counselors, and clinical social workers to consider including training regarding the characteristics and methods of assessment and treatment of AIDS in continuing education requirements. The subcommittee will report its recommendations at a future meeting.

FUTURE MEETINGS:

May 12 in San Francisco (tentative).

just state officials) to file a complaint about a Proposition 65 violation; those who successfully report violations may keep 25% of the \$2,500 daily fine.

Alcohol industry officials have stated that despite the warning signs, the public has shown little reaction, as alcohol sales have not been affected. In an interview with the *Beverage Bulletin* publication, Roger Hanney, vice-president of the California Beer and Wine Wholesalers Association, stated that the operation of placing warning signs at retail establishments went smoothly and his organization has received no complaints. ABC's legal counsel John Pierce believes there will be total compliance by licensees. ABC is authorized to file accusations against licensees for failure to comply with Proposition 65's warning requirements.

In late 1989, Proposition 65 requires the alcohol industry to post signs warning that alcohol consumption may cause cancer. State officials were scheduled to determine by January whether separate signs for warnings about birth defects and cancer are necessary, or if one sign containing both warnings is sufficient. The industry favors one warning sign.

ABC to Increase Investigative Effort.

As part of its plan to place a greater emphasis in 1989 on enforcement of California's business and practice laws, the ABC is completing its training of more than 50 new investigators. With an enlarged investigative team, the ABC plans to increase its program of monitoring, investigating, and filing of accusations against licensees. Targeted groups of licensees will be those suspected of selling drugs or permitting drug sales on their premises, those selling to minors, and those serving to intoxicated individuals.

Congress Passes Label Law. Congress recently approved the Omnibus Drug Bill, which will require the alcohol industry to place warning labels on all alcoholic beverages. The labels will warn of the risks associated with drinking and driving, and drinking during pregnancy. The law will become effective on November 18, 1989.

According to health and law enforcement organizations, alcohol is the most frequently used drug in the United States and accounts for more health and safety problems than all illicit drugs combined. This will be the first time the federal government has required the alcohol industry to warn against the dangers of drinking its products. The alcohol industry is expected to challenge the legality of the measure in court.



BUSINESS, TRANSPORTATION AND HOUSING AGENCY

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

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The Department of Alcoholic Beverage Control (ABC) is a constitutionally-authorized state department. The Alcoholic Beverage Control Act vests the Department with the exclusive right and power to license and regulate the manufacture, sale, purchase, possession, and transportation of alcoholic beverages within the state. In addition, the Act vests the Department with authority, subject to certain federal laws, to regulate the importation and exportation of alcoholic beverages across state lines. ABC issues liquor licenses and investigates violations of the Business and Professions Code and other criminal acts which occur on premises where alcohol is sold. Many of the disciplinary actions taken by ABC, along with other information concerning the Department, are printed in the liquor industry trade publications *Beverage Bulletin* and *Beverage Industry News*.

ABC divides the state into two divisions with assistant directors in charge of each division. The state is further subdivided into 21 districts, with two

districts maintaining branch offices.

ABC dispenses various types of licenses. "On-sale" refers to a license to sell alcoholic beverages which will be bought and consumed on the same premises. "Off-sale" means that the licensee sells alcoholic beverages which will not be consumed on the premises.

MAJOR PROJECTS:

Licensees Post Alcohol Warning Signs. On October 1, California's 73,000 alcohol licensees were required to post warning signs regarding alcoholic beverages, as mandated by Proposition 65, the Safe Drinking Water and Toxics Enforcement Act of 1986. (See CRLR Vol. 8, No. 4 (Fall 1988) p. 78 and Vol. 8, No. 3 (Summer 1988) p. 84 for background information.) Retailers, restaurants, markets, bars, and convenience stores must post signs warning customers that alcohol can cause birth defects. Businesses with fewer than ten employees are exempt from the Proposition 65 requirements.

Violators of the sign requirement are subject to fines of \$2,500 per day. In an October 1988 *Beverage Bulletin* editorial, the industry complained about Proposition 65's so-called "bounty hunter" provisions, which enable any person (not