



REGULATORY AGENCY ACTION

together to develop a Technical Rule Addendum for the Board of Forestry that will satisfy the needs of both boards.

The Board is still in the process of drafting an informational pamphlet which is intended to inform the public about the existence and jurisdiction of the BRGG. Two drafts have been received so far, but the Board has set no date for estimated completion.

FUTURE MEETINGS:

To be announced.

BOARD OF GUIDE DOGS FOR THE BLIND

Executive Officer: Manuel Urena
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The Board of Guide Dogs for the Blind has three primary functions. The Board protects the blind guide dog user by licensing instructors and schools to ensure that they possess certain minimum qualifications. The Board also enforces standards of performance and conduct of these licensees as established by law. Finally, the Board polices unlicensed practice.

There are three guide dog schools in California. These schools train the blind in the use of guide dogs. Each school also trains its own dogs. Each blind person is then matched with a dog using factors such as size and temperament. To provide this specialized service, the schools must have special facilities, which are inspected by the Board members as needed.

The Board consists of seven members, two of whom must be dog users (Business and Professions Code section 7200).

LEGISLATION:

AB 329 (Statham), which would have authorized any person approved by a school licensed for the training of guide dogs for the blind to take the school's dogs into places of public access for the purpose of teaching the guide dogs social skills prior to structured guide dog instruction for which a license is required, was dropped.

AB 676 (Filante), as amended March 28, would authorize the Board to adopt regulations to allow schools which furnish guide dogs or instructors employed by those schools to send trainers to the homes of blind persons to provide training in the use of guide dogs. This bill is pending in the Assembly Ways and Means Committee.

BUREAU OF HOME FURNISHINGS AND THERMAL INSULATION

Chief: Gordon Damant
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The Bureau of Home Furnishings and Thermal Insulation (BHF) regulates manufacturers, wholesalers, dealers, upholsterers, retailers, renovators, and sterilizers of furniture and bedding. In addition, the Bureau establishes rules regarding labeling requirements approved by the state Department of Public Health pertaining to furniture and bedding.

To enforce its regulations, the Bureau has access to premises, equipment, materials, and articles of furniture.

The chief or any inspector may open, inspect and analyze the contents of any furniture or bedding and may condemn, withhold from sale, seize or destroy any upholstered furniture or bedding or any filling material found to be in violation of Bureau rules and regulations. The Bureau may also revoke or suspend registration for violation of its rules.

The Bureau is assisted by a thirteen-member Advisory Board consisting of seven public members and six industry representatives.

MAJOR PROJECTS:

Flammability Standards for Furniture in Public Occupancies. On January 5 in Sacramento, the Bureau held a public hearing on proposed higher flammability standards for furniture used in public occupancy buildings. (See CRLR Vol. 9, No. 1 (Winter 1989) pp. 48-49 for background information.) The Bureau's proposed amendments to sections 1374 and 1374.3, Title 4 of the California Code of Regulations (CCR), were supported by virtually all participants, including manufacturers and firefighters. The California Hotel/Motel Association and the California Theater Operators provided the main opposition. Both groups asked for certain exemptions from the proposed regulations and indicated that the cost of compliance could be overly burdensome. At this writing, the proposed regulation package has not yet been formally adopted or submitted to the Office of Administrative Law.

In a related development, two trade associations recently held a press conference to advocate national flammability standards, using the Bureau's proposal as a model. The International Association of Firefighters and the American Furniture Manufacturers Association sponsored the event on March 14 in

Washington, D.C.

Proposed Waterbed Regulations. Also on January 5, the Bureau held a regulatory hearing on proposed amendments to its waterbed regulations (see CRLR Vol. 9, No. 1 (Winter 1989) p. 49 for background information). At this writing, the Bureau is still considering comments made at the hearing, including several recommendations by waterbed manufacturers and an expression of complete support for the proposed changes by the National Waterbed Retailers Association.

Increase in License Fees. The Bureau has drafted regulatory amendments to raise its biennial license fees for the first time since 1983. Revenue from current license fees does not cover operating costs, and Chief Damant believes the increase is necessary to meet the Bureau's rising workload. All of the Bureau's eleven classes of licenses would be affected.

Under the draft amendments to section 1107, Title 4 of the CCR, license fees would be raised roughly 20% to the statutory limits specified in Business and Professions Code sections 19034 and 19170. The new fees would range from \$360 for manufacturers and wholesalers, to \$240 for custom upholsterers, to \$80 for retail furniture dealers. At this writing, a period for public comment on the proposed fee increases has not been scheduled.

New Insulation Regulations To Be Proposed. On January 1, 1985, jurisdiction over the sale of insulation in California passed from the California Energy Commission (CEC) to the Bureau. (See CRLR Vol. 5, No. 1 (Winter 1985) p. 35 for background information.) The Bureau was charged with enforcing CEC's regulations until it adopts its own. At its March 7 meeting, the Advisory Board discussed a draft of regulatory changes which would transfer CEC's regulations to Chapter 3, Title 24 of the State Referenced Standards Code, and amend them to include insulation products not presently covered.

The draft regulations would primarily update existing product standards to reflect the latest testing technology. Newly developed insulating materials such as calcium silicate, flexible cellular plastic, and phenolic insulation would be regulated for the first time. The Bureau believes that most progressive manufacturers of unregulated products have already conducted tests to prove safety and performance to consumers. Testing costs are estimated at \$2,000 per product line. A hearing date for public comment



on the draft regulations has not been established at this writing.

LITIGATION:

In *People v. Delta Enterprise Corp.*, No. 360059 (Sacramento County Superior Court), a final judgment was entered in October 1988. Civil penalties of \$2,500 were assessed against Delta, a New York corporation, in this action enforcing state labeling and flammability requirements. Injunctive relief was also awarded, including an order to comply with a mandatory quality control program. The Bureau was awarded its investigative costs.

RECENT MEETINGS:

At its March 7 meeting in Sacramento, Chief Damant distributed the Governor's 1989-90 proposed budget, which includes funding for three of the six new positions requested by the Bureau. (See CRLR Vol. 8, No. 4 (Fall 1988) p. 57 for background information.) An additional laboratory technician for the Home Furnishings Program and two inspectors for the Insulation Program were tentatively approved. Requests for an administrative assistant to the Bureau chief, a laboratory assistant, and a chemist were denied.

Due to the passage of AB 4007 (Lancaster) in 1988, the Bureau plans to propose amendments to its regulations to change the use of the term "sterilization" to the term "sanitization." The proposed regulations would also eliminate the requirement of using formaldehyde to properly sanitize products. Sanitization is currently achieved using formaldehyde and high-heat sterilizing "ovens". The Bureau is evaluating alternatives to formaldehyde while still using the sterilizing ovens.

FUTURE MEETINGS:

June 13 in San Diego.
September 12 in San Francisco.
December 5 in Los Angeles.

BOARD OF LANDSCAPE ARCHITECTS

Executive Officer: Jeanne Brode
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The Board of Landscape Architects (BLA) licenses those who design landscapes and supervise implementation of design plans. To qualify for a license, an applicant must successfully pass the written exam of the national Council of Landscape Architectural Registration Boards (CLARB), an additional section covering landscape architecture in Cali-

fornia, and an oral examination given by the Board. In addition, an applicant must have the equivalent of six years of landscape architectural experience. This may be a combination of education from a school with a Board-approved program in landscape architecture and field experience.

The Board investigates verified complaints against any landscape architect and prosecutes violations of the Practice Act. The Board also governs the examination of applicants for certificates to practice landscape architecture and establishes criteria for approving schools of landscape architecture.

BLA consists of seven members. One of the members must be a resident of and practice landscape architecture in southern California, and one member must be a resident of and practice landscape architecture in northern California. Three members of the Board must be licensed to practice landscape architecture in the state of California. The other four members are public members and must not be licentiates of the Board. Board members are appointed to four-year terms.

LEGISLATION:

SB 572 (Bergeson) is a Board-sponsored bill which would amend sections 5651, 5661, and 5681 of the Business and Professions Code. (See CRLR Vol. 9, No. 1 (Winter 1989) p. 50 for background information.) Section 5651 currently requires all applicants for BLA licensure to pass both a written and an oral exam. This bill would amend section 5651 to eliminate the oral examination for instate applicants. Questions currently used in the oral exam would instead be included in the written exam. The elimination of this portion of the licensure procedure is expected to save the Board \$2,000 per year.

The legislation would also extend the statute of limitations for filing accusations against landscape architects. Section 5661 requires that all accusations against landscape architects be filed within two years after the act or omission alleged as grounds for disciplinary action. This bill would extend the limitations period to three years after discovery of the act or omission by the Board or within six years after the act or omission, whichever is first.

Section 5681 currently sets forth the Board's fee ceilings. This bill would add a provision authorizing a fee for the approval of schools of landscape architecture. Under current law, the Board is authorized to approve two types of land-

scape architecture schools—four-year programs and two-year programs. The four-year programs are approved by an independent third party on a national level, and these findings are usually accepted by the Board. The Board is empowered to conduct site visits to the two-year institutions for accreditation purposes; however, thus far the Board has lacked the funds to do so. The proposed fees assessed to the schools would help to alleviate budgetary constraints in connection with school approval. SB 572 is pending in the Senate Business and Professions Committee at this writing.

AB 848 (Bentley) would add the services of a landscape architect to the list of professions which may be granted contracts by state and local agencies based upon demonstrated competence qualifications rather than competitive bidding. Existing law contains similar provisions for architectural, engineering, land surveying, and construction management services. This bill is pending in the Assembly Ways and Means Committee.

FUTURE MEETINGS:

To be announced.

BOARD OF MEDICAL QUALITY ASSURANCE

Executive Director: Ken Wagstaff
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BMQA is an administrative agency within the state Department of Consumer Affairs. The Board, which consists of twelve physicians and seven lay persons appointed to four-year terms, is divided into three autonomous divisions: Allied Health, Licensing and Medical Quality.

The purpose of BMQA and its three divisions is to protect the consumer from incompetent, grossly negligent, unlicensed or unethical practitioners; to enforce provisions of the Medical Practice Act (California Business and Professions Code sections 2000 *et seq.*); and to educate healing arts licensees and the public on health quality issues.

The functions of the individual divisions are as follows:

The Division of Allied Health Professions (DAHP) directly regulates five non-physician health occupations and oversees the activities of seven other examining committees which license non-physician certificate holders under the jurisdiction of the Board. The following allied health professionals are subject to the jurisdiction of the Division of Allied