



studies on various issues so it will be able to submit the report required by AB 1834 to the legislature. At BENHA's December 1 meeting, Education Committee Chair Dr. John Colen presented the Board with a report on the Board's continuing education approval process and the administrator-in-training program.

LEGISLATION:

AB 1886 (Quackenbush) would provide that any person who on January 1, 1990, is a hospital administrator of a separate hospital nursing home or a distinct facility for long-term care, and has specified work experience, shall be admitted to the nursing home administrator examination. At this writing, this bill is pending in the Assembly Committee on Aging and Long Term Care.

RECENT MEETINGS:

At its February 17 meeting in San Diego, the Board discussed a proposal by the California Association of Hospitals and Health Systems (CAHHS) for a revision in BENHA's licensing requirements to accommodate administrators operating "distinct part skilled nursing facilities" (*i.e.*, those connected with hospitals). Presently, BENHA licensure of DP/SNF administrators is not required, but a new federal statute regarding licensure of skilled nursing facilities requires each facility to have an administrator licensed by the state, and CAHHS anticipates that this requirement will be applied to DP/SNFs.

CAHHS representatives appeared at the February meeting, proposing (1) a one-time "grandfathering" of all acute administrators who have operational responsibility for DP/SNFs; and (2) a revision in BENHA's regulation specifying the standards which must be met in order to qualify for the nursing home administrator examination. CAHHS' proposal would exempt from the currently required 1,000-hour administrator-in-training (AIT) requirement those who have "three years work experience in planning, coordinating, directing and implementing the operations of an acute care hospital, or one year of work experience in planning, coordinating, directing or implementing the operations of a long-term care facility." CAHHS believes the 1,000-hour AIT program places an unnecessary and undue burden upon those practitioners who meet the educational requirements and have experience in the field.

Board counsel Don Chang opined that the automatic licensure ("grandfathering") of these individuals would require a statutory change, but automatic eligibil-

ity to take the BENHA licensing exam would require only a regulatory change. Chang noted that the regulatory process would take a minimum of six to eight months from start to finish. (*See supra* LEGISLATION for related bill.)

Executive Officer Ray Nikkel also reported the results of examinations administered on December 14, 1988: the state exam pass rate was 44%; and the passage rate on the national exam was 60%.

BENHA is currently seeking a sponsor for its fee bill to raise the statutory ceiling on its licensing fees. The Board's single biggest expense was said to be Attorney General fees.

The Board also approved as policy the granting of continuing education credits (up to a total of two hours) for licensees who attend Board meetings. Board members who are also licensees will be exempt from this credit, to avoid the appearance of a conflict of interest.

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.

MAJOR PROJECTS:

Regulatory Changes. The Office of Administrative Law (OAL) has approved the Board's resubmitted rulemaking package. (*See CRLR Vol. 9, No. 1 (Winter 1989) p. 59 and Vol. 8, No. 3 (Summer 1988) p. 72 for further information.*) The approved regulatory changes include the addition of new sections—section 1526 (CPR requirement) and section 1565 (requiring specified information to be included in optometric prescriptions). Also approved in this package were amendments to sections 1530, 1531, 1532, 1533, and 1535 of Chapter 15, Title 16 of the California Code of Regulations. (*See CRLR Vol. 8, No. 4 (Fall 1988) pp. 67-68 for background information.*)

Other Regulatory Changes. After a public hearing in December on the modified versions of new section 1533.1 (examination appeals) and amended section 1561 (topical pharmaceutical agents usage), the Board determined that these amendments would overlap with proposed amendments in the regulatory package which was then pending before the OAL. The Board tabled these amendments and will take them up again now that the regulatory package has been approved. (*See CRLR Vol. 8, No. 4 (Fall 1988) p. 68 and Vol. 8, No. 3 (Summer 1988) p. 72 for background information.*)

The Board is currently revising language for an amendment to section 1510 which pertains to informed consent, and a new section 1570 which defines contact lenses for prescription purposes. (*See CRLR Vol. 9, No. 1 (Winter 1989) p. 59 for further information.*)

LEGISLATION:

Anticipated Legislation. The Department of Consumer Affairs has decided not to sponsor the Board's proposed legislation to ban the use of fictitious names, and the Board will not pursue this bill.

SB 1104 (Roberti) would extend until January 1, 1992, the Board's authority to refuse to honor a doctor of optometry degree awarded by a foreign university if the Board finds the school's instruction is not equivalent to that required in the United States. *SB 1237 (Roberti)* (Chapter 1473, Statutes of 1987) eliminated such authority commencing January 1, 1991.

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