



# REGULATORY AGENCY ACTION

## BOARD OF REGISTERED NURSING

*Executive Officer: Catherine Puri*  
(916) 322-3350

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:

*Nursing Shortage Advisory Committee.* The Board is in the process of seeking members for the committee which will conduct the nursing shortage study mandated by SB 2755 (Royce) (Chapter 1321, Statutes of 1988). (See CRLR Vol. 9, No. 1 (Winter 1989) p. 63 and Vol. 8, No. 4 (Fall 1988) p. 73 for background information.) The BRN has sent letters to a number of specific organizations seeking committee nominations. The application filing deadline was January 10. Nominees have been forwarded to the BRN's Administrative Committee for a decision regarding appointments to the Advisory Committee.

*Review of Nurse Support Groups and Facilitators.* The BRN recently approved a revised process to review nurse support groups and facilitators who provide counseling for chemical dependency. Rather than formally approving of support groups and facilitators, the BRN Diversion Program will review the application to determine whether the facilitator or support group meets the minimum requirements established by the Board. Each BRN Diversion Evaluation Committee (DEC) will be provided with a list of groups and facilitators who meet the minimum criteria. DEC's are then responsible for reviewing and designating treatment facilities for registered nurses. Each DEC may designate to which group a Diversion Program nurse will be referred.

The BRN recently adopted the conclusions of a committee established to define the role of support groups and

facilitators. The BRN also adopted refined criteria for diversion program groups and facilitators, including the possession of a current RN license, demonstrated expertise in the field of chemical dependency, and a minimum of six months experience as a group facilitator.

### LEGISLATION:

*AB 395 (Felando)* would require all hemodialysis technicians, vocational nurses, and registered nurses who provide services to dialysis patients in a patient's home to be held to the same requirements as when they provide health care services to dialysis patients in a dialysis clinic. The bill is pending in the Assembly Health Committee.

*AB 638 (Quackenbush)* would increase the membership of the BRN from nine to eleven members. The Board would be comprised of three public members, four registered nurses active in direct patient care, two registered nurses active as educators and administrators of a nurse training program, one registered nurse who is an administrator of a nursing service with at least five years of continuous experience, and one physician. This bill is pending in the Assembly Health Committee.

*SB 576 (Maddy)* would provide that nursing students who agree to work in a county health facility would be eligible to participate in the Registered Nurse Education Program. Current law limits eligibility to students from a demographically underrepresented group or students who agree to serve in a health manpower shortage area upon graduation. SB 576 is pending in the Senate Appropriations Committee.

*SB 368 (Torres)* would redefine nursing hours as the number of hours of work performed per patient day by aides, nursing assistants, orderlies, registered nurses, or licensed vocational nurses, and would require the Department of Health Services to adopt regulations to take effect January 1, 1991, to reflect that change. This bill would also require an increase in Medi-Cal funding for affected facilities to reflect the increase in staff levels. SB 368 is currently pending in the Senate Health and Human Services Committee.

### LITIGATION:

An Orange County Superior Court judge has issued an order prohibiting registered nurse Abigail H. Odam of Del Mar from performing home births until the Board had reached a decision concerning accusations against Odam's license. Odam has been charged by state

officials in six cases, including one infant death. Odam is accused of maintaining an unsanitary practice, failing to call more highly trained personnel when birthing problems arose, and overbilling insurance plans for fees.

### RECENT MEETINGS:

At the January 19-20 meeting in Los Angeles, member Patricia Hunter was elected BRN President.

### FUTURE MEETINGS:

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:

*Disciplinary Guidelines.* The Board recently approved the latest version of the disciplinary guidelines submitted by the Disciplinary Guidelines Committee, which will be used by the Board when considering disciplinary matters. Sections 8016-8025 of the Business and Professions Code specify the offenses for which the Board may take disciplinary action. The guidelines provide a range of penalties for each section of the code which is found to be violated. The Board hopes that the guidelines will foster uniformity of penalties and ensure that licensees and registrants understand the consequences of violating applicable Code provisions.

*Citation and Fine Program.* The progress of the Board's citation and fine regulations has been delayed due to the resignation of staff counsel Barbara King. Her replacement, Steven Martini, will complete the drafting of language to present to the Office of Administrative Law (OAL). (See CRLR Vol. 8, No. 4 (Fall 1988) p. 73 and Vol. 8, No. 3 (Summer 1988) p. 79 for background information.)



**Education Committee.** At the Board's February 18 meeting, the Education Committee reported that minor changes in school curricula would be appropriate. Committee members suggested that class descriptions be clarified and that the requirement for a certain number of machine hours be eliminated. The Education Committee was formed to draft guidelines to be considered by the Board in determining whether a school should be granted or retain Board certification. The Committee was scheduled to present its guidelines at the May meeting for Board approval. (See CRLR Vol. 9, No. 1 (Winter 1989) p. 64 for background information.)

**School Visitations.** The Board continues to conduct site visits to observe programs leading to the certification of shorthand reporters. After visits to Condi Junior College in Campbell, Career-Com College of Business in Bakersfield, and Vista del Mar School of Court Reporting in Fresno, the Visiting Committee requested more information on each program's curriculum and staff. BCSR Executive Officer Richard Black visited the Academy of Stenographic Arts in San Francisco to observe the school's transition of ownership.

**Videotape Project.** At the February 18 meeting, shorthand reporter Joseph Weitzen reported on the videotape project. The Board had considered replacing the readers of the dictation section of the examination with standard videotapes to help regulate the speed of dictation, and ensure that all examinees work under similar conditions. However, Mr. Weitzen reported that the results of the test videotapes given to examinees as practice before the examination had no significant advantage over the traditional reader. Production of the videotapes would be costly, and a new videotape would have to be produced for each examination. Since the Board has not received many complaints about the readers, the videotape project has been set aside for further thought.

## LEGISLATION:

**AB 459 (Frizzelle)** would allow any licensee of any board governed under the Business and Professions Code to have their license renewed after expiration without reexamination, so long as continuing education requirements have been fulfilled and the appropriate fees have been paid. This bill is pending in the Assembly Committee on Government Efficiency and Consumer Protection.

**SB 1186 (Stirling)** would provide, notwithstanding any other provisions of

law, that an appellate court shall grant an extension of time for the preparation of a reporter's transcript in civil appeals to that court. This bill is pending in the Senate Judiciary Committee.

**SB 1411 (Mello)** would add Santa Cruz County to a demonstration project in designated counties to assess the costs, benefits, and acceptability of using audio and video recording instead of the record prepared by a court reporter, except in criminal or juvenile proceedings. This bill is pending in the Senate Judiciary Committee.

## FUTURE MEETINGS:

June 24 in San Diego.

August 26 in San Francisco.

November 10-11 in Los Angeles.

December 16 in Berkeley.

## STRUCTURAL PEST CONTROL BOARD

**Registrar: Mary Lynn Ferreira**  
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The Structural Pest Control Board (SPCB) is a seven-member board functioning within the Department of Consumer Affairs. The SPCB is comprised of four public and three industry representatives.

The SPCB licenses structural pest control operators and their field representatives. Field representatives are allowed to work only for licensed operators and are limited to soliciting business for that operator. Each structural pest control firm is required to have at least one licensed operator, regardless of the number of branches the firm operates. A licensed field representative may also hold an operator's license.

Licenses are classified as: (1) Branch 1, Fumigation, the control of household and wood-destroying pests by fumigants (tenting); (2) Branch 2, General Pest, the control of general pests without fumigants; or (3) Branch 3, Termite, the control of wood-destroying organisms with insecticides, but not with the use of fumigants, and including authority to perform structural repairs and corrections. An operator may be licensed in all three branches, but will usually specialize in one branch and subcontract out to other firms.

SPCB also issues applicator certificates. These otherwise unlicensed individuals, employed by licensees, are required to take a written exam on pesticide equipment, formulation, application and label directions if they apply pesti-

cides. Such certificates are not transferable from one company to another.

At the Board's February 25 meeting, Theodora Poloynis-Engen began a new term as a member of the Structural Pest Control Board. She is an attorney and a partner in the Pasadena law firm of Engen and Kirkpatrick. She was appointed by the Senate Rules Committee.

## MAJOR PROJECTS:

**Proposed Regulatory Changes.** On February 25, the SPCB held a public hearing in Universal City regarding numerous proposed changes to Chapter 19, Title 16 of the California Code of Regulations (CCR). (See CRLR Vol. 9, No. 1 (Winter 1989) pp. 64-65 for detailed background information.) Most of the discussion during the hearing centered on the proposed amendment of section 1991(a)(8), which would replace the scientific names for pests with their common names. Additionally, the amendment would incorporate by reference section 2-2516(c)(1), (2), (4), (6), and (13), Title 24 of the CCR, so as to be able to enforce against Board licensees the code's general construction requirements.

Other proposed changes addressed during the hearing included a requirement that qualifying managers or designated license operators who certify the training, experience, and employment of an applicant must be licensed in the branch(es) for which they are certifying experience; the establishment of minimum quality criteria for Board-approved courses and course instructors; and required evaluation of continuing education courses. All proposed changes were adopted by the Board as noticed.

The SPCB has also expressed its intent to amend section 1970.4, Title 16 of the CCR, to require that the pesticide notification language of section 8538 of the Business and Professions Code become a permanent part of the Occupant Pesticide Notice. Under section 8538, the structural pest control operator is required to provide the owner and tenant of the premises with "clear written notice" of the fumigation procedure. The notice is required to include an explanation of the pest to be controlled; the proposed pesticide to be used, including active ingredients; and a caution that toxic chemicals are being applied. The notice must also include an extensive warning about health risks and instructions in case of illness.

The Board was also presented with a draft "Specific Notice" pertaining to the same subject. The notice would require a licensee to be present whenever "aera-