



seven public members and six industry representatives.

MAJOR PROJECTS:

Future Rulemaking. At this writing, the Bureau has not yet scheduled public comment periods or hearing dates for proposed regulatory changes to increase its biennial license fees and to revise standards for insulation products. (See CRLR Vol. 9, No. 2 (Spring 1989) pp. 58-59 for background information.)

FUTURE MEETINGS:

September 12 in San Francisco.
December 5 in Los Angeles.

BOARD OF LANDSCAPE ARCHITECTS

Executive Officer: Jeanne Brode (916) 445-4954

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 California, 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.

MAJOR PROJECTS:

Regulatory Package Rejected in Part.

On December 30, 1988, the Board adopted regulatory changes which were submitted to the Office of Administrative Law (OAL) for review. (See CRLR Vol. 9, No. 1 (Winter 1989) pp. 49-50 for background information.) OAL recently approved the Board's proposed amendment to section 2649, Chapter 26, Title 16 of the California Code of Regulations, which increases examination application fees, biennial renewal fees, and adds a fee for original certificates.

However, OAL disapproved the proposed addition of sections 2612 and 2613, which would have established standards for BLA's compliance with the Permit Reform Act of 1982. These sections were rejected because they failed to meet the requisite necessity and clarity standards in Government Code section 11349.1.

The Permit Reform Act (Government Code section 15374 *et seq.*) requires state agencies which issue permits to provide certain information regarding the processing time for permit applications. The Act directs agencies to specify the amount of time within which the applicant is to be notified of the status of the application and within which the agency must make a permit decision. The agency must set out its median, minimum, and maximum time requirements based upon the previous two years' performance, and must justify these proposed time periods in a rulemaking file to be submitted to OAL.

Sections 2612 and 2613 would have allowed BLA sixty days in which to notify the applicant of the sufficiency of his/her application and 425 days to reach a final decision on whether to issue a permit. The necessity of these lengthy time periods, however, was not substantiated by the rulemaking file submitted to OAL and they were therefore denied.

In addition, OAL rejected the proposals because they lacked clarity. The way in which the proposals were written made it impossible for persons directly affected by the changes to easily understand the time periods at issue. For example, the term "application" could mean the application for authorization to take the written exam, the taking of the written exam, the taking of the oral exam, or the application for the original certificate.

Examination Committee Report. Last December, BLA formed an Examination Committee chaired by Paul Saito to research the current Uniform National Examination (UNE) and to make recommendations to the BLA on needed changes. (See CRLR Vol. 9, No. 1 (Winter 1989) p. 49 and Vol. 8, No. 1 (Winter 1988) p.

57 for background information.)

The Board is concerned that the UNE is unnecessarily long and does not adequately measure occupational knowledge and skill. Currently, the UNE is made up of five sections: Professional Practice, Design, Design Application, Design Implementation, and Grading. The format varies from objective to performance-style questions.

The Committee intends to conduct an occupational analysis, determine whether a shorter examination could adequately test knowledge and skills, and develop an intern development program. The goal is to design an examination which tests both a minimal level of competence and the extent to which the candidate applies and understands the principles of design.

Through its studies to date, the Committee has concluded that the UNE format does not follow the normal sequence of design procedure found in landscape architectural practice and that the exam itself tests for drafting ability and endurance rather than content. Recommendations include combining performance problems, shortening the overall examination, redrafting the questions to make them more job-related, and standardizing the test by creating a pool of approximately 300 questions from which 150 questions would be asked each year. Furthermore, the questions in this pool should deal only with issues of health, safety, and welfare, California laws and codes, and knowledge, skills, and abilities needed to practice landscape architecture. Questions regarding insurance, permit processes, mechanic lien laws, liquidated damages clauses, irrigation, and Title 24 should be added to the pool.

In view of Mr. Saito's report, BLA decided at its April 7 meeting to write a letter to CLARB indicating the need for an occupational analysis in defense of the current UNE by June 1. Copies of the letter would also be sent to each state which licenses landscape architects, along with a request to discuss alternatives to the national exam in the event that CLARB ignores this initiative. A vote taken in anticipation of CLARB's failure to respond indicates that a majority of the Board members would not support seceding from CLARB.

Review and Appeal of Examinations. In an effort to clarify both the review and appeals process for examinations, the Board considered several recommendations offered by its Appeals Committee at the April meeting. First, a pretest handout should be drafted to inform candidates of the expectations, proced-



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ures, and evaluation process of the Board in holding exams and allowing review and appeal.

Second, those qualified to appeal an examination score should be limited to those who failed the test by a specific number of points or less. Appeals should be scheduled by appointment and a fee may be charged. Anyone wishing to review their exam rather than appeal should be allowed to do so without charge.

It was also recommended that an appeals committee be formed from the pool of examination commissioners who evaluate the exam and that they receive a per diem fee of \$100. Each of these suggestions would require either a regulatory or legislative change to become effective.

LEGISLATION:

SB 1676 (Dills) would repeal section 5645 of the Business and Professions Code, which exempts irrigation consultants from the licensing and regulation requirements that govern landscape architecture. This bill, sponsored by irrigation consultants, provides for the licensing and regulation of irrigation consultants by the BLA. The BLA would be required to appoint an advisory committee to assist and advise it on matters relating to the examination, licensing, and regulation of irrigation consultants. (See CRLR Vol. 8, No. 4 (Fall 1988) p. 58 for background information on this issue.)

SB 1676 would establish the qualifications and fees for licensure, and for the licensure of persons currently engaged in the practice of irrigation consulting. Persons who subsequently fail to become licensed yet engage in irrigation consulting or hold themselves out as a consultant would be guilty of a misdemeanor. *SB 1676* has become a two-year bill.

The following is a status update on bills reported in detail in CRLR Vol. 9, No. 2 (Spring 1989) at page 59:

SB 572 (Bergeson), which would eliminate the oral examination for instate applicants and extend the statute of limitations for filing accusations against landscape architects, passed the Senate on May 4 and is pending in the Assembly Ways and Means Committee.

AB 848 (Bentley), which would have added services of landscape architects to the list of professions which may be granted contracts by state and local agencies based on demonstrated competence and professional qualifications rather than competitive bidding, failed in the Assembly Ways and Means Committee on May 10.

RECENT MEETINGS:

In an effort to save money, the Board held its April 7 meeting in Sacramento at the Department of Consumer Affairs (DCA). At that meeting, DCA budget analyst Susan Andreani presented an overview of the Board's budget. Over the past nine months, the Board has been cutting back on expenses to alleviate a deficit due in part to cash flow problems caused by the way in which it collects licensing renewal fees. The Board plans to initiate a process of cyclical renewal, under which licensees would submit their fees at different intervals throughout the year rather than all at the same time, as currently occurs. This would create a reserve padding for the Board and would even out the cash flow. However, until this new system goes into effect, the Board will likely have to apply for a loan from the general fund.

Also at its April meeting, the Board's Education Committee reported on its efforts to clarify the eligibility and job experience requirements provided for in section 2620 of the Business and Professions Code. Once complete, the Committee's recommendations will be considered as proposed regulatory changes.

Robert Willhite, a registered professional forester from the Board of Forestry (BOF), attended the April meeting in order to discuss with BLA the possible need to clarify the respective jurisdictions of the BLA and BOF. Urban expansion has resulted in previously unanticipated problems with regard to the overlap of jurisdiction between agencies. This effort is merely to clarify the boundaries now in order to avoid any conflict in the future.

Also at the April meeting, Robert Hablitzel was reelected to his position as BLA president.

FUTURE MEETINGS:

To be announced.

BOARD OF MEDICAL QUALITY ASSURANCE

Executive Director: Ken Wagstaff
(916) 920-6393

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 Health: acupuncturists, audiologists, drugless practitioners, hearing aid dispensers, lay midwives, medical assistants, physical therapists, physical therapist assistants, physician's assistants, podiatrists, psychologists, psychological assistants, registered dispensing opticians, research psychoanalysts and speech pathologists.

The Division of Medical Quality (DMQ) reviews the quality of medical practice carried out by physicians and surgeons. This responsibility includes enforcing the disciplinary and criminal provisions of the Medical Practice Act. The division operates in conjunction with fourteen Medical Quality Review Committees (MQRC) established on a geographic basis throughout the state. Committee members are physicians, allied health professionals and lay persons appointed to investigate matters assigned by the Division of Medical Quality, hear disciplinary charges against physicians and receive input from consumers and health care providers in the community.

Responsibilities of the Division of Licensing (DOL) include issuing licenses and certificates under the Board's jurisdiction, administering the Board's continuing medical education program, suspending, revoking or limiting licenses upon order of the Division of Medical Quality, approving undergraduate and graduate medical education programs for physicians, and developing and administering physician and surgeon examinations.

BMQA's three divisions meet together approximately four times per year, in Los Angeles, San Diego, San Francisco and Sacramento. Individual divisions and subcommittees also hold additional separate meetings as the need arises.

MAJOR PROJECTS:

Physician Discipline System Under Attack. At a special May meeting and