



the PEC voted to adopt accommodation procedures for disadvantaged licensure examination candidates. If proper notice supported by medical verification is given by the candidate, reasonable accommodations shall be made. Accommodations would include a reader, extra exam time, Braille tests, interpreters, or other appropriate measures. The policy will be adopted on a trial basis and later reviewed by the PEC.

FUTURE MEETINGS:

September 15-16 in San Diego.
November 3-4 in Monterey.

SPEECH PATHOLOGY AND AUDIOLOGY EXAMINING COMMITTEE

Executive Officer: Carol Richards
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The Board of Medical Quality Assurance's Speech Pathology and Audiology Examining Committee (SPAEC) consists of nine members: three speech pathologists, three audiologists and three public members (one of whom is a physician).

The Committee registers speech pathology and audiology aides and examines applicants for licensure. The Committee hears all matters assigned to it by the Board, including, but not limited to, any contested case or any petition for reinstatement, restoration, or modification of probation. Decisions of the Committee are forwarded to the Board for final adoption.

MAJOR PROJECTS:

Speech Pathology and Audiology Aide Regulations. Modifications to regulatory sections 1399.170, 1399.171, 1399.172, 1399.174, 1399.175 and 1399.176 were approved by the Committee during its April 7 meeting. (See CRLR Vol. 9, No. 2 (Spring 1989) p. 68; Vol. 9, No. 1 (Winter 1989) p. 58; and Vol. 8, No. 4 (Fall 1988) p. 66 for background information.) Rejected by the Office of Administrative Law (OAL) on January 23, the regulations were modified to comply with OAL's clarity, consistency, and authority standards.

The modified changes will now be resubmitted to OAL for approval. The new regulations will impose stricter requirements regarding registration, supervision, and training programs for speech pathology and audiology aides.

Planned Regulations on Penalties for Violations. A subcommittee consisting of SPAEC members Betty Williams,

Jackie Graham, and Ellen Rosenblum-Mosher is currently assembling a proposed draft of new regulations creating penalties for violations of the licensure act and regulations which govern the practice of speech pathologists and audiologists. (See CRLR Vol. 9, No. 2 (Spring 1989) p. 68 for background information.) The Committee was scheduled to discuss the proposed regulations at its July meeting.

LEGISLATION:

AB 459 (Frizzelle) would provide that any license issued by any agency within the Department of Consumer Affairs may be renewed at any time after its expiration without limitation as to time, and without requirement of re-examination. SPAEC currently requires a new license to be obtained if a person fails to renew his/her license within five years after its expiration. The Committee is opposed to this bill, which is currently a two-year bill pending in the Assembly Committee on Governmental Efficiency and Consumer Protection.

AB 1245 (Floyd) would have provided for the licensing and regulation of persons engaged in the practice of occupational therapy by the Occupational Therapy Board and the Division of Allied Health Professions of the Board of Medical Quality Assurance. Currently, occupational therapists must meet certain qualifications but are not licensed. This bill was defeated in the Assembly Health Committee on May 9.

SB 1324 (Rosenthal) would require out-of-state applicants for a hearing aid dispenser's license to hold a license from another state, which license has not been subject to formal disciplinary action by another licensing authority, and the applicant must have been engaged in the fitting and sale of hearing aids for two years prior to application. At its April meeting, the Committee voted to support this bill, which passed the Senate on May 26 and is pending in the Assembly Health Committee.

RECENT MEETINGS:

During the Committee's April 7 meeting in Sacramento, newly elected SPAEC Chair Gail Hubbard addressed some of the Committee's goals for 1989-90. Several subcommittees have been appointed by Ms. Hubbard to focus on various areas including teacher credentialing, continuing education, and the conflicts between industrial safety regulations and licensing procedures. Ms. Hubbard also discussed plans to address the need for alternative services in rural areas where

speech pathologists and audiologists are not available.

During the same meeting, Executive Officer Carol Richards reported that SPAEC's 1989-90 budget had been approved by a Senate budget subcommittee. Ms. Richards also voiced concern about aides working subsequent to application denial or pending a Committee request for additional information. The Committee decided that in cases where additional information is requested and not submitted within a reasonable period of time, a cease and desist letter will be sent to the applicant.

Also appearing at the April 7 meeting was Margaret McNally, Executive Officer of the Hearing Aid Dispensers Examining Committee. Ms. McNally explained SB 1324 to SPAEC members (*see supra* LEGISLATION). After considering Ms. McNally's presentation, the Committee voted to support the bill.

FUTURE MEETINGS:

September 8 in San Jose.
November 10 in San Diego.

BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

Executive Officer: Ray F. Nikkel
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The Board of Examiners of Nursing Home Administrators (BENHA) develops, imposes, and enforces standards for individuals desiring to receive and maintain a license as a nursing home administrator. The Board may revoke or suspend a license after an administrative hearing on findings of gross negligence, incompetence relevant to performance in the trade, fraud or deception in applying for a license, treating any mental or physical condition without a license, or violation of any rules adopted by the Board. Board committees include the Administrative, Disciplinary, and Education, Training and Examination Committees.

The Board consists of nine members. Four of the Board members must be actively engaged in the administration of nursing homes at the time of their appointment. Of these, two licensee members must be from proprietary nursing homes; two others must come from nonprofit, charitable nursing homes. Five Board members must represent the general public. One of the five public members is required to be actively engaged in the practice of medicine; a



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second public member must be an educator in health care administration. Seven of the nine members of the Board are appointed by the Governor. The Speaker of the Assembly and the Senate Rules Committee each appoint one member. A member may serve for no more than two consecutive terms.

MAJOR PROJECTS:

Implementation of AB 1834. In compliance with AB 1834 (Connelly), BENHA recently released its report to the legislature, which outlines the policies and procedures for implementation of its disciplinary process. BENHA had previously reviewed, revised, and formally adopted these policies and procedures at its June 1988 meeting. (See CRLR Vol. 8, No. 4 (Fall 1988) p. 67 for detailed background information.) The report also states that BENHA entered into an agreement with the State Department of Health Services (DHS), under which DHS provides BENHA with copies of enforcement actions initiated against facilities including facility license revocation actions, final involuntary decertifications from the Medicare/Medi-Cal programs, and all class "AA" and "A" citations issued after July 1, 1988. In return, BENHA provides DHS with a monthly list of all changes of facility administrators reported to the Board, as well as a list of all nursing home administrators who have had their licenses revoked, suspended, or have been placed on probation during the last three years.

The report further states that BENHA has instituted procedures to set up internal files to track each administrator receiving citations. Based upon review of these files, administrators with a pattern of poor performance will be the subject of remedial and/or formal disciplinary action.

The report states that if implementation of AB 1834 is to continue, BENHA will need to increase its fees by July 1, 1992. The report estimates that fees would need to be raised to approximately \$225 from the current \$190. This change would constitute a 13% increase and would carry BENHA through to the 1996-97 fiscal year.

LEGISLATION:

AB 2323 (Hannigan). Under existing law, administrators of residential care facilities for the elderly (RCFE) are not required to be certified or have any specific educational or training experience. This bill would require the Department of Social Services (DSS) to conduct a study to determine the appropriate

state administrative structure to certify RCFE administrators and to establish a minimum standard of education and training requirements for RCFE personnel. This bill would require DSS to create an advisory committee for the purposes of this study, including representatives from BENHA, various public agencies, consumer groups, and RCFEs. This bill passed the Assembly on June 27 and is pending in the Senate Committee on Health and Human Services at this writing.

SB 1166 (Mello) is a companion bill to AB 2323. This bill would enact the Residential Care Facilities for the Elderly Reform Act of 1989. Existing law requires RCFE administrators to attend a one-day orientation given by DSS. This bill would, commencing January 1, 1991, instead require that the applicant demonstrate that he/she has successfully completed an approved certification program involving a minimum of forty hours of class instruction, among other things. This bill passed the Senate on June 23 and is pending in the Assembly Committee on Aging and Long-Term Care at this writing.

Following is a status update on legislation reported in detail in CRLR Vol. 9, No. 2 (Spring 1989) at page 67:

AB 1886 (Quackenbush), as amended May 16, would provide that until January 1, 1991, any person who has been directly responsible for planning, coordinating, directing, and implementing the patient care, physical plant, and fiscal administration of a distinct part skilled nursing facility of an acute care hospital in California for one year immediately preceding his/her application for a nursing home administrator's license and who applies on or before July 1, 1990, shall be required to take the next scheduled nursing home administrator examination as a condition of licensure. This bill passed the Assembly on June 16 and is pending in the Senate Committee on Health and Human Services at this writing.

RECENT MEETINGS:

At its March 30 meeting in Sacramento, BENHA's Education Committee heard comments from representatives of the California Association of Hospitals and Health Systems (CAHHS). CAHHS anticipates that due to new federal requirements, hospital-based distinct part skilled nursing facilities (DP/SNFs) will be required to have on staff an administrator licensed by the state. (See CRLR Vol. 9, No. 2 (Spring 1989) p. 69 for background information.) In order for

present DP/SNF administrators to avoid completing BENHA's administrator-in-training (AIT) program required of all applicants, CAHHS has proposed alternative statutory language in the form of AB 1886 (Quackenbush) (see *supra* LEGISLATION), as well as proposed amendments to BENHA's regulations. CAHHS representatives stated that the proposed language requires specified work experience in a DP/SNF of a California acute care hospital, which sufficiently qualifies a person to sit for BENHA's examination. A CAHHS representative has stated that to require DP/SNF administrators to complete the AIT program would be impractical for hospitals, and unnecessary to assure that hospitals continue to provide a high standard of care to skilled nursing facilities. After hearing the comments, the Education Committee stated that it would present the material to the full Board at its April 18 meeting.

At its April 18 meeting, BENHA addressed CAHHS' proposals. After considerable discussion, the Board agreed to support the adoption of the proposed amendment by way of legislation rather than via regulation change.

The results of the March 15 exam disclosed passage rates of 41% on the state exam, and 49% on the national exam.

FUTURE MEETINGS:

To be announced.

BOARD OF OPTOMETRY

*Executive Officer: Karen Ollinger
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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:

Foreign Graduates. For the past several months, the Board has been grappling with the issue of determining the eligibility of graduates of foreign optometry schools to take the state licensing examination. Section 3057.5 of the Business and Professions Code provides that