



REGULATORY AGENCY ACTION

The Board also amended section 2015.2, to require applicants to pass all sections of the licensing exam within a 63-month period, and to establish a procedure to grant conditional examination credit to applicants who have passed the National Board exam and/or the clinical competency test in another jurisdiction.

The Board also adopted new section 2015.2, which allows applicants who passed the written exam at a time when it consisted solely of the National Board exam to have three subsequent examinations in which to pass the practical exam during the five-year period following their initial failure to pass the practical exam.

The Board amended subsections (a) and (b) of section 2070 to provide that the application fees for sections one and two of the written exam are \$100 and \$80, respectively. The Board also adopted amendments to sections 2024 (regarding remedial training for graduates of foreign veterinary schools) and 2025 (to require foreign veterinary graduates to obtain, among other things, a passing score on a test of written English, and to successfully complete either a twelve-month internship at an accredited veterinary college or pass a clinical proficiency examination).

Finally, the Board adopted new section 2025.2, to provide a transitional licensure program for foreign graduates who entered, prior to May 1, 1987, a twelve-month evaluated clinical experience at an approved site.

At this writing, OAL is currently reviewing these changes.

LEGISLATION:

AB 786 (Polanco) would require a retail pet dealer, as a condition of selling a dog or cat and at intervals of fourteen days until the dog or cat is sold, to provide for an examination by a licensed veterinarian and maintain a record of the veterinary services for that animal. This bill would specify conditions for replacement or a full refund if the animal dies within fourteen days of the sale and if the illness or condition causing death existed at the time of the sale. At this writing, AB 786 is pending in the Assembly Committee on Governmental Efficiency and Consumer Protection.

AB 916 (Kelley) would amend the Business and Professions Code to state that a person practices veterinary medicine if he/she provides consultative veterinary services to more than one privately held animal-owning client. Current law allows out-of-state vets to consult within California; this bill would end that exemption. This bill is pending in

the Assembly Agriculture Committee.

AB 1081 (Allen) would exempt oxygen and nitrous oxide as kept and used by certain health professionals, including veterinarians, from existing law requiring any business which handles hazardous materials to adopt a business plan for the response to their release, and to annually submit an inventory to the local administering agency. This bill is pending in the Senate Committee on Toxics and Public Safety Management.

AB 1842 (Speier), as amended May 8, would authorize a veterinarian who finds an injured dog or cat without its owner in a public place and treats it so that it recovers from its injuries to keep the animal for purposes of adoption, provided the responsible animal control agency has been first contacted and has refused to take possession of the animal. This bill is pending in the Senate Appropriations Committee.

SB 428 (Torres) would define vicious and potentially dangerous dogs and would provide for the regulation and licensing of these animals. (See CRLR Vol. 9, No. 2 (Spring 1989) pp. 77-78 for more information.) This bill passed the Senate and is currently pending in the Assembly Ways and Means Committee.

RECENT MEETINGS:

At its March 16 and May 4 meetings, BEVM again reviewed the issue of whether the implantation of a microchip into an animal for identification purposes constitutes the practice of veterinary medicine. (See CRLR Vol. 9, No. 2 (Spring 1989) p. 78 for background information.) For the past two years, BEVM has asserted that this procedure is under the Board's jurisdiction because it requires the use of a twelve-gauge needle and is thus surgery.

The Board recently received a request from InfoPet Company asking that BEVM reconsider its position. Specifically, InfoPet inquires whether an unsupervised AHT is allowed to perform this procedure. The Board has stated that it will reevaluate its position if evidence is presented which suggests the procedure is not surgery. At its May meeting, the Board asked DCA legal counsel Don Chang to investigate whether this procedure fits into any existing practice exemption. At this writing, InfoPet has not yet submitted any new information to the Board.

FUTURE MEETINGS:

October 12-13 in Santa Clara.

BOARD OF VOCATIONAL NURSE AND PSYCHIATRIC TECHNICIAN EXAMINERS

Executive Officer: Billie Haynes (916) 445-0793

This agency regulates two professions: vocational nurses and psychiatric technicians. Its general purpose is to administer and enforce the provisions of Chapters 6.5 and 10, Division 2, of the Business and Professions Code. A licensed practitioner is referred to as either an "LVN" or a "psych tech."

The Board consists of five public members, three LVNs, two psych techs, and one LVN with an administrative or teaching background. At least one of the Board's LVNs must have had at least three years' experience working in skilled nursing facilities.

The Board's authority vests under the Department of Consumer Affairs as an arm of the executive branch. It licenses prospective practitioners, conducts and sets standards for licensing examinations, and has the authority to grant adjudicatory hearings. Certain provisions allow the Board to revoke or reinstate licenses. The Board currently licenses approximately 68,000 LVNs and 14,000 psychiatric technicians.

Current Board members include Kathleen Fazzini Barr, LVN (President), Deloyce Arrington, LVN (Vice-President), Gwendolyn Hinchey, RN, Bruce Hines, PT, Kenneth G. Audibert, PT, and public members E. Charles Connor, Betty Fenton, Patricia A. Lang, Helen Lee, and Manuel Val.

MAJOR PROJECTS:

Fee Increase Regulation. The Board was scheduled to hold a July 14 public hearing on its proposal to amend section 2537, Chapter 25, Title 16 of the California Code of Regulations (CCR). The amendment would increase the Board's licensure application fee to \$50, its biennial renewal fee to \$50, and establish an initial license fee of \$50. Other fees set forth in section 2537 would remain the same.

OAL Approves Regulatory Changes. On April 12, the Office of Administrative Law approved the Board's proposal to amend numerous provisions of its regulations in Chapter 25, Title 16 of the CCR. These amendments affect qualifications of faculty at Board-approved schools of vocational nursing and PT programs; the course content in vocational nursing and PT curricula; and the establishment of a reexamination fee for PTs. (See CRLR Vol. 9, No. 2 (Spring



1989) p. 78 and Vol. 9, No. 1 (Winter 1989) p. 67 for detailed background information on these changes.)

Future Roles of LVNs and PTs. The Board's Education/Practice Subcommittee on the Future Roles of the Licensed Vocational Nurse and Psychiatric Technician is continuing its review of proposals made by the Board at its November 1988 meeting. (See CRLR Vol. 9, No. 2 (Spring 1989) p. 78 and Vol. 9, No. 1 (Winter 1989) p. 67 for background information.)

LEGISLATION:

SB 368 (Torres). Existing law defines nursing hours as the number of hours of work performed per patient day by aides, nursing assistants, or orderlies, plus two times the number of hours worked per patient day by RNs and LVNs. This bill would instead define nursing hours as the number of hours of work performed per patient day by aides, nursing assistants, orderlies, RNs, or LVNs. This bill would also require an increase in the Medi-Cal reimbursement rate for facilities affected by this act in staffing levels and would specify the method of establishing the increase. SB 368 is pending in the Senate Appropriations Committee at this writing.

SB 576 (Maddy). Persons partici-

pating in the Registered Nurse Education Program are required to either be from demographically underrepresented groups or persons who agree in writing prior to graduation to serve in a health manpower shortage area. This bill would add that persons who agree in writing prior to graduation to serve in an eligible county health facility would also be eligible to participate in the Program. This bill passed the Senate on May 18 and is pending in the Assembly Health Committee.

The following is a status update of bills reported in detail in CRLR Vol. 9, No. 2 (Spring 1989) at page 78:

AB 395 (Felando), which would require all hemodialysis technicians, LVNs, and RNs 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, is still pending in the Assembly Health Committee.

SB 325 (Greene, B.), which would authorize the Board to suspend or revoke the license of an LVN who uses excessive force upon or mistreats any patient, is pending in the Assembly Health Committee.

FUTURE MEETINGS:

September 22 in San Diego.

November 16-17 in Los Angeles.

(HWA) published notice of its intent to amend section 12601, Title 22, California Code of Regulations (CCR), to set forth a sample warning message which must be posted by businesses involved with alcoholic beverages on and after July 1, 1989. The warnings must be posted pursuant to Proposition 65, the Safe Drinking Water and Toxics Enforcement Act of 1986.

As amended, section 12601 would set forth the following warning message: "WARNING: Drinking Distilled Spirits, Beer, Coolers, Wine and Other Alcoholic Beverages May Increase Cancer Risk, and, During Pregnancy, Can Cause Birth Defects."

HWA was scheduled to hold a July 25 public hearing on the proposed amendment.

LEGISLATION:

AB 2066 (Killea) would provide for specified increases in excise taxes on certain alcoholic beverages including beer, wine, and distilled spirits, and would provide for compensating floor taxes for those increases. Half of the revenues from the increases would be credited to the general fund; the other half would be used for alcohol and drug abuse prevention, education, and treatment programs. This bill is pending in the Assembly Ways and Means Committee at this writing.

AB 2451 (Statham) would have permitted ABC investigators to wear electronic devices to enable them to overhear or record communications while investigating a possible violation of the California Uniform Controlled Substances Act, but failed passage in the Assembly Public Safety Committee on May 2.

AB 205 (Floyd). Existing law requires applicants for liquor licenses to mail out notices to all property owners within a 500-foot radius of the licensed premises. This bill, which is pending in the Assembly Governmental Organization Committee, would specify the contents of that notice.

AB 213 (Floyd). Existing provisions of the Penal Code prohibit the sale of alcohol near certain institutions, such as prisons. This bill would repeal certain of those provisions and state legislative intent in that regard. AB 213 is pending in the Assembly inactive file.

AB 585 (Friedman). Existing law prohibits the imposition of civil liability upon persons who sell, furnish, or give alcoholic beverages to an intoxicated person when that person inflicts injury upon a third party. As amended June 15, this bill would enact the Drunk Driv-



BUSINESS, TRANSPORTATION AND HOUSING AGENCY

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

Director: Jay Stroh
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The Department of Alcoholic Beverage Control (ABC) is a constitutionally-authorized state department. The Alcoholic Beverage Control Act vests the Department with the exclusive right and power to license and regulate the manufacture, sale, purchase, possession, and transportation of alcoholic beverages within the state. In addition, the Act vests the Department with authority, subject to certain federal laws, to regulate the importation and exportation of alcoholic beverages across state lines. ABC issues liquor licenses and investigates violations of the Business and Professions Code and other criminal acts which occur on premises where alcohol is sold.

Many of the disciplinary actions taken by ABC, along with other information concerning the Department, are printed in the liquor industry trade publications *Beverage Bulletin* and *Beverage Industry News*.

ABC divides the state into two divisions with assistant directors in charge of each division. The state is further subdivided into 21 districts, with two districts maintaining branch offices.

ABC dispenses various types of licenses. "On-sale" refers to a license to sell alcoholic beverages which will be bought and consumed on the same premises. "Off-sale" means that the licensee sells alcoholic beverages which will not be consumed on the premises.

MAJOR PROJECTS:

Proposition 65 Rulemaking. In early June, the Health and Welfare Agency