



At its May meeting, the Board elected Glenn Yokoyama as its President, William Tan as Vice-President, and Mary Runge as Treasurer.

FUTURE MEETINGS:

January 12-13 in San Diego.
March 15-16 in Sacramento.
May 24-25 in Los Angeles.

POLYGRAPH EXAMINERS BOARD

Executive Officer: Dia Goode
(916) 739-3855

The Polygraph Examiners Board operates within the Department of Consumer Affairs. The Board has authority to issue new licenses and to regulate the activities of an estimated 655 examiners currently licensed in California under Business and Professions Code section 9300 *et seq.* The Board has no jurisdiction over federally-employed polygraph examiners.

The Polygraph Examiners Board consists of two industry representatives and three public members, all appointed to four-year terms. The Board has a sunset date of January 1, 1990.

LEGISLATION:

SB 2219 (Dills) was signed by the Governor on August 29 (Chapter 681, Statutes of 1988). The bill provides that if a license is renewed more than thirty days after its expiration, the licenseholder, as a condition precedent to renewal, shall also pay a specified delinquency fee. SB 2219 also permits the Board to recover the costs of investigating and prosecuting disciplinary matters, and to prorate the costs of license upgrading.

Federal Legislation. On June 27, President Reagan signed Public Law 100-347, restricting the use of polygraph tests by businesses to screen job applicants or employees. (For further background information, see CRLR Vol. 8, No. 3 (Summer 1988) p. 76.) Employers exempt from this ban include federal, state, and local governments, drug companies, and security firms. A limited exemption is also provided for ongoing investigations. All other employers are subject to the ban, which will become effective six months after the date of enactment of the act. This bill will not seriously affect polygraph examiners in California. State law already prohibits private employers from requesting polygraph tests "as a condition of employment or condition for future employment."

RECENT MEETINGS:

The Board has not held a meeting since October 1987.

FUTURE MEETINGS:

To be announced.

BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Executive Officer: Darlene Stroup
(916) 920-7466

The Board of Registration for Professional Engineers and Land Surveyors regulates the practice of engineering and land surveying through its administration of the Professional Engineers Act and the Professional Land Surveyors' Act.

The basic functions of the Board are to conduct examinations, issue certificates and/or licenses and appropriately channel complaints against its licensees. The Board is additionally empowered to suspend or revoke certificates or licenses. On a routine basis, the Board considers the proposed decisions of administrative law judges who hear appeals of applicants who are denied registration and licensees who have had their licenses suspended or revoked for violations.

The Board consists of thirteen members: seven public members, one licensed land surveyor, four registered practice act engineers and one title act engineer. Eleven of the members are appointed by the Governor for four-year terms which expire on a staggered basis. One public member is appointed by the Speaker of the Assembly and one by the Senate President pro Tempore.

The Board has established seven standing committees dealing with land surveying and the various branches of engineering. These committees, each composed of three Board members, approve or deny applications for examinations and register applicants who pass the examinations. Their actions must have the approval of the entire Board, which is routinely forthcoming.

Professional engineers are now licensed through the three Practice Act categories of civil, electrical and mechanical engineering under section 6730 of the Business and Professions Code, and the Title Act categories of agricultural, chemical, control system, corrosion, fire protection, industrial, manufacturing, metallurgical, nuclear, petroleum, quality, safety, and traffic engineering.

Structural engineering and soil engineering are linked to the civil Practice Act and require an additional examination after qualification as a Practice Act engineer.

In August, the Governor appointed Sacramento business owner Lynn D. Morris and reappointed William C. Rupp and Robert Young to the Board.

MAJOR PROJECTS:

Regulatory Action. On June 15, the Office of Administrative Law (OAL) again disapproved the Board's proposal to change its regulations, which appear in Title 16 of the California Code of Regulations. The proposed changes, which were previously adopted by the Board in November 1987, rejected by OAL in December 1987, and resubmitted to OAL by the Board in May 1988, would have set forth the procedure for registered civil engineers to obtain authorization to use the title "structural engineer", and Permit Reform Act timeframes for processing applications for registration. OAL rejected the proposed regulations on grounds that they failed to satisfy the necessity, clarity, and reference standards in Government Code section 11349.1; the Board failed to adequately respond to public comments on the proposed regulations; and the rule-making file lacked all required documents. OAL also ruled that the Board is precluded from resubmitting these regulations.

Thus, on October 3, the Board renounced its intent to adopt several new sections and to amend or repeal numerous existing sections of its regulation. New sections 470 and 471 would be adopted to implement the Permit Reform Act. Existing section 426 regarding the structural engineering program would be renumbered to section 426.10; and new sections 426.11, 426.12, 426.13, and 426.14 would be adopted to establish a detailed definition of the qualifying experience required for the structural engineering program; provide that such experience must be performed at the professional level under the supervision of a structural engineer; establish and define supplemental experience which shall be considered in making a final decision on an application for the authority to use the title "structural engineer"; and provide that applicants seeking special consideration pursuant to existing reciprocity regulations may be required to submit additional information or appear for an interview. New section 427.30 would be adopted to address exclusively the number and type of references which structural engineer-



ing applicants must produce in support of their application for registration.

The following sections would be amended: section 400 (to indicate the proper name of the Board in its regulations); section 403 (to correct the name of the Board and its proper mailing address); section 404(f-f) (to amend the definition of "structural engineering"); section 408 (to clarify the procedure for calling normal and special Board meetings); section 410 (to raise the fee for a duplicate registration certificate, and to clarify that whenever possible, certificates will be issued in the order in which applicants qualify); section 411 (to include the term "geotechnical engineers"); section 427 (would be renumbered to section 427.10 and would delete its applicability to structural engineering applicants); and section 441 (to delegate the responsibility for examination application evaluation, approval, and denial to the Board's Executive Officer).

Finally, the Board proposes to repeal sections 413 (which sets forth procedures for use by the Board or public when instituting a new engineering discipline for coverage under the Professional Engineers Act) and section 414 (which compiles in summary form existing law providing that the engineering profession is comprised of practice authority and title disciplines).

The Board was scheduled to hold a public hearing on these proposed regulatory changes on November 9 in Sacramento.

Legal Opinion. The Board petitioned the Legal Office of the Department of Consumer Affairs for an opinion regarding an ordinance being considered for adoption in San Diego County. The ordinance would require soil engineering reports to bear the signature and stamp of a geotechnical engineer and require the county planning department to reject reports submitted by civil engineers. The Legal Office determined that the practice of civil engineering embraces the practice of soil/geotechnical engineering; and a civil engineer, by virtue of his/her registration, is entitled to perform the services of a soil/geotechnical engineer. Thus, the proposed county ordinance would violate Sections 460 and 6731 of the Business and Professions Code, and would therefore be void.

LEGISLATION:

The following is a status update of bills described in detail in CRLR Vol. 8, No. 3 (Summer 1988) at page 76:

AB 1860 (Waters), which would have provided for registration of persons prac-

ticing mining and minerals engineering, died at the end of the legislative session.

AB 3876 (Bradley) was signed by the Governor on September 12 (Chapter 817, Statutes of 1988). This bill amends section 8726 of the Business and Professions Code, to add the coordination of work of professional, technical, or special consultants—in connection with activities authorized by the Land Surveyors' Act—to the description of the practice of land surveying.

RECENT MEETINGS:

At its May 20 meeting, the Board elected William Rupp as President and Albert Blaylock as Vice-President, with terms beginning on July 1.

FUTURE MEETINGS:

January 27 in San Francisco.

March 10 in Anaheim.

May 5 in Sacramento.

July 14 in San Diego.

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:

Regulatory Changes Adopted. At its July 22 meeting in San Francisco, the Board adopted several changes to its regulations, which appear in Chapter 14, Title 16 of the California Code of Regulations. These changes were the subject of a public hearing in March, and had been slightly modified by the Board in May. (See CRLR Vol. 8, No. 3 (Summer 1988) p. 77 and Vol. 8, No. 2 (Spring 1988) pp. 75-76 for complete background information.) Adopted on July 22 were proposed changes to sections 1425 (requiring nursing assistant

instructors to hold a baccalaureate degree in nursing); 1451.2 (enabling RNs to take continuing education (CE) courses at accredited post-secondary institutions, under certain circumstances); 1452 (expanding the CE exemption for licensees living overseas); 1456 (clarifying the type of courses acceptable for CE); and 1483.1 (specifying timeframes for the processing of applications by nurse practitioners for a number to permit the furnishing of drugs and devices pursuant to section 2836.3(a) of the Business and Professions Code).

Registered Care Technologist Proposal. At its July meeting, the Board considered an American Medical Association (AMA) proposal regarding creation of a new health care worker category: the registered care technologist (RCT). The AMA believes that RCTs would help alleviate the nursing shortage. Under the proposal, RCTs would be registered by each state's medical board and would report to physicians. They would be employed in long-term care institutions and hospitals. BRN members expressed their opinion that if California implements the RCT proposal, it would be a violation of the Nursing Practice Act. The Board established a subcommittee to develop strategies to deal with the RCT issue and to develop a position statement.

At its September 22 meeting in Los Angeles, the Board approved the subcommittee's position statement opposing the AMA's RCT proposal. The statement asserted strong concerns about the lack of clarity in delineating the roles of RCTs and nurses, which could create public confusion about the appropriate duties and functions of each. The statement also voiced concern that recruitment for the new category would detract from the nursing recruitment pool.

LEGISLATION:

AB 4007 (Lancaster), as amended August 22, is a Department of Consumer Affairs omnibus bill. As related to BRN, the bill corrects a technical error that omitted a 1985 change in the Corporations Code to exempt the Board from a requirement to issue certificates to nursing corporations. The Governor signed this bill on September 27 (Chapter 1448, Statutes of 1988).

The following is a status update on bills reported in detail in CRLR Vol. 8, No. 3 (Summer 1988) at pages 77-78:

AB 87 (Agnos) would have permitted the disclosure of a patient's blood test results to detect human immunodeficiency virus (HIV) antibodies (anti-