



REGULATORY AGENCY ACTION

1032, Statutes of 1988).

AB 4693 (Grisham), as amended on August 8, requires BCSR exam applicants to apply to take the exam at least 45 days in advance of the exam. With regard to renewal, reinstatement, or reissuance of a BCSR certificate after its expiration, the bill reduces the previous five-year period to three years after expiration, and requires the holder to return the expired certificate to the Board to obtain a new certificate.

The bill also provides that a certificate may be suspended or revoked for the violation of specified laws governing CSRs, or violation of the Board's regulations. Finally, the bill requires court reporting schools to file a current school catalog with the Board not later than June 30 of each year. This bill was signed by the Governor on September 24 (Chapter 1327, Statutes of 1988).

RECENT MEETINGS:

At its August 27 meeting, the Board considered improving its examination by providing a videotaped dictation section. This would help to regulate the speed of dictation, and ensure that all examinees work under equal conditions. A prototype will be made available within twelve months for school trial. The Board was also informed that additional funding will be required to update the English portion of the examination. These funds will be requested in the next session of the legislature.

Executive Officer Richard Black plans to produce a brochure which will notify potential students of opportunities in the shorthand reporting field. The Board believes this step may alleviate the apparent shortage of CSRs.

Board members decided to visit the California School of Court Reporting in Riverside in November to monitor quality. In February, Board members will inspect Vista Del Mar in Fresno, and Golden State College in Visalia.

FUTURE MEETINGS:

December 17 in Burlingame.
February 18 in Los Angeles.
May 19-20 in San Francisco.
June 24 in San Diego.

STRUCTURAL PEST CONTROL BOARD

Registrar: Mary Lynn Ferreira
(916) 924-2291

The Structural Pest Control Board (SPCB) licenses structural pest control operators and field representatives. The

latter can function only under a licensed operator and secure pest control work for the operator. Each structural pest control firm is required to have one licensed operator, regardless of the number of branches the firm operates. A licensed field representative can also hold an operator's license.

Licensees 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 can be licensed in all three branches, but more often will limit the variety of his or her expertise for purposes of efficiency 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 pesticides. Such certificates are not transferable from one company to another.

SPCB is comprised of four public and three industry representatives.

MAJOR PROJECTS:

Regulatory Changes. On August 16, the Office of Administrative Law (OAL) disapproved the Board's proposed changes to several of its continuing education regulations (sections 1950, 1950.5, and 1953, Title 16 of the California Code of Regulations). (See CRLR Vol. 8, No. 3 (Summer 1988) p. 80 and Vol. 7, No. 4 (Fall 1987) p. 68 for background information.) OAL rejected the proposed regulatory action because it failed to comply with the necessity and clarity standards in Government Code section 11349.1, and because the rulemaking file did not include a summary and response to each comment made in connection with the rulemaking. The Board plans to modify the proposed regulations and resubmit them to OAL.

On September 19, OAL approved the Board's proposed changes to sections 1948 and 1997 of its regulations. The amendment to section 1948 abolishes the Board's current fees for all of its licenses, renewals, report filings, and examinations, in response to the Board's fiscal surplus created over the past three years. The change to section 1997 abol-

ishes the \$2 stamp fee for stamps which must be included with inspection reports. (See CRLR Vol. 8, No. 3 (Summer 1988) p. 80 for background information.)

LEGISLATION:

The following is a status update on legislation discussed in detail in CRLR Vol. 8, No. 3 (Summer 1988) at page 80:

AB 4274 (Bane) was signed by the Governor on September 21 (Chapter 1184, Statutes of 1988). As amended June 9, this measure alters inspection requirements for structural pest control companies with respect to the contents of structural inspection reports. This bill requires that upon request, each recommendation for corrective action must independently state the conditions causing infestation. The bill also requires, under specified circumstances, that a bid or estimate must be given for each corrective action recommended.

SB 2610 (Montoya) died in the Business and Professions Committee. It would have required, on and after July 1, 1989, that registered companies provide a written notice, on a Board-approved form, to parties requesting pest inspections. This notice would provide the party with information regarding conditions likely to cause infestation.

AB 3059 (Areias), also pertaining to inspection report requirements, was withdrawn at the request of its author.

FUTURE MEETINGS:

December 10 in Sacramento.
February 25 in Universal City.

TAX PREPARER PROGRAM

Administrator: Don Procidia
(916) 324-4977

Enacted in 1973, abolished in 1982, and reenacted by SB 1453 (Presley) effective January 31, 1983, the Tax Preparer Program registers commercial tax preparers and tax interviewers in California.

Registrants must be at least eighteen years old, have a high school diploma or pass an equivalency exam, have completed sixty hours of instruction in basic personal income tax law, theory and practice within the previous eighteen months or have at least two years' experience equivalent to that instruction. Twenty hours of continuing education are required each year.

Prior to registration, tax preparers must deposit a bond or cash in the amount of \$2,000 with the Department



of Consumer Affairs.

Members of the State Bar of California, accountants regulated by the state or federal government, and those authorized to practice before the Internal Revenue Service are exempt from registration.

An Administrator, appointed by the Governor and confirmed by the Senate, enforces the provisions of the Tax Preparer Act. He/she is assisted by a nine-member State Preparer Advisory Committee which consists of three registrants, three persons exempt from registration, and three public members. All members are appointed to four-year terms.

MAJOR PROJECTS:

Continuing Education Review. At its July and September meetings, the Advisory Committee discussed its duty under Business and Professions Code section 9891.50(b) to "advise the administrator as to the suitability of proposed continuing education programs and activities and...upon request as to the interpretation of gross negligence and recommend disposition of consumer complaints." Administrator Don Procida advised the Committee that its continuing education (CE) regulations are outdated and must be substantially rewritten.

The Committee discussed the CE programs of other professional licensing agencies, such as the Board of Accountancy and the Board of Registered Nursing. The Committee discussed several issues, including the desirability of written and audio-video materials in CE classes, and of correspondence courses in general; a minimum number of required hours in federal and state tax; and approval of CE providers, including a bond requirement.

The Committee is in the process of formalizing its CE proposal and plans to discuss it at its next meeting.

Regulatory Changes. On August 16, the Office of Administrative Law approved the Program's proposed amendment to section 3230, Chapter 32, Title 16 of the California Code of Regulations, which will increase the registration and renewal fees for tax preparers. (See CRLR Vol. 8, No. 3 (Summer 1988) p. 81 for background information.)

LEGISLATION:

SB 91 (Boatwright) would have established a Tax Practitioner Program under the Franchise Tax Board. (See CRLR Vol. 8, No. 3 (Summer 1988) p. 81; Vol. 8, No. 2 (Spring 1988) p. 78; and Vol. 8, No. 1 (Winter 1988) p. 73

for details.) This bill died in the Assembly Committee on Governmental Efficiency and Consumer Protection.

SB 1009 (Montoya) expands the power of the Board of Accountancy to revoke, suspend, or refuse to renew any permit or certificate for fiscal dishonesty or breach of fiduciary responsibility. An early version of this bill included tax preparers, but it was amended on June 14 to exclude them from the scope of the bill. SB 1009 has been signed by the Governor (Chapter 728, Statutes of 1988).

AB 2833 (Katz and Harris) establishes a "Taxpayers' Bill of Rights" to govern the assessment, audit, and collection of taxes administered by the State Board of Equalization. The bill requires the Board to establish the position of Taxpayers' Rights Advocate, who shall be responsible for facilitating resolution of taxpayer complaints and problems regarding unsatisfactory treatment of taxpayers by Board employees. The Board is also responsible for developing certain educational programs, including the publication of brief and comprehensive statements in simplified terms regarding the rights and obligations of the Board and the taxpayers, and the systematic identification of areas of recurrent taxpayer noncompliance. This bill was signed by the Governor on September 30 (Chapter 1574, Statutes of 1988).

AB 2788 (Harris and Katz) is very similar to AB 2833, except that it applies to the Franchise Tax Board instead of the Board of Equalization. (The FTB covers California sales and use taxes, whereas the Board of Equalization covers personal income tax and bank and corporation tax.) This bill was also signed by the Governor on September 30 (Chapter 1573, Statutes of 1988).

RECENT MEETINGS:

At the Committee's July meeting, Assistant Administrator Al Geiger reported on the Program's enforcement activities during fiscal year 1987-88: 297 complaints were handled; the Department of Consumer Affairs' Division of Investigation handled the investigation of 142 cases; of completed investigations, 80 cases await action by Program staff, 2 cases are pending at the Attorney General's Office, and 12 have been referred to the district attorney's office for civil or criminal action; the Program closed 192 cases and issued citations in 20 cases.

FUTURE MEETINGS:

To be announced.

BOARD OF EXAMINERS IN VETERINARY MEDICINE

Executive Officer: Gary K. Hill
(916) 920-7662

The Board of Examiners in Veterinary Medicine (BEVM) licenses all veterinarians, veterinary hospitals, animal health facilities, and animal health technicians (AHTs). All applicants for veterinary licenses are evaluated through a written and practical examination. The Board determines through its regulatory power the degree of discretion that veterinarians, animal health technicians, and unregistered assistants have in administering animal health care. All veterinary medical, surgical, and dental facilities must be registered with the Board and must conform to minimum standards. These facilities may be inspected at any time, and their registration is subject to revocation or suspension if, following a proper hearing, a facility is deemed to have fallen short of these standards.

The Board is comprised of six members, including two public members. The Animal Health Technician Examining Committee consists of three licensed veterinarians, one of whom must be involved in AHT education, three public members and one AHT.

Dr. Arthur O. Hazarabedian was recently reappointed to the BEVM by Governor Deukmejian. Dr. Hazarabedian is a private practice veterinarian from Lafayette.

MAJOR PROJECTS:

Teeth Cleaning Controversy. At its September meeting, BEVM once again took up the issue of proposed section 2037, Chapter 20, Title 16 of the California Code of Regulations (CCR). The new section would clarify the term "dental operation" to include the use or application of any instrument or device to any portion of an animal's teeth or gums for specified purposes, including preventive dental procedures such as the removal of plaque or tartar from an animal's teeth. The section would allow "dental operations" to be performed only by a licensed veterinarian or a veterinarian-supervised AHT. BEVM has become concerned about the number of unlicensed individuals providing teeth cleaning services without formal training in animal dentistry.

This issue has generated intense debate. (See CRLR Vol. 8, No. 3 (Summer 1988) pp. 81-82 and Vol. 8, No. 2 (Spring 1988) p. 79 for background information.) Several veterinarians present at the September meeting voiced