



to hold a public hearing on several proposed changes to its regulations, which appear in Chapter 13.4, Title 16 of the California Code of Regulations. The regulation changes are proposed pursuant to the Committee's authorization to set standards for the registration and training of speech pathology and audiology aides ("aides").

Section 1399.170 would be amended to specify that the registration of aides must be approved by the Committee in order for an aide to perform services. The term "industrial audiology aide" would be defined to mean an audiology aide who conducts specified audiograms for testing industrial hearing. Section 1399.171 would be amended to include specific requirements for supervisors' training plans with regard to the training and supervision of aides.

Section 1399.172 would be amended to impose legal responsibility on supervisors for the acts and services provided by aides. Additionally, the proposed changes would require supervisors of industrial audiology aides to include a proposed plan of alternate supervision with the application form. The proposal would also define the services which may be performed by aides, which do not exceed their level of competency.

New section 1399.174 would be adopted to provide that an aide shall complete a training program established by the supervisor which instructs the aide in the skills necessary to perform any speech pathology or audiology services and to require a demonstration of the aide's competency. Finally, section 1399.176 would be amended to specify that failure to comply with the Committee's regulations may result in disciplinary action.

LEGISLATION:

SB 645 (Royce), which would expand the authority of the Board of Medical Quality Assurance's Division of Allied Health Professions in the regulation of medical assistants, is pending in the Assembly Ways and Means Committee at this writing. (See CRLR Vol. 8, No. 2 (Spring 1988) pp. 68-69 for more information.)

RECENT MEETINGS:

On May 13 in Los Angeles, the Committee reviewed a new SPAEC mission statement with specific goals and objectives. In an effort to achieve the SPAEC's primary mission of consumer protection, the Committee adopted the following goals: (1) to ensure consumer protection, education, and fair competi-

tion among professionals by continuous review and improvement of licensing, educational, and enforcement services; (2) to improve communications and cooperation with all internal and external sources, licensees, future licensees, consumers, and others involved in the provision of health care; and (3) to improve office procedures in processing applicant, licensee, and consumer requests.

FUTURE MEETINGS:

September 9 in San Francisco.
November 4 in Monterey.

BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

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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 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.

BENHA's budget increased \$15,000 over last year's allocation. The 1987-88 budget is \$315,000.

MAJOR PROJECTS:

Implementation of AB 1834. BENHA continues to work toward compliance with the requirements of AB 1834 (Connelly). (For details on AB 1834, see CRLR Vol. 8, No. 2 (Spring 1988) p. 69; and Vol. 8, No. 1 (Winter 1988) pp. 66-67.) BENHA hired a half-time Disciplinary Action Coordinator who began work on March 2. The new position will assist in handling the development of disciplinary cases. In addition, BENHA has obtained a word processor to compile and track statistics and events related to its licensees. The entire computer system was scheduled to be operational by early June.

At its April 18 meeting in Oakland, the Board reviewed draft policies and procedures for implementation of AB 1834, which were developed by BENHA's Executive Officer Ray Nikkel and a committee composed of representatives detailed in AB 1834. The document specifies BENHA's enforcement goals and sets forth procedures for achievement of those goals at various intervals in the disciplinary process. The Board was scheduled to examine the policies and procedures in detail at its June meeting.

LEGISLATION:

AB 3687 (Bates). Existing law requires licensees operating community care facilities, residential care facilities for the elderly, and child day care centers to terminate, remove, or bar from entering the facility any person who has been convicted of certain crimes, unless the Director of Social Services grants an exemption. As amended June 2, this bill would require the barring from any of these facilities of any person convicted of the infliction of pain or mental suffering on, or endangering the health of, elderly or dependent adults. This bill would further require, with respect to residential care facilities for the elderly, the barring of any person convicted of sexual battery. AB 3687 is pending in the Senate Health and Human Services Committee.

AB 3652 (Friedman), as amended June 16, would require that any resident of a nursing home shall receive written notice of the intention of the facility to terminate the tenancy and the basis for the action, and would accord the resident an opportunity for a fair hearing upon the filing of a request with the Department of Social Services (DSS). This bill would require the DSS to establish these procedures in Los Angeles, San Francisco, and Fresno counties, and report



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to the legislature by January 1, 1992. This bill is pending in the Assembly Ways and Means Committee.

AB 3624 (Hannigan), as amended, would require a nursing home to reimburse or replace patients' lost or stolen property when the facility fails to make reasonable efforts to safeguard resident property. AB 3624 would establish a rebuttable presumption that a facility has made reasonable efforts to safeguard resident property and exempt it from citations by DSS for violation of the provisions in this bill, if certain conditions of a theft and loss program have been met by the facility. This bill would also make unlawful any provision of a contract of admission which requires or implies a lower standard of responsibility for the personal property of residents of nursing homes than is required by law. AB 3624 passed the Assembly on June 9.

FUTURE MEETINGS:

To be announced.

BOARD OF OPTOMETRY

Interim 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:

Regulatory Changes. Proposed regulatory changes which were the subject of a public hearing on October 29, 1987, have been approved by the Director of the Department of Consumer Affairs (DCA). At this writing, the Board is preparing the filing for submission to the Office of Administrative Law (OAL). (For background information, see CRLR Vol. 8, No. 2 (Spring 1988) p. 70.)

The Board is currently proposing the adoption and amendment of two sections of Chapter 15, Title 16 of the California Code of Regulations (CCR). Proposed section 1533.1 would codify an appeals procedure under which licensure applicants failing the examination would be permitted to appeal to the Board. The

proposed regulation outlines the requirements and limitations of an appeals process which is presently employed by the Board.

Section 1561(b), dealing with examination requirements for optometrists who use topical pharmaceutical agents, would be amended. The section currently requires successful completion of the National Board Examination in Optometry (NBEO) pharmacology examination. The proposed change provides that successful completion of an equivalent pharmacology examination administered by the Board or by an accredited school of optometry is acceptable as an alternative to the NBEO examination.

Comments received at a May 25 hearing on these regulations resulted in several changes to the proposed language, which resulted in a reopening of the public comment period for fifteen days. Interim Executive Officer Karen Ollinger anticipates that the regulations will be ready for OAL review by summer's end.

On March 21, the OAL approved the repeal of sections 1541 and 1542 of Chapter 15, Title 16 of the CCR. The two sections repealed concerned optometric corporations. (See CRLR Vol. 8, No. 2 (Spring 1988) p. 71 for background information.)

Recruitment of Permanent Executive Officer. The Board was to review applications of finalists seeking appointment as its Executive Officer at its July 7 meeting. (For background information, see CRLR Vol. 8, No. 2 (Spring 1988) p. 71.)

LEGISLATION:

AB 2824 (Polanco) would allow specified licensed persons, other than optometrists, to be minority shareholders, officers, directors, and professional employees of optometric corporations. The bill was passed by the Assembly on March 17, and has been referred to the Senate Committee on Insurance, Claims and Corporations.

SB 2103 (McCorquodale), as amended May 18, would prohibit any licensed optometrist, physician and surgeon, or registered contact lens dispenser, from selling or dispensing a contact lens by mail unless the licensee has personally fitted the lens to the patient. The bill remains in the Senate Committee on Business and Professions.

The following is a status update on bills discussed in CRLR Vol. 8, No. 2 (Spring 1988) at page 71:

AB 32 (Bane), which would enact as state law several federal trade regulations which prohibit optometrists from engag-

ing in certain acts in connection with the performance of eye examinations, remains in the Senate Committee on Business and Professions. (See CRLR Vol. 7, No. 2 (Spring 1987) p. 63 for additional information.)

AB 573 (Bates), which would require the Board of Optometry to hold its licensure examination at least twice per year, remains on the Senate floor in the inactive file. (See CRLR Vol. 8, No. 1 (Winter 1988) p. 68 for additional information.)

AB 3549 (Jones), which would allow the Board of Optometry to recover its costs from the respondent when the Board prevails in an administrative disciplinary action, was passed by the Assembly on April 28. It has been referred to the Senate Committee on Business and Professions.

AB 3551 (Jones), which would allow a person licensed to practice optometry in another state to be registered as a licensed optometrist in California by reciprocity, remains pending in the Assembly Health Committee.

AB 3738 (Jones), which would attempt to fashion a more specific standard than now exists for approval of fictitious name permits for optometric practices, remains pending in the Assembly Health Committee.

FUTURE MEETINGS:

To be announced.

BUREAU OF PERSONNEL SERVICES

Chief: Jean Orr

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The Bureau of Personnel Services was established within the Department of Consumer Affairs to regulate those businesses which secure employment or engagements for others for a fee. The Bureau regulates both employment agencies and nurses' registries. Those businesses which place applicants in temporary positions or positions which command annual gross salaries in excess of \$25,000 are exempt from Bureau regulation. Under AB 2929 (Chapter 912, Statutes of 1986), employer-retained agencies are also exempt from such oversight. AB 2929 became effective on July 1, 1987. The number of licensees regulated by the Bureau decreased as a result with a major decline occurring in April 1988, which was the renewal date for many now-exempt licenseholders. At that time, the number of Bureau licensees dropped by 58%, to approximately 800. (For