



RECENT MEETINGS:

At its January meeting in Monterey, the Credentials Committee requested Board approval of guidelines it had formulated regarding consideration of time worked as a pharmacist in a foreign country toward the 1,500-hour internship experience requirement. Because the Board's internship regulation (section 1728) does not specify criteria for acceptance of pharmacist experience obtained outside the United States, the Board approved the following guidelines for the Committee's use in considering up to 600 hours of foreign graduate intern experience:

- certain types of experience, including pharmacy technician, teaching, and research, will be excluded from consideration;

- the Committee will consider the request for credit for experience only if the individual has a valid California intern registration and has completed 250 intern hours;

- the full 600 hours must be obtained after graduation from pharmacy school;

- the experience must have been obtained within the last three years prior to the request for credit;

- the hours must have been obtained in a country where practice is essentially the same as in the United States; and

- documents and/or affidavits provided on behalf of the applicant must meet specified requirements.

Also at its January meeting, the Board approved an amendment to its disciplinary guidelines. The previous rule barred pharmacists on probation from serving as pharmacists-in-charge; this guideline, however, precluded probationers who own a one-person pharmacy from being his/her own pharmacist-in-charge. The Board adopted an amendment which provides that in appropriate cases, in lieu of the standard provision barring a probationer from being a pharmacist-in-charge, the pharmacist may be required to retain a consultant at his/her own expense, who shall be a licensed California pharmacist, approved by the Board, and not on probation. The consultant pharmacist would be responsible for review of the pharmacy operations for compliance with federal and state statutes and regulations.

At its April meeting in Los Angeles, Maureen Whitmore, Program Director of Occupational Health Services, Inc., presented a status report on the Board's Impaired Pharmacists' Program. The three objectives of the program include protection of the public; assisting impaired pharmacists in the early stages of

a substance/alcohol abuse problem; and offering impaired pharmacists a non-punitive, confidential environment. Thus far, 139 pharmacists has participated in the program since its inception. The Board discussed the fact that substance-abuse-related "down-time" (that is, suspension of the pharmacist's license) is often imposed after the impaired individual has begun to participate in the program and has made substantial improvement, but was reminded that the purpose of the program is not punishment but protection of the public.

Also at its April meeting, the Board reviewed and adopted twelve goals and objectives for the next three years, which include the following: development and implementation of pharmacy technician regulations; implementation of a new automated data processing system to increase efficiency of licensing and enforcement operations; increasing consumer protection by implementing recent legislation regarding legend drugs and/or devices, and by increasing liaison activities with consumer groups through participating in meetings, newsletters, and public forums; and reviewing the appropriateness of the current hypodermic statute in light of the AIDS epidemic.

FUTURE MEETINGS:

October 12-13 in Anaheim.

January 12-13, 1989 in San Diego.

March 15-16, 1989 in Sacramento.

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.

MAJOR PROJECTS:

Enforcement. An administrative law judge (ALJ) has ruled against a San Pablo polygraph examiner in a case involving the respondent's administration of a polygraph test to a sixteen-year-old who was suspected of stealing from his

employer.

The polygraph examiner, Alan Barr Donnelly, administered the exam to the youth in July 1985. During that same month, Donnelly applied for licensure with the Board. Following an investigation into complaints surrounding Donnelly's examination of the youth, the Board denied his application in November 1986, citing numerous violations of state laws governing polygraph examiners. Donnelly immediately appealed.

In upholding the Board's denial of Donnelly's license, the ALJ's May 19 decision included findings supporting Board allegations that Donnelly (1) negligently misinterpreted test results; (2) mishandled the pre-test of the youth (that is, questioning before administration of the actual test for purposes of framing control questions and providing an opportunity to observe the examinee and his reactions to questions) by asking questions which "far exceeded the appropriate scope for a specific examination involving theft"; (3) "coerced and threatened [the examinee] to induce him to consent to a warrantless search" of the youth's bedroom and his father's home; and (4) misrepresented his background and professional standing to the examinee and the youth's parents.

Observing that "the facts of the case herein point to either lack of awareness or blatant disregard for the standards of practice for a polygraph examiner," the ALJ ordered that Donnelly's application for licensure be denied.

This case represents the first time a Board enforcement case has been heard before an administrative law judge.

LEGISLATION:

SB 2219 (Dills) passed the Senate on May 9 on a 34-0 vote and was referred to the Assembly, where it was amended on June 9. The bill would provide 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. A Board-proposed amendment to SB 2219 would permit the Board to recover the costs of investigating and prosecuting disciplinary matters. The amendment would also allow the Board to prorate the costs of license upgrading. SB 2219 passed the Assembly Committee on Governmental Efficiency and Consumer Protection on June 23.

SB 2220 (Dills) died before it was heard in a Senate committee. The bill was an effort to delete the statutory requirement that the Board must pay back a \$50,000 loan from the General



REGULATORY AGENCY ACTION

Fund. (See CRLR Vol. 8, No. 2 (Spring 1988) pp. 74-75 for background information.)

Federal Legislation. In March, the U.S. Senate passed legislation to limit the use of polygraph tests by businesses to screen job applicants or employees. S. 1904 (Kennedy) has been reconciled with a broader House version, H.R. 1212 (Williams), passed last fall. President Reagan had until June 27 to decide whether to veto or sign the polygraph bill, which may 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 continued employment."

RECENT MEETINGS:

The Board has not held a meeting since October 1987. Its June meeting was cancelled.

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.

MAJOR PROJECTS:

Redefining Title Act and Practice Act Categories. At its April 8 meeting, the Board approved a recommendation that the Civil, Electrical, and Land Surveyor Technical Advisory Committees (TACs) be assigned the responsibility to redefine the practices of each of their disciplines. The motion provided that "these assignments be given top priority in 1988-89."

In addition, at the request of a unanimous Examinations/Qualifications Committee chaired by Orville Paul, the Board considered creating a Mechanical Engineering TAC to update the definition of mechanical engineering. Upon the objection of mechanical engineer Robert E. Young, however, the Committee members withdrew their motion. Mr. Young argued that a ME-TAC would be an unnecessary additional expense. Currently, mechanical engineering is the only Practice Act category without a TAC.

Staff Recruitment. Executive Officer Stroup announced that she hired Scott Ewing as a staff civil engineer and was interviewing applicants for a staff mechanical engineer. The staff engineer vacancies were respectively due to resignation and disability retirement.

LEGISLATION:

AB 981 (Cortese), which incorporates city engineers with city surveyors within the Subdivision Map Act and the Professional Land Surveyors' Act, was chaptered on May 11 (Chapter 100, Statutes of 1988). (See CRLR Vol. 8, No. 2 (Spring 1988) p. 75.)

AB 1860 (Waters), which would pro-

vide for registration of persons practicing mining and minerals engineering, is still pending in the Senate Business and Professions Committee. The measure would also exempt from surveyor licensure requirements surveys made exclusively for mining and minerals.

AB 3876 (Bradley), which would amend section 8726 of the Business and Professions Code to clarify existing law, would 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. The bill remains pending in the Senate Business and Professions Committee.

AB 3882 (Bradley) amends sections 8764 and 8764.5 of the Business and Professions Code to require the surveyor or civil engineer preparing the record of survey, rather than the one filing the record, to attest to the survey's accuracy on the survey map. AB 3882 was chaptered on June 1 (Chapter 133, Statutes of 1988).

SB 617 (Greene), which would have added sections 678 and 8775 to the Business and Professions Code to grant Professional Engineer and Land Surveyors' Act registrants performing review services for public entities the same immunities from liability extended to public employees, failed passage in the Assembly Judiciary Committee on May 18.

RECENT MEETINGS:

At the April 8 meeting, Board President Dorsey nominated Vice-President and public member William Rupp and civil/structural member Albert Blaylock to serve as President and Vice-President for one-year terms beginning July 1, 1988. The Board was scheduled to vote on these nominations at its May 20 meeting.

Also on April 8, Mr. Rupp reported on the National Council of Engineering Examiners' (NCEE) Records Verification Committee meeting held February 12-13 in Atlanta, Georgia. In his written critique, Mr. Rupp reported that many states "accept" NCEE's registrant record verification service although "there are also boards who find the form inadequate or cumbersome."

FUTURE MEETINGS:

August 19 in Sacramento.
September 30 in Los Angeles.
November 18 in San Diego.