



Recently, formal office hearings were conducted against the following licensees. Concurrent agreements were reached in each case: Focus Manufacturing, Inc. of Los Angeles, for violations of futon flammability requirements; and Hollander Home Fashions Corporation of Vernon, for violations of labeling requirements for down products.

LEGISLATION:

SB 1745 (Garamendi) addresses fire safety performance standards for cigarettes and little cigars. The bill would direct the State Fire Marshal to prepare and adopt rules and regulations which establish safety standards based on studies conducted by the Bureau. The studies would be supported by private gifts and grants, involving no state funds. The bill would also make violation of the new safety regulations a misdemeanor. The bill is pending in the Business and Professions Committee, and was scheduled for hearing on April 11.

As previously reported, the Bureau has conducted feasibility tests in conjunction with the federal Cigarette Safety Act. (See CRLR Vol. 8, No. 1 (Winter 1988) pp. 55-56 for background information.)

SB 2385 (Campbell) would exempt the sale, installation, and furnishing of carpets from the Contractors License Law. Under existing law, carpet retailers, independent carpet layers, and employed carpet layers are required to qualify for a Flooring Contractor License, issued by the Contractors State License Board. The California Retail Carpet Dealers Association, Inc., is sponsoring SB 2385 to gain relief from the stringent requirements of the Contractors License Law, which include a four-year waiting period for an examination.

Licensing of this class would become the responsibility of the Bureau upon enactment of the bill. The Bureau would issue separate licenses for the sale, renovation, installation, or laying of carpet. The bill would authorize the imposition of an unspecified license fee. Additionally, membership of the Bureau's Advisory Board would be expanded and the bill would create the Carpet Industry Task Force in the Department of Consumer Affairs.

SB 2385 is pending in the Senate Business and Professions Committee.

RECENT MEETINGS:

The Advisory Board held its regular quarterly meeting on March 8 in Sacramento. Board members were provided with copies of the Bureau's licensing,

complaint, enforcement, and testing activity reports for the second quarter of the 1987-88 fiscal year (October 1 through December 31). During this period, the Bureau issued original licenses to 835 retailers, manufacturers, suppliers, and dealers. Enforcement activities resulted in the testing of 755 product samples and the withholding from sale of 5,994 articles.

Bureau Chief Damant briefed Board members on the Bureau's activities with other organizations. In February, Damant represented the Bureau at the first meeting of the National Fire Protection Association's Life Safety Task Group on Furnishings and Contents. Damant serves on the Task Group; other members include representatives from Underwriters Laboratories, Inc., and the National Bureau of Standards. Damant has also been appointed to the Underwriters Laboratories' Consumer Advisory Council. In April, Damant spoke on the subject of residential fire safety at "Symposium III," sponsored by the California State Board of Fire Services.

The Board also discussed the Governor's proposed fiscal year 1988-99 budget for the Bureau. Budget increases are proposed in order to maintain the registration of dry cleaning plants and to conduct flammability and thermal efficiency testing.

FUTURE MEETINGS:

June 14 in San Diego.

September 13 in San Francisco.

December 13 in Los Angeles.

BOARD OF LANDSCAPE ARCHITECTS

Executive Officer: Joe Heath
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The Board of Landscape Architects (BLA) licenses those who design landscapes and supervise implementation of design plans. To qualify for a license, an applicant must successfully pass the written exam of the national Council of Landscape Architectural Registration Boards (CLARB), an additional section covering landscape architecture in California, and an oral examination given by the Board. In addition, an applicant must have the equivalent of six years of landscape architectural experience. This may be a combination of education from a school with a Board-approved program in landscape architecture and field experience.

The Board investigates verified complaints against any landscape architect and prosecutes violations of the Practice Act. The Board also governs the examination of applicants for certificates to practice landscape architecture and establishes criteria for approving schools of landscape architecture.

BLA consists of seven members. One of the members must be a resident of and practice landscape architecture in southern California, and one member must be a resident of and practice landscape architecture in northern California. Three members of the Board must be licensed to practice landscape architecture in the state of California. The other four members are public members and must not be licentiates of the Board. Board members are appointed to four-year terms.

MAJOR PROJECTS:

Exam Review. On February 4 in Sacramento, the Central Testing Unit (CTU) of the Department of Consumer Affairs (DCA) presented to the BLA its specific findings and conclusions resulting from its study of the Uniform National Examination (UNE), which is developed by CLARB. (See CRLR Vol. 8, No. 1 (Winter 1988) p. 57 for background information.)

The CTU report included recommendations regarding basic test development. Specifically, CTU suggested that an occupational analysis be conducted. Because exam content must be representative of the practice being tested, it is impossible to measure what a competent landscape architect should know without knowing what one does. Even without that empirical basis, however, the CTU stated that the objective sections of the UNE contain many items obviously not suited to determining minimum competence. The CTU also recommended that a greater number and diversity of practitioners should be involved in the test development process. Even if the number is not changed, the approximately thirty people who now write the test should be representative of various geographic and subject areas.

Regarding test administration, CTU suggested that testing procedures should be standardized and fairly applied. Where superior performance on one section offsets inferior performance on another, a compensatory model for combining test scores should be used. The noncompensatory model currently used by CLARB (that is, no offsets for good performance) is appropriate only where sections of the exam are independent of



each other and there is no or a low correlative relationship in section scores. Evaluation of the UNE shows opposite results. Also, the number of performance problems should be reduced. Because the sections do not evaluate separate content domains, a candidate who does well on one section will generally do well on all. The opposite is also true. Finally, more time to complete performance problems should be allowed.

On the issue of test scoring, CTU found that evaluator guides for the performance problems must be improved; they are presently difficult to use. Evaluators should and can be trained to reliably score the performance problems. Also, scoring standards for performance problems must be rational. Many are presently arbitrary at best, and some even appear illogical.

In addition, the CTU reported concerns over the fact that, despite BLA's submission of its concerns to CLARB over the past six years, CLARB has taken little action to address California's recommendations. CLARB's inaction is especially disconcerting because CTU/BLA's suggestions are based on widely-accepted procedures for validating, improving, and ultimately defending exam programs, and because California is one of the largest users of the UNE. The CTU is further concerned because, despite the fact that most candidates have completed graduate training and extensive work requirement experience, UNE passing rates are lower than those of almost any other licensing examination in the country.

The CTU believes that much of a landscape architect's required knowledge and abilities can be tested reliably and efficiently by a single, objectively-scored test. Demonstrating ability to develop graphic designs and knowledge in a few remaining areas could be left for performance problems. Overall, the expensive three-day exam now given could be condensed into, at most, an exam which takes half that time.

The CTU agreed with the BLA that its concerns and recommendations would most likely be unacceptable to CLARB once again. As an alternative, CTU suggested investigating the possibility of developing a separate exam. Other states reportedly share California's concerns and frustrations with CLARB. If California were to take this independent action, some of the development costs might be defrayed through the sale of the new exam to other states which may also abandon CLARB's UNE.

After CTU's presentation, the BLA

voted to send a carefully-worded cover letter to CLARB, once more expressing its displeasure with the UNE and transmitting CTU's findings and suggestions.

Study of Landscape Design Requirements for the Purpose of Developing Guidelines. Lois Mihelic has proposed that she conduct a follow-up to the study she completed on "The Role of the Landscape Architecture Profession in Local Governments." (See CRLR Vol. 8, No. 1 (Winter 1988) p. 57 for background information.) Mihelic's second report will focus on developing landscape design guidelines for city planning officials, which those planners may adapt to their particular city's needs. The compilation will provide cities with information on the guidelines followed by other cities, and how such guidelines may enhance a city's development process. At its March 18 meeting in Pomona, the BLA was scheduled to vote whether to go forward with this study.

LEGISLATION:

SB 87 (Boatwright), as amended in the Senate on January 12, would have repealed the laws which provide for the licensing and regulation of persons who engage in the practice of landscape architecture, geology, and geophysics. The Board of Registration for Geologists and Geophysicists would have been abolished and its licensing functions would have been transferred to the BLA, which would have been renamed as the State Board of Landscape Architects, Geologists, and Geophysicists; the expanded board would have seated a representative from the latter groups. Disciplinary functions of all three groups were to have been transferred to the DCA, but the newly-constituted board would have been responsible for budgeting the funds necessary for discipline functions. The bill would also have required each licensee of the new board to complete fifteen hours of continuing education as a condition for license renewal. However, the bill died in committee.

SB 2810 (Rosenthal) would change the fee for the landscape architecture examination from \$225 to an amount fixed by the Board not to exceed \$325, and would change the renewal fee from \$200 to an amount not to exceed \$300. This bill is pending in the Senate Business and Professions Committee.

RECENT MEETINGS:

At its February 4 meeting in Sacramento, the BLA elected professional member Bob Hablitzel as president, and public member Juanita Raven as vice president for 1988.

FUTURE MEETINGS:

To be announced.

BOARD OF MEDICAL QUALITY ASSURANCE

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BMQA is an administrative agency within the state Department of Consumer Affairs. The Board, which consists of twelve physicians and seven lay persons appointed to four-year terms, is divided into three autonomous divisions: Allied Health, Licensing and Medical Quality.

The purpose of BMQA and its three divisions is to protect the consumer from incompetent, grossly negligent, unlicensed or unethical practitioners; to enforce provisions of the Medical Practice Act (California Business and Professions Code sections 2000 *et seq.*); and to educate healing arts licensees and the public on health quality issues.

The functions of the individual divisions are as follows:

The Division of Allied Health Professions (DAHP) directly regulates five non-physician health occupations and oversees the activities of seven other examining committees which license non-physician certificate holders under the jurisdiction of the Board. The following allied health professionals are subject to the jurisdiction of the Division of Allied Health: acupuncturists, audiologists, drugless practitioners, hearing aid dispensers, lay midwives, medical assistants, physical therapists, physical therapist assistants, physician's assistants, podiatrists, psychologists, psychological assistants, registered dispensing opticians, research psychoanalysts and speech pathologists.

The Division of Medical Quality (DMQ) reviews the quality of medical practice carried out by physicians and surgeons. This responsibility includes enforcing the disciplinary and criminal provisions of the Medical Practice Act. The division operates in conjunction with fourteen Medical Quality Review Committees (MQRC) established on a geographic basis throughout the state. Committee members are physicians, allied health professionals and lay persons appointed to investigate matters assigned by the Division of Medical Quality, hear disciplinary charges against physicians and receive input from consumers and health care providers in the community.