



REGULATORY AGENCY ACTION

Proposed Fee Increases. The Board has also proposed to amend section 1749 of its regulations to increase its licensure fees, as authorized by SB 79 (Chapter 657, Statutes of 1987), which became effective on January 1, 1988. The proposed regulations include (among others) a fee increase for filing an application for the pharmacist's examination (\$155); the pharmacist's licensure examination (\$75); original certification of registration (\$115); biennial renewal of a pharmacist's license (\$115); pharmacy permit (\$340); renewal pharmacy permit (\$175); issuance and renewal of a wholesaler's permit (\$550); and issuance and renewal of a hypodermic license (\$90).

The Board was scheduled to hold a public hearing on its proposed fee increases on April 6 in Los Angeles.

LEGISLATION:

SB 2213 (Craven), introduced February 17, would require any pharmacy located outside California which ships, mails, or delivers any controlled substances or dangerous drugs or devices into California to register with the Board, disclose specified information to the Board, and meet certain other conditions. SB 2213 is pending in the Senate Business and Professions Committee; at this writing, the bill is scheduled for hearing on April 11.

SB 2731 (Campbell), introduced February 19, would exempt from the definition of "manufacturer" a pharmacy which compounds a drug for parenteral therapy, pursuant to a prescription, for delivery to another person licensed to possess that drug. This bill would also require a pharmacy which compounds a drug for another pursuant to the above provision to report that information to the Board within thirty days of commencing that compounding. SB 2731 is also scheduled for an April 11 hearing before the Senate Business and Professions Committee.

AB 513 (Hill), formerly **AB 513 (Tucker)**, was amended on March 9, and would also exempt from the definition of a "manufacturer" a pharmacy compounding a drug for parenteral therapy, pursuant to a prescription, for delivery to another person licensed to possess that drug. AB 513 was approved by the Senate Business and Professions Committee on March 15, and is pending on the Senate floor at this writing.

AB 3578 (Moore), introduced February 17, would allow licensed drug wholesalers to sell hypodermic syringes and needles without a permit. The bill would also add licensee incompetence,

fraud, and deceit as grounds for discipline by the Board, and would allow the Board to recover its investigative and prosecutorial costs from the licensee in certain disciplinary cases, including attorneys' fees and costs attributable to obtaining injunctive relief.

AB 3578 would also prohibit owners, managers and administrators of a disciplined Pharmacy Board licensee from holding certain ownership or management positions with any licensee of the Board; further, pharmacists put on probation by the Board would be prohibited from serving as the pharmacist-in-charge of a pharmacy. This bill is pending in the Assembly Health Committee.

AB 4499 (Felando), introduced February 19, would authorize a pharmacist to substitute a generically equivalent drug for a prescribed drug only if it is listed as having a "Code A" by the federal Food and Drug Administration; if it has a "Code B," the pharmacist must obtain authorization from the prescriber prior to substitution. AB 4499 is pending in the Assembly Health Committee.

AB 2683 (Hughes), as introduced in August 1987, would have required any person who sells, furnishes, or distributes prophylactics in California to be licensed by the Board. As amended on January 21, the bill would prohibit the manufacture, packaging, sale, furnishing, or distribution of prophylactics which fail to conform to standards adopted by the Department of Health Services, and would require the Department to adopt those standards. AB 2683 passed the Assembly on January 27, and is pending in the Senate Health and Human Services Committee at this writing.

AB 44 (Calderon), **AB 1953 (Filante)**, **AB 1238 (Moore)**, **AB 1732 (Isenberg)**, and **SB 1534 (Keene)** have all died in committee. (See CRLR Vol. 7, No. 4 (Fall 1987) pp. 63-64 for details on these bills.)

FUTURE MEETINGS:

May 24-25 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:

Regulatory Changes. In January, the Office of Administrative Law approved the Board's adoption of sections 3472 and 3410 of chapter 34, Title 16 of the California Code of Regulations. Section 3472 allows federal, state, and local government agencies to provide continuing education with Board approval. Section 3410 (previously numbered as proposed section 3842) defines certain "polygraph records" which examiners are required to retain for two years. (See CRLR Vol. 7, No. 4 (Fall 1987) p. 64 for background information.)

Pre-Employment Inquiry Seminar. The Board had scheduled a seminar on pre-employment inquiries for January. (See CRLR Vol. 7, No. 4 (Fall 1987) p. 64.) Due to a shortage of funds, the Board postponed the seminar. It is now scheduled to take place in conjunction with the Board's next meeting; the date is undecided.

Budget. Business and Professions Code section 9321(b) appropriated \$50,000 in the form of a loan from the General Fund to the Board. The statute provides that the Board was to pay \$10,000 interest in 1986, and that the balance was to be repaid in increments of not less than \$10,000 each fiscal year. The appropriation also states that the Board shall pay back the entire loan by January 1, 1990, which is its sunset date. Executive Officer Dia Goode recently reported that the Board paid the 1986 \$10,000 interest payment, but has not been able to make any payments on the balance.

The recent fee increase, effective January 1, 1988, will not be enough to remedy the Board's fiscal crisis. The Board anticipates only 90 new licensees and 400 renewals this year. However, the Board's budget problems may be resolved through SB 2220 (*see infra* LEGISLATION).

LEGISLATION:

SB 2219 (Dills), introduced February 17, would provide that if a polygraph 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. This bill is pending in the Senate Business and Professions Committee.

SB 2220 (Dills), also pending in the Senate Business and Professions Committee, would delete statutory provisions which set forth the Board's obligation to repay a \$50,000 loan from the General Fund appropriated in 1986.

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:

Selection of Executive Officer. Pursuant to the Board's November 20 decision to invite its nine most preferred Executive Officer applicants to interview at their own expense, the Board interviewed seven interested applicants on January 22 in Sacramento. (See CRLR Vol. 8, No. 1 (Winter 1988) pp. 70-71 for background information.) Deliberating in open session, the Board selected Darlene Stroup, William Vizza, and Maurice Kruth as finalists and postponed further consideration until February 26 in Palm Springs. Mr. Vizza and Mr. Kruth are Board-registered civil engineers. Ms. Stroup applied as the Board's Acting Executive Director.

On February 26, the Board selected Darlene Stroup as Executive Officer. Ms. Stroup is a 1979 graduate of UC Davis. Before joining the Board's staff in December 1985 as Assistant Executive Officer, Ms. Stroup served at the State Personnel Board and the Department of Consumer Affairs in occupational testing and budget analysis positions.

LEGISLATION:

AB 981 (Cortese), which would add section 66416.5 to the Government Code to include city engineers with city surveyors within the Subdivision Map Act and within the Professional Land Surveyors' Act, passed the Assembly on January 28 and is pending before the Senate Appropriations Committee at this writing.

AB 1860 (Waters), which would provide a definition for mining and minerals engineers under the Professional Engineers Act, is pending before the Senate Committee on Business and Professions.

SB 790 (Davis), which would have limited the liability of professional engineers in construction projects, was defeated in the Senate Judiciary Committee on January 19.

RECENT MEETINGS:

The Board's January 22 meeting was limited to interviewing Executive Officer applicants.

At its February 26 meeting, in addition to selecting the Executive Officer, the Board adopted passing scores for the August Structural Engineering and October Professional Engineering, Land Surveyor in Training, and Engineer in Training examinations.

FUTURE MEETINGS:

To be announced.

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. The BRN scheduled a March 21 public hearing in Sacramento regarding several proposed changes to its regulations in chapter 14, Title 16 of the California Code of Regulations. These changes would affect nurse faculty educational requirements; continuing education (CE) providers, instructors, courses, and attendees; and application processing timeframes for applications from nurse practitioners for a permit to furnish drugs and devices.

As amended, section 1425 would require nurse assistant instructors to hold a baccalaureate degree in nursing from an accredited college. Currently, section 1425(e) requires assistant instructors to hold a baccalaureate degree from an accredited college.

As amended, section 1451(d) would no longer permit CE instructors who attend a course for credit and also teach a portion of the course to receive CE credit. A change to section 1451.2(a) would enable RN students taking relevant academic courses to obtain CE credit from a non-BRN-approved pro-