



and 15 reciprocity applicants. The NBE passage rate was 64%. The overall pass rate on the CCT was 35%: 21% from the ECFVG program and an 87% reciprocity pass percentage rate.

**AHT Committee Report.** The AHT Committee recently approved draft language for proposed changes to section 2068.5 of the California Code of Regulations (CCR). These changes would allow an AHT test candidate to sit for an AHT exam with three years of AHT experience under the direct supervision of a veterinarian, provided the test candidate has completed either 50 semester or 75 quarter college units. The Committee will schedule a public hearing for comments on the proposed amendments.

The AHT Inspection Subcommittee conducted its initial inspection of Western Career College in San Leandro, and approved a two-year accreditation to the school for its compliance with minimum equipment, classroom, and supply standards.

The AHT Committee is considering waiving its guidelines calling for biennial reinspections of schools which have not undergone changes in administration, instructors, or Advisory Committees, provided that graduates from these schools maintain a high passage rate on the AHT exam. The AHT Committee noted that the reinspection program is costly and, in some situations, the re-inspections are unnecessary. Alternatives to reinspection—such as certified photographs or notices of corrections—are often effective.

**Citation and Fine Program.** At its January meeting, the Board again reconsidered the language of its proposed citation and fine regulation, section 2043, chapter 20, Title 16 of the CCR. (See CRLR Vol. 8, No. 1 (Winter 1988) p. 74 and Vol. 7, No. 4 (Fall 1987) p. 69 for background information.) The current proposed regulation distinguishes between Class "A" and "B" violations based on the extent of bodily injury to the animal-patient. Class "A" violations include serious bodily injury or death to the animal, for which a fine ranging from \$1,501 to \$2,000 may be imposed. Class "B" violations are for bodily injury to an animal not resulting in death. This type of citation is subject to a fine ranging between \$501 to \$1,500. The overlap in bodily injury criteria will allow the Board flexibility in determining which fine to impose depending on the extent of the injury.

The Board is now concerned that the Office of Administrative Law (OAL) will reject the proposed language based on

lack of clarity. Section 11349(c) of the Government Code states that regulations are clear when they are "written or displayed so that the meaning of the regulation will be easily understood by those persons directly affected by them." BEVM was scheduled to discuss the language of the proposed regulation once again at its May meeting.

**Alcohol and Drug Diversion Program.** The alcohol and drug diversion program is designed to identify and rehabilitate veterinarians and AHTs with chemical dependency problems. The program is in its fourth year of existence and currently has twenty participants. The program is growing rapidly and program manager Sterling Corley, DVM, has just resigned, stating that the program needs a full-time director. Funding for such a position could come from the profession and private industry. The program's assistant director, Joyce Francis, will serve as interim program manager.

Prior to his resignation as program manager, Dr. Corley discussed with the Board the issue of confidentiality within the program. Confidentiality is a main concern among program participants. Dr. Corley suggested, however, that participant confidentiality could be waived if the program manager finds evidence that a participant has breached his/her contract and is abusing a chemical substance. This information could be forwarded to the program physician, who could notify the Board for potential disciplinary action if the physician concludes the abuse is substantial enough to endanger the public. The Board referred this issue to the Board's legislative committee for review.

## LEGISLATION:

**AB 1358 (Frizzelle)**, which would have prohibited the BEVM from issuing or renewing a license to any veterinarian premises unless it is owned or leased by a licensed veterinarian, has been dropped by its author.

**AB 2756 (O'Connell)**, as introduced, would expand the duty of a veterinarian to report enumerated crimes against animals. Existing law requires a vet who believes a dog was injured or killed through participation in a staged dog-fight to report that activity to the appropriate local law enforcement agency. This bill expands the list of crimes against animals which a veterinarian would be required to report, including willful poisoning; the intentional maiming, wounding, torturing, or mutilation of animals; and animals subjected to needless suffering or kept without proper

care or attention. At this writing, this bill is pending in the Assembly Ways and Means Committee.

## RECENT MEETINGS:

At its January meeting, the Board addressed complaints and advertisements regarding teeth cleaning of animals. The Board's position on this issue is that teeth cleaning may be performed by licensed AHTs under the direct supervision of a veterinarian, and that teeth extraction may be performed only by a veterinarian or a supervised AHT. The Board feels that teeth cleaning of an animal is a preventive dental procedure which is not exclusively cosmetic in nature. The Board believes that these procedures fall squarely within Business and Professions Code section 4826(b), which provides that veterinary practice includes "treatment of whatever nature for the prevention...of...disease of animals." The Board has notified several laypersons offering this service that their continued activity could result in a fine or criminal prosecution by the district attorney's office.

Also at the January meeting, the Board discussed a particular advertising service for licensed veterinarians. The service in question provides the public with a list of veterinarians who charge low prices for certain vet services. "Pet'n'Vet" accepts a fee from the vet to match that vet with a client. Business and Professions Code section 650 prohibits veterinarians from participating in any form of referral service. Violation of this statute is punishable by a one-year jail term or a fine of not more than \$10,000. The Board's legal counsel will investigate and research the issue, and report to the Board at its May meeting.

## FUTURE MEETINGS:

June 28-29 in Sacramento.

## BOARD OF VOCATIONAL NURSE AND PSYCHIATRIC TECHNICIAN EXAMINERS

*Executive Officer: Billie Haynes (916) 445-0793*

This agency regulates two professions: vocational nurses and psychiatric technicians. Its general purpose is to administer and enforce the provisions of Chapters 6.5 and 10, Division 2, of the Business and Professions Code. A licensed practitioner is referred to as either an "LVN" or a "psych tech."

The Board consists of five public members, three LVNs, two psych techs,



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and one LVN with an administrative or teaching background. At least one of the Board's LVNs must have had at least three years' experience working in skilled nursing facilities.

The Board's authority vests under the Department of Consumer Affairs as an arm of the executive branch. It licenses prospective practitioners, conducts and sets standards for licensing examinations, and has the authority to grant adjudicatory hearings. Certain provisions allow the Board to revoke or reinstate licenses.

The Board currently licenses approximately 68,000 LVNs and 14,000 psychiatric technicians.

### LEGISLATION:

*SB 1552 (Kopp)* would require the Board to consider including AIDS training in its continuing education requirements. This bill is pending in the Senate Business and Professions Committee.

*SB 1161 (Greene)*, which would have enacted the Certified Nurse Assistant Law, died in committee.

### RECENT MEETINGS:

At its January meeting in San Diego, the Board welcomed its newest member, Helen Lee. Ms. Lee will be sitting on the Board as a public member. Gwen Hinchey, RN, MA, was reelected as Board President, and Deloyce Arrington, LVN, was reelected Vice-President.

Billie Haines presented an extensive Executive Officer's report to the Board,

highlighting the Board's 1988 goal—"Pursuit of Excellence." Ms. Haines reported that in 1987, staff answered over 77,000 phone calls, renewed over 29,000 licenses, reviewed more than 4,000 applications, and issued 1,200 interim permits. Six licenses were revoked for chemical dependency reasons. Ms. Haines praised her staff and their achievements.

The Board is looking forward to offering licensee applicants the opportunity to take the state licensing examination by computer. The Board anticipates four computers to be available in Los Angeles and two in Sacramento, with immediate feedback capabilities. The Board will be one of the first boards in the country to offer such exam-taking conditions. The Board also acknowledged the approval of a budget change proposal which will provide \$96,960 for the computerization of the psychiatric technician exam. (See CRLR Vol. 7, No. 4 (Fall 1987) p. 70 for background information.)

Additionally, the Board has asked the Department of Finance for approval of six new consultant positions. Recently, the Board learned that four of these positions have been approved.

### FUTURE MEETINGS:

May 13 in Burlingame.

July 13-14 in Monterey.

September 23 in San Diego.

licensee sells alcoholic beverages which will not be consumed on the premises.

### MAJOR PROJECTS:

*ABC's Top Priorities in 1988.* ABC Director Jay Stroh recently outlined the Department's enforcement goals for 1988. ABC has formed two special units—the Drug Enforcement Narcotics Team (DENT) and Informed Merchants Preventing Alcohol-Related Crime Tendency (IMPACT)—which were designed to help control the serious problem of drug and narcotic violations in licensed premises.

According to Stroh, the units' expertise will be used to pursue administrative and criminal actions against licensee offenders and their employees for these violations. The federal government awarded the ABC a grant of \$300,000 to support the salaries of the teams' investigators.

The ABC is working in conjunction with police departments and sheriff's departments throughout the state to provide them with assistance in investigating narcotics violations on licensed premises. So far, the units have made about thirty arrests, confiscating \$60,000 derived from the sale of narcotics and approximately \$125,000-\$150,000 worth of narcotics.

*Happy Hour Restrictions.* In an effort to reduce drunk driving incidents related to "happy hour" promotions, the ABC has proposed new rules to curb certain practices in on-sale establishments. (For background information, see CRLR Vol. 8, No. 1 (Winter 1988) p. 76; Vol. 7, No. 2 (Spring 1987) pp. 72-73; and Vol. 7, No. 1 (Winter 1987) p. 64.)

The ABC has drafted a five-point program to reduce "happy hour" promotions. Several practices would be restricted or prohibited under the program, including the following: (1) the offering or giving of free alcoholic beverages; (2) the offering or giving of unlimited drinks during a set period of time; (3) the serving of multiple drinks for a single price; (4) the increased volume of alcohol in one drink without a corresponding and proportionate increase in the price of the drink; and (5) any contest or award requiring the consumption of alcoholic beverages.

In response to SCR 65 (Russell), the ABC recently submitted a 45-page report covering "happy hour" issues to the state legislature. (See CRLR Vol. 8, No. 1 (Winter 1988) p. 76.) The ABC plans to hold hearings this spring on its proposed five-point program.



## BUSINESS, HOUSING AND TRANSPORTATION AGENCY

### DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

Director: Jay Stroh  
(916) 445-3221

The Department of Alcoholic Beverage Control (ABC) is a constitutionally-authorized state department. The Alcoholic Beverage Control Act vests the Department with the exclusive right and power to license and regulate the manufacture, sale, purchase, possession, and transportation of alcoholic beverages within the state. In addition, the Act vests the Department with authority, subject to certain federal laws, to regulate the importation and exportation of alcoholic beverages across state lines. ABC issues liquor licenses and investi-

gates violations of the Business and Professions Code and other criminal acts which occur on premises where alcohol is sold. Many of the disciplinary actions taken by ABC, along with other information concerning the Department, are printed in the liquor industry trade publications *Beverage Bulletin* and *Beverage Industry News*.

ABC divides the state into two divisions with assistant directors in charge of each division. The state is further subdivided into 21 districts, with two districts maintaining branch offices.

ABC dispenses various types of licenses. "On-sale" refers to a license to sell alcoholic beverages which will be bought and consumed on the same premises. "Off-sale" means that the