



REGULATORY AGENCY ACTION

parimutuel wagering regulations and would not apply to any other regulation which may impact its licensees or the general public.

LEGISLATION:

AB 523 (Condit), which would change the requirement that every racing association which conducts a racing meeting at a fair must deduct an additional 1% from the parimutuel pools for deposit in the Fair and Exposition Fund, was referred to the Committee on Governmental Organization on January 28.

AB 3161 (Floyd) was introduced on February 10. The bill would require that the CHR B establish an information pool with its counterpart regulatory agencies in other states in order to share information concerning the background of applicants for various CHR B licenses. This bill was referred to the Assembly Ways and Means Committee on March 22.

AB 3402 (Floyd) was introduced on February 16. The bill, which would require the Department of Finance and the Legislative Analyst to jointly perform an analysis of the fiscal impact of legalized sports wagering in California, was referred to the Assembly Ways and Means Committee on March 22.

AB 3198 (Bane) was introduced on February 10. The bill, which would delete legislative restrictions as to specified months during which the CHR B is authorized to allocated harness racing dates to the 22nd District Agricultural Association (Del Mar), was referred to the Assembly Committee on Governmental Organization on February 18.

AB 3136 (Floyd), introduced on February 9, would authorize a race track association to revise the estimate for the aggregate handle during a meeting if the Board determines that the revision is necessary. The bill was sent to third reading in the Assembly on March 24.

AB 3095 (Floyd), introduced on February 9, would authorize the use of electronic data processing equipment for parimutuel wagering, as specified. Existing law allows only the use of a totalisator or other mechanical equipment approved by the CHR B. The measure was sent to Assembly third reading on March 24.

SB 1700 (Maddy) was introduced on January 4. As amended on March 22, the bill would delete the requirement under existing law that in the case of satellite wagering in the northern zone, 10% of the funds deducted for purses be distributed in the form of purses to horsemen who participate in racing fairs which operate satellite wagering facili-

ties pursuant to a specific program. The bill would also require the CHR B to contract with persons licensed as stewards to perform duties as Board representatives and to assign them to perform duties at satellite wagering facilities with an average daily handle of \$100,000 or more. SB 1700 was scheduled for an April 11 hearing before the Senate Appropriations Committee.

SB 2010 (Maddy), introduced on February 10, would require a person to file a claim for money from a parimutuel pool with the race track association issuing the ticket within 180 days after the close of the meeting and would delete the provisions for filing claims with the CHR B. The bill would also require any unclaimed money from a parimutuel pool to be paid to the Board 180 days after the close of the meeting. SB 2010 was to be heard in the Senate Appropriations Committee on April 11.

The following is a status update of bills reported in CRLR Vol. 8, No. 1 (Winter 1988) at p. 103:

AB 2318 (Waters), which formerly concerned the makeup of CHR B membership, as well as providing for CHR B establishment of a central registry for horses, changed entirely with February 4 amendments.

The bill now concerns state license fees for mixed breed meetings. Among other things, it would provide that any association which conducts a mixed breed meeting at Cal Expo shall retain the state license fee if the daily handle is \$400,000 or less, and shall pay a license fee of 26% of the handle in excess of \$400,000.

AB 310 (Floyd), which authorizes CHR B to permit owners to enter thoroughbred horses in quarter horse races, as specified, has been approved by the Governor (Chapter 6, Statutes of 1988).

As of this writing, no further action has been taken on **AB 2597 (Hill)** and **SB 532 (Keene)**.

RECENT MEETINGS:

At the January meeting, Board Chair Paul R. Deats and Vice-Chair Leslie M. Liscom were unanimously reelected to their respective CHR B positions.

The California Horsemen's Benevolent and Protective Association (CHBPA) requested that the Board enforce its order of October 16, 1987, relating to the payment of purses generated from satellite wagering on fair racing programs. At the October meeting, the Board ordered the distribution of "75% of the amount from the simulcast handle which was retained for distribution in

the form of purses." (For background information, see CRLR Vol. 8, No. 1 (Winter 1988) pp. 103-04.)

Nathaniel Colley, legal counsel for CHBPA, stated that the Board operates pursuant to the Administrative Procedure Act, and that if any person disobeys or resists a lawful agency order, the agency shall certify the facts to the superior court for a show-cause contempt order. Deputy Attorney General Robert Mukai disagreed, stating that there is no further action required of the Board and therefore no need for certification to a superior court for contempt proceedings.

Mr. Mukai contended that the principal "enforcement" provision at CHR B's disposal is its licensee disciplinary system. That authority is found in Business and Professions Code section 19461, as well as general authority in Business and Professions Code sections 19420 and 19440. Other than this authority, there is little the Board can do. Therefore, parties on both sides of the dispute are free to seek their civil remedies without the further assistance from the Board.

As of this writing, the matter remains unresolved. The money which the CHBPA seeks is in special accounts maintained by each of the fairs.

FUTURE MEETINGS:

June 17 in Los Angeles.

July 29 in Del Mar.

August 26 in Sacramento.

September 23 in San Mateo.

October 21 in Arcadia.

November 18 in Los Angeles.

December 16 in Los Angeles.

NEW MOTOR VEHICLE BOARD

Executive Officer: Sam W. Jennings (916) 445-1888

The New Motor Vehicle Board (NMVB) licenses new motor vehicle dealerships and regulates dealership relocations and manufacturer terminations of franchises. It reviews disciplinary action taken against dealers by the Department of Motor Vehicles. Most licensees deal in cars or motorcycles.

The Board also handles disputes arising out of warranty reimbursement schedules. After servicing or replacing parts in a car under warranty, a dealer is reimbursed by the manufacturer. The manufacturer sets reimbursement rates which a dealer occasionally challenges as unreasonable. Infrequently, the manufacturer's failure to compensate the



dealer for tests performed on vehicles is questioned.

The Board consists of four dealer members and five public members. The Board's staff consists of an executive secretary, three legal assistants and two secretaries.

Governor Deukmejian recently appointed E.A. Reodica, of Glendora, Chief Executive Officer for Grand Chevrolet; John Barber, of Bakersfield, President of Barber Pontiac Company; and Liucija Mazeika, a real estate investor from Marina del Rey, to the Board.

RECENT MEETINGS:

The Board has not met since September 29, 1987.

FUTURE MEETINGS:

To be announced.

BOARD OF OSTEOPATHIC EXAMINERS

Executive Director: Linda Bergmann (916) 322-4306

In 1922, California voters approved a constitutional initiative which created the Board of Osteopathic Examiners (BOE). BOE regulates entry into the osteopathic profession, examines and approves schools and colleges of osteopathic medicine and enforces professional standards. The 1922 initiative, which provided for a five-member Board consisting of practicing osteopaths, was amended in 1982 to include two public members. The Board now consists of seven members, appointed by the Governor, serving staggered three-year terms.

MAJOR PROJECTS:

Regulation Changes. The Board recently published and held a hearing on several proposed changes to its regulations in chapter 16, Title 16 of the California Code of Regulations.

An existing regulation sets the due date for the annual tax and registration fee on January 1 of each year. Effective January 1, 1988, Business and Professions Code section 2456.1 was enacted, establishing the date of registration expiration as the last day of the birth month of the licensee. Accordingly, a proposed amendment to section 1630(b) sets the due date for the annual tax and registration fee to be on the first day following the last day of the birth month of the licensee. Section 1647(b), regarding the due date for renewal of an inactive certificate, was also amended to set the due date on the first day follow-

ing the last day of the birth month of the licensee.

Existing BOE regulations require annual renewal of a physician's assistant supervisor approval. Effective January 1, 1988, Business and Professions Code section 3535 requires biennial renewal instead of annual renewal. Amended section 1681(b) sets forth a biennial renewal requirement and fully clarifies the section by specific reference to the fact that the approval applies solely to the supervisor of a physician's assistant.

Existing rule 1690(c) sets the written examination and reexamination fee at \$100. Business and Professions Code section 2435(c) authorizes the fee to be set at the actual cost of the written examination. The actual cost is now \$125 and the fee has thus been raised to \$125.

Existing rule 1690(k) sets the physician's assistant supervisor application fee at \$10, the approval fee at \$50, and the renewal fee at \$25. Effective January 1, 1988, Business and Professions Code section 3535 was amended to raise the ceiling for these fees, add a delinquent fee, and establish a biennial renewal requirement. Accordingly, the proposed amendments raise the fees, add a delinquent fee, and clarify the classification of the existing fees: the application fee will be \$50; the approval fee will be \$100; the biennial renewal fee will be \$150; and the delinquent fee will be \$25.

Section 1690(l) sets forth the prorated fees for the transition period from the former January 1 annual renewal system to a birthdate annual renewal system for the inactive certificate and the annual tax and registration requirements as established by the newly-enacted Business and Professions Code section 2456.1. The proposed regulation establishes a prorated fee, payable in 1988, based on a formula which divides the unchanged \$200 annual fee by twelve to give a monthly amount dependent on birth month. The purpose of this approach is to allow a smooth transition from one system to another.

After a March 19 public hearing on these proposed changes, the Board unanimously adopted them, and will submit them to the Office of Administrative Law for approval.

LEGISLATION:

SB 1334 (McCorquodale) would have established provisions of state law governing the California Area Health Education Center System, which currently operates pursuant to a federal grant program. The system would be governed by the Regents of the University of Cali-

fornia with input from community groups and an advisory board composed of the deans of the California medical schools, the Vice-President of health affairs of the University of California, and eight public members. This bill died in the Senate Appropriations Committee.

AB 1924 (Bader) would establish the State Osteopathic Medicine Contract Program, under which the Health Manpower Policy Commission would contract annually with the College of Osteopathic Medicine of the Pacific for the purpose of providing specified post-graduate training of osteopathic interns and residents. The college would be required to annually enter into a binding agreement with a health facility under which the college would expend three times the amount of state funds for the training. The Commission would be authorized to adopt regulations to implement the program, and would be required to review and evaluate it, and submit annual progress reports to the legislature.

The original version of the bill would have appropriated \$225,000 to the Commission for these purposes, with \$75,000 of the sum coming from the contingent fund of BOE and \$150,000 from the General Fund. As amended on January 27, the bill would appropriate \$75,000 to the Commission.

The purpose of the bill is to increase the number of osteopathic interns and residents receiving quality education in the areas of geriatrics, health promotion, disease prevention, wellness, and nutrition, and to maximize the delivery of primary care osteopathic family physicians' services to specific areas of California where there is an unmet need for these services. At this writing, the bill is pending in the Senate Committee on Health and Human Services.

AB 4197 (Isenberg) would authorize the Board to establish diversion evaluation committees to evaluate licensees who request participation in a diversion program for drug or alcohol abuse. It would establish the power and duties of the committees, the standards of the program, and the terms of participation in the program. This bill is pending in the Assembly Health Committee.

AB 4622 (Bader) would authorize a program of reciprocity between the BOE and other state boards. The bill would require the Board to issue an osteopathic physician's and surgeon's certificate to any person who (1) holds a license to practice osteopathic medicine in another state whose examination is approved and recognized by the Board, (2) has no