



ignite upholstered furniture or mattresses." Significantly, however, no experimental or patented cigarettes with those characteristics were tested for consumer acceptance and smoke toxicity. Consequently, the technical study group was unable to determine whether the smoke chemistry or possible prototype cigarettes would differ in significant ways from cigarettes currently on the market. This is an important consideration because even a small increase in the likelihood of cancer, heart attacks, or lung disease would more than offset the reduction in deaths and injuries projected to result from a decrease in cigarette-ignited fires.

In its report to Congress, the interagency committee recommends that legislation be adopted to facilitate the development of prototype cigarettes as well as testing for consumer acceptability and smoke toxicity.

**Survey of Feather and Down Products.** Results of a recent Bureau survey of feather and down products have been released. The results indicate that many products labeled as "down" contain less than the minimum 75% of down as required by law. The random survey was conducted as part of the Bureau's enforcement program.

Reporting on the survey at the December 8 Advisory Board meeting, Bureau Chief Gordon Damant stated that there is clear evidence of unfair business competition in the down industry. Damant reported that the Bureau is taking legal action against the down product manufacturers found to be in violation of the law.

**Palo Alto Insulation Inspections.** The Bureau recently tested 100 cellulose insulation products installed in homes in the City of Palo Alto. Seventy percent of the products tested did not meet standards. The City of Palo Alto is following up the Bureau's survey with an inspection of all such products installed in homes within that city. The U.S. Consumer Products Safety Commission and several other agencies are also involved in the Palo Alto investigation.

**Regulatory Changes.** As previously reported (see CRLR Vol. 7, No. 2 (Spring 1987) p. 52), the Bureau is continuing its efforts to update the fifteen-year-old regulations governing the waterbed industry. The Bureau has asked the Waterbed Manufacturer's Association to suggest regulations for Bureau review. The Association anticipates that the package of suggested revised regulations will be presented to the Bureau in early 1988. The Bureau must also establish

new regulations for waterbed heaters, as required by the recently-enacted SB 1645 (Keene).

As of this writing, the Bureau is preparing to propose regulations concerning seating furniture in high-risk occupancy and public buildings (Technical Bulletin 133). Bureau Chief Gordon Damant states that while no specific definition of a "high-risk occupancy" has been established, the regulations would be aimed at such places as penal institutions, health care facilities, stadiums, auditoriums, and hotel lobbies. A recent survey of approximately 300 California fire departments showed unanimous support for Technical Bulletin 133.

In August 1987, the International Association of Fire Fighters announced in a Washington, D.C., press conference its proposal that the Bureau's Technical Bulletin 133 flammability standard be adopted as a mandatory standard nationwide. Thirteen state legislatures are now considering legislation to adopt the California flammability standard.

## LITIGATION:

In *State v. Sidex International Furniture Corp.*, No. C665406 (Los Angeles County Superior Court), a final judgment was rendered in October. Civil penalties totaling \$66,000 were assessed against Sidex, a Compton furniture manufacturer, in this action enforcing state labeling and flammability requirements. Injunctive relief was also awarded, including an order to comply with a mandatory quality control program. The Bureau was awarded reimbursement for its investigative costs.

## RECENT MEETINGS:

The regular quarterly meeting of the Advisory Board was held on December 8 in Los Angeles. Bureau Chief Gordon Damant announced at the meeting that the Bureau laboratory has now been approved and accredited by the National Laboratory Accreditation Program. Damant also announced the purchase of new laboratory equipment for the testing of thermal conductivity of pipe insulations.

Board members were provided with copies of the Bureau's licensing, complaint, enforcement, and testing activity reports for the first quarter of the 1987/88 fiscal year (July 1 to September 30). During this period, the Bureau issued original licenses to 526 retailers, manufacturers, suppliers, and dealers. Currently, 19,608 licenses are in effect, including those for retail furniture or

bedding (6,553); retail furniture and bedding (7,956); custom upholsterer renovator sterilizer (1,588); and manufacturer, wholesaler, suppliers, dealers (3,511). The enforcement program resulted in the withholding from sale of 3,149 articles and the relabeling of 1,062 products.

Chief Damant reported that the Bureau has hired one new inspector for its enforcement program. Now, two inspectors cover southern California and two inspectors cover northern California.

## FUTURE MEETINGS:

March 8 in Sacramento.

June 14 in San Diego.

September 13 in San Francisco.

December 13 in Los Angeles.

## BOARD OF LANDSCAPE ARCHITECTS

*Executive Officer: Joe Heath*  
(916) 445-4954

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 Plan.** The Uniform National Examination (UNE) is given by the forty states which require certification for landscape architects. The national exam is comprised of four sections, each focusing on specific aspects of landscape architecture, such as grading or planting. California's BLA adds a fifth section which tests knowledge of laws, plants, irrigation, and other subject matter area peculiar to California. As an organizational tool, each section is broken into subparts which employ either the objective-question or performance-problem methodology. Candidates who pass individual sections, but not all of the exam, are required to retake only the non-passed sections of the exam.

In California, a two-part procedure is employed for grading certification tests. All objective parts are sent to Syracuse, New York, where UNE computers score the exams; all performance parts are graded by an independent contractor hired by the BLA. Outside contractor graders follow specific UNE guidelines for scoring the performance exams, and report the results to the Board. Those results are forwarded to UNE, compiled with results from the objective portions, and returned to the Board as a final score. The Board determines whether each candidate for California certification has met state standards, then notifies each of his/her status.

With the assistance and advice of the Central Testing Unit (CTU) of the Department of Consumer Affairs (DCA), the Board recently reevaluated scores from specific parts of the June UNE. The reevaluation followed lower-than-national-average passing scores on certain parts of the exam. For example, California examinees scored nine points below the national mean on Section 3A Performance problems. Concern about improper evaluation resulted in the rescoring of all Section 3A problems for all examinees falling within five points below the failing score on Section 3. Candidates scoring within six points below the failing score on Section 4 were also reevaluated. Results of the rescoring were mailed to candidates in early December. The experience and knowledge gained from the process will assist the Board in ensuring that the grading of future exams is more equitable, and in formulating a plan to help candidates pass the exam. (See CRLP Vol. 7, No. 4 (Fall 1987) p. 52 for background information.)

The CTU also assisted the Board by studying several objective survey UNE tests sent by CLARB to the Board for review. CLARB sends actual exams, developed for an upcoming UNE administration, to the forty state boards which require the test for certification of candidates. Each board may review the tests for relevancy, ambiguity, clerical error, or other problems, and make improvement recommendations to CLARB.

The purpose of licensing examinations is to protect the public's health, safety, and welfare; however, the CTU study of the survey tests showed that a large number of the test items did not appear related to that purpose and should not be included in the 1988 UNE. The Board agreed and, with CTU's assistance, will forward a memo to CLARB and its testing consultant detailing the Board's findings and recommendations for additional content.

**Landscape Architecture in Local Government.** Lois Mihelic, a landscape architectural student and intern with the Board, completed a study entitled "The Role of the Landscape Architecture Profession in Local Governments." Mihelic's study focused on county governments and paralleled a 1980 study which focused on city governments. Mihelic found that (1) the majority of counties do not have written policies or ordinances relating to landscaping plans; (2) of those which do, only three require the plans to be submitted by a licensed landscape architect; (3) more than half of the counties require landscape plans to be submitted for large commercial projects, but not necessarily by licensed landscape architects; (4) counties generally review plans only for compliance with state codes; (5) detail and aesthetics appear to be of little concern; and (6) counties which follow no general practices reason that their rural natures do not require the adherence to strict guidelines.

The author initially intended to develop broad guidelines relating to landscape plans which counties could follow. However, because counties govern unincorporated areas which are largely rural, they are less likely to need landscape plans. In addition, county planners indicated that they do not want to devise restrictions which might limit the creativity of designers. Thus, Mihelic's only recommendation was that counties should be encouraged to require that landscaping plans be submitted by professionals licensed by the Board.

A formal proposal for a broader follow-up study is scheduled for consideration

at the Board's February meeting.

**Fee Increases.** Commencing in 1988, the fees for an application for the landscape architect exam will be raised from \$200 to \$225.

## LEGISLATION:

**SB 87 (Boatwright)**, which would have abolished the Board as introduced, was discussed during interim hearings conducted by the Senate Business and Professions Committee in Palm Springs on December 7 and 8. According to a Committee staff member who attended the hearings, representatives of the BLA and industry members who were present were the most responsive of all groups testifying. (The hearings also covered other Boatwright bills affecting five other state agencies.) The Board recognized that its largest problem is enforcement and offered to do anything necessary to rectify the problem, but expressed its need for more money to do an adequate job. The opposition, however, testified that the Board receives very few complaints, and thus is not serving any real enforcement function which protects the public. The absence of complaints could mean either that the Board is not doing its job (that is, it fails to adequately inform the public where complaints should be lodged), or that there is no need to protect the public, and thus no need for the Board.

Subsequent to the interim hearing, Senator Boatwright cancelled a January 14 hearing on SB 87 before the Senate Business and Professions Committee; his office indicated that the Senator will no longer pursue SB 87.

**Future Legislation.** During the 1988 legislative session, the Board will pursue several legislative proposals, including fee increases. Board fees are now at their maximum levels, as defined by section 5681 of the Business and Professions Code.

The Board is also considering legislative amendments concerning the certification exam. The Board has determined that most of the questions asked during the oral exam, presently required of all California certification candidates, could be incorporated into the written exam. Therefore, changes in legislation may be pursued to delete the oral exam requirement for candidates who have taken and passed all five sections of the UNE in California. Candidates certified by another state but seeking reciprocity in California would not have taken the additional UNE section required by the Board (see *Exam Review Plan* in



MAJOR PROJECTS, *supra*, for background information); therefore a passing score on Section 5 would be required for all reciprocity candidates. The Board would continue to require the oral exam of these candidates as a further check on their knowledge and understanding of California landscape architecture. No fees are charged for the oral examination, and oral exam commissioners are not paid.

## RECENT MEETINGS:

At its November 6 meeting in Los Angeles, the Board considered recommendations from the CTU regarding needed changes to the UNE Handbook published by CLARB. The Board assumed that the Handbook's purpose is to assist candidates in preparing for the exam. However, the for-sale Handbook was found to include promotional information about CLARB and technical information on how the UNE sets passing scores. The CTU also found that information on exam preparation, contents, and/or administration is insufficient. The Board concurred in CTU's recommendations and voted to notify CLARB of its suggestions.

The Board also agreed to send a letter to Senator Roberti requesting the replacement of Board member Sue Wells as soon as possible. Wells did not seek reappointment after her term expired.

On December 6 in Palm Springs, the Board approved in concept the separate licensure of irrigation consultants. A formal proposal will be submitted at a future meeting.

The education subcommittee presented an overview of its findings from hearings held in northern and southern California on the experience credit granted toward educational requirements for licensure. A formal report with recommendations will be made at the March Board meeting.

The Board approved sending a representative to accreditation meetings when teams from the American Society of Landscape Architects review university and college departments of landscape architecture which are under the Board's jurisdiction. The Board also approved a guide developed by Executive Officer Heath which will be sent to all oral exam commissioners for use in conducting uniform oral examinations.

## FUTURE MEETINGS:

To be announced.

## BOARD OF MEDICAL QUALITY ASSURANCE

*Executive Director: Ken Wagstaff*  
(916) 920-6393

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.

Responsibilities of the Division of Licensing (DOL) include issuing licenses and certificates under the Board's jurisdiction, administering the Board's continuing medical education program, sus-

pending, revoking or limiting licenses upon order of the Division of Medical Quality, approving undergraduate and graduate medical education programs for physicians, and developing and administering physician and surgeon examinations.

BMQA's three divisions meet together approximately four times per year, in Los Angeles, San Diego, San Francisco and Sacramento. Individual divisions and subcommittees also hold additional separate meetings as the need arises.

At its December 1987 meeting, the Board elected new officers and division presidents. Dr. Eugene Ellis was elected Board President, and Dr. J. Alfred Rider was selected Board Vice-President. Dr. John Lungren was chosen DOL president; Dr. Rendel Levonian was selected DMQ president; and Dr. John Tsao was reelected for another term as DAHP president.

## MAJOR PROJECTS:

*Post-1975 Vietnamese Medical Graduates: Implementation of SB 1358.* Under SB 1358 (Royce), BMQA is required to appoint a six-member advisory council consisting of five former University of Saigon Medical School faculty members and one member of the Division of Licensing. (See CRLR Vol. 7, No. 4 (Fall 1987) pp. 53-54 and Vol. 7, No. 2 (Spring 1987) p. 1 for background information.) The council is charged with evaluating the license applications of post-1975 Vietnamese applicants and making recommendations to the DOL regarding the applicants' eligibility for licensure. The Division must act on the council's recommendations within ninety days of receipt, and must accept the recommendations unless it holds a hearing and finds that the recommendations are not based on substantial evidence.

At its December 11 meeting in Los Angeles, BMQA appointed the following individuals to the faculty council-in-exile: Tam Duy Bui, MD; Bao Tien Hoang, MD; Cung Duy Nguyen, MD; Ninh Ngoc Tran, MD; Dai Qui Vu, MD; and DOL member Jerome Unatin, MD.

*Credentials Committee Procedures Review.* Because of concerns raised at DOL's October meeting over the personal liability of DOL members for Credentials Committee decisions, the DOL instructed Board counsel to prepare recommendations regarding the role and function of the Committee. The Credentials Committee currently consists of four members of the DOL who meet in closed session to review non-routine