



SPEECH PATHOLOGY AND AUDIOLOGY EXAMINING COMMITTEE

*Executive Officer: Carol Richards
(916) 920-6388*

The Board of Medical Quality Assurance's Speech Pathology and Audiology Examining Committee (SPAEC) consists of nine members: three speech pathologists, three audiologists and three public members (one of whom is a physician).

The Committee registers speech pathology and audiology aides and examines applicants for licensure. The Committee hears all matters assigned to it by the Board, including, but not limited to, any contested case or any petition for reinstatement, restoration, or modification of probation. Decisions of the Committee are forwarded to the Board for final adoption.

MAJOR PROJECTS:

Renewal Fees. On October 8, SPAEC filed a regulation with the Secretary of State amending section 1399.186 of Title 16, California Administrative Code. The amendment raises the license renewal fee from \$35 to \$60.

Public School Speech Pathology Standards. Committee Chair Phil Reid, MD, continues to monitor the current debates between the American Speech-Language-Hearing Association (ASHA), the California Speech-Language-Hearing Association (CSHA), and the Committee for Teacher Credentialing (CTC) concerning standards for public school speech pathologists who have teaching credentials but are not licensed by SPAEC. The point of contention is whether the public school personnel should be held to the highest standard in the state, which is SPAEC licensure or a master's degree.

As a member of an ad hoc committee addressing the issue, Dr. Reid has compared several California public universities and has found that credential requirements vary by as much as twelve semester units among the schools. If it is found that public school personnel holding only teaching credentials are involved in practices warranting licensure, SPAEC standards are likely to be deemed applicable.

RECENT MEETINGS:

At the October 9 SPAEC meeting in Sacramento, Ms. Teena Arneson, Consumer Service Representative for BMQA's Division of Allied Health Professions, explained to the Committee the process by which consumer complaints are received and handled in her office.

Complaints for all nine allied health committees under BMQA's jurisdiction are received in Ms. Arneson's office. When a full investigation is not necessary, Ms. Arneson contacts the executive officer of the appropriate committee and serves on behalf of the committee as a mediator between the licensee and the complainant. Whether an investigation is required is generally determined by the executive officer and the particular committee or the executive officer and legal counsel. Complaints over which the committees have no jurisdiction are referred by staff to agencies such as the Better Business Bureau, small claims court, and local consumer affairs offices.

FUTURE MEETINGS:

March 11 in San Francisco.

May 13 in southern California.

BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

*Executive Officer: Ray F. Nikkel
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The Board of Examiners of Nursing Home Administrators (BENHA) develops, imposes, and enforces standards for individuals desiring to receive and maintain a license as a nursing home administrator. The Board may revoke or suspend a license after an administrative hearing on findings of gross negligence, incompetence relevant to performance in the trade, fraud or deception in applying for a license, treating any mental or physical condition without a license, or violation of any rules adopted by the Board. Board committees include the Administrative, Disciplinary, and Education, Training and Examination Committees.

The Board consists of nine members. Four of the Board members must be actively engaged in the administration of nursing homes at the time of their appointment. Of these, two licensee members must be from proprietary nursing homes; two others must come from nonprofit, charitable nursing homes. Five Board members must represent the general public. One of the five public members is required to be actively engaged in the practice of medicine; a second public member must be an educator in health care administration. Seven of the nine members of the Board are appointed by the Governor. The Speaker of the Assembly and the Senate Rules Committee each appoint one member.

A member may serve for no more than two consecutive terms.

On January 1, Ray F. Nikkel became BENHA's new Executive Officer. Nikkel succeeded Hal Tindall, who retired after serving as Executive Officer since April 1979. Nikkel has previously worked as a psychiatric technician, a licensed vocational nurse, a registered nurse, and Department of Health Services (DHS) inspector and administrator.

BENHA's budget increased \$15,000 over last year's allocation. The 1987/88 budget is \$315,000.

MAJOR PROJECTS:

Implementation of AB 1834. The recent passage of AB 1834 (Connelly) (see CRLR Vol. 7, No. 4 (Fall 1987) p. 61) will have a significant impact on BENHA. The requirements of AB 1834 include the following:

- BENHA must report to DHS each time a licensed nursing home administrator is appointed as the administrator of a long-term care facility and each time such an appointment is terminated.

- The Board must take disciplinary action against any nursing home administrator who fails to report his/her appointment or termination.

- The Board must maintain a record of all enforcement actions taken against licensees reported to BENHA by the DHS.

- A determination whether disciplinary action against an administrator is warranted must be made by the Board after receipt of a specified report from the DHS.

- AB 1834 requires that BENHA take disciplinary action against any administrator whose reports indicate grounds for suspension or revocation of a license.

- The Board must continuously review the files of administrators who have received citations and must initiate disciplinary action if an administrator's record shows a pattern of poor performance.

- A list of current administrators who have been placed on probation or who have had their licenses suspended or revoked within the past three years must be maintained and provided to all long-term care facilities and to the DHS every six months. The list should be made available to others upon request.

- A study must be conducted by BENHA on the approval process for continuing education courses and for administrator-in-training programs. The results of the study must be presented to the legislature before December 1, 1988.

- BENHA must develop internal poli-



cies and procedures for determining whether remedial or disciplinary actions are warranted.

The internal policies and procedures required of BENHA by AB 1834 must be finalized during the first six months of 1988. All other provisions of the bill will become operative on July 1.

SB 898 (Campbell), a fee increase bill, was recently passed by the legislature, and resulting regulatory changes are currently being drafted. However, because the mandates of AB 1834 require additional revenue, BENHA plans to sponsor legislation to allow another increase in license and renewal fees. This anticipated legislation may include an urgency clause.

Preceptor Training Proposal. During its past several meetings, the Board has considered a proposal from the American College of Health Care Administrators to take over the preceptor training program. (See CRLR Vol. 7, No. 4 (Fall 1987) p. 61.) At its November 6 meeting, BENHA decided to grant the proposal for a six-month trial evaluation period.

Regulation Changes. At a public hearing on November 6, BENHA adopted changes to its regulations contained in Chapter 39, Title 16 of the California Administrative Code. Among the amendments adopted were those affecting section 3117.5 (filing application for licensing) and section 3180 (fee increases), previously discussed in CRLR Vol. 7, No. 4 (Fall 1987) at p. 61.

New section 3130 was also adopted to clarify the application requirements for a nursing home administrator's license. This proposed rule provides that an application for licensure will be deemed abandoned if it is not submitted within one year after the exam is passed. A proposed change in section 3162 of the Board's rules would require administrator-in-training programs to include at least twenty hours per week of supervised training in a nursing home.

Proposed changes in section 3116 (also discussed in CRLR Vol. 7, No. 4 (Fall 1987) at p. 61) concern licensing requirements for nursing home administrators. Public comment varied on these proposed amendments. Some participants suggested that a proposed 48-hour internship was excessive when required in conjunction with some master's degree programs, while others suggested that no change in the requirements should be made. Still others encouraged adoption of all proposed additional qualification requirements. With regard to proposed language which would allow licensing of an administrator who has ten years of

work experience (as specified) but no degree, Board Chair Douglas Troyer commented that, in light of the fact that 23 states now require a minimum of a baccalaureate degree, the Board is going in the wrong direction in allowing work experience in lieu of a degree.

The public comment period on amendments to section 3116 was reopened for fifteen days after the November 6 meeting because of the introduction of new documents by then-Executive Officer Hal Tindall. At its December 7 meeting, the Board adopted the rule proposal with one change. In an effort to accommodate potential licensees who are close to meeting the old requirements, the Board specified that the new rules would not go into effect until January 1, 1989. The regulatory changes adopted at the November and December meetings were scheduled for submission to the Office of Administrative Law for review during January.

LEGISLATION:

SB 1111 (Mello), which has been chaptered (Chapter 1177, Statutes of 1987), concerns nurse assistant certification training programs. The bill requires skilled nursing or intermediate care facilities to adopt an approved training program which meets criteria established by the DHS. The approved training programs shall consist of sixteen hours of orientation for new nurse assistants; a fifty-hour certification training program; at least 100 hours of clinical practice, including supervised and on-the-job training; and continuing in-service training. Those who complete the training must then go through a certification application procedure created in SB 1111; procedures for discipline are also set forth in the bill.

AB 2383 (Connelly), as previously reported, is a two-year bill. (See CRLR Vol. 7, No. 4 (Fall 1987) p. 61.) Assemblymember Connelly's office has decided to continue tracking the Medi-Cal program to gain additional information which will aid it in deciding whether to continue pushing the bill.

RECENT MEETINGS:

At BENHA's November 6 meeting in Sacramento, Board officers Douglas Troyer and Martha Lang were reelected Chair and Secretary, respectively. James Wark was elected Vice Chair.

Also on November 6, the Board approved a 1988 schedule for preceptor training sessions and administrator licensing examinations.

The Board decided to meet every other month during 1988, commencing

in February. Exact meeting dates will be chosen two months in advance.

FUTURE MEETINGS:

To be announced.

BOARD OF OPTOMETRY

Executive Officer: Michael Abbott
(916) 739-4131

The Board of Optometry establishes and enforces regulations pertaining to the practice of optometry. The Board is responsible for licensing qualified optometrists and disciplining malfeasant practitioners. The Board's goal is to protect the consumer patient who might be subjected to injury resulting from unsatisfactory eye care by inept or untrustworthy practitioners.

The Board consists of nine members. Six are licensed optometrists and three are members of the community at large. Joseph Abella was recently appointed as a public member by Senate President Pro Tempore David Roberti.

The Board elected new officers for 1988 at its October 28 meeting, including Dr. Laurence Thal, President; Dr. Stephen Chun, Vice-President; and Julia Preisig, Secretary.

MAJOR PROJECTS:

Proposed Regulations. The Board of Optometry held hearings on October 29 concerning the proposed amendment, adoption, or repeal of regulations in Chapter 15, Title 16 of the California Administrative Code. (See CRLR Vol. 7, No. 4 (Fall 1987) p. 62.)

Proposed section 1536, which would establish a program of mandatory continuing education as a condition of license renewal, has since been further amended. Under the previous version of the proposed section, license renewal applicants would be required to complete and certify forty hours of continuing education every two years. The proposed section was amended to instead require certification of twenty hours of continuing education each year. As of this writing, the Board is preparing to issue a fifteen-day notice regarding additional nonsubstantive amendments to section 1536.

Federal Rule Proposal. The Federal Trade Commission is proposing a federal rule popularly known as "Eyeglasses II," which would allow lay ownership of optometric practices and would eliminate restrictions on branch office optometric practices. It would also liberalize advertising restrictions. An FTC hearing on