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...
the rule was set for January but was cancelled. The Board of Optometry opposes this proposed regulation.

LEGISLATION:
AB 573 (Bates) would require the Board of Optometry to hold the examination for licensure at least twice per year. Existing law requires the Board to hold the examination at least once annually. AB 573 remains in inactive status. The Board, which endorsed the measure, may try to resurrect it in 1988.

1988 Proposed Legislation. Assemblymember Bill Jones has agreed to author 1988 legislation addressing three issues affecting optometrists. The first issue concerns the recognition in California of optometric licenses from other states. California currently has no optometric reciprocity agreement with other states. Legislation in this area would allow optometric licenses from other states to partially or completely fulfill California’s optometric licensure requirements.

Also to be addressed in the legislation are fictitious name permits for optometric practices, which must be approved by the Board. Section 3125 of the Business and Professions Code states that a fictitious name may not be deceptive or misleading. Proposed legislation in this area would attempt to fashion a more specific standard for approval of fictitious name permits.

Finally, the Jones legislation would allow the Board of Optometry to recover its costs from the respondent when it prevails in an administrative disciplinary action. Currently, the Board may recover costs in successful criminal actions.

RECENT MEETINGS:
The Board of Optometry met on October 28-29 in Los Angeles. The Board voted to send a letter to the state Athletic Commission regarding examination of boxers. The letter was to express the opinion that optometrists are as qualified as ophthalmologists to examine boxers. Currently, only ophthalmologists may examine boxers’ eyes.

The next licensure examination was set for July 8-10 at University of California at Berkeley.

The Board also voted to change its fee schedule. The fee for license renewals was reduced from $85 to $75. The branch office renewal fee was reduced from $65 to $50. The fee schedule changes have been approved by the Department of Consumer Affairs.

The Examination Committee of the Board met on December 17 in Emeryville. The Committee heard appeals from 22 licensure candidates who did not pass the licensure examination. Nine of the 22 appeals were accepted by the Committee.

FUTURE MEETINGS:
March 3 in San Diego.

BUREAU OF PERSONNEL SERVICES
Chief: Jean Orr
(916) 920-6311

The Bureau of Personnel Services, formerly the Bureau of Employment Agencies, was established within the Department of Consumer Affairs to regulate those businesses which secure employment or engagements for others for a fee. The Bureau regulates both employment agencies and nurses’ registries. Those businesses which place applicants in temporary positions or positions which command annual gross salaries in excess of $25,000 are exempt from Bureau regulation. Under the recently-enacted AB 2929 (Chapter 912, Statutes of 1986), employer-retained agencies are also exempt from such oversight. AB 2929 became effective July 1, 1987. The number of licensees regulated by the Bureau decreased as a result, but the major decline in the number of licensees is expected in April, 1988, which is the renewal date for current license holders. (For more information on the effects of AB 2929, see CRLR Vol. 7, No. 1 (Winter 1987) p. 56 and Vol. 7, No. 2 (Spring 1987) p. 64.)

The Bureau’s primary objective is to limit abuses among those firms which place individuals in a variety of employment positions. It prepares and administers a licensing examination and issues several types of licenses upon fulfillment of the Bureau’s requirements. There are approximately 1,600 licensees.

The Bureau is assisted by an Advisory Board created by the Employment Agency Act. This seven-member Board consists of three representatives from the employment agency industry and four public members. All members are appointed for a term of four years. As of this writing, seats for one public and two industry members remain vacant.

MAJOR PROJECTS:
Pilot Program. The Bureau’s pilot enforcement program is now operative. (For more information, see CRLR Vol. 7, No. 4 (Fall 1987) p. 63.) The program’s enhanced enforcement has been demonstrated through the closing of twelve businesses in the last four months as a result of Bureau investigation and consumer complaints.

Regulations. The Bureau was scheduled to conduct a hearing on January 8 regarding proposed changes to its regulations contained in Chapter 28, Title 16 of the California Administrative Code. Proposed amendments to sections 2840 and 2841 would require that employment agency advertisements and agency job advertisements contain the agency license name and either its address, telephone number, or license number. Several proposed amendments to sections 2842 and 2880 would delete language relating to employer-retained agencies, which the Bureau no longer licenses. Also scheduled for discussion at the January 8 hearing was the Bureau’s proposal to adopt new sections 2898 and 2898.1 in Chapter 28. These provisions would implement the Bureau’s citation authority established under SB 2335 (Montoya), 1986 legislation which added section 125.9 to the Department of Consumer Affairs’ general provisions in the Business and Professions Code.

FUTURE MEETINGS:
To be announced.

BOARD OF PHARMACY
Executive Officer: Lorie G. Rice
(916) 445-5014

The Board of Pharmacy grants licenses and permits to pharmacists, pharmacies, drug manufacturers, wholesalers and sellers of hypodermic needles. It regulates all sales of dangerous drugs, controlled substances and poisons. To enforce its regulations, the Board employs full-time inspectors who investigate accusations and complaints received by the Board. Investigations may be conducted openly or covertly as the situation demands.

The Board conducts fact-finding and disciplinary hearings and is authorized by law to suspend or revoke licenses or permits for a variety of reasons, including professional misconduct and any acts substantially related to the practice of pharmacy.

The Board consists of ten members, three of whom are public. The remaining members are pharmacists, five of whom must be active practitioners. All are appointed for four-year terms.

MAJOR PROJECTS:
Proposed Continuing Education Regulations. After two Office of Admin-