to four-year terms. The Board has a sunset date of January 1, 1990.

MAJOR PROJECTS:

Regulatory Changes. The Board has proposed several amendments to its regulations contained in Chapter 34, Title 16 of the California Administrative Code. Current section 3474 requires continuing education providers to apply for approval at least ninety days prior to the first class session. The Board has proposed to reduce the application time limit for providers seeking Board approval. Because the Board no longer meets on a quarterly basis and the Executive Officer is now primarily responsible for course approval, the new proposal would require application for approval only thirty days prior to the first class session.

The Board has also proposed to modify section 3480, which currently lists eight acts which serve as grounds for denial, revocation, or suspension of a license. The proposed change would modify the list, making it illustrative rather than exhaustive. Acts worthy of disciplinary measures would include, but would not be limited to, the eight listed acts.

The Office of Administrative Law recently approved Board regulatory changes which included the adoption of numerous new provisions. Among the sections added to Chapter 34 are sections 3422 (eligibility for examination); 3425 (approval prior to July 21, 1986); 3432 (intern supervisors); 3474.1 (continuing education provider fee); 3402 (definitions); 3404 (delegation of powers); 3406 (filing address); 3408 (name changes); 3440, 3442, and 3444 (polygraph instruments); and 3482 (clarifying "substantially related to job qualification").

LEGISLATION:
The Board has proposed an amendment to the Business and Professions Code which would provide a mechanism for recovering the cost of investigations and prosecutions leading to the suspension or revocation of a polygraph examiner's license. The proposed language would allow the Board to petition for recovering the cost of investigations.

The Board has also proposed to amend Business and Professions Code section 9331 to specify that license renewal fees become delinquent thirty days after they are due.

These legislative proposals had not yet been formally introduced as of this writing.

RECENT MEETINGS:

At its October 23 meeting in Newport Beach, the Board reported recent examination statistics. The June 1987 examination had a passage rate of 68%, with eight passing, four failing, and three not attending. The September 1987 examination passage rate was 62%, with eight passing, five failing, and one not attending.

Also at the October meeting, the Board discussed the possibility of approving videotapes as continuing education courses. The Board took no action on the suggestion, as no continuing education provider had yet requested such approval. Providers currently use videotapes in their courses, but oppose the use of videotapes in lieu of standard training methods.

The Board also discussed the legality of law enforcement officials requesting that polygraph examiners falsify test results as part of an undercover investigation. Of particular interest was a recent newspaper article about a San Jose polygraph examiner who was asked to serve as a "double agent," thereby allowing undercover police officers to infiltrate a drug ring. The Board asked staff counsel to research whether law enforcement agencies have special authority to require examiners to falsify polygraph examination results.

FUTURE MEETINGS:

To be announced.

BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Acting Executive Officer:
Darlene Stroup
(916) 920-7466

The Board of Registration for Professional Engineers and Land Surveyors regulates the practice of engineering and land surveying through its administration of the Professional Engineers Act and the Professional Land Surveyors' Act.

The basic functions of the Board are to conduct examinations, issue certificates and/or licenses and appropriately channel complaints against its licensees. The Board is additionally empowered to suspend or revoke certificates or licenses. On a routine basis, the Board considers the proposed decisions of administrative law judges who hear appeals of applicants who are denied registration and licensees who have had their licenses suspended or revoked for violations.

The Board consists of thirteen members: seven public members, one licensed land surveyor, four registered practice act engineers and one title act engineer. Eleven of the members are appointed by the Governor for four-year terms which expire on a staggered basis. One public member is appointed by the Speaker of the Assembly and one by the Senate President pro Tempore.

The Board has established seven standing committees dealing with land surveying and the various branches of engineering. These committees, each composed of three Board members, approve or deny applications for examinations and register applicants who pass the examinations. Their actions must have the approval of the entire Board, which is routinely forthcoming.

Professional engineers are now licensed through the three Practice Act categories of civil, electrical and mechanical engineering under section 6730 of the Business and Professions Code, and the Title Act categories of agricultural, chemical, control system, corrosion, fire protection, industrial, manufacturing, metallurgical, nuclear, petroleum, quality, safety, and traffic engineering.

Structural engineering and soil engineering are linked to the civil Practice Act and require an additional examination after qualification as a Practice Act engineer.

MAJOR PROJECTS:

Executive Director Board-Certification Requirement. On October 2, the Board voted to rescind its requirement that its Executive Officer be a Board-certified professional engineer or land surveyor. This action followed lengthy discussion of the issue.

In support of changing the requirement, which is contained in section 405(d), Title 16 of the California Administrative Code, Board members Mackey and Dolson contended that the Executive Officer is primarily responsible for administration. Board member Blaylock, however, advocated an engineering background for evaluating professional issues and registrant misconduct.

A letter in the rulemaking file from T. G. Atkinson of Atkinson, Johnson and Spurrer of San Diego expressed concern that the Executive Officer be a "professional engineer of wide reputation who enjoyed the respect and support of his fellow registered professionals." After recounting the distinguished careers of several past Executive Officers, Atkinson reasoned that "(t)he Executive Secretary should be a person
who knows from personal experience the problems and temptations which confront the professional engineer or land surveyor—particularly those who are in private practice or in a position of high public trust.”

Noting a Gallup Poll where “engineers take second place only to doctors in public conception of their honesty and ethical standards,” Atkinson wondered why “the Board of Registration would want to lose this ready-made public relations advantage.” In conclusion, Mr. Atkinson assured the Board that there are many potential candidates with administrative and engineering skills who would make Board membership an easier and more enjoyable task.

In spite of such comments supporting continuation of the requirement, the Board voted 9-3 to repeal section 405(d). The repeal must next be approved by the Office of Administrative Law in order to become effective.

Executive Director Search. Also at the October 2 meeting, Board member Mackey reported that he had met with the Department of Consumer Affairs’ personnel analyst and selected approximately 47 of 186 applications for further review. Mr. Mackey stated that he and fellow Board member Paul subsequently selected 25 applications for Board members to individually rank.

At the November 20 meeting, Board member Reid moved that the Board invite the nine most preferred applicants to interview at the Board’s January 22 meeting. Member Paul, however, questioned whether some of the applicants would be available. Member Mackay contended that each of the final 25 should be invited to interview. Reid’s motion passed unamended.

LEGISLATION:
AB 1861 (Waters), which would have prohibited counties from charging land surveyors fees for examining Records of Survey submitted for approval, failed passage in the Assembly on January 28.

Numerous other two-year bills, reported in CRLR Vol. 7, No. 4 (Fall 1987) at pp. 65-66, have also died early in the 1988 session. Those measures include SB 617 (Greene), SB 1387 (Montoya), SB 1633 (Seymour), AB 1739 (Bradley), and AB 1873 (Ferguson).

AB 1860 (Waters), which would provide a definition for mining and mineral engineers under the Professional Engineers Act, passed the Assembly on January 28. (See CRLR Vol. 7, No. 4 (Fall 1987) p. 65 for background information.)

FUTURE MEETINGS:
April 8 in Sacramento.

BOARD OF REGISTERED NURSING
Executive Officer: Catherine Puri
(916) 322-3350

The Board of Registered Nursing (BRN) licenses qualified RNs, certifies qualified nurse midwifery applicants, establishes accreditation requirements for California nursing schools and reviews nursing school curricula. A major Board responsibility involves taking disciplinary action against licensed RNs.

The nine-member Board consists of three public members, three registered nurses actively engaged in patient care, one licensed RN administrator of a nursing service, one nurse educator and one licensed physician. All serve four-year terms.

The Board is financed by licensing fees, and receives no allocation from the general fund. The Board is currently staffed by 56 people.

MAJOR PROJECTS:
Mobile Intensive Care Nurses. In the fall issue of the Reporter, it was erroneously reported that the proposed Emergency Medical Services (EMS) regulations concerning the scope of practice, education, and approval of mobile intensive care nurses had been submitted to the Office of Administrative Law (OAL) for review. (See CRLR Vol. 7, No. 4 (Fall 1987) p. 66.)

Because EMS received an overwhelming influx of negative comments on the proposed regulations in the last days of the 45-day public comment period, it encountered difficulties in its efforts to complete the necessary response to each comment in preparing the rulemaking file. As of this writing, EMS is still in the process of responding to comments and preparing the rulemaking file for submission to OAL.

Low Passage Rates on Licensure Exam. At its November meeting, the Board asked the Education Committee to study low passage rates on the licensure exam. The Committee is to identify schools with consistent licensing examination failure rates exceeding 20% and determine a plan to assist them in raising passage rates in the coming year.

LEGISLATION:
AB 87 (Agnos) contains numerous provisions about AIDS, AIDS-related complex (ARC), and human immuno-deficiency virus (HIV) testing. Of direct import to nurses are provisions which would authorize, with the patient's consent, disclosure to health care providers of the fact that a patient is HIV-positive. The Board supported this bill last session and will watch for any changes now that its author is no longer in the Assembly. (Former Assemblymember Art Agnos is the newly-elected mayor of San Francisco.)

RECENT MEETINGS:
At the Board’s November 19-20 meeting in San Francisco, the Education Committee was given approval to hold its 1988 Education Conference for nursing faculty in conjunction with the BRN meeting scheduled for September 22. (See CRLR Vol. 7, No. 4 (Fall 1987) p. 67.) The conference will be held on September 23-24. The purpose of holding the education conference immediately before a Board meeting is to facilitate Board member participation in the conference, as well as attendance at the Board meeting by nursing educators.

The Board reevaluated its policy on use of state facilities for Board meetings and voted to hold future meetings in hotel conference rooms instead. The Board has experienced problems with guaranteed reservations of meeting rooms; lack of consistent quality in available sound systems; lack of sufficient space; high cost of parking; and transportation costs to downtown areas where state buildings are located. This policy change will result in an additional cost of $7,260 for the first year.

Also at the November meeting, the Board modified its system for handling probationary violations to include the option of having the probationer meet with the Diversion-Discipline Committee. This modification would be utilized when the violation is minor and the Nursing Education Consultant (NEC) determines that the probationer’s behavior or attitude may be positively affected by a meeting with the Committee.

The Diversion-Discipline Committee will develop regulations for implementation of a citation system for violations of the Nursing Practice Act, pursuant to Business and Professions Code sections 125.9 and 125.95, the Department of Consumer Affairs’ citation and fine authority added by SB 2335 (Montoya), which became effective in 1987.

FUTURE MEETINGS:
March 24-25 in Sacramento.
May 19-20 in San Diego.