



The Advisory Committee sent the adopted proposals to the FTB. The Board then submitted the proposals to Senator Boatwright for his consideration in amending SB 91.

FUTURE MEETINGS:

To be announced.

BOARD OF EXAMINERS IN VETERINARY MEDICINE

Executive Officer: Gary K. Hill (916) 920-7662

The Board of Examiners in Veterinary Medicine (BEVM) licenses all veterinarians, veterinary hospitals, animal health facilities, and animal health technicians (AHTs). All applicants for veterinary licenses are evaluated through a written and practical examination. The Board determines through its regulatory power the degree of discretion that veterinarians, animal health technicians, and unregistered assistants have in administering animal health care. All veterinary medical, surgical, and dental facilities must be registered with the Board and must conform to minimum standards. These facilities may be inspected at any time, and their registration is subject to revocation or suspension if, following a proper hearing, a facility is deemed to have fallen short of these standards.

The Board is comprised of six members, including two public members. The Animal Health Technician Examining Committee consists of three licensed veterinarians, one of whom must be involved in AHT education, three public members and one AHT.

MAJOR PROJECTS:

Examinations. The Exam Preparation Committee (EPC) voted to withhold test scores of the November 1987 California Practical Exam (CPE) until a review of the questions for validity was conducted. Upon completing that review, the EPC (which includes a Board member, the Executive Officer of the BEVM, educators, general practitioners, and Board-certified specialists) eliminated fourteen questions from the exam. Because of this action, forty more individuals passed the exam due to increased test scores. The EPC has also created 189 new questions for future exam administrations.

The EPC also delineated its policy regarding minimum scores for passage on the CPE. Technically, a 75 is re-

quired to pass the exam but the Committee believes a 74.5 or above (rounded off to the next number) is also a passing grade.

AHT Committee Report. Seven California community colleges and five private schools have AHT programs. All twelve schools offered the AHT exam in August, and 108 of a total examinee pool of 188 passed the test. The passage rates varied among schools, ranging from a low of 17% to a high of 90%. The California community colleges had a higher overall passage rate of 70%, compared to the private school rate of 54%.

The new BEVM inspection manual was recently used for the first time at an inspection of a private school AHT program seeking re-licensure. (See CRLR Vol. 7, No. 4 (Fall 1987) p. 69.) The AHT Committee stated the manual was helpful in simplifying the process for all concerned.

In addition, the Committee noted there are currently approximately 28 AHT positions available for every licensed, qualified AHT. The general consensus among Committee members as to the significance of the large number of available positions is that the AHT can select facilities where opportunities exist to use their skills and training; participate extensively with the veterinarian; and pursue career advancement.

Regulation Changes. On September 25, the Office of Administrative Law (OAL) approved an amendment to section 2019, Title 16 of the California Administrative Code. Previously, section 2019 allowed a test applicant who had failed the CPE exam to review both the answer sheet and the examination itself. This amendment, intended to increase exam security, will allow an applicant to review only the answer sheet.

Section 2070 of Title 16 establishes a maximum fee of \$180 for the written examination. Currently, the fee schedule for the exam requires a \$120 fee for the National Board Exam (section 1 of the written exam) and a \$60 application fee for the Clinical Competency Exam (section 2 of the written exam). Under a proposed amendment which was to be submitted to OAL in early February, the fees for sections 1 and 2 of the written exam would be \$100 and \$80, respectively.

Proposed section 2043 was adopted by the Board on September 4. (See CRLR Vol. 7, No. 4 (Fall 1987) p. 69.) The Board has since modified the language of this section, which provides

civil penalties for violations under Business and Professions Code section 4875.4. One modification in the language includes a clause allowing "significant and substantial injury to an animal" to be a basis for civil action, instead of limiting liability to instances where an animal has died. A second change in the language imposes a two-year penalty period—that is, if three violations occur within two years, the third violation will generate Board action (if those previous violations were decided against the licensee). Section 2043, including the modified language, was scheduled for reconsideration at the Board's March meeting.

RECENT MEETINGS:

In September, the Board reaffirmed its support for its Alcohol and Drug Diversion Program. (See CRLR Vol. 7, No. 1 (Winter 1987) p. 62.) The program, which has a new director, Sterling Corley, DVM, has moved to Riverside. The program wants to either install a 24-hour hotline or publish its current business phone number to handle veterinarian or AHT substance abusers who are contemplating suicide. The Board will study budget allocations to determine which alternative should be selected.

At both the September and October meetings, the Board debated the issue of whether a veterinarian is prohibited from prescribing a drug beyond the scope of the manufacturer's recommendations under the Federal Food, Drug and Cosmetic Act. The current policy regarding "off-label" use is that if the drug has been approved by the federal Food and Drug Administration (FDA) for some purpose, a DVM may prescribe it for a new purpose with a new label. The DVM may exceed both the dosage and the frequency approved by the FDA if that decision is within sound professional judgment. The Board relied on a dual Attorney General Opinion (Nos. CV 76-212, CV 77-236, May 2, 1978) in noting that once a product has been approved for marketing, a medical professional (including a DVM) may prescribe it for uses not included on approved labeling. The Board also noted that a DVM may be civilly liable to clients and disciplined by the Board for going beyond approved uses for drugs, if such use is not within usual community standards of practice.

In October, the Board attempted to define a "physical examination" as used in Business and Professions Code section 2035. Since the Code does not specify what constitutes a physical exam,



clarification of the term would require a regulation change. The Board supports the use of a "hands-on" exam, believing a vet must handle an animal to perform an effective examination. The Board was able to agree on the following draft definition:

-The DVM-patient-client relationship is a pre-condition to providing or rendering any veterinary service.

-Good veterinarian practice requires a "hands-on" physical examination. The extent of this exam is a matter of sound professional judgment as to what is medically necessary and appropriate under certain circumstances. The exam may be cursory depending on unique facts, such as the suspected existence of rabies in an animal, the emergency condition of an animal, or the examination of only a few animals of an entire herd.

As of this writing, the Board has not yet filed a proposed regulation change with the OAL.

FUTURE MEETINGS:

March 8-9 in San Diego.
May 5-6 in Monterey.

BOARD OF VOCATIONAL NURSE AND PSYCHIATRIC TECHNICIAN EXAMINERS

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This agency regulates two professions: vocational nurses and psychiatric technicians. Its general purpose is to administer and enforce the provisions of Chapters 6.5 and 10, Division 2, of the Business and Professions Code. A licensed practitioner is referred to as either an "LVN" or a "psych tech."

The Board consists of five public members, three LVNs, two psych techs, and one LVN with an administrative or teaching background. At least one of the Board's LVNs must have had at least three years' experience working in skilled nursing facilities.

The Board's authority vests under the Department of Consumer Affairs as an arm of the executive branch. It licenses prospective practitioners, conducts and sets standards for licensing examinations, and has the authority to grant adjudicatory hearings. Certain provisions allow the Board to revoke or reinstate licenses.

The Board currently licenses approximately 68,000 LVNs and 14,000 psychiatric technicians.

MAJOR PROJECTS:

Update on Task Force Hearings.

The Board has now completed public hearings scheduled from December 1986 through October 1987. The hearings addressed recommendations from the Task Force on the Future Role of the Licensed Vocational Nurse and the Psychiatric Technician. (See CRLR Vol. 7, No. 4 (Fall 1987) pp. 69-70 and Vol. 7, No. 3 (Summer 1987) p. 93.)

In addition to the oral testimony presented at these hearings, the Board has received over 2,000 written comments and has responded to each. The greatest number of letters has expressed opposition to Recommendation #4, which advises the Board to "use a universal skills profile (task analysis) for all non-acute care facilities to direct specific curricular decisions and to specifically prepare the vocational nurse graduate for employment in non-acute care." The Board has also received opposition to Recommendation #5, which would require vocational nursing programs to provide a minimum 36-unit curriculum with a focus on the sub-acutely ill person in other than the acute care setting. A variety of LVN employers has submitted commentary, all attempting to ensure that the training of LVNs will meet their institutional needs. Additional letters received by the Board will be tabulated and presented at future meetings.

An advisory committee representing a broad range of parties with an interest in vocational nursing is scheduled to meet on March 2 in Los Angeles and March 11 in Sacramento to discuss the Task Force's recommendations and public responses. A similar committee is

scheduled to meet to discuss the less controversial psychiatric technician recommendations on March 18 in Sacramento and March 25 in Los Angeles. A special Board meeting regarding the final recommendations of the Task Force is scheduled for November 2-4, 1988, in Los Angeles.

LEGISLATION:

SB 1161 (Greene), which would enact the Certified Nurse Assistant Law, is pending as a two-year bill before the Senate Business and Professions Committee. The Board opposes SB 1161.

RECENT MEETINGS:

At its November 6 meeting in Los Angeles, the Board ratified the Executive Officer's actions taken during August and September of 1987. During this period, 326 vocational nurse licenses were issued; 5,205 renewals were processed; and 60 complaints were received regarding vocational nurses. The Board also issued 2,120 renewals for psychiatric technicians and received 14 complaints against licensees.

At the same meeting, the Board reviewed the results of the psychiatric technician licensure examination given in September. Five hundred eight individuals took the examination and 387 passed, resulting in a pass rate of 76%. The total cost of administering the September exam at two sites was \$6,234.

FUTURE MEETINGS:

March 3-4 in Los Angeles.
May 13 in Burlingame.
July 14-15 in Monterey.
September 23 in San Diego.



BUSINESS, HOUSING AND TRANSPORTATION AGENCY

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

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The Department of Alcoholic Beverage Control (ABC) is a constitutionally-authorized state department. The Alcoholic Beverage Control Act vests the Department with the exclusive right and power to license and regulate the manufacture, sale, purchase, possession, and transportation of alcoholic beverages within the state. In addition, the

Act vests the Department with authority, subject to certain federal laws, to regulate the importation and exportation of alcoholic beverages across state lines. ABC issues liquor licenses and investigates violations of the Business and Professions Code and other criminal acts which occur on premises where alcohol is sold. Many of the disciplinary actions taken by ABC, along with other information concerning the Department, are printed in the liquor industry trade publications *Beverage Bulletin* and *Beverage Industry News*.