



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

*Executive Officer: Billie Haynes*  
(916) 445-0793

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

*Director: Jay Stroh*  
(916) 445-3221

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*.



ABC divides the state into two divisions with assistant directors in charge of each division. The state is further subdivided into 21 districts, with two districts maintaining branch offices.

ABC dispenses various types of licenses. "On-sale" refers to a license to sell alcoholic beverages which will be bought and consumed on the same premises. "Off-sale" means that the licensee sells alcoholic beverages which will not be consumed on the premises.

## MAJOR PROJECTS:

**Earthquake Damage.** The October 1, 1987 earthquake centered near Whittier, which measured 6.1 on the Richter scale, affected many retailers in east Los Angeles. Licensees suffered damage varying from broken bottles to major structural damage and huge inventory losses.

President Reagan declared the region a federal disaster area, entitling licensees to recover the cost of federal taxes on each bottle of liquor destroyed. In addition, retailers are entitled to various forms of emergency assistance, including special low-interest loans.

**Happy Hour Restrictions.** By January 1, 1988, the ABC was to submit a report to the state Senate concerning possible restriction of "happy hour" promotions in 1988. In 1986, SCR 65 (Russell) requested that ABC conduct hearings on the elimination of specified marketing practices which promote overconsumption of alcohol. The resulting public hearings indicated that certain establishments offer as many as five drinks for the price of one or "all you can drink" promotions during the "happy hour" period. As a result of this testimony, ABC is considering the adoption of regulations to restrict such promotions, which ABC Deputy Director Manuel R. Espinoza characterized as unjustifiable. (For background information, see CRLR Vol. 7, No. 2 (Spring 1987) pp. 72-73 and Vol. 7, No. 1 (Winter 1987) p. 64.)

**License Lottery.** The ABC recently conducted a lottery for new on-sale and off-sale general liquor licenses. A maximum of 25 licenses are issued every year in each county. Winners have ninety days after they win the lottery to file an application designating a location for their establishment.

## LEGISLATION:

**AB 773 (Floyd)**, as amended January 15, would provide that an on-sale beer and wine license may be issued or transferred to any person with respect to premises which are an integral part of

a restaurant owned by, or operated by or on behalf of, the licensee, notwithstanding that a wholesaler licensed to sell alcoholic beverages in states other than California has an interest in the premises, license, or licensee, under certain specified conditions. AB 773 passed the Assembly Committee on Governmental Organization on January 21, and is pending on the Assembly floor as of this writing.

**AB 850 (Klehs)** would authorize certified out-of-state manufacturers to give away samples of alcoholic beverages. It would also provide that a beer manufacturer license or out-of-state beer manufacturer's certificate issued to a manufacturer located within the United States authorizes the giving away of beer samples to consumers for consumption on the manufacturer's premises or on the premises of a bona fide public eating place which has an on-sale license. In addition, the bill would limit the maximum amount of a sample that may be served to a consumer at the premises of a bona fide eating place to twelve ounces per person during each 24-hour period. A January 20 hearing before the Assembly Ways and Means Committee was cancelled at the request of Assembly-member Klehs.

**AB 1345 (Leonard)**, which would prohibit the transfer of an off-sale beer and wine license from the licensee to another person, and from one county to another county, is a two-year bill pending in the Assembly Governmental Organization Committee.

**AB 1887 (Floyd)**, as amended January 4, would repeal existing provisions of the Penal Code prohibiting the sale or exposure for sale of intoxicating liquors within or near certain institutions, as specified (such as the California Youth Authority, various state university campuses, and the State Capitol). This bill is pending in the Assembly Committee on Governmental Organization.

**AB 1898 (Hauser)** would make it a misdemeanor for any person under the age of 21 to attempt to purchase or to solicit another person to purchase on his/her behalf, any alcoholic beverage. AB 1898 is pending in the Assembly Public Safety Committee.

**AB 2377 (Statham)**, which would authorize a licensed beer manufacturer operating under certificate to conduct beer tastings, is a two-year bill pending in the Senate Committee on Governmental Organization.

**SB 1103 (Seymour)**, which would delete an existing prohibition against signs or advertising matter which ob-

structs the view of the interior of a licensee's premises from the street, is pending in the Senate Committee on Governmental Organization.

## BANKING DEPARTMENT

*Superintendent: Howard Gould*  
(415) 557-3232

The State Banking Department administers all laws applicable to corporations engaging in the commercial banking or trust business, including the establishment of state banks and trust companies; the establishment, operation, relocation, and discontinuance of various types of offices of these entities; and the establishment, operation, relocation, and discontinuance of various types of offices of foreign banks. The superintendent, the chief officer of the Department, is appointed by and holds office at the pleasure of the Governor.

The superintendent approves applications for authority to organize and establish a corporation to engage in the commercial banking or trust business. In acting upon the application, the superintendent must consider:

(1) the character, reputation, and financial standing of the organizers or incorporators and their motives in seeking to organize the proposed bank or trust company;

(2) the need for banking or trust facilities in the proposed community;

(3) the ability of the community to support the proposed bank or trust company, considering the competition offered by existing banks or trust companies; the previous banking history of the community; opportunities for profitable use of bank funds as indicated by the average demand for credit; the number of potential depositors; the volume of bank transactions; and the stability, diversity and size of the businesses and industries of the community. For trust companies, the opportunities for profitable employment of fiduciary services are also considered;

(4) the character, financial responsibility, banking or trust experience and business qualifications of the proposed officers; and

(5) the character, financial responsibility, business experience and standing of the proposed stockholders and directors.

The superintendent may not approve any application unless he/she determines that the public convenience and advantage will be promoted by the establishment of the proposed bank or trust company; conditions in the locality of