



SPEECH PATHOLOGY AND AUDIOLOGY EXAMINING COMMITTEE

*Executive Officer: Carol Richards
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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:

Speech Pathology and Audiology Aides. SPAEC's interest in monitoring aides who assist licensees has resulted in the Board's creation of three task forces to study the practice of aides in audiology, speech pathology, and industrial audiology.

Each task force has conferred with professionals from hospitals, clinics, private practice, and state organizations for the purpose of determining whether changes to existing aide regulations are necessary and whether the aide application forms should be modified. The task forces will report their findings to the SPAEC at the next scheduled meeting.

RECENT MEETINGS:

SPAEC cancelled its November 21, 1986 meeting and postponed its January 9, 1987 meeting.

FUTURE MEETINGS:

March 13 in southern California.
May 8 in northern California.

BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

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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.

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. Board members are normally appointed for three-year terms. However, a member holds office until a successor is appointed or until one year has passed since the expiration of the term for which he/she was appointed, whichever occurs first. A member may serve for no more than two consecutive terms.

MAJOR PROJECTS:

Audit of Continuing Education Claims. Licensees who applied for renewal of nursing home administrator licenses in May, June, or July of 1986 were not required to submit proof of their continuing education claims. They merely listed approved continuing education courses and declared under penalty of perjury that they had actually completed the courses listed. If the list of courses appeared to be valid, a renewal license was issued on the basis of the licensee's signed declaration.

In September, the Board sent letters to approximately 250 of the licensees who had applied for active license renewal before July 31, 1986. The licensees selected for the audit were required to submit proof of completion of the continuing education courses listed on the declarations submitted with their renewal applications.

Licensees who apply for active license renewal after July 31, 1986 are required to submit proof of completion of the required number of BENHA-approved continuing education courses. Once a license has expired, a nursing home administrator has three years after the date of expiration to renew the license before it is cancelled. Once a license lapses, it may not be renewed or reinstated. The former licensee must requalify for licensure under the current

rules applicable to those seeking licensure for the first time.

Preceptor Training Sessions. Licensed nursing home administrators may apply to the Board to serve as a preceptor for administrators-in-training. The licensee must satisfy minimum requirements, including (1) at least two years as the designated administrator or at least four years as the designated assistant administrator of a licensed nursing home; (2) attendance at a four-hour preceptor training session; and (3) the licensee must not be on suspension, probation, or the subject of pending disciplinary action.

Preceptor training classes are offered six times per year, usually near the middle of each odd-numbered month. Continuing education credit is granted to each licensee who attends a preceptor training session. A preceptorship expires three years after the date of issue.

Examinations. BENHA is preparing to conduct a detailed review of the question bank used for its licensing examination. Letters were sent to the California Chapter of the American College of Health Care Administrators, the California Association of Homes for the Aging, and the California Association of Health Facilities requesting assistance in the review of existing test questions and preparation of new questions. Each organization was asked to select two nursing home administrators to serve on a task force in Sacramento.

LEGISLATION:

AB 1370 (Connelly) would have required fingerprinting of nursing home employees. The bill was vetoed by the Governor in 1986, but may be reintroduced in 1987.

SB 2408 (Maddy) limits an acute care hospital's ability to license freestanding nursing homes under a consolidated facility license. The bill allows consolidated licenses only when the nursing home is part of the physical structure of the acute care facility, with certain exceptions. SB 2408 was approved by the Governor.

HR 5450 (Dingell) is proposed federal legislation which would amend Title XIX of the Social Security Act to change Medicaid requirements for nursing facilities, and repeal the requirement that nursing home administrators be licensed for purposes of federal reimbursement.

SB 1566 (Deddeh), effective January 1, 1987, amends section 3940 of the Nursing Home Administrator Licensing Act. It authorizes the Board to increase several of its fees, and to exact fees for continuing education providers,



approval of continuing education courses, and preceptor training. The bill was supported by the California Association of Health Facilities and the California Association of Homes for the Aging. SB 1566 was amended twice in Assembly and approved by the Governor in September.

RECENT MEETINGS:

BENHA met on October 16 in Sacramento and December 10 in Los Angeles. At the October meeting, it was suggested that the Board conform to nationwide testing dates, thus administering licensing exams only four times per year instead of six. It was also suggested that the Board schedule meetings only four times per year to coincide with the examinations. The Board, however, decided that six meetings are necessary to carry on BENHA business, and that six examinations each year are necessary so that applicants do not have to wait to take the exam and begin a career as a nursing home administrator.

BENHA voiced its concern over the fact that some acute care hospitals have authority to operate skilled nursing services and/or intermediate care services without employing licensed nursing home administrators. The Board expressed the opinion that nursing home administrators resent unlicensed persons being allowed to provide skilled nursing and/or intermediate care without having had any training, work experience, or testing for this type of care. In order to determine whether this problem exists in other states, the Board sent questionnaires to the BENHA in ten states.

At a recent meeting, BENHA decided that during 1987 it will propose an amendment to section 3180 of its rules and regulations. The amendment will increase some of the Board's fees and institute three new fees. The Board has not yet determined which fees will be affected or the amount of the increases. A notice of proposed action will be published and a public hearing will be held before the Board makes a decision regarding these fee increases. The Board has not imposed an across-the-board increase in fees since 1972. The fee increases are considered necessary to keep BENHA in operation. No fee increase will go into effect before July 1, 1987.

FUTURE MEETINGS:

To be announced.

BOARD OF OPTOMETRY

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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.

RECENT MEETINGS:

At the Board's October meeting, lengthy discussion focused on the Board's current practice of requiring passage of the national exam by licensee candidates prior to their becoming eligible to take the California practical exam. Currently, no regulation requires the passage of the national exam as a prerequisite to taking the California exam. Because the Board offers the California exam only once per year and the national boards are offered twice per year, candidates who have not received results of the second national board exam prior to the date of the California exam must wait a full year before they may take the California practical exam and begin practicing. While section 3045 of the Optometry Practice Act gives the Board some discretion in determining whether candidates are "eligible" to take the California exam, the Board's present policy may be invalid and unenforceable.

After much debate, the Board decided to offer a second practical exam three months after the second national exam. This schedule will begin as soon as funding is available. In order to implement this decision, the Board must secure emergency funding from the legislature.

The Board also unanimously denied a request to lower its standard for passage on the pharmacology portions of the national exam from 75% to 70%.

The Continuing Education Committee reported on a current proposal which would require forty hours of continuing education every two years for licensed optometrists. The President of the Board suggested that forty hours seems excessive; the Committee will continue to discuss the issue.

At a recent Clearinghouse on Licensure, Enforcement and Regulation (CLEAR) conference which was attended by a Board staff member, the American Association of Retired Persons

(AARP) gave a presentation which allegedly included false statements about California optometry laws. Board president Lawrence Thal volunteered to draft a letter in rebuttal to AARP explaining the true state of California optometry law.

The legality of offering insurance policies to purchasers of contact lenses was also discussed. Complaints have been received from patients who were given verbal assurance or buy written insurance policies on contact lenses which guarantee reduced prices for replacements. These insurance policies are distinguishable from legitimate service contracts under which cleaning and inspection are provided. The Board decided to consult the Department of Insurance as to whether the sale of insurance policies for contact lens replacements by optometrists requires an insurance license.

The Board announced that it will meet with representatives from Pacific Bell Yellow Pages and California Optometric Association to provide Pacific Bell with a list of legal requirements for optometry advertisements.

The California Optometric Association also reported on the issue of vision screening in public schools by school nurses. Members of the public have reportedly complained about such testing, which often includes the performance of a positive lens test by school nurses. Whether or not this procedure may be performed under section 2540 of the Optometry Practice Act has yet to be resolved. The California Optometric Association argued that the administration of such tests constitutes practicing optometry without a license and should be prevented by the Board. The Board decided to table the discussion until further information can be obtained from the Office of Administrative Law regarding the legality of these practices and the authority, if any, of the Board with respect to the nursing profession.

A directory of licensees has been prepared by the Board and is available for \$10 per copy. A 1986 newsletter has been prepared and is also now available from the Board. The executive offices of the Board have moved to 1920 20th Street in Sacramento.

FUTURE MEETINGS:

To be announced.