



REGULATORY AGENCY ACTION

BUREAU OF PERSONNEL SERVICES

Chief: Jean Orr
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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.

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 2,100 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.

MAJOR PROJECTS:

The Future of the Bureau. With the passage of Assembly Bill 2929 (Chapter 912, Statutes of 1986), the Bureau of Personnel Services is, as one member put it, "at a crossroads." AB 2929, effective July 1, 1987, redefines the term "employment agency" to include only agencies which exact or attempt to collect fees from the applicant for employment. Thus, "employer-retained" licensees, which collect only employer-paid fees, will be excluded from the statute's coverage and the Bureau's regulation as of July 1.

While this deregulation has caused the Advisory Board to give serious consideration to the current mission of the Bureau, several types of agencies are still regulated by the Bureau under the Employment Agency Act, including general employment agencies, nurses' registries, domestic agencies, prepaid computer employment agencies, career counseling services, and job listing services. As reported at the Bureau's last meeting, the Department of Consumer Affairs (DCA) has considered registering rather than licensing employment agencies. Computerized registration has been suggested. Bureau staff plans to meet

with the DCA to discuss the future of the Bureau.

RECENT MEETINGS:

AB 2929 and its ramifications were the main topics of discussion at the Advisory Board's October 3 meeting in San Francisco. Because there was no quorum, the Board met only as a committee.

In addition to discussing the Bureau's mission, the Board also discussed activity of temporary agencies. Board member Howard Rudiger, in his presentation on "The Mission of the Bureau," contended that temporary agencies and job fair organizers are placing more people in permanent positions than all of the regulated agencies combined and should be regulated. Members of the nurses' registry industry who were present agreed with Mr. Rudiger that such unlicensed activity should be investigated; and that agencies placing people in permanent positions should be required to pay licensing fees.

Rudiger also argued that if the Bureau is not permitted and funded to license these agencies which are currently excluded from the Employment Agency Act, then perhaps, although he does not favor such an extreme action, the Bureau should be sunsetted on an "all or none" principle.

With reference to funding, Bureau Chief Jean Orr clarified that the \$100 increase (from \$200 to \$300) in the registration fee for an initial employment agency license effective April 1, 1987 is unrelated to the deregulation of employer-retained agencies. The increase was based upon a recommendation of the budget analyst made before AB 2929 was passed.

In addition to the problem with temporary agencies, the Board also discussed the activity of job listing services. Such services must be licensed, and abuse to consumers has recently been reported in this area.

FUTURE MEETINGS:

To be announced.

BOARD OF PHARMACY

Executive Officer: Lorie G. Rice
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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:

Regulations. The Board has proposed two new sections for addition to Chapter 17 of Title 16 of the California Administrative Code (CAC). New section 1781.5 will exempt from licensure any drug wholesaler or manufacturer of hemodialysis drugs whose qualifying supervisory personnel have (a) passed a written examination given by the Board; (b) become licensed pharmacists in a state other than California; and (c) two or more years of applicable experience in the manufacture, compounding, or distribution of dangerous drugs. The addition of this proposed section provides clear guidance as to the qualifications necessary for exemption certification, by establishing in regulatory form standards long used by the Board's staff in determining exemption requests. The staff now receives numerous inquiries about exemption certificate requirements, due primarily to the lack of information in the current regulations.

New section 1781.6 addresses exemptee examinations. The written examination described in section 1781.5 shall cover applicable federal and state statutes and regulations governing the manufacture, compounding and wholesale distribution of dangerous drugs and devices. To pass the examination, the qualifying person must achieve a score of 75% or more.

The Board conducted a public hearing on these proposed new sections on January 29 in Newport Beach.

RECENT MEETINGS:

At the Board's October meeting in Los Angeles, a fee bill proposal was discussed. The purpose of the bill is to charge fees for various certifications and licenses within the pharmacy field, as well as to raise the ceiling on the maximum amount the Board may charge pharmacists when they acquire licenses.