



Since 1981, the Board has proposed two fee bills. In March 1986, the Board raised license fees to the maximum level set by the fee bill currently in effect. The proposed fee bill, which will be submitted to the legislature in 1987, also charges fees for the transfer of intern hours and for licensing of pharmacists from other states.

Sections 1751-1751.9 in Chapter 17 of Title 16 of the CAC have now been approved by the Office of Administrative Law (OAL) and were implemented on November 6. The regulations, which were previously disapproved by OAL, deal with the dispensation of parenteral drugs. (See CRLR Vol. 6, No. 4 (Fall 1986) p. 49 for details.) The continuing education regulations, sections 1732.1, 1732.2(c) and (d), in Chapter 17 of Title 16 have been submitted to OAL for approval.

A task force has been formed to develop standards for mail order prescriptions. This is a new area for pharmacists in California and study is needed to determine what regulations should govern to protect consumers.

Discussion was resumed regarding the challenged practices of Travenol, a company which supplies materials to another pharmacy which compounds parenteral solutions, labels them, and returns the medications to Travenol. Travenol then delivers the drugs to patients through its home health care services. If, through this practice, Travenol is "manufacturing" or "dispensing" drugs, Travenol may be in violation of the Federal Drug Act; further, to the extent that these actions constitute contracting with a second licensed pharmacy to prepare or compound medication, they may also violate the pharmacy law and the Health and Safety Code of California.

Travenol proposed that the Board revise and amend section 4046 (c)(1) of the Business and Professions Code and section 1717(e) of the CAC to include language which would be consistent with the interests of the patient and still allow Travenol to provide materials to a pharmacy which will compound the drugs and return them to Travenol for delivery to the consumer. The Board has maintained a neutral position on this prospective legislation and has decided to look at the manner in which the federal Food and Drug Administration (FDA) handles similar cases. The Board announced it will invite a spokesperson from the FDA to a 1987 Board meeting to update the Board on the FDA's treatment of this issue.

Another issue which evoked lengthy

discussion was a proposal which would allow trained ancillary personnel to perform certain duties which have traditionally been performed only by a licensed pharmacist. The Board discussed several professional responsibilities which it believes ancillary personnel should not perform, such as receipt of a verbal prescription from a physician; consultation with the patient regarding medications; initial interpretation of the prescription; determination of the product or the generic equivalent required; final check of the filled prescription; dispensation of appropriate instructions for patient use; signing documents requiring the pharmacist's signature or initials; and providing professional consultation to the patient or to other health care professionals.

The Ad Hoc Committee on Ancillary Personnel, which had been established to investigate this matter more fully, recommended that the use of ancillary personnel in an expanded role should be initiated on a trial basis at acute health care facilities. This suggestion raised some debate about the political ramifications of such a selective process of introduction of the new program. Because the Ad Hoc Committee contained a pharmacist from an acute care facility but no pharmacist from a retail pharmacy, it was suggested that the Committee had not fairly represented retail pharmacists. It is believed that this program will enable a pharmacy to increase its prescription-filling capacity significantly in a short period of time, and allowing a limited group of pharmacies to use ancillary personnel earlier than other pharmacies in the community could conceivably give them a competitive edge.

FUTURE MEETINGS:

To be announced.

POLYGRAPH EXAMINERS BOARD

*Executive Officer: Dia Goode
(916) 739-3855*

The Polygraph Examiners Board, an agency within the Department of Consumer Affairs, regulates the activities of an estimated 1,000 polygraph examiners in California. (See Business and Professions Code sections 9300 *et seq.*) Currently, approximately 655 polygraph examiners are licensed by the Board. Federally-employed examiners are specifically excluded from the Board's jurisdiction.

The Board, which has a January 1, 1989 sunset date, consists of two industry

representatives and three public members, all appointed to four-year terms.

MAJOR PROJECTS:

Complaint Tracking System. Staff has completed a computerized complaint tracking system which, in response to a specific inquiry, provides information on the type of complaint involved, the present status of the complaint, and the actions pending. The system operates on in-house computers and was developed by the staff at no extra cost.

Accreditation. The following schools have been accredited: Keeler Polygraph School, Military Police School in Fort Gordon, National Training Center of Lie Detection, Reid College of Detection and Deception, and the Zonn Institute.

Adopted Regulations. The Office of Administrative Law (OAL) has approved section 3480 of the Board's regulations at Title 16 of the California Administrative Code. The new regulation enumerates eight types of conduct which constitute grounds for disciplinary action. OAL also approved several other regulatory changes, including section 3420, which requires applicants to apply on or before the final filing date announced for each examination; and section 3426, which sets forth circumstances under which applicants who hold licenses as polygraph examiners in other states may be licensed as general polygraph examiners without taking the licensing examination.

RECENT MEETINGS:

At the Board's October meeting in San Jose, the enforcement committee reported that five investigations are pending; further, the Riverside District Attorney's Office is prosecuting an unlicensed activity case.

The July/August Combined Budget and Expenditures Statement indicates that the Board has spent \$12,060, leaving a balance of \$87,783.

Staff recommended and the Board approved the following schools' courses for accreditation: the American Association of Police Polygraphists' May 1986 seminar; and the California Academy of Polygraph Science's October 1986 seminar and its "Nonverbal Behavior of the Interviewer Interrogation" seminar.

The Board also discussed a recent claim that voice stress analyzers have published advertisements which imply that their techniques are actually polygraphs. Voice stress analysis analyzes voice pitches and patterns; whereas polygraph tests measure a person's other bodily reactions such as pulse and per-



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spiration. Stress analysis is not regulated under the Polygraph Examiner's Act.

FUTURE MEETINGS:

To be announced.

BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Executive Officer: G. Harrison Hilt (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 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:

NCEE. The Board has proposed to the National Council of Engineering Examiners (NCEE) that exam applicants be given an opportunity to review their exams and learn from their mistakes. The Board believes such review is an important learning tool for examinees.

Consumer Pamphlet. A plain language pamphlet has been published and is available to the public upon request. This pamphlet is meant to facilitate understanding of Board rules and regulations.

Photogrammatist's Examination. An organization representing photogrammatists has requested that a separate licensing exam be administered to photogrammatists. Currently, these individuals are required to sit for professional engineers or land surveyors exams for licensure. This proposal has been sent to committee.

Public Forum. A public information forum was held on November 13. The objective of the forum was to provide an arena whereby the public could voice concerns, complaints, and suggestions to the Board. Similar forums will be scheduled for the future.

RECENT MEETINGS:

On December 15, the Board held a public hearing on the controversial proposed section 445, Title 16, Chapter 5 of the California Administrative Code, which addresses the examination requirements for professional engineers. The examination is in three parts. Part A tests the applicant's ability to apply engineering knowledge and experience. Part B tests the applicant's knowledge of state law and Board regulations. Part C of the examination, applicable only to civil engineers, tests the applicant's knowledge of seismic principles and engineering surveying principles. Under the proposed rule, Parts A and C would be administered under proctored conditions and Part B would be a take-home exam. Applicants for registration in all branches of professional engineering must achieve passing scores in Parts A and B before the applicant qualifies for registration. Prospective civil engineers must pass Part C as well before registration.

Proposed section 445 also provides that an examinee who fails any part of the examination may retake that part without having to retake the other sections. An applicant may retake portions

of the exam only once per year, with a maximum of two refile applications.

Parts B and C are required by SB 128 (Montoya), which was signed by the Governor in 1985. The present controversy involves when and how to administer Part C. Initially, it was proposed that Part C be a take-home exam. During vigorous discussion of this issue, the Board's Civil Engineers Technical Advisory Committee (CETAC) rejected that suggestion and proposed that Parts A and C be administered as a two-day proctored examination. Others voiced complaints about the cost to applicants of a two-day exam, and favored a take-home exam. The Board referred this issue to its Examination and Qualifications Committee for further discussion and recommendations. The Board has also drafted a letter to Senator Montoya requesting further information on the intent of SB 128.

Lastly, a member of the public, Robert Hoerger, requested that the Board comply with the Permit Reform Act of 1981, section 15378, which provides that agencies must adopt regulations establishing an appeal process through which an applicant may appeal directly to the secretary or agency head for a timely resolution of any dispute arising from a violation of maximum time limits for processing license applications. The Board is addressing this problem and is in the process of formulating such regulations.

FUTURE MEETINGS:

To be announced.

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