



The Board designed a post card which may be distributed by continuing education instructors, completed by the student, and returned to the Board.

The Board also proposed that all continuing education instructors utilize a continuing education certificate prescribed by the Board which contains the point value and course number of the class taught. This procedure would eliminate hundreds of calls to the Board from licensees and instructors requesting point values and course numbers, because both must be listed on the renewal application.

LEGISLATION:

The following bill became effective on January 1, 1987:

AB 4082 (Filante) amends sections 8503.5, 8505.5, 8505.17, 8525, 8616, 8616.5, 8616.6, 8616.7, 8617, 8620, 8624, 8660, 8662, and 8674 of the Business and Professions Code; and amends sections 14005 and 14006.6, amends and renumbers section 12845, and repeals section 15207 of the Food and Agricultural Code, all relating to structural pest control. (See CRLR Vol. 6, No. 4 (Fall 1986) p. 54 and CRLR Vol. 6, No. 2 (Spring 1986) p. 57.)

RECENT MEETINGS:

The Technical Advisory Committee (Committee) was presented with two versions of proposed legislation regarding non-chemical methods of structural pest control. The Pest Control Operators of California, Inc. (PCOC) submitted a version which recommended changes to the Food and Agricultural Code. The version submitted by Board staff recommended changes to the Business and Professions Code. Both proposals were reviewed by the Committee at its September 29 meeting. The Committee recommended that the California Department of Food and Agriculture and the Technical Advisory Committee review the proposals and agree on areas of jurisdiction between the two agencies so that legislation may be introduced.

The Committee and the Building Standards Commission have agreed on proposed regulations to be transferred from Title 16 to Title 24 of the California Administrative Code. The regulations proposed to be adopted into Title 24 are sections 1991(a)(1), (4), (6), (7), and (10). The Board passed a motion to set the proposed regulations for hearing. (See CRLR Vol. 6, No. 4 (Fall 1986) pp. 53-54.)

At its October 25 meeting, the Board discussed Caryl Iseman's idea for legislation regarding condominium homeowner

associations, which would require that new homeowner associations establish a trust or fund to pay for pest control services on portions of buildings for which individual condominium owners are not responsible (e.g., common areas). Many homeowner associations, particularly in older condominiums, have not provided funding for structural pest control services because the problem was not addressed at the association's inception. As a result, many individual condominium owners are being assessed approximately \$50 per month for fumigation. One Board member suggested cosponsoring or sponsoring a bill to help control the problems encountered by individual condominium owners regarding structural pest control services. However, Gus Skarakis, legal counsel for the SPCB, advised deputy registrar Maureen Sharp that introduction of such legislation is not within the Board's jurisdiction. Neil Good, president of the SPCB, suggested that PCOC and the California Real Estate Association sponsor the bill because they are trade associations, while the SPCB is a state agency which deals strictly with licensing.

To comply with the Permit Reform Act which became operative January 1, 1983, the Office of Administrative Law has requested that all state agencies adopt regulations which establish maximum processing time limits for all license/registration applications. At its October 25 meeting, the Board passed a motion to set a hearing on proposed regulations which were developed after reviewing the licensing unit's time limits in processing license applications.

FUTURE MEETINGS:

March 7-8 in San Diego.

TAX PREPARER PROGRAM

Administrator: Don Procida
(916) 324-4977

Enacted in 1973, abolished in 1982, and reenacted by SB 1453 (Presley) effective January 31, 1983, the Tax Preparer Program registers commercial tax preparers and tax interviewers in California.

Registrants must be at least eighteen years old, have a high school diploma or pass an equivalency exam, have completed sixty hours of instruction in basic personal income tax law, theory and practice within the previous eighteen months or have at least two years' experience equivalent to that instruction.

Twenty hours of continuing education are required each year.

Prior to registration, tax preparers must deposit a bond or cash in the amount of \$2,000 with the Department of Consumer Affairs.

Members of the State Bar of California, accountants regulated by the state or federal government, and those authorized to practice before the Internal Revenue Service are exempt from registration.

An Administrator, appointed by the Governor and confirmed by the Senate, enforces the provisions of the Tax Preparer Act. He/she is assisted by a nine-member State Preparer Advisory Committee which consists of three registrants, three persons exempt from registration, and three public members. All members are appointed to four-year terms.

MAJOR PROJECTS:

Proposed Legislative Changes. The Advisory Committee to the Tax Preparers Program has approved several proposals to be forwarded to the Department of Consumer Affairs as suggested legislative changes: (1) increase the number of hours of required continuing education from twenty to thirty hours per year; (2) establish a board to administer the Tax Preparer Program; (3) delete the category of "tax interviewer" for purposes of registration; and (4) remove the registration exemptions currently granted to trust company employees, financial institutions, and loan companies.

The Advisory Committee is also considering the following issues: qualification requirements for providers and instructors of continuing education courses; whether Advisory Committee members should audit continuing education courses without notice or payment of fees so as to better evaluate the effectiveness of the courses; and the Committee's stance on the charging of contingency fees by tax preparers (i.e., preparer's acceptance of a percentage of the client's tax refund as the fee for the preparation).

LEGISLATION:

SB 91 (Boatwright) would abolish the Tax Preparers Program.

AB 160 (Jones), introduced December 29, would authorize a tax preparer to renew an expired registration by paying the applicable fees and showing proof of completion of twenty hours of continuing education for each year of delinquency up to two years after expiration. After two years, the applicant would be required to apply as a new registrant and



REGULATORY AGENCY ACTION

provide evidence of completion of sixty hours of coursework within the preceding twelve months.

RECENT MEETINGS:

At the November 6 meeting in San Diego, it was reported that registration statistics, as of October 7, showed 13,960 tax preparers, 6,241 tax interviewers, 814 entities, and 743 branches.

With regard to disciplinary actions, the Committee reported that for the period of July to October, thirteen citations were issued for unregistered practice which resulted in three convictions; two actions are currently pending.

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 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. Charlene Drennon has recently been appointed to the Board, representing the public.

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 Review Committee met for a two-day workshop in October to develop a new California State Exam. The Committee categorized 200 new questions and developed over 300 new test items. The exam is scheduled to consist of 240 questions, with

approximately 60 items (25%) referring to slides accompanied by questions.

After a public hearing at the October meeting, the Board of Examiners in Veterinary Medicine (BEVM) adopted an amendment to section 2019 of Chapter 20, Title 16 of the California Administrative Code, which allows an applicant who fails the veterinary or animal health technician examinations to inspect his/her examination answer sheet only. At the hearing, the Board heard oral testimony from the California Veterinary Medical Association (CVMA) in support of this amendment. Testimony in opposition to the proposed amendment was also heard, which advocated the students' rights to review their exams so they could learn from their mistakes. Board member Art Hazarabedian pointed out that it is not the Board's responsibility to teach the applicants but to test the applicants' previously-acquired knowledge of veterinary medicine and animal health technology.

The Board has become aware that some applicants are utilizing the time allowed for test item review as a means of studying for future examinations and also for memorizing individual examination questions for study sessions with fellow applicants. Because the examination question bank is limited, it is often necessary to reuse a certain number of questions in future exams. Therefore, in order to best ensure the integrity of future exams, the Board's goal is to protect all existing bank questions. The amended regulation makes it possible for any applicant to review his/her answer sheet against the key for detection of computer grading errors, but would remove the chance of abuse by some applicants of the examination inspection provision which would result in degradation of the examination's integrity. In support of this action, the Board noted that only one of the other nine healing arts boards allows exam candidates to review examination booklets after failing an exam. (That board has a practical exam only and no multiple-choice questions are used.)

Drug and Alcohol Diversion Program. The Drug and Alcohol Diversion Program for veterinarians and animal health technicians was established and the first applicants accepted in June 1984. As of October 1986, fifteen professionals were participating in the program and three applications to the program were pending. After its first eighteen months of operation, the Diversion Program had 0.35% of the total California resident veterinarians as participants. The Board

is seeking a contract for operation of the program from July 1, 1987 through June 30, 1988 with the possibility of renewal on an annual basis beginning July 1, 1988. The contract became available for bid in January 1987.

Dr. Blaine McGowan, Program Manager of the Diversion Program, serves on the American Veterinary Medical Association's (AVMA) Committee on Impaired Veterinarians. This committee drew up a model program to assist other states in establishing their own diversion programs. California stands alone in this area of development in that its Diversion Program is not allied with any other diversion programs. Significant support and resources are responsible for this unique accomplishment.

The Diversion Program has identified families and staff of veterinarians as viable sources of increased Program participation when family member or employers demonstrate an alcohol or drug-related problem. Local ethics committees could also be very influential in reporting and/or enforcing the necessary treatment required for a colleague.

LEGISLATION:

AB 3032 (Johnston) amends existing law to include professional societies of veterinarians within the category of professional societies which have immunity from liability for certain referral services. This bill has been signed by the Governor.

RECENT MEETINGS:

At the October meeting, the Board adopted section 2021 and 2021.1, Title 16, California Administrative Code, which implement a system of staggered license expiration dates for veterinarians and AHTs, respectively. (See CRLR Vol. 6, No. 4 (Fall 1986) p. 55.)

The Board's amendment to section 2070 was recently approved by the Office of Administrative Law. This amendment increases the fees for initial and renewal licenses to \$150, and examination fees for the national and practical examinations to \$120 and \$100, respectively.

The Board also discussed the responsibilities of the supervising veterinarian under section 2035. A veterinarian is required to examine an animal prior to the delegation of a task to an AHT or assistant, including any vaccinations to be given to an animal. Some concerns were expressed regarding the impact of this requirement on low-cost mobile vaccination clinics. The Board has referred this issue to the CVMA for development of a working definition of "examination."