Proposed regulatory action in this area will be discussed at future meetings.

A consumer pamphlet has been prepared as a joint project by the Board and the California Optometric Association. However, the Board currently lacks funding for printing and public distribution of the pamphlet.

FUTURE MEETINGS:
To be announced.

BUREAU OF PERSONNEL SERVICES
Chief: Jean Orr
(916) 920-6311

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 licenses.

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. There are currently three vacancies on the Advisory Board: two industry positions and one public member position.

MAJOR PROJECTS:
Impacts of AB 2929. Due to the deregulation of employer-retained agencies pursuant to AB 2929 (see CRLR Vol. 7, No. 1 (Winter 1987) p. 56), the number of Bureau licensees may be significantly reduced.

Bureau staff and selected Advisory Board members plan to meet with Marie Shibuya-Snell, Director of the Department of Consumer Affairs, to discuss the future of the Bureau. The Department recently sent industry members information on AB 2929 and also included a three-page survey. The survey results indicate that the industry wants the Bureau to stay in existence.

LEGISLATION:
AB 2733 (Bane), a bill clarifying which employers are required to pay for their employees' unemployment insurance, has been chaptered (Chapter 793, statutes of 1986). Following review by legal counsel Don Chang, the Bureau plans to inform nurses' registries and babysitting and domestic agencies as to how this legislation affects them.

RECENT MEETINGS:
The Advisory Board met on January 9 in Los Angeles, with discussion focusing on the Board's purpose. Members commented that they would like more interaction with Bureau staff in the form of written recommendations.

There was also some discussion at the January 9 meeting as to whether domestics should be deregulated. A subcommittee was appointed to look into the matter of deregulation of employer-retained domestics and will report back at the next Advisory Board meeting.

FUTURE MEETINGS:
To be announced.

BOARD OF PHARMACY
Executive Officer: Lorie G. Rice
(916) 445-5014

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:
Handbook. A new handbook of current Pharmacy Laws and Regulations became available in March 1987. The Board will also publish a newsletter discussing, among other topics, the law regarding the rescheduling of anabolic steroids as controlled substances.

Mail Order Prescriptions. The Board has been investigating the mail-order prescription business, which is not presently allowed in California. The Board has been studying other states in which the business is permitted, particularly with respect to deaths, injuries, or other complaints from consumers resulting from mail order prescriptions. The Board has also communicated with the Federal Trade Commission (FTC) for information on problems in other states. An FTC representative is scheduled to appear at a future meeting to update the Board on an ongoing FTC study of the mail order prescription business. The Little Hoover Commission is also studying this matter.

After receiving and evaluating information from the FTC and the Little Hoover Commission, the Board will examine its regulations and determine whether changes or additions to its regulatory authority are needed. The Board will also evaluate various pieces of proposed legislation dealing with mail order prescriptions.

Regulations. Section 1769.1 of Title 16 of the California Administrative Code, which addresses the standards for reinstatement of licensees, was disapproved by the Office of Administrative Law (OAL). Rather than resubmit the regulations to OAL, the Board has decided to publish the standards as guidelines and distribute them to those seeking reinstatement.

Section 1781.5 of Title 16 dealing with hearings for exemptees was also recently disapproved by OAL, and will be resubmitted with corrections. The section would permit the Board to issue an exemption certificate to a manufacturer or wholesaler which employs an individual who has passed a written examination given by the Board and is a pharmacist licensed in a state other than California, or has at least two years of applicable experience in the manufacture, wholesale, or distribution of dangerous drugs.

Finally, the Board's continuing education regulations were also disapproved by OAL, and will be resubmitted. (See CRLR Vol. 6, No. 4 (Fall 1986) p. 49.)
Ancillary Personnel. An Ad Hoc Committee on Ancillary Personnel has been created to investigate the feasibility of adopting regulations to govern ancillary personnel such as pharmacy technicians. (See CRLR Vol. 7, No. 1 (Winter 1987) p. 57.) Rather than set up a certification program, administer a qualifying examination, and require registration of technicians, the Board has decided to take a less stringent approach toward the regulation of ancillary personnel. However, the precise method of regulation has not yet been determined.

LEGISLATION:  
AB 513 (Tucker). Existing law defines a manufacturer for purposes of regulating the practice of pharmacy and excepts from that definition a pharmacy which manufactures drugs on the immediate premises where the drug is sold to the ultimate consumer. AB 513 would also except from that definition a pharmacy compounding a drug for par- enteral therapy, pursuant to a prescription, for delivery to another person licensed to possess that drug.  
AB 85 (Katz) has been introduced in the Assembly. Existing law requires the Board to contract with one or more employee assistance programs to administer the impaired pharmacist program and requires the employee assistance program to train and work with volunteer intervenors in conjunction with a pharmacist's professional association. The law provides that the impaired pharmacist program shall be repealed on January 1, 1988, and requires the Board to submit a sunset review report to the legislature on or before March 31, 1987.

AB 85 would delete the requirement that the employee assistance program train and work with volunteer intervenors in conjunction with a pharmacist's professional association, and would delete the provisions which repeal the program and require a sunset review report.

SB 79 (Watson) would amend section 4416 of the Business and Professions Code to increase the current various licensure, permit, and renewal fees, and would increase the maximum for each. The bill was amended in the Senate on February 4, 1987.

RECENT MEETINGS:  
In December the Board received correspondence from the National Association of Boards of Pharmacy (NABP), inquiring whether the Board would be in favor of holding a national conference on drug sampling. Because California has no vote at NABP meet- ings, does not participate in NABP examinations, and the NABP was ad- vancing the idea of holding a national conference at the request of a drug manufacturer, the Board decided against holding a national conference.

The Continuing Education Committee has recently appointed two new members—a school faculty member and a practicing pharmacist. The Committee is composed of two Board members, two school members, and two practicing pharmacists.

The recent examination was adminis- tered on January 7 and 8 in Sacra- mento. Over 500 applicants took the examination.

FUTURE MEETINGS:  
June 2-3 in Los Angeles.

POLYGRAPH EXAMINERS BOARD

Executive Officer: Día Goode  
(916) 739-3855

The Polygraph Examiners Board, an agency within the Department of Con- sumer 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 specif- ically excluded from the Board's juris- diction.

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:  
Proposed Regulations. The Board has adopted the following amendments to Title 16 of the California Adminis- trative Code: section 3400 establishes the official site of the Board's principal office; section 3402 defines the key terms used in the Board's regulations; sections 3406 and 3408 require licensees to provide the Board with current mailing addresses and any name changes; section 3410 lists several acts and crimes which are substantially related to the duties of the licensee so as to constitute grounds for disciplinary action; section 3412 establishes criteria for evaluating the rehabilitation of a licensee who has committed serious acts or crimes; section 3427 defines application abandonment and forfeiture of application fees; and sections 3440, 3442, and 3444 establish criteria for calibrating, filing, and approving polygraph instruments.

The Board is preparing these regulations for submission to the Office of Administrative Law.

Pre-Employment Inquiries. In order to assist polygraph licensees to comply with the California Fair Employment Practices Act, the Board provides information on examples of questions which may not be asked of test subjects. The Fair Employment Act states that no pre-employment inquiries may be made regarding a job applicant's race, religion, color, ancestry, sex or physical handicap. A copy of the Guide to Pre-Employment Inquiries may be obtained by writing to the Polygraph Examiners Board, 1920 20th Street, Suite A, Sacramento, CA 95814.

RECENT MEETINGS:  
At its February 6 meeting in Newport Beach, Board member Peggy Lopez reported that the Attorney General's Office is preparing a statement of issues for an upcoming license denial hearing. The Board unanimously approved a reciprocity agreement with Utah. How- ever, upon advice of legal counsel, the Board refused to adopt a reciprocity agreement with Georgia. Georgia re- quires that its polygraphers be Georgia residents for one year prior to licensure. Legal counsel for the Board stated that such a residency requirement is likely unconstitutional. The Board does not wish to grant reciprocity with any state which imposes unfair requirements on otherwise competent, California-licensed polygraphers.

The Board heard industry's com- ments objecting to any proposed legis- lation requiring mandatory professional liability insurance payments to a De- partment of Consumer Affairs (DCA) Fund. The industry's chief concern is the cost-effectiveness of such an insurance pool. The Board expects that legislation similar to last year's SB 2333 (Montoya) will be introduced this year, requiring insurance payments to a DCA licensee fund. (See CRLR Vol. 6, No. 4 (Fall 1986) p. 41.)

The Board is considering a recom- mendation to the legislature that voice stress analysis machines and operators be included in the Polygraph Examiners Act. (See CRLR Vol. 7, No. 1 (Winter 1987) p. 57.) Legal counsel for the Board has concluded that voice stress analysis is not covered by the current Act. In a related area, legal counsel has