



a registered engineer may place a note on engineering plans, specifications, reports, or documents, which states that the use of asbestos is required by the entity and specified in the plan, but that the engineer will not be responsible for the use or specification of asbestos. If such a note is used, the engineer or engineering firm would not be responsible or liable for injury occurring from the use or specification of use of asbestos.

RECENT MEETINGS:

At its January 23 meeting, the Board approved a recommendation from the Soil Engineer Technical Advisory Committee to change the certification of soil engineers to "geotechnical engineer." The commonly-used term "soil engineer" is viewed as a misnomer, and the preferable term "geotechnical engineer" is a more precise description of the profession. As a result, all Board literature will reflect the name change.

At the Board's meeting in Los Angeles on February 27, Joel Lubin of CSPE spoke on proposed legislation which would require an applicant to have eight years of qualified experience as an engineer before being permitted to take the exam. Similar legislation, SB 2184 (Greene), was vetoed by Governor Deukmejian in 1986.

Larry Dolson, a public member of the Board, expressed discontent over NCEE's grading practices. Repeatedly, the Board has complained to NCEE about the unreasonable amount of time it takes NCEE to regrade the exams of applicants who pursue the appeals process. Often applicants simply retake the exam on the next scheduled date because it is faster than waiting for the results of the regrading process. Dolson stated that this problem renders the appeals process useless. While NCEE complains of understaffing, Dolson suggested that the Board discuss alternatives to the present appeals process.

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 general fund. The Board is currently staffed by 56 people.

MAJOR PROJECTS:

Mobile Intensive Care Nurses. The Board has received requests from mobile intensive care nurses (MICN) and nurse administrators for an opinion on the proposed regulations of the Emergency Medical Services Authority concerning the scope of practice, education, and approval of MICNs. The Nursing Practice Committee is concerned that the proposed regulations may be beyond the authority granted by the enabling legislation, Health & Safety Code (Emergency Medical Services), section 1797 *et seq.* The Board will send a letter to the EMS Authority and will meet with MICN representatives to discuss mutual concerns. In addition, the Nursing Practice Committee will draft a position statement to be presented at a future Board meeting.

Implementation of Orders by RNs.

At its November meeting, the Board adopted a policy statement regarding the relationship of nurses to mid-level practitioners (see CRLR, Vol. 7, No. 1 (Winter 1987) p. 59). At the Board's January meeting, it was suggested that the statement be revised to explicitly address transmitted orders from mid-level practitioners and to encourage collaborative relationships between physicians and nurses. The revision was accepted by the Board and the policy statement will be sent to interested parties, including mid-level practitioners. (For further discussion of this issue, see *supra* agency report on PHYSICIAN'S ASSISTANT EXAMINING COMMITTEE.)

Regulations. A regulatory hearing was held on March 11 in Sacramento regarding the fees to be charged by the Board pursuant to Statutes of 1986, Chapter 493 (AB 4372). (See CRLR Vol. 7, No. 1 (Winter 1987) p. 59.) The new legislation requires the Board to certify those nurse practitioners who furnish drugs and devices and have

satisfied the statute's requirements. The Board proposed an application fee of \$50, a certification fee of \$30, and a late renewal penalty of \$15.

LEGISLATION:

AB 87 (Agnos) would permit the disclosure of AIDS blood test results to the test subject, the subject's legal representative, the health care provider, and other specified agents or employees of the health care provider. The Board believes that nurses in direct patient care have a right to know if a patient has tested positive, and thus supports this bill in concept.

AB 985 (Vasconcellos) would declare that a separate category of licensed lay midwives should be established in the Department of Consumer Affairs, and that legislation is required to establish the educational requirements, scope of practice, and practice arrangements of this category of birthing providers. The Board has adopted a neutral position.

SB 200 (Roberti) would specify that the Bagley-Keene Open Meetings Act and the Brown Open Meetings Act shall not be construed to prevent a state or local body from holding a closed session to confer with its legal counsel regarding pending litigation when discussion in open session would be prejudicial. The bill would also require legal counsel to submit a memorandum specifying the rationale and statutory authority for the closed session. The Board has adopted a watch position.

SB 202 (Montoya) is a reintroduction of SB 2333, which would have established the Professional Liability Insurance Fund and was referred to interim study during the last legislative session. (See CRLR Vol. 6, No. 4 (Fall 1986) p. 41.) The Board opposes this bill.

SB 331 (Presley) would create a category of health facilities known as correctional treatment facilities, which would be operated by the Department of Corrections, Department of the Youth Authority, or a city or county law enforcement agency. The bill would also require the Department of Corrections and the Youth Authority to jointly study, in consultation with the BRN and other groups, the difficulties in recruitment and retention of nurses. The Board will watch this bill.

SB 478 (Watson) would establish the Minority Health Professions Education Foundation, which would be authorized to solicit and receive private funds and make recommendations to the Office of Statewide Health Planning and Develop-



REGULATORY AGENCY ACTION

ment regarding the disbursement of funds to underrepresented minority groups. While the bill refers to nurses, the initial allocation of funds does not include people enrolled or accepted into nursing schools. The Board will support this bill if amended to provide allocation of funds in proportion to demonstrated need of the professions.

RECENT MEETINGS:

At its January meeting in Los Angeles, the Board voted to approve the clinical experience guidelines suggested by the Education Committee. Since some nursing programs do not have sufficient access to clinical facilities, a minimum amount of time required in each area has been established in accordance with section 1426(d), Chapter 14, Title 16, California Administrative Code. The Board agreed that no less than 60 hours must be spent in each required clinical area and the program may use up to 25% of each clinical rotation in a simulated situation.

FUTURE MEETINGS:

May 21-22 in Sacramento.
July 23-24 in San Francisco.
September 17-18 in Los Angeles.
November 19-20 in San Francisco.

BOARD OF CERTIFIED SHORTHAND REPORTERS

Executive Officer: Richard Black (916) 445-5101

The Board of Certified Shorthand Reporters (BCSR) licenses and disciplines shorthand reporters, recognizes court reporting schools and administers the Transcript Reimbursement Fund, which provides shorthand reporting services to low-income litigants otherwise unable to afford such services.

The Board consists of five members, three public and two from the industry, who serve four-year terms. The two industry members must have been actively engaged as shorthand reporters in California for at least five years immediately preceding their appointment.

MAJOR PROJECTS:

Examinations. The Board of Certified Shorthand Reporters, in pursuing its plans to formally validate its examinations, has received a proposal from the Department of Consumer Affairs' Central Testing Unit (CTU) to validate the Professional Practice portion of the CSR exam. (See CRLR Vol. 7, No. 1 (Winter 1987) p. 59.) After receipt of the

CTU's proposal concerning validation of the English portion of the exam, the Board will negotiate with the CTU for its services regarding this year-long project, scheduled to begin July 1, 1987.

Because of concern over examination security, the Board is developing a new procedure for identification of persons sitting for the CSR exam. Prior to being admitted, examinees will be required to show their Final Notice of Examination with a passport-type photograph attached, and an "approved" photo identification which has the applicant's photograph permanently attached. This new procedure will be in effect for the May examination.

At its February meeting, the Board reaffirmed its decision not to offer an interim examination for those applicants who must retake the written knowledge portion of the exam. Mr. Richard Black, Executive Office of BCSR, reiterated his major objections, including lack of staff resources to organize and administer the exam, the additional programming expenses created by giving an interim exam, and the possible exam security problems caused by a small pool of examination questions. An interim exam will not be offered, at least until the test validation process is completed and new test items have been created.

Citation and Fine Program. With the enactment of SB 2335 (Chapter 1379, Statutes of 1986), most of the regulatory agencies within the Department of Consumer Affairs now have the authority to establish systems for the issuance of administrative citations and the imposition of administrative fines. Any such system established pursuant to the provisions of SB 2335 must be established by regulation. The Board's legal counsel, Barbara King, has suggested that the citation and fine concept is best suited to addressing licensee conduct which is easily defined. The Board has directed the staff to develop suggestions as to which statutory provisions might be most amenable to establishment of a citation and fine system. The staff will give its report at the June Board meeting.

Executive Officer Position. Pursuant to Section 8005 of the Business and Professions Code, the Board's request to increase the position of the Executive Officer to full-time status was approved and will take effect July 1, 1987.

RECENT MEETINGS:

At the February board meeting, Mr. Black informed Board members of plans

to publish a consumer information brochure concerning the Board and the profession. This brochure will be designed and ready for publication at the beginning of the next fiscal year.

FUTURE MEETINGS:

May 8-9 in San Francisco.
June 27 in San Diego.

STRUCTURAL PEST CONTROL BOARD

Executive Officer: Mary Lynn Ferreira (916) 924-2291

The Structural Pest Control Board (SPCB) licenses structural pest control operators and field representatives. The latter can function only under a licensed operator and secure pest control work for the operator. Each structural pest control firm is required to have one licensed operator, regardless of the number of branches the firm operates. A licensed field representative can also hold an operator's license.

Licensees are classified as: (1) Branch 1, Fumigation, the control of household and wood-destroying pests by fumigants (tenting); (2) Branch 2, General Pest, the control of general pests without fumigants; or (3) Branch 3, Termite, the control of wood-destroying organisms with insecticides, but not with the use of fumigants, and including authority to perform structural repairs and corrections. An operator can be licensed in all three branches, but more often will limit the variety of his or her expertise for purposes of efficiency and subcontract out to other firms.

SPCB also issues applicator certificates. These otherwise unlicensed individuals, employed by licensees, are required to take a written exam on pesticide equipment, formulation, application and label directions if they apply pesticides. Such certificates are not transferable from one company to another.

SPCB is comprised of four public and three industry representatives.

MAJOR PROJECTS:

Consumer Complaints. Board policy requires that a consumer with a complaint against an SPCB licensee/registered company attempt to resolve the complaint with the licensee prior to seeking Board assistance. If the consumer's attempt to work out the grievance with the licensee fails, the consumer may subsequently file a complaint with the Board's office.