



Professions Code section 8674. The filing additionally required that applications for continuing education course approval and approval as a provider of continuing education must be accompanied by fees. On January 8, 1987 OAL notified SPCB of its disapproval of the proposed amendments to sections 1948 and 1953, due to SPCB's failure to establish necessity as required by Government Code section 11349.1. Section 1953 also failed to satisfy the clarity standard of Government Code section 11349.1.

Additionally, on December 9, 1986 SPCB submitted to OAL a regulatory package adopting section 1936.1, amending sections 1903, 1911, 1912, 1913, 1914, 1916, 1917, 1937, 1937.1, 1937.2, 1937.12, 1937.13, 1937.14, 1937.16, 1970, 1970.4, 1983, 1996, 1996.1, and 1998, and repealing section 1944 of Title 16 of the California Administrative Code. (See CRLR Vol. 6, No. 4 (Fall 1986) p. 53.) The proposed regulatory changes, with the exception of sections 1944 and 1983, implement the provisions of SB 358 (Carpenter), which became effective January 1, 1987; thus, SPCB requested an early effective date for the proposed regulatory changes. However, on January 8, 1987, OAL notified SPCB of its disapproval of the proposed regulatory action to adopt, amend, and repeal the specified actions of Title 16. OAL stated that sections 1912, 1917, and 1936.1 violate the clarity standard of Government Code section 11349.1 (a)(3); section 1937.2 fails to properly cite the authority on which the regulation is based, as required by Government Code section 11349.1(a)(2); sections 1903, 1914 and 1937.2 fail to comply with the reference standard required by Government Code section 11349.1(a)(5); and sections 1937, 1917, 1936.1, 1937.2, 1970.4 and 1998 fail to employ the proper underline/strikeout format in certain parts of their texts.

#### LEGISLATION:

**AB 4082 (Filante)**, effective January 1, 1987, requires the removal of the sunset provisions of the Pesticide Enforcement Program under AB 294. (See CRLR Vol. 5, No. 4 (Fall 1985) p. 44 for further information.)

#### RECENT MEETINGS:

In 1986, the SPCB approved the purchase of microfilm equipment to alleviate the Board's volume of office records which are encroaching on needed space and making record reference an administrative nightmare. However, the 1986/87 budget deadline

had passed prior to the Board's approval, thus requiring postponement of the equipment purchase until the 1987/88 appropriation. At its January 10 meeting, Ms. Ferreira reported that although the Board has approved the purchase of microfilm equipment, the purchase also requires approval by both the Department of General Services and the Department of Finance. A feasibility study is presently being conducted. The Board hopes to purchase the equipment by July 1, 1987.

In August 1986, the Board passed a motion to hire a legal intern to review the Board's Specific Notices, industry minimum standards, and policy directives for determining their compliance with the current Structural Pest Control Act and Rules and Regulations. The intern was hired on December 8, 1986, and at its meeting on January 10, the Board reported completion of the legal intern's review. The intern is now compiling information for a report on the revision of the continuing education exams and the operator and field representative licensing exams. The revised examinations will include questions on changes to SPCB's licensing procedures as a result of SB 358 (Carpenter). (See CRLR Vol. 5, No. 4 (Fall 1985) p. 45.)

On January 10, Ms. Sharp reported that reserves from the Pesticide Enforcement Fund are exceeding permissible levels. Under the enforcement provision of AB 294, structural pest control companies are required to place a Pesticide Use Report Stamp on Monthly Summary Pesticide Use Report Forms submitted to the county agricultural commissioner. (See CRLR Vol. 5, No. 4 (Fall 1985) p. 44.) SPCB currently charges a \$5.00 fee per stamp. Because of the excessive funds, the Board approved a proposal to lower the Pesticide Use Report Stamp fee to \$3.00. At its March 8 meeting, the Board noted March 17 as the effective date for the stamp fee decrease.

On December 16 in southern California, a fumigation death was reported. An investigation following the death revealed the fumigation company's full compliance with all laws. No violations were cited.

The Department of Food and Agriculture and the SPCB will conduct the second training seminar for staffs of county agricultural commissioners required by AB 294. Enacted in 1984, AB 294 tightens the relationship between SPCB, the Department of Food and Agriculture, and the county agricultural commissioners. (See CRLR Vol. 5, No.

4 (Fall 1985) p. 44 for AB 294 implementation requirements.) The seminar will be conducted in two or three segments around the state and is tentatively scheduled for May or June of 1987. On September 23 and 24, 1986 the first training seminar was conducted. Forty-two county agricultural commissioners' staffs attended, along with five Board specialists and two consumer services representatives.

#### FUTURE MEETINGS:

May 16 in San Francisco.  
July 25 in Newport Beach.  
October 10 in Sacramento.

#### TAX PREPARER PROGRAM

*Administrator: Don Procidia*  
(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.

#### LEGISLATION:

**SB 91 (Boatwright)** would abolish the Tax Preparers Program. Legislative position papers in support of this bill argue that the Program (1) has taken no disciplinary actions by way of administrative hearings over the last three



years; (2) fails to test the competency of its registrants, as it requires no examination; and (3) provides only minimal protection for consumers.

Program Administrator Don Procidia responds that a recitation of these factors fails to reveal the complete picture. He states that eleven cases are currently pending in the Attorney General's office, which represents the Tax Preparers Program in any administrative hearings. He also points out that in the previous fiscal year, five disciplinary cases had to be abandoned because the program lacked sufficient funds to pay for the administrative hearings. He also argues that the success of a program should not necessarily be based solely upon the number of disciplinary actions taken. The Program has found that a letter of warning is often sufficient and preferable to more time- and funds-consuming methods of discipline.

*AB 160 (Jones)* 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 provide evidence of completion of sixty hours of tax preparation coursework within the preceding year.

#### RECENT MEETINGS:

There have been no meetings of the Advisory Committee to the Tax Preparers Program since November 7, 1986, due to the fact that travel funds were exhausted at that time. The next meeting is scheduled to take place in July, after the new budget period begins.

#### FUTURE MEETING:

To be announced.

### BOARD OF EXAMINERS IN VETERINARY MEDICINE

*Executive Officer: Gary K. Hill*  
(916) 920-7662

The Board of Examiners in Veterinary Medicine (BEVM) 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. Dr. Arthur Hazarabedian and Dr. Herbert Ott have recently been elected President and Vice-President, respectively.

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 National Examination was held on December 9, 1986, with 288 candidates attending. Fifty-three percent of these candidates achieved passing scores. The Clinical Competency Test (CCT) was held the following day with a total of 53 candidates attending, including 20 for reciprocity and 33 foreign graduates. Twenty-eight percent passed the CCT. The California Practical Examination was administered on February 24 at the University of California at Davis. Of the 343 candidates who took the February exam, 48% passed.

Presently, over 700 multiple-choice questions are stored in the Board's computer bank. These questions are randomly selected for each administration of the California Practical Exam to facilitate greater test validity.

At the January meeting, the Board discussed the recent trend toward "limited licensure," which limits a veterinarian's practice to specific species of animals. The Board determined that, should this trend continue, the California State Exam would test specific areas of practice. The exam is presently divided into three categories including food animal, pet animal, and equine. The Board, however, expressed its concern that the primary goal of veterinary schools should be to produce veterinarians who are "complete practitioners." Schools could offer additional education and training beyond their traditional four-year programs which would allow a veterinarian to specialize in a particular area of practice.

*Drug and Alcohol Diversion Program.* Dr. Blaine McGowan, Program Manager of the Diversion Program, recently reported that the compliance and surveillance aspect of the program has been effective. Participants are visited every two to three weeks. These visits are very valuable to the program and to the participants in maintaining their freedom from chemical dependency. Dr. McGowan has also announced that he is retiring as program manager.

Sealed bids on the new contract for the Diversion Program were to be opened at the Board's March meeting.

*Proposed Regulations.* At its January meeting, the Board continued its discussion of several proposed changes in the animal health technician regulations. (See CRLR Vol. 7, No. 1 (Winter 1987) p. 63.) One of the proposed changes which has stimulated considerable debate concerns the possible repeal of the 1,000 hours of practical experience which a graduate must obtain prior to becoming a licensed AHT. Questions concerning whether these hours should be required at all and, if so, when they should be completed, remain unanswered. The Board voted to establish an Ad Hoc Committee to study these questions in further detail. The other proposed changes, which would create two new eligibility categories for AHT applicants, were also referred to the Committee for further study. The Committee will report to the full Board in May with its findings and recommendations.

#### RECENT MEETINGS:

In response to the many inquiries received regarding advertising for veterinary hospitals, the Board discussed price advertising at its January meeting. Many hospitals now advertise "low cost" vaccinations, spaying, and neutering. According to section 651(c) of the Business and Professions Code, "any price advertisement shall be exact, without the use of such phrases as 'as low as', 'and up', 'lowest prices' or words or phrases of similar import." The Board passed a motion to inform members of the profession of the requirements of section 651.

The Board also discussed the application of electronic identification in animals. Such electronic identification is accomplished by inserting a microchip under the skin of the animal. This device is for identification only and does not have a medical or therapeutic function. The Board determined at the January meeting that the insertion of such a