



REGULATORY AGENCY ACTION

Board may deny or suspend any certificate.

-Proposed amendments to section 8027 would redefine what constitutes a court reporting school, pursuant to the Private Postsecondary and Vocational Education Reform Act; and would delete many of the Board's existing requirements for schools, as schools are now accredited by the new Council for Private Postsecondary and Vocational Education. (See CRLR Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) pp. 82-83 for background information on the CPPVE.)

-BCSR may propose to add or amend sections 8024.2, 8024.3, 8028-28.8, and 8031, regarding mandatory continuing education (CE) for CSRs. (See CRLR Vol. 10, No. 4 (Fall 1990) p. 104 and Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) p. 121 for background information.) The proposed amendments would require twenty hours of CE during each two-year period following licensure; at least one hour shall be in each of the following six subject areas: English, reporting technology, academic knowledge, statutes and regulations, ethical practices, and practice of business management.

FUTURE MEETINGS:

May 10 in San Francisco.

STRUCTURAL PEST CONTROL BOARD

Registrar: Mary Lynn Ferreira
(916) 924-2291

The Structural Pest Control Board (SPCB) is a seven-member board functioning within the Department of Consumer Affairs. The SPCB is comprised of four public and three industry representatives. SPCB's enabling statute is Business and Professions Code section 8500 *et seq.*; its regulations are codified in Division 19, Title 16 of the California Code of Regulations (CCR).

SPCB licenses structural pest control operators and their field representatives. Field representatives are allowed to work only for licensed operators and are limited to soliciting business for that operator. Each structural pest control firm is required to have at least one licensed operator, regardless of the number of branches the firm operates. A licensed field representative may also hold an operator's license.

Licenses 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; (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; and (4) Branch 4, Roof Restoration, the application of wood preservatives to roofs by roof restorers. Branch 4 was enacted by AB 1682 (Sher) (Chapter 1401, Statutes of 1989), and became effective on July 1, 1990. An operator may be licensed in all four branches, but will usually specialize in one branch 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 members. Industry members are required to be licensed pest control operators and to have practiced in the field at least five years preceding their appointment. Public members may not be licensed operators. All Board members are appointed for four-year terms. The Governor appoints the three industry representatives and two of the public members. The Senate Rules Committee and the Speaker of the Assembly each appoint one of the remaining two public members.

MAJOR PROJECTS:

Research Advisory Panel Regulation Approved. On November 28, SPCB submitted the rulemaking file on proposed new regulatory section 1919, which was adopted by SPCB on July 12, to the Office of Administrative Law (OAL); OAL approved the new section on December 26. Section 1919 establishes a five-member research advisory panel to solicit and review research proposals for recommendation to SPCB for funding from the Structural Pest Control Research Fund. The panel will consist of one public member from SPCB, two representatives from the structural pest control industry, one representative from the California Department of Food and Agriculture (CDFA), and one representative from the University of California.

Continuing Education Regulations. At its July meeting, the Board adopted with modifications several proposed amendments to sections 1950, 1950.5, and 1953, relating to continuing education (CE). (See CRLR Vol. 10, No. 4 (Fall 1990) p. 106 for background information.) Amendments to section 1950 would change the point credit system to

an hour credit system to simplify the credit accrual process for licensees, and require field representatives to earn the same number of CE hours as structural pest control operators. The increase in required CE hours for field representatives is graduated over a three-year period of time so that licensees can fairly adjust to the increase. The proposed amendments to section 1950.5 would reflect the change from the point credit system to an hour credit system. The proposed amendments to section 1953 would allow the Registrar to grant an exception to the requirement that CE activities be submitted to the Board 60 days prior to presentation; require CE providers to notify the Board 30 days prior to the presentation of an activity; require a specific evaluation method form and certificate of course completion form so SPCB and licensees receive adequate information regarding CE courses attended; and allow the Registrar to grant an exception to approving for CE credit courses which focus on the policies, procedures, or products of a single firm. On November 13, the Board released a modified version of the proposed amendment to section 1950; the 15-day public comment period ended on November 28. At this writing, SPCB is preparing the rulemaking package for submission to OAL.

Other Regulatory Changes. On January 11, the Board was scheduled to hold a public hearing on the proposed adoption by reference of section 2516(c)(1), (2), (4), and (6), Title 24 of the CCR. Section 1991(a)(1) through (12) of the Board's regulations sets forth the recommendations for corrective measures once a registered company has inspected a structure and reported its findings. Section 1991(a)(1), (6), (7), and (10) were identified by the State Building Standards Commission as being building standards, thereby requiring sections of 1991(a) to be incorporated into the Uniform Building Code. This action necessitates removing these sections from the California Code of Regulations, and adopting by reference section 2516(c)(1), (2), (4), and (6) of Title 24. This action will allow SPCB to retain the authority to enforce against licensees the intent of section 1191(a)(1), (6), (7), and (10).

Previously, OAL approved the Board's proposed amendment to section 1996(a), which established a uniform inspection report form and set January 1, 1991, as the effective date for use of the new form. (See CRLR Vol. 10, No. 4 (Fall 1990) p. 106 and Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) pp. 124-25 for background information.) On October



12, the Board held a public hearing to amend section 1996(a) to change the effective date to September 1, 1991. The purpose of this amendment is economic feasibility: Companies will be able to use up existing supplies of old forms and have sufficient time to order or print the new forms. If old forms are used up before September 1, companies may utilize the new forms. On December 28, OAL approved the amendment.

LEGISLATION:

Anticipated Legislation. The Board is considering proposed legislation which would classify fumigants as either toxic fumigants or simple asphyxiants, each having separate regulations for safety precautions, licensing, supervision, and other pertinent requirements. The statutory amendment under consideration would identify liquid nitrogen as a simple asphyxiant, thus making liquid nitrogen subject to regulation by the Board. (See CRLR Vol. 10, No. 4 (Fall 1990) p. 106; Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) pp. 122-24; and Vol. 9, No. 4 (Fall 1989) p. 80 for extensive background information on this issue.)

RECENT MEETINGS:

At SPCB's October 11-12 meeting, the Board elected its officers for 1991. William Jones was elected President, and Caryl Iseman was elected Vice-President.

FUTURE MEETINGS:

April 5 in Pasadena.

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 approximately 19,000 commercial tax preparers and 6,000 tax interviewers in California, pursuant to Business and Professions Code section 9891 *et seq.* The Program's regulations are codified in Division 32, Title 16 of the California Code of Regulations (CCR).

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. Registration must be renewed annually, and a tax preparer who does not renew his/her registration within three years after expiration must obtain a new registration. The initial registration fee is \$50 and the renewal fee is \$40.

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.

RECENT MEETINGS:

The Advisory Board has not met since December 13, 1988.

FUTURE MEETINGS:

To be announced.

BOARD OF EXAMINERS IN VETERINARY MEDICINE

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

Pursuant to Business and Professions Code section 4800 *et seq.*, the Board of Examiners in Veterinary Medicine (BEVM) licenses all veterinarians, veterinary hospitals, animal health facilities, and animal health technicians (AHTs). Effective May 1990, the Board now evaluates applicants for veterinary licenses through three written examinations: the National Board Examination, the Clinical Competency Test, and the California Practical Examination.

The Board determines through its regulatory power the degree of discretion that veterinarians, AHTs, and unregistered assistants have in administering animal health care. BEVM's regulations are codified in Division 20, Title 16 of the California Code of Regulations (CCR). 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 hear-

ing, a facility is deemed to have fallen short of these standards.

The Board is comprised of six members, including two public members. The Animal Health Technician Examining Committee consists of two licensed veterinarians, three AHTs, and two public members.

On December 6, Board staff announced the appointment of Nancy Lee Collins, DVM, to the BEVM. Dr. Collins, who is an equine practitioner, replaces Dr. Alan Edmondson on the Board.

MAJOR PROJECTS:

AHT Exam Grading Change Update. On November 28, the Office of Administrative Law approved the Board's amendment to section 2062, Division 20, Title 16 of the CCR. This amendment, adopted by BEVM at its April 1990 meeting, changes the current fixed percentage method of scoring the California AHT Examination to a criterion reference method. (See CRLR Vol. 10, No. 4 (Fall 1990) p. 109 and Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) p. 126 for background information.)

Board Performance Survey. At its October 19 meeting, BEVM staff presented the results of a survey taken among veterinarians to assess the responsiveness of BEVM and its staff. Executive Officer Gary Hill noted a substantial increase in the number of 1990 survey respondents who had contact with the Board and staff compared to respondents to a similar 1985 survey. In comparison to the 1985 survey, the 1990 survey results in general rated the Board higher on courtesy, about the same on accuracy, but lower on timeliness. According to the survey, 87% of the respondents rated the Board as fair to good in keeping them informed on changes in relevant laws and regulations. Also, 95% of the 1990 respondents indicated that continuing education would be useful. Mr. Hill noted a noticeable increase in support for continuing education among veterinarians surveyed since 1981.

LEGISLATION:

Proposed Legislation. BEVM may attempt to implement a required continuing education (CE) program for veterinarians through legislation. (See CRLR Vol. 10, No. 4 (Fall 1990) p. 108; Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) p. 127; and Vol. 10, No. 1 (Winter 1990) p. 98 for background information.) Proposed new section 4906 of the Business and Professions Code would mandate CE for all licensed veterinarians. Specifically, this section would require all