



REGULATORY AGENCY ACTION

RECENT MEETINGS:

At the Board's June 13 meeting in San Diego, Chief Damant announced that the Bureau's long-awaited Question and Answer booklet should be available by late September. (See CRLR Vol. 8, No. 3 (Summer 1988) p. 61 for background information.) The booklet will be available in two different versions to address the most common concerns of licensees and consumers.

At the Board's September 12 meeting, Chief Damant announced that the Bureau's 1990-91 fiscal year budget was then being reviewed by the Department of Consumer Affairs, and was scheduled for hearings by the State and Consumer Services Agency in October or November. The only change in the budget from the 1989-90 budget is the addition of a Staff Services Analyst position. Meanwhile, the 1989-90 fiscal year budget went into effect on July 1. (See CRLR Vol. 8, No. 4 (Fall 1988) p. 57 for background information.)

Also at the September 12 meeting, Damant announced that effective July 1, 1989, regulations regarding the sale of insulation in California were transferred to Chapter 3, Title 24 of the State Referenced Standards Code. This will enable parties researching construction-related matters to access all pertinent regulations in one location.

FUTURE MEETINGS:

December 5 in Los Angeles.

BOARD OF LANDSCAPE ARCHITECTS

Executive Officer: Jeanne Brode
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The Board of Landscape Architects (BLA) licenses those who design landscapes and supervise implementation of design plans. To qualify for a license, an applicant must successfully pass the written exam of the national Council of Landscape Architectural Registration Boards (CLARB), an additional section covering landscape architecture in California, and an oral examination given by the Board. As of January 1, 1990, the oral exam requirement is deleted for all instate applicants. (See *infra* LEGISLATION.) In addition, an applicant must have the equivalent of six years of landscape architectural experience. This may be a combination of education from a school with a Board-approved program in landscape architecture and field experience.

The Board investigates verified complaints against any landscape architect and prosecutes violations of the Practice Act. The Board also governs the examination of applicants for certificates to practice landscape architecture and establishes criteria for approving schools of landscape architecture.

BLA consists of seven members. One of the members must be a resident of and practice landscape architecture in southern California, and one member must be a resident of and practice landscape architecture in northern California. Three members of the Board must be licensed to practice landscape architecture in the state of California. The other four members are public members and must not be licentiates of the Board. Board members are appointed to four-year terms.

MAJOR PROJECTS:

Resubmitted Regulatory Package Approved. On July 3, the Office of Administrative Law (OAL) approved the Board's resubmitted proposal to add sections 2612 and 2613 to Chapter 26, Title 16 of the California Code of Regulations (CCR). The regulations initially were rejected by OAL because they failed to meet the requisite necessity and clarity standards in Government Code section 11349.1. (See CRLR Vol. 9, No. 3 (Summer 1989) p. 53 for background information.)

Sections 2612 and 2613 allow BLA sixty days in which to notify an applicant of the application's status, and 425 days to reach a final decision on whether to issue a permit. The new standards bring BLA into compliance with the Permit Reform Act of 1982 (Government Code section 15374 *et seq.*), which requires state agencies that issue permits to specify the amount of time within which an applicant is to be notified of his/her status, and the time within which the agency must make a permit decision.

Review and Appeal of Examinations. At its September 8 meeting, the Board approved a draft version of proposed amendments to section 2623, Chapter 26, Title 16 of the CCR. The new language clarifies who is eligible to appeal a failing score on the graphic performance section of the examination. The proposed amendments will be formally noticed and subject to regulatory hearings before submission to OAL for approval.

Under the proposed language, an examinee may appeal a failing score on the graphic performance section only if he/she receives a score that is a specific

number of points or less below the passing score. The exact number is calculated by one standard error of measurement, obtained from a statistical analysis of the exam section, which is provided by the Board's exam vendor. Persons meeting this criterion must submit an appeal in writing to BLA, stating the specific reasons for the appeal and the items to which the appeal is directed.

Examination Committee Report. In December 1988, BLA organized an Examination Committee chaired by Paul Saito. The Committee is researching CLARB's current Uniform National Examination (UNE) and will recommend needed changes to BLA. (See CRLR Vol. 9, No. 3 (Summer 1989) p. 53 and Vol. 9, No. 1 (Winter 1989) p. 49 for background information.)

Mr. Saito is sending a letter to all BLA licensees, seeking a commitment to grade the exams for 1990. Although CLARB has determined that by 1991 it will conduct national grading of the UNE through four regional grading centers, California law prohibits state agencies from participating in national or regional grading of California performance problems.

Board President Robert Hablitzel sent a letter to CLARB indicating the official policy of the Board is to require an occupational analysis to be prepared in defense of the UNE. BLA also sent a resolution to CLARB, stating that the Board has prepared a budget change proposal for an occupational analysis, in order to develop a new California exam by 1992.

BLA is concerned that the UNE is unnecessarily long and does not adequately measure occupational skills and knowledge. The Committee wants to standardize the test, concentrating on California laws, regulations, safety and health issues, and occupational skills. (See CRLR Vol. 9, No. 3 (Summer 1989) p. 53 for background information.)

LEGISLATION:

The following is a status update on bills reported in detail in CRLR Vol. 9, No. 3 (Summer 1989) at page 54:

SB 572 (Bergeson) was signed by the Governor on July 28 (Chapter 229, Statutes of 1989). This bill eliminates the oral exam requirement for instate applicants and extends the statute of limitations for filing accusations against landscape architects.

SB 1676 (Dills), which would provide for the licensing and regulation of irrigation consultants by BLA and establish misdemeanor penalties for persons who practice irrigation consulting without a



license, is a two-year bill pending in the Senate Business and Professions Committee. (See CRLR Vol. 8, No. 4 (Fall 1988) p. 58 for background information on this issue.)

RECENT MEETINGS:

At BLA's June 2 meeting, Larry Chimbole was introduced as the newest public member of the Board. Mr. Chimbole is a former mayor of Palmdale, a former hardware businessman, and an expeditor for developers.

Proposed language to amend section 2620 of Chapter 26, Title 16 of the CCR, was discussed at both the June 2 and September 8 meetings. The Board is attempting to clarify the education and job experience requirements for licensing applicants. The issue was referred back to the Education Committee for further study.

Executive Officer Jeanne Brode reported on BLA's licensing exam figures at the September 8 meeting. Three hundred fifty-five candidates took the exam this year, of whom 257 were retake candidates. Exam reviews were scheduled for mid-October to mid-November, since results were not available until approximately October 1.

FUTURE MEETINGS:

To be announced.

BOARD OF MEDICAL QUALITY ASSURANCE

Executive Director: Ken Wagstaff
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BMQA is an administrative agency within the state Department of Consumer Affairs. The Board, which consists of twelve physicians and seven lay persons appointed to four-year terms, is divided into three autonomous divisions: Allied Health, Licensing and Medical Quality.

The purpose of BMQA and its three divisions is to protect the consumer from incompetent, grossly negligent, unlicensed or unethical practitioners; to enforce provisions of the Medical Practice Act (California Business and Professions Code sections 2000 *et seq.*); and to educate healing arts licensees and the public on health quality issues.

The functions of the individual divisions are as follows:

The Division of Allied Health Professions (DAHP) directly regulates five non-physician health occupations and oversees the activities of seven other examining committees which license non-

physician certificate holders under the jurisdiction of the Board. The following allied health professionals are subject to the jurisdiction of the Division of Allied Health: acupuncturists, audiologists, drug-less practitioners, hearing aid dispensers, lay midwives, medical assistants, physical therapists, physical therapist assistants, physician's assistants, podiatrists, psychologists, psychological assistants, registered dispensing opticians, research psychoanalysts and speech pathologists.

The Division of Medical Quality (DMQ) reviews the quality of medical practice carried out by physicians and surgeons. This responsibility includes enforcing the disciplinary and criminal provisions of the Medical Practice Act. The division operates in conjunction with fourteen Medical Quality Review Committees (MQRC) established on a geographic basis throughout the state. Committee members are physicians, allied health professionals and lay persons appointed to investigate matters assigned by the Division of Medical Quality, hear disciplinary charges against physicians and receive input from consumers and health care providers in the community.

Responsibilities of the Division of Licensing (DOL) include issuing licenses and certificates under the Board's jurisdiction, administering the Board's continuing medical education program, suspending, revoking or limiting licenses upon order of the Division of Medical Quality, approving undergraduate and graduate medical education programs for physicians, and developing and administering physician and surgeon examinations.

BMQA's three divisions meet together approximately four times per year, in Los Angeles, San Diego, San Francisco and Sacramento. Individual divisions and subcommittees also hold additional separate meetings as the need arises.

On June 27, Governor Deukmejian reappointed Dr. Madison F. Richardson, Dr. John P. Kassabian, and Dr. John C. Lungren to the Board. Dr. Richardson, 45, is the chief of the Division of Head and Neck Surgery at a Los Angeles medical center. Dr. Kassabian, 52, is the president of a Pasadena medical corporation. Dr. Lungren, 73, is a retired practitioner.

MAJOR PROJECTS:

BMQA/DCA Relations Improve. At BMQA's September 15 meeting, Board President Dr. Galal Gough opened the full Board meeting with an update on the improved relations between the Department of Consumer Affairs (DCA)

and BMQA. Earlier this year, BMQA's physician discipline system was criticized in reports released by the Legislative Analyst, the Little Hoover Commission, and the Center for Public Interest Law (CPIL). Board members were upset by what they perceived as a lack of support from DCA; in particular, BMQA was concerned about a letter sent by DCA Director Michael Kelley to Senator Larry Stirling expressing a lack of confidence in BMQA. (See CRLR Vol. 9, No. 3 (Summer 1989) pp. 54-55 for background information.)

The Board's Executive Committee held a meeting in July with Director Kelley and Shirley Chilton, Secretary of the State and Consumer Services Agency. Dr. Gough reported that several benefits resulted from this meeting: (1) 28 additional staff positions for enforcement were approved in a successful budget augmentation; (2) DCA Director Kelley decided to take a neutral position regarding the BMQA name change issue (see *infra* LEGISLATION for discussion of AB 184); (3) to halt the defection of BMQA investigators to other agencies, DCA and BMQA agreed to work together with other related agencies on a plan to increase pay for BMQA investigators commensurate with the private sector; and (4) DCA agreed to collaborate more closely with BMQA on correspondence sent to legislators. In summary, Dr. Gough noted that BMQA and DCA are "working together" and "standing united" to accomplish their goals.

Dr. Gough also reported that BMQA has had favorable response to an open letter in the July issue of *Action Report*, defending BMQA against CPIL's report criticizing its disciplinary procedures. (See CRLR Vol. 9, No. 2 (Spring 1989) p. 1 for a condensed version of CPIL's report.) *Action Report* is a newsletter published quarterly by DCA which reports on BMQA meetings and disciplinary actions, and is sent to physicians statewide.

Public Hearings on Physician Discipline System Cancelled. Due to an alleged lack of expressed public interest, the hearings scheduled to discuss BMQA's physician discipline system were cancelled by Executive Director Ken Wagstaff. The hearings were originally initiated by former state Senator and current BMQA member Alfred H. Song to allow an "indignant public" an opportunity to air its grievances about the Board's disciplinary procedures. (See CRLR Vol. 9, No. 3 (Summer 1989) pp. 54-56 for background information.) However, prior to BMQA's ultimate abandonment of the