



REGULATORY AGENCY ACTION

spiration. Stress analysis is not regulated under the Polygraph Examiner's Act.

FUTURE MEETINGS:

To be announced.

BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

Executive Officer: G. Harrison Hilt (916) 920-7466

The Board of Registration for Professional Engineers and Land Surveyors regulates the practice of engineering and land surveying through its administration of the Professional Engineers Act and the Land Surveyors Act.

The basic functions of the Board are to conduct examinations, issue certificates and/or licenses and appropriately channel complaints against its licensees. The Board is additionally empowered to suspend or revoke certificates or licenses. On a routine basis, the Board considers the proposed decisions of administrative law judges who hear appeals of applicants who are denied registration and licensees who have had their licenses suspended or revoked for violations.

The Board consists of thirteen members: seven public members, one licensed land surveyor, four registered practice act engineers and one title act engineer. Eleven of the members are appointed by the Governor for four-year terms which expire on a staggered basis. One public member is appointed by the Speaker of the Assembly and one by the Senate President pro Tempore.

The Board has established seven standing committees dealing with land surveying and the various branches of engineering. These committees, each composed of three Board members, approve or deny applications for examinations and register applicants who pass the examinations. Their actions must have the approval of the entire Board, which is routinely forthcoming.

Professional engineers are now licensed through the three Practice Act categories of civil, electrical and mechanical engineering under section 6730 of the Business and Professions Code, and the Title Act categories of agricultural, chemical, control system, corrosion, fire protection, industrial, manufacturing, metallurgical, nuclear, petroleum, quality, safety, and traffic engineering.

Structural engineering and soil engineering are linked to the civil Practice

Act and require an additional examination after qualification as a Practice Act engineer.

MAJOR PROJECTS:

NCEE. The Board has proposed to the National Council of Engineering Examiners (NCEE) that exam applicants be given an opportunity to review their exams and learn from their mistakes. The Board believes such review is an important learning tool for examinees.

Consumer Pamphlet. A plain language pamphlet has been published and is available to the public upon request. This pamphlet is meant to facilitate understanding of Board rules and regulations.

Photogrammatist's Examination. An organization representing photogrammatists has requested that a separate licensing exam be administered to photogrammatists. Currently, these individuals are required to sit for professional engineers or land surveyors exams for licensure. This proposal has been sent to committee.

Public Forum. A public information forum was held on November 13. The objective of the forum was to provide an arena whereby the public could voice concerns, complaints, and suggestions to the Board. Similar forums will be scheduled for the future.

RECENT MEETINGS:

On December 15, the Board held a public hearing on the controversial proposed section 445, Title 16, Chapter 5 of the California Administrative Code, which addresses the examination requirements for professional engineers. The examination is in three parts. Part A tests the applicant's ability to apply engineering knowledge and experience. Part B tests the applicant's knowledge of state law and Board regulations. Part C of the examination, applicable only to civil engineers, tests the applicant's knowledge of seismic principles and engineering surveying principles. Under the proposed rule, Parts A and C would be administered under proctored conditions and Part B would be a take-home exam. Applicants for registration in all branches of professional engineering must achieve passing scores in Parts A and B before the applicant qualifies for registration. Prospective civil engineers must pass Part C as well before registration.

Proposed section 445 also provides that an examinee who fails any part of the examination may retake that part without having to retake the other sections. An applicant may retake portions

of the exam only once per year, with a maximum of two refile applications.

Parts B and C are required by SB 128 (Montoya), which was signed by the Governor in 1985. The present controversy involves when and how to administer Part C. Initially, it was proposed that Part C be a take-home exam. During vigorous discussion of this issue, the Board's Civil Engineers Technical Advisory Committee (CETAC) rejected that suggestion and proposed that Parts A and C be administered as a two-day proctored examination. Others voiced complaints about the cost to applicants of a two-day exam, and favored a take-home exam. The Board referred this issue to its Examination and Qualifications Committee for further discussion and recommendations. The Board has also drafted a letter to Senator Montoya requesting further information on the intent of SB 128.

Lastly, a member of the public, Robert Hoerger, requested that the Board comply with the Permit Reform Act of 1981, section 15378, which provides that agencies must adopt regulations establishing an appeal process through which an applicant may appeal directly to the secretary or agency head for a timely resolution of any dispute arising from a violation of maximum time limits for processing license applications. The Board is addressing this problem and is in the process of formulating such regulations.

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:

Minority Nurse Task Force. The Nursing Practice Committee of the BRN and representatives of minority nursing organizations formed a task force and met in September to discuss the possibility of seeking legislation which would attract minority groups to the field of nursing through scholarship funds, consulting services, and recruitment and retention programs. (See CRLR Vol. 6, No. 4 (Fall 1986) p. 52.) The Administrative Committee of the BRN recommended that the task force meet quarterly and that a smaller subcommittee meet more frequently to assist the Legislative Committee regarding minority issues.

Standardized Procedure Survey. The final report on the 1985 BRN survey was presented at the November meeting. The survey results indicate that there is a common lack of understanding among survey respondents regarding when a standardized procedure is required. Many respondents, particularly those who had not attended any standardized procedures workshops, indicated that they use standardized procedures for activities which do not, in fact, require their use. Many respondents also demonstrated a lack of familiarity with the Nursing Practice Act (section 2700 of the Business and Professions Code). The BRN staff recommended continued educational activities regarding the use of standardized procedures and the Nursing Practice Act. Workshops and newsletter articles were suggested as a means of disseminating the information. The groups of nurses in great need of information and guidance include nurses in advanced practice and nurses working in outpatient settings, such as correctional institutions.

RECENT MEETINGS:

BRN staff proposed a fee schedule to cover all necessary costs of implementing AB 4372 (Isenberg), the furnishing and dispensing bill (see CRLR, Vol. 6, No. 4 (Fall 1986) p. 53). The staff suggested an application fee of \$50, a renewal fee of \$35, and a late penalty of \$150. The proposed fees and appropriate justification will be forwarded to the Department of Consumer Affairs for review and approval. A notice of proposed regulations was published in January, and a public hearing is tentatively scheduled for March, 1987.

A regulatory hearing was held on October 30, and the Board subsequently

adopted clean-up regulations in the following areas: repeal of section 1404, Chapter 14, Title 16 of the California Administrative Code, which duplicates information found in other sections of the code; amendment of section 1412 to reflect the current passage standards for the GED exam used by the state Department of Education; repeal of section 1416, which contains obsolete information regarding applicant re-examination; and amendment of section 1419.4 regarding issuance of duplicate licenses and reference to an incorrect fee. The final rulemaking file is being prepared by BRN staff and will be forwarded to the Office of Administrative Law for approval.

The Board scheduled a January 13 hearing in Sacramento on its proposed amendment of sections 1424, 1425, and 1426 of Chapter 14, Title 16 of the California Administrative Code. The areas under consideration include the administration and organization of nursing programs, reporting qualifications and changes in teaching areas of faculty members, faculty responsibilities regarding academic counseling, and additions to the required curriculum which were inadvertently deleted.

The Board unanimously adopted the Diversion/Discipline Committee's recommendation regarding the relationship of nursing to mid-level practitioners of medicine. The Committee reaffirmed that registered nurses are legally responsible for all orders they implement regardless of the order's source. The nurse must know who has legal authority to give direction for patient care; clarify any order that is unclear, seems inappropriate, or changes the course of patient care; be an advocate for the patient; and ensure that the patient receives legally safe and timely medical care.

The Board voted to support a proposed change in NCLEX score reporting. The National Council of State Boards of Nursing is concerned about the use of passing (numerical) scores by employers and schools to make hiring decisions. The NCLEX is designed to make pass/fail decisions about medical readiness for practice, not to identify outstanding abilities.

FUTURE MEETINGS:

March 19-20 in San Diego.
 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 Certified Shorthand Reporters (CSR) examination was administered to 385 candidates in November. The results of the two-day exam indicate a 30% passage rate overall, with a 40% passage rate for first-time examinees.

The BCSR has adopted the following exam policy statement: "The Certified Shorthand Reporters Board desires to reassess what important job skills and knowledge are needed by a competent entry level shorthand reporter and to insure that its tests cover these areas." In implementing this policy, the Board expressed an interest in formally validating its examinations. Such validation would insure that the examination is fair, and also that it would be defensible in any test-related litigation.

The Board heard a presentation by a test program analyst from the Department of Consumer Affairs' Central Testing Unit (CTU) concerning services which the CTU could provide to the Board. This presentation emphasized that the CSR examination should be clearly job-related and referenced to an appropriate criterion. Validating a test requires defining job elements and measuring their relative importance. Validation usually involves conducting an occupational analysis, which would require (1) recruiting "subject-matter experts" from the trade and the schools to define job tasks and the knowledge, skills, and abilities needed to carry them out; (2) asking other experts to rate the tasks as to relative significance; and (3) surveying recent licensees with regard to how frequently they perform each task. The Board has asked a subcommittee to review two previously-conducted occupational analysis studies (one by the