



ing applicants must produce in support of their application for registration.

The following sections would be amended: section 400 (to indicate the proper name of the Board in its regulations); section 403 (to correct the name of the Board and its proper mailing address); section 404(f-f) (to amend the definition of "structural engineering"); section 408 (to clarify the procedure for calling normal and special Board meetings); section 410 (to raise the fee for a duplicate registration certificate, and to clarify that whenever possible, certificates will be issued in the order in which applicants qualify); section 411 (to include the term "geotechnical engineers"); section 427 (would be renumbered to section 427.10 and would delete its applicability to structural engineering applicants); and section 441 (to delegate the responsibility for examination application evaluation, approval, and denial to the Board's Executive Officer).

Finally, the Board proposes to repeal sections 413 (which sets forth procedures for use by the Board or public when instituting a new engineering discipline for coverage under the Professional Engineers Act) and section 414 (which compiles in summary form existing law providing that the engineering profession is comprised of practice authority and title disciplines).

The Board was scheduled to hold a public hearing on these proposed regulatory changes on November 9 in Sacramento.

**Legal Opinion.** The Board petitioned the Legal Office of the Department of Consumer Affairs for an opinion regarding an ordinance being considered for adoption in San Diego County. The ordinance would require soil engineering reports to bear the signature and stamp of a geotechnical engineer and require the county planning department to reject reports submitted by civil engineers. The Legal Office determined that the practice of civil engineering embraces the practice of soil/geotechnical engineering; and a civil engineer, by virtue of his/her registration, is entitled to perform the services of a soil/geotechnical engineer. Thus, the proposed county ordinance would violate Sections 460 and 6731 of the Business and Professions Code, and would therefore be void.

#### LEGISLATION:

The following is a status update of bills described in detail in CRLR Vol. 8, No. 3 (Summer 1988) at page 76:

**AB 1860 (Waters)**, which would have provided for registration of persons prac-

ticing mining and minerals engineering, died at the end of the legislative session.

**AB 3876 (Bradley)** was signed by the Governor on September 12 (Chapter 817, Statutes of 1988). This bill amends section 8726 of the Business and Professions Code, to add the coordination of work of professional, technical, or special consultants—in connection with activities authorized by the Land Surveyors' Act—to the description of the practice of land surveying.

#### RECENT MEETINGS:

At its May 20 meeting, the Board elected William Rupp as President and Albert Blaylock as Vice-President, with terms beginning on July 1.

#### FUTURE MEETINGS:

January 27 in San Francisco.

March 10 in Anaheim.

May 5 in Sacramento.

July 14 in San Diego.

## 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:

**Regulatory Changes Adopted.** At its July 22 meeting in San Francisco, the Board adopted several changes to its regulations, which appear in Chapter 14, Title 16 of the California Code of Regulations. These changes were the subject of a public hearing in March, and had been slightly modified by the Board in May. (See CRLR Vol. 8, No. 3 (Summer 1988) p. 77 and Vol. 8, No. 2 (Spring 1988) pp. 75-76 for complete background information.) Adopted on July 22 were proposed changes to sections 1425 (requiring nursing assistant

instructors to hold a baccalaureate degree in nursing); 1451.2 (enabling RNs to take continuing education (CE) courses at accredited post-secondary institutions, under certain circumstances); 1452 (expanding the CE exemption for licensees living overseas); 1456 (clarifying the type of courses acceptable for CE); and 1483.1 (specifying timeframes for the processing of applications by nurse practitioners for a number to permit the furnishing of drugs and devices pursuant to section 2836.3(a) of the Business and Professions Code).

**Registered Care Technologist Proposal.** At its July meeting, the Board considered an American Medical Association (AMA) proposal regarding creation of a new health care worker category: the registered care technologist (RCT). The AMA believes that RCTs would help alleviate the nursing shortage. Under the proposal, RCTs would be registered by each state's medical board and would report to physicians. They would be employed in long-term care institutions and hospitals. BRN members expressed their opinion that if California implements the RCT proposal, it would be a violation of the Nursing Practice Act. The Board established a subcommittee to develop strategies to deal with the RCT issue and to develop a position statement.

At its September 22 meeting in Los Angeles, the Board approved the subcommittee's position statement opposing the AMA's RCT proposal. The statement asserted strong concerns about the lack of clarity in delineating the roles of RCTs and nurses, which could create public confusion about the appropriate duties and functions of each. The statement also voiced concern that recruitment for the new category would detract from the nursing recruitment pool.

#### LEGISLATION:

**AB 4007 (Lancaster)**, as amended August 22, is a Department of Consumer Affairs omnibus bill. As related to BRN, the bill corrects a technical error that omitted a 1985 change in the Corporations Code to exempt the Board from a requirement to issue certificates to nursing corporations. The Governor signed this bill on September 27 (Chapter 1448, Statutes of 1988).

The following is a status update on bills reported in detail in CRLR Vol. 8, No. 3 (Summer 1988) at pages 77-78:

**AB 87 (Agnos)** would have permitted the disclosure of a patient's blood test results to detect human immunodeficiency virus (HIV) antibodies (anti-



bodies to the probable causative agent of AIDS) to health care providers without the patient's consent. This bill died on the Assembly floor.

**AB 271 (Allen)** would have required the Board to submit an annual report to the legislature containing a detailed description of any administrative or enforcement duties it did not complete during the previous year. The Board opposed this bill, which died in committee.

**AB 3215 (Jones)**, as amended August 1, requires the Office of Statewide Health Planning and Development (OSHPD) to develop a comprehensive plan to improve the recruitment of men and women into the nursing profession. AB 3215 also authorizes the OSHPD to make grants and enter into contracts with public and nonprofit private entities to improve nursing recruitment programs. This bill was signed by the Governor (Chapter 887, Statutes of 1988).

**AB 3703 (Tucker)**, as amended June 13, places the regulation of respiratory therapists under BMQA's Division of Allied Health Professions (DAHP). The bill also provides that respiratory care may be performed in settings under a medical doctor's supervision. The Governor signed this bill (Chapter 1396, Statutes of 1988).

**AB 4401 (Filante)**, as amended August 1, provides that a law prohibiting the Department of Health Services from requiring the use of a registered nurse for the performance of any service which may be lawfully performed by a licensed vocational nurse will be repealed on January 1, 1994. This bill also requires a skilled nursing or intermediate care facility to provide an RN for consultational purposes during the hours in which a vocational nurse is used. This bill was signed by the Governor (Chapter 786, Statutes of 1988).

**AB 4651 (Killea)**, as amended August 26, would have required the California Medical Assistance Commission to consider various factors when negotiating contracts under the Medi-Cal program, but was vetoed on September 27.

**SB 645 (Royce)**, as amended August 14, authorizes the DAHP to adopt and administer standards for medical assistant services. This bill also prohibits the employment or use of medical assistants at general acute care hospitals. The Governor signed SB 645 (Chapter 66, Statutes of 1988).

**SB 1267 (Maddy)**, which establishes the California Registered Nurse Education Program, was chaptered on July 5 (Chapter 252, Statutes of 1988).

**SB 1552 (Kopp)**, which requires board regulating health care professionals to consider inclusion of training in the characteristics and treatment of AIDS in specified continuing education requirements, was chaptered on September 22 (Chapter 1213, Statutes of 1988).

**SB 1819 (Greene)** amends the Unemployment Insurance Code to add certified nurse midwives and nurse practitioners to those health care providers who may legally certify clients for disability benefits related to pregnancy and childbirth. This bill was signed by the Governor (Chapter 191, Statutes of 1988).

**AB 1913 (Presley)**, as amended August 16, requires medical personnel in correctional institutions to tell law enforcement employees when those employees are coming into contact with an inmate with AIDS, AID-related conditions, or is HIV-positive. This bill was signed by the Governor (Chapter 1529, Statutes of 1988).

**SB 2423 (Torres)**, as amended August 30, would have authorized the Department of Health Services to adopt regulations defining the minimum nursing hours per patient in long-term health care facilities, but it died in committee.

**SB 2579 (Bergeson)**, as amended August 30, requires the Department of Health Services to create a statewide integrated perinatal health plan. Certified nurse midwives would be included in the list of perinatal care providers. This bill was signed on September 19 (Chapter 980, Statutes of 1988).

**SB 2755 (Royce)**, as amended June 13, authorizes the Board to appoint a special advisory committee to study the nursing shortage. This committee will report to the Board and to the legislature, and \$280,000 will be appropriated from BRN to carry out the study. The Governor signed this bill (Chapter 1321, Statutes of 1988).

#### RECENT MEETINGS:

At its July 21-22 meeting in San Francisco, the Board discussed its authority to order a registered nurse to undergo a psychiatric examination if given significant cause under section 820 of the Business and Professions Code. Due to concern voiced about the type of professional who would administer the exam, the matter was referred to the Board's Diversion/Discipline Committee for further review.

#### FUTURE MEETINGS:

January 19-20 in Los Angeles.  
 March 16-17 in Sacramento.  
 May 18-19 in San Diego.  
 July 20-21 in Oakland.

## 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:

**Citation and Fine Program.** Following a June informational hearing and discussion, staff legal counsel is in the process of drafting the proposed language of the Board's citation and fine regulations. (See CRLR Vol. 8, No. 3 (Summer 1988) p. 79 and Vol. 8, No. 1 (Winter 1988) p. 72 for background information.) The draft regulations were scheduled for presentation to the Board at its November meeting. The Board's goal is to adopt a final version and submit it to the Office of Administrative Law by early 1989.

**Examination Appeals.** At its August 26 meeting, the Board reviewed appeals from its May exam during a closed session. In a subsequent open session, the Board noted that explanations such as "I heard the words but made typos," or "I heard words not spoken" were unconvincing.

**Education Committee.** At its August meeting, the Board announced its plan to create an Education Committee, which is tentatively expected to include one freelance shorthand reporter, one court reporter, and educators from both public and private schools. The Committee will establish guidelines as to criteria which should be considered by the Board in determining whether a school should retain Board certification.

#### LEGISLATION:

**AB 3216 (Frazee)** amends section 2093 of the Code of Civil Procedure, by adding CSRs to the list of those authorized to administer oaths and affirmations. The bill also authorizes CSRs to perform the duties of a deposition officer and to receive fees for services rendered during a deposition. This bill was signed by the Governor (Chapter