



concluded that the Act requires any individual who uses less than all five frequencies on polygraph equipment to be licensed by the Board.

The Board also heard discussion on whether mobile vans provide a proper environment in which to conduct polygraph examinations. Jim Adams, a licensed polygrapher, suggested that the Board adopt additional regulations to ensure proper settings for all polygraph examinations conducted within the state. His chief concern is that an unprofessional atmosphere during the conduct of the test could alter the test's outcome and endanger the public. The Board referred Mr. Adams' suggestion to committee.

The Board has approved a license renewal form which will be mailed to all licensees three months prior to their renewal dates.

**FUTURE MEETINGS:**  
July 10 in Monterey.

## **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:**

*Photogrammetrists' Licensure.* The Board continues to consider a request for separate licensure for photogrammetrists. At the Board's January 23 meeting in Sacramento, a representative from the California Land Surveyors Association (CLSA) stated that photogrammetry is covered by section 8726 of the Land Surveyors Act, such that photogrammetrists should be licensed as land surveyors. Donald Lewis, a consulting engineer from southern California, favored separate licensure for photogrammetrists. After much public testimony and discussion, the committee which has been studying the issue stated it could discern no compelling reason for separate licensure, and recommended that the Board reject the proposal.

*Implementation of SB 128.* The implementation of SB 128 (Montoya), which was signed by the Governor in 1985, continues to be a controversial issue. (See CRLR Vol. 7, No. 1 (Winter 1987) p. 58 for background information.) The statute requires the inclusion of two additional sections in the Board's licensing examination: Part B tests the applicant's knowledge of state law and Board regulations; and Part C (which is applicable only to civil engineers) tests the applicant's knowledge of seismic principles and engineering surveying principles.

For months, the Board has been discussing various methods of administering Parts B and C. Administration of the additional sections as a take-home exam would cut costs for both the

applicant and the Board, and would accommodate out-of-state applicants. A second alternative would be to lengthen the regular professional National Council of Engineering Examiners (NCEE) exam by adding a seismic and surveying question. Because the lengthened exam would last more than one day, increased costs would be suffered by applicants and the Board. A final alternative is to shorten the NCEE exam, add two questions unique to California applicants on seismic principles, and retain the one-day exam format.

After considerable discussion and review of Senator Montoya's response to a letter on the issue from the Board, the Board decided to delay compliance with SB 128 in 1987, and referred the issue back to the Examination and Qualifications Committee.

Robert Hoerger, a land surveyor and attorney, stated strong opposition to noncompliance with SB 128 in 1987. He stated that the Board has not made a good faith effort to comply with the 1985 law, and that the licenses and certificates issued since then have a specter of illegitimacy or taint that is legally challengeable. He argued that it is a disservice to applicants and to the public to continue to issue possibly defective licenses and certificates, and to refuse to comply with a state law requiring a certain level of competence and knowledge.

Joel Lubin of the California Society for Professional Engineers (CSPE) suggested an increase in the frequency of test administrations in order to accommodate out-of-state applicants. Lubin stated that infrequent examinations may be perceived as a protectionistic measure, and may cause other states to retaliate and attempt to make it difficult for California civil engineers to register and work outside California.

### **LEGISLATION:**

*SB 159 (Greene)*, as amended March 9, would apply registration and licensing requirements to persons who approve engineering work in connection with a nuclear powerplant.

*AB 453 (Bradley)* would specify that the coordination of the work of specified professional, technical, or special consultants is an activity included within the practice of civil engineering.

*AB 643 (Baker)* would provide that if a city, county, special district, governmental entity, or private water company requires the use or specification of asbestos construction materials,



a registered engineer may place a note on engineering plans, specifications, reports, or documents, which states that the use of asbestos is required by the entity and specified in the plan, but that the engineer will not be responsible for the use or specification of asbestos. If such a note is used, the engineer or engineering firm would not be responsible or liable for injury occurring from the use or specification of use of asbestos.

## RECENT MEETINGS:

At its January 23 meeting, the Board approved a recommendation from the Soil Engineer Technical Advisory Committee to change the certification of soil engineers to "geotechnical engineer." The commonly-used term "soil engineer" is viewed as a misnomer, and the preferable term "geotechnical engineer" is a more precise description of the profession. As a result, all Board literature will reflect the name change.

At the Board's meeting in Los Angeles on February 27, Joel Lubin of CSPE spoke on proposed legislation which would require an applicant to have eight years of qualified experience as an engineer before being permitted to take the exam. Similar legislation, SB 2184 (Greene), was vetoed by Governor Deukmejian in 1986.

Larry Dolson, a public member of the Board, expressed discontent over NCEE's grading practices. Repeatedly, the Board has complained to NCEE about the unreasonable amount of time it takes NCEE to regrade the exams of applicants who pursue the appeals process. Often applicants simply retake the exam on the next scheduled date because it is faster than waiting for the results of the regrading process. Dolson stated that this problem renders the appeals process useless. While NCEE complains of understaffing, Dolson suggested that the Board discuss alternatives to the present appeals process.

## 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:

*Mobile Intensive Care Nurses.* The Board has received requests from mobile intensive care nurses (MICN) and nurse administrators for an opinion on the proposed regulations of the Emergency Medical Services Authority concerning the scope of practice, education, and approval of MICNs. The Nursing Practice Committee is concerned that the proposed regulations may be beyond the authority granted by the enabling legislation, Health & Safety Code (Emergency Medical Services), section 1797 *et seq.* The Board will send a letter to the EMS Authority and will meet with MICN representatives to discuss mutual concerns. In addition, the Nursing Practice Committee will draft a position statement to be presented at a future Board meeting.

### *Implementation of Orders by RNs.*

At its November meeting, the Board adopted a policy statement regarding the relationship of nurses to mid-level practitioners (see CRLR, Vol. 7, No. 1 (Winter 1987) p. 59). At the Board's January meeting, it was suggested that the statement be revised to explicitly address transmitted orders from mid-level practitioners and to encourage collaborative relationships between physicians and nurses. The revision was accepted by the Board and the policy statement will be sent to interested parties, including mid-level practitioners. (For further discussion of this issue, see *supra* agency report on PHYSICIAN'S ASSISTANT EXAMINING COMMITTEE.)

*Regulations.* A regulatory hearing was held on March 11 in Sacramento regarding the fees to be charged by the Board pursuant to Statutes of 1986, Chapter 493 (AB 4372). (See CRLR Vol. 7, No. 1 (Winter 1987) p. 59.) The new legislation requires the Board to certify those nurse practitioners who furnish drugs and devices and have

satisfied the statute's requirements. The Board proposed an application fee of \$50, a certification fee of \$30, and a late renewal penalty of \$15.

## LEGISLATION:

*AB 87 (Agnos)* would permit the disclosure of AIDS blood test results to the test subject, the subject's legal representative, the health care provider, and other specified agents or employees of the health care provider. The Board believes that nurses in direct patient care have a right to know if a patient has tested positive, and thus supports this bill in concept.

*AB 985 (Vasconcellos)* would declare that a separate category of licensed lay midwives should be established in the Department of Consumer Affairs, and that legislation is required to establish the educational requirements, scope of practice, and practice arrangements of this category of birthing providers. The Board has adopted a neutral position.

*SB 200 (Roberti)* would specify that the Bagley-Keene Open Meetings Act and the Brown Open Meetings Act shall not be construed to prevent a state or local body from holding a closed session to confer with its legal counsel regarding pending litigation when discussion in open session would be prejudicial. The bill would also require legal counsel to submit a memorandum specifying the rationale and statutory authority for the closed session. The Board has adopted a watch position.

*SB 202 (Montoya)* is a reintroduction of SB 2333, which would have established the Professional Liability Insurance Fund and was referred to interim study during the last legislative session. (See CRLR Vol. 6, No. 4 (Fall 1986) p. 41.) The Board opposes this bill.

*SB 331 (Presley)* would create a category of health facilities known as correctional treatment facilities, which would be operated by the Department of Corrections, Department of the Youth Authority, or a city or county law enforcement agency. The bill would also require the Department of Corrections and the Youth Authority to jointly study, in consultation with the BRN and other groups, the difficulties in recruitment and retention of nurses. The Board will watch this bill.

*SB 478 (Watson)* would establish the Minority Health Professions Education Foundation, which would be authorized to solicit and receive private funds and make recommendations to the Office of Statewide Health Planning and Develop-