



REGULATORY AGENCY ACTION

Senator Craven, has introduced SB 61, as discussed below.

LEGISLATION:

SB 61 (Craven) clarifies the bonding requirements set forth by AB 183. (See CRLR Vo. 6, No. 4 (Fall 1986) pp. 35, 38 for complete background information on AB 183.) AB 183 increased bonds required to be posted by all dry cleaning establishments from \$1,000 to \$5,000. AB 183 also allows for waiver of bond requirements by the Bureau of Home Furnishings, but does not set forth guidelines upon which the Bureau may base a waiver determination. SB 61 requires the Bureau to waive the filing of a bond if the registrant has a net worth of at least \$20,000, or if the registrant's financial responsibility is guaranteed by a third party who has a net worth of at least \$100,000. The bill has been introduced as urgency legislation.

RECENT MEETINGS:

The Advisory Board met on December 2 in Los Angeles. At that meeting, the 1987-88 budget process was reviewed and updated.

The Board voted to re-introduce AB 3848 (Konnyu), which clarifies the law regarding insulation standards and expands permissible disciplinary actions which may be taken by the Bureau against violators in the home furnishing industry. As previously reported, the bill was vetoed by the Governor, apparently in response to last-minute opposition by the insulation industry.

The Board announced that an update on flammability of home furnishings has been prepared and completed. The 60-page update is now available to the public. Another consumer information pamphlet entitled "After-Market Treatment of Upholstery Fabrics and Carpet" is now available to the public. The pamphlet informs consumers about the effectiveness of stain resistance treatment and methods of discerning whether the treatment has been performed.

The Board announced that it will begin preparing a pamphlet regarding tips to consumers purchasing home insulation. In order to prepare the pamphlet, the Board agreed to establish a Consumer Information Panel on home insulation to study the various kinds of insulation currently available to the public, the advantages and disadvantages of each kind of insulation, and questions consumers should ask installers and manufacturers when purchasing insulation.

The Board reviewed various enforcement actions pending before the Bureau

Currently, 18-20 actions are pending, with potential action ranging from office hearings, to statewide withholding from sale for serious violations, to formal disciplinary actions seeking injunctive relief through local district attorney's offices.

Finally, the Board reviewed possible Bureau regulatory action in the upcoming year. The Bureau will be concentrating on four areas within the industry: (1) waterbed industry—existing regulations are over fifteen years old and, due to considerable change in the industry, the Board believes it is necessary to update and revise current regulations; (2) insulation standards—existing standards were adopted from the California Energy Commission; the Board believes that these standards should be updated and revised especially due to the fact that there are a number of insulation products now on the market for which no standards have been established. The Bureau is currently working on new standards to be proposed in 1987; (3) dry cleaning industry—as noted above, the Board supports SB 61 to clarify bonding requirements, and will continue to propose new standards throughout 1987 as the need arises; and (4) furniture flammability in high-risk buildings—since 1975, all furniture must be flame retardant under state law. The Board has recently learned that this requirement is not being met in buildings of general public accommodation, such as auditoriums, theaters, and hospitals. Thus, the Board plans to propose new standards and regulations to enforce compliance with the law.

FUTURE MEETINGS:

March 10 in San Francisco.

BOARD OF LANDSCAPE ARCHITECTS

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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. 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 pro-

gram in landscape architecture and experience in the field.

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. At this time there is one vacancy on the Board. BLA is awaiting the appointment of a public member by the Governor.

MAJOR PROJECTS:

Changes in Regulations. In a hearing held on November 21, the BLA voted to amend sections 2610, 2623, and 2649 in Chapter 26 of Title 16 of the California Administrative Code. The amendment to section 2610 requires that an application for the licensing examination be filed at least ninety days prior to the examination date. The former regulation required only sixty days' advance filing. The purpose of this amendment is to allow adequate time for the Board to order testing materials from CLARB.

The licensing examination consists of objective questions and performance problems. The graphic design performance problems are new each year. However, objective questions are reused. As it previously existed, section 2623 allowed an applicant who had failed a section on the examination to inspect that section and file an appeal of the examination score. The amendment allows an applicant to inspect and appeal only a failing score on the graphic performance section of the examination. This amendment was adopted in an effort to protect the integrity of the exam.

The amendment to section 2649 increases the examination application fee from \$200 to \$225 and increases the license renewal fee from \$175 to \$200. These increases will help to eliminate the Board's financial problems due to an increase in the cost of examination and review sites.



Newsletter. BLA will publish a newsletter for the first time in ten years. The first edition was expected to be released in January 1987. The Board has an anticipated circulation of 2,500, including licensees, legislators, schools, and CLARB members.

RECENT MEETINGS:

A complaint to the Board from an unhappy homeowner was recently settled. A licensee was reported for performing unauthorized work and for poor workmanship, and has settled the claim with the homeowner. The landscape architect will reimburse the homeowner \$12,500, and must recertify within four years or surrender his license.

Special hearings have been scheduled for May 8 at UC Santa Cruz and May 15 at UC Irvine to discuss certain proposals of BLA's Education Committee with landscape architects and students. These proposals involve changes to the minimum educational requirements required of a candidate in order to qualify for examination, and employer verification of actual work experience.

FUTURE MEETINGS:

April 7 in San Diego.

BOARD OF MEDICAL QUALITY ASSURANCE

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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 (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, drugless 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. Dr. Rendel Levonian and Neal Maslan have been elected President and Vice President of BMQA, respectively.

MAJOR PROJECTS:

Examinations. In June 1986, the FLEX examination was administered to 302 candidates. Of those candidates who took the entire FLEX exam in one sitting, 30.85% failed, which is comparable to the national pass/fail rate. Of those who took Component 1 alone as a post-graduate training entrance qualification exam, 43.47% failed. Candidates who took Component 2 after having completed one year of postgraduate training in a U.S. hospital failed at a rate of 45%. Whereas California previously drew 1,200-1,500 examinees per FLEX administration, the June 1986 exam fig-

ures reflect a dramatic decrease in this number. This decline is attributed to a recent change in the law which now requires Educational Commission for Foreign Medical Graduates (ECFMG) certification as a prerequisite to taking the FLEX exam. The ECFMG exam has proven to be a formidable barrier for foreign medical graduates throughout the United States, and applications for California licensure are expected to drop temporarily while foreign applicants clear this new hurdle.

Site Visits. The Division of Licensing (DOL) has completed the first of three site visits mandated by AB 1859. (See CRLR Vol. 6, No. 2 (Spring 1986) p. 46.) A site visit team traveled to England in October, visiting various facilities in London, Leeds, Oxford and Middlesex. A full report of this visit is forthcoming. In discussing its next scheduled visit to India and the Philippines, the site visit team related to the DOL that an English team of physicians had been unsuccessful in obtaining cooperation from the Indian government when planning a similar trip to that country. It was suggested that, if the DOL's request to visit India is met with similar resistance, the Board should consider the possibility of not accepting any Indian medical graduates who apply for licensure in California. The staff will continue to pursue arrangements for a site visit to India, as well as to the Philippines and Mexico.

Vietnamese Physician Applications. In November, the Division of Licensing discussed its previous decision to suspend the processing of all applications from post-1975 graduates of Vietnamese medical schools. (See CRLR Vol. 6, No. 4 (Fall 1986) p. 40.) This suspension was to remain in effect until the DOL could acquire further information concerning post-1975 Vietnamese medical school curricula, training, and credentialing procedures. At the September DOL meeting, the Vietnamese-American Physicians Association presented the requested information in a formal proposal for the establishment of a Faculty Council-in-Exile to evaluate post-1975 Vietnamese medical graduates who are currently applying for licensure in California. Such a certification committee would be similar to the Faculty Council-in-Exile established by the American Medical Association to evaluate pre-1975 Vietnamese graduates. At the November DOL meeting, the DOL neither accepted nor rejected the proposal but stated that the Credentials Committee of the DOL would continue to review individual cases upon request.