



CALIFORNIA DEPARTMENT OF  
CONSUMER AFFAIRS

**ANNUAL REPORT**

FISCAL YEAR  
2003 – 04



ARNOLD SCHWARZENEGGER, GOVERNOR  
STATE OF CALIFORNIA

FRED AGUIAR, SECRETARY  
STATE AND CONSUMER SERVICES AGENCY

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DEPARTMENT OF CONSUMER AFFAIRS



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## THE DEPARTMENT OF CONSUMER AFFAIRS – PROVIDING PROTECTION FOR ALL CALIFORNIANS

I am proud of the work we accomplish at the Department of Consumer Affairs (DCA). At a time when consumers are concerned about being protected against unscrupulous or unlicensed enterprises, and businesses are concerned about a level playing field, DCA plays a vital role in overseeing consumer and business protection.

Our vision is for California consumers and businesses to have a safe, fair, and competitive marketplace. When we promote legal and ethical standards of professional conduct of our licensees and enforce consumer protection laws, we know that both consumers and businesses will benefit.

DCA is one of the primary consumer protection resources for Californians. We are recognized throughout the nation and in other countries for our efforts in consumer protection. Our groundbreaking work in privacy protection is being duplicated by other state agencies and we are in the forefront in the fight to combat identity theft.

DCA's Office of Privacy Protection continues to be a strong national leader in assisting consumers. During Fiscal Year 2003-04, the Office assisted nearly 6,000 individuals with concerns about possible security breaches involving personal information. To help consumers proactively protect their privacy, the Office also publishes informational materials and makes educational presentations about identity protection to local government agencies, consumer groups, and other entities.

We're also committed to working more efficiently and learning to do more with fewer resources. At the start of this administration, we faced license-related backlogs with four of our boards, which made it difficult for individuals to pursue their livelihood. In some instances, these delays resulted in unlicensed practitioners working throughout the state.

The effort to reduce license backlogs began in April 2004 after the Governor's California Performance Review, in conjunction with the State and Consumer Services Agency and DCA, explored ways to address the bottleneck of pending applications. The Administration deployed a temporary workforce dubbed the "A-Team." Through the use of mobile testing units and the hiring of additional temporary staff to process paperwork, the Contractors

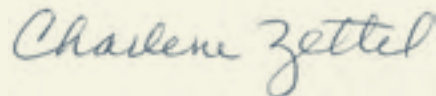
State License Board, Board of Barbering and Cosmetology, Board of Registered Nursing, and the Board of Vocational Nursing and Psychiatric Technicians were able to process thousands of backlogged license applications. As a result, we reduced our application and examination backlogs and issued licenses to enable individuals to practice their professions.

The Bureau of Automotive Repair's (BAR's) Consumer Assistance Program (CAP) provides California consumers with financial assistance to repair vehicles that fail their biennial Smog Check inspection. Under this program, BAR will pay motorists \$1,000 to permanently retire their polluting car by having it crushed, or give them up to \$500 to help with repairs so that their vehicle passes a Smog Check. The program is part of the Administration's environmental agenda to help reduce vehicle-related air pollution.

The Medical Board of California is working to encourage recently licensed physicians to practice in underserved locations in California by authorizing a Loan Repayment Program that helps the new physicians repay student loans in exchange for their services. This fiscal year, approximately \$1.6 million was available for distribution and awards were made to 19 awardees working in 25 practice settings around the state.

Whether you're a consumer, a licensed professional, or both, we are here to provide you with the resources and knowledge you need to protect your interests. The following report illustrates how the Department is working diligently to provide protection, education, and resources to consumers, licensed professionals, and the people of this great state.

The Department submits to the Legislature this Report and the Annual Survey for Fiscal Year 2003–04.

A handwritten signature in blue ink that reads "Charlene Zettel". The signature is fluid and cursive, with the first name "Charlene" and the last name "Zettel" clearly distinguishable.

CHARLENE ZETTEL

*Director, Department of Consumer Affairs*

## BUREAU, DIVISION AND PROGRAM HIGHLIGHTS

### ARBITRATION CERTIFICATION PROGRAM

*The California Arbitration Certification Program (ACP) certifies and monitors third-party arbitration programs for participating automobile manufacturers. The ACP works closely with participating manufacturers to ensure they comply with California laws and regulations concerning warranty disputes over new and used vehicles. The ACP also ensures that certified programs conduct dispute resolutions in a fair and timely manner.*

In Fiscal Year 2003-04, the State-certified third-party arbitration programs, which are independent from vehicle manufacturers and certified and monitored by the Arbitration Certification Program (ACP), awarded consumers a total of \$37 million in reimbursements for vehicle replacements or repurchases, incidental expenses, and extended service contracts.

In December 2003, the ACP's monitoring activities revealed that a major auto manufacturer and its arbitration program were not in substantial compliance with California regulations in the following areas: decision and performance time-lines; scheduling of oral presentations; and open hearing rules. In April 2004, the ACP held an informal conference with the principals of the arbitration program to resolve these issues and bring the program back into compliance.

The ACP also certified the dispute resolution program for Bavarian Motor Works and a subsidiary, Mini Cooper, and is anticipating certifying three new applications for certification from motor home manufacturers as part of a new motor home dispute resolution program.

## BUREAU OF AUTOMOTIVE REPAIR

*The Bureau of Automotive Repair (BAR) licenses and regulates more than 35,000 automotive repair dealers, nearly 2,000 lamp and brake stations, nearly 7,500 Smog Check stations, more than 3,800 lamp and brake technicians, and more than 15,000 Smog Check technicians.*

The Bureau of Automotive Repair (BAR) completed the Sunset Review process during the fiscal year, with the Joint Legislative Sunset Review Committee recommending the continuation of the Bureau, along with the appointment of an Administration and Enforcement Monitor. The legislation that implements the Committee's recommendations, Senate Bill 1542 (Figueroa, Chapter 572, Statutes of 2004), required the Director of the Department of Consumer Affairs (DCA) to appoint the Monitor by January 3, 2005. The Monitor will evaluate BAR and research and analyze specified issues. The Monitor is also required to submit an initial report to the Director of DCA, the Secretary of the State and Consumer Services Agency, BAR, and the Legislature.

In this fiscal year, BAR filed over 350 accusations, revoked over 300 licenses, and opened approximately 1,500 investigations. Over \$5 million has been returned to consumers in the form of direct refunds, rework, or adjustments.

In August 2003, BAR's Smog Check Field Operations and Enforcement Divisions implemented a proactive process to ensure correct On-Board Diagnostic (OBD II) computer functional testing. These OBD II systems control and monitor the emission control systems on all 1996 model year and newer vehicles. The OBD II test had only recently been added to the Smog Check inspections. Smog Check stations not in compliance were individually identified and contacted by BAR staff. After explaining the proper testing procedure, the compliance rate of OBD II functional testing increased from 45 percent to 98.8 percent in less than two months.

BAR completed implementation of the enhanced Smog Check Program for the San Francisco Bay Area Basin on October 1, 2003. Upon implementation, 1,250 Smog Check stations had the required dynamometer, and nearly 2,000 licensed Smog Check technicians obtained the appropriate license. BAR worked with certified schools and instructors to make

sure sufficient training opportunities were available. There were no technician shortages at the time of program start-up. The enhanced Smog Check Program implementation also began in portions of El Dorado and San Bernardino counties.

In January 2004, all Smog Check stations in change-of-ownership or enhanced areas of California began using the BAR-97 Emissions Inspection System (EIS) platform without a dynamometer to perform Smog Check inspections. This helped to upgrade the more rural areas of the state to the more advanced operating features of the BAR-97 system.

In February 2004, BAR's Smog Check Field Operations and Enforcement implemented a pilot called the Focused Inspection Training program (FIT). The FIT program electronically identifies Smog Check stations that may have failed to properly inspect a vehicle. The areas of focus for this program vary, based on new program implementation efforts and/or other trends within the inspection industry. Under FIT, the station is contacted by staff from the nearest BAR field office and the licensee is given the opportunity to discuss abnormal inspection data that may lead to future disciplinary action. This proactive approach has helped to correct the problems at over 90 percent of all stations visited by BAR. (There were 396 stations visited between February 6, 2004 and June 30, 2004.)

BAR continued to work with the California Highway Patrol and local police departments to train officers in tamper detection certification of emission control systems. This training enables officers to cite motorists with illegal street racing modifications on their vehicles. In Fiscal Year 2003-04, BAR conducted twelve of these one-day training sessions throughout the state.

The City of Tijuana, BAR, and the California Environmental Protection Agency (CalEPA) entered into an agreement in March 2001 to implement a pilot-scale vehicle emissions inspection program for the City of Tijuana, Baja California, Mexico. During the two-year agreement, BAR and CalEPA worked with the City of Tijuana staff to develop the program, which culminated in the inauguration of a Smog Check inspection station in July 2003. During the two-year agreement, BAR conducted two four-day emissions inspection training sessions for City of Tijuana technician staff, donated and installed two emissions inspection analyzers, and developed an emissions inspections procedure manual.

This fiscal year, BAR hosted government officials from China and Japan for the purposes of reviewing and touring California's Smog Check Program. BAR also hosted representatives from Australia interested in the Auto Body Repair Program.

### **Bureau of Automotive Repair: Consumer Assistance Program**

The Consumer Assistance Program (CAP) offers help for qualified California consumers whose vehicles fail their biennial (every other year) Smog Check inspection.

Qualified motorists can receive up to \$500 in emissions-related repairs through CAP's Repair Assistance Program. Eligible consumers must have their vehicles repaired by Gold Shield Smog Check stations. Motorists may qualify for Repair Assistance in one of two ways:

- **Income Eligible** – Motorists whose household incomes are at or below 185 percent of the federal poverty guidelines qualify for repair assistance. Qualified consumers must pay the first \$20 towards diagnosis and/or emissions-related repairs.
- **Test-Only Eligible** – Certain vehicles are required to have their Smog Check inspections performed at stations that perform only tests, and no repairs. If a vehicle's registration renewal notice requires the inspection be performed at a Test-Only Smog Check Station, consumers may qualify for up to \$500 in repair assistance. Qualified consumers must pay the first \$100 towards diagnosis and/or emissions-related repairs.

BAR's CAP, which helps eligible consumers with the cost of Smog Check repairs, repaired 37,888 vehicles resulting in an estimated 4,026 tons of cumulative annual emissions reduction.



## CEMETERY AND FUNERAL BUREAU

*The Cemetery and Funeral Bureau licenses, regulates, and investigates complaints against California funeral establishments, funeral directors, embalmers, apprentice embalmers, cemetery brokers, cemetery salespersons, cremated remains disposers, crematories, and the nearly 200 licensed cemeteries in the state.*

The Cemetery and Funeral Bureau implemented the provisions of legislation that required the licensing of all cemetery and crematory managers and established licensing standards through regulation for the new licensing categories. This was accomplished when Senate Bill 17 (Figueroa, Chapter 819, Statutes of 2002); and Senate Bill 1952 (Figueroa, Chapter 825, Statutes of 2002) became law. The Bureau also enacted consumer protection regulations that require funeral establishments to document that they explained all available pre-need arrangements to consumers. The Bureau completed its occupational analysis of the funeral director profession, enabling further development of the funeral director licensing examination.

The Bureau revoked the licenses of Madera Funeral Home and its owner for fraud and unprofessional conduct. The revocation order also required the owner to reimburse the Bureau for the \$24,208.79 cost of its investigation. The Bureau took strong action because of the licensee's ongoing pattern of violations.

The owner of Pacific Crematorium and Pacific Family Funeral Home and Cremation in Lake Elsinore was investigated by the Bureau and the Riverside County Sheriff's Office for criminal investigation. As a result of the investigation, the owner was sentenced to 20 years in prison for illegally selling body parts from dozens of decedents.

## CONSUMER RELATIONS AND OUTREACH DIVISION

*The Consumer Relations and Outreach Division is dedicated to hearing directly from consumers and responding to their needs. The Division encompasses several functions, and is the Department's first point of contact for many consumers. Efforts to reach out to consumers include presentations to consumers, consumer groups and other interested parties, as well as presenting information at various community events. The Division comprises the Department's consumer-service programs and activities - including the Consumer Information Center and the Complaint Mediation Program.*

### Consumer Relations and Outreach Division: Consumer Information Center

The Consumer Information Center (CIC) serves consumers through its toll-free telephone number at (800) 952-5210. CIC provides service to more than 1 million consumers annually, which includes responding to questions related to the 2.3 million professionals licensed and regulated by the Department. Consumers are assisted with complaint filing processes and are provided alternative resources for complaint resolution.

This past fiscal year, CIC updated its Online Resource Directory, which contains nearly 1,000 consumer organizations, federal, state, city and county government agencies, trade associations, and landlord/tenant organizations as referral sources. CIC's consumer assistance representatives use this Directory to relay up-to-date information about issues impacting Californians.

Responding to requests for consumer information, CIC distributed nearly 145,000 booklets, brochures, fact sheets, and consumer guides. Another 10,800 publications were requested through CIC's automated faxback publication library and more than 178,000 consumers accessed CIC's automated Test Only Zip Code Locator to locate five randomly selected Smog Check/Test Only stations in their area. An added telephone enhancement developed this year allows consumers to find their nearest Gold Shield Smog Check Station. Gold Shield stations can issue certificates to Gross Polluters, perform state subsidized repairs, and perform an "after repairs" certification test on vehicles that failed their Smog Check at a Test Only Station.

CIC's Consumer Relations Unit (CRU) received, reviewed and responded to nearly 30,000 consumer complaints and inquiries. CRU developed a "self help" brochure titled, "Consumer Self-Help, Tips and Resources to Resolve Consumer Complaints." The California State Information Officers Council voted this brochure "best of the best in state public information."

### Consumer Relations and Outreach Division: Complaint Mediation Program

Consumer Relations and Outreach Division's Complaint Mediation Program (CMP) received over 23,000 consumer complaints that were filed against California businesses. The CMP mediated over 13,000 complaints and resolved 45 percent of them to the customer's satisfaction. The remaining 55 percent of the complainants were provided with information and guidance as to how to proceed with next steps. The CMP referred over 9,000 complaints to the Department of Consumer Affairs' enforcement units for investigation.

The CMP also provided information to consumers so they could make more informed decisions in the marketplace in the future. The CMP continues to be a significant contributor towards protecting California's marketplace. It returned \$2,058,405 to California consumers in the form of refunds, adjustments or rework of services provided. The CMP participated in 17 outreach events with over 8,000 attendees.

### BUREAU OF ELECTRONIC AND APPLIANCE REPAIR

*The Bureau of Electronic and Appliance Repair protects consumers against fraud, economic loss, and physical injury from the repair or installation of electronics, appliances, and performance of service contracts. It does this by monitoring businesses in the service and repair industry, and by disciplining or removing from the marketplace those businesses that operate in a dishonest, unethical, or dangerous manner.*

The Bureau of Electronic and Appliance Repair implemented Assembly Bill 1553 (Wesson, Chapter 775, Statutes of 2003). This law expands the Bureau's regulatory authority to cover the sale and administration of service contracts on products such as furniture, jewelry, power

tools, lawn and garden equipment, fitness equipment, small kitchen appliances and tools, and home health care products. The Bureau drafted regulations, developed educational materials for consumers and industry members, and contacted approximately 1,500 businesses that could be affected by the new law.

The Bureau updated its Web Site to include materials from its “Write it Right” workshops so industry members have access to information on written estimates, diagnosis fees, and invoicing.

The Bureau continued to aggressively pursue unregistered activity in the computer repair and satellite installation industries. The Bureau also streamlined processes in its licensing and enforcement programs, decreasing the time it takes to process registrations, and increasing the effectiveness of its progressive enforcement program.

## FAMILY SUPPORT PROGRAM

*The Department of Consumer Affairs’ (DCA’s) Family Support Program (FSP) restricts the permanent issuance or renewal of a permanent professional license for anyone who is delinquent in court-ordered family support obligations. As part of the FSP, DCA participates in the State Licensing Match System (SLMS) along with 14 other State Agencies. Because DCA’s Family Support System has one of the largest license SLMS databases of any state agency, it’s considered the model agency of the program. Being on the forefront of such a unique program, DCA’s FSP has helped establish similar programs in other California agencies, as well as in various states throughout the country. Through the SLMS program, the FSP uses files provided by the Department of Child Support Services. The files contain the names and social security numbers of non-compliant parents who are delinquent in their family support obligations. DCA matches licenses against these files at any time during the license period, as well as during the initial and renewal process. If a child support delinquency is found, the SLMS program restricts licensees to a 150-day temporary license or certificate instead of the normal one-to-four year license or certificate (depending on the license/certificate type). The Program can also restrict a current licensee’s permanent professional license or certificate if the licensee is delinquent in family support obligation by issuing a 30- to 150-day notice of intent to suspend. Delinquent is defined*

*as those who are more than 30 days late in making periodic payments on a support arrearage, or in making periodic payments on a reimbursement for public assistance, as set forth in a judgement or order for support. If no child support release is received during a specific date that clears the license, the license becomes suspended. DCA's FSP makes a huge difference in the lives of children throughout the state by enforcing their child support regulations through the non-custodial parent's DCA licenses. In addition, when a DCA license is matched in error (such as a Social Security Number mismatch, mistaken identity, or input error), the FSP ensures privacy protection for those licensees by contacting both the corresponding county(s) and the enforcing Board or Bureau so corrections can be made. DCA's FSP is an advocate for the DCA licensees, non- and custodial parents, children in need of their child support, and other State and Federal child support networks.*

During Fiscal Year 2003-04, the FSP was instrumental in issuing more than 8,400 temporary licenses, more than 4,500 suspended licenses, and more than 5,500 released licenses, resulting in major implementation or reinstatements of child support payments.

The Program also expanded its license look-up to institute Senate Bill 240 (Speier, Chapter 65, Statutes of 1999). The Bill redefined the family support match provisions under Section 30 of the Business and Professions Code. With an expanded license definition, the FSP was able to broaden its computerized license look-up from an initial or renewal license request to include all current licenses. With the expanded capabilities, the Program is able to investigate a current license if child support payments are halted or the licensee is out of child support compliance.

## HEARING AID DISPENSERS BUREAU

*The Hearing Aid Dispensers Bureau oversees the licensing and regulating of hearing aid dispensers. The Bureau informs consumers of their legal rights and obligations when purchasing or returning hearing aids. It also protects consumers by maintaining advertising standards as well as evaluating the competence of individual dispensers. The Bureau is entrusted with enforcing statutory and regulatory requirements within the hearing aid dispenser industry.*

The Bureau examined 200 applicants, took disciplinary action against four hearing aid dispensers, processed 87 complaints from consumers and the hearing aid industry, and obtained more than \$23,000 in restitution and monetary savings for consumers.

The Bureau provided consumer fact sheets and information to hearing impaired individuals and consumers at various outreach events throughout the state.

## BUREAU OF HOME FURNISHINGS AND THERMAL INSULATION

*The Bureau of Home Furnishings and Thermal Insulation licenses businesses that manufacture and sell upholstered furniture, bedding, and thermal insulation along with those that sanitize used furniture and bedding. The Bureau also investigates complaints and develops flammability standards for upholstered furniture and bedding.*

The Bureau developed and enacted regulations for Technical Bulletin 603 (TB 603), which requires mattresses and box springs manufactured after January 1, 2005, to meet open flame resistant requirements. The Bureau and five other nationally recognized laboratories participated in a precision and bias study on the TB 603 test criteria to verify the credibility of the test standard. The Bureau is continuing research on an open flame standard for bed clothing (TB 604) that will soon be submitted as a proposed regulation.

The Bureau continued its rigorous enforcement program that protects California consumers from the hazards associated with products that do not meet flammability or cleanliness standards. Bureau inspectors uncovered illegal sales of used mattresses at two large swap meets where retailers were selling dirty, unsanitized mattresses from stalls at the swap meets. The Bureau also revoked licenses from two companies, one manufacturing mattresses with used and soiled filling materials, and another importing furniture that did not meet the flammability requirements. Additionally, 17 citations and 30 “Statewide Withhold from Sale” orders were issued, resulting in non-compliant products no longer being available for sale to consumers.

The Bureau initiated a project to identify and remove from the marketplace foam used in the manufacture of upholstered furniture that fails to meet California’s furniture standards. The Bureau continued its outreach by updating its Web Site with the most current information on new standards, enforcement actions, and consumer and industry informational advisories.

## OFFICE OF PRIVACY PROTECTION

*The Office of Privacy Protection assists consumers with identity theft and other privacy-related problems. It also provides consumer education and information on privacy issues, coordinates with law enforcement on identity theft and high tech crime activities, and recommends policies and practices to protect individual privacy rights.*

The Office worked on legislation, outreach and education programs centered on privacy and identity theft. And because California is the only state with an Office of Privacy Protection, the Office worked with other state leaders interested in providing protection programs similar to those at DCA. The Office also participated in statewide seminars and as a member of advisory committees exploring the issues and solutions of privacy protection and identity theft.

The Office developed new consumer informational materials, including the “Criminal Identity Theft Victim Guide” and a fact sheet, “Security Breach First Steps.” New informational material developed for small- and medium-sized businesses included “Recommended Practices on Notification of Security Breach” and the “California Business Privacy Handbook.”

The Office assisted nearly 6,000 individuals who contacted it, twice the number from the previous fiscal year. Over 3,000 of those calls were from individuals who had received notices of security breaches involving their personal information. Consumer concerns ranged from identity theft to telemarketing to business privacy practices. The Office made educational presentations to 38 consumer and community groups and to 51 meetings and conferences of business and professional organizations.



## BUREAU FOR PRIVATE POSTSECONDARY AND VOCATIONAL EDUCATION

*The Bureau for Private Postsecondary and Vocational Education establishes educational standards that are intended to serve as the minimum standard for instructional quality and institutional stability for private postsecondary schools in California. The Bureau responds to student complaints and oversees the Student Tuition Recovery Fund which is designed to minimize student financial losses by reimbursing a student's tuition in the event that a school closes. The Bureau is also responsible for administering the Title 38 Program that approves educational and training programs for veterans throughout the State of California. The Bureau regulates approximately 1,500 private postsecondary schools in California that provide career education and training to adult students. Approximately 1200 non-degree applications and 460 degree applications were processed this year.*

A major accomplishment for the Bureau was the successful completion of the post implementation evaluation report on the Schools Automated Information Link (SAIL) database. Using the SAIL, the Bureau enhanced its capabilities to track applications, consumer complaints, fee collections, and other key reporting functions. Student Tuition Recovery Fund regulations were adopted which resulted in the Bureau collecting increased fees to ensure sufficient funds are available to pay student claims.

The Bureau demonstrated sound enforcement practices by successfully partnering with investigators from the Los Angeles Police Department's Licensing Division to investigate a massage therapy postsecondary school. As a result, the school was closed and indictments were filed against the school owners.

The Bureau concentrated its outreach efforts mainly on expanding services and communications to veterans throughout the State. The Bureau joined with the Employment Development Department (EDD) to staff a booth at the California State Fair and offer information and assistance to all members and families of the armed services. The Bureau also held its First Annual Education Training Job Fair in November 2003 with over 30 educational institutions in attendance. Bureau staff distributed brochures for veterans at Sacramento's Career Expo in March 2004 and at a job fair sponsored by the EDD.



The Bureau distributed its first Compact Disc (CD) that contained information on the following: Veterans Administration (VA) benefits applications, benefits guides, and approved schools listings. Staff distributed over 10,000 brochures this fiscal year to inform schools, employers, veterans, and their family members of VA services and available government-issued benefits.

## BUREAU OF SECURITY AND INVESTIGATIVE SERVICES

*The Bureau of Security and Investigative Services protects California consumers by ensuring that full law enforcement background checks are conducted and completed on all applicants before they enter the security industry. The Bureau regulates private patrol operators, non-proprietary security officers, private investigators, alarm company operators and their employees, repossession agencies and their employees, and locksmiths. Firearms and baton training facilities as well as their instructors also fall under the Bureau's jurisdiction.*

The Bureau improved its licensing effectiveness and efficiency through the use of an online application system and the expanded use of Live Scan technology. The use of electronic fingerprinting, now used in 99 percent of all fingerprinting, has dramatically improved license processing time. Due to the Bureau's efforts and in partnership with the Department of Justice, private patrol operators are now purchasing Live Scan equipment or contracting for Live Scan services and transmitting electronic fingerprints directly to the Department of Justice. This eliminates the need for cashiering and the handling and processing of over \$3 million in fingerprint fees by the Bureau.

A new law, Assembly Bill 2880 (Chavez, Chapter 886, Statutes of 2002), increased training requirements for security officers from three hours to 40 hours. The Bureau, working with the industry, developed and implemented a new 40-hour training program for over 200,000 security officers in the state. Part of the training program, which was funded by the Federal Office of Homeland Security, addresses weapons of mass destruction and terrorism awareness.

Private investigator applicants are now subject to closer scrutiny with respect to their experience and certification. Bureau licensing and enforcement units focus on ensuring that only the individuals with the required training and experience are licensed.

## TELEPHONE MEDICAL ADVICE SERVICES BUREAU

*The Telephone Medical Advice Services Bureau regulates businesses that provide telephone medical advice services to California residents. The Bureau ensures the providers are qualified, licensed health-care professionals.*

The Bureau added three new registrants in Fiscal Year 2003-04. A total of 36 entities that provide consumers with telephonic medical advice are now licensed by the Bureau.

Senate Bill 969 (Bowen, Chapter 885, Statutes of 2003), which became effective January 2004, includes clinical social workers as health care professionals. The provisions of this law ensure that staff answering the phones are licensed in the profession for which they are providing advice. The law ensures that no registrant's staff member uses a title or designation that would cause a reasonable person to believe that he or she is licensed as a specified type of health care professional unless they meet the appropriate licensing requirements.

## BOARD, COMMITTEE AND COMMISSION HIGHLIGHTS

### CALIFORNIA BOARD OF ACCOUNTANCY

*The California Board of Accountancy ensures that only qualified persons and firms are licensed to practice public accountancy by establishing and enforcing appropriate standards of competency and practice, including ethics, objectivity, and independence.*

In September 2003, the Board reported to the Joint Legislative Sunset Review Committee on the challenges of regulating the accountancy profession and recommended establishing new sanctions to address these concerns. The Committee agreed, and as a result the Board participated in the analysis and drafting of Senate Bill 1543 (Figueroa, Chapter 921, Statutes of 2004), to strengthen the Enforcement Program and enhance the Board's ability to provide regulatory oversight of large public accounting firms. Specific provisions within this law include additional expenditure authority (Business and Professions Code Section 5025.2), the ability to contract for enforcement purposes over a 24-month period (Business and Professions Code Section 5025.3), and increased fining authority (Business and Professions Code Sections 5116.1 - 5116.6).

The Board administered its final paper-and-pencil Certified Public Accountants (CPA) Examination in November 2003. In March 2004, the Board initiated its online interactive examination application, and information for the computer-based Uniform CPA Examination was added to the Board's Web Site. A computerized CPA Examination was launched in April 2004, administered at approximately 20 testing centers in California. During the first testing window (April and May 2004), approximately 1,760 California candidates sat for the CPA Examination.

The Board expanded its efforts to help consumers make informed choices in the marketplace by enhancing its formal outreach plan. It also created a new comprehensive Consumer Information Booklet, a special constituent outreach package for legislators, and participated in the Department of Consumer Affairs' Consumer Fair at California State University, Sacramento. Enhancements include the ongoing expansion of the Board's Web Site, updated publications and forms targeted for the consumer, the licensee, and the examination candidate, and effective liaison activities with local, state, and national entities that are engaged in activities pertinent to the constituents of the California Board of Accountancy.

## ACUPUNCTURE BOARD

*The Acupuncture Board regulates the practice of acupuncture and Oriental medicine for public health, safety and welfare. The Board establishes and maintains entry standards of qualification and conduct within the profession, primarily through its authority to license.*

Throughout Fiscal Year 2003-04, the Board provided the Little Hoover Commission with extensive data, statistics and testimony for a comprehensive analysis of the scope of practice, educational standards, school approval, and examination processes for acupuncturists. The Board also reviewed the use of unlicensed acupuncture assistants and the need to license and regulate those assistants.

The Board conducted a review and evaluation of continuing education requirements, course quality and relevance, distance education, and auditing practices. The Board and Little Hoover Commission presented both the findings and the recommendations of these studies to the Joint Legislative Sunset Review Committee in late 2004.

The two-year review and evaluation process resulted in new acupuncture training regulations for licensees. The new training standards, which call for 3,000 hours of educational training (2,050 hours of informational training and 950 hours of clinical training) will become effective January 1, 2005.

The Board also expanded consumer services on its Web Site by streamlining the ability to file complaints online directly to the Board. The Board received positive feedback, and will continue to evaluate and seek additional online consumer services.

## CALIFORNIA ARCHITECTS BOARD

*The California Architects Board works to ensure the protection of California consumers through the licensure and regulation of over 21,000 architects in the state.*

The Board approved regulations to make the nationally administered Intern Development Program (IDP) a requirement to be licensed in California beginning January 1, 2005. In addition, the Board will require an evidence-based record system to foster better

communication between interns and their supervisors in conjunction with the IDP. The Board will implement a detailed communications plan designed to ensure that interns, firms, and schools of architecture understand the benefits of a structured internship. The Board also developed a component that supplements the IDP by ensuring that each intern's experience is effective and documented.

Due to California's unique practice context, the Board administers a supplemental examination on California-specific issues, such as seismicity, energy conservation, and legal issues, as well as areas not adequately tested on the national examination. Throughout 2004, the Board will be developing new forms of the California Supplemental Examination (CSE), based on an occupational analysis conducted in 2001. This process involves item writing, training script development, pilot testing, and review. The new forms will be used beginning in January 2005.

During this fiscal year, the Board administered the CSE to 851 candidates. The Board also submitted a report on its programs and performance to the Joint Legislative Sunset Review Committee, which will be used as the basis for future policy initiatives.

Approximately 250 consumer complaints were investigated during this time period. The Board approved regulatory changes to update its Consumer Complaint Disclosure Policy and another that requires architects to be in responsible control of architectural services whenever it is advertised that an individual or firm provides such services.

## CALIFORNIA STATE ATHLETIC COMMISSION

*The California State Athletic Commission regulates professional and amateur boxing and full-contact martial arts throughout the state by licensing all parties involved in an event. The Commission also maintains full control over the administration of each event. The California State Athletic Commission ensures that competitors meet specific qualifications by passing physical, eye, neurological, and HIV/HBV/HBC screening examinations. The Commission must have the results of these tests before sanctioning a fight, for the protection of both the fighter, the officials, and the spectators. Administration of the Professional Boxers' Pension Plan, the oversight of the distributions of monies, and providing financial safeguards over boxer/manager contracts is also controlled by the*

*Commission. The Commission also protects consumers by ensuring bouts are fair and competitive while protecting the health and safety of competitors. Finally, all officials receive continual evaluation and training to maintain their high quality of officiating.*

During Fiscal Year 2003-04, the Commission issued 3,076 licenses, an increase of 20 percent from last fiscal year.

## BOARD OF BARBERING AND COSMETOLOGY

*The Board of Barbering and Cosmetology's (BBC) responsibilities are protecting and educating consumers who seek barbering, cosmetology, and electrology services. The Board also regulates the individuals who provide the services and the salons in which the services are performed. The BBC licenses and regulates individuals and establishments in nine licensing categories: cosmetologists, barbers, manicurists (nail care), estheticians (skin care), electrologists (permanent hair removal), cosmetology instructors, barber instructors, apprentices, and establishments, which are places where barbering, cosmetology, electrology, and other related services are performed.*

In the last six months of the Fiscal Year 2003-04, the Board of Barbering and Cosmetology, along with three other boards, participated in the Administration's "A-Team" effort. Through the hiring of 30 additional temporary staff to process paperwork, the Board was able to process thousands of backlogged examination and licensure applications. As a result, the Board's application review process was reduced to less than three months from six months, and over 10,000 examinations were scheduled by using community college sites, in addition to their own, to test candidates.

After many years of planning, the Board relocated its Southern California examination site to a new facility in May 2004. The Board plans to return to having the option of same-day licensing. Examination candidates would be able to take the practical and written examination on the same day and receive a license. The candidate may also choose to schedule the written examination on a different day. The computer-based testing vendor located at both of the Board's examination sites provides the new options.

In August 2003, the Board hosted the National Interstate Council of State Boards of Cosmetology. This is the first time that the California Board hosted this national conference for all state boards of cosmetology. It was an opportunity for the Board and other states to address mutual issues in the regulation and protection of consumers in the barbering and cosmetology industry.

## BOARD OF BEHAVIORAL SCIENCES

*The mission of the Board of Behavioral Sciences is to protect the consumer by establishing and maintaining standards for competent and ethical behavior by the professionals under the jurisdiction of this Board. The Board licenses Clinical Social Workers, Educational Psychologists, and Marriage and Family Therapists. It registers Marriage and Family Therapists Interns, Associate Clinical Social Workers and Continuing Education Providers. The Board develops and administers written and oral examinations for its licensing programs, develops regulatory standards and conducts an enforcement program that investigates consumer complaints. The Board imposes disciplinary action against licensees and registrants who violate the laws under its jurisdiction.*

In November 2003, the Board of Behavioral Sciences voted to replace the oral examination with a written clinical vignette examination. This type of an examination consists of a vignette plus a series of questions related to the vignette. The possible responses are longer and more complex than a standard multiple-choice examination and list a sequence of actions or describe a process of applying knowledge in response to a specific fact pattern. The first administration of the written clinical vignette examination began on April 1, 2004, pursuant to Senate Bill 1077 (Business and Professions Committee, Chapter 607, Statutes of 2003).

Through Senate Bill 1077 (Business and Professions Committee, Chapter 607, Statutes of 2003), the Board's laws were clarified to describe the experience to be gained for associates or trainees, setting responsibilities, and licensees' continuing education requirements for spousal and partner abuse assessment, detection and intervention strategies. Senate Bill 1077 (Business and Professions Committee, Chapter 607, Statutes of 2003) also deleted specific settings in which trainees, interns, and associate clinical social workers gain experience. These amendments became effective January 1, 2004.



The Board's Web Site was enhanced to provide the ability to file consumer complaints online. After a year of operation, the Board has received over 225 complaints through this online process.

## CONTRACTORS STATE LICENSE BOARD

*The Contractors State License Board (CSLB) protects consumers by regulating the construction industry through policies that promote the health, safety and general welfare of the public in matters relating to construction. CSLB accomplishes this by ensuring that construction is performed in a safe, competent and professional manner, licensing contractors and enforcing licensing laws, and requiring that any person practicing or offering to practice construction contracting be licensed.*

Toward the end of Fiscal Year 2003-04, the Contractors State License Board (CSLB) received approval from the Administration to enter into a contract with an outside company to open three temporary mobile testing centers in Oakland, Norwalk and San Bernardino to help reduce examination backlogs. The contract was part of the Administration's "A-Team" effort, which helped reduce licensing-related backlogs. These backlogs made it difficult for individuals to pursue their livelihood and in some instances resulted in unlicensed contractors working throughout the state. Recent studies estimate that California is losing more than \$4 billion a year in unpaid income taxes due to unlicensed building contractors working in the state. The temporary testing centers were open for one month (May 2004) and scheduled approximately 9,000 exams, enabling the Board to administer more than 13,000 exams, roughly double the number of exams it normally gives during one month.

The Board also worked with bonding companies to upgrade 233,000 contractor bonds as mandated by law.

The Board's Enforcement Unit also reduced its case backlogs, increased case closures, and combated unlicensed activity. In Fiscal Year 2003-04, the number of unresolved complaints more than a year old was reduced from 317 to 140 while total pending complaints were reduced from 5,855 to 5,115. The Unit's enforcement measures against unlicensed activity resulted in 36 stings and sweeps where 374 Notices to Appear were issued. In addition to tackling its usual tasks, the Enforcement Unit dedicated more than 1,000 personnel hours



to the Southern California wildfire disaster relief efforts. Staff made media appearances, distributed 26,000 informational brochures to victims and assistance groups, staffed evacuation centers and Local Assistance Centers, and more. The Board also participated in multiple stings and sweeps conducted by the multi-jurisdictional Disaster Fraud Management Task Force, which targeted unlicensed activity in disaster areas.

CSLB increased consumer awareness about unlicensed activity by publicizing sting results and high profile cases as well as participating in public outreach venues, such as home shows, throughout the State. The CSLB staff also produced two new consumer publications, “A Guide to Filing a Small Claims Court Construction Claim” and “A Homeowner’s Guide to Preventing Mechanics Liens.”

CSLB worked with the Legislature to develop and pass new consumer protection laws such as Senate Bill 443 (Figueroa, Chapter 706, Statutes of 2003) which increased penalties for unlicensed contractors with previous unlicensed contracting convictions.

## COURT REPORTERS BOARD OF CALIFORNIA

*The Court Reporters Board of California administers a minimum level competency test to determine entry level abilities of court reporters, regulates the minimum curriculum which court reporting schools and programs must offer, and disciplines licensees when necessary. In addition, the Board administers the Transcripts Reimbursement Fund (TRF) which reimburses certified shorthand reporters for providing transcripts to indigent civil litigants. Court reporters are certified professionals who have met basic, minimum standards of competency, which enables them to provide verbatim transcripts of oral court, grand jury, deposition, and other proceedings.*

The Board worked to track changes in technology and applied appropriate technologies to the court reporting field. The Board studied, tested, and implemented the use of computer-aided technology and paperless writers in its examination process. It also conducted multiple examination standard-setting and item-writing sessions to comply with legal testing standards and continued to validate the dictation segment of its examination both before and after the administration of the examination.

The Board continued to participate in educational outreach through maintaining an active presence in local high school career events, and by participating in professional association seminars, workshops, and meetings.

The Board has also participated in two major task forces:

- The Judicial Council of California conducted a two-year task force consisting of judges, court administrators, court reporters, and attorneys. The task force was charged with evaluating and making recommendations to the Judicial Council of California regarding court reporting issues such as, but not limited to, uniformity of transcripts, training of court reporters, and shortage of court reporters. Two members of the Board participated in this task force.
- The second task force was composed of a representative from each professional association. The task force met to consider methods to expedite the entry of out-of-state, non-licensed reporters into the California reporting field. The task force reviewed reciprocity for out-of-state reporters, early examination for students and temporary licensure.

The Board introduced legislation through Senate Bill 1914 (Business and Professions Committee, Chapter 865, Statutes of 2004) to grant temporary licenses to applicants completing all three segments of the State licensing examination.

## COMMITTEE ON DENTAL AUXILIARIES

*The Committee on Dental Auxiliaries has a mission to protect the health, safety, and welfare of the consumer, and promote the full utilization of auxiliaries to meet the dental care needs of all of California's residents. To complete this mission, the Committee has adopted goals in the following areas: imposition of necessary regulations, assurance of at least minimal competence prior to performing allowable duties, administration of accessible, fair, and valid examination and licensing processes, continuing communication with auxiliaries concerning the regulations and statutes which govern them, accessibility of dental health care through scopes of practice, supervision levels, and establishment of a viable career ladder, which allow the most effective utilization of dental auxiliaries, and education of consumers in order to improve their dental health.*

The Committee on Dental Auxiliaries approved six Registered Dental Assistant educational programs during Fiscal Year 2003-04, as well as one for alternative practice hygienists. Regulatory changes were completed that require alternative practice hygienists to complete a law and ethics examination. Regulatory changes were initiated to require a law and ethics examination of hygienists.

The Committee began preparations to implement pending legislation in Assembly Bill 539 (Laird, Chapter 294, Statutes of 2004) to allow dental students to take the hygiene licensing examination. It also began discussions on implementing pending legislation that would significantly revamp the entire dental assisting regulatory structure.

## DENTAL BOARD OF CALIFORNIA

*The Dental Board of California's mission is to protect and promote the health and safety of consumers by licensing those dental health care professionals who demonstrate competency, taking action to maintain the appropriate standard of care, and enhancing the education of licensees and consumers.*

The Dental Board of California worked with professional and consumer groups to develop and distribute "The Facts About Fillings," a consumer-friendly version of the dental materials fact sheet. The fact sheet is available on the Internet in English, Spanish, and Chinese.

The Board finalized a three-year contract with Maximus to provide monitoring services for its Diversion Program. The Board also completed two regulatory packages on changes to the Registered Dental Hygiene Examination, as well as changes in the current continuing education regulations.

## BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

*The Board for Professional Engineers and Land Surveyors safeguards life, health, property, and public welfare by regulating the practices of professional engineering and professional land surveying. The Board licenses individuals, establishes regulations, enforces laws and regulations, and helps the public make informed decisions.*

The Board administered a total of 21,700 engineering and surveying examinations during the Fiscal Year 2003-04. The Board submitted its 2003 Sunset Review Report to the Joint Legislative Sunset Review Committee for review. The Joint Legislative Sunset Review Committee then introduced a bill, Senate Bill 1547 (Figueroa), recommending the continuance of the Board until 2007.

The Board contracted with an independent consulting firm to obtain a report containing a comprehensive analysis of the Board's title acts and the way they are regulated. The Board appointed a Title Act Study Task Force to review the recommendations contained in the report. After its review, the Task Force made its recommendations to the Board, which in turn made its final recommendations to the Joint Legislative Sunset Review Committee. The results will be reported in the next Annual Report.

The Board investigated numerous cases against an unlicensed person who was offering civil engineering services in Los Angeles and Orange Counties. The individual was submitting plans and reports to various city and county agencies with fraudulent professional engineers' stamps and signatures on them. The Board and the Department of Consumer Affairs' Division of Investigation cooperated with the Los Angeles City Attorney's Office and the Orange County District Attorney's Office to get criminal convictions against him. He was placed on probation and ordered to pay restitution of over \$56,000 to 20 injured consumers.

Another Board investigation uncovered an examination subversion incident, in which an individual obtained examination problems without authorization from actual secured examinations and stored them on his personal computers in his home. The local District Attorney filed criminal charges, and the examinee pled guilty and was sentenced to criminal probation including jail time.

The Board approved and adopted regulations to enact the Codes of Professional Conduct for Professional Engineers and Land Surveyors. The Board also completed updating the Occupational Analysis of the test plan for the structural engineering examination and is in the process of updating the occupational analysis for the special civil engineering examinations. Contracts were completed to provide for the sale of the Board's special civil engineering examinations and the geotechnical engineering examination to Guam, Northern Marianas Islands, and Oregon.

With the addition of the structural engineering application, the Board now has all certification and licensure applications available on its Web Site.

## BOARD FOR GEOLOGISTS AND GEOPHYSICISTS

*The Board for Geologists and Geophysicists examines and licenses Professional Geologists, Registered Geophysicists, Certified Engineering Geologists and Certified Hydrogeologists in California. The licensure process ensures the public that those individuals licensed and certified have met defined levels of education and experience. Licensed and certified individuals are expected to practice within the standards of the profession. In addition to licensing and regulating the geology and geophysics professions, the Board provides enforcement actions and information and outreach programs to consumers.*

The Board for Geologists and Geophysicists improved its effectiveness in protecting the consumer by strengthening its enforcement activities. This was accomplished through Senate Bill 363 (Figueroa, Chapter 874, Statutes of 2003) that resulted in significant internal cost-cutting measures, improved efficiencies, and the signing into law of legislation that allows the Board to increase its licensing fees.

Another bill, Senate Bill 1079 (Figueroa, Chapter 325, Statutes of 2003), reduces the experience requirements for admittance into the Board's Professional Geologist licensing examinations. Now, an applicant for licensure needs to have a Bachelor's degree in Geology along with three years of experience in the profession, or two years of experience if he/she has a Master's or Doctorate degree in geology.

## BOARD OF GUIDE DOGS FOR THE BLIND

*The California State Board of Guide Dogs for the Blind licenses and regulates schools and persons in California that train and supply guide dogs for the blind, oversees fund raising practices, and promotes and protects the interests of guide dog users. The mission of the Board of Guide Dogs for the Blind is to maintain the high threshold of guide dog training that promotes the safety, autonomy, independence, and self-reliance that consumers deserve.*

The Board improved its Web Site by adding more information, including the 2004 Strategic Plan. The Board office continues to make improvements in communication and record keeping by utilizing new computer programs to replace manual practices.

In May 2004, the California State Board of Guide Dogs for the Blind co-hosted its annual Guide Dog Day on the West Steps of the State Capitol Building. A highlight of this year's event was the presentation of the Guide Dog Instructor of the Year award to Todd Jurek.

A guide dog that Jurek trained helped save the life of its owner, Michael Hingson, by leading him down from the 78th floor of the World Trade Center on September 11, 2001. Hingson and the dog, named Roselle, were on hand for the presentation to the veteran trainer.

## LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

*The mission of the Landscape Architects Technical Committee, which is housed within the California Architects Board, is to regulate the practice of landscape architecture to ensure the public's health, safety and welfare, and to safeguard the environment. The Committee's mission sets the stage for its core programs: education/experience, examination/licensure, and enforcement.*

The Committee continued to address several key issues in 2003. The completion of its report to the Joint Legislative Sunset Review Committee was a significant accomplishment. Beginning with the appointment of a Sunset Review Task Force on August 17, 2001, the Landscape Architects Technical Committee took action on many items and produced a comprehensive report that was submitted on August 29, 2003. The Committee's hearing before the Joint Legislative Sunset Review Committee was held on January 7, 2004 and final recommendations are pending.

In continuing with its outreach to public agencies, the Landscape Architects Technical Committee distributed information in April 2003 on design limitations to over 370 city Personnel Directors clarifying Business and Professions Code section 5640 (Unlicensed Person Engaging in Practice – Sanctions) and the appropriate use of titles in landscape architecture.

In light of the ongoing confusion regarding the scope of practice of unlicensed designers, the Committee established a Scope of Practice Exceptions and Exemptions Task Force

to examine the language for the scope of practice and review the current exemptions for unlicensed activity. That Task Force reviewed the current scope of practice exceptions and exemptions of the Landscape Architects Practice Act, as well as the exemptions of the Architects Practice Act, Professional Engineers Practice Act, and Contractors License Law. After an initial review of these statutes, the Task Force recommended changes be made to Business and Professions Code Section 5641, as it relates to unlicensed design practitioners and single-family residential design and allied design professionals.

The Committee believes that the amended exemptions and exceptions will be more effective in protecting the public by allowing the Committee to discipline unlicensed individuals who clearly pose a threat to consumers and the general public.

## MEDICAL BOARD OF CALIFORNIA

*The Medical Board of California is responsible for licensing and regulating physicians in this state. To accomplish this, it has two divisions: the Division of Licensing, which sets standards for physician licensure along with reviewing applications for licensure; and the Division of Medical Quality, which investigates complaints against physicians and disciplines them, as necessary.*

The California Physician Corps Loan Repayment Program encourages recently licensed physicians to practice in underserved locations in California by authorizing a plan for repayment of their student loans (up to \$105,000) in exchange for their service in a designated medically underserved area for a minimum of three years. This year, the Board received applications from 80 physicians, representing a cumulative request of almost \$10 million in loan repayments. There was significant diversity in applicants' cultural backgrounds, the languages they speak, and the geographic locations of the practice settings. About \$1.6 million was available for distribution and awards were made to 19 awardees working in 25 practice settings around the state.

Senate Bill 1950 (Figueroa, Chapter 1085, Statutes of 2002), mandated two reports by an objective enforcement monitor, each evaluating the Board's disciplinary system and procedures, and making recommendations on how to improve efficiency. The first of the



two reports was released in November 2004. This initial report found generally that the enforcement process is too slow, primarily because current Board resources are inadequate. Recommendations include replacing 29 lost enforcement positions at the Medical Board by increasing the \$600 license renewal fee that physicians pay every two years. The Board is working closely with the enforcement monitor, the Legislature, and other interested parties to move quickly and cooperatively to implement the report's recommendations.

## BOARD OF OCCUPATIONAL THERAPY

*The California Board of Occupational Therapy regulates the practice of Occupational Therapy in a manner that protects the well-being of the public by ensuring that those entering the profession meet minimum standards of competency through education, fieldwork and examination, defining and upholding professional and ethical standards of practice, informing the public and other entities about the profession and standards of practice, enforcing the laws and regulations governing occupational therapy, and providing effective means of resolving consumer complaints.*

In Fiscal Year 2003-04, the Board of Occupational Therapy completed the initial licensing of occupational therapists (OTs) and occupational therapy assistants (OTAs) that began in 2002, ending the fiscal year with 7,493 licensed OTs and 1,360 certified OTAs. Legislation identifying three areas of occupational therapy that require advanced practice certification became effective January 1, 2004, and regulations were developed to implement that law.

The Board's enforcement program grew significantly with over 200 new cases opened. The Board denied licensure to 16 OTs convicted of crimes substantially related to the profession, filed seven statements of issues, granted nine probationary licenses, and filed three accusations for revocation of licensure.

The Board joined the Older Californian Driver Safety Task Force, a group convened to develop a strategic framework of state-level recommendations to prevent traffic-related injuries/deaths among older Californians. A directory of OTs and OTAs offering driver rehabilitation programs was developed and added to the Board's Web Site to assist consumers in need of such services.



## BOARD OF OPTOMETRY

*The Board of Optometry licenses and regulates optometric practice in California. Optometrists are independent primary health care providers who examine, diagnose, treat, and manage diseases and disorders of the visual system, the eye, and associated structures.*

As a result of the Joint Legislative Sunset Review process, the Board was sunsetted and reconstituted with the same consumer protection and regulatory mandates effective January 1, 2003. The Board now consists of 11 new members – six professional and five public.

In the first part of Fiscal Year 2003-04, the reconstituted Board addressed a number of previously unresolved issues, including pending disciplinary matters, implementation of new laws, and numerous regulation changes. Most significantly, the Board implemented the expanded scope of practice law that permits certified optometrists to independently diagnose and treat primary open-angle glaucoma.

The Board held a series of strategic planning sessions that helped shape its priorities and goals for coming years. The Board enlisted a collaborative planning process in order to develop an entirely new strategic plan that includes mission, vision, values, and goals focusing on licensing, examinations, legal and regulatory functions, enforcement, education and outreach, and organizational effectiveness.

Consistent with the strategic plan, the Board sponsored Assembly Bill 2464 (Pacheco, Chapter 426, Statutes of 2004), to update the Optometry Practice Act to reflect current practice, make technical, clarifying changes, and revise and recast provisions of the Act. The Board also adopted administrative procedures and enforcement manuals. These manuals provide clear guidance and direction to staff, Board members, Deputy Attorneys General, Administrative Law Judges, and other interested parties.

The next review of the Board by the Joint Legislative Sunset Review Committee has been postponed to 2007.

## OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA

*The Osteopathic Medical Board of California oversees the practice of medicine by Osteopathic Physicians and Surgeons by enforcing the Medical Practice Act and Rules and Regulations.*

The Board began working on its first Occupational Analysis in July 2003.

Additionally, the Board obtained legislation through Senate Bill 364 (Figueroa, Chapter 789, Statutes of 2003) which eliminated the oral/practical examination. The last oral/practical examination was given in August 2003. As a result of not having to schedule each applicant for the examination, the time to issue a license has been drastically reduced.

The Board is scheduled for Sunset Review in Fall of 2004; staff has been preparing a report to the Joint Legislative Sunset Review Committee since January 2004.

Legislation sought in January 2004 through Senate Bill 1549 (Figueroa, Chapter 691, Statutes of 2004), which is still pending, will allow the Board to increase the application fees to an acceptable amount that actually covers the cost of processing an application. Regulations for citations and fines were submitted in January 2004 and are still pending.

## BOARD OF PHARMACY

*The Board of Pharmacy regulates the individuals and firms that ship, store, and dispense prescription drugs and devices to California's health care providers and patients.*

The Board successfully completed the Sunset Review process, which resulted in the addition of two public members to the Board and numerous Board-sponsored provisions enacted to improve the Board's consumer protection activities. The new provisions include additional enforcement programs to secure compliance with pharmacy law and flexibility for health care providers to provide medication during declared emergencies. Also, the national pharmacist licensure examination and a new California law and practice examination are now administered nationwide six days per week, and stronger licensure requirements are in place for pharmacy technicians.

The Board finalized requirements for the specialty pharmacies that perform sterile compounding of injectable medicines and made 12 additional changes in requirements to keep pharmacy law consistent with current practice and simple procedures. For example, the Executive Officer now issues citations and fines instead of a committee of the Board. Over 1,400 citations and fines were issued during the year; the greatest number of citations was issued for prescription errors, the top consumer complaint received by the Board.

Consumers are seeking medicine from non-traditional pharmacy sources, often as a way to save money. To educate the public, the Board developed “What You Should Know Before Buying Drugs From Foreign Countries or Over the Internet,” “Tips to Save You Money When Buying Prescription Drugs,” and “Purchase of a Medicare Discount Card.”

To educate the public and licensees about pharmacy requirements and health issues, the Board participated in five consumer forums, broadened its complaint disclosure policy, and developed a continuing education/licensee outreach program on Board operations and pharmacy law that was provided more than 20 times.

The Board aggressively supported the enactment of new requirements for the prescribing and dispensing of controlled drugs. This effort involved participation from pain advocates, law enforcement and health care providers to prevent diversion of these medicines, and yet enable patients to obtain better pain relief. The Board began approving printers of the required prescription forms and developed educational materials and outreach to describe the sweeping changes to the State’s health care providers and regulators.

The Board developed a statewide protocol to allow pharmacists to furnish emergency contraception to patients as required by a new law and approved a new patient fact sheet on emergency contraception.

## PHYSICIAN ASSISTANT COMMITTEE

*The Physician Assistant Committee of the Medical Board of California protects consumers by licensing physician assistants and approving physician assistant training programs. The Committee ensures that licenses and approved programs have met the minimum licensure requirements. The Physician Assistant Committee licenses Physician Assistants (PA), highly skilled health care professionals trained to provide patient evaluation, education, and health care services. A PA works under the supervision of a physician to provide medical care and guidance needed by a patient.*

For Fiscal Year 2003-04, the Committee's main accomplishment was to enhance its Web Site with more information for physician supervisors, consumers, and licensees.

## BOARD OF PODIATRIC MEDICINE

*The Board of Podiatric Medicine serves Californians through licensing, consumer-protection law enforcement, and public education. It licenses Doctors of Podiatric Medicine, sets educational standards and requires podiatric medical schools, and postgraduate training programs to apply for approval annually. In addition to continuing medical education, the Board requires each licensee to meet at least one of several peer-reviewed indicators of Continuing Competence at each two-year renewal. Preventing patient harm, rather than responding after the fact, is an important element of the Board's Strategic Plan. Consumer complaint trends suggest that this approach, along with strong enforcement, is effective.*

Since the Board's Continuing Competence initiative became law in 1999, total complaints against podiatrists have dropped from 271 in Fiscal Year 1998-99 to 177 in Fiscal Year 2003-04.

During Fiscal Year 2003-04, 22 cases required full Medical Board field investigations and 14 cases were referred to the state Attorney General for prosecution.

The Board of Podiatric Medicine also finalized disclosure regulations now in effect "to permit the maximum public access to information consistent with the Public Records Act."

As a result, the Board now discloses referrals to the Attorney General without waiting until prosecuting attorneys prepare formal charges known as “accusations.”

Assembly Bill 932 (Koretz, Chapter 88, Statutes of 2004), signed into law on June 30, 2004, recognizes a licensed podiatrist’s expertise in management and preservation of the diabetic foot, including partial amputation when necessary to prevent further loss of limb. The law requires two years of graduate medical education, rather than just one, prior to licensure. This is consistent with American Podiatric Medical Association and the Council on Podiatric Medical Education standards. It also authorizes podiatrists to assist other surgeons in non-podiatric surgical procedures.

## BOARD OF PSYCHOLOGY

*The Board of Psychology regulates psychologists, psychological assistants, and registered psychologists.*

The Board is conducting a review of the latest national practice analysis update in conjunction with the Department of Consumer Affairs’ Office of Examination Resources. The purpose of this review is to take a closer look at the development of the California supplemental examination.

The Board assisted legislative staff in writing legislation to establish guidelines for psychologists who evaluate a peace officer’s mental and emotional health or who perform fitness for duty evaluations through Assembly Bill 1669 (Chu, Chapter 777, Statutes of 2003). It also implemented legislation requiring applicants and licensees to complete a course in spousal or partner abuse assessment, detection, and intervention through Senate Bill 564 (Speier, Chapter 481, Statutes of 2002), as well as a course in aging and long-term care prior to licensure and/or renewal of a license through Senate Bill 953 (Vasconcellos, Chapter 541, Statutes of 2002).

The Board assumed the complaint processing responsibilities from the Medical Board of California and also established a toll-free complaint line, where consumers may contact the Board for various information (e.g., enforcement, complaint processing, license verification). The Board received 1,943 calls in the first year.

The Board adopted regulations granting a continuing education exception to licensed psychologists who do not directly deliver mental health services where there is an absence of available continuing education courses relevant to their specific area of practice. This exception allows qualifying licensees to take continuing education courses that are not approved but are relevant to their area of practice.

The Board adopted regulation changes that deem holding a credential issued by the National Register of Health Service Providers in Psychology, and licensed in another state, Canadian province, or U.S. Territory for a minimum of five years, as having met all educational and experience requirements.

## BOARD OF REGISTERED NURSING

*The Board of Registered Nursing protects the health and safety of consumers by promoting quality registered nursing care in California. The Board acts as an advocate for health care consumers by setting and enforcing safe nursing practice standards and by educating the public. The Board oversees the licensing of Registered Nurses and evaluates Registered Nurses for certification in the following advanced or specialty areas: Nurse Practitioner, Nurse Anesthetist, Nurse Midwife, Clinical Nurse Specialist, Public Health Nurse, and Psychiatric/Mental Health Nurse.*

The Board established the Nursing Education Advisory Committee to provide expertise on educational issues and assist in standardizing nursing prerequisites and curricula through the Associate and Baccalaureate Degree Nursing Programs. The Board also established the Nursing Workforce Advisory Committee to develop questions for the Registered Nurses survey by using outside expertise from the full spectrum of employers, nursing organizations, government entities, and consumer groups. The questions would focus on workplace reform issues, ideas on strategies to recruit and retain student nurses, nursing faculty, and direct care nurses.

On March 26, 2004, the Board held the Spring 2004 Conference “Magic in Teaching” before an audience of 390 participants. The full-day conference focused on teaching strategies for new, part-time clinical faculty members.

In the last six months of the Fiscal Year 2003-04, the Board of Registered Nursing, along with three other boards, participated in the Administration's "A-Team" effort. Through the hiring of additional temporary staff to process paperwork, the Board was able to process thousands of backlogged license applications. As a result, we reduced our application backlog and issued licenses to enable Registered Nurses to practice.

## RESPIRATORY CARE BOARD OF CALIFORNIA

*The Respiratory Care Board of California is mandated to protect and serve consumers by administering and enforcing the Respiratory Care Practice Act and its regulations in the interest of the safe practice of respiratory care. Respiratory Care Practitioners work under the direction of a physician and specialize in providing evaluation of and treatment to patients with breathing difficulties as a result of heart and lung disorders, as well as providing diagnostic, educational, and rehabilitation services.*

The Board continued focusing on the issue of unlicensed practice of respiratory care in the home care setting and researching the potential need for regulation of the practices of polysomnography, pulmonary function testing, and hyperbaric oxygen therapy. The Board will present its findings to the Joint Legislative Sunset Review Committee in 2005.

The Board established and amended several laws and regulations. Some of the more notable changes include establishing education waiver criteria through Senate Bill 1955 (Figueroa, Chapter 1150, Statutes of 2002), and a retired license status, authorization to establish a contract with a collection agency to recover outstanding and delinquent costs through Assembly Bill 1777 (Business and Professions Committee, Chapter 586, Statutes of 2003), and the strengthening of continuing education requirements for licensees (per regulations that were effective May 2004).



## SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY BOARD

*The Speech-Language Pathology and Audiology Board has the unique challenge of regulating two separate professions, each with its distinct scope of practice, entry-level requirements, and consumer concerns. The Board must continually balance its resources, while attending to issues facing both professions.*

In Fiscal Year 2003-04, the Board faced the challenge of responding to a professional movement to increase the terminal academic degree for the profession of audiology to the doctorate level. The Board held numerous public meetings to discuss issues related to this educational transition, including accreditation requirements, academic standards, and whether the existing academic standards required for licensure remain appropriate to prepare an individual to provide the most current and effective audiological services.

The Board evaluated and fine-tuned its continuing professional development (CPD) program requirements, which encourages licensees to expose themselves to life-long learning in the profession for which they hold a license. Licensees are required to obtain CPD hours in courses directly relevant to the licensed profession that address direct and/or indirect client care. However, existing law does not give the Board the authority or responsibility to approve course offerings but rather charges it with approving the CPD providers. During its 2003 CPD audit, the Board discovered that many licensees and providers find it difficult to discern which courses meet the “practice-relevance” criteria, and in many cases licensees have unknowingly devoted time and money to general health courses. To alleviate the confusion, the Board proposed a legislative change through Senate Bill 1913 (Business and Professions Committee, Chapter 695, Statutes of 2004), which will enable the Board to review individual CPD course offerings.

Consumers and licensees are entitled to a fair, swift, and consistent administrative disciplinary process. As such, the Board also focused its efforts on further improving its enforcement program by updating its disciplinary standards for each licensing category under the Board’s jurisdiction.

The Board worked with several agencies to develop and improve the processes and procedures of the Board’s operations. It collaborated with the Department of Health Services Children’s Medical Services Branch on developing pediatric audiology standards for providers under the



Newborn Hearing Screening Program. Also, the Board has continued to work with the Board of Occupational Therapy on overlapping advanced practice regulations to develop professional standards and supervision protocols for speech-language pathologists to supervise occupational therapists engaged in swallowing assessment, evaluation, and intervention.

## STRUCTURAL PEST CONTROL BOARD

*The Structural Pest Control Board examines, licenses, and regulates professionals practicing structural pest control. The Board assists consumers in resolving problems associated with the services performed by the regulated industry.*

The Board hosted, for the first time, the annual meeting of the Association of Structural Pest Control Regulatory Officials in August 2003.

The Board went online with a Web-enabled filing system for regulated companies to submit information regarding every home inspected for wood-destroying pests and organisms. The new system allows pest control companies to use the Internet to submit required information in a more expeditious and less costly manner. It also enables consumers to directly access this same information and to make requests via the Internet to receive a copy of the inspection reports and completion notices.

## VETERINARY MEDICAL BOARD

*The Veterinary Medical Board ensures that the public's health and safety is protected, and that veterinarians adhere to a professional standard of practice through development of professional licensing standards and vigorous enforcement of the laws governing veterinary medicine in California.*

The Veterinary Medical Board is a member, along with 56 other licensing jurisdictions, of the American Association of Veterinary State Boards and of the Federated Association of Regulatory Boards. The Board participates on a national level to help keep abreast of consumer protection issues fostering consistent decision-making among states, and strives to eliminate any duplication of efforts. This is achieved by attending annual meetings and

participating in policy settings. National issues include: illegal sale of prescription drugs via Internet pharmacies, unlicensed activity, collaborative practice and alternative therapies for animals, the national licensing database, foreign veterinary graduate education equivalence, animal cruelty issues, attempts to avoid discipline by crossing state lines, and diseases such as West Nile, Newcastle (poultry), and Mad Cow.

The Board handled over 650 consumer complaints and streamlined consumer access to information via the Internet by adding complaint, examination, licensing, and renewal information to the Web Site. Through using the Board's Web site, consumers are becoming more aware of both the Department of Consumer Affairs and the Board, and their services, including complaint review. The Board provides the public and the profession with up-to-date information, trends, and legislative issues.

The Registered Veterinary Technician Committee is a five-member advisory committee of the Veterinary Medical Board. The Committee advises the Board on issues pertaining to the practice of registered veterinary technicians, assists the Board in the examination of applicants for veterinary technician registration, and sets standards for and performs inspections of registered veterinary technicians schools.

## BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS

*The Board of Vocational Nursing and Psychiatric Technicians is responsible for administering laws related to the discipline, education, and practice of licensed vocational nurses (LVNs) and psychiatric technicians (PTs). LVNs and PTs care for California's most vulnerable and helpless citizens ranging from newborns to the elderly, whose physical and mental impairments require quality care by these practitioners.*

The Board received 2,251 complaints in Fiscal Year 2003-04 and took 617 disciplinary and compliance actions. The Board currently regulates the practice of over 98,000 Licensed Vocational Nurses (LVNs) and 13,000 Psychiatric Technician (PTs), the largest groups of LVNs and PTs in the nation. The Board also accredits and approves 120 vocational nursing programs and 16 psychiatric technician programs. In keeping with the critical demand for nurses in California's workforce, the Board approved 18 of those programs in Fiscal Year 2003-04.

The Board successfully demonstrated its effectiveness and efficiency as the regulatory body for the vocational nursing and psychiatric technician professions to the Joint Legislative Sunset Review Committee. Senate Bill 358 (Figueroa, Chapter 640, Statutes of 2003) was signed into law and became effective January 1, 2004, authorizing the Board's continued existence and establishing a four-year extension to the Board's sunset date.

The Board worked with the Joint Legislative Sunset Review Committee to establish in Senate Bill 358 (Figueroa, Chapter 640, Statutes 2003), a critical new consumer protection law requiring LVNs, PTs, and their employers to report known violations of the practice acts to the Board. The new mandatory reporting law will reduce the number of incompetent or unsafe licensees who continue to practice after they are suspended or terminated for cause by one facility and immediately obtain employment at another. The bill also establishes a vocational nurse scholarship and loan program through a \$5 assessment fee attached to license renewal. LVN students who agree to serve in specified facilities or medically underserved areas after graduation can apply for educational scholarships. Loans to pursue registered nursing education are also available through the program.

In the last six months of Fiscal Year 2003-04, the Board of Vocational Nursing and Psychiatric Technicians, along with three other boards, participated in the Administration's "A-Team" effort. Through the hiring of additional temporary staff to process paperwork, the Board was able to reduce the Board's backlog by nearly 85 percent and as a result there are more LVNs in California's workforce.