

# ANNUAL REPORT

1996 - 1997



## CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS

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DECEMBER 1997

Pete Wilson, Governor  
*State of California*

Joanne Corday Kozberg, Secretary  
*State & Consumer Services Agency*

Marjorie M. Berte, Director  
*Department of Consumer Affairs*

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California leads the nation when it comes to innovative ideas, competitive market approaches, and the use of advanced technology. The Department of Consumer Affairs has been a tremendous leader in all of these areas as well, in performing the critical mission of protecting the California consumer while promoting fair and ethical business practices. Consumers benefit most from a free enterprise market economy where innovation and competition are encouraged.

Fiscal year 1996-97 marked another successful year in which the Department, a performance-based organization, saved money, increased productivity, and improved service to California consumers. My administration has continually sought greater government efficiency and accountability, while strengthening our commitment to consumer protection. The Department has strived for tougher enforcement actions against those who break the laws that hurt the consumer and the state's economy, and at the same time has expanded access to information so the consumer is better informed in the marketplace.

I am grateful to the staff of the Department of Consumer Affairs for making consumer protection a priority in California.

Sincerely,



For more than twenty-seven years, the Department of Consumer Affairs (DCA) has served as the advocate for California consumers to represent and protect their interests. The Department establishes standards of competency for more than 200 professions and administers the regulatory functions of licensing, examination, and enforcement.

The Department is responsible for issuing more than two million licenses, and last year renewed licenses for more than 800,000 professionals and businesses. Thousands of complaints were mediated by Department specialists, and \$26 million was recovered for consumers. Disciplinary action was taken against more than 32,000 licensees for fraud, incompetence, negligence, and health and safety violations.

As part of Governor Wilson's drive to make government more competitive, the Department continues to review and streamline its functions to achieve its consumer protection goals and mandates. The Department promotes a free and competitive marketplace in which consumers are treated fairly.

In addition to an aggressive and proactive education and information campaign, the Department has employed greater use of new technologies, such as the Internet, through its home page and 800 number. The Department is more accessible to consumers and licensees seeking the most up-to-date information. In this past fiscal year, the Consumer Information Center fielded more than one million calls.

The Department emphasizes quality and customer service by ensuring accountability and responsiveness. The ongoing efforts and dedication of the Department's employees are to be commended. The following report highlights the work of the Department in fulfilling its obligation to consumers and licensees during Fiscal Year 1996-97.

Sincerely,

Joanne Corday Kozberg  
Secretary  
State & Consumer Services Agency

Marjorie Berte  
Director  
Department of Consumer Affairs



# DEPARTMENT REGULATORY BUREAUS & PROGRAMS

## ARBITRATION REVIEW PROGRAM

PETER BRIGHTBILL, PROGRAM CHIEF

**Purpose:** The Arbitration Review Program (ARP) certifies and monitors the operation of independent dispute settlement mechanisms (arbitration programs) offered by new-vehicle manufacturers in California. Once a manufacturer's arbitration program is certified, ARP's role is to ensure that the program is in substantial compliance with statutes and regulations by monitoring arbitration hearings, investigating consumer complaints, and conducting on-site inspections.

**Accomplishments:** During the fiscal year, ARP certified the arbitration program of AM General (Hummer). This arbitration program is administered by the Council of Better Business Bureaus' AUTOLINE program. Two vehicle manufacturers, Maserati and Sterling, no longer sell vehicles in California and have voluntarily withdrawn their arbitration programs from certification.

As part of its public education program, ARP published a Spanish-language version of its brochure *Lemon-Aid for New Car Buyers* entitled

*Ayuda Para Compradores de Vehiculos Nuevos con Problemas*. This guide for warranty repairs explains the arbitration process for instances in which a manufacturer cannot repair a new vehicle to conform to the warranty. Information about the state-certified arbitration programs is listed in this pamphlet as well.

Continuing its effort to reach new vehicle owners as early as possible, ARP, in partnership with the Department of Motor Vehicles, developed a statement about the Lemon Law which is printed on the outside of license plate envelopes. The statement explains how to determine if a vehicle is a lemon and refers consumers to the Department of Consumer Affairs for additional information on arbitration programs.

During FY 96-97, ARP investigated approximately 350 consumer complaints dealing with the arbitration process. The majority of these complaints related to consumers' dissatisfaction with the arbitration decisions made in their cases. Since ARP may not modify or overturn arbitrators' decisions, ARP responds to these

complaints by informing consumers of other legal remedies available to them. Some complaints received by ARP dealt with the fairness of the arbitration process, alleged arbitrator bias, or the failure of manufacturers to comply with arbitrators' decisions in a timely manner. ARP worked successfully with the certified arbitration programs to resolve these complaints.

**Mission Contributions:** ARP informed consumers about the Lemon Law and the certified arbitration programs through interviews with the media, speaking engagements, participation in conferences, and development of new consumer education publications. ARP works with the certified arbitration programs and vehicle manufacturers to continually improve the arbitration process and increase consumer satisfaction. During FY 96-97, the arbitration programs certified and monitored by ARP processed approximately 5,000 new-vehicle warranty disputes. Approximately 90 percent of these cases were resolved through arbitration and did not involve further litigation.

## BUREAU OF AUTOMOTIVE REPAIR

K. MARTIN KELLER, BUREAU CHIEF

**Purpose:** The Bureau of Automotive Repair (BAR) registers and regulates approximately 33,830 California automotive repair facilities and licenses 2,479 lamp and brake inspection stations, 7,825 smog inspection stations, and approximately 12,857 smog check technicians. The Bureau is divided into two major program areas: Consumer Protection Operations (CPO) and the Inspection and Maintenance Program (I&M), which oversees the state's Enhanced Smog Check Program.

**Program Review:** Automotive technology and the industry have changed dramatically since the 1971 enactment of the Automotive Repair Act. One of the most significant activities undertaken by BAR this year was a comprehensive review of the automotive repair marketplace and the effectiveness of the existing regulatory program to ensure that it addresses current and future needs. The program review was designed to make an objective analysis of the marketplace and to develop solutions and

alternatives to address the market defects identified. Initial efforts focused on defining marketplace problems and risks to the consumer. The next step was to examine possible solutions and to determine which stakeholders should take responsibility for their implementation. As required by the 1994-95 State Budget Act, the BAR report will be provided to the Legislature by January 1, 1998.

CONSUMER PROTECTION OPERATIONS  
ROBERT P. OGLESBY, DEPUTY CHIEF

**Enforcement:** During the fiscal year, BAR's CPO team continued its focus on reducing fraud in the autobody industry, in addition to its ongoing efforts to curb fraudulent or unethical activities in the transmission, engine, and general auto repair markets. The auto repair dealer registration of one of the largest body shops in Stockton was permanently revoked for insurance fraud as the result of a BAR undercover investigation. Ten stores in a Southern California tire, brake, and suspension repair chain agreed to a \$104,729 settlement and three-day suspension for overselling brake and suspension components and fraudulently billing for repairs that were not performed.

Other actions resulting from BAR investigations included the \$27,500 settlement and seven-day suspension of an Inglewood transmission shop for fraud and false and misleading advertising, and the three-day suspension of a Visalia new car dealership's service department for fraud and false and misleading statements. As part of the stipulated settlement in the case, the dealership agreed to reimburse state and local agencies \$75,000 for costs of investigation and enforcement, and to provide \$69,000 to a community college auto repair program and \$6,000 to the Tulare County Food Link program. These and other CPO enforcement efforts, coupled with the Department's mediation activities, culminated in a total savings to California consumers of \$5.3 million in the form of direct refunds, rework, and adjustments.

The Bureau also adopted its disciplinary guidelines into regulations as required by Senate Bill 523 (Kopp, Chapter 938, Statutes of 1995). BAR's disciplinary guidelines, in existence for two decades, assist Administrative Law judges in determining appropriate penalties, and assist the Attorney General's Office in fashioning appropriate terms and conditions for stipulated settlement agreements. The regulations became effective July 7, 1997.

INSPECTION & MAINTENANCE PROGRAM  
PATRICK J. DORAIS, DEPUTY CHIEF

**BAR-97:** During the year, the BAR Engineering Laboratory tested various pieces of equipment and has combined them to form a state-of-the-art vehicular pollution testing tool, the BAR-97 Emission Inspection System (EIS). The system will test for oxides of nitrogen (NOx), a key ingredient in the formation of smog. It will also include a dynamometer (a treadmill-like device for vehicles that simulates actual driving conditions). All licensed smog check stations in Enhanced Program Areas (areas of highest detected smog) must install the equipment by December 1, 1997, and smog check technicians will be required to take an eight-hour BAR-certified training course. BAR-97 testing will become fully operational March 1, 1998.

**Website:** A DCA/BAR website ([www.smogcheck.ca.gov](http://www.smogcheck.ca.gov) or [www.smogcheck.org](http://www.smogcheck.org)) was put in place during the fiscal year to help the public, auto repair shops, and technicians stay informed about smog check and auto repair issues. It features an

overview of the Smog Check program, a complete index of related laws and regulations, news releases, licensing and fee information, program information bulletins, vehicle maintenance tips, a consumer's guide to automotive repair, a clean air quiz, and information about applying for waivers or economic hardship extensions. An interactive map helps consumers determine the smog check requirements for the areas in which they live.

**Gold Shield Program:** Pursuant to AB 2515 (Bowler, Chapter 1088, Statutes of 1996), the Gold Shield Guaranteed Repair (GSGR) Program was established to help consumers locate the best repair shops. Under the program, a GSGR station is not authorized to *certify* repaired gross polluting vehicles, but the shop guarantees emissions-related repairs on Gross Polluters. There are currently 1,616 GSGR stations statewide.

**Test-Only Stations:** New regulations for Test-Only stations were approved by the Office of Administrative Law. AB 2515 authorized the Department for the first time to license Test-Only stations which were established to meet federal air quality goals and certify repairs on the worst polluting vehicles. The Department began licensing the first privately run Test-Only stations in the fall of 1997.

**Industry Workshops and Trade Shows:** Industry workshops and trade shows were held to solicit input in a number of areas, including preinspection and after-repairs tests, Gold Shield and Test-Only issues, and BAR-97.

## BUREAU OF ELECTRONIC AND APPLIANCE REPAIR

KAREN E. HATCHEL, BUREAU CHIEF

**Purpose:** The Bureau of Electronic and Appliance Repair (BEAR) protects consumers from fraud, economic loss, and unsafe electronic and appliance repairs through education and focused enforcement activities. The Bureau registers and regulates more than 10,000 California businesses involved in (1) repair of home entertainment electronics, home office electronics, and major home appliances; (2) installation and repair of automobile stereo equipment, security systems, cellular telephones, and residential antennas; and (3) sales or administration of service contracts for the above items.

**Enforcement:** During the fiscal year, the Bureau's targeted enforcement operations against fraudulent activity and delinquent or unregistered servicers continued to be a priority. The Bureau restructured field operations, cut costs, and streamlined processes to ensure the most advantageous use of existing resources.

**Education/Outreach:** The Bureau published English and Spanish versions of a brochure, *Guide to Electronic & Appliance Repair*, as well as a fact sheet on service contracts. At workshops held throughout the state, staff provided information to service dealers on laws and regulations pertaining to the

industry. The Bureau also issued radio public service announcements providing consumer tips regarding repairs and service contracts.

**Legislation/Regulation:** Legislation was introduced SB 780, Kelley, Chapter 401, Statutes of 1997) to extend regulation of the service contract program through the year 2003. The original law governing this segment of the industry became effective in January 1994, and regulations were adopted in fall 1995. The Bureau determined that more time was needed to assess the market and establish the most effective course of consumer protection in this area.

## BUREAU OF HOME FURNISHINGS AND THERMAL INSULATION

KAREN E. HATCHEL, BUREAU CHIEF

**Purpose:** The Bureau of Home Furnishings and Thermal Insulation (BHFTI) protects the public from health, safety, and economic hazards associated with upholstered furniture, bedding products, and thermal insulation sold in California. This is accomplished through the licensure of more than 19,500 businesses and the enforcement of regulations relating to flammability, product labeling, custom upholstery, sanitization, and misleading advertising.

**Enforcement:** During the fiscal year, the Bureau launched a comprehensive, market-based approach to regulation

to address futon and advertising compliance issues. This statewide strategy resulted in the issuance of 18 citations to futon manufacturers for violations of flammability laws. Enforcement of flammability and labeling standards for upholstered furniture and bedding continues to be a Bureau priority. More than 1,400 products were tested in the Bureau laboratory, and 8,420 products were withheld from sale in the state.

**Legislation/Regulation:** The Bureau implemented new statutes and revised regulations to reduce burdens on business without diminishing

consumer protection. Key changes include the consolidation of license categories to end requirements for multiple licenses and the deregulation of antique furniture retailers and waterbeds.

**Education/Outreach:** Continuing its outreach efforts to educate both industry and consumers, the Bureau sponsored compliance workshops for futon manufacturers, developed fact sheets on renovated mattresses and futons, and produced a videotaped public service announcement regarding product labeling laws.

## BUREAU OF SECURITY AND INVESTIGATIVE SERVICES

JOHN A. NICKOLS, BUREAU CHIEF

**Purpose:** The Bureau of Security and Investigative Services (BSIS) licenses and regulates businesses and personnel that provide security-related services for a fee. BSIS has issued approximately 272,058 licenses and registrations in the following industries: private patrol operator; security guard; (security) training facility and instructor (baton and firearm); private investigator; alarm company operator; locksmith; and reposessor.

**Enforcement:** The Bureau's enforcement program conducts criminal and mental health (for firearms permits) screening of applicants prior to issuing a license, and takes disciplinary action against existing licensees or registrants for violations and/or criminal activity. Alarm company operators and agents, as well as private patrol operators, security guards, and security guard applicants, may appeal proposed

discipline or denial of licensure or registration to the Disciplinary Review Committee.

**Examinations:** The Occupational Analysis for the private investigator examination, the last of three new examinations, has been completed. The Bureau expects to implement this examination in early 1998. The firearms and baton examinations are under revision and are expected to be completed by early 1998.

**Special Events and Projects:** On August 2, 1997, the Office of Administrative Law approved regulatory changes proposed by the Bureau to improve the training and requalification standards prior to issuing an initial or renewed exposed firearm permit. The Bureau is currently developing a new *Firearms Training Manual* to incorporate these new standards. The Bureau is also developing a new *Baton Training Manual*. Both

manuals are expected to be completed by early 1998.

**Legislation:** SB 1375 (Peace, Chapter 710, Statutes of 1996), took effect January 1, 1997, requiring peace officers who work off-duty as armed private investigators or security guards to be licensed or registered by the Bureau. The Bureau has implemented administrative procedures to comply with this requirement. AB 2645 (Morrissey, Chapter 734, Statutes of 1996) took effect January 1, 1997, extending the exposed weapon permit from one to two years. The Bureau has implemented administrative procedures and is now issuing two-year firearm permits linked with the expiration date of the qualifying license. SB 780 (Kelly, Chapter 401, Statutes of 1997), which takes effect July 1, 1998, maintains the Bureau's current fee structure and allows for future fee reductions.

## CEMETERY AND FUNERAL PROGRAMS

PETER BRIGHTBILL, PROGRAM CHIEF

**Purpose:** The Cemetery and Funeral Programs protect the public's interest through education of consumers regarding their rights and options relating to cemetery and funeral needs; investigation and enforcement of the laws regulating the industries under their jurisdiction; and partnering with consumers and industry to promote a safe and fair marketplace. The programs regulate funeral homes, funeral directors, embalmers, private cemeteries, crematoriums, endowment care funds, special care funds, preneed funds, conservatorships, cremated remains disposers, cemetery brokers, and cemetery salespersons.

**Accomplishments:** Below are highlights of the Programs' activities during the fiscal year:

- Two Public Informational Meetings were held to provide updates on the status of the Cemetery and Funeral Programs.
- In March 1997 the Department of Consumer Affairs completed an Annual Report to the Legislature on the status of the Cemetery and Funeral Programs.
- DCA's Complaint Mediation Division mediated refunds from the industry to consumers totaling \$26,000 in cemetery costs and \$15,000 in funeral costs.

- The conservatorship of the Endowment Care Funds of the Mountain View Cemetery Improvement Association was discharged and terminated on April 7, 1997.
- The Programs monitored approximately \$250 million in trust accounts and approximately \$550 million in Endowment Care Funds by reviewing audits and annual reports.
- Cite and fine regulations were adopted in October 1996 that authorize DCA to determine when and against whom a citation will be issued.

- Regulations were adopted in December 1996 to implement language regarding construction of private mausoleums and columbariums.
- AB 2234 (Murray, W., Chapter 964, Statutes of 1996) increased the fee for filing a late Endowment Care Fund report and increased the annual regulatory charge for each interment and cremation.
- AB 2877 (Davis, Chapter 1151, Statutes of 1996) established a new licensing category; defined criteria for sharing facilities, funeral directors, and apprentice embalmers; established continuing education requirements; set classes of violations and assessment of fines for new statutes; further defined and clarified existing language; and created a committee to set standards for and approve continuing education providers.

**Mission Contributions:** The Programs have taken a proactive approach to consumer protection and education by utilizing the expertise of each of the functional areas within the Department. The most significant contribution to this commitment has been the development and dissemination of the *Consumer Guide to Funeral and Cemetery Purchases* (available in English and Spanish). The guide provides consumers with industry information to help them make informed decisions, either at need or preneed.

#### **TAX PREPARER PROGRAM**

KAREN E. HACHEL, ADMINISTRATOR

On September 30, 1996, Governor Wilson signed into law SB 1077 (Greene, Chapter 1137, Statutes of 1996), successfully privatizing this area of regulation by transferring the regulatory oversight of tax preparers from the Department of Consumer Affairs to a private sector "tax education council" composed of industry members. The elimination of registration requirements became effective July 1, 1997, and the Department began the transition process upon passage of the bill. As part of the process, the Department met with tax education council members and apprised the tax preparer industry of the new requirements under the law.

# DEPARTMENT HEADQUARTERS DIVISIONS

## ADMINISTRATIVE AND INFORMATION SERVICES DIVISION

CINDY THOMPSON, DIVISION CHIEF

The Administrative and Information Services Division (AISD) consists of two offices—the Office of Administrative Services (OAS) and the Office of Information Services (OIS). The Division is responsible for providing administrative and information services to the boards, committees, bureaus, programs, divisions, and commission of the Department of Consumer Affairs (DCA).

The AISD delivers administrative and information services to its clients through cross-disciplinary client service teams. In addition, specialized, discipline-based teams include the Human Resources Management Team, Financial Management Team, Support Services Team, Integrated Consumer Protection Systems Team, Performance Consulting Group, Operations/Technical Team, and Information Technology and General Services Team.

The AISD developed a five-year strategic plan (AISD 2000) that is a blueprint for achieving the Division's vision: "Extraordinary customer service the first time, every time, in time." Many of the objectives in this plan are long-term, complex—even visionary. Some may not even be started until later years. The objectives in AISD 2000 reflect four key themes: Automation/Technology; Customer Service; Innovation/Redesign; and Funding. The blueprint was drawn up by AISD employees to reinvent government in the most basic and effective way, from the ground up.

### OFFICE OF ADMINISTRATIVE SERVICES

**Teams Established:** In AISD's recent reorganization, Information Services Client Service Teams were established to partner with the existing Administrative Client Service Teams in order to expand the range of services offered. The specialized, disciplined-based functions performed within the Office of Information Services that could *not*

be consolidated were made a part of our Information and Administrative Technical Resource Teams.

**Activity Reporting System:** The Activity Reporting System (ARS) provides information on the amount of time bureau, program, and division employees spend on behalf of particular divisions, boards, programs, committees, and the commission. The ARS can also capture employee salary information and time spent on particular business processes. The system is currently being modified to provide more detailed cost reports to program and division chiefs. In addition, ARS allows DCA to export employee leave data to the California Leave Accounting Systems (CLAS). The CLAS fully automates leave accounting and provides employee leave balances on monthly pay stubs. Plans are under way to roll out CLAS to interested boards.

**Microfilm:** The AISD Central Records/Microfilm Unit is visionary in its commitment to create a paperless file room. This unit is responsible for the maintenance of licensee and complaint files for DCA bureaus and programs. In accordance with the AISD strategic plan, Central Records continues to employ automation and advanced technologies, such as CD-ROM imaging, to meet client needs. Central Records/Microfilm now has a library in excess of 1.6 million microfilmed/imaged documents. In the near future, our vision will further expand, as we offer our clients the ability to access licensee and complaint files through their personal computers.

**Position Tracking:** The Position Establishment and Tracking System (PETS) was designed to minimize the staff effort necessary for position tracking and reconciliation, identifying position vacancies and employee reassignments, and electronically storing position and employee history. The PETS software was implemented on a pilot basis to all transaction staff

within OAS, completing Phase One of the project. Phase Two is to finalize the software application, remove the manual process, add reporting and data-extracting capabilities, prioritize additional application functionality, establish an application maintenance process, and demonstrate the application to other state departments. The target date for completion of Phase Two is December 1997.

### OFFICE OF INFORMATION SERVICES

**Y2K Project:** DCA is mandated to assess its information systems and all chip-driven technology to determine modifications necessary for compliance with the year 2000. Efforts to modify our priority mission-critical system, the Consumer Affairs System (CAS), for century compliance are underway. This effort will rely on a working partnership between the Core Project Team and the CAS business clients. It is anticipated that CAS will be century compliant by December 31, 1998.

**Internet Homepage:** DCA's Internet homepage (<http://www.dca.ca.gov>) is designed to inform Californians of their rights and to help them become careful consumers. The page provides a one-stop resource on the role of the Department of Consumer Affairs and other public agencies that handle consumer issues. It is linked to other websites of interest to consumers.

**Outsourcing:** OIS has successfully transferred the automated processing and mailing of licenses, renewal notices, and related documents to the Employment Development Department (EDD). Outsourcing of these services permits the Department to comply with postal regulations and avoid associated cost increases. The second phase of this project will be to transfer the printing responsibility for miscellaneous reports that are unrelated to EDD's processes back to the boards, bureaus, and programs.

## BOARD RELATIONS

NANCY CAMPBELL, DEPUTY DIRECTOR

**Purpose:** The Deputy Director, Board Relations, acts as the liaison between the Executive Office of the Department of Consumer Affairs and the Department's various licensing boards, committees, and commission. The

Deputy Director works to ensure that board, committee, and commission administrative needs are met and that budget, personnel, accounting, business services, and other problems are resolved as quickly as possible.

July 1, 1997 marked the sunset date for three boards, one of which, the Board of Guide Dogs for the Blind, was later sunrised. As of January 1, 1998, the Department will have 21 boards, six committees, and one commission.

## COMMUNICATIONS AND EDUCATION DIVISION

BOB BROWN, DEPUTY DIRECTOR

**Purpose:** The Communications and Education Division is DCA's provider of public information. Division staff work with California and national media to provide accurate, timely information on consumer issues and the activities of the Department. In addition to producing dozens of consumer booklets, brochures, fliers, directories, and newsletters, the Division designs and carries out educational programs for consumers and industry.

**Media Relations:** During the fiscal year, Division staff worked closely with key media in major markets to produce comprehensive reports on the Department and its consumer resources. Examples include the "Beware of Watchdog" article in the July 14 *Sacramento Bee* and a similar report in the *Los Angeles Times* on December 31. After the January floods, the Division coordinated radio interviews with representatives of the Contractors State License Board and the Department's Legal Office, focusing on the importance of hiring a licensed contractor.

News releases were issued throughout the year to inform the media and consumers of major Department actions, including (1) the license suspension of seven auto repair facilities for overselling repairs and parts, which resulted from a Bureau of Automotive Repair undercover operation; (2) a \$125,000 settlement by a furniture liquidator and other defendants sued by the Bureau of Home Furnishings and Thermal Insulation for unfair business practices related to "going out of business" sales;

and (3) a \$66,329 penalty against a Los Angeles furniture importer for products that were mislabeled and failed flammability tests. In addition, dozens of releases announced suspensions, revocations, or other disciplinary actions taken against DCA licensees.

**Education:** During the fiscal year, Division staff continued to help expand and improve the Department's Internet home page. In addition, staff coordinated DCA bureau and board participation in Pacific Bell's Local Talk<sup>SM</sup> project in the San Francisco Area, which offers callers recorded messages on a variety of consumer awareness topics. Public service announcements were also written, produced, and distributed in both English and Spanish.

**Events:** Division staff coordinated DCA representation at numerous education and outreach events during the year, including the California State Fair and the Arden Mall Safety Fair, which drew more than 70,000 Sacramento area consumers. The Division also worked with the Consumer Product Safety Commission to present preholiday news conferences on toy/product safety in Sacramento and Los Angeles. At a public forum held in Marysville for victims of the January floods, panelists explained procedures for requesting disaster aid and provided rebuilding guidance.

**Publications:** The Division developed a new brochure that explains the Department's consumer protection role; includes contact information for the DCA boards, bureaus, committees,

and commission; lists professions/occupations regulated; and offers consumer tips. Other publications prepared by Division staff during the fiscal year include the *Resource & Referral Guide*, *Sacramento Area Reference Guide*, and the *Consumer Guide to Funeral and Cemetery Purchases*. A *List of Publications* was also developed which includes titles and ordering information for all publications available from DCA and its various entities.

**Smog Check:** In response to hundreds of media calls from all over the state, Division staff composed more than a dozen fact sheets, each providing detailed explanations of a key component of the Smog Check program. Thousands of these fact sheets were distributed to the media and the public. The Division developed additional publications, such as the *Clean Air Repairs* pamphlet, to answer some of the most common questions about the program in a single document. These materials were provided to licensed shops for distribution to their customers.

A landmark "Drive Away the Smog" curriculum was developed for students in grades 4 through 8 and placed in major daily newspapers, reaching thousands of teachers. The newspapers coordinated the program, holding public service announcement writing contests and publishing the winning students' work.

In conjunction with the Bureau of Automotive Repair, the team helped coordinate smog-test equipment demonstrations and workshops for industry. BAR-97 smog equipment

was installed and demonstrated at community colleges throughout the state, giving licensees, technicians, and others the opportunity to familiarize themselves with the new machinery and protocols. Division staff also coordinated ride-alongs with consumer reporters to show the effectiveness of BAR's enforcement operations. The resulting coverage not only

showed the thoroughness of the enforcement program, but also provided ample encouragement for consumers to be careful when choosing a shop or technician.

The monthly *Smog Check Advisory*, distributed to approximately 20,000 licensees, shops, technicians, and other interested parties, continued to provide timely information on BAR-97

equipment, important deadlines and dates, and many other segments of the Smog Check program.

The BAR website, developed in partnership with Division staff, has won critical praise as a source of public information. The Division provides much of the content for the site, periodically updating messages and adding pertinent details.

## COMPLAINT MEDIATION DIVISION

RUALETTE WHITE, DIVISION CHIEF

**Purpose:** The Complaint Mediation Division (CMD) mediates consumer complaints regarding automotive repairs; the services of private investigators, private security companies, security guards, repossession agencies and their employees, burglar alarm companies and their employees, locksmiths, and baton and firearm training facilities and instructors; electronic and appliance repairs, upholstered home furnishings; and cemetery and funeral service providers. CMD has four mediation centers: in Sacramento, Hayward, Riverside, and South El Monte.

CMD mediates complaints between disputing parties to promote mutually acceptable resolutions; educates consumers and licensees about provisions of the law; and educates consumers about how to protect themselves from unethical, incompetent, and illegal business practices. The Division refers complaints that involve apparent violations of the law and deceptive business practices to the Enforcement

Division for possible investigation and/or disciplinary action.

**Mission Contributions:** The Division represents the consumer interest by achieving resolutions (monetary and otherwise); fostering consumer awareness of laws and regulations; and encouraging the early resolution of disputes.

**Public Outreach:** CMD distributes brochures and complaint forms; refers individuals to other agencies as appropriate; answers consumer inquiries; makes presentations on how best to choose services, products, and dealers; and provides general information about the various industries regulated by the Department. During the fiscal year, CMD staff made several presentations to seniors throughout the state, and actively participated in the 27th Annual Senior Rally at the State Capitol. Staff also gave general public outreach presentations throughout the year, and participated in various

consumer awareness events throughout the state.

**Accomplishments:** The Division created the Complaint Mediation and Information Services Promoters (CMISPs) which are displayed at libraries, senior centers, community centers, and offices of small claims court advisors throughout the state. These countertop displays are self-help, self-service information outlets for CMD services. The use of CMISPs reduces the dependency on, and use of, the Department's toll-free 800 number; this, in turn, reduces cost for the Department. Each of the four centers distributes and maintains the displays in its geographical area. The CMISPs provide a cost-effective method of delivering CMD's message to the general public and are an important element of the overall outreach program.

In addition, CMD improved its percentage of successful mediation from 51.9 percent for FY 95-96 to 56.5 percent for FY 96-97.

## CONSUMER INFORMATION AND ANALYSIS DIVISION

BARBARA ARNETT, DIVISION CHIEF

**Purpose:** The Consumer Information and Analysis Division includes the Consumer Information Center (CIC) and the Data Interpretation and Program Support Unit. Telephone technicians staffing CIC's toll-free number provide consumers information, options, and educational

materials to enable them to make informed decisions and resolve complaints. Consumers are referred to the appropriate resources for issues that are not under the jurisdiction of the Department. CIC also (1) provides individuals with criteria, materials, and directions to successfully complete

their license applications or renewals; (2) captures statistical data, answers general questions regarding licensure, verifies licensure or registration, and provides complaint forms and publications for client programs; (3) provides the first point of contact for the Bureaus of Automotive Repair,



Electronic and Appliance Repair, Home Furnishings and Thermal Insulation, Security and Investigative Services; the Cemetery and Funeral and Barbering and Cosmetology Programs; the Respiratory Care Board; and the Acupuncture and Hearing Aid Dispensers Examining committees.

The Data Interpretation and Program Support Unit has the primary responsibility for coordinating DCA's strategic planning effort and for developing and implementing the Department's performance measurement framework. The framework, which represents a large portion of the Department's Performance-Based Budgeting Pilot Project, includes strategic, operational, and market

condition measures. The strategic and market measures are used in conjunction with the Department's strategic planning process. Operational measures are used to assess day-to-day processes.

**Accomplishments:** During FY 96-97 there were more than 1.1 million incoming calls registered at the CIC, an increase of 11 percent over the prior year; 25 percent were related to licensing issues, 41 percent were complaint- or enforcement-related, and the remaining 34 percent involved issues not under the jurisdiction of the Department.

The Data Interpretation and Program Support Unit refined the performance measurement framework, emphasizing outcome measurements associated

with market conditions. The Unit also developed and published a number of significant reports: the Department's Business Strategic Plan, the update and annual reports for the Performance-Based Budgeting Pilot Project, and DCA's Annual Statistical Profile.

**Mission Contributions:** Customer surveys indicate that CIC is assisting consumers, increasing public awareness, advocating individual responsibility, promoting consumers' interests, and encouraging early resolution of disputes. Consumers are pleased with the one-stop service and are recommending it to others. Our challenge is to continue to increase access and response time while continuing to provide accurate, quality service.

## ENFORCEMENT DIVISION

STEVEN V. GIORGI, DIVISION CHIEF (EFFECTIVE JULY 28, 1997)

**Purpose:** The Enforcement Division investigates licensee and registrant conduct for the Automotive Repair, Smog Check, Electronic and Appliance Repair, Security and Investigative Services, Funeral, and Tax Preparer programs. Field staff determine if laws and regulations are violated and investigate consumer complaints. Home Furnishings and Thermal Insulation program staff investigate product safety and labeling. The Division has two Branches: Field Operations and Case Management.

Field Operations staff conduct inspections, investigate unlicensed activity, investigate consumer complaints, and conduct investigations into potential licensee wrongdoing or product safety standard and labeling violations. When an investigation requires disciplinary action, the branch prepares cases for filing with the Attorney General and/or local prosecutors. Case Management staff prepare, monitor, and track cases submitted to the Attorney General. The Unlicensed Activity Unit within the branch researches and contacts unlicensed entities to inform them of

the applicable laws requiring licensure or registration.

**Mission Contributions:** The Division represents the consumer interest by investigating fraudulent, deceptive, or unlawful business practices; providing consistent and equal application of the regulatory process; educating consumers and industries to make informed decisions; and enforcing licensing and registration laws and regulations.

**Automotive Repair:** During the fiscal year, field staff continued to focus on fraud in the auto body industry. The industry appears to be moving toward greater compliance. Repair facilities are more frequently refunding money to insurance companies when a repair is completed in a more cost-effective manner than originally estimated. In addition, significant improvements have been noted in the legibility of written estimates and invoices. Out of 156 auto body investigations concluded, 76 percent had a confirmed violation; 48 percent of these violations resulted in formal disciplinary action against the repair dealer's registration, and 28 percent warranted office conferences.

**Smog Check:** In September 1996, field staff initiated the Consumer Repair Education Workforce (CREW) in an effort to lower the Gross Polluter retest failure rate at the referee stations. After being identified as Gross Polluters, many vehicles were failing the required retest at the referee and were being sent back ("ping-ponged") to the repair facility. As a result, CREW was assigned to referee stations to assist consumers failing the retest. Currently, CREW assists the consumer at repair facilities, determines the reason for reinspection failure, and negotiates rework to ensure that the vehicle passes the retest. Of the 550 CREW interventions during the fiscal year, 83 percent resulted in the vehicle's passing the retest.

The Enforcement Division petitioned for 14 Interim Suspension Orders (ISO) against stations involved in clean-piping fraud, 100 percent more than the previous fiscal year. When gross violations of the law are detected, the ISO immediately suspends a station's license until a hearing is held.

**Home Furnishings:** During the fiscal year, field staff focused enforcement efforts on the futon industry, which has repeatedly violated state and federal flammability laws. Staff issued 18 administrative citations to futon manufacturers for failure to meet flammability standards, collected \$6,500 in fines, and placed 61 percent of the cited futon manufacturers under a product evaluation schedule.

**Electronic and Appliance Repair:** Throughout FY 96-97, budgetary limitations affected enforcement efforts in the program. Toward the latter part of the fiscal year, field staff began to focus their efforts in key industry markets which have shown the greatest need for change. More

specifically, investigations were refocused toward the television, VCR, and personal computer markets. In addition, staff began an effort to reduce the amount of delinquent registrations. By the last four months of the fiscal year, the delinquent rate was reduced by 18 percent, and \$41,000 in license fees had been collected. Greater reductions are expected for FY 97-98.

**Security and Investigative Services:** During FY 96-97, field staff focused their efforts on conducting inspections, training, and presentations at firearm training facilities. More than 150 office conferences were conducted, compared with none the previous year.

**Funeral Program:** Although budgetary limitations continue to greatly affect the efforts of the Enforcement Division in this area, staff eliminated 25 percent of the 118 audits pending as a result of changes in ownership. An additional 816 preneed annual audits were reviewed and completed. Field staff issued 106 administrative citations and assessed more than \$124,000 in fines.

**Unlicensed Activity Unit:** Field staff targeted delinquent registrants and unregistered activity in all programs within the Enforcement Division. As a result of the Unit's proactive efforts, 1,946 applications for licensure were received, resulting in \$378,488 in license fees—a 100 percent increase over FY 95-96.

## DIVISION OF INVESTIGATION

MICHAEL G. GOMEZ, DIVISION CHIEF

**Purpose:** The Division of Investigation (DOI) protects public health and safety by providing objective, timely, and cost-effective investigations of allegations of misconduct by licensees of client agencies, and by developing information for filing criminal, civil, and administrative actions through quality law enforcement services and innovative partnerships with client agencies. DOI's motto is "INTEGRITY, SERVICE, AND EXCELLENCE."

**Accomplishments:** During the fiscal year, the Division performed 2,539 investigations on behalf of 27 DCA boards and consolidated bureaus and two other state agencies. Allegations included criminal violations for narcotics use, embezzlement of trust funds, sexual misconduct, fraud, and unlicensed practice, as well as administrative violations (negligence and incompetence).

DOI is currently one of four state law enforcement agencies certified to be a participant in the California Counter Drug Procurement Program adminis-

tered through the California Office of Criminal Justice Planning. DOI is also the only state investigative agency with approved direct access to the California Law Enforcement Telecommunications System (CLETS) for each of its field offices.

**Legislation:** The passing of AB 603 (Kuykendall, Chapter 142, Statutes of 1997), which becomes effective January 1, 1998, strengthens the provisions of the Cemetery Act by clarifying the time frames for retention of account audit records and filing of endowment care funds, specifying the financial compensation which may be received by trustees, and establishing requirements for keeping endowment and special care funds separate.

**Cemetery Unit:** In conjunction with the Division of Enforcement, the Division of Investigation has taken over the enforcement responsibilities of the former Cemetery Board. This newly established program audits records and ensures that proper inspections and maintenance are

performed at cemeteries regulated by the state.

The Division of Investigation's CPAs have completed a desk review of all trust fund reports filed for the 1995 trust reporting year. This unit has preliminarily identified \$66,600 in questionable business expenses from preneed trusts and has facilitated the reendowment of preneed contracts totaling more than \$98,400.

The total questioned costs in the final audit reports issued in FY 96-97 and the amount of preneed trust funds protected as a result of technical assistance provided to the Licensing Division is \$105,078.

**Mission Contributions:** The Division of Investigation provides progressive and innovative law enforcement services which are consistent with our oath of office, proactively partners with its client agencies to provide support and guidance in response to their needs, and supports the overall mission of the Department of Consumer Affairs.

## OFFICE OF EXAMINATION RESOURCES

NORMAN HERTZ, MANAGER

**Purpose:** The Office of Examination Resources (OER) assists licensing agencies to develop and administer reliable and valid examination programs that fairly assess candidates' competence to practice. OER's services include (1) interpreting and promoting technical, professional, and legal standards related to establishing content-related validity (job-relatedness) of examination programs; (2) performing occupational analyses, developing examinations, and establishing passing scores by working collaboratively with the licensing agencies; (3) performing statistical analyses of examination program results and advising licensing programs of potential problems; (4) evaluating examinations developed by professional associations and test providers; and (5) advising the licensing programs on psychometric issues.

**Examination Development:** Significant examination development work

was accomplished for various DCA entities, including the Veterinary Medical, Engineers, Guide Dogs for the Blind, and Behavioral Sciences boards; the Bureaus of Automotive Repair and Security and Investigative Services; and the Barbering and Cosmetology and Cemetery and Funeral programs. In addition, OER assisted the Psychology, Behavioral Science, and Podiatric Medicine boards in enhancing their oral examinations.

**Occupational Analysis:** Occupational analyses were conducted for marriage, family, and child counselors; cosmetologists; structural engineers; registered dental hygienists; and San Francisco bar pilots. The results of the occupational analyses will be used to develop new examinations.

**Passing Score Workshops:** Passing score workshops were conducted for smog check technicians; marriage,

family, and child counselors; engineers; and veterinarians.

**Electronic Examination Development:** OER developed a local area network for subject matter experts to enter test questions directly into item banks. The electronic network improves efficiency of the examination development process by reducing time needed for entering and editing items, increasing the productivity of the item writers.

**Mission Contributions:** The work performed by OER was instrumental in establishing licensing standards that protect the consumer. Consumer protection was enhanced by ensuring that the examinations administered by licensing programs are job-related and assess competencies that are required for safe and effective practice. Also, the consumer is protected when passing scores are established at a level that ensures that practitioners are minimally competent.

## INTERNAL AUDIT OFFICE

SHARON FERRANTE-VINTZE, AUDIT MANAGER

**Purpose:** As mandated by the Legislature, the Internal Audit Office (IAO) provides the DCA Director the Department's report card of assurance that there is an adequate level of accountability and management control in its programs and processes. The IAO reviews the adequacy of management accountability in the more than 40 entities that compose the Department of Consumer Affairs. In delivering this accountability, IAO is attempting to meet a higher level of standards through establishing closer communication with clients, auditees, and management; educating staff and management on control issues via newsletters; and informing all levels of management about IAO's role and responsibilities.

**Audit Office Comparisons:** In 1996 IAO collected information on the activities, practices, and other audit

data of internal audit units at other state departments. This information provided IAO a benchmark to gauge its own activities and performance, as well as to identify workload or state operational trends, adaptable efficiencies, or improvements to audit practices. Based on its research, IAO established several innovative processes and ensured that process reengineering includes adequate controls and feasible implementation. The study revealed that state internal audit office activities are fairly consistent, which allowed IAO to categorize like services, thereby aligning operations to effectively deliver those services. Staff with highly accredited experience and credentials complimented the operational structure. The structure enabled reduced delivery and review time, thereby increasing efficiencies in service. IAO reports to the Department's audit committee, which comprises the

Director, Chief Deputy Director, Deputy Director—Legal Affairs, Deputy Director—Legislation, Deputy Director—Board Relations, and Program Chiefs. The statewide study revealed that the composition of the committee provides the most objectivity and independence in regard to oversight.

**Accomplishments:** During the fiscal year, IAO (1) began a Department-wide aggressive audit and plan incorporating all internal accounting and administrative control functional areas of DCA entities; (2) completed and reported on seven board reviews regarding the adequacy of administrative and operational controls; and (3) provided consulting and special services to boards, such as a review of the effectiveness of Sunset Review changes enacted.

## LEGAL AFFAIRS DIVISION

DERRY KNIGHT, DEPUTY DIRECTOR

**Purpose:** The Legal Affairs Division provides legal services to the Director and the agencies of the Department, including its boards, bureaus, committees, programs, and commission. The Division comprises the Legal Office and the Legal Services Unit.

### LEGAL OFFICE

**Accomplishments:** The Legal Office accomplished the following significant activities during FY 96-97:

- Issued more than 300 written legal opinions regarding administrative and professional licensing laws, including corporate practice of medicine, preneed funeral arrangements, copyrighting of state examination materials, physician assistants prescribing medication, public records, and information disclosure.
- Presented a variety of training programs for board members and client agency personnel on topics such as subpoenas, the Administrative Procedure Act, interim suspension orders, and conflicts of interest.
- Provided technical assistance to Departmental constituent agencies regarding securing regulatory approval of disciplinary guidelines.
- Actively assisted in the development of legislation and implementing regulations for the Bureau of Automotive Repair Smog Check program, including the Gold Shield certification of specially qualified Smog Check stations.
- Assisted consumers being extorted with the wrongful disclosure of their tax records on the Internet.
- Briefed Departmental constituent agencies on the impact of the Federal Welfare Reform Act on the administration of licensing programs in California.
- Served as a consultant to the new edition of *California Administrative Hearing Practice*, 2nd Edition, 1977, "California Continuing Education of the Bar."

- Provided technical legal assistance and advice to Departmental constituent agencies undergoing Sunset Review and implementing recommendations arising out of Sunset Review.
- Continued to provide legal advice to the Department and its constituent agencies in areas of employer/employee relations and contracts for materials and services.

### LEGAL SERVICES UNIT

**Publications:** The unit updated and published the 1996 edition of the three-volume, 1,280-page *Consumer Law Sourcebook for Small Claims Court Judicial Officers*. The handbook is California's key resource on consumer and small claims law and is used by judges, small claims advisors, consumer complaint handlers, law enforcement agencies, attorneys, and others. In addition, the unit obtained a grant from a private foundation in order to update and reprint the *California Tenants* booklet, the Department's most-requested publication. Legal guides were also developed on contracting with a contractor, the home solicitation sales law, and rent-to-own transactions.

**Dispute Resolution:** Thirty-one counties now contribute a portion of their court filing fees to fund conflict resolution programs under the Dispute Resolution Programs Act (ADR), which is administered and enforced by the unit. A unit attorney advises DCA staff on the use of ADR and sits on the Judicial Council's Civil and Small Claims Committee's ADR Subcommittee, working on proposals to implement ADR within the court system in both civil and small claims courts.

**Small Claims:** During the fiscal year, a unit attorney continued the training program for small claims judges, in addition to serving once a month as a pro tem judge. He also served as a member of the Judicial Council's Civil and Small Claims Committee, which develops recommendations for legislative changes to the small claims court process.

**Consultation:** The unit worked closely with the Legal Office on general

consumer law issues, helping the Contractors State License Board develop materials on cancellation of contracts, requesting an Attorney General's opinion on behalf of the Hearing Aid Dispensers Examining Committee, and analyzing federal preemption of the Bureau of Security and Investigative Services' ability to regulate certain airport security functions. In addition, the unit worked closely with the Legislation and Regulatory Review Division to assure the accuracy of bill analyses, enrolled bill reports, and communications with the Legislature.

**Private Postsecondary and Vocational Education:** The unit helped the DCA Director analyze legal and policy issues and crafted a "plain language" legislative proposal in connection with the proposed transfer to DCA of the functions and regulatory authority of the Council for Private Postsecondary and Vocational Education.

**Telecommunications:** The unit actively participated in California Public Utilities Commission (CPUC) and Federal Communications Commission (FCC) proceedings to help assure consumer protection as the local telecommunications market is opened to competition, stressing the following points:

- needlessly restrictive constraints on prices must be relaxed in order to encourage private investment in advanced telecommunications technologies.
- subsidies should be provided to help low-income persons afford basic services.
- government and industry should work together to educate consumers, curb abuses, and resolve problems.
- a regulatory definition of "residential basic service" should be adopted to help consumers intelligently compare services provided by competing carriers, and to encourage carriers to compete on the basis of price, *not* by bundling services in ways which confuse consumers.

## LEGISLATIVE AND REGULATORY REVIEW DIVISION

RAY SAATJIAN, DEPUTY DIRECTOR

**Purpose:** The Legislative and Regulatory Review Division analyzes proposed legislation and regulatory changes and their impact on consumers. The analysis becomes the basis for the Department's recommendations to the Governor's Office. Staff also review all proposed DCA regulations for public health, safety, and welfare impacts.

**Bill Analysis:** During the fiscal year, the Division followed 650 bills, advocating positions on 400.

**Sunset Review Project:** The following bills relating to Sunset Review issues were chaptered during the fiscal year:

SB 825 (Greene, Chapter 813, Statutes of 1997) extends the sunset date for the Contractors State License Board.

SB 826 (Greene, Chapter 704, Statutes of 1997) extends the sunset date of the Board of Dental Examiners and the Committee on Dental Auxiliaries to July 1, 2002, codifies the Committee's responsibilities, and designates seven persons as peace officers for Board investigations.

SB 827 (Greene, Chapter 759, Statutes of 1997) requires the Joint Legislative Sunset Review Committee to review the referral of cases to the Licensing Section of the Office of the Attorney General (AG) by other state agencies, including DCA; the reimbursement to the AG for cases referred; and the AG's handling of referred cases. It also extends the sunset dates for the boards of Registered Nursing, Vocational Nurse and Psychiatric Technician Examiners, Pharmacy, Architectural Examiners, and Structural Pest Control, as well as the Veterinary Medical Board and the Registered Veterinary Technician Examining Committee.

SB 828 (Greene, Chapter 705, Statutes of 1997) extends the sunset date for the Board of Registration for Professional Engineers and Land Surveyors two years, to July 1, 2000. This statute also expands the current exemption for employees of industrial corporations to

include temporary employees, consultants, contract employees, and persons hired pursuant to third-party contracts.

SB 857 (Polanco, Chapter 812, Statutes of 1997) opens more markets to general contractors.

AB 1546 (Davis, Chapter 475, Statutes of 1997) extends the sunset date for the Board of Guide Dogs for the Blind to July 1, 2002 and creates a Landscape Architects Technical Committee in the Board of Architectural Examiners to handle examination, licensure, and regulation of landscape architects. This statute also makes technical changes to the Court Reporters Act and the Funeral Directors and Embalmers Law.

**Significant 1997 Legislation:** Listed below is other major legislation chaptered during the fiscal year:

SB 1346 (Senate Business and Professions Committee, Chapter 758, Statutes of 1997), a DCA Omnibus measure, makes numerous changes in the licensing acts administered by various DCA boards. It increases the number of DCA boards and programs that have express authority to request criminal record checks from the Department of Justice and the Federal Bureau of Investigation on applicants for licensure and clarifies procedures regarding license denials for cause.

SB 780 (Kelley, Chapter 401, Statutes of 1997) maintains the Bureau of Security and Investigative Services revenue and services at existing levels; synchronizes renewal cycles for greater administrative efficiency; increases revenue for the Bureau of Electronic and Appliance Repair to maintain existing programs; and extends the sunset date for the Service Contract Dealers regulatory program to January 1, 2003.

AB 603 (Kuykendall, Chapter 142, Statutes of 1997) enhances cemetery oversight by (1) requiring annual audit reports of cemetery endowment care and special care trust funds together

with their annual reports; (2) making the annual report a public record; (3) requiring cemetery authorities to substantiate expenditures of trust fund income; (4) specifying conditions for reimbursement of local entities from trust funds; (5) requiring cemetery authorities to record any modifications of cemetery property; (6) specifying separate accounting for special care funds; (7) setting limits for compensation of trustees; and (8) requiring signatory acknowledgment of understanding of the role of a trustee in managing trust funds.

SB 243 (Peace, Chapter 452, Statutes of 1997) clarifies a peace officer's authority to carry a concealed weapon when working off-duty as private security and exempts officers from redundant security guard training requirements.

**Smog Check Program:** The following Smog Check legislation was chaptered during the fiscal year:

AB 1492 (Baugh, Chapter 803, Statutes of 1997) exempts vehicles four model years old or younger and low-emitting vehicles from the biennial smog check. It also broadens authority in establishing referee services, eliminates annual testing of "Gross Polluting" vehicles, and creates a \$250 repair cost waiver for low-income vehicle owners.

AB 57 (Escutia, Chapter 804, Statutes of 1997) provides financial assistance to low-income persons for vehicle repairs needed to comply with the Smog Check program.

AB 208 (Migden, Chapter 802, Statutes of 1997) redirects the revenues from the Smog Impact Fee to the High Polluter Repair and Removal Account; increases the smog certificate fee from \$7 to \$10; and establishes a smog abatement fee for certain vehicles exempt from the program.

SB 42 (Kopp, Chapter 801, Statutes of 1997) exempts 1973 and older vehicles from the Smog Check program effective January 1, 1998 and all vehicles 30 years and older effective January 1, 2003.

## LICENSING DIVISION

TERRI CIAU, DIVISION CHIEF

**Purpose:** The Licensing Division promotes consumer protection by ensuring that licensees meet quality standards; supports a competitive marketplace by providing quality licensing services; enhances consumer and licensee awareness through education and public outreach; and actively seeks continuous improvement of licensing standards and quality technologies. The Division provides licensing and related services for the bureaus of Automotive Repair, Electronic and Appliance Repair, Home Furnishings and Thermal Insulation, and Security and Investigative Services, as well as the Cemetery and Funeral Programs. The Licensing Division also administers the Family Support Program.

**Accomplishments:** The Division accomplished the following significant activities during the fiscal year:

- Successfully registered additional guard, firearm, and private investigator licensing populations as required by SB 1375 (Peace, Chapter 710, Statutes of 1996) without impact to regular application processing.
- Implemented AB 2877 (Davis, Chapter 1151, Statutes of 1996), establishing a new license for funeral directors (formerly unlicensed funeral managers) and requiring additional education and continuing education for licensees.
- In line with SB 1077 (Greene, Chapter 1137, Statutes of 1996), the Division worked toward winding down and deregulating the Tax Preparer Program and transferring education certification authority to the Tax Education

Council. In addition, as required by SB 1077, three new home furnishings license types were implemented: wholesalers, manufacturers and importers. With the new license types and system enhancements, the Division will also be capturing industry product lines and specific functions for Market Condition Assessments.

- Through chaptered legislation (AB 2515, Bowler, Chapter 1088, Statutes of 1996), the Division implemented a process to certify Gold Shield Guarantee Repair stations and to license Test-Only stations.
- The Family Support Program has successfully completed the implementation of AB 923 (Speier, Chapter 906, Statutes of 1994), which (1) allows the Department to take action at any time during the licensing cycle against the license or license application of any individual who has defaulted on family support payments, and (2) allows the Department to suspend the licenses of "repeat offenders."
- As a result of chaptered legislation (AB 2234, Murray, Chapter 964, Statutes of 1996), the Division implemented quarterly reporting of burials, entombments, and inurnments by cemetery licensees.
- AB 2645 (Morrissey, Chapter 734, Statutes of 1996), which revises the license cycle, modifies fees, and increases the requirements for firearms requalifications, is currently being implemented.

**Mission Contributions:** The Division supported the DCA mission in the following ways:

- Streamlined business processes based on workload assessment findings. (One change, implementation of alphabetical distribution of workload, has improved services to clients and reduced overall application processing times.)
- Processed an 11 percent increase in telephone calls using existing resources, while providing quality service and minimizing average consumer wait time by 57 percent. Initiated development of a consumer's guide to fingerprint processing with the Department of Justice to educate applicants about proper fingerprinting techniques, reduce fingerprint rejects, and improve processing times.
- Implemented a headquarters "chain" process for licensees that allows for multiple locations of an electronic and appliance repair business to all have the same renewal date.
- Decreased time required for the issuance of initial and renewal licenses by outsourcing the printing and mailing through the Employment Development Department.
- Worked with county district attorneys to expedite the notification of family support compliance.
- Participated in a nationwide audit study conducted by the Department of Health and Human Services, Office of Inspector General, which determined that an administrative process is more expedient and less costly than judicial proceedings in resolving family support defaults.

# LICENSING & REGULATORY BOARDS

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*Executive Officer*

## BOARD OF ACCOUNTANCY

**Purpose:** The California Board of Accountancy was created by statute in 1901. The Board's legal mandate is to regulate the accounting profession for the public interest by establishing and maintaining entry standards of qualification and conduct within the accounting profession, primarily through its authority to license. In California, the accounting profession's licensed practitioners are the certified public accountant (CPA) and the public accountant (PA). The Board currently regulates more than 62,000 licensees, the largest group of accounting professionals in the nation, including individuals, partnerships, and corporations. By authority of the Accountancy Act, the Board (1) administers the National Uniform CPA Examination to California candidates; (2) certifies, licenses, and renews licenses of individual CPAs and PAs; (3) registers CPA partnerships, PA partnerships, and corporations; (4) receives and investigates complaints; (5) takes disciplinary action against licensees for violation of Board statutes and regulations; (6) monitors compliance with continuing education requirements; and (7) reviews the work products of CPAs, PAs, and CPA firms to ensure adherence to professional standards. The Board is unique in its authority to license and discipline *firms* as well as individuals.

**Enforcement:** In addition to revising its disciplinary guidelines, the Board also adopted specific guidelines to be used in determining the circumstances in which naming a firm in an accusation would be appropriate: the firm must be licensed by the state of California, actual or potential harm to California consumers must be present, and factors suggestive of firm culpability must exist. The Board also adopted new guidelines regarding discipline against a licensee for work performed outside California.

In FY 96-97, enforcement actions increased substantially from the previous year. Accusations/petitions filed increased by 71 percent, citations issued increased by 101 percent, and criminal-related referrals increased 400 percent.

**Examination:** Taking assertive action to affirm its zero-tolerance policy for cheating on the Certified Public Accountant Examination, the California Board of Accountancy has become the first state accountancy board in the nation to discipline a licensed practitioner solely on the basis of statistical evidence. The CPA, who became licensed shortly after passing the May 1996 examination, lost her license for at least two years, based on the statistical evidence derived from the "90% Similarity Report," and a sophisticated set of tools designed to detect and confirm cheating.

The Board administers the CPA examination twice a year, in May and in November, at four locations. In November 1996, 8,668 candidates applied for the exam; 7,352 actually sat for the examination. In May 1997, 7,550 applied, and 5,952 candidates sat for the exam.

**Administration:** The Board has voted to keep license renewal fees and initial permit fees at \$100 until July 1, 2001 to aid in achieving its objective to reduce and stabilize the Accountancy Fund reserve at a level equal to approximately three months' operating expenses.

The Board adopted a new regulation (Section 87.7) to require a continuing education course covering the Accountancy Act, the Board's regulations, and professional conduct and ethics. Licensees must complete the course every six years to qualify for active status license renewal.

**Special Events/Projects:** The Board developed and issued its strategic plan, in compliance with the Department of Finance's requirements and consistent with the mandate of Chapter 779, Statutes of 1994. The plan's six strategic goals support the Board's mission of consumer protection, incorporate both the mandates of Sunset Review and the policy direction of the Board, and reflect the core values of the organization. The Board issued its 1995-1996 *ANNUAL REPORT*, as well as four issues of its quarterly publication, *UPDATE*. The Board also participated in the Department's Local Talk<sup>SM</sup> project.

## COMMITTEE MEMBERS

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*Vice Chairperson*

Shari Asplund

Marguerite Hung, OMD, LAc

Jung Min Kim, OMD, LAc

Sandra McCubbin

Benjamin Yang, OMD, LAc

Sophie Wong

Marilyn Nielsen

*Executive Officer*

## ACUPUNCTURE COMMITTEE

**Purpose:** Acupuncture is a theory and method for treatment of illness and disability and for strengthening and invigorating the body. Because acupuncture affects the public health, safety, and welfare, individuals practicing it are subject to state regulation and control. The Acupuncture Committee accomplishes this through administration of the Acupuncture Licensure Act.

**Administration:** In response to a legislative mandate to review the need for all boards in the Department of Consumer Affairs, the Committee concentrated its efforts on completing its Sunset Review report. This report, which outlines the Committee's program history and statistics for the last four years, was due to the Joint Legislative Sunset Review Committee on August 1, 1997. Additionally, in response to the State's Management Memo #96-23 and Budget Letter #96-16, the Committee developed a strategic plan which was submitted to the Department on May 1, 1997 and subsequently to the Department of Finance on July 1, 1997.

**Examining and Licensing:** The Committee administered the California Acupuncture Licensing Examination (CALE) in October 1996 (406 written examinees), December 1996 (434 clinical examinees), and May 1997 (397 written examinees). From July 1, 1996 through June 30, 1997, the Committee issued 607 new licenses. In addition to developing and administering these exams, the Committee's exam contractor, Psychological Services, Inc. (PSI), also completed a comprehensive occupational analysis of the practice of acupuncture. At the conclusion of the May 1997 written exam, PSI resigned as the Committee's contractor, requiring the postponement of the June 1997 clinical exam. Subsequently, the Committee contracted with Cooperative Personnel Services (CPS), a joint-powers agency located in Sacramento, which resumed the development of the clinical exam and scheduled its administration for August 1997.

**Education:** The Committee inspected and approved a new acupuncture school, China International Medical University, in Beverly Hills. With the approval of this school, there are currently 22 Committee-approved acupuncture schools whose graduates may sit for the CALE.

In June 1997 the Committee mailed the fifth edition of its *Points of Interest* bulletin to all licensees and interested parties. The bulletin provides licensees with general information about Committee business and keeps them informed about their responsibilities. As with the prior issue of the bulletin, this issue included a listing of disciplinary decisions taken against licensees, and a listing of delinquent licenses that had recently lapsed or were scheduled to lapse.

**Enforcement:** During the last year, the Committee restructured its staffing, dedicating one position for enforcement issues. This expedited the handling of scope-of-practice issues and complaints. Additionally, the Committee has been more proactive with its cite and fine program; cease and desist letters have resulted in significant compliance by licensees.



## BOARD MEMBERS

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Gordon Carrier  
Lynn Morris  
Edward L. Oremen  
Betsy Weisman  
Frank Williams

Stephen P. Sands  
*Executive Officer*

## BOARD OF ARCHITECTURAL EXAMINERS

*NOTE: As a result of the legislatively mandated Sunset Review process, the Board of Landscape Architects (BLA) ceased to exist on June 30, 1997, and its powers, duties, and functions reverted to the Department of Consumer Affairs, which delegated them to the California Board of Architectural Examiners (CBAE).*

**Purpose:** The California Board of Architectural Examiners (CBAE) protects the public health, safety, and welfare through the regulation of the practice of architecture in the state. It does so by (1) ensuring that those entering the practice meet minimum standards of competency by way of education, experience, and examination; (2) requiring that any person practicing or offering to practice architecture be licensed; (3) establishing standards of practice for licensees; (4) enforcing the laws, codes, and standards governing architectural practice in a fair and uniform manner; and (5) providing information and educational materials to help consumers make informed decisions.

**Enforcement:** During the fiscal year, the CBAE's *Building Official Information Guide* was revised and distributed to all building and planning departments in the state. The CBAE also conducted an annual survey of the effectiveness of its building official contact program. Results of the 1997 survey indicated that more than 92 percent of respondents considered the program an aid to carrying out their duties, with most commenting on their appreciation of the CBAE's efforts. In 1996, the CBAE adopted disciplinary guidelines into its regulations and began the process to adopt into regulation rules of professional conduct authorized by the enactment of AB 2171 (Davis, Chapter 321, Statutes of 1996).

**Examinations:** Computer administration of the national Architect Registration Examination (ARE) began in February 1997. The examination is now administered six days a week, Monday through Saturday, at more than 20 testing centers throughout the state.

**Special Events/Projects:** With the enactment of SB 2036 (McCorquodale, Chapter 908, Statutes of 1994), the Board of Landscape Architects (BLA) ceased to exist on July 1, 1997, and its regulatory programs became the direct responsibility of the Department of Consumer Affairs. Through interagency agreements, the CBAE assumed the operations of the BLA from May 1–June 30, 1997 and the regulation of landscape architects from July 1–December 31, 1997. Legislation (AB 1546, Davis, Chapter 475, Statutes of 1997) was introduced by the Committee on Consumer Protection, Governmental Efficiency and Economic Development which would establish a Landscape Architects Technical Committee under the jurisdiction of the CBAE, effective January 1, 1998.

A web page ([www.cbae.cahwnet.gov](http://www.cbae.cahwnet.gov)) was created on the Internet with information for consumers, licensees, candidates, building officials, and others. The website includes the *Consumer's Guide to Hiring an Architect*, *Candidate's Handbook*, Architects Practice Act, rules, regulations, newsletter items, and links to other pages.

In November 1996 the American Institute of Architects, in coordination with the CBAE, held an Education Summit, a one-day symposium exploring the complex and sometimes controversial relationship between schools and education, licensing examinations, and the current and future practice of architecture in its many diverse forms.

Pursuant to SB 2036 (McCorquodale, Chapter 908, Statutes of 1994), the CBAE completed the Legislative Sunset Review process. A comprehensive Sunset Review report was submitted to the Legislature on October 1, 1996. SB 827 (Greene, Chapter 759, Statutes of 1997) extends the CBAE's sunset date until 2005.

## COMMISSION MEMBERS

William E. Eastman

*Chairperson*

Ernest H. Weiner

*Vice Chairperson*

Frank Azvedo

Elmer E. Costa

H. Andrew Kim

Manuel "Cal" Soto

Michael D. Wells

*Executive Officer*

## ATHLETIC COMMISSION

**Purpose:** The Athletic Commission was created in 1924 by an initiative of the people of California. The Commission regulates professional and amateur boxing and full-contact martial arts throughout the state by licensing all parties involved in an event and by maintaining full control over the administration of each event. This regulatory process maximizes the health and safety of the athlete and ensures that bouts are fair and competitive. The overall result is protection of athletes and of the consumers who pay to watch these events.

**Major Accomplishments:** During the fiscal year, the Commission accomplished the following special projects:

- Implemented the requirement of HIV/HBV testing as a condition of licensure for all professional boxers and martial arts fighters.
- Modified the Professional Boxers' Pension Plan from a defined benefit plan to a defined contribution plan.
- Reduced and restructured the funding mechanism for the professional boxers' neurological examination program and pension plan.

**Legislation:** The Commission is affected by the newly enacted Federal Professional Boxing Safety Act (PL 104-272), which establishes criteria for Commission jurisdiction over boxing events on Indian reservations, as well as other requirements, such as the issuance of boxer identification cards.

**Enforcement:** The Commission resumed administration of amateur boxing events. (Pursuant to statute, administration had previously been delegated to the United States Amateur Boxing Federation.)

## BOARD MEMBERS

DiAnn Eastman

*President*

Daniel Sierras

*Vice President*

Joan Castle Joseff

Jeanette Keaton

Carole Matchette

Howard Stein, DDS

Wayne Sheriff

Pamela Ramsey

*Executive Officer*

## BOARD OF BARBERING AND COSMETOLOGY

*Note: On July 1, 1997, the Board of Barbering and Cosmetology became a Program of the Department of Consumer Affairs.*

**Purpose:** The Board of Barbering and Cosmetology protects the consumers and providers of barbering, cosmetology, electrology, and related services by (1) ensuring minimum competency standards through quality training and timely examination and licensing of qualified persons; (2) vigorously enforcing applicable laws, rules, and regulations and taking appropriate action against harmful practitioners; (3) promoting the delivery of quality services by the industry to the consuming public in a healthy and safe environment; and (4) fostering positive communication with the public, the industry, the Department of Consumer Affairs, and the Legislature. Below are the Board's major accomplishments for FY 96-97.

**Enforcement:** The Board fully implemented the Disciplinary Review Committee, holding appeal hearings throughout California and eliminating the backlog of cite and fine appeal cases. Working with other government agencies, the Board closed three California cosmetology schools operating under substandard conditions and initiated actions to revoke the approval of two other cosmetology schools for alleged health and safety, equipment, training, and record-keeping violations. In addition, as mandated by legislation, the inspection program was changed from annual to random and targeted, and five new inspectors were hired and trained. The Board's disciplinary guidelines were adopted as a regulation, and fine amounts for unlicensed activity were increased.

**Examinations:** The Board has significantly reduced incidences of examination subversion. In addition, the Performance Criteria were revised and distributed; application evaluation procedures for applicants with criminal convictions were strengthened and clarified; a pilot project to verify education and training of out-of-state and out-of-country applicants

was begun; new examinations were developed for barbers, barber instructors, and cosmetology instructors; and a student handbook on the examination process was developed. Reengineered work processes, including a new filing system, have streamlined the Applicant Tracking System.

**Special Events/Projects:** During the fiscal year, staff participated in numerous industry trade shows throughout the state, disseminating educational information to licensees, students, and schools. The Health and Safety Rules were revised and mailed to the more than 400,000 Board licensees. Staff completed assessment of all computer systems to determine changes needed for the year 2000, upgraded the Local Area Network server, and upgraded and standardized all computer software. The Board's outdated automated telephone system was replaced, and off-site facilities were acquired for more accessible storage of licensing files.

**Education:** In the second year of the public access pilot project, more than 106,000 calls were handled for the Board by the Consumer Information Center, a 558 percent increase over the 19,000 calls handled the first year. Informational and educational articles were published in a monthly trade journal circulated to all licensed establishments.

## BOARD MEMBERS

Marsena Buck, LCSW  
*Chairperson*

Lorie Rice  
*Vice Chairperson*

Judy Brislain, LEP  
Stephanie Carter  
Selma Fields, MFCC  
Michael Johnson, LCSW  
Jerry Miller  
Diego Ramirez-Cardenas, MFCC

Sherry Mehl  
*Executive Officer*

## BOARD OF BEHAVIORAL SCIENCES

**Purpose:** The Board of Behavioral Sciences regulates marriage, family, and child counselors (MFCC); licensed clinical social workers (LCSW); licensed educational psychologists; marriage, family, and child counselor interns; and associate clinical social workers. The Board's mission is to protect the consumer by establishing and maintaining standards for competent and ethical behavior by the professionals under its jurisdiction.

**Licensing and Examination:** The Board developed the booklet, *Answers to Frequently Asked Questions*, to provide MFCC interns and LCSW associates the information necessary for going through the examination and licensing process, and for compliance with the Board's licensing laws and regulations. The Board augmented oral examiner training sessions by preparing training programs and content outlines for participants.

**Continuing Education:** The Board's continuing education regulations became effective on May 19, 1997. As part of their renewal requirements, MFCCs and LCSWs are required to complete 36 hours of continuing education from Board-approved providers or accredited/approved schools. As of June 30, 1997, the Board had 420 approved providers.

**Enforcement:** To aid expert consultants in the review of investigative material and in the preparation of reports, the *Board of Behavioral Sciences Expert Guidelines* was developed. In February 1997, the Board received regulatory authority to issue citations and fines. The new cite and fine program, a much-needed disciplinary alternative, will allow the Board to more effectively and efficiently address relatively minor violations. The Board will be implementing this program in the upcoming months.

**Special Events/Projects:** The Board's strategic plan, originally created in FY 89-90 and updated in FY 93-94, was revised and approved this past year. The plan outlines four strategic goals: to streamline the application process for licensure; to strengthen the examination program; to increase consumer services and consumer protection; and to simplify and clarify legislative and regulatory language and prepare new legislation.

Over the past year, the Board has made significant improvements to its office technology. New computers were acquired, a local area network was installed, and electronic mail for staff was added. In its first year of operation, the Board's website (<http://www.bbs.ca.gov>) received 48,000 "hits."

In August 1996, the Board began publishing a newsletter, *BBS Business*. Two issues have been sent to licensees; beginning with the Fall 1997 issue, it will be sent to registrants as well. The newsletter is used to notify licensees and registrants of regulatory and legislative changes, as well as other items of concern.

## BOARD MEMBERS

John Chalker

*Chairman*

Douglas E. Barnhart

*Vice Chairman*

Robert H. Alvarado

Marilyn J. Dailey

Sharon J. Kowertz

Robert A. Laurie

Whitey Littlefield

Minnie Lopez-Baffo

David Lucchetti

Mrs. Phil Moore

Steve Patterson

Timothy Strader

Nina S. Tate

Gail W. Jesswein

*Executive Officer*

## CONTRACTORS STATE LICENSE BOARD

**Purpose:** The Contractors State License Board (CSLB) licenses and regulates the more than 270,000 contractors in the building trades professions in California and promotes the general welfare of the public in matters relating to building construction by (1) ensuring that construction is performed in a safe, competent, and professional manner through licensing of contractors and enforcement of the licensing laws; (2) providing resolution to disputes that arise from construction activities; and (3) educating consumers so that they may make informed choices.

**Enforcement:** The enforcement program continued to reduce its pending caseload and improve customer satisfaction. The amount of restitution and correction work recovered for the public increased 10 percent. Because of aggressive enforcement by the Board, complaints against unlicensed contractors fell by 10 percent.

**Examinations:** To ensure effective licensing, the Board updated six trade examinations: general engineering, elevator installation, flooring and floor covering, masonry, roofing, and swimming pool classifications. Occupational analyses have been completed for the general engineering and elevator installation classifications (e.g., interviews, panel meetings, and a statewide survey of licensees). Licensees representing flooring and floor covering, masonry, roofing, and swimming pool classifications reviewed current examination items and added new questions.

**Special Events/Projects:** The Board instituted a successful pilot public awareness campaign to educate consumers about what they should know before hiring contractors. More than half a million consumers were reached through the Board's new conference outreach program, and 83 speeches were placed by the new speakers bureau. A new 32-page booklet, *Home Improvement Contracts: Putting the Pieces Together*, answered questions about what must be included in home improvement contracts for both consumers and contractors. The demand was such that the initial run of 10,000 booklets was gone in less than one month. The test pilot documented heightened awareness of key messages; the most successful and cost-effective portions of the campaign are to be taken statewide.

**Other:** The Board operates one of California government's most popular Internet websites, with more than 370,000 "hits" last fiscal year. This website now allows the public real-time access to CSLB licensing information. The license status can be obtained using either a license number or a business name. The language and status of proposed legislation can also be obtained.

CSLB continues to protect consumers from deliberate and inadvertent malfeasance and helps them to better protect themselves by giving them timely, valuable information.

## BOARD MEMBERS

John Hilbert

*President*

Peggy Porter

Vice President

Carolyn Gregor, CSR

Lorraine Koster, Public Member

Lillian Maloney, Public Member

Rick Black

*Executive Officer*

## BOARD MEMBERS

Peter Hartmann, DDS

*President*

John Berry, DDS

*Vice President*

Genevieve Klugman, RDH

*Secretary*

Richard Benveniste, DDS

Victoria Camilli, Esq

Robert Christoffersen, DDS

Sandra Laderas, RDA

M. Michael Moran, Esq

Sylvia Muscia

Kit Neacy, DDS

Roger Simonian, DDS

Joel Strom, DDS

Stephen Yuen, DDS

Georgetta Coleman

*Executive Officer*

## COURT REPORTERS BOARD OF CALIFORNIA

**Purpose:** The Court Reporters Board protects consumers of court reporting services by establishing and maintaining high qualifications, performance, and ethical behavior standards for court reporters.

**Enforcement:** The Board expanded its liaison with the court system through meetings with administrators from Superior Courts and Courts of Appeal. These meetings have led to greater understanding by Board staff and court personnel of each other's systems. These meetings have also led to earlier intervention by the Board in cases that may have otherwise required formal discipline. The Board also expanded its use of mediation in the complaint process in order to provide more timely and meaningful remedy to consumers. In addition, the Board implemented its own enforcement tracking system to ensure the retrieval of accurate complaint status information.

**Examinations:** The Board met with schools and videographers to discuss the feasibility of using videotape for the administration of the examination. The Board is continuing to explore opportunities to make its examination more user-friendly and to offer it more frequently.

**Newsletter:** The Board's first newsletter, distributed in the spring of 1997 to all licensees, judges, and court administrators in the state, was well received. While funding for a continued newsletter is questionable, the Board feels that regular communication with consumers and licensees is beneficial and is exploring the redirection of cost savings in other areas.

**Legislation:** The Board was successful in obtaining legislation requiring licensees to notify the Board of convictions and disciplinary action taken by another state or any other licensing agency, information otherwise not available to the Board. This will allow the Board to ensure that its licensees are abiding by all applicable laws.

## BOARD OF DENTAL EXAMINERS

**Purpose:** The Board of Dental Examiners protects consumers of dental services in California, administers a licensure examination that thoroughly tests graduates' fitness to safely practice dentistry, and enforces the laws and standards governing the practice of dentistry.

**Examinations:** The occupational analysis of the Board's examination has been completed. In 1998, three new components will be added to the clinical licensure examination: endodontics, California law, and the ability to apply ethical principles to the practice of dentistry. The prosthetic demonstration has been revised from a denture set-up to a removable prosthodontic evaluation examination.

**Enforcement:** The Board's enforcement program remains an integral component in the spectrum. Prosecutions that resulted from Board investigations have increased 118 percent. During the fiscal year, the Board increased the number of administrative disciplinary actions by 26 percent. However, most dramatic was the 230 percent increase in the filing of statement-of-issues cases (cases involving applicants for licensure who have criminal convictions). The Board's fingerprinting program has resulted in the discovery that a number of applicants have been convicted of criminal violations. Overall, the Board's enforcement program had a 45 percent increase in administrative actions.

**Legislation:** This was a very important legislative year for the Board of Dental Examiners. SB 826 (Greene, Chapter 704, Statutes of 1997) required the Sunset Review of the Board and the Committee on Dental Auxiliaries (COMDA). Both the Board and COMDA have been reestablished until the year 2003. SB 1243 (Hughes, Chapter 791, Statutes of 1997) increased the Board's fee authority. AB 560 (Perata, Chapter 753, Statutes of 1997) authorizes dental hygienists to practice independently under specific conditions and in

specific locations. AB 348 (Cunneen, Chapter 168, Statutes of 1997) eliminated the requirement that dental corporations register with the Board. AB 1116 (Keeley, Chapter 792, Statutes of 1997) will phase out the foreign dental examination by the year 2003. All applicants for licensure would either have to be graduates of an ADA-accredited dental school or a Board-approved foreign dental school. SB 1014 (Brulte, Chapter 752, Statutes of 1997) established that a dentist must examine and develop a treatment plan for first-time patients prior to permitting an auxiliary to perform services.

## COMMITTEE MEMBERS

Diane Owen, RDA  
*Chairperson*

Rhona Lee, RDHEF  
*Vice Chairperson*

Bobbi d'Arc, RDA  
*Secretary*

Wayne Del Carlo, DDS  
Liza Karamardian, DDS  
Genevieve Klugman, RDH  
Kristy Landgren, RDH  
Stephanie Lemos, RDH

Karen R. Wyant  
*Executive Officer*

## COMMITTEE ON DENTAL AUXILIARIES

**Purpose:** In creating the Committee on Dental Auxiliaries, the Legislature intended (1) to permit the full utilization of dental auxiliaries in order to meet the dental care needs of all the state's citizens, and (2) that a career ladder be established to permit the continual advancement of auxiliaries without requiring repeat training for skills already acquired. In addition to the mandates of the Legislature, the Committee administers the examination, qualification, and licensing processes related to four main license classifications of dental auxiliaries for the Board of Dental Examiners: registered dental hygienist in extended functions (RDHEF), registered dental hygienist (RDH), registered dental assistant in extended functions (RDAEF), and registered dental assistant (RDA).

**Examinations:** The Committee continued to focus on calibrating its examiners and streamlining its examination processes, and began discussions to fully investigate the reliability and future direction of all its examinations and their related processes.

**Special Projects:** The Committee continued to conduct an occupational analysis of registered dental hygienists and extended functions licensees (RDAEFs and RDHEFs) to assure relevancy, validity, and reliability of the licensure examinations.

**Legislation:** The Joint Legislative Sunset Review Committee and the Administration completed the Sunset Review of the Committee, which resulted in legislation (SB 826, Greene, Chapter 704, Statutes of 1997) to continue the Committee through July 1, 2002. The legislation also places into statute the duties which the Board has historically delegated to the Committee, such as the administration of the examination and licensing processes.

**Other:** The Committee completed a Strategic Plan to guide its operations over the next five years. The plan, which has been approved by the Department of Consumer Affairs, will be reviewed at least annually to ensure that it continues to reflect the mission and goals of the Board of Dental Examiners and the Committee.

The Committee also began efforts to join in the Department's plan to convert to the Integrated Consumer Protection System, both to integrate all computer functions and to avoid the problems presented by the approach of the year 2000.

## BOARD MEMBERS

Steve Lazarian

*President*

Quang Vu, PE

*Vice President*

Vincent DiTomaso, PE

Ted Fairfield, PE

Kathryn Hoffman

Andrew Hopwood

Marilyn Lyon

Chip Mamiya

Myrna B. Powell

Millicent Safran

George Shambeck, PLS

Eugenie Thomson, PE

Hoi Wong, PE

Cindi Christenson, PE

*Executive Officer*

## BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS & LAND SURVEYORS

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

**Mission:** The Board's mission to combat fraudulent business practices, educate and inform licensees and the public, and protect the consumer and promote partnerships was accomplished through placing increased information on the Internet, mailing the Enforcement Bulletins to all registrants, licensees, and local building officials, and outreach to various segments of the educational and professional communities regarding Board policies.

**Enforcement:** The Board established a website allowing access to information such as the *Consumer Guide to Professional Engineering and Professional Land Surveying*, complaint forms, and Board Policy Resolutions; mailed quarterly Enforcement Bulletins to all registrants, licensees, and building officials; held 21 enforcement outreach meetings with various professional societies and city and/or county agency staff, resulting in the generation of 32 land surveying enforcement cases; and adopted a regulation regarding Disciplinary Orders to be used in administrative disciplinary matters against its registrants and licensees.

**Examinations:** The Board contracted with Professional Management Evaluation Services (PMES) for the occupational analysis of its geotechnical engineering, land surveying, seismic principles, and engineering surveying examinations. The DCA Office of Examination Resources completed an occupational analysis for the California Special Four (corrosion, safety, quality, and traffic) examinations, as well as for the California-specific structural and geotechnical examinations. In addition to examining California applicants, the Board examined more than 75 non-US engineer-in-training applicants as part of its outreach to Pacific Rim countries.

**Special Events/Projects:** The process for a new regulation establishing a retired/inactive status for engineers and land surveyors was begun, and the Strategic Plan for FY 96-97 was completed and approved by the Department.

**Legislation:** A comprehensive rewrite of the Professional Engineers Act was introduced as AB 969 (Cardenas), a two-year bill. The Board submitted its report to the Joint Legislative Sunset Review Committee as required by SB 828 (Green, Chapter 705, Statutes of 1997).

**Other:** Nearly 1,500 persons attended 25 outreach meetings held with professional society members, university officials, and students.

## BOARD MEMBERS

Seena Hoose

*President*

Monta Huber

*Vice President*

Robert Lindblom

Sharon Jasek Reid

James Rezowalli

Paul Russ

Laraine Woitke

Dalton Pollard

*Executive Officer*

## BOARD OF REGISTRATION FOR GEOLOGISTS AND GEOPHYSICISTS

**Purpose:** The Board of Registration for Geologists and Geophysicists protects the health, safety, and welfare of the public by examining and licensing geologists and geophysicists and certifying engineering geologists and hydrogeologists in California. The Board's enforcement responsibility includes unlicensed practice and the investigation of deceit, misrepresentation, contract violations, fraud, incompetence, and negligence connected with the practice of geology and geophysics.

**New Projects:** In recent months the Board has initiated many new projects that will make important changes in the way the Board does business, including the following:

- **Development of a Strategic Plan.** As required of all state agencies, the Board prepared a strategic plan. This performance-based budgeting document will become the blueprint for the way the Board does business for many years to come. This living document will be reviewed annually and revised as necessary.
- **Revising the Geologist and Geophysicist Act.** As a result of the Sunset Review process in late 1994 and 1995, the Board concluded that the Geologist and Geophysicist Act should be revised. A preliminary draft was prepared during the fiscal year; in 1998 the document will be discussed at public hearings.
- **Performing Task Analyses to Revalidate the Examinations.** To ensure that an examination reflects actual tasks performed by the profession, it must be revalidated every five to seven years. The Board has entered into a contract with the DCA Office of Examination Resources to perform task analyses for its four examinations beginning in the last half of 1998.
- **Adoption of a Criterion-Referenced Pass Point for Examinations.** The Board is in the process of adopting a psychometrically recognized, criterion-referenced pass point method for examinations. This method sets the pass point based on the degree of difficulty of each examination as established by a panel of subject matter experts. It is not to be confused with a method that grades on a curve. The new method will replace the arbitrary 70 percent pass rate used today.
- **Adoption of the Disciplinary Guidelines in Regulations.** In order to comply with SB 523 (Kopp, Chapter 938, Statutes of 1995), the Board adopted its disciplinary guidelines into regulations in late June 1997, with an effective date of July 1997.
- **Strengthening Outreach Programs to the Public, Licensees, Governmental Agencies, Colleges, and Universities.** The Board has committed itself to strengthening its outreach programs by making presentations to any group that would like to hear about Board activities. Three publications per year will be sent to all interested parties to keep them informed. In FY 96-97 the Board made presentations to several state agencies and professional societies regarding enforcement and new developments at the Board. Further, it has committed to holding public hearings after each major geologic disaster.



## BOARD MEMBERS

Harry L. Thomas  
*President*

Manuel Urena  
*Secretary*

Audrey Hebner  
Hugh Lyttleton  
June Shockency  
Melita Waters

Pat Urena  
*Executive Officer*

## BOARD OF GUIDE DOGS FOR THE BLIND

*NOTE: Sunset Review, effective 6-30-97, turned the Board into a Program;  
Sunrise, effective 1-1-98, returns the Program to Board status.*

**Purpose:** The Board of Guide Dogs for the Blind is responsible for regulation of guide dog schools, instructors, and fundraising.

**Examinations:** During the fiscal year, the Board performed a number of guide dog instructor tests and studied the problems occasioned by a dramatic increase in the number of persons wanting to be licensed.

**Special Events:** The Board facilitated the development of a special exhibition at the California Restaurant Show in San Francisco.

**Legislation:** Along with the Department, the Board sponsored legislation that returned regulation to a Board rather than a part of the Department's bureau structure. (Note: The legislation was signed into law by the Governor in October 1997 and becomes effective January 1, 1998.)

**Other:** A continuing education statute for all guide dog instructors was implemented.

**Mission Contributions:** The Board made the following contributions to the DCA mission:

- **Business practice:** Ensures that any contributions to guide dog work in California will go to organizations that meet the criteria for practice; and also ensures that blind persons who wish guide dogs can expect high standards in the training—or have a sure way to gain redress.
- **Educate and inform licensees:** Implements the continuing education statute to enhance the professional competence of all instructor licensees. Makes extensive efforts to assure that licensees receive timely notices and other essential information.
- **Educate and inform consumers:** Works to ensure that consumers are well-informed about guide dog training and usage, including making presentations at major consumer meetings, soliciting consumer input, distributing materials where possible in braille, and being accessible for complaints and inquiries.
- **Investigation/enforcement/resolution:** Resolves many licensee and consumer problems through early investigation and active enforcement (often by mediation and joint discussions with complainant and licensee).
- **Partnerships:** Works toward the long-range goal of effective, mutually respectful partnerships between guide dog users and licensees (schools and instructors).

## COMMITTEE MEMBERS

Deborah R. Kelly, MS

*Chairperson*

Marilyn Havens

*Vice Chairperson*

Betty Cordoba

Gloria Schaefer de Cordova

Gus Gill, MD (Resigned 12/96)

Keld Helmuth

Fay Sorenson, PhD

Peggy Richardson

*Executive Officer*

## HEARING AID DISPENSERS EXAMINING COMMITTEE

**Purpose:** The Committee protects hearing-impaired citizens from fraudulent or incompetent fitting and selling of hearing aids; prepares, administers, and grades an examination to evaluate competence; and enforces the Hearing Aid Dispensers Licensing Law.

**Enforcement:** Five licenses were revoked in FY 96-97, and four dispensers had their licenses placed on probation. One revocation was a dispenser who had a history of fraudulent practices, specifically "bait and switch" advertising and not refunding money as required by the Song-Beverly Consumer Warranty Act. Another dispenser was convicted on a criminal charge of unlicensed practice. Citations and fines continued to be issued for violations ranging from allowing trainee licensees to supervise an office to more severe cases of misleading advertising.

**Examinations:** The Committee administers a licensing exam consisting of a written and a practical portion. During the fiscal year, the passing rate for the written exam was 49 percent; the rate for the practical exam was 32 percent. In November 1996 the Committee administered a newly developed, more objective and consistent practical exam and provided training sessions to ensure that examiners were familiar with the procedures of the new exam. The Committee also set a limit of 50 candidates per practical exam (because of the time required to complete the exam) and increased the fees for both the written and practical exams to cover administration costs.

**Special Events/Projects:** Pursuant to Senate Bill 2036 (McCorquodale, Chapter 908, Statutes of 1994), the Committee began preparing a report for the Joint Legislative Sunset Review Committee which details the Committee's actions and procedures and provides detailed statistics for the last four fiscal years. The Committee also prepared a strategic plan, to be reviewed and updated annually, to guide it through the next few years.

**Legislation:** SB 1592 (Rosenthal, Chapter 441, Statutes of 1996) authorized the Committee to conduct its own regulatory hearings. The proposed regulations must be reviewed by the Medical Board of California prior to their submission to the Department of Consumer Affairs.

## BOARD MEMBERS

Sandra Gonzalez-Fiorenza  
*President*

Greg Burgener  
*Vice President*

Eric Erickson  
Dell Yelverton  
Tom Lockett  
John Larson

Jeanne Brode  
*Executive Officer*

## BOARD OF LANDSCAPE ARCHITECTS

*NOTE: As a result of the legislatively mandated Sunset Review process, the Board of Landscape Architects (BLA) ceased to exist on June 30, 1997, and its powers, duties, and functions reverted to the Department of Consumer Affairs, which delegated them to the California Board of Architectural Examiners (CBAE).*

**Purpose:** The Board of Landscape Architects (BLA) protects consumers of landscape architectural services by ensuring that all licensees meet the required threshold of competency and that those who engage in fraudulent business practices are disciplined.

**Enforcement:** The BLA adopted a policy to allow persons whose licenses have been delinquent for 3-5 years the opportunity to bring their licenses current without retesting. Licenses that are delinquent for 5 years or more are invalid; the individual is required to retake the licensing examination and is also subject to a citation and fine if he or she has been practicing during this period.

**Examinations:** On July 26, 1996 the BLA voted to return to using the national landscape architectural licensing examination prepared by the Council of Landscape Architectural Registration Boards (CLARB). The national Landscape Architectural Registration Exam (LARE) consists of multiple sections and is administered twice per year, with the complete exam offered each June and the four graphic sections offered each December. The BLA administered the December 1996 examination to 25 candidates and the June 1997 exam to 125 individuals.

**Legislation:** The Board worked with representatives from the various professional associations, including the American Society of Landscape Architects and the American Institute of Architects, California Council; the Department of Consumer Affairs; and the California Board of Architectural Examiners (CBAE), to reach consensus concerning regulatory jurisdiction over landscape architects once the Board was terminated. As a result of these negotiations, AB 1546 (Committee on Consumer Protection, Governmental Efficiency and Economic Development, Chapter 475, Statutes of 1997) was amended to permanently transfer the governance of California landscape architects from DCA to the CBAE effective January 1, 1998. The bill also authorizes CBAE to delegate its authority to a statutorily created Landscape Architects Technical Committee.

**Strategic Plan:** At its final meeting, held on June 4, 1997, the BLA adopted a six-year strategic plan encompassing the following three primary strategies: (1) merge the functions of the program within CBAE and DCA; (2) provide safe consumer markets with the fewest barriers to entry into the markets regulated by the program; and (3) streamline and improve services to consumers, candidates, and licensees.

**Rulemaking:** The BLA introduced the following four regulatory rulemaking packages during FY 96-97:

- **Appeals**—Repeals a candidate's ability to appeal his/her exam results. This change was sought due to the fiscal impact of score verification and the BLA's confidence in the grading process established by CLARB.
- **Disciplinary Action**—Requires landscape architects to practice in a competent manner, specifically defines the term "competency," and requires a landscape architect to accurately represent to a client his/her qualifications and the scope of his/her responsibility in connection with work for which he/she is claiming credit. A landscape architect may not alter the scope of work without prior approval of the client.
- **Disciplinary Guidelines**—Adopts disciplinary guidelines by reference to the California Code of Regulations.
- **Exam Transition Plan**—Outlines a transition plan from the Professional Examination for Landscape Architects to the LARE and designates the LARE as California's licensing examination.

## BOARD MEMBERS

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Kip Skidmore

Raja Toke, MD

Ron Joseph

*Executive Director*

## MEDICAL BOARD OF CALIFORNIA

**Purpose:** The Medical Board of California protects consumers through proper licensing of physicians and surgeons and certain allied health professions and through the vigorous, objective enforcement of the Medical Practice Act.

**Enforcement:** Enforcement activity continued to improve in FY 96-97 compared to FY 95-96. The number of cases referred to the Attorney General was increased by 11 percent, the number of temporary restraining orders and interim suspension orders was up by 19 percent, and the number of citations and fines rose by 40 percent. The ability to cite and fine saves time and money by allowing physicians to be disciplined administratively for relatively minor violations.

**Licensing:** The Medical Board's Division of Licensing processes licensing applications, tests candidates for physician and surgeon licensure, and coordinates the licensing programs for midwifery and several allied health professions. During the fiscal year, the Division administered 1,117 oral examinations to physician and surgeon applicants and issued more than 3,500 new physician and surgeon licenses. More than 290,000 licenses were verified by the Division's Consumer Information Unit. The new version of the National Association of Registered Midwives examination was conducted; as a result, by February 1997 California had a total of 42 registered lay midwives.

**Special Projects:** In May 1997 the Medical Board of California established a comprehensive website that includes access to public record information on individual physicians and surgeons licensed in this state. Only four other states have websites to date. Also on the website is information about services provided to consumers by the Medical Board, how to choose a doctor, when and where the Board meets and how to attend, other health professions not regulated by the Medical Board, and biographical information about Board members.

**Legislation:** In addition to its "omnibus bill" (AB 1555, Gallegos, Chapter 654, Statutes of 1997) which would make a number of technical changes to the Medical Practice Act, the Board sponsored four bills during the 1997 legislative session:

SB 324 (Rosenthal)—Would amend the definition of the practice of medicine to include making a decision regarding the medical necessity or appropriateness of any diagnosis, treatment, operation, or prescription. This amendment is designed to ensure that those who make decisions concerning the diagnosis or treatment of a patient have the same degree of responsibility and accountability as those who make the actual diagnosis or administer the treatment directly.

AB 523 (Lempert, Chapter 332, Statutes of 1997)—Would simplify the licensing process for academically eminent physicians and surgeons being recruited for clinical faculty positions at California medical schools. (This provision would secure the appointment of superb faculty currently being recruited by other states where the process is easier.)

AB 563 (Prenter, Chapter 514, Statutes of 1997)—Would allow the Medical Board to protect the public by automatically suspending the California license of physicians whose licenses are suspended or revoked by another state or jurisdiction.

AB 1079 (Cardoza)—Existing law requires successful completion of one year of approved postgraduate training to obtain a physician and surgeon license. This bill would require an additional postgraduate year of training for physicians and surgeons licensed after December 31, 2001, thus raising the level of minimum qualifications to protect California patients.

**Other:** The Medical Board of California entered into an agreement with the Department of Health Services to jointly produce information for the Board's licensees on emerging issues and the latest techniques in medicine. This information is being provided via the Board's quarterly newsletter, the *Action Report*, to all California-licensed physicians and to an extensive mailing list of interested parties. Information provided to date includes mandatory new standards for childhood inoculations, reporting communicable diseases, guidelines for diabetes care, and promotion of the state's smoking cessation campaign.

## BOARD MEMBERS

Orrin S. Cook, MD

*Chairperson*

Sheldon Blumenthal

*Vice Chairperson*

Diana Fortune  
Marilyn Jesswein  
Brian Johnston  
Barbra McClung  
Jon Pynoos, PhD  
Madale Watson

Kim Smith

*Executive Officer*

## BOARD OF NURSING HOME ADMINISTRATORS

**Purpose:** The Board of Nursing Home Administrators protects the health, safety, and public welfare by regulating the practice of nursing home administrators. This is achieved by licensing qualified applicants, establishing regulations, enforcing laws and regulations, and taking enforcement action as warranted against negligent or incompetent licensees.

**Budget:** A decreasing licensee population continues to reduce Board revenues. Accordingly, the Board continued to closely monitor expenditures and to implement cost reduction measures, achieving savings of approximately \$95,000.

**Sunset Review:** Pursuant to SB 2036 (McCorquodale, Chapter 908, 1994), the Board prepared and submitted a comprehensive report and participated in public hearings before the Joint Legislative Sunset Review Committee. The Committee subsequently recommended sunseting the Board as of July 1, 1998, primarily because of its ongoing fiscal dilemma.

**Legislation and Regulation:** In order to increase public protection, the Board joined a coalition of consumer protection boards in seeking legislation authorizing the processing of applicant fingerprint information (SB 1346, Senate Business and Professions Committee, Chapter 758, Statutes of 1997) by the Federal Bureau of Investigation.

The Board amended several sections of Title 16, California Code of Regulations, dealing with a variety of subject areas, including (1) expanding required state examination language to allow exam administration flexibility; (2) correcting a code section reference and adding birthdate cyclical renewal information; (3) amending the administrator-in-training (AIT) program requirements; (4) establishing a cite and fine program; (5) extending the examination application deadline from 21 to 30 days and the continuing education course approval request submission deadline from 15 to 30 days prior to the first class session; (6) establishing a 30-day deadline for AIT applicants; (7) and increasing the state and national examination fees to statutory maximums. The Board also conducted public hearings dealing with adoption of disciplinary guidelines pursuant to the requirements of SB 523 (Kopp, Chapter 938, Statutes of 1995), proration of the Board's initial license fees, and elimination of 30-day grace periods prior to assessment of license renewal delinquency fees.

**Enforcement:** The Board aggressively instituted its cite and fine program, with heavy concentration on unlicensed practice, and continued working with licensed nursing home administrators as peer reviewers through its Expert Witness Program. The Board also diligently increased efforts to maintain mutually established time frames that the Attorney General's Office must follow when handling the Board's cases in order to clear up case backlogs and support the Board's cost-containment efforts.

## BOARD MEMBERS

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Mel Santos, Esq  
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Jane R. Vogel, MA

Karen L. Ollinger  
*Executive Officer*

## BOARD OF OPTOMETRY

**Purpose:** The Board of Optometry administers the Optometry Practice Act, conducting licensing examinations; issuing licenses for the practice of optometry, for branch offices, and for optometric corporations; and issuing fictitious name permits, as well as statements of licensure. The Board also accredits schools and colleges of optometry, while enforcing the laws and regulatory features of the Act. In order to ensure that consumers of optometric services receive quality vision care, it is the Board's purpose to allow only those doctors who possess the necessary optometric knowledge, skills, and abilities to acquire and hold licenses to practice as optometrists.

**Enforcement:** The Board revoked the licenses of two optometrists who had operated from a number of high-volume, makeshift offices in persistent violation of statutory and regulatory requirements. Violations included unprofessional conduct, gross ignorance, professional inefficiency, operating unsanitary facilities, performing inadequate examinations, and operating without sufficient equipment.

Additionally, the Board, in partnership with the two California schools of optometry—UC Berkeley and the Southern California College of Optometry—conducted training workshops for investigative staff to help expedite the investigation and prosecution of Board cases.

**Examinations:** The Clinical Skills portion of the National Board of Examiners in Optometry was adopted as a requirement for licensure. In addition, the Board increased the frequency of the licensure examination to twice a year.

**Special Events/Projects:** The Board completed a five-year, long-range strategic plan focusing on proactive measures for consumer protection. A website was also developed to provide consumers and licensees quick and easy access to information on consumer rights, optometric services, and Board actions. In order to keep the public informed, the Board also employs a liberal complaint disclosure policy and publishes all final disciplinary actions.

**Legislation and Regulation:** The Board sponsored legislation (AB 2771, Alpert, Chapter 328, Statutes of 1996) to convert the optometric license renewal period from annual to biennial and adopted regulations to clarify and implement recently enacted legislation providing for therapeutic pharmaceutical agent certification for optometrists.

## BOARD MEMBERS

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Gary Dreyfus, PharmD

*Vice President*

Caleb Zia

*Treasurer*

M. Standifer Shreve

Tom Nelson

Raffi Simonian, PharmD

Darlene Fujimoto, PharmD

Sandra Bauer

Kenneth Tait

Patricia F. Harris

*Executive Officer*

## BOARD OF PHARMACY

**Purpose:** The Board of Pharmacy serves the public by protecting the health, safety, and welfare of the people of California with integrity and honesty; advocating the highest quality of affordable pharmaceutical care; providing the best available information on pharmaceutical care; and promoting education, wellness, and quality of life.

**Advocacy for Patient Education:** The Board continued its high-visibility public education program by publishing and distributing to all California pharmacists and pharmacies a continuing education monograph on pain management entitled *Health Notes*. This publication for pharmacists and other health care providers also helps patients to better understand their illnesses, comply with prescribed treatment regimens, and take greater responsibility for their health. The Board also provided three hours of continuing education credit to nearly 3,000 pharmacists who successfully answered *Health Notes'* continuing education questions on pain management.

The Board hosted the National Association of Boards of Pharmacy District 7 & 8 annual meeting in Sacramento in October, attended by representatives from the 11 western boards and pharmacy schools. The agenda highlighted programs of importance to the Board, including presentations on the undertreatment of pain and prescription error reporting/monitoring systems for quality control.

In June the Board presented an abstract on the undertreatment of pain at the 1997 National Meeting for State Cancer Pain Initiatives in St. Paul, Minnesota.

**Controlled Substance Utilization Review and Evaluation System (CURES):** With the support of the Board, AB 3042 (Takasugi, Chapter 738, Statutes of 1996) was passed, permitting the Department of Justice to undertake a three-year pilot study to automate the present burdensome and ineffective system of requiring Schedule II controlled substance prescriptions to be handwritten on triplicate forms for tracking by the Department of Justice's Bureau of Narcotic Enforcement. The automated system will provide regulatory agencies with complete data regarding the dispensing of Schedule II drugs and will remove perceived impediments that sometimes prevent patients from receiving the effective medications they truly need. Because of the strategic importance of automating this tracking system, the Board provided \$1.05 million to fund this project.

**Sunset Review:** The Board underwent Sunset Review by the California Legislature. The Board's report to the Joint Legislative Sunset Review Committee covered Board operations, programs, and accomplishments; the need to regulate the pharmacy profession and related fields; and efforts to improve the current regulatory process. The recommendation following this review, incorporated into SB 827 (Greene, Chapter 759, Statutes of 1997), continues the Board until 2004, when another sunset evaluation will be conducted. The Board was praised by both the Joint Legislative Sunset Review Committee and the Department of Consumer Affairs as one of the better run entities in the Department, and its report was praised for its presentation and thoroughness.

**Award:** In May 1997, the National Association of Boards of Pharmacy presented the Fred T. Mahaffey Award to the Board as the state board of pharmacy that has substantially contributed to the protection of the public health and welfare.

**Legislation:** The Board sponsored legislation, AB 2802 (Granlund, Chapter 890, Statutes of 1996), to revise and rearrange pharmacy law into a more organized format, and to eliminate duplicate and archaic sections. The revisions were the product of several years of work by a joint task force of the Board, pharmacy associations, representatives of the schools of pharmacy, and interested parties.

**Strategic Plan:** The Board's new strategic plan, which replaces the 1994 plan, should direct Board operations for the next five years.

## COMMITTEE MEMBERS

Jerry Kaufman, PT  
*President*

Louis Garcia  
*Vice President*

June Koefeld  
Valerie Sinkus, PT  
Virginia Zlaket

Steve K. Hartzell  
*Executive Officer*

## PHYSICAL THERAPY EXAMINING COMMITTEE

**Purpose:** The Physical Therapy Board of California protects the consumer by administering and enforcing the Physical Therapy Practice Act and by ensuring that physical therapy is provided by qualified, competent physical therapists and their supportive personnel.

**Enforcement:** The Board protected the public from the incompetent and unprofessional practice of physical therapy by issuing one Interim Suspension Order (ISO) and revoking five licenses: three for sexual misconduct, one for unlawful use of drugs, and one for noncompliance with terms and conditions of probation.

The Board's highest priority is to protect consumers by investigating complaints and taking disciplinary action against licensees and applicants for licensure who endanger the health and safety of the consumer. During the fiscal year, the Board adopted disciplinary guidelines to assist administrative law judges and Board members in imposing the most appropriate penalty upon an applicant for licensure or a licensee who violates the laws or regulations governing the practice of physical therapy.

**Examinations:** The Board aggressively worked in concert with the Professional Examination Service and the Federation of State Physical Therapy Boards to implement computer-based testing. Computer-based testing protects the public by expediting the processing of qualified therapists and identifying unqualified individuals earlier than is possible with paper-and-pencil tests.

**Special Events:** The topic of the Board's annual Public Forum in October was the adequate and appropriate supervision of auxiliary personnel.

**Legislation/Regulations:** The Board amended the Administrative Citation regulation to provide for a single range of fine amounts, to include the authority to issue a citation *without* a fine, and to make the citation authority consistent with the recently adopted disciplinary guidelines. The Board also adopted the disciplinary guidelines into regulation by reference and amended the examination fees to be consistent with the actual cost of administering the examinations.

Additionally, the Board updated its strategic plan and has been preparing a Sunset Review report to present to the Joint Legislative Sunset Review Committee as mandated by SB 2036 (McCorquodale, Chapter 908, Statutes of 1994).

## COMMITTEE MEMBERS

Steven D. Johnson, PA  
*Chairperson*

Robert E. Sachs, PA  
*Vice Chairperson*

Holly Ferguson, PA  
Carole Hurvitz, MD  
Carolyn Lytle, MD  
Steven Morey, PA  
Sandra Navarro, PhD  
Juande Ragsdale-Blevins

Ray E. Dale  
*Executive Officer*

## PHYSICIAN ASSISTANT EXAMINING COMMITTEE

**Purpose:** The Physician Assistant Examining Committee (PAEC) protects consumers by licensing physician assistants (PAs), processing applications for approval of supervising physicians, and approving physician assistant training programs. The Committee ensures that licensees and approved programs have met minimum licensure requirements.

**Enforcement:** To further enhance consumer protection, during June 1997 the Committee adopted a new regulation incorporating the Model Disciplinary Guidelines by reference. The guidelines are Committee-suggested recommendations for disciplinary orders and conditions of probation for many of the more serious violations of laws and regulations by physician assistants.

**Examinations:** PAEC uses the Physician Assistant National Certifying Examination (PANCE) as its licensing exam. The National Commission on Certification of Physician's Assistants (NCCPA) now administers the PANCE twice per year, in April and October, rather than only in October. This will permit applicants to obtain licenses in a more timely manner.

**Special Projects:** (1) The Department of Consumer Affairs, in cooperation with the Physician Assistant Examining Committee, is currently developing a new management information data system known as the Integrated Consumer Protection System (ICPS).



When implemented, ICPS will assist Committee staff in processing applications and handling enforcement matters in a more timely and efficient manner. ICPS will ultimately replace the current Consumer Affairs System (CAS) I and II data systems. (2) During FY 96-97 the Spring 1997 edition of the *PAEC Update* was produced and mailed to all licensed physician assistants, supervising physicians, approved PA training programs, and interested others. The *PAEC Update* assists the Committee in educating and informing licensees and consumers about PA laws, regulations, the PA Diversion Program, and enforcement issues. (3) With the assistance of the DCA Communications and Education Division, news releases were distributed to newspapers, radio, and television stations throughout California to notify licensees and consumers about various PAEC public meetings. (4) Committee members, a special consultant, and staff gathered data and developed responses to the Joint Legislative Sunset Review Committee's questionnaire.

**Other:** Committee staff lectured California PA training program students and educators regarding licensing, regulations, and enforcement issues, and operated an information table at the annual conference of the professional association that represents California physician assistants.

## BOARD MEMBERS

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*Vice President*

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Michael A. DiGiacomo, DPM

Iva Greene, MA

JoAnne M. Watson, DPM

Jim Rathlesberger, MPA

*Executive Officer*

## BOARD OF PODIATRIC MEDICINE

**Purpose:** The Board of Podiatric Medicine (BPM) is the unit of the Medical Board that protects consumers by (1) licensing Doctors of Podiatric Medicine (DPMs), (2) setting podiatric education standards and approving schools and postgraduate programs, and (3) enforcing the Medical Practice Act in regard to podiatric medical doctors.

**Enforcement:** During FY 96-97, the Board took licenses from four DPMs through revocation proceedings or surrender during prosecution. Twenty-two new cases were sent to the Attorney General, and nine new Accusations were signed to initiate prosecution of unprofessional conduct. Nine DPMs were placed on probation.

**Examinations:** The Board examined 107 candidates for entry-level competence, passing 76 (71 percent). A validation study chaired by the manager of the DCA Office of Examination Resources was completed with participation by Medical Board personnel. The study "commended the BPM on its highly objective, well-structured, and effective examination."

**Sunset Review:** BPM conducted three regional hearings to take public testimony and prepared a draft of the report due October 1, 1997 to the Joint Legislative Sunset Review Committee. In its public hearings, the Board took testimony from the Center for Public Interest Law, Citizen Advocacy Center, the Pew Health Professions Commission, the University of California-San Francisco Center for the Health Professions, the US Inspector General's office, the California Podiatric Medical Association, and the American Association of Colleges of Podiatric Medicine. Much of the testimony focused on the Board's proposal for being reconstituted with a majority of public members.

**Student Loan Crackdown:** BPM worked closely with US Student Assistance Director Michael Henningburg to facilitate his 1996 visit to California and meetings with health profession licensing boards. The Board took swift action on outstanding loan defaulters licensed as DPMs.

**Legislation:** The Board endorsed proposals to (1) enact meaningful continuing competency requirements, (2) update the required curriculum for approved schools to match current instruction, and (3) prevent advertising of false and misleading specialty certifications.

## BOARD MEMBERS

Bruce Ebert, PhD, JD  
*President*

Judith Janaro Fabian, PhD  
*Vice President*

Mary McMillan  
*Secretary*

Mary Ellen Early  
Lilli Friedland, PhD  
Martin Greenberg, PhD  
Linda Hee, PhD  
Marilyn Palarea

Thomas O'Connor  
*Executive Officer*

## BOARD OF PSYCHOLOGY

**Purpose:** The Board protects the health, safety, and welfare of consumers of psychological services by (1) ensuring that psychological services are provided in a safe, competent, and professional manner through the establishment of minimum qualification standards for licensees and registrants and vigorous enforcement of the licensing laws and regulations; (2) educating consumers to enable them to make informed decisions regarding psychological services; and (3) disseminating regulatory information to licensees, registrants, trainees, and applicants.

**Special Projects:** FY 96-97 proved to be the busiest year yet for Board staff. Research for the Board's report to the Joint Legislative Sunset Review Committee of the California Legislature dominated efforts all year. Staff also worked with contractors to develop solutions to the year 2000 computer system problem and identified critical Board needs related to DCA's proposed Integrated Consumer Protection System.

The Board conducted an off-site retreat to formulate its strategic plan, which was recently approved by the Department of Consumer Affairs. As a pilot project, the Board is participating in a new Pacific Bell program entitled Local Talk<sup>SM</sup>, which allows consumers to access recorded messages on a variety of topics. Other efforts to educate and inform the consumer include the addition of an Internet web page ([www.dca.ca.gov/psych](http://www.dca.ca.gov/psych)) with links to other websites, and the development of four consumer brochures, each of which provides complaint and disciplinary information as well as continuing education, licensing, and general information. The Board's chairperson and executive officer continued statewide speaking engagements at county psychological associations and to interns and trainees at colleges and universities. Additionally, the Board's newsletter, *BOP Update*, was published during the year.

**Enforcement:** The enforcement program filed a record 61 decisions for the year, conducted a task force meeting to develop guidelines for handling child custody complaints, and provided annual training for the Board's 70 expert case reviewers.

**Licensing:** Psychology Examination Service has begun to administer the national written examination, the Examination for Professional Practice in Psychology, in both northern and southern California twice each year. The Board has adopted the national passpoint for the written examination as recommended by the Association of State and Provincial Psychology Boards (ASPPB).

**Legislation/Regulation:** To refine the program, the Board promulgated continuing education regulations, as well as regulations to increase examination fees to cover actual costs and to incorporate by reference the Board's disciplinary guidelines. Efforts to establish the American Psychological Association's ethical Code of Conduct into regulation form failed but will be revisited next year.

**Award:** The Board was selected as the 1997 recipient of the President's Award by the ASPPB for innovative, exemplary, and unusual contributions to psychology regulation and for being a leader in the development of defensible oral examination procedures, as well as in efforts to protect citizens of California through active participation in the ASPPB Disciplinary Data Bank.

## BOARD MEMBERS

Mary Jo Gorney-Moreno,  
PhD, RN

*President*

Genevieve D.R. Deutsch,  
RNC, OGNP

*Vice President*

Sharon Ecker, RN  
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Monta Huber  
Judith M. Jonilonis, RN, BBA,  
CNOR  
Seth Liebman  
Anne Panushe  
Kay Schroer, RN, MSN

Ruth Ann Terry, MPH, RN

*Executive Officer*

## BOARD OF REGISTERED NURSING

**Purpose:** The mission of the Board of Registered Nursing (BRN) is to protect the health and safety of consumers and to promote 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.

**Enforcement:** To reduce the risk of fraud and license impersonation, the Board replaced its paper license with a tamper-resistant plastic card license bearing a unique hologram and secure signature panel. In addition, the Board's new cite and fine authority provides an enforcement process for violations of the Nursing Practice Act where formal discipline is not indicated. Staff evaluate the level of the fine and whether an order of abatement is required. In cases of unlicensed practice, an order of abatement will **always** be included, and cases will be referred to the District or City Attorney if criminal activity is involved.

**Exams:** The Board is working with the National Council of State Boards of Nursing in a pilot study to evaluate a new testing methodology called Computer Simulated Testing (CST), which may become part of the licensure exam. Seven schools in California and four alternates were selected as pilot testing sites. CST is designed to evaluate application of the clinical decision-making process to the management of care through a series of patient scenarios.

**Sunset Review:** During 1997 the Joint Legislative Sunset Review Committee recommended that the Board of Registered Nursing continue for six more years as the agency responsible for the regulation of registered nursing. The committee also supported the Board in seeking statutory authority to certify Clinical Nurse Specialists. (A bill authorizing the titling of Clinical Nurse Specialist was chaptered August 2, 1997.)

**Regulation Review:** In conjunction with the preparation of its Sunset Review report, the Board conducted a comprehensive review of all its regulations pursuant to Executive Order W-127-95. This resulted in identifying outdated, unclear, or unnecessary regulations requiring revision or repeal. Most of the changes were incorporated into the Board's 1997 rulemaking calendar, with the rest scheduled to follow in 1998.

**Area I Meeting:** The BRN and Board of Vocational Nursing and Psychiatric Technician Examiners cohosted the Area I Meeting of the National Council of State Boards of Nursing (NCSBN) in March 1997. In attendance were 78 participants representing 12 states and the Northern Mariana Islands. The Regulatory Day of Dialogue/Education Sessions and Area I Business Meeting were well received. Important regulatory issues, such as multistate licensure and electronic licensure verification, were discussed and will be voted on at the August 1997 NCSBN Delegate Assembly.

**Public Education and Information:** The Board developed and distributed new consumer videos and brochures to inform the public about available services and programs. It also sent the latest Nursing Practice Act, routinely provided to new licensees, to all 254,000 registered nurses to ensure access to current laws regulating nursing. In addition, the Board conducted a successful educational conference for 500 participants regarding needs for registered nurse student education in light of changing health care delivery systems. To recognize registered nurses who retire from the practice of nursing, the Board developed an honorary certificate and cover letter which are sent to those who notify the Board of their retirement at the time of license renewal.

**Strategic Planning:** In a public/private partnership, the Board provides leadership in activities of the California Strategic Planning Committee/Colleagues in Caring (CSPCN/CIC). This group obtained a grant from the Robert Wood Johnson Foundation to refine a forecasting model for projecting the demand and supply of registered nurses, advanced practice registered nurses, and licensed vocational nurses. This information will be crucial to legislators, executive branch policy makers, employers, and educational programs in determining the allocation of resources. It will also enable California's nursing education programs to prepare the appropriate number and type of nurses to provide care to California residents.

## BOARD MEMBERS

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*Vice President*

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Louise Leigh

Peter M.S. Margand, MD

Valarie Dudley, RCP

Virginia Ettinger, RCP

Barbara J. Young, EdD

Cathleen A. McCoy

*Executive Officer*

## RESPIRATORY CARE BOARD

**Purpose:** The mandate of the Respiratory Care Board (RCB) is "... to protect and serve the consumer by administering and enforcing the Respiratory Care Practice Act and its regulations in the interest of the safe practice of respiratory care."

Licensed Respiratory Care Practitioners (RCPs) regularly perform critical lifesaving and life support procedures prescribed by physicians that directly affect major organs of the body. RCPs provide care directly to the patient in either a hospital setting or the patient's home. Patients may be suffering from lung cancer, emphysema, asthma, or cystic fibrosis, or may be premature infants whose lungs have not yet fully developed. More than 19,000 RCP licenses have been issued in the State of California.

**Enforcement:** Due to the Board's stringent application process, thorough background checks, and proactive enforcement program, more than 60 applicants had their licenses revoked or were denied licensure. Of these denials and revocations, approximately 35 percent involved the use/abuse/possession of alcohol/controlled substances, 20 percent involved battery, and 13 percent involved sexual misconduct with either a child or patient.

The Board has implemented within the Division of Investigation a specialized unit dedicated to aggressive and effective monitoring of RCB probation cases. This arrangement has proven to be cost-effective, reducing monitoring expenditures by approximately 40 percent. The number of revocations during probation continues to rise, with the largest number due to substance abuse.

During the fiscal year, the Board implemented its cite and fine program, which is a cost-effective and time-saving alternative for cases that do not warrant formal discipline. Applicants or licensees are fined \$1,000 for holding themselves out as respiratory care practitioners and/or performing respiratory care services without valid and current licenses.

In line with the Board's Enforcement Program goals and objectives, staff have moved forward in assessing and collecting costs associated with enforcement expenditures from those individuals responsible for the incurred expenses. In December 1996, the Board joined in the Interagency Intercept Collections Program managed by the Franchise Tax Board. This program allows for collection and interception of both tax refunds and lottery winnings from individuals who owe delinquent cost recovery amounts. The Board has been the most successful of all boards in its collection of cost recovery, collecting approximately 44 percent of the total costs awarded.

**Education:** The Board continues to work toward refining education requirements. Beginning in July 2000, all applicants for licensure must meet more stringent educational standards.

**Outreach:** The Board has finalized and begun disseminating its complaint information pamphlet and patient rights flyer, "Ten Commandments for Respiratory Care Patients." In April 1997 staff explained the Board's mandate during a half-hour talk show which was aired a number of times on several cable stations in Southern California. The RCB continues to publicize all disciplinary actions through the *Respiratory STAT*.

**Special Projects:** The Board completed its annual strategic plan and received the approval of the Department of Consumer Affairs. Further, the Board has been diligently working on its Sunset Review report, which will be presented to the Legislature in FY 97-98 to demonstrate the need for the continued existence of the Respiratory Care Board and regulation of the respiratory care profession. This report reflects 15 years of history since legislation established the Board in 1982.

## COMMITTEE MEMBERS

J. Stephen Sinclair, PhD

*Chairperson*

Li-Rong "Lilly" Cheng, PhD

*Vice Chairperson*

David M. Alessi, MD, FACS

Cydney M. Fox, MA

Rebecca Leonard, PhD

Mary Ruth Pinson

Donald W. Regan, PhD

Marilee Monagan

*Executive Officer*

## SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY EXAMINING COMMITTEE

**Purpose:** The Speech-Language Pathology and Audiology Examining Committee protects the public health, safety, and welfare through the appropriate regulation of the practices of speech-language pathology and audiology in California.

**Enforcement:** Enforcement activities were enhanced through increased use of the Committee's cite and fine authority and transfer of complaint investigations to the DCA Division of Investigation. The Committee's disciplinary guidelines were submitted to the Office of Administrative Law for review and approval.

**Special Events/Projects:** The Committee is assisting the DCA Office of Examination Resources with an occupational analysis to describe the practice of speech-language pathology in terms of tasks that are performed by practitioners on the job. The analysis will be completed in 1998.

The Committee adopted a new subcommittee structure in which the subcommittees conduct individual meetings prior to the regularly scheduled Committee meetings.

The Committee approved its strategic plan, which outlines nine strategic goals in the areas of enforcement, licensing, consumer and licensee education, data management/information technology, scope of practice, maintenance of licensee competency, and regulatory streamlining.

Committee staff participated in the annual conference of the California Speech-Language-Hearing Association in April 1996. The Executive Officer and a Committee member participated in the annual conference of the National Council of State Boards of Examiners for Speech-Language Pathology and Audiology in Baltimore, Maryland.

**Legislation:** The Committee supported AB 205 (Machado) to create a new classification—speech-language pathology assistant, and SB 407 (Polanco, Chapter 382, Statutes of 1997), which will add cerumen removal to the audiology scope of practice. The DCA "omnibus bill," SB 1346 (Polanco, Chapter 758, Statutes of 1997) contains provisions that authorize the Committee to administer its own disciplinary cases, change its name to the more accurate Speech-Language Pathology and Audiology Board, and eliminate the 30-day grace period for payment of renewal fees.

**Public Outreach:** The Executive Officer and staff have conducted informal briefings on various college and university campuses to share information and materials with students in communicative disorders programs about the requirements necessary for licensure in California. The Public Outreach subcommittee has started developing a data base of consumer organizations. The Committee newsletter format was recently redesigned beginning with the November 1996 issue. The Committee's consumer brochures are also in the process of being updated and redesigned.

## BOARD MEMBERS

Nicholas Papadakis  
*President*

Chuck Brasiel  
*Vice President*

Carl Doucette  
Theodora Poloynis-Engen  
Glenn Hellyer  
Kenneth Moore

Donna J. Kingwell  
*Executive Officer*

## STRUCTURAL PEST CONTROL BOARD

**Purpose:** The Structural Pest Control Board examines, licenses, and regulates persons practicing structural pest control and ensures that they have the skills and knowledge to (1) inspect structures for infestations of wood-destroying pests, (2) inspect structures for infections caused by organisms, and (3) properly treat and control infestations and infections. The Board further protects the consumer by mediating consumer complaints, investigating alleged violations, and disciplining registered companies and licensees.

**Enforcement:** At the request of the Board, the state Attorney General filed two separate lawsuits against certain pest control companies for engaging in misleading advertising and unfair business practices in their use of alternative methods of pest control. The Board's Consumer Services Unit responded to an average of 78 questions and complaints per day. Many of the consumer complaints were mediated, and a number were sent through the disciplinary process.

**Examinations:** The Structural Pest Control Board requested \$100,000 to conduct an occupational analysis to review and update the entire examination process for all branch licenses. The requested dollars were approved by the Legislature, and the occupational analysis will be conducted in FY 97-98.

**Special Projects:** In January 1997 the Board installed a new, state-of-the-art Optical Imaging System to improve the processing and storage of inspection reports on wood-destroying pests and organisms. At optimum capacity, this new system will store some 8,000 reports per day, facilitating the requests and processing of inspection reports for the consumer, legal entities, and other governmental agencies.

**Legislation:** The Board is supporting a current two-year measure, AB 1134 (Machado) which would require that an alternative method of pest control (other than fumigation) be registered by the Department of Pesticide Regulation before it can be sold to a consumer for eradication of wood-destroying pests and organisms.

The Board developed a strategic plan setting out goals, strategies, and actions for the next two years. Much of the strategic plan deals with the delivery of viable goals which will enhance the continued protection and education of the consumer. One of the goals was to develop a website in conjunction with the Department of Consumer Affairs through which up-to-date information concerning structural pest control can be made easily available to the consumer.

## BOARD MEMBERS

Alberto Aldrete, DVM  
*President*

Ellen O'Connor  
*Vice President*

Michael Clark, DVM  
Nancy Collins, DVM  
Robert Weber, DVM

Susan M. Geranen  
*Executive Officer*

## VETERINARY MEDICAL BOARD

### REGISTERED VETERINARY TECHNICIAN EXAMINING COMMITTEE

**Purpose:** The Veterinary Medical Board (VMB) regulates the practice of veterinary medicine through licensing, examination, and enforcement of the rules and regulations governing veterinary medicine. Inspection of veterinary hospitals for minimum standards and sanitary conditions and prompt handling of complaints and disciplinary actions are critical in providing a minimum level of protection for consumers and their pets.

The Registered Veterinary Technician Examining Committee (RVTEC) is mandated to (1) develop and administer a registered veterinary technician (RVT) certifying examination to ensure competency of those individuals who assist veterinarians in the practice of veterinary medicine and (2) perform inspections and approve all private schools or institutions offering a curriculum for training RVTs.

## COMMITTEE MEMBERS

Gerald Ross, RVT

*Chair*

Harold Davis, RVT

Suresh Dogra, DVM

Susan M. Geranen

*Executive Officer*

**Enforcement:** The Board handled 458 new complaints during FY 96-97, including jurisdictional, nonjurisdictional, and unlicensed activity complaints. The Board uses in-house veterinarian consultants and a complaint review committee to review complaints and make determinations as to violation status. The Board issued 10 cite and fine actions for negligence and/or incompetence, fraud and/or deception, improper record keeping, unprofessional conduct, and unlicensed activity during the fiscal year.

If the initial complaint review indicates a serious violation, the Board initiates a formal investigation with the Division of Investigation. In FY 96-97, the Board initiated 54 formal investigations. Based on investigation determinations, the Board adopted 11 disciplinary action decisions through the Attorney General's office that included revocations, stayed revocations, license surrenders, suspensions, probations, cost recovery, and fines.

This year the Board inspected 268 veterinary hospitals, issuing 348 Notices of Violation.

**Examination:** During the fiscal year, 368 candidates sat for the California State Board, 370 candidates sat for the National Board Examination, and 363 candidates sat for the Clinical Competency Test at two separate examination administrations. The Board issued 454 new veterinary licenses. In addition, 408 candidates sat for the Registered Veterinary Technician examination, and 234 new RVT certifications were issued.

**Special Events/Projects:** Pursuant to SB 2036 (McCorquodale, Chapter 908, Statutes of 1994), the VMB and RVTEC completed their Sunset Review reports, which included an analysis of the need for continued regulation of the veterinary profession and the effectiveness of the regulatory programs.

The Spring 1996 newsletter was mailed to approximately 9,000 veterinarians, 3,000 registered veterinary technicians, 2,000 veterinary facilities, and 300 consumers and consumer agencies. The 19-page newsletter included a listing of expired licenses and articles on the VMB's regulatory, enforcement, and examination activities.

The Board created a website on the Internet ([www.vmb.ca.gov](http://www.vmb.ca.gov)) to enhance its ability to communicate with consumers, licensees, and other interested parties.

**Legislation:** The Board sponsored AB 839 (Thomson, Chapter 642, Statutes of 1997) for its sunrise legislation. The bill contained language to establish an advisory committee to make recommendations to the Board on matters relating to veterinary technicians. The bill also revised the examination fee schedule.

The Board was included in SB 827 (Greene, Chapter 759, Statutes of 1997), which extends the sunset date of the Board until 2004, adds one public member to the Board composition, and makes various other changes.

The Board monitored several other bills, including (1) AB 460 (House, Chapter 895, Statutes of 1997), which requires the Board to issue a license for the practice of veterinary medicine in the commercial poultry industry to any applicant who fulfills requirements prescribed by the bill, and (2) SB 80 (Kopp, Chapter 380, Statutes of 1997), which would authorize an RVT registered with the federal Drug Enforcement Agency to purchase sodium pentobarbital and perform euthanasia without the supervision or authorization of a licensed veterinarian.

**Other:** The Executive Officer and individual Board members attend many functions throughout the year to present information on veterinary ethics and on laws governing the practice of veterinary medicine in California today. These functions include meetings held by the California Veterinary Medical Association (CVMA), the University of California-Davis, and various other entities.

The Board worked in conjunction with a Sacramento television station to address veterinary medicine and the Board's functions.

## BOARD MEMBERS

Charles L. Bennett, LVN

*President*

Carolyn Duncan, PT

*Vice President*

Holly Donn, PT

Cecelia Estrada, RN

Karen Feller, LVN

Elinor Glenn

Mary Humphrey

Mary Petersen

Bridget Robins

Teresa Bello-Jones, JD,

MSN, RN

*Executive Officer*

## BOARD OF VOCATIONAL NURSE AND PSYCHIATRIC TECHNICIAN EXAMINERS

**Purpose:** The Board of Vocational Nurse and Psychiatric Technician Examiners regulates the practice of the approximately 96,000 licensed vocational nurses (LVNs) and 16,500 psychiatric technicians (PTs) in California. The mission of the Board is to protect the public's health, safety, and welfare by ensuring that only qualified persons become LVNs and PTs and that required education, competency, and practice standards are established and enforced.

**Licensing:** In July 1996 the Board implemented a fingerprint screening program to check the criminal histories of applicants. California applicants are screened by the Department of Justice (DOJ); out-of-state applicants are screened by DOJ and the Federal Bureau of Investigation.

In October 1996, the Board revised its license renewal notices to require all licensees to declare, under penalty of perjury, whether they have been convicted of a crime since their last license renewal. Since its inception, more than 300 licensees have self-reported convictions ranging from driving under the influence of alcohol or drugs, to petty theft, to assault with a deadly weapon. The collection of this criminal conviction information and subsequent disciplinary action (for those crimes substantially related to the profession) strengthen the Board's consumer protection programs.

The Board was selected by the National Council of State Boards of Nursing (NCSBN) to participate as a member of the Multistate Regulation (MSR) Task Force to develop a regulatory concept for vocational nurses that incorporates the characteristics of a multistate license. The pursuit of this regulatory concept is prompted by NCSBN's vision to achieve a state nursing license recognized nationally and enforced locally.

**Examinations:** The Board contracted with the Department of Consumer Affairs Office of Examination Resources (OER) for completion of its computer-administered examination development services for the psychiatric technician (PT) program. The contract, which began January 1, 1997 and will be in place until June 30, 1999, will allow the Board to achieve substantial savings.

**Legislation/Regulation:** The Board adopted regulations, effective November 22, 1996, delineating its disciplinary guidelines which are used by the Office of the Attorney General and the Office of Administrative Hearings in administrative deliberations.

**Strategic Plan:** The Board conducted extensive research to identify strategic issues and trends in the current and future health care environment, and Board member workshops were held in January and April 1997 to review and analyze the data gathered. Based on its analysis, the Board updated its mission statement, goals, and objectives and the performance measures required to effectively monitor the accomplishment of its strategic plan. A revised strategic plan was adopted by the Board in June 1997.

**Sunset Review:** The Board submitted its Sunset Review report to the Joint Legislative Sunset Review Committee (JLSRC) on October 1, 1996. Subsequently, Senate Bill 827 (Greene, Chapter 759, Statutes of 1997) was introduced by the JLSRC to effectuate the Board's sunrise. As recommended by the Board, SB 827 includes language to change the composition of the Board to a public member majority and incorporates a minor amendment to drop the word "Examiners" from the Board's title to more accurately reflect the Board's role and responsibilities. The new name would be "The Board of Vocational Nursing and Psychiatric Technicians."

**Consumer Education/Outreach:** The Executive Officer, Board members, and staff attend numerous functions throughout the year to present information on the laws governing LVNs and PTs in California. The Board continues to develop and distribute consumer brochures and has significantly improved its semiannual newsletter. Additionally, the Board is in the process of developing its own website, which will provide general consumer information about the Board, including how to file a complaint.



# ASSISTANCE PROVIDED & BUSINESSES & PROFESSIONS LICENSED & REGULATED BY THE DEPARTMENT OF CONSUMER AFFAIRS

UPDATED THROUGH DECEMBER 1, 1997

## BOARD RELATIONS

400 R Street, Suite 3000  
Sacramento, CA 95814  
(916) 323-2191

Liaison between the Department  
and its boards, committees, and  
commission

## CONSUMER INFORMATION & ANALYSIS DIVISION

400 R Street, Suite 1080  
Sacramento, CA 95814  
(916) 445-1254 (800) 952-5210  
TDD (916) 322-1700  
TDD (800) 326-2297

Assistance with consumer  
complaints and inquiries (available  
in English, Spanish, and 133 other  
languages)

## DISPUTE RESOLUTION OFFICE

400 R Street, Suite 3090  
Sacramento, CA 95814  
(916) 322-5254

Guidance and assistance to county  
dispute resolution programs

## COMMUNICATIONS & EDUCATION DIVISION

400 R Street, Suite 3060  
Sacramento, CA 95814  
(916) 324-1691

Assistance with media, public,  
legislative, and governmental  
inquiries

## ACCOUNTANCY, Board of

Carol Sigmann, Executive Officer  
2000 Evergreen Street, Suite 250  
Sacramento, CA 95815  
(916) 263-3680

Certified public accountants (CPA)  
Public accountants (PA)  
CPA or PA corporations and  
partnerships

## ACUPUNCTURE COMMITTEE

Marilyn Nielsen, Executive Officer  
1424 Howe Avenue, Suite 37  
Sacramento, CA 95825  
(916) 263-2680

Certified acupuncturists

## ARBITRATION REVIEW PROGRAM

Rachel Chavez, Manager  
400 R Street  
Sacramento, CA 95814  
(916) 323-3406

Certification and monitoring of  
arbitration programs established to  
resolve vehicle warranty disputes.

## ARCHITECTURAL EXAMINERS, Board of

Stephen P. Sands, Executive Officer  
400 R Street, Suite 4000  
Sacramento, CA 95814  
(916) 445-3393

Architects  
Landscape architects

## ATHLETIC COMMISSION

Michael D. Wells, Executive Officer  
1424 Howe Avenue, Suite 33  
Sacramento, CA 95825  
(916) 263-2195

5757 West Century Blvd, Suite 16  
Los Angeles, CA 90045  
(310) 641-8668

Assistant matchmakers  
Boxers (professional and amateur)  
Full contact martial arts and  
kickboxing (professional and amateur)  
Gyms  
Judges (professional and amateur)  
Managers  
Promoters and matchmakers  
Referees (professional and amateur)  
Sparring permits  
Timekeepers  
Trainers/seconds

## AUTOMOTIVE REPAIR, Bureau of

K. Martin Keller, Chief  
400 R Street, Suite 3000  
Sacramento, CA 95814  
(916) 445-7964

Automotive repair facilities  
Lamp and brake inspection stations  
Smog check stations and technicians

## BARBERING & COSMETOLOGY PROGRAM

Pamela Reed, Program Administrator  
400 R Street, Suite 4080  
Sacramento, CA 95814  
(916) 445-7061

Apprentices (barber, cosmetology,  
electrology)  
Barber instructors  
Barbers  
Board-licensed establishments  
Cosmetologists  
Cosmetology instructors  
Electrologists  
Estheticians  
Manicurists  
Provisional instructors  
(The Program no longer licenses schools  
but does approve curriculum.)

**BEHAVIORAL SCIENCES, Board of**

Sherry Mehl, Executive Officer  
400 R Street, Suite 3150  
Sacramento, CA 95814  
(916) 445-4933

Licensed educational psychologists  
Licensed clinical social worker corporations  
Licensed clinical social workers  
Registered associate clinical social workers  
Licensed marriage, family, and child counselor corporations  
Marriage, family, and child counselor registered interns  
Marriage, family, and child counselors

**CEMETERY & FUNERAL PROGRAMS**

Sally McKeag, Acting Chief  
400 R Street, Suite 3040  
Sacramento, CA 95814  
(916) 322-7737

Cemeteries, cemetery sales agents, cemetery brokers  
Crematories  
Cremated remains disposers

Apprentice embalmers  
Embalmers  
Funeral directors  
Funeral establishments

**CONTRACTORS STATE LICENSE BOARD**

Dr. C. Lance Barnett, Registrar  
9835 Goethe Road  
Sacramento, CA 95827  
(916) 255-3985  
(800) 321-2752

General engineering contractors - Class A  
General building contractors - Class B  
Specialty contractors - Class C

Boiler, hot water, heating, and steam fitting  
Building moving/demolition  
Cabinet and mill work  
Carpentry  
Concrete  
Drywall  
Electrical (general)  
Electrical sign  
Elevator  
Earthwork and paving  
Fencing  
Fire protection  
Flooring and floor covering  
General manufactured housing  
Glazing  
Insulation and acoustical  
Landscaping  
Lathing  
Lock and security equipment  
Low voltage systems  
Masonry  
Metal roofing  
Ornamental metal  
Painting and decorating  
Parking and highway improvement  
Pipeline  
Plastering  
Plumbing  
Reinforcing steel  
Refrigeration  
Roofing  
Sanitation systems  
Sheet metal  
Solar  
Structural steel  
Swimming pool  
Tile (ceramic and mosaic)  
Warm-air heating, ventilating and air conditioning  
Water conditioning  
Welding  
Well drilling (water)  
Limited specialty (29 sublicenses)

**COURT REPORTERS BOARD OF CALIFORNIA**

Rick Black, Executive Officer  
2535 Capitol Oaks Dr., Suite 230  
Sacramento, CA 95833  
(916) 263-3660

Court reporters

**DENTAL EXAMINERS, Board of**

Georgetta Coleman, Executive Officer  
1432 Howe Avenue, Suite 85-B  
Sacramento, CA 95825  
(916) 263-2300

Dentists

**DENTAL AUXILIARIES, Committee on**

Karen Wyant, Executive Officer  
1428 Howe Avenue, Suite 58  
Sacramento, CA 95825  
(916) 263-2595

Registered dental hygienists in extended functions  
Registered dental hygienists  
Registered dental assistants in extended functions  
Registered dental assistants

**ELECTRONIC AND APPLIANCE REPAIR, Bureau of**

Karen Hatchel, Chief  
400 R Street, Suite 3040  
Sacramento, CA 95814  
(916) 445-4752

Registration of businesses engaged in:  
Automotive radio and stereo installation and repair  
Automotive security system installation and repair  
Cellular phone installation and repair  
Combination electronic and appliance repair  
Home entertainment electronics repair  
Home office electronics repair  
Major home appliance repair  
Residential antenna installation and repair (includes satellite antennas)  
Service contract sales  
Service contract administration

**ENGINEERS AND LAND  
SURVEYORS, Board of  
Registration for Professional**

Cindi Christenson, Executive Officer  
2535 Capitol Oaks Dr., Ste. 300  
Sacramento, CA 95833  
(916) 263-2230

**The Board registers the following:**

Agricultural engineers  
Chemical engineers  
Civil engineers  
Control system engineers  
Corrosion engineers  
Electrical engineers  
Fire protection engineers  
Geotechnical engineers  
Industrial engineers  
Land surveyors  
Manufacturing engineers  
Mechanical engineers  
Metallurgical engineers  
Nuclear engineers  
Petroleum engineers  
Photogrammetric engineers  
Quality engineers  
Safety engineers  
Structural engineers  
Traffic engineers

**The Board certifies the following:**

Engineers-in-training  
Land surveyors-in-training

**GEOLOGISTS AND  
GEOPHYSICISTS,  
Board of Registration for**

Dalton Pollard, Executive Officer  
2535 Capitol Oaks Drive, Suite 300 A  
Sacramento, CA 95833  
(916) 263-2113

Engineering geologists  
Geologists  
Geophysicists  
Hydrogeologists

**GUIDE DOGS FOR THE BLIND,  
Board of (as of 1-1-98)**

Pat Urena, Executive Officer  
830 K Street  
Sacramento, CA 95814  
(916) 445-9041

Instructors  
Training schools  
Fund-raising to establish training schools

**HEARING AID DISPENSERS  
EXAMINING COMMITTEE**

Peggy Richardson, Executive Officer  
1420 Howe Avenue, Suite 12  
Sacramento, CA 95825  
(916) 263-2288

Hearing aid dispensers

**HOME FURNISHINGS AND  
THERMAL INSULATION,  
Bureau of**

Karen E. Hatchel, Chief  
3485 Orange Grove Avenue  
North Highlands, CA 95660  
(916) 574-2041

Bedding manufacturers  
Bedding renovators  
Bedding retailers  
Bedding wholesalers  
Custom upholsterers  
Furniture and bedding manufacturers  
Furniture and bedding retailers  
Furniture and bedding wholesalers  
Furniture manufacturers  
Furniture retailers  
Furniture wholesalers  
Importers  
Insulation manufacturers  
Supply dealers  
Sanitizers

**MEDICAL BOARD OF  
CALIFORNIA**

Ron Joseph, Executive Director  
1430 Howe Avenue  
Sacramento, CA 95825  
Executive Offices: (916) 263-2389  
Application inquiries: (916) 263-2499  
Complaints: (916) 263-2424;  
(800) 633-2322

Division of Licensing: (916) 263-2344

Fictitious name permits  
Medical assistants  
Midwives  
Physicians and surgeons  
Registered dispensing opticians  
Research psychoanalysts

**NURSING HOME  
ADMINISTRATORS,  
Board of**

Kim Smith, Executive Officer  
1420 Howe Ave., Suite 2  
Sacramento, CA 95825  
(916) 263-2685

Nursing home administrators

**OPTOMETRY, Board of**

Karen L. Ollinger, Executive Officer  
400 R Street, Suite 1070  
Sacramento, CA 95814  
(916) 323-8720

Branch offices  
Fictitious name permits  
Optometric corporations  
Optometrists

**PHARMACY, Board of**

Patricia F. Harris, Executive Officer  
400 R Street, Suite 4070  
Sacramento, CA 95814  
(916) 445-5014

Free/nonprofit/surgical clinics  
Hypodermic needle and syringe  
distributors  
Interns  
Medical device retailers  
Nonresident pharmacies  
Out-of-state distributors  
Pharmaceutical wholesalers and  
exemptees  
Pharmacies  
Pharmacists  
Pharmacy technicians  
Veterinary food-animal drug retailers

### **PHYSICAL THERAPY BOARD**

Steven Hartzell, Executive Officer  
1434 Howe Avenue, Suite 92  
Sacramento, CA 95825  
(916) 263-2550

Electroneuromyographers  
Kinesiological electromyographers  
Physical therapist assistants  
Physical therapists

### **PHYSICIAN ASSISTANT EXAMINING COMMITTEE**

Ray E. Dale, Executive Officer  
1424 Howe Avenue, Suite 35  
Sacramento, CA 95825  
(916) 263-2670

Educational training programs  
Physician assistants  
Supervising physicians

### **PODIATRIC MEDICINE, Board of**

Jim Rathlesberger, Executive Officer  
1420 Howe Avenue, Suite 8  
Sacramento, CA 95825  
(916) 263-2647

Doctors of Podiatric Medicine

### **BOARD OF PSYCHOLOGY**

Thomas O'Connor, Executive Officer  
1422 Howe Avenue, Suite 22  
Sacramento, CA 95825  
(916) 263-2699

Psychological assistants  
Psychologists  
Registered psychologists

### **REGISTERED NURSING, Board of**

Ruth Ann Terry, Executive Officer  
400 R Street, Suite 4030  
Sacramento, CA 95814  
(916) 322-3350

Continuing education providers  
Nurse anesthetists  
Nurse midwives  
Nurse midwives with furnishing  
number

Nurse practitioners  
Nurse practitioners with furnishing  
number  
Psychiatric mental health nurses  
Public health nurses  
Registered nurses

### **RESPIRATORY CARE BOARD**

Cathleen McCoy, Executive Officer  
1426 Howe Avenue, Suite 48  
Sacramento, CA 95825  
(916) 263-2626

Respiratory care practitioners

### **SECURITY AND INVESTIGATIVE SERVICES, Bureau of**

John A. Nickols, Chief  
400 R Street, Suite 3040  
Sacramento, CA 95814  
(916) 322-7530

Burglar alarm agents  
Burglar alarm company operators and  
managers  
Firearms/baton permits  
Firearms/baton training facilities and  
instructors  
Locksmiths  
Locksmith employees  
Private investigators  
Private patrol operators  
Repossessor employees  
Repossession companies/managers  
Security guards/armored car guards

### **SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY BOARD**

Marilee Monagan, Executive Officer  
1434 Howe Avenue, Suite 86  
Sacramento, CA 95825-3240  
(916) 263-2666

Audiologists  
Speech-language pathologists  
Speech-language pathology aides

### **STRUCTURAL PEST CONTROL BOARD**

Donna J. Kingwell, Executive Officer  
1422 Howe Avenue, Suite 3  
Sacramento, CA 95825  
(916) 263-2540

Branch office registrations  
Company registrations  
Field representatives - Branch 1, 2, 3,  
and wood roof cleaning/treatment  
Operators - Branch 1, 2, 3, and  
wood roof cleaning/treatment  
Pesticide applicators  
Branch 2 - general pest control  
(nonwood type pests)  
Branch 3 - termite control (wood  
type pests)  
Wood roof cleaning/treatment (roof  
restoration)

### **VETERINARY MEDICAL BOARD**

Susan Geranen, Executive Officer  
1420 Howe Avenue, Suite 6  
Sacramento, CA 95825  
(916) 263-2610

Veterinary hospitals  
Veterinarians

### **REGISTERED VETERINARY TECHNICIAN EXAMINING COMMITTEE**

Susan Geranen, Executive Officer  
1420 Howe Avenue, Suite 6  
Sacramento, CA 95825  
(916) 263-2610

Registered veterinary technicians

### **VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS, Board of**

Teresa Bello-Jones, Executive Officer  
2535 Capitol Oaks Dr., Suite 205  
Sacramento, CA 95833  
(916) 263-7800

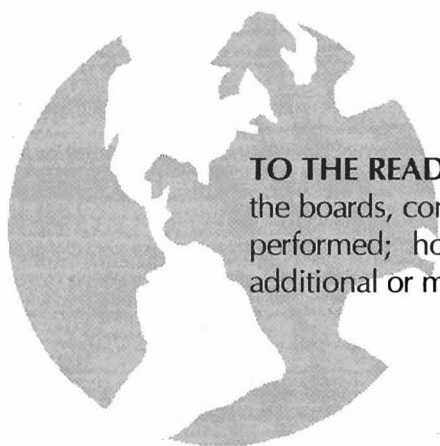
Vocational nurses  
Psychiatric technicians



DEPARTMENT OF CONSUMER AFFAIRS

# STATISTICAL PROFILE

## 1996 - 1997



**TO THE READERS OF THIS REPORT:** This report is not intended to represent the entire workload performed by the boards, committees, commission and programs within DCA. This information highlights some of the activities performed; however, individual boards, committees, commission, and programs should be contacted for additional or more detailed information.

*The Statistical Profile was compiled by the Department from data collected from the boards, committees, commission, and programs, as well as the Office of Administrative Services and the Licensing, Consumer Information and Analysis, Complaint Mediation, Enforcement, and Education divisions.*



## DEPARTMENT OVERVIEW

FISCAL YEAR 1996-97	NO. BOARD MEMBERS	AUTHORIZED CIVIL SERVICE POSITIONS	EXEMPT EMPLOYEES	NO. FIELD OFFICES	NO. LICENSE CLASSES	ANNUAL BUDGET FY 97-98	EXPENDITURES FY 96-97
<b>Business Services Agencies</b>							
Accountancy	12	59.0	1	0	5	\$ 9,774,000	\$ 7,824,440
Athletic Commission	8	9.8	1	1	15	1,081,000	929,801
Barbering & Cosmetology *	9	75.6	1	2	9	0	7,804,964
Court Reporters	5	3.5	1	0	1	846,000	700,205
Guide Dogs for the Blind *	5	0.0	0.5	0	2	0	61,028
<b>Healing Arts Agencies</b>							
Acupuncture	11	6.0	1	0	1	\$ 1,187,000	\$ 1,252,631
Behavioral Sciences	11	30.5	1	0	5	4,369,000	4,693,693
Dental Auxiliaries	9	7.5	1	0	4	1,248,000	1,248,112
Dental Examiners	14	46.8	1	1	1	5,628,000	5,581,046
Dispensing Opticians **	0	1.0	0	0	3	261,000	142,987
Hearing Aid Dispensers	7	2.7	1	0	3	586,000	610,543
Midwifery **	0	0.5	0	0	1	18,000	6,864
Nursing Home Administrators	9	3.0	1	0	1	449,000	377,414
Optometry	9	7.0	1	0	1	1,003,000	1,075,075
Outpatient Settings **	0	1.0	0	0	1	27,000	20,594
Pharmacy	10	46.5	1	0	12	5,788,000	5,298,849
Physical Therapy	6	5.5	1	0	4	1,973,000	1,605,012
Physician Assistant	9	3.7	1	0	2	765,000	746,772
Physicians/Surgeons **	19	278.3	1	14	1	32,750,000	33,319,221
Podiatric Medicine	6	4.0	1	0	2	966,000	893,009
Psychiatric Technicians	0	4.8	0	*1	1	900,000	823,173
Psychology	8	10.0	1	0	3	2,787,000	2,782,291
Registered Nursing	9	94.0	1	1	1	12,008,000	12,234,171
Registered Veterinary Technicians	8	1.0	0	0	1	104,000	95,490
Respiratory Care	9	12.4	1	0	1	2,117,000	2,089,910
Speech-Language Pathology & Audiology	9	2.0	1	0	2	308,000	359,342
Veterinary Medicine	6	6.4	1	0	3	1,204,000	1,231,348
Vocational Nurse	11	30.0	1	*1	1	3,245,000	3,385,540
<b>Design/Construction Agencies</b>							
Architectural Examiners	10	21.5	1	0	1	\$ 2,857,000	\$ 2,541,655
Contractors	13	471.7	1	23	44	41,124,000	40,308,889
Engineers & Land Surveyors	13	36.0	1	0	19	6,620,000	6,428,743
Geologists & Geophysicists	8	4.0	1	0	4	798,000	582,143
Landscape Architects *	7	2.0	1	0	1	515,000	463,215
Structural Pest Control	7	29.6	1	0	4	3,150,000	3,306,511
<b>Bureaus, Programs, and Divisions *</b>							
	*15	1298.5	19	23	53	\$ 133,370,000	\$ 130,794,457
<b>Department TOTALS</b>	<b>292</b>	<b>2615.8</b>	<b>47.5</b>	<b>67</b>	<b>213</b>	<b>\$ 279,826,000</b>	<b>\$ 281,619,138</b>

\* Endnote appears at the end of the report.

\*\* Programs overseen by the Medical Board of California.

## Business Services Agencies

LICENSES AND REGISTRATIONS										
	ACTIVITY						TOTAL NUMBER OF EXAMS SCHEDULED	PASS RATE %		
	APPLICATIONS RECEIVED	APPLICATIONS DENIED	LICENSES/ REGISTRATIONS ISSUED	TOTAL ACTIVE LICENSES/ REGISTRATIONS	TOTAL INACTIVE LICENSES/ REGISTRATIONS	LICENSES/ REGISTRATIONS RENEWED		WRITTEN	ORAL	CLINICAL/ PRACTICAL
<b>FISCAL YEAR 1996-97</b>										
Accountancy	2,472	1	2,382	* 41,693	* 21,920	27,633	16,218	*	n/a	n/a
Athletic Commission	1,965	* 94	1,871	1,871	n/a	1,123	628	*	97%	*
Automotive Repair	19,024	129	13,994	62,353	56,436	39,686	12,927	*	n/a	n/a
Barbering & Cosmetology	35,861	434	14,831	326,016	92,031	148,517	31,608	62%	n/a	81%
Cemetery *	1,925	0	* 2,932	3,242	434	* 2,010	*825	54%	n/a	n/a
Court Reporters	954	3	269	7,899	2,525	7,899	1,852	72%	n/a	32%
Electronic & Appliance Repair	1,682	4	1,874	11,352	1,032	10,175	n/a	n/a	n/a	n/a
Funeral Directors & Embalmers *	1,242	3	1,086	3,971	1,497	2,891	479	67%	n/a	n/a
Guide Dogs for the Blind	8	0	8	* 58	1	* 51	8	100%	100%	100%
Home Furnishings & Thermal Insulation	3,289	0	2,482	19,420	1,537	6,554	n/a	n/a	n/a	n/a
Security & Investigative Services *	56,415	1,920	54,803	192,211	62,682	43,118	2,212	54%	n/a	n/a
Tax Preparers **	NDA	0	4,876	28,838	39,266	24,456	n/a	n/a	n/a	n/a
<b>TOTALS</b>	<b>124,837</b>	<b>2,588</b>	<b>101,408</b>	<b>698,924</b>	<b>279,361</b>	<b>314,113</b>	<b>66,757</b>			

CERTIFICATES AND PERMITS								EXAMINATIONS		
	ACTIVITY						TOTAL NUMBER OF EXAMS SCHEDULED	PASS RATE %		
	APPLICATIONS RECEIVED	APPLICATIONS DENIED	CERTIFICATES/ PERMITS ISSUED	TOTAL ACTIVE CERTIFICATES/ PERMITS	TOTAL INACTIVE CERTIFICATES/ PERMITS	CERTIFICATES/ PERMITS RENEWED		WRITTEN	ORAL	CLINICAL/ PRACTICAL
<b>FISCAL YEAR 1996-97</b>										
Athletic Commission	* 288	0	288	288	n/a	n/a	n/a	n/a	n/a	n/a
Automotive Repair	* 969	* 44	* 844	* 844	*0	n/a	n/a	n/a	n/a	n/a
Funeral Directors & Embalmers *	311	0	117	531	816	n/a	175	40%	n/a	n/a
Security & Investigative Services *	12,770	192	9,701	78,659	44,525	* 16,750	383	34%	n/a	n/a
<b>TOTALS</b>	<b>14,338</b>	<b>236</b>	<b>10,950</b>	<b>80,322</b>	<b>45,341</b>	<b>16,750</b>	<b>558</b>			

\* Endnote appears at the end of the report.

\*\* On June 30, 1997, the Tax Preparer Program was repealed.

n/a - Not applicable

NDA - Due to the nature of the tracking system, data cannot be displayed in this format.

## Business Services Agencies

### FINGERPRINTS

	NUMBER OF CRIMINAL RECORDS RECEIVED
<b>FISCAL YEAR 1996-97</b>	
Athletic Commission	* 10
Funeral Directors & Embalmers *	42
Security & Investigative Services *	5,578
<b>TOTAL</b>	<b>5,630</b>

### APPROVALS / ACCREDITATIONS & CONTINUING EDUCATION

	SCHOOLS	CONTINUING EDUCATION	
	NUMBER OF APPROVALS/ ACCREDITATION	NUMBER OF PROVIDERS	NUMBER OF AUDITS
<b>FISCAL YEAR 1996-97</b>			
Accountancy	n/a	* 1	*303
Automotive Repair	101	n/a	n/a
Barbering & Cosmetology	217	18	0
Court Reporters	31	n/a	n/a
Tax Preparers **	n/a	134	0
<b>TOTALS</b>	<b>349</b>	<b>153</b>	<b>303</b>

### COMPLAINTS RECEIVED, BY SOURCE

	PUBLIC	GOVERNMENT/ LAW ENFORCEMENT	B & P CODE SECTION 800	PROFESSION	INTERNAL/ OTHER	TOTAL RECEIVED
<b>FISCAL YEAR 1996-97</b>						
Accountancy	408	25	n/a	130	249	812
Athletic Commission	* 150	0	0	0	* 7	157
Automotive Repair	28,526	893	0	101	461	29,981
Barbering & Cosmetology	830	7	n/a	8	1,404	2,249
Cemetery	230	4	0	0	0	* 234
Court Reporters	32	36	0	10	22	100
Electronic & Appliance Repair	1,325	0	0	6	3,397	4,728
Funeral Directors & Embalmers	215	7	0	14	150	386
Guide Dogs for the Blind	273	0	n/a	0	0	273
Home Furnishings & Thermal Insulation	411	1	0	1	851	1,264
Security & Investigative Services	604	119	1	181	4,144	5,049
Tax Preparer **	157	0	0	0	2	159
<b>TOTALS</b>	<b>33,161</b>	<b>1,092</b>	<b>1</b>	<b>451</b>	<b>10,687</b>	<b>45,392</b>

\* Endnote appears at the end of the report.

\*\* On June 30, 1997, the Tax Preparer Program was repealed.

n/a - Not Applicable



## Business Services Agencies

### COMPLAINTS CLOSED WITHOUT GOING TO INVESTIGATION, BY CATEGORY

<i>FISCAL YEAR 1996-97</i>	CONTRACTUAL	FRAUD	INCOMPETENCE/ NEGLIGENCE	PRODUCT/ SERVICE/ QUALITY	UNPROFESSIONAL CONDUCT	PERSONAL CONDUCT	HEALTH & SAFETY	UNLICENSED/ UNREGISTERED	NON- JURISDICTIONAL	OTHER	TOTAL COMPLAINTS CLOSED	TOTAL COMPLAINTS PENDING
Accountancy	0	2	10	0	163	6	0	293	42	78	594	345
Athletic Commission	* 4	0	0	0	20	0	0	0	0	0	24	3
Automotive Repair	3,326	1,880	16,810	674	4	3	4,923	2,868	6	125	30,619	3,641
Barbering & Cosmetology	0	120	90	102	3	583	818	859	64	107	2,746	1,507
Cemetery	72	3	104	0	70	1	0	3	15	1	269	229
Court Reporters	2	0	4	1	68	0	0	20	0	1	96	2
Electronic & Appliance Repair	409	74	600	84	17	1	2	3,753	66	3	5,009	165
Funeral Directors & Embalmers	173	42	34	0	176	59	106	23	5	1	619	71
Guide Dogs for the Blind	0	0	0	3	14	3	0	0	253	0	273	0
Home Furnishings & Thermal Insulation	135	28	13	229	0	8	15	739	6	0	1,173	204
Security & Investigative Services	232	153	21	10	540	2,127	114	1,598	33	4	4,832	1,296
Tax Preparer **	134	15	20	0	1	0	0	87	4	0	261	8
<b>TOTALS</b>	<b>4,487</b>	<b>2,317</b>	<b>17,706</b>	<b>1,103</b>	<b>1,076</b>	<b>2,791</b>	<b>5,978</b>	<b>10,243</b>	<b>494</b>	<b>320</b>	<b>46,515</b>	<b>7,471</b>

### INFORMAL ACTIONS

<i>FISCAL YEAR 1996-97</i>	WARNING / CEASE & DESIST LETTERS ISSUED	OFFICE CONFERENCE/ INFORMAL HEARING	REPRIMAND / VIOLATION/ EDUCATION LETTERS ISSUED	TOTAL INFORMAL ACTIONS
Accountancy	219	65	27	311
Athletic Commission	25	0	0	25
Automotive Repair	* 1,306	765	7,910	9,981
Barbering & Cosmetology	537	0	813	1,350
Cemetery	0	3	n/a	3
Court Reporters	5	0	0	5
Electronic & Appliance Repair	* 2,396	0	514	2,910
Funeral Directors & Embalmers	68	23	11	102
Guide Dogs for the Blind	0	2	0	2
Home Furnishings & Thermal Insulation	* 1,272	11	24	1,307
Security & Investigative Services	* 1,065	154	556	1,715
Tax Preparer **	0	0	14	14
<b>TOTALS</b>	<b>6,893</b>	<b>1,023</b>	<b>9,855</b>	<b>17,711</b>

\* Endnote appears at the end of the report.

\*\* On June 30, 1997, the Tax Preparer Program was repealed.

n/a - Not Applicable

## Business Services Agencies

### COMPLAINTS REFERRED TO SWORN INVESTIGATORS FOR FORMAL INVESTIGATION

FISCAL YEAR 1996-97	INVESTIGATIONS OPENED	INVESTIGATIONS CLOSED, BY CATEGORY										INVESTIGATIONS PENDING	REFERRED TO AG	REFERRED TO DA/CA
		CONTRACTUAL	FRAUD	INCOMPETENCE/ NEGLIGENCE	PRODUCT/ SERVICE/ QUALITY	UNPROFESSIONAL CONDUCT	PERSONAL CONDUCT	HEALTH & SAFETY	UNLICENSED/ UNREGISTERED	OTHER	TOTAL CLOSED			
Accountancy	46	*	*	*	*	*	*	*	*	*	*	36	*	5
Barbering & Cosmetology	200	0	6	82	15	0	5	17	56	5	186	183	40	63
Court Reporters	3	0	0	0	0	1	1	0	0	0	2	6	3	0
Security & Investigative Services	88	NDA	NDA	NDA	NDA	NDA	NDA	n/a	24	* 61	85	49	1	26
TOTALS	337	0	6	82	15	1	6	17	80	66	273	274	44	94

### COMPLAINTS REFERRED TO NON-SWORN INVESTIGATORS FOR FORMAL INVESTIGATION

FISCAL YEAR 1996-97	INVESTIGATIONS OPENED	INVESTIGATIONS CLOSED, BY CATEGORY										TOTAL CLOSED	INVESTIGATIONS PENDING	REFERRED TO AG	REFERRE TO DA/C
		CONTRACTUAL	FRAUD	INCOMPETENCE/ NEGLIGENCE	PRODUCT/ SERVICE/ QUALITY	UNPROFESSIONAL CONDUCT	PERSONAL CONDUCT	HEALTH & SAFETY	UNLICENSED/ UNREGISTERED	OTHER					
Accountancy	* 132	0	26	61	2	80	7	0	50	12	*238	128	* 73		
Automotive Repair	* 1,358	NDA	NDA	NDA	NDA	NDA	NDA	n/a	* 218	* 1,183	1,401	* 396	249	17	
Cemetery	* 5	NDA	NDA	NDA	NDA	NDA	NDA	n/a	NDA	NDA	NDA	*5	NDA	ND	
Electronic & Appliance Repair	* 325	0	12	8	0	0	0	1	* 319	0	340	* 12	0		
Funeral Directors & Embalmers	* 164	NDA	NDA	NDA	NDA	NDA	NDA	NDA	NDA	* 335	* 335	* 46	5		
Home Furnishings & Thermal Insulation	* 163	0	6	1	8	0	0	12	* 103	0	130	* 30	1		
Security & Investigative Services	* 1,143	NDA	NDA	NDA	NDA	NDA	NDA	n/a	* 55	* 1,387	1,442	* 521	19		
Tax Preparer **	* 44	17	2	0	0	0	0	0	2	0	* 21	* 2	1		
TOTALS	3,334	17	46	70	10	80	7	13	747	2,917	3,907	1,140	348	17	

\* Endnote appears at the end of the report.

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n/a - Not applicable

NDA - Due to the nature of the tracking systems, the data cannot be displayed in this format.

## Business Services Agencies

ACTIONS FILED						
FISCAL YEAR 1996-97	ACCUSATIONS/ PETITIONS TO REVOKE PROBATION FILED	STATEMENT OF ISSUES FILED	CITATIONS ISSUED	CRIMINAL ACTIONS FILED	CIVIL ACTIONS FILED	RESTRAINING ORDERS/ INTERIM SUSPENSION ORDERS ISSUED
Accountancy	48	0	125	3	0	0
Automotive Repair	379	47	513	208	18	14
Barbering & Cosmetology	31	30	n/a	42	0	0
Cemetery	4	NDA	11	NDA	4	NDA
Court Reporters	7	0	21	0	0	0
Electronic & Appliance Repair	6	3	2	2	0	0
Funeral Directors & Embalmers	5	0	102	0	0	0
Home Furnishings & Thermal Insulation	1	0	30	0	4	0
Security & Investigative Services	1,116	5	64	0	0	0
Tax Preparer **	3	0	1	0	0	n/a
TOTALS	1,600	85	869	255	26	14

ADMINISTRATIVE OUTCOMES AGAINST LICENSES / REGISTRATIONS / CERTIFICATES / PERMITS									
FISCAL YEAR 1996-97	REVOCATION	SURRENDER OF LICENSE	PROBATION WITH SUSPENSION	SUSPENSION ONLY	PROBATION ONLY	PUBLIC REPRIMAND	LICENSES DENIED	OTHER DECISIONS	WITHDRAWN/ DISMISSED
Accountancy	22	1	5	0	7	n/a	0	0	2
Athletic Commission	* 26	0	0	* 512	0	0	0	0	0
Automotive Repair	367	3	119	0	251	0	9	0	27
Barbering & Cosmetology	11	0	15	0	5	0	3	0	10
Court Reporters	3	0	0	0	3	0	0	0	0
Electronic & Appliance Repair	2	0	0	0	0	n/a	1	0	2
Funeral Directors & Embalmers	2	0	0	0	0	0	0	3	0
Home Furnishings & Thermal Insulation	0	0	0	0	0	n/a	0	9	0
Security & Investigative Services	779	3	5	5	23	0	0	4	2
Tax Preparer **	1	0	0	0	1	0	0	0	1
TOTALS	1,213	7	144	517	290	0	13	16	44

\* Endnote appears at the end of the report.

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n/a - Not applicable

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## Business Services Agencies

### PETITIONS FOR PENALTY RELIEF

FISCAL YEAR 1996-97	PETITIONS FOR MODIFICATION / TERMINATION OF PROBATION		PETITIONS FOR REINSTATEMENT OF REVOKED LICENSES / REGISTRATIONS	
	GRANTED	DENIED	GRANTED	DENIED
Accountancy	1	0	1	1
Barbering & Cosmetology	1	0	1	0
TOTALS	2	0	2	1

### INSPECTION DATA

FISCAL YEAR 1996-97	TOTAL NUMBER INSPECTIONS	NOTICES OF VIOLATION ISSUED	COMPLIANCE VERIFIED	INSPECTION CITATIONS ISSUED
Athletic Commission	75	0	75	0
Automotive Repair	15,568	416	n/a	n/a
Barbering & Cosmetology	9,960	*	5,100	* 7,765
Cemetery	314	0	0	0
Funeral Directors & Embalmers	109	0	0	0
Guide Dogs for the Blind	3	0	0	0
Home Furnishings & Thermal Insulation	3,401	1,179	NDA	n/a
Security & Investigative Services	129	NDA	NDA	NDA
TOTALS	29,559	1,595	5,175	7,765

### MONETARY SAVINGS / COST RECOVERIES / RESTITUTIONS

FISCAL YEAR 1996-97	REFUNDED TO CONSUMERS	REWORK-NO CHARGE TO CONSUMERS	ADJUSTMENTS IN MONEY OWED/ PRODUCT RETURN/ EXCHANGE	TOTAL SAVINGS ACHIEVED CONSUMERS	TOTAL COST RECOVERIES ORDERED TO BOARD	TOTAL RESTITUTION ORDERED TO CONSUMERS
Accountancy	\$ n/a	\$ n/a	\$ n/a	\$ n/a	\$ 125,557	\$ 872
Automotive Repair	2,161,695	2,015,454	1,162,805	5,339,954	1,510,909	25,164
Barbering & Cosmetology	731	0	0	731	45,817	75
Cemetery	24,519	32,350	8,602	65,471	NDA	NDA
Court Reporters	n/a	n/a	n/a	n/a	29,012	0
Electronic & Appliance Repair	71,216	24,429	60,245	155,890	511	0
Funeral Directors & Embalmers	12,865	528	7,622	21,015	57,103	0
Home Furnishings & Thermal Insulation	37,544	22,022	20,265	79,831	46,540	0
Security & Investigative Services	11,784	5,305	23,783	40,872	24,121	600
Tax Preparer **	34,653	0	1,437	36,090	1,700	0
TOTALS				\$ 5,739,854	\$ 1,841,271	\$ 26,711

\* Endnote appears at the end of the report.

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n/a - Not applicable

NDA - Due to the nature of the tracking systems, the data cannot be displayed in this format.

## Healing Arts Agencies

FISCAL YEAR 1996-97	LICENSES AND REGISTRATIONS						EXAMINATIONS			
	ACTIVITY						TOTAL NUMBER OF EXAMS SCHEDULED	PASS RATE %		
	APPLICATIONS RECEIVED	APPLICATIONS DENIED	LICENSES/ REGISTRATIONS ISSUED	TOTAL ACTIVE LICENSES/ REGISTRATIONS	TOTAL INACTIVE LICENSES/ REGISTRATIONS	LICENSES/ REGISTRATIONS RENEWED		WRITTEN	ORAL	CLINICAL/ PRACTICAL
Acupuncture	364	0	607	4,107	554	1,935	1,237	76%	n/a	80%
Behavioral Sciences	4,736	6	4,153	51,036	8,714	28,877	5,552	70%	34%	n/a
Dental Auxiliaries	5,091	11	2,735	39,154	9,681	19,456	8,697	75%	n/a	55%
Dental Examiners	2,009	7	1,076	28,114	4,125	16,132	1,372	n/a	n/a	67%
Dispensing Opticians **	NDA	1	120	*1,395	*336	*679	n/a	n/a	n/a	n/a
Hearing Aid Dispensers	169	4	294	1,887	804	1,834	353	49%	n/a	32%
Midwifery **	*37	0	*37	*40	0	0	43	99%	n/a	n/a
Nursing Home Administrators	*276	5	119	2,756	1,437	1,366	270	*	n/a	n/a
Optometry	237	0	207	5,709	1,513	5,827	405	96%	n/a	88%
Outpatient Settings **	2	*0	1	4	0	0	n/a	n/a	n/a	n/a
Pharmacy	8,471	24	6,540	54,627	2,220	28,789	2,120	51%	n/a	n/a
Physical Therapy	1,094	5	1,307	18,791	2,807	8,353	*1,413	*68%	n/a	n/a
Physician Assistant	*1,774	3	*1,631	*11,851	*3,734	*4,632	n/a	n/a	n/a	n/a
Physicians/Surgeons **	4,207	6	3,574	104,046	*13,226	51,608	*3,742	86%	94%	n/a
Podiatric Medicine	*90	1	*186	*2,127	98	945	107	n/a	71%	n/a
Psychiatric Technician	250	9	226	*10,778	*6,758	5,158	329	57%	n/a	n/a
Psychology *	2,007	13	1,755	15,179	1,473	6,849	2,915	53%	47%	n/a
Registered Nursing	17,544	24	10,289	238,414	109,441	120,511	12,448	53%	n/a	n/a
Research Psychoanalysts **	6	0	6	69	7	*0	n/a	n/a	n/a	n/a
Respiratory Care	738	29	678	15,703	3,727	6,120	792	63%	n/a	n/a
Speech-Language Pathology & Audiology	1,322	0	687	8,964	1,076	4,939	n/a	n/a	n/a	n/a
Veterinary Medicine	687	0	454	7,923	1,766	NDA	*1,239	*	n/a	n/a
Vocational Nurse	4,998	39	4,311	*66,150	*35,396	29,969	5,269	59%	n/a	n/a
TOTALS	56,109	187	40,993	688,824	208,893	343,979	48,303			

\* Endnote appears at the end of the report.

\*\* Programs overseen by the Medical Board of California.

n/a - Not applicable

NDA - Due to the nature of the tracking system, data cannot be displayed in this format.

## Healing Arts Agencies

FISCAL YEAR 1996-97	CERTIFICATES AND PERMITS						EXAMINATIONS			
	ACTIVITY						TOTAL NUMBER OF EXAMS SCHEDULED	PASS RATE %		
	APPLICATIONS RECEIVED	APPLICATIONS DENIED	CERTIFICATES/ PERMITS ISSUED	TOTAL ACTIVE CERTIFICATES/ PERMITS	TOTAL INACTIVE CERTIFICATES/ PERMITS	CERTIFICATES/ PERMITS RENEWED		WRITTEN	ORAL	CLINICAL/ PRACTICAL
Acupuncture	17	0	17	40	0	15	n/a	n/a	n/a	n/a
Dental Auxiliaries	6,646	n/a	6,646	38,704	n/a	n/a	n/a	n/a	n/a	n/a
Dental Examiners	743	33	729	8,101	4,151	5,015	n/a	n/a	n/a	n/a
Nursing Home Administrators	202	9	*177	753	n/a	n/a	n/a	n/a	n/a	n/a
Optometry	*2045	0	740	2,020	n/a	*1,280	n/a	n/a	n/a	n/a
Pharmacy	1,100	30	864	2,418	0	300	n/a	n/a	n/a	n/a
Physician Assistant	*136	0	*124	*124	n/a	n/a	n/a	n/a	n/a	n/a
Physicians/Surgeons **	1,074	1	814	7,875	*2,526	3,557	n/a	n/a	n/a	n/a
Podiatric Medicine	*49	*2	*47	*402	n/a	*176	0	n/a	0	n/a
Registered Nursing	*11,862	1	9,527	54,329	*10,344	2,676	*1	*0%	%	%
Registered Veterinary Technicians	456	0	234	3,004	961	NDA	456	56%	n/a	n/a
Respiratory Care	n/a	n/a	735	747	n/a	n/a	n/a	n/a	n/a	n/a
Veterinary Medicine	96	0	96	2,374	196	2,374	n/a	n/a	n/a	n/a
Vocational Nurse	*3,414	23	3,390	NDA	NDA	n/a	n/a	n/a	n/a	n/a
TOTALS	27,840	99	24,140	120,891	18,178	15,393	457			

\* Endnote appears at the end of the report.

\*\* Programs overseen by the Medical Board of California.

n/a - Not applicable

NDA - Due to the nature of the tracking system, data cannot be displayed in this format.

## Healing Arts Agencies

FINGERPRINTS	
<i>FISCAL YEAR 1996-97</i>	<i>NUMBER OF CRIMINAL RECORDS RECEIVED</i>
Acupuncture	8
Behavioral Sciences	49
Dental Auxiliaries	129
Dental Examiners	20
Hearing Aid Dispensers	NDA
Nursing Home Administrators	2
Pharmacy	344
Physical Therapy	20
Physician Assistant	*3
Physicians/Surgeons **	NDA
Podiatric Medicine	2
Psychiatric Technician	*35
Psychology	*4
Registered Nursing	219
Respiratory Care	1,051
Veterinary Medicine	4
Vocational Nurse	*209
<b>TOTALS</b>	<b>2,099</b>

APPROVALS / ACCREDITATIONS & CONTINUING EDUCATION			
<i>FISCAL YEAR 1996-97</i>	<i>SCHOOLS</i>	<i>CONTINUING EDUCATION</i>	
	<i>NUMBER OF APPROVALS/ ACCREDITATIONS</i>	<i>NUMBER OF PROVIDERS</i>	<i>NUMBER OF AUDITS</i>
Acupuncture	1	175	0
Behavioral Sciences	84	336	0
Dental Auxiliaries	3	n/a	n/a
Dental Examiners	89	891	6
Hearing Aid Dispensers	n/a	38	1,440
Nursing Home Administrators	n/a	26	0
Optometry	17	162	450
Pharmacy	n/a	n/a	75
Physical Therapy	52	n/a	n/a
Physician Assistant	4	n/a	n/a
Physicians/Surgeons **	n/a	n/a	815
Podiatric Medicine	7	1	14
Psychiatric Technician	0	2	244
Psychology	n/a	*358	*1,508
Registered Nursing	20	3,438	1,875
Registered Veterinary Technicians	*2	n/a	n/a
Respiratory Care	738	n/a	200
Vocational Nurse	5	43	1,203
<b>TOTALS</b>	<b>1,017</b>	<b>5,427</b>	<b>6,627</b>

\* Endnote appears at the end of the report.

\*\* Programs overseen by the Medical Board of California.

n/a - Not applicable

NDA - Due to the nature of the tracking system, data cannot be displayed in this format.

## Healing Arts Agencies

COMPLAINTS RECEIVED BY SOURCE						
FISCAL YEAR 1996-97	PUBLIC	GOVERNMENT/ LAW ENFORCEMENT	B & P CODE SECTION 800	PROFESSION	INTERNAL/ OTHER	TOTAL RECEIVED
Acupuncture	44	17	0	25	29	115
Behavioral Sciences	454	26	0	1	59	540
Dental Examiners	1,808	113	273	156	493	2,843
Dispensing Opticians **	39	8	0	20	10	77
Hearing Aid Dispensers	112	3	0	74	112	301
Nursing Home Administrators	22	2	1	7	6	38
Optometry	146	29	7	84	70	336
Pharmacy	459	189	2	173	142	965
Physical Therapy	46	56	n/a	35	51	188
Physician Assistant	58	15	3	5	17	98
Physicians/Surgeons **	6,372	1,220	1,382	253	896	10,123
Podiatric Medicine	145	9	8	11	57	230
Psychiatric Technician	6	10	0	79	61	156
Psychology	392	127	0	79	2	600
Registered Nursing	273	258	15	456	523	1,525
Research Psychoanalysts **	1	0	0	0	0	1
Respiratory Care	24	86	0	4	196	310
Speech-Language Pathology & Audiology	18	0	0	6	10	34
Veterinary Medicine	297	19	0	43	15	374
Vocational Nurse	39	48	0	182	310	*579
TOTALS	10,755	2,235	1,691	1,693	3,059	19,433

\* Endnote appears at the end of the report

\*\* Programs overseen by the Medical Board of California.

n/a - Not applicable



## Healing Arts Agencies

### COMPLAINTS CLOSED WITHOUT GOING TO INVESTIGATION, BY CATEGORY

<b>FISCAL YEAR 1996-97</b>	<b>CONTRACTUAL</b>	<b>FRAUD</b>	<b>INCOMPETENCE/ NEGLIGENCE</b>	<b>PRODUCT/ SERVICE/ QUALITY</b>	<b>UNPROFESSIONAL CONDUCT</b>	<b>PERSONAL CONDUCT</b>	<b>HEALTH &amp; SAFETY</b>	<b>UNLICENSED/ UNREGISTERED</b>	<b>NON- JURISDICTIONAL</b>	<b>OTHER</b>	<b>TOTAL CLOSED</b>	<b>TOTAL COMPLAINTS PENDING</b>
Acupuncture	0	12	4	0	45	1	1	26	2	2	93	61
Behavioral Sciences	0	12	55	0	149	21	0	14	224	1	476	303
Dental Examiners	0	126	1,605	0	163	34	13	4	139	0	2,084	1,149
Dispensing Opticians **	0	5	16	0	44	0	0	31	7	0	103	70
Hearing Aid Dispensers	1	304	0	0	0	5	0	29	0	0	339	55
Nursing Home Administrators	0	1	1	0	6	0	0	1	22	0	31	8
Optometry	3	13	4	6	124	41	17	50	5	44	307	35
Pharmacy	0	1	1	3	36	35	69	22	30	29	226	326
Physical Therapy	1	11	16	5	33	53	1	20	3	7	*150	105
Physician Assistant	0	3	40	n/a	25	12	4	25	1	1	111	4
Physicians/Surgeons **	0	168	5,610	0	1,486	85	144	121	544	3	8,161	1,555
Podiatric Medicine	0	32	127	0	46	19	2	19	1	2	248	8
Psychiatric Technician	0	12	0	0	19	15	0	0	0	12	58	104
Psychology	n/a	29	90	n/a	321	34	3	123	7	6	613	302
Registered Nursing	n/a	6	34	n/a	119	136	20	96	27	47	485	473
Research Psychoanalysts	0	0	0	0	0	0	0	1	0	0	1	0
Speech-Language Pathology & Audiology	0	2	2	0	0	0	0	1	3	5	13	21
Veterinary Medicine	0	28	169	5	27	19	12	30	6	0	296	314
Vocational Nurse	0	67	7	0	50	35	0	3	0	82	244	272
<b>TOTALS</b>	<b>5</b>	<b>832</b>	<b>7,781</b>	<b>19</b>	<b>2,693</b>	<b>545</b>	<b>286</b>	<b>616</b>	<b>1,021</b>	<b>241</b>	<b>14,039</b>	<b>5,165</b>

\* Endnote appears at the end of the report.

\*\* Programs overseen by the Medical Board of California.

n/a - Not applicable

## Healing Arts Agencies

INFORMAL ACTIONS / PETITIONS TO COMPEL EXAMINATIONS								
FISCAL YEAR 1996-97	WARNING / CEASE & DESIST LETTERS ISSUED	OFFICE CONFERENCE/ INFORMAL HEARING	REPRIMAND / VIOLATION/ EDUCATION LETTERS ISSUED	TOTAL INFORMAL ACTIONS	PETITIONS TO COMPEL EXAMS			
					FILED	GRANTED	DENIED	
Acupuncture	25	0	0	25	0	0	0	
Behavioral Sciences	30	0	1	31	0	0	0	
Dental Examiners	0	0	0	0	2	3	0	
Dispensing Opticians **	1	0	0	1	n/a	n/a	n/a	
Hearing Aid Dispensers	25	0	92	117	n/a	n/a	n/a	
Nursing Home Administrators	9	2	226	237	0	0	0	
Optometry	8	0	105	113	0	0	0	
Pharmacy	19	27	87	133	0	0	0	
Physical Therapy	9	0	0	9	n/a	n/a	n/a	
Physician Assistant	1	1	0	2	0	0	0	
Physicians/Surgeons **	32	25	0	57	17	15	0	
Podiatric Medicine	20	12	0	32	0	0	0	
Psychiatric Technician	20	*58	0	78	1	1	0	
Psychology	29	3	28	60	0	0	0	
Registered Nursing	150	0	11	161	9	10	0	
Respiratory Care	141	0	112	253	0	0	0	
Speech-Language Pathology & Audiology	0	7	0	7	n/a	n/a	n/a	
Veterinary Medicine	11	6	39	56	0	0	0	
Vocational Nurse	55	*147	0	202	2	2	0	
TOTALS	585	288	701	1,574	31	31	0	

\* Endnote appears at the end of the report.

\*\* Programs overseen by the Medical Board of California.

n/a - Not applicable

## Healing Arts Agencies

### COMPLAINTS REFERRED TO SWORN INVESTIGATORS FOR FORMAL INVESTIGATION

FISCAL YEAR 1996-97	INVESTIGATIONS OPENED	INVESTIGATIONS CLOSED, BY CATEGORY										INVESTIGATIONS PENDING	REFERRED TO AG	REFERRED TO DA/CA
		CONTRACTUAL	FRAUD	INCOMPETENCE/ NEGLIGENCE	PRODUCT/ SERVICE/ QUALITY	UNPROFESSIONAL CONDUCT	PERSONAL CONDUCT	HEALTH & SAFETY	UNLICENSED/ UNREGISTERED	OTHER	TOTAL CLOSED			
Acupuncture	20	0	1	0	0	7	1	0	5	0	14	18	5	0
Behavioral Sciences	78	0	11	22	0	58	2	0	5	3	101	82	42	4
Dental Examiners	454	0	30	239	0	154	72	8	68	9	580	454	131	24
Dispensing Opticians **	2	0	0	0	0	1	0	0	1	0	2	1	0	0
Hearing Aid Dispensers	7	0	12	0	0	0	3	0	4	0	19	4	4	4
Optometry	21	0	2	2	0	8	2	2	4	8	28	12	12	1
Physical Therapy	51	0	23	3	0	12	5	1	22	0	66	46	20	13
Physician Assistant	44	0	2	10	n/a	7	10	2	13	0	44	42	8	2
Physicians/Surgeons **	1,828	0	97	882	0	496	210	157	147	63	2052	1,624	500	47
Podiatric Medicine	87	0	12	31	0	11	19	1	6	2	82	61	21	3
Psychiatric Technician	41	0	3	0	0	28	12	0	1	1	45	39	30	1
Psychology	145	n/a	13	17	n/a	73	21	1	43	1	169	138	48	7
Registered Nursing *	930	0	9	112	n/a	264	257	16	55	23	736	785	214	34
Respiratory Care	25	0	13	10	0	7	5	0	9	0	44	15	21	5
Speech-Language Pathology & Audiology	2	0	0	0	0	1	1	0	0	0	2	2	1	0
Veterinary Medicine	54	0	0	25	0	5	6	6	7	0	49	54	*7	0
Vocational Nurse	149	0	9	8	0	57	28	2	1	1	106	139	45	4
<b>TOTALS</b>	<b>3,938</b>	<b>0</b>	<b>237</b>	<b>1,361</b>	<b>0</b>	<b>1,189</b>	<b>654</b>	<b>196</b>	<b>391</b>	<b>111</b>	<b>4,139</b>	<b>3,516</b>	<b>1,109</b>	<b>149</b>

\* Endnote appears at the end of the report.

\*\* Programs overseen by the Medical Board of California.

n/a - Not applicable

## Healing Arts Agencies

### COMPLAINTS REFERRED TO NON-SWORN INVESTIGATORS FOR FORMAL INVESTIGATION

FISCAL YEAR 1996-97	INVESTIGATIONS OPENED	INVESTIGATIONS CLOSED, BY CATEGORY										INVESTIGATIONS PENDING	REFERRED TO AG	REFERRED TO DA/CA
		CONTRACTUAL	FRAUD	INCOMPETENCE/ NEGLIGENCE	PRODUCT/ SERVICE/ QUALITY	UNPROFESSIONAL CONDUCT	PERSONAL CONDUCT	HEALTH & SAFETY	UNLICENSED/ UNREGISTERED	OTHER	TOTAL CLOSED			
Pharmacy	570	0	7	3	4	88	21	151	69	33	376	788	79	0
Physicians/Surgeons **	211	0	5	22	0	132	31	2	0	11	203	60	67	0
Respiratory Care	285	0	71	17	0	15	262	0	20	0	385	179	23	0
TOTALS	1,066	0	83	42	4	235	314	153	89	44	964	1,027	169	0

### ACTIONS FILED

FISCAL YEAR 1996-97	ACCUSATIONS / PETITIONS TO REVOKE PROBATION FILED	STATEMENT OF ISSUES FILED	CITATIONS ISSUED	CRIMINAL ACTIONS FILED	CIVIL ACTIONS FILED	RESTRAINING ORDERS / INTERIM SUSPENSION ORDERS ISSUED
Behavioral Sciences	28	2	0	3	0	1
Dental Examiners	73	33	58	24	0	1
Dispensing Opticians **	0	0	1	0	0	0
Hearing Aid Dispensers	2	3	8	4	0	0
Nursing Home Administrators	0	0	46	0	0	0
Optometry	12	0	0	1	0	0
Pharmacy	37	8	73	0	0	2
Physical Therapy	20	1	0	15	0	1
Physician Assistant	11	2	0	0	0	1
Physicians/Surgeons **	296	4	214	15	4	37
Podiatric Medicine	8	1	7	2	0	1
Psychiatric Technician	41	3	2	1	0	0
Psychology	34	6	5	7	0	2
Registered Nursing	130	14	1	31	0	2
Respiratory Care	61	30	*26	0	0	2
Speech-Language Pathology & Audiology	0	0	7	1	0	0
Veterinary Medicine	9	2	10	0	0	0
Vocational Nurse	61	13	10	16	0	1
TOTALS	823	122	468	120	4	51

\* Endnote appears at the end of the report.

\*\* Programs overseen by the Medical Board of California.

## Healing Arts Agencies

### ADMINISTRATIVE OUTCOMES AGAINST LICENSES / REGISTRATIONS / CERTIFICATES / PERMITS

<i>FISCAL YEAR 1996-97</i>	REVOCATION	SURRENDER OF LICENSE	PROBATION WITH SUSPENSION	SUSPENSION ONLY	PROBATION ONLY	PUBLIC REPRIMAND	LICENSES DENIED	OTHER DECISIONS	WITHDRAWN/ DISMISSED
Acupuncture	1	0	0	0	3	0	0	0	1
Behavioral Sciences	18	17	7	1	18	1	4	1	4
Dental Examiners	12	4	25	0	29	1	5	6	4
Dispensing Opticians **	0	0	0	0	0	0	0	0	1
Hearing Aid Dispensers	5	0	1	0	3	1	0	3	0
Nursing Home Administrators	0	2	1	0	0	0	0	1	1
Optometry	4	1	0	0	1	0	0	1	1
Pharmacy	10	5	26	0	9	1	1	0	7
Physical Therapy	4	2	1	0	2	2	1	2	5
Physician Assistant	3	1	1	0	9	0	0	0	0
Physicians/Surgeons **	49	87	27	0	115	39	2	23	68
Podiatric Medicine	2	2	5	0	4	0	1	0	0
Psychiatric Technician	29	2	0	0	18	0	2	0	2
Psychology	12	12	3	0	21	1	2	6	5
Registered Nursing	88	22	13	1	46	0	5	0	15
Respiratory Care	35	1	2	0	79	2	11	2	0
Veterinary Medicine	1	2	3	0	8	0	0	1	0
Vocational Nurse	57	7	1	0	58	0	5	2	2
<b>TOTALS</b>	<b>330</b>	<b>167</b>	<b>116</b>	<b>2</b>	<b>423</b>	<b>48</b>	<b>39</b>	<b>48</b>	<b>116</b>

\* Endnote appears at the end of the report.

\*\* Programs overseen by the Medical Board of California.

## Healing Arts Agencies

### PETITIONS FOR PENALTY RELIEF

FISCAL YEAR 1996-97	PETITIONS FOR MODIFICATION / TERMINATION OF PROBATION		PETITIONS FOR REINSTATEMENT OF REVOKED LICENSES / REGISTRATIONS	
	GRANTED	DENIED	GRANTED	DENIED
Acupuncture	2	0	1	0
Behavioral Sciences	1	0	0	2
Dental Examiners	0	2	0	1
Hearing Aid Dispensers	0	1	0	0
Optometry	0	0	0	1
Pharmacy	4	5	1	7
Physical Therapy	0	* 2	0	0
Physician Assistant	0	0	1	0
Physicians/Surgeons **	15	5	4	6
Podiatric Medicine	1	0	0	0
Psychiatric Technician	1	3	2	3
Psychology	1	0	0	0
Registered Nursing	7	2	6	9
Vocational Nurse	1	0	7	15
<b>TOTALS</b>	<b>33</b>	<b>20</b>	<b>22</b>	<b>44</b>

### INSPECTION DATA

FISCAL YEAR 1996-97	TOTAL NUMBER INSPECTIONS	NOTICES OF VIOLATION ISSUED	COMPLIANCE VERIFIED	INSPECTION CITATIONS ISSUED
Dental Examiners	118	53	73	58
Optometry	*8	*7	*6	n/a
Pharmacy	825	70	n/a	n/a
Veterinary Medicine	268	348	246	2
<b>TOTALS</b>	<b>1,219</b>	<b>478</b>	<b>325</b>	<b>60</b>

\* Endnote appears at the end of the report.

\*\* Programs overseen by the Medical Board of California.

n/a - Not applicable

## Healing Arts Agencies

DRUG DIVERSION PROGRAMS								
FISCAL YEAR 1996-97	REFERRALS			CASES CLOSED				
	SELF- REFERRALS	BOARD REFERRALS	TOTAL NO. OF PARTICIPANTS	SUCCESSFUL COMPLETIONS	NON- COMPLIANCE	WITHDRAWALS	NOT ELIGIBLE/ NOT INTERESTED	TOTAL CASES CLOSED
Dental Examiners	36	38	74	6	5	3	1	15
Pharmacy	NDA	11	54	12	2	0	0	14
Physical Therapy	1	1	1	1	0	1	0	2
Physician Assistant	2	0	8	0	3	1	0	4
Physicians/Surgeons **	121	*89	210	34	16	4	38	92
Podiatric Medicine	1	0	6	1	1	0	0	2
Registered Nursing	69	77	404	58	42	26	9	135
Veterinary Medicine	2	1	6	0	0	0	3	3
TOTALS	232	217	763	112	69	35	51	267

\* Endnote appears at the end of the report.

\*\* Programs overseen by the Medical Board of California.

NDA - Due to the nature of the tracking system, data cannot be displayed in this format.

## Healing Arts Agencies

### MONETARY SAVINGS / COST RECOVERIES / RESTITUTIONS

<b>FISCAL YEAR 1996-97</b>	<b>REFUNDED TO CONSUMERS</b>	<b>REWORK - NO CHARGE TO CONSUMERS</b>	<b>ADJUSTMENTS IN MONEY OWED / PRODUCT RETURN / EXCHANGE</b>	<b>TOTAL SAVINGS ACHIEVED CONSUMERS</b>	<b>TOTAL COST RECOVERIES ORDERED TO BOARD</b>	<b>TOTAL RESTITUTION ORDERED TO CONSUMERS</b>
Acupuncture	\$ n/a	\$ n/a	\$ n/a	\$ n/a	\$ 15,949	\$ 0
Behavioral Sciences	n/a	n/a	n/a	n/a	95,790	6,738
Dental Examiners	74,936	16,926	28,576	120,437	242,182	0
Hearing Aid Dispensers	32,815	0	0	32,815	51,269	750
Nursing Home Administrators	0	0	0	0	16,000	
Optometry	4,540	0	0	4,540	138,163	n/a
Pharmacy	n/a	n/a	n/a	n/a	140,146	n/a
Physical Therapy	n/a	n/a	n/a	n/a	20,562	n/a
Physician Assistant	n/a	n/a	n/a	n/a	40,664	0
Physicians/Surgeons **	n/a	n/a	n/a	n/a	1,557,330	25,182
Podiatric Medicine	n/a	n/a	n/a	n/a	40,434	0
Psychiatric Technician	n/a	n/a	n/a	n/a	26,189	n/a
Psychology	n/a	n/a	n/a	n/a	* 128,310	79,120
Registered Nursing	n/a	n/a	n/a	n/a	312,040	n/a
Respiratory Care	n/a	n/a	n/a	n/a	260,343	n/a
Speech-Language Pathology & Audiology	n/a	n/a	n/a	n/a	3,250	0
Veterinary Medicine	n/a	n/a	n/a	n/a	46,107	0
Vocational Nurse	n/a	n/a	n/a	n/a	123,513	n/a
<b>TOTALS</b>				<b>\$ 157,792</b>	<b>\$ 258,242</b>	<b>\$ 111,790</b>

\* Endnote appears at the end of the report.

\*\* Programs overseen by the Medical Board of California.

n/a - Not applicable



## Design / Construction Agencies

LICENSES AND REGISTRATIONS							EXAMINATIONS			
	ACTIVITY						TOTAL NUMBER OF EXAMS SCHEDULED	PASS RATE %		
	APPLICATIONS RECEIVED	APPLICATIONS DENIED	LICENSES/ REGISTRATIONS ISSUED	TOTAL ACTIVE LICENSES/ REGISTRATIONS	TOTAL INACTIVE LICENSES/ REGISTRATIONS	LICENSES/ REGISTRATIONS RENEWED		WRITTEN	ORAL	CLINICAL/ PRACTICAL
<b>FISCAL YEAR 1996-97</b>										
Architectural Examiners	565	0	513	20,512	4,366	9,356	* 1,569	65%	56%	48%
Contractors	26,844	397	17,087	206,851	68,067	109,198	34,298	67%	n/a	n/a
Engineers & Land Surveyors	7,744	124	2,358	86,698	* 12,247	22,432	12,452	38%	n/a	n/a
Geologists and Geophysicists	501	0	159	4,414	n/a	2,093	570	23%	n/a	n/a
Landscape Architects	211	3	64	2,844	280	1,428	* 844	* 67%	n/a	* 25%
Structural Pest Control	10,417	3	4,612	23,841	n/a	2,413	10,257	50%	n/a	n/a
TOTALS	46,282	527	24,793	345,160	84,960	146,920	59,990			

CERTIFICATES AND PERMITS								EXAMINATIONS		
FISCAL YEAR 1996-97	ACTIVITY						TOTAL NUMBER OF EXAMS SCHEDULED	PASS RATE %		
	APPLICATIONS RECEIVED	APPLICATIONS DENIED	CERTIFICATES/ PERMITS ISSUED	TOTAL ACTIVE CERTIFICATES/ PERMITS	TOTAL INACTIVE CERTIFICATES/ PERMITS	CERTIFICATES/ PERMITS RENEWED		WRITTEN	ORAL	CLINICAL/ PRACTICAL
	Contractors	393	0	393	3,749	871	n/a	n/a	n/a	n/a
Engineers & Land Surveyors	6,059	39	2,643	108,493	n/a	n/a	6,099	45%	n/a	n/a
Geologists and Geophysicists	346	0	110	2,002	n/a	893	313	41%	n/a	n/a
Landscape Architects	6	0	6	6	0	0	n/a	n/a	n/a	n/a
Structural Pest Control	n/a	n/a	n/a	* 1,221	n/a	n/a	n/a	n/a	n/a	n/a
TOTALS	6,804	39	3,152	115,471	871	893	6,412			

\* Endnote appears at the end of the report.

n/a - Not applicable

## Design / Construction Agencies

FINGERPRINTS	
<i>FISCAL YEAR 1996-97</i>	NUMBER OF CRIMINAL RECORDS RECEIVED
Structural Pest Control	53

APPROVALS / ACCREDITATIONS & CONTINUING EDUCATION			
<i>FISCAL YEAR 1996-97</i>	SCHOOLS	CONTINUING EDUCATION	
	NUMBER OF APPROVALS/ ACCREDITATIONS	NUMBER OF PROVIDERS	NUMBER OF AUDITS
Structural Pest Control	3,682	224	21

COMPLAINTS RECEIVED BY SOURCE						
<i>FISCAL YEAR 1996-97</i>	PUBLIC	GOVERNMENT/ LAW ENFORCEMENT	B & P CODE SECTION 800	PROFESSION	INTERNAL/ OTHER	TOTAL RECEIVED
Architectural Examiners	98	6	n/a	77	132	313
Contractors	20,892	105	n/a	1,951	8,019	30,967
Engineers & Land Surveyors	99	27	n/a	30	169	325
Geologists and Geophysicists	6	1	n/a	13	4	24
Landscape Architects	8	1	n/a	17	74	* 100
Structural Pest Control	1,144	0	n/a	65	18	1,227
TOTALS	22,247	140	n/a	2,153	8,416	32,956

\* Endnote appears at the end of the report.

n/a - Not applicable

## Design / Construction Agencies

### COMPLAINTS CLOSED WITHOUT GOING TO INVESTIGATION, BY CATEGORY

<i>FISCAL YEAR 1996-97</i>	CONTRACTUAL	FRAUD	INCOMPETENCE/ NEGLIGENCE	PRODUCT/ SERVICE/ QUALITY	UNPROFESSIONAL CONDUCT	PERSONAL CONDUCT	HEALTH & SAFETY	UNLICENSED/ UNREGISTERED	NON- JURISDICTIONAL	OTHER	TOTAL COMPLAINTS CLOSED	TOTAL PENDING
Architectural Examiners	3	0	2	0	27	5	0	133	6	0	176	212
Contractors	322	215	4,096	0	3,108	37	193	2,840	1,821	232	12,864	5,966
Geologists and Geophysicists	1	1	3	2	1	0	0	7	0	1	16	20
Landscape Architects	1	2	0	0	1	1	0	25	1	31	62	1
Structural Pest Control	434	0	105	0	0	0	0	20	61	7	627	310
<b>TOTALS</b>	<b>761</b>	<b>218</b>	<b>4,206</b>	<b>2</b>	<b>3,137</b>	<b>43</b>	<b>193</b>	<b>3,025</b>	<b>1,889</b>	<b>271</b>	<b>13,745</b>	<b>6,509</b>

### INFORMAL ACTIONS

<i>FISCAL YEAR 1996-97</i>	WARNING / CEASE & DESIST LETTERS ISSUED	OFFICE CONFERENCE/ INFORMAL HEARING	REPRIMAND/ VIOLATION / EDUCATION LETTERS ISSUED	TOTAL INFORMAL ACTIONS
Architectural Examiners	146	3	7	156
Contractors	6,812	n/a	n/a	6,812
Engineers & Land Surveyors	23	2	* n/a	25
Geologists and Geophysicists	5	0	0	5
Landscape Architects	16	1	3	20
Structural Pest Control	56	0	326	382
<b>TOTALS</b>	<b>7,058</b>	<b>6</b>	<b>336</b>	<b>7,400</b>

\* Endnote appears at the end of the report.

n/a - Not applicable

## Design / Construction Agencies

### COMPLAINTS REFERRED TO SWORN INVESTIGATORS FOR FORMAL INVESTIGATION

FISCAL YEAR 1996-97	INVESTIGATIONS OPENED	INVESTIGATIONS CLOSED, BY CATEGORY										INVESTIGATIONS PENDING	REFERRED TO AG	REFERRED TO DA/CA
		CONTRACTUAL	FRAUD	INCOMPETENCE/ NEGLIGENCE	PRODUCT/ SERVICE/ QUALITY	UNPROFESSIONAL CONDUCT	PERSONAL CONDUCT	HEALTH & SAFETY	UNLICENSED/ UNREGISTERED	OTHER	TOTAL CLOSED			
Architectural Examiners	31	2	1	2	0	2	0	1	30	0	38	25	2	8
Contractors	17,581	239	243	6,090	0	2,916	84	1,178	6,641	2,545	19,936	5,966	5,477	664
Geologists & Geophysicists	0	0	1	1	0	0	0	0	0	0	2	0	0	1
Landscape Architects	45	0	0	0	0	0	0	0	42	0	42	4	0	1
Structural Pest Control	59	1	0	0	0	0	0	0	54	0	55	16	1	14
<b>TOTALS</b>	<b>17,716</b>	<b>242</b>	<b>245</b>	<b>6,093</b>	<b>0</b>	<b>2,918</b>	<b>84</b>	<b>1,179</b>	<b>6,767</b>	<b>2,545</b>	<b>20,073</b>	<b>6,011</b>	<b>5,480</b>	<b>688</b>

### COMPLAINTS REFERRED TO NON-SWORN INVESTIGATORS FOR FORMAL INVESTIGATION

FISCAL YEAR 1996-97	INVESTIGATIONS OPENED	INVESTIGATIONS CLOSED, BY CATEGORY										INVESTIGATIONS PENDING	REFERRED TO AG	REFERRED TO DA/CA
		CONTRACTUAL	FRAUD	INCOMPETENCE/ NEGLIGENCE	PRODUCT/ SERVICE/ QUALITY	UNPROFESSIONAL CONDUCT	PERSONAL CONDUCT	HEALTH & SAFETY	UNLICENSED/ UNREGISTERED	OTHER	TOTAL CLOSED			
Architectural Examiners	124	16	17	33	0	27	1	0	19	1	114	28	3	0
Engineers & Land Surveyors	* 325	2	7	143	n/a	n/a	n/a	n/a	49	129	* 330	* 123	26	* 11
Landscape Architects	1	0	0	0	0	0	0	0	0	0	0	1	0	0
Structural Pest Control	479	268	22	144	0	0	0	0	0	16	450	280	40	0
<b>TOTALS</b>	<b>929</b>	<b>286</b>	<b>46</b>	<b>320</b>	<b>0</b>	<b>27</b>	<b>1</b>	<b>0</b>	<b>68</b>	<b>146</b>	<b>894</b>	<b>432</b>	<b>69</b>	<b>11</b>

\* Endnote appears at the end of the report.

n/a - Not applicable

## Design / Construction Agencies

ACTIONS FILED						
<i>FISCAL YEAR 1996-97</i>	ACCUSATIONS / PETITIONS TO REVOKE PROBATION FILED	STATEMENT OF ISSUES FILED	CITATIONS ISSUED	CRIMINAL ACTIONS FILED	CIVIL ACTIONS FILED	RESTRAINING ORDERS/ INTERIM SUSPENSION ORDERS ISSUED
Architectural Examiners	5	2	5	8	0	0
Contractors	246	50	4,645	664	0	0
Engineers & Land Surveyors	22	2	5	9	n/a	0
Geologists and Geophysicists	0	0	1	0	0	0
Landscape Architects	0	0	15	2	0	0
Structural Pest Control	* 38	3	346	0	1	0
TOTALS	273	57	5,017	683	1	0

ADMINISTRATIVE OUTCOMES AGAINST LICENSES / REGISTRATIONS / CERTIFICATES / PERMITS									
<i>FISCAL YEAR 1996-97</i>	REVOCATION	SURRENDER OF LICENSE	PROBATION WITH SUSPENSION	SUSPENSION ONLY	PROBATION ONLY	PUBLIC REPRIMAND	LICENSES DENIED	OTHER DECISIONS	WITHDRAWN/ DISMISSED
Architectural Examiners	0	0	0	0	1	0	0	1	0
Contractors	1,008	n/a	n/a	1,263	n/a	n/a	21	n/a	20
Engineers & Land Surveyors	5	2	6	0	0	0	1	5	4
Geologists and Geophysicists	0	0	0	0	0	1	0	0	0
Landscape Architects	0	0	0	0	0	0	0	0	7
Structural Pest Control	21	0	33	0	11	0	0	0	14
TOTALS	1,034	2	39	1,263	12	1	22	6	45

\* Endnote appears at the end of the report.

n/a - Not applicable

## Design / Construction Agencies

### PETITIONS FOR PENALTY RELIEF

	PETITIONS FOR MODIFICATION / TERMINATION OF PROBATION		PETITIONS FOR REINSTATEMENT OF REVOKED LICENSES / REGISTRATIONS	
	GRANTED	DENIED	GRANTED	DENIED
<b>FISCAL YEAR 1996-97</b>				
Engineers & Land Surveyors	1	1	0	1
Structural Pest Control	0	0	7	5
<b>TOTALS</b>	<b>1</b>	<b>1</b>	<b>7</b>	<b>6</b>

### INSPECTION DATA

	TOTAL NUMBER INSPECTIONS	NOTICES OF VIOLATION ISSUED	COMPLIANCE VERIFIED	INSPECTION CITATIONS ISSUED
<b>FISCAL YEAR 1996-97</b>				
Structural Pest Control	* 240	204	NDA	n/a

### MONETARY SAVINGS / COST RECOVERIES / RESTITUTIONS

	REFUNDED TO CONSUMERS	REWORK-NO CHARGE TO CONSUMERS	ADJUSTMENTS IN MONEY OWED/ PRODUCT RETURN/ EXCHANGE	TOTAL SAVINGS ACHIEVED CONSUMERS	TOTAL COST RECOVERIES ORDERED TO BOARD	TOTAL RESTITUTION ORDERED TO CONSUMERS
<b>FISCAL YEAR 1996-97</b>						
Architectural Examiners	\$ 75	\$ 0	\$ 0	\$ 75	\$ 2,765	\$ 1,380
Contractors	20,925,698	NDA	NDA	20,925,698	405,464	NDA
Engineers & Land Surveyors	NDA	NDA	NDA	NDA	59,249	11,175
Geologists and Geophysicists	0	0	0	0	7,120	0
Landscape Architects	0	NDA	NDA	0	NDA	NDA
Structural Pest Control	NDA	NDA	NDA	NDA	688,262	NDA
<b>TOTALS</b>				<b>\$ 20,925,773</b>	<b>\$ 1,162,860</b>	<b>\$ 12,555</b>

\* Endnote appears at the end of the report.

n/a - Not applicable

NDA - Due to the nature of the tracking systems, the data cannot be displayed in this format.

## STATISTICAL PROFILE ENDNOTES

### DEPARTMENT OVERVIEW

**BARBERING & COSMETOLOGY, GUIDE DOGS FOR THE BLIND, AND LANDSCAPE ARCHITECTS** - On June 30, 1997, these Boards sunset and their operations moved to DCA.

**BUREAUS, PROGRAMS AND DIVISIONS** - Under the Director's authority, includes the Bureau of Automotive Repair and Smog Check Program; Bureau of Electronic and Appliance Repair; Bureau of Security and Investigative Services; Cemetery and Funeral Program; Tax Preparer Program; Arbitration Review Program; Division of Investigation; Consumer Information and Analysis, Licensing, Complaint Mediation, Enforcement, Communication and Education, and Administrative and Information Services Divisions; and the Administrative Support Offices. *Number of Board Members* is the Bureau of Security and Investigative Services' Disciplinary Review Committee.

**VOCATIONAL NURSE AND PSYCHIATRIC TECHNICIANS** - One *Field Office* shared by both programs.

### LICENSES & REGISTRATIONS

**ACCOUNTANCY** - Prior to FY 1995-96, the Agency Statistical Profile (ASP) reflected "Total Number Licenses" in this chart. Beginning in FY 1995-96, the ASP was revised to reflect *Total Active Licenses/Registrations* and *Total Inactive Licenses/Registrations*. However, the Board, relying on the "Primary Status Summary Report" reported information in the FY 1995-96 ASP report in the same categories used in prior fiscal years, resulting in certain licenses being counted twice. This chart reports licenses in the new categories, and eliminates the double counting which occurred last year. Therefore, *Total Active Licenses/Registrations* data reflected in this chart represents a considerable change from the FY 1995-96 report. Due to the nature of the Board's exams, data for *Written Exam Pass Rate* percentages cannot be displayed in this chart's format. The CPA exam has four sections, not all of which have to be taken at one time. There were 16,218 individuals scheduled to take some portion of the exam, and 13,304 actually sat for it. For the two exams given in FY 1996-97, between 36% and 38% of the candidates passed each of the four exam sections administered.

**ARCHITECTURAL EXAMINERS** - *Scheduled Exams* decreased due to a transition from paper-and-pencil exam administration (June & December) to a computer-based exam (year-round) in February 1997. No exams were scheduled July 1996 to January 1997. Since there are no set deadlines, many candidates are delaying scheduling for the exams.

**ATHLETIC COMMISSION** - *Applications Denied* includes incomplete applications. The Commission previously administered *Written* and *Clinical/Practical* examinations. Due to budget and staffing constraints these exams were not administered this fiscal year; however, the Commission will administer them again in the future.

**AUTOMOTIVE REPAIR** - *Written Pass Rate* for the Smog Check Technician exam is 58%, and 54% for the Brake/Lamp Adjuster exam.

**CEMETERY, FUNERAL DIRECTORS & EMBALMERS, AND SECURITY & INVESTIGATIVE SERVICES** - Due to programmatic changes, data collected for FY 1995-96 may not have been reflected accurately. In FY 1996-97, the Licensing Division developed a more accurate and consistent method to collect data by license type. Therefore, the data indicated represents a considerable change from last fiscal year.

**CEMETERY** - On January 1, 1997, legislation exempted cemetery salesmen from taking an exam therefore, the data for *Active Licenses/Registrations* and *Renewals*, and *Exam Scheduled* reflect considerable change from data reported in FY 1995-96.

**DISPENSING OPTICIANS** - FY 1995-96 *Total Active Licenses/Registrations* data were based on counting multiple categories that included the same records, thus the lower figures for FY 1996-97. *Total Inactive License/Registration* data for the FY 1995-96 reporting period did not include "delinquent" licenses. However, there were 501. The *Total Licenses/Registrations Renewed* for FY 1995-96 incorrectly included counts of unrelated records. However, the decrease for FY 1996-97 also reflects conversion to biennial birth date renewal.

**ENGINEERS & LAND SURVEYORS** - Tracking system changes were implemented FY 1996-97 which separated canceled license/registration data from the *Inactive* data to more accurately represent this category's definition. Therefore, FY 1996-97 *Inactive* data reflects a significant decrease from data reported FY 1995-96.

**GUIDE DOGS** - *Active and Renewed Licenses/Registrations* includes three schools.

**LANDSCAPE ARCHITECTS** - In FY 1995-96 the Board administered the Professional Examination for Landscape Architects (PELA) to 151 applicants who took the entire exam. In FY 1996-97, the Board returned to administering the Landscape Architects Registration Examination (LARE) which is administered by individual sections rather than by an entire examination. The 844 *Total Exams Scheduled* reported for FY 1996-97 represents the total number of sections administered. The FY 1995-96 *Clinical Pass Rate* indicated "not applicable" to the Board because the PELA did not break the examination down into separate components. The LARE divides the examination between multiple choice sections which is considered the written portion while the graphics portion is considered the clinical portion of the examination.

**MIDWIFERY** - Program was in its implementation stages prior to FY 1996-97.

**NURSING HOME ADMINISTRATORS** - *Applications Received* includes Administrator-in-Training program and licensure based on qualifying masters programs or licensure in another state. Applicants must take a two-part *Written Exam*; a state exam and national exam. The *Pass Rate* for July 1996 exams: state 33%; national 69%; April 1997: state 59%; national 70%.

**PHYSICAL THERAPY (PTEC)** - *Total Number of Exams* does not include 1301 Law and Regulation exams administered by PTEC staff with a *Written Pass Rate* of 90%.

**PHYSICIAN ASSISTANT** - Includes Supervising Physician license data: 1,427 *Applications*; 1,358 *Issued*; 8,898 *Active*; 3,240 *Inactive*; and 3,309 *Renewed*.

**PHYSICIANS/SURGEONS** - The number of *Inactive Licenses/Registrations* for FY 1995-96 was based on counting multiple categories that included the same records, thus the lower figure for FY 1996-97. *Total Number of Exams Scheduled* is the actual number of individuals scheduled for the exam versus the actual number examined reported FY 1995-96.

**PODIATRIC MEDICINE** - Includes limited license data: 73 *Applications Received*; 87 *Licenses/Registrations Issued*; and 166 *Active*.

**PSYCHIATRIC TECHNICIANS** - *Total Active Licenses/Registrations* includes 150-day temporary licenses. *Total Inactive* includes delinquent, inactive, and continuing education holds.

**PSYCHOLOGY** - Data reflects *License, Registration and Examination* activity for Licensed Psychologists, Registered Psychologists, and Registered Psychological Assistants combined.

**RESEARCH PSYCHOANALYSTS** - *Licenses/Registrations Renewed* data reflects a biennial renewal date. License renewal occurs February of every even numbered year.

**VETERINARY MEDICINE** - *Total Exams Scheduled* includes 388 National Board Examination (NBE); 405 California State Board (CSB); 396 Clinical Competency Test (CCT); and 50 California Reciprocity Examinations (CRE). *Written Pass Rate* consists of 66% NBE; 87% CSB; 69% CCT; and 100% CRE.

**VOCATIONAL NURSE** - *Total Active Licenses/Registrations* includes 150-day temporary licenses. *Total Inactive* includes delinquent, inactive, and continuing education holds.

#### CERTIFICATES & PERMITS

**ATHLETIC COMMISSION** - *Applications Received* data are closed circuit telecast permits.

**AUTOMOTIVE REPAIR** - Gold Shield Certificate program implemented May 1997.

**CEMETERY, FUNERAL DIRECTORS & EMBALMERS, AND SECURITY & INVESTIGATIVE SERVICES** - Due to programmatic changes, data collected for FY 1995-96 may not have been reflected accurately. In FY 1996-97, the Licensing Division developed a more accurate and consistent method to collect data by license type. Therefore, the data indicated represents a considerable change from last fiscal year.

**NURSING HOME ADMINISTRATORS** - *Certificates/Permits Issued* are currently licensed nursing home administrators who attend Board-sponsored preceptor training.

**OPTOMETRY** - Data reflects implementation in February 1997 of Therapeutic Pharmaceutical Agent certifications.

**PHYSICIAN ASSISTANT** - *Applications Received, Certificates/Permits Issued, and Active* are Interim Approval data.

**PHYSICIANS/SURGEONS** - *Inactive Permits/Registrations* did not include "delinquent" permits for FY 1995-96 reporting period; however, there were 2,151.



**PODIATRIC MEDICINE** - Includes Ankle Surgery certificate data: 21 *Applications*; 2 *Denied*; and 19 *Issued*. *Active* and *Renewed* data represents Fictitious Name permits only.

**REGISTERED NURSING (RN)** - *Applications Received* data increased in comparison to FY 1995-96 due to the inclusion of RN temporary licenses and interim permits; total *Inactive Certificates/Permits* increased due to the inclusion of delinquent certificates/permits. These data were included in FY 1996-97 to fully capture category definitions. *Examinations Scheduled* is a Nurse Midwife Equivalency Exam taken and failed by one individual.

**SECURITY & INVESTIGATIVE SERVICES** - Baton Permits are issued as a lifetime permit therefore, they are not included in *Renewed* data.

**STRUCTURAL PEST** - Data reflects *Active Certificates/Permits* in existence from November 1, 1996 through June 30, 1997. The program was replaced by a licensing program on January 1, 1995. These permits expire after 3 years.

**VOCATIONAL NURSE** - Includes 543 interim permits, 1,769 Intravenous certificates, 563 Blood Withdrawal certificates, and 515 Intravenous Blood Withdrawal certificates.

#### FINGERPRINTS

**ATHLETIC COMMISSION** - Required for original promoter, matchmaker and manager applicants.

**CEMETERY, FUNERAL DIRECTORS & EMBALMERS, AND SECURITY & INVESTIGATIVE SERVICES** - Due to programmatic changes, data collected for FY 1995-96 may not have been reflected accurately. In FY 1996-97, the Licensing Division developed a more accurate and consistent method to collect data by license type. Therefore, the data indicated represents a considerable change from last fiscal year.

**PHYSICIAN ASSISTANT** - *Fingerprints* apply to Physician Assistant licenses only.

**PSYCHIATRIC TECHNICIANS** - Implemented new *Fingerprint* requirement effective July 1, 1996.

**PSYCHOLOGY** - Data reflects *Fingerprint* activity for Licensed Psychologists, Registered Psychologists, and Registered Psychological Assistants combined.

**VOCATIONAL NURSE** - Implemented new *Fingerprint* requirement effective July 1, 1996.

#### APPROVALS / ACCREDITATIONS

**ACCOUNTANCY** - Generally, the Board does not approve *Continuing Education Providers*. However, this statistic reflects the number of provider courses approved by the Board pursuant to the new Professional Conduct and Ethics requirement. *Number of Audits* was a new data collection category started in FY 1995-96. In that year, the Board interpreted this category to relate to audits of providers rather than verification of licensees continuing education, and so reported zero audits. The actual number of licensee continuing education verifications conducted by the Board in FY 1995-96 was 292.

**CEMETERY, FUNERAL DIRECTORS & EMBALMERS, AND SECURITY & INVESTIGATIVE SERVICES** - Due to programmatic changes, data collected for FY 1995-96 may not have been reflected accurately. In FY 1996-97, the Licensing Division developed a more accurate and consistent method to collect data by license type. Therefore, the data indicated represents a considerable change from last fiscal year.

**PSYCHOLOGY** - Number of *Continuing Education Providers* and the *Number of Audits* are applicable to Licensed Psychologists only.

**REGISTERED VETERINARY TECHNICIANS (RVT)** - Annual reports requested and received from accredited private RVT schools.

#### COMPLAINTS RECEIVED, BY SOURCE

**ATHLETIC COMMISSION** - *Public* is telephone complaints against unregulated martial arts schools. *Internal/Other* is boxer/manager contract disputes.

**CEMETERY** - FY 1995-96 *Complaints Received* data reflected the Lincoln/Paradise issues; therefore, FY 1996-97 data reflects a significant decrease.

**LANDSCAPE ARCHITECTS** - *Internal/Other* are complaints initiated by the Board to investigate delinquent licensees for unlicensed activity.

**VOCATIONAL NURSE** - In January 1996, the Board implemented a new requirement that, as a condition of renewal, licensees must certify under penalty of perjury the status of any criminal conviction since their last renewal. The Board must open a complaint and investigate all convictions reported. The complaint is closed if it is determined that the conviction is not grounds for disciplinary action, or if the licensee misinterpreted the question on the renewal form and answered "yes" in error. This has substantially increased the number of cases opened and closed.

#### COMPLAINTS CLOSED WITHOUT GOING TO INVESTIGATION

**ATHLETIC COMMISSION** - Boxer/manager contract disputes settled by commission arbitration.

**PHYSICAL THERAPY (PTEC)** - In FYs 1994/95 and 1995-96, PTBC gained responsibility from the Medical Board of California (MBC) for the entire enforcement process. A large volume of cases were pending review at the beginning of FY 1994/95. Because of this large volume of cases that required review in order to determine how to proceed, and combined with the transition process of PTEC staff assuming major workload in this area previously handled by MBC, the large number of complaints closed in FY 1995-96 (332) reflected ongoing PTEC staff efforts to process "aging" complaints and bring the enforcement process current. FY 1996-97 data (150) accurately reflects fiscal year workload.

#### INFORMAL ACTIONS

**AUTOMOTIVE REPAIR, HOME FURNISHINGS & THERMAL INSULATION, ELECTRONIC & APPLIANCE REPAIR, AND SECURITY & INVESTIGATIVE SERVICES-** *Warning / Cease & Desist* data includes first warning, and cease & desist letters issued by the unlicensed activity unit.

**ENGINEERS & LAND SURVEYORS** - Due to a review of procedures and legal definitions, *Reprimand / Violation / Education Letters* are no longer applicable to the Board.

**PSYCHIATRIC TECHNICIANS** - Includes 54 probation meetings and 4 remediation meetings.

**VOCATIONAL NURSE** - Includes 143 probation meetings and three remediation meetings.

#### COMPLAINTS REFERRED TO SWORN INVESTIGATORS

**ACCOUNTANCY** - *Investigations Closed* by category and *Referred to AG* are combined and displayed on the "Complaints Referred to Non-Sworn Investigators for Formal Investigation" chart.

**REGISTERED NURSING** - Data includes complaints referred to non-sworn investigators for investigation.

**SECURITY & INVESTIGATIVE SERVICES** - Due to the nature of the tracking system, investigations could not be captured by category and therefore are displayed as *Other*.

**VETERINARY MEDICINE** - Includes 4 complaints sent directly to the Attorney General (AG) for action.

#### COMPLAINTS REFERRED TO NON-SWORN INVESTIGATORS

**ACCOUNTANCY** - *Total Closed* includes 59 complaints referred to sworn investigators for formal investigation. *Referred to AG* includes complaints referred to both sworn and non-sworn investigators. The decrease in the number of complaints referred to non-sworn investigators in FY 1996-97 is due to the segregation of 141 complaints referred to non-sworn investigators for resolution. The Board did not segregate resolution cases in prior fiscal years.

**AUTOMOTIVE REPAIR, ELECTRONIC & APPLIANCE REPAIR, HOME FURNISHINGS & THERMAL INSULATION, SECURITY & INVESTIGATIVE SERVICES, AND FUNERAL DIRECTORS & EMBALMERS** - *Investigations Opened, Unlicensed/Unregistered, and Pending* data includes investigations initiated by the Unlicensed Activity Unit.

**AUTOMOTIVE REPAIR, SECURITY & INVESTIGATIVE SERVICES, AND FUNERAL DIRECTORS & EMBALMERS** - Due to the nature of the tracking system, investigations could not be captured by category and therefore are displayed as *Other*.

**CEMETERY** - Data reported for this chart in FY 1995-96 reflected the increase of investigative activity due to the Lincoln/Paradise issues.

**ENGINEERS & LAND SURVEYORS** - *Investigations Opened* includes 23 complaints submitted to the Division of Investigation (DOI) for assistance. *Investigations Closed* includes 24 complaints closed by the Board that DOI returned for further action after completing their portion of the investigation. *Pending* includes 10 pending at DOI. *Referred to DC/CA* data are DOI referrals to the District Attorney for further action.

**FUNERAL DIRECTORS & EMBALMERS AND TAX PREPARER** - Due to the nature of the tracking system, data for *Investigations Opened, Closed* and *Pending* that may have been initiated by the Unlicensed Activity Unit are not included.

#### ACTIONS FILED

**STRUCTURAL PEST CONTROL** - Each *Accusation* contains multiple licensees.

**RESPIRATORY CARE** - *Citations Issued* data reflects implementation, in April 1997, of a cite and fine program.

#### ADMINISTRATIVE OUTCOMES

**ATHLETIC COMMISSION** - *Revocation* is professional boxers retired for inability to compete. *Suspension Only* is medical suspensions for boxers knocked out, injured, etc.

#### PETITIONS FOR PENALTY RELIEF

**PHYSICAL THERAPY** - *Petitions for Modification/Termination of Probation* data includes one reduced probationary term length as a *Denial*.

#### INSPECTION DATA

**BARBERING & COSMETOLOGY** - *Inspection Citations Issued* includes *Notices of Violation* data.

**OPTOMETRY** - Inspection program implemented.

**STRUCTURAL PEST** - As part of the sunset review process, the Board agreed to do more inspections, this resulted in more violations issued.

#### DRUG DIVERSION PROGRAMS

**PHYSICIANS/SURGEONS** - Eighty nine (89) *Diversion* participants had some form of Board action. Sixty seven (67) of the 89 were referred by the Board to the Diversion Program.

#### MONETARY SAVINGS / COST RECOVERY

**PSYCHOLOGY** - *Cost Recoveries* includes \$14,149 in probation monitoring costs billed in FY 1996-97.



## GLOSSARY OF TERMS IN STATISTICAL PROFILE

**ACCUSATION**—A formal, written statement of charges.

**B&P CODE**—The Business and Professions Code, which contains the statutes governing the Department of Consumer Affairs and its licensing boards.\*

**B&P CODE SECTION 480-485**—A statute authorizing denial of applications.

**B&P CODE SECTION 800**—A statute requiring specified healing arts boards to create and maintain a central file containing a historical record of licensees.

**CERTIFICATE/PERMIT**—A document issued to an individual who also holds a valid license or registration that requires a secondary permit or certificate for specialized work.

**CITATION**—A written formal order to pay a fine and/or correct a condition.

**CIVIL ACTION**—A court proceeding initiated by a person or other entity to enforce private rights or obtain redress.

**COMPLAINT**—A communication alleging a violation of the Practice Act.

**CONTINUING EDUCATION**—Additional education required by a board for license renewal.

**CONTRACTUAL (VIOLATION)**—Failure to comply with terms of a contract or invoice or to honor a warranty.

**COST RECOVERY**—An order directing a licensee to pay the costs of investigating and prosecuting an administrative disciplinary action against the licensee.

**CRIMINAL ACTION**—The proceeding by which a party charged with a crime is accused and brought to trial.

**FORMAL INVESTIGATIONS BY NON-SWORN INVESTIGATORS**—Complaints referred to a non-sworn board investigator, inspector, or consultant to determine if violation of law has occurred.

**FORMAL INVESTIGATIONS BY SWORN INVESTIGATORS**—Complaints referred to the Division of Investigation or a sworn board investigator to determine if violations of law have occurred.

**FRAUD**—Intentional acts of misrepresentation, misleading advertising, substitution of goods/services, fraudulent billing, or unfair business practices (B&P Code Section 17200).

**HEALTH & SAFETY (VIOLATION)**—Improper use of a toxic or hazardous substance, prescription abuses, sanitation deficiencies, and sale of dangerous substances or products.

**INCOMPETENCE/NEGLIGENCE**—Substandard workmanship, malpractice, departure from the professional standards of practice, quality of care issues, inadequate skills, or lack of knowledge.

**INFORMAL ACTION**—Notification informing a licensee that he or she is in violation of the statutes or regulations of a board. The notification is accomplished by a letter of reprimand, notice of warning, violation letter, office conference, informal hearing, education letter, or cease and desist letter.

**INSPECTION**—Investigation of a licensed business resulting from a consumer complaint or other enforcement purpose.

**INTERIM SUSPENSION ORDER**—A temporary order of an Administrative Law Judge that immediately suspends a license pending the outcome of disciplinary action taken by a board.

**MONETARY SAVINGS**—A refund to the consumer achieved through mediation efforts arranged and facilitated by DCA. Refunds may include actual money, services performed without charge, changes made in dollar amounts owed by the consumer, or return and exchange of product purchased.

**NON-JURISDICTIONAL**—Issues not specifically covered by statute (fee disputes, discourtesy, referrals to other agencies, etc.).

**NOTICE OF VIOLATION**—A notice to a licensee documenting the licensee's failure to comply with a statute or regulation.

**PERSONAL CONDUCT**—Drug/alcohol abuse, moral turpitude, mental illness, or conviction of a crime (regardless of the nature of the crime).

**PETITION FOR MODIFICATION/TERMINATION OF PROBATION**—A request by a licensee who is on probation as a result of a disciplinary action to change or delete specified terms of the probation or to end the probation prior to its designated completion date.

**PETITION FOR REINSTATEMENT**—A request by a licensee whose license has been revoked to have the license reinstated.

**PETITION TO COMPEL EXAMINATION**—A formal order by the board requiring a licensee to take a psychological, physical, or competency exam. Failure to comply with the order may result in additional action by the board.

**PETITION TO REVOKE PROBATION**—A request filed by a board to terminate probation resulting from the licensee's failure to comply with some or all terms of probation.

\* For the sake of convenience, the term "board" has been used in this glossary to represent a DCA licensing board, bureau, program, committee, or commission.

**PROBATION**—A license placed on probation as a result of a disciplinary action with specified terms and conditions attached. (Also included is suspension stayed, probation only; revocation stayed, probation only; revocation stayed, condition and probation; and initial licenses and reinstatements issued on probation.)

**PROBATION WITH SUSPENSION**—A license placed on probation with a specified suspension period resulting from a disciplinary action. (Also included is revocation stayed, suspension and probation; suspension stayed, suspension and probation; revocation stayed, suspension, condition, and probation.)

**PRODUCT/SERVICE QUALITY (VIOLATION)**—Defective goods, product does not perform as warranted, or dissatisfaction with services rendered.

**PUBLIC REPRIMAND**—A reproof of a licensee that is a matter of public record for conduct in violation of the law. (Also included are public letters of reprimand pursuant to B&P Code Section 2233.)

**REFERRED TO AG**—When an investigation of a complaint regarding the conduct of a licensee reveals violation of the Business and Professions Code, the results are submitted to the State Attorney General (AG) for administrative purposes.

**REFERRED TO DA/CA**—When an investigation of a complaint regarding the conduct of a licensee reveals violation of the Business and Professions Code, the results are turned over to the local district attorney (DA) or a city attorney (CA) for legal action.

**RESTITUTION**—An order from a court directing a licensee to pay the consumer moneys resulting from a disciplinary action against the licensee.

**RESTRAINING ORDER**—An order from a court to refrain from engaging in particular unlawful conduct.

**REVOCATION**—The invalidation of an individual's license to practice a profession as a result of an administrative or disciplinary action.

**SCHOOL APPROVAL/ACCREDITATION**—Certification that a school meets the required criteria for licensure.

**STATEMENT OF ISSUES**—A formal, written statement of charges denying an application for a license.

**SURRENDER OF LICENSE**—The voluntary surrender of a license by a licensee resulting from a disciplinary action.

**SUSPENSION**—A decision resulting from a disciplinary action whereby the right to practice a profession is temporarily discontinued or withdrawn. (Also included is revocation stayed, suspension only.)

**UNLICENSED/UNREGISTERED**—Unlicensed/unregistered activity, or aiding and abetting unlicensed activity.

**UNPROFESSIONAL CONDUCT**—Unethical business practices (sexual misconduct, client abandonment, failure to release/return records, or breach of confidentiality).

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