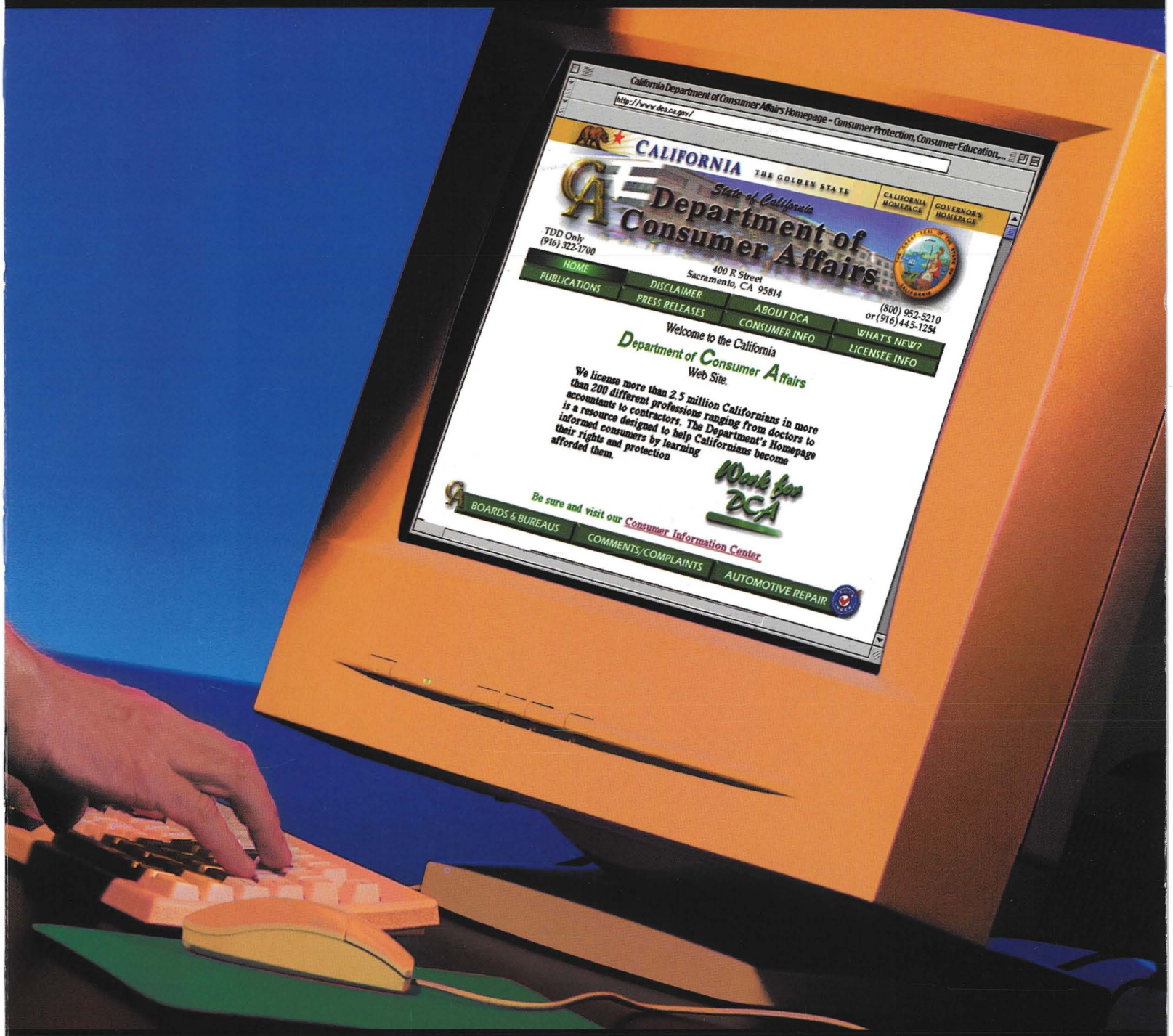


California Department of Consumer Affairs

# 1998 - 1999 Annual Report

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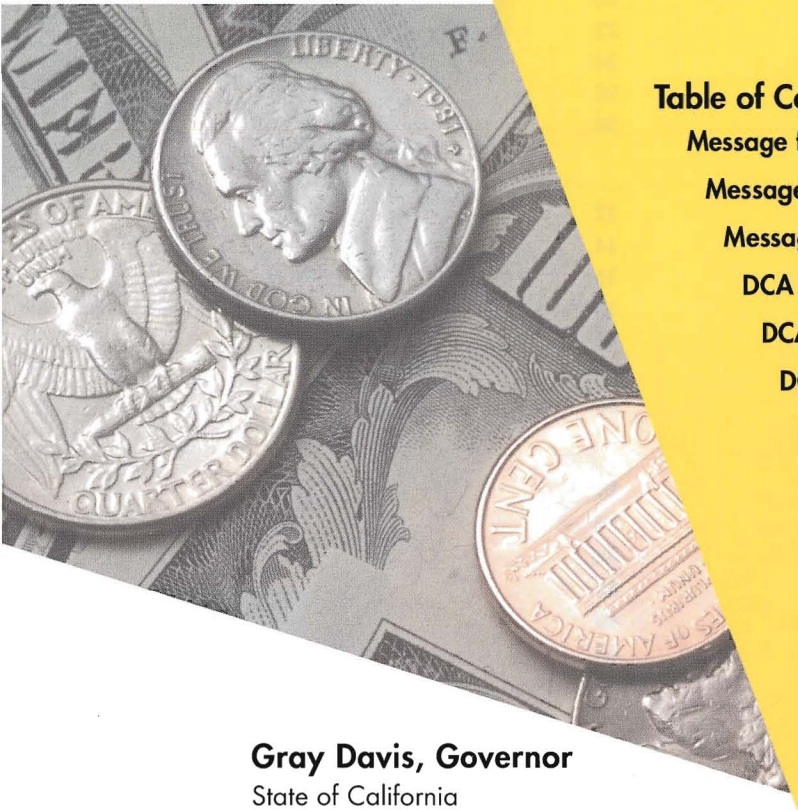
STATE OF CALIFORNIA

# Department of Consumer Affairs



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**Gray Davis, Governor**
State of California

**Aileen Adams, Secretary**
State & Consumer Services Agency

**Kathleen Hamilton, Director**
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GOVERNOR GRAY DAVIS

January 2000

Dear Friends:

I am pleased to present the 1998/1999 Annual Report for the Department of Consumer Affairs.

As we embark on the new millennium, the Department of Consumer Affairs reaffirms its commitment to protecting California's consumers and businesses. By providing programs to educate, assist and serve both consumers and business owners, the Department of Consumer Affairs has helped California maintain the highest standards of service in business and professional organizations.

On behalf of the people of the State of California, I invite you to review this Annual Report, visit our State websites, and take advantage of all the services the Department of Consumer Affairs provides.

Sincerely,

Gray Davis

GRAY DAVIS

STATE CAPITOL • SACRAMENTO, CALIFORNIA 95814 • (916) 445-2841

GRAY DAVIS
GOVERNOR

State and
Consumer Services Agency

OFFICE OF THE SECRETARY
915 CAPITOL MALL, SUITE 200
SACRAMENTO, CA 95814

African American Museum
Building Standards Commission
Consumer Affairs
Fair Employment & Housing
Fair Employment & Housing Commission
Franchise Tax Board
General Services
Insurance Advisor
Science Center
Personnel Board
Public Employees' Retirement System
Teachers' Retirement System

The Department of Consumer Affairs plays a pivotal role in the lives of millions of Californians. Through the educational, licensing, and disciplinary process involving 36 different boards and bureaus which oversee more than 2.5 million diverse professionals, the Department helps to promote good business practices and ensure that California's consumers receive quality services. In addition, the Department is an important advocate for issues of major concern to both consumers and businesses around the State. The hard work and dedication of the Department's employees are reflected on the pages of this report, and they are to be commended.

This past year, the Administration supported many important new initiatives that benefit consumers. These include significant HMO reforms, increased "lemon law" protections for automobile owners, more efficient distribution of phone numbers by the Public Utilities Commission, low cost auto insurance for the poor, and a simplified application process to increase the number of uninsured children who benefit from the high-quality health coverage of the Healthy Families Program.

We have also worked to raise the standards of practice for many different professions, including by establishing professional codes of conduct. In addition, there have been significant efforts to make professional exams more relevant to various professions, based upon occupational analyses of those occupations. And, boards and bureaus have stressed the importance of disciplinary proceedings against unlawful practices by initiating over 3,000 formal disciplinary actions. Whether we are aggressively protecting businesses from unfair trade practices or expanding consumer protections, we value fairness and justice for all.

This is an Administration that cares about people and turns to people to help solve problems. We have held roundtables around the State and listened to the concerns and ideas of many different constituencies. We have aggressively solicited input regarding regulations from representatives of consumer organizations, individual businesses, and professional and trade associations. Their input has been invaluable to the regulation process, and we will continue to intensify our outreach efforts.

As we enter the 21st Century, we must work together closely to streamline and simplify government, increase accountability, learn from good business practices and eliminate unscrupulous ones, and improve customer access to the Department and to quality services. With continued input from the field, I am certain that we can meet the challenges of the next millennium and attain the best customer service available in the country.

Aileen Adams, Secretary
State and Consumer Services Agency

STATE OF CALIFORNIA—STATE AND CONSUMER SERVICES AGENCY GRAY DAVIS, *Governor*

400 R STREET, SACRAMENTO, CALIFORNIA 95814-6200

**January 2000**

A seminal change in state government took place in 1970 when the "Consumer Affairs Act of 1970" was signed into law. What had been the "Department of Professional and Vocational Standards" was now a department whose purpose was to "promote and protect the interests of the people as consumers...."

The Department's diverse regulatory duties were retained, and a new mandate to provide vigorous representation and protection of consumer interests was implemented. That expansion of duties necessarily created a second constituency for the Department–consumers.

Our charge is to serve both constituencies: our professional and business licensees and the consuming public.

And one of our challenges is to build partnerships and dialogue between these groups so that we can dispel the notion that their interests are inimical.

Because the Department has for many years focused almost exclusively on its regulatory responsibilities, previous Annual Reports have focused in large part on the particular profiles and accomplishments of the Department's numerous and diverse regulatory boards, bureaus, programs, and commission.

This year I'm pleased to add to those profiles each program's consumer service goals.

And next year I look forward to sharing with you our progress in developing a new division for consumer relations and outreach. We began that effort in April 1999 with the Department's first "Consumer Leaders Roundtable" symposium, where we heard from local government, law enforcement, and statewide consumer organizations on the challenges confronted by California's consumers every day. We discussed trends that will require our best thinking and full attention–the advent of consumer transactions via "e-commerce," the consumer privacy implications of emerging technologies, and the need to craft and promote consumer education materials that meet the needs of California's richly diverse ethnic communities.

We hold dear our duty not only to administer responsible, relevant, and accountable regulatory programs–but also to provide California consumers with the voice and guardianship that was intended when our Department was established in 1970.

Sincerely,

Kathleen Hamilton, Director
Department of Consumer Affairs

# Mission Statement

To promote and protect the interests of California consumers by:

Serving as guardian and advocate for their health, safety, privacy, and economic well-being.

Enhancing public participation in regulatory decision-making.

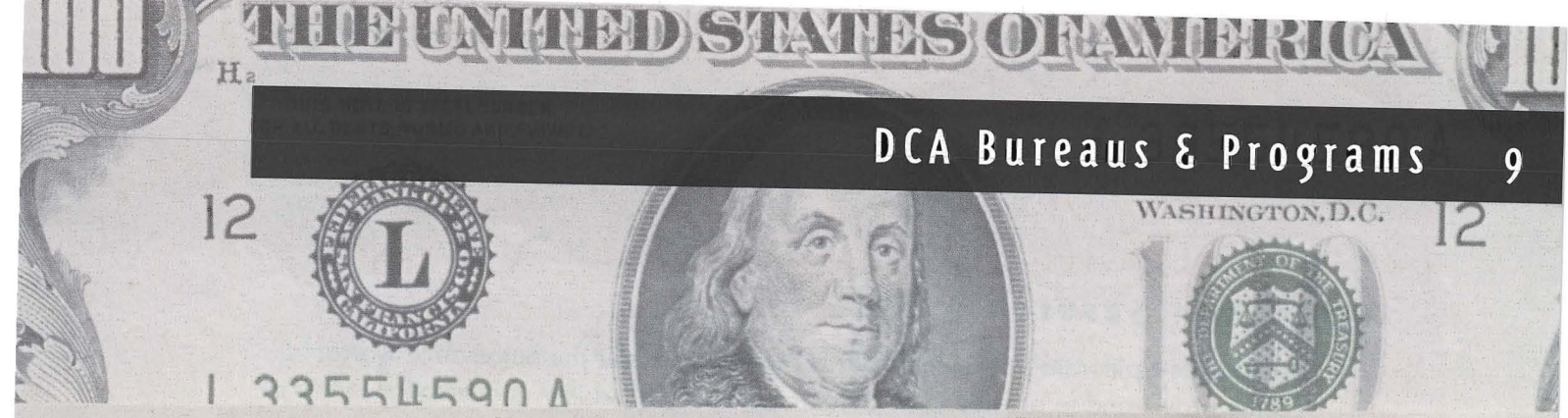
Promoting legal and ethical standards of professional conduct.

Identifying marketplace trends so that the department's programs and policies are contemporary, relevant, and responsive.

Partnering with business and consumer groups in California and the nation.

Working with law enforcement to combat fraud and enforce consumer protection laws vigorously and fairly.

CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS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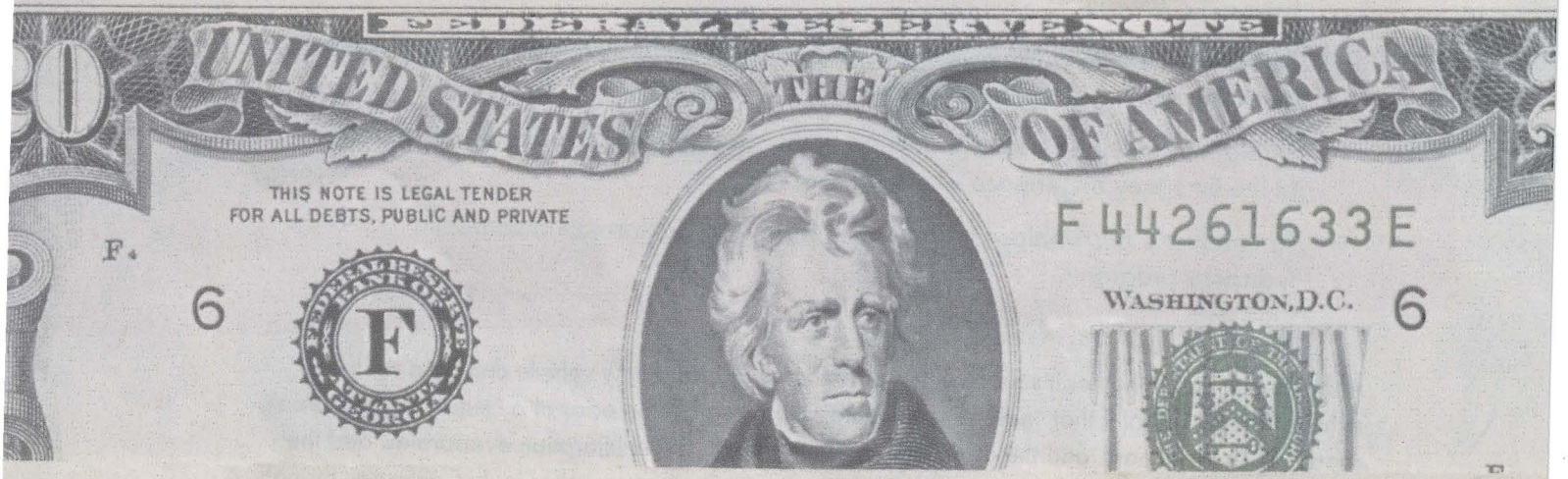
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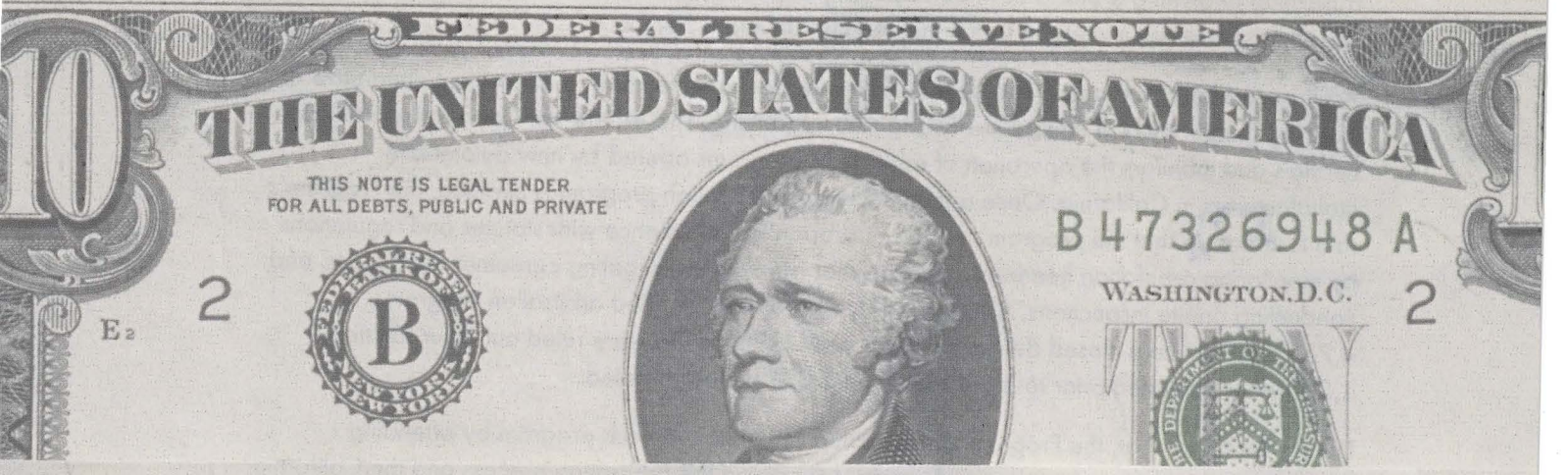
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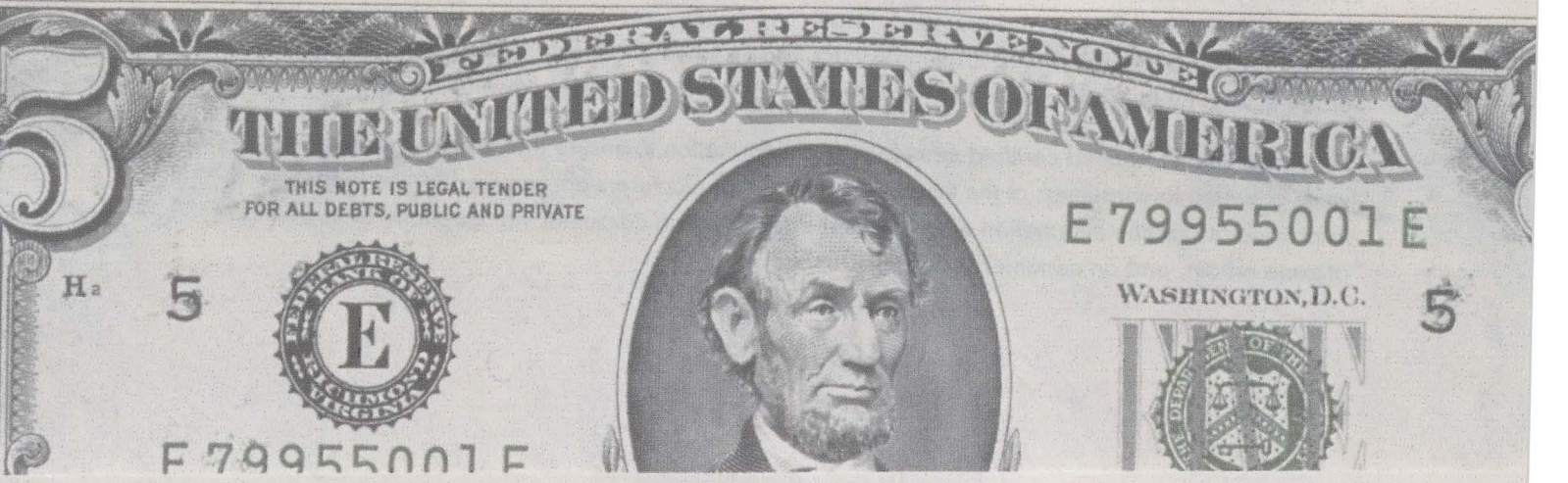
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## Consumer Service Goals

- To educate California's consumers about their rights under the automobile warranty "Lemon Law" and to provide information about the availability of arbitration in lieu of bringing a lawsuit.
- To increase the level of service provided to consumers via the Internet and conduct an active public outreach program.
- To ensure that consumers are notified of the manufacturer's arbitration program at the time they experience warranty problems.
- To conduct a fair, unbiased, and timely review of California's automobile warranty programs.

Ahhh, a new car. Whether it's for business or pleasure, a brand new vehicle can be a source of exhilaration. But what if that "new car smell" starts to resemble the odor of a "lemon"? Parts break, repairs fail, weeks pass, and the new car is still in the shop. The exhilaration evaporates, and the frustration of owning a brand new, perhaps very expensive, clunker settles in. In California, though, consumers have somewhere to turn if they end up driving a "lemon."

Arbitration offers consumers who believe their new cars are "lemons" a convenient alternative to going to court, which can be costly and time-consuming. The Arbitration Certification Program certifies and monitors the operation of arbitration programs offered by new automobile manufacturers in California. Once a manufacturer's arbitration program is certified, the Program's role is to ensure that the program remains in substantial compliance with statutes and regulations by monitoring arbitration hearings and arbitrator training, investigating consumer complaints, and conducting on-site inspections. As reported by California's certified arbitration programs, 4,758 disputes were closed during calendar year 1998: 1,386 were ruled out of jurisdiction, 1,301 were mediated prior to arbitration, and 2,071 were arbitrated.

During the fiscal year, the Program strengthened its public outreach program by attending community outreach conferences and events, advertising the arbitration process and the California Lemon Law via the Internet, and providing Lemon Law brochures to consumers. The brochures help guide consumers through the arbitration process. Lemon Law notices also accompanied license plates mailed by the Department of Motor Vehicles to nearly 1.5 million new vehicle owners.

The Program also verified certified manufacturers' information to ensure that proper documents were provided to consumers at the time of purchase. Manufacturers are required by the Program to provide arbitration information when dealing directly with a consumer via telephone or in writing, at zone offices, and on customer service 800 lines.

## Future Challenges

Over the next year, the Program intends to collaborate with state, local, and federal agencies and consumer groups to advocate on behalf of the consumer and to work with interested parties on legislation affecting the fairness of certified arbitration programs.

The Program also must extend its ongoing efforts to persuade nonparticipating manufacturers to operate or sponsor certified arbitration programs for use by consumers. To achieve this goal, the Program Director sent a solicitation letter in September 1999 inviting noncertified manufacturers to apply for certification. Staff will also make presentations to all noncertified manufacturers on certification requirements and help them understand why certification is a good business decision for manufacturers and consumers alike. Finally, when successes are identified, the Program will work to provide positive media coverage for state-certified manufacturers.

## Consumer Service Goals

- To educate consumers on how to shop wisely for automotive repair services.
- To establish equipment requirements and acceptable trade standards for auto body and air conditioning repair facilities.
- To work with law enforcement to combat auto body repair fraud.
- To ensure that all licensed Smog Check stations conduct thorough and accurate inspections.
- To monitor consumer complaints, industry tips, vehicle information data, and quality assurance inspection data to ensure that consumers whose vehicles fail the Smog Check inspection are provided with effective diagnosis and repair services.
- To educate consumers and provide a consumer-friendly Smog Check process, including participation in Consumer Assistance Program options (repair assistance, vehicle retirement, economic hardship extension, and repair cost waivers).
- To ensure that the state's Repair Assistance Program is contributing to reduced auto emissions.

Californians and their cars are inseparable, as the story goes. The mere mention of "Highway 1" sends auto enthusiasts dreaming. Car collectors the world over covet that "California Special" edition roadster–big block, rag top, high gloss. Even those of us who don't hear the call of the road so loudly are part of this culture of mobility that is invited by California's varied landscape. In this expansive state where the masses demand mobility and love to "get away," the automobile is more than a machine; it's a symbol of personal freedom. Keeping Californians in motion and their cars running smoothly, with the least possible pollution, is big business. The state's Bureau of Automotive Repair is the overseer of this industry, licensing thousands of automotive repair facilities, lamp and brake inspection stations, and Smog Check stations.

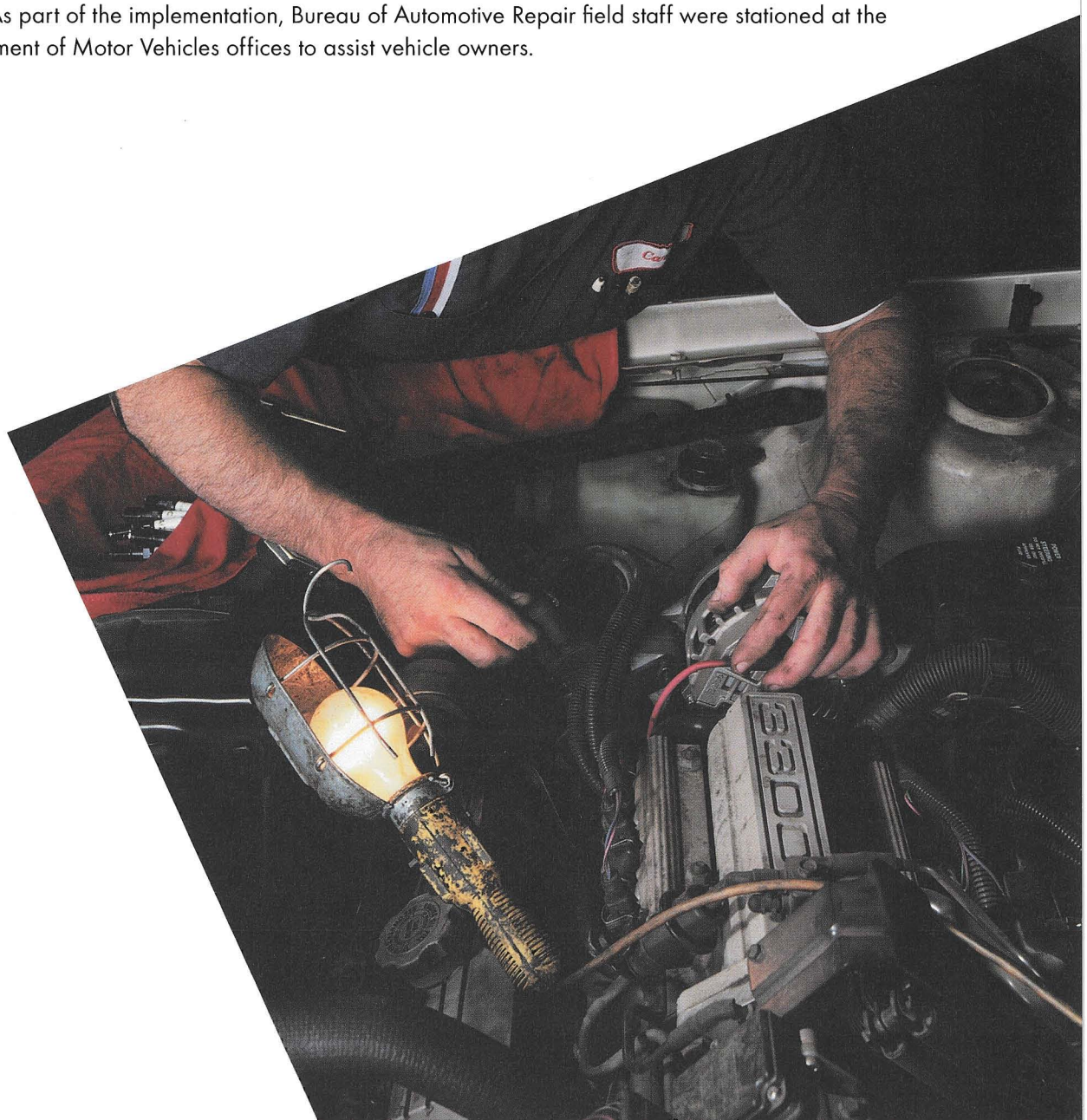
The Bureau registers and regulates more than 35,000 automobile repair facilities in the state and enforces the provisions of the Automotive Repair Act. The Bureau also regulates lamp and brake inspection stations. During the fiscal year, the Bureau issued 15,825 new licenses and certificates and renewed 43,554. In addition, the Bureau's Enforcement Division staff continued to focus on auto body repair fraud, revoking 38 auto body repair facility licenses. An additional 16 auto body facilities had their licenses suspended and placed on probation. The Enforcement Division's Unlicensed Activity Unit sought out and required licensure of 1,431 businesses, resulting in an additional $378,255 in licensing revenue.

Over the course of the year, the Bureau and representatives from the automotive industry held a series of discussions in various California cities on issues affecting the industry, particularly the growing trend of repair and advertising fraud in the auto body, automatic transmission, and brake repair industries. In addition, because restrictions on the use, handling, and disposal of various types of refrigerant have created confusing and sometimes hazardous situations for consumers and repair

technicians, the Auto Repair Enforcement Program held several workshops to draft trade standards for the service and repair of automotive air conditioning systems. Workshops were also held with industry representatives to discuss the results and observations from covert undercover runs and other enforcement efforts in order to reduce future violations, and more than 400 presentations were held throughout the state to inform consumers and industry groups about Bureau programs.

In addition to its work in the area of automotive repair, the Bureau also helps to reduce vehicular smog in California by regulating smog inspection stations and smog check technicians. California has long been a leader in the nation's efforts to cut vehicular air pollution, and Bureau staff share California smog check techniques at national conferences.

One of the Bureau's major actions during the year was in support of a new federal law, the Border Smog Reduction Act (House Resolution 8), which requires vehicles that cross the Mexico/California border regularly for work or study to comply with California Smog Check Program requirements. U.S. Customs and the California Highway Patrol began enforcement of the resolution in late June 1999. As part of the implementation, Bureau of Automotive Repair field staff were stationed at the Department of Motor Vehicles offices to assist vehicle owners.



On behalf of the Bureau, the Department's Enforcement Division conducted 412 statewide covert audits on Test-Only and Gold Shield network stations in fiscal year 1998–1999; these audits showed improvements over those performed during the prior fiscal year. Enforcement staff have also assumed the responsibility of evaluating and monitoring the performance and integrity of all Gold Shield stations participating in the Repair Assistance Program, which provides monetary assistance for auto repairs to eligible consumers. Field inspections and audits are performed to validate that the repairs recommended by these stations are necessary and achieve substantial emission reductions. During the fiscal year, six stations did not meet performance requirements and were removed from the program.

In addition, Enforcement Division staff began performing, and have made more comprehensive, the Smog Check station quality assurance inspections formerly performed by a third-party state contractor. Now, rather than simply checking for required equipment, inspectors evaluate the test and repair performance of each station and licensed technician.

In Fall 1998, in connection with the Community College Foundation, the Bureau launched a "welfare-to-work" program at its 33 Consumer Assistance and Referee Centers. Individuals enroll in a program of on-site training by referees in office work, safety, equipment maintenance, vehicle inspection, emissions diagnostics, and supervisory skills. Five participants have now graduated; two have been employed by Consumer Assistance and Referee Centers as student lane technicians, one is currently employed in the automotive field, and the remaining two are seeking employment in the automotive field through leads provided by the Foundation. Nine more participants are in various stages of the 400-hour course, and participation is increasing as communities learn more about the program.

## Future Challenges

The Bureau continues to work with automotive professionals to address three key challenges facing the automotive industry in the next century: educating and training automotive technicians in the skills needed to repair the technologically advanced "vehicles of the future," recruiting women and men into the automotive repair and technology profession, and enhancing the image and professionalism of the automotive repair industry. A national summit held in September 1998, "Automotive Repair Leadership 2000: Strategies for Success," began that process.

California Department of Consumer Affairs Homepage - Consumer Protection, Consumer Education,...
http://www.dca.ca.gov/
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Bureau of Automotive Repair
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California YOU COUNT!
• The Bureau of Automotive Repair (BAR) is part of the California Department of Consumer Affairs. BAR registers and regulates approximately 35,000 California automotive repair facilities, and licenses lamp and brake inspection stations. During the 1998/99 Fiscal Year, BAR negotiated refunds, rework, and adjustments valued at more than $4.8 million from auto repair shops on behalf of consumers.
• With headquarters in Sacramento and eleven field offices throughout the state, BAR is headed by a Chief who is appointed by the Governor and confirmed by the Senate.
• BAR also implements California's Smog Check program, which removes tons of harmful pollutants from California's air every day. It licenses more than 7,300 Smog Check stations and 13,000 Smog Check technicians, inspects their shops, certifies emissions testing equipment, and monitors Smog Check stations to help ensure compliance with the law.
• BAR is a completely separate agency from the Department of Motor Vehicles. DMV has authority over all vehicle registration and driver licensing issues, and also regulates new- and used-car dealers.
DOCUMENTOS EN ESPAÑOL

## Consumer Service Goals

- To minimize health and safety violations in establishments.
- To incorporate state-of-the-art technology in the examination process.
- To improve the speed and effectiveness of the complaint mediation and disciplinary processes.
- To encourage consumers to verify the license status of professionals and establishments.

Most of us visit barbershops or cosmetology establishments hundreds, if not thousands, of times during our lives, whether for trims, perms, or more "colorful" nail or hair services. When we do, our health depends on the safety procedures used by the barbers or cosmetologists to whom we entrust the care of our hair, skin, and nails. The Barbering & Cosmetology Program protects the consumers—as well as the providers—of barbering, cosmetology, electrology, and related services by ensuring that individuals are not licensed until they have completed certain training and passed a written and practical examination. The Program also conducts inspections, cites and fines those who violate established health and safety provisions, and takes more stringent disciplinary action as necessary. During the fiscal year, the Program issued 14,119 new licenses, renewed 156,397, and took disciplinary action against 41 licenses.

One of the Program's major consumer and licensee education efforts during the fiscal year was the development of a *Consumer Guide to Barbering & Cosmetology Services* and its distribution to all licensed establishments in the state for sharing with licensees and the public. The guide sets out health and safety requirements for salons and staff, the scope of practice for the various barbering and cosmetology vocations, and precautions for those arranging in-home services for incapacitated individuals. A special section cautions against the use of illegal instruments and services. The guide is also available on the Department's website at *www.dca.ca.gov/barber.*

In September 1998, the Program launched an eight-week consumer awareness health and safety campaign in Southern California. The "Before You Get a New Look, Get a Good Look Around" campaign included ads in the October and November issues of *Family Circle, Good Housekeeping,* and *Ladies Home Journal* and in the September 21 and October 19 issues of *People.* Posters were placed in 80 shopping mall kiosks in 42 major shopping malls in Los Angeles, Orange, San Bernardino, Riverside, and Ventura counties through the first week of November. The campaign was also showcased on the Department's website.

Beginning in June 1999, the Program began including administrative disciplinary actions taken against licensees on its website to allow consumers access to this information. In addition, the Program added a consumer complaint form to the website to allow consumers to submit complaints online.

## Future Challenges

The Program will continue its efforts to "contemporize" the Barbering and Cosmetology Act to respond to changes in the profession. The Program will also continue to review health spa activities that may overlap with Cosmetology Act requirements and will expand its website to allow consumers to verify online licensing information for professionals and establishments. In addition, a review of the current administrative fine schedule is planned, and fines for health and safety violations will be increased where necessary to deter conduct with the potential to harm consumers.

The Program will also establish case priority models for enforcement actions to reduce the time required to remove egregious violators from the industry. An automated written examination format is being investigated that would expedite the licensing process and reduce incidents of unlicensed practice.

## Consumer Service Goals

- To encourage California consumers to decide in advance about their death care wishes and to discuss those decisions with their loved ones.
- To encourage consumers to make price and service comparisons before signing contracts for funeral or cemetery services.
- To monitor the growing number of retail establishments that offer goods and services formerly offered only by licensees.

**Death.** It's inevitable, yet we don't want to think about it, much less plan ahead for it. Then a loved one dies, and we have to make important, agonizing decisions while we're emotionally vulnerable. *How do we select a funeral home? Should we choose burial or cremation? A funeral or memorial service? How much should we spend on a casket? Is embalming required by law?* The Cemetery and Funeral Program helps answer these and other questions and provides consumers information about their rights and options relating to cemetery and funeral needs. The Program also investigates suspected law violations and takes action against violators.

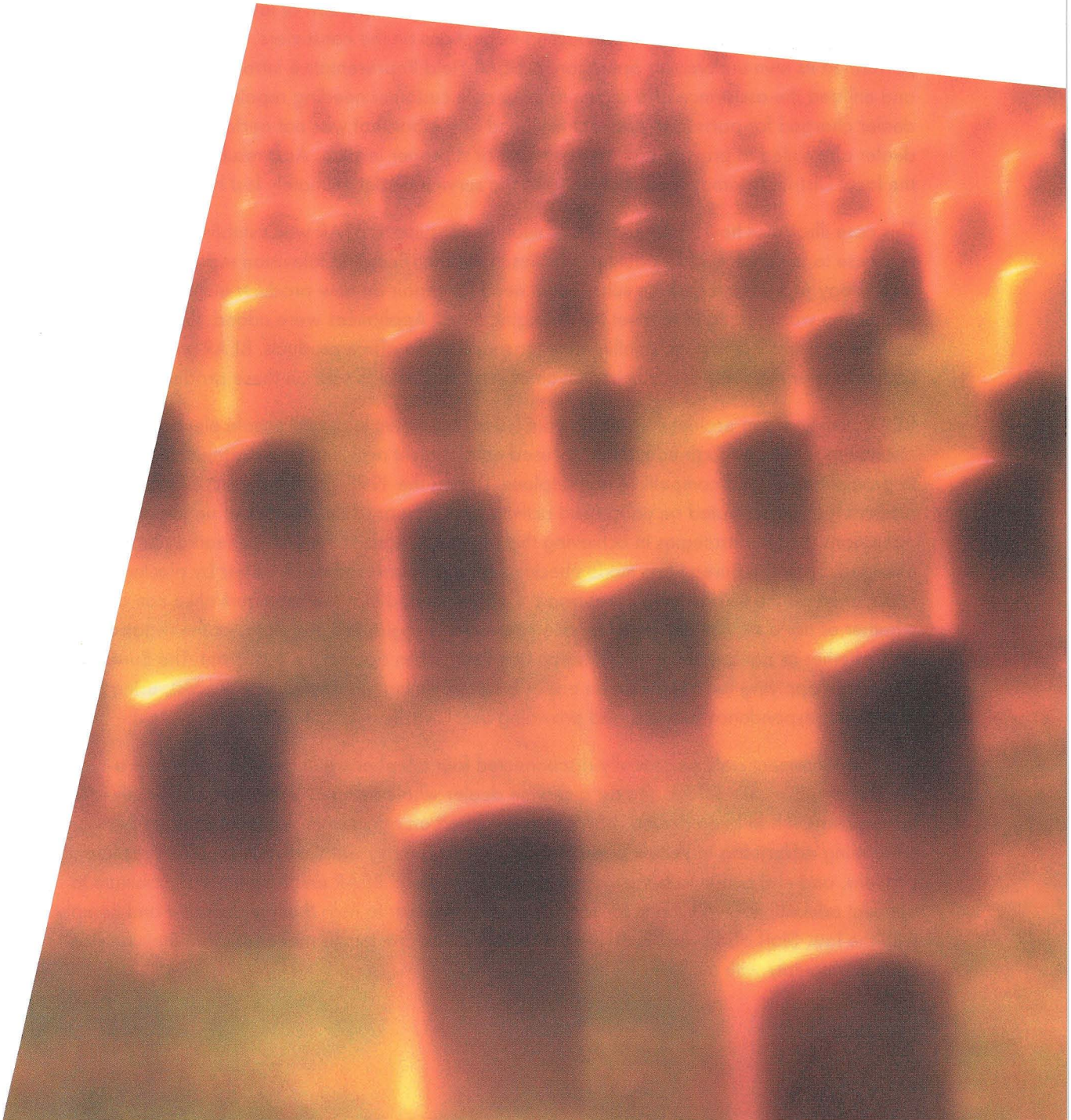
The Program regulates funeral establishments, private cemeteries, crematories, funeral directors, embalmers, cemetery brokers, cemetery salespersons, and cremated remains disposers. The Program also oversees funeral preneed trust funds, cemetery endowment care trust funds, and special care trust funds. During the fiscal year, the Program issued 2,545 new licenses and certificates and renewed 6,272. Disciplinary action was taken against 23 licenses. Through formal action, the Program ordered the restitution of $1,645,000 to funeral preneed trust funds. Nine cemeteries were found that had not properly trusted, or had improperly expended, endowment care trust fund money, and the Program worked with them to ensure that some $817,697 was reendowed. In addition, final field audits identified and recovered $274,060 in trust funds. Other program audit activities caused $2,158,397 to be placed into special care trust accounts.

As part of its consumer education efforts, the Program extensively revised its *Consumer Guide to Funeral & Cemetery Purchases*, which provides information on what the law does and does not require, planning ahead for funeral and cemetery arrangements, and revised requirements on the disposal of cremated remains. All funeral establishments and licensed cemeteries must display and make this guide available to consumers. It may also be downloaded from the Department's website at *www.dca.ca.gov/cemetery.*

## Future Challenges

In recent years, the trend in the cemetery and funeral industries nationwide, including in California, has been consolidation under giant chains, with the independent business becoming the exception. The industry has also experienced major changes in the kinds of goods and services offered and how they are offered to consumers. The growing number of retail establishments that offer products formerly offered only by cemeteries, crematories, and funeral establishments poses new regulatory challenges, as does the emergence of cremation as a clear consumer choice for final disposition.

The Program will continue to monitor these trends to effectively protect consumers. In addition, with the maturing of the baby boom generation, the Program's mission to educate consumers becomes increasingly critical. The Program will also continue evaluating its embalmer examination and the issue of using the national embalmer examination for California applicants.



## Consumer Service Goals

- To bring the burgeoning Internet retail industry into compliance with the laws regulating the sale of service contracts to California consumers.
- To educate the expanding personal computer repair industry regarding consumer law.
- To conduct an aggressive campaign against false and misleading advertisements for the repair of products.

In the fall of 1998, the Bureau of Electronic and Appliance Repair (BEAR) received several consumer complaints against a service dealer that showed a pattern of law violations. After investigating the complaints and conducting inspections on the consumers' equipment, the Bureau performed its own undercover operation. A BEAR Field Representative introduced a fault into a VCR and enlisted the assistance of a citizen to pose as a customer needing repair service. The service dealer charged for parts that were not replaced and labor that was not performed. The service dealer also failed to provide a written estimate or a proper invoice. As a result of the investigation, the local District Attorney filed charges, and the service dealer ultimately lost his BEAR registration.

This case illustrates how BEAR protects California consumers. BEAR was established in 1963 in response to complaints of fraudulent activities in the then-fledgling television repair industry. As technology progressed and the subsequent need for repair on new products increased, BEAR's jurisdiction was expanded to meet the changing times. Appliances were added, then high-tech items such as personal computers, satellite antennas, and home office products. BEAR was later given authority over the sales and administration of service contracts sold on these products.

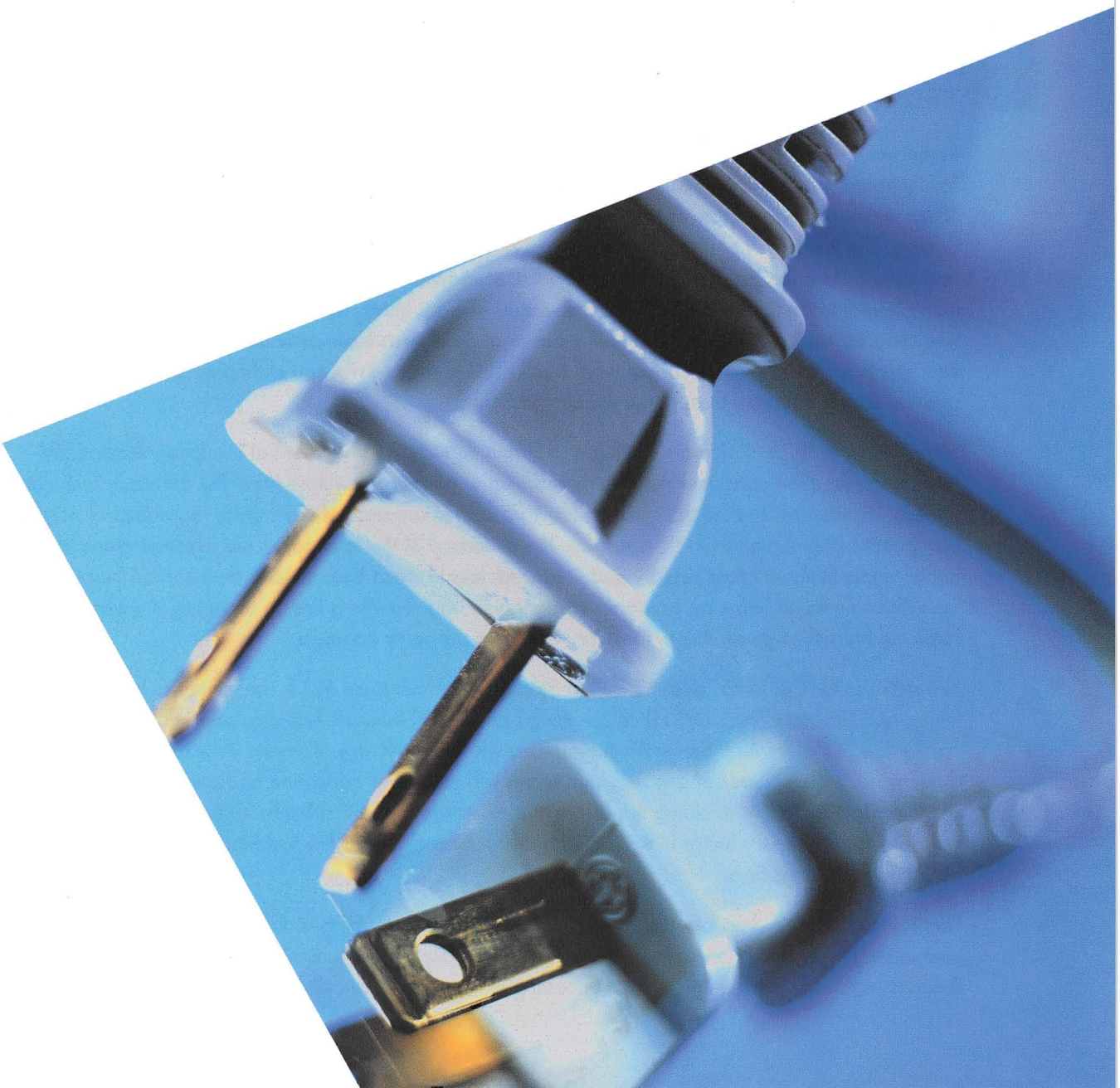
BEAR's mission is to protect consumers from fraud, economic loss, and unsafe electronic and appliance repairs through education, focused enforcement activities, and partnership with industry to promote a fair and competitive marketplace. During the 1998–99 fiscal year, BEAR streamlined procedures, concentrated on unlicensed activity, and increased the number of undercover operations. BEAR's strategies in achieving this protection have shifted as the marketplace has changed. Now the Bureau has made checking on a repairperson much easier by placing registrant information on the Department's webpage. Consumers and industry members alike can check whether or not a service dealer or service contractor is registered, the status of the registration, and whether or not any disciplinary action has been taken against the registrant. The Bureau has also made applying for a registration easier by streamlining the application process, using clearly written correspondence formats, and providing user-friendly application forms.

BEAR enforcement staff successfully disconnected four telephone numbers and obtained a Preliminary Injunctive Order against a service dealer who continued to operate unlawfully after his registration had been denied. BEAR also launched an aggressive sweep to address false and misleading advertising in yellow page directories and is using violation notices, office conferences, citations, and civil action to bring violators into compliance. BEAR enforcement staff continue to conduct educational workshops for service dealers in order to help them understand and comply with the law. Staff also proactively work with service contractors to make sure that their service contracts comply with the law.

## Future Challenges

Current enforcement priorities are the personal computer repair market (which is expanding at a tremendous rate), service contracts, and false and misleading advertising. BEAR is addressing these concerns through focused educational outreach and a targeted enforcement plan.

The Bureau recognizes that the majority of service dealers and service contract sellers and administrators are honest business people providing a valuable service to their customers. Some companies make mistakes because they don't understand the laws that govern their business transactions, and BEAR works to educate them. As necessary, BEAR provides a progressive avenue of enforcement to bring businesses into compliance. By protecting the consumer, BEAR's activities ultimately benefit reputable service dealers and the industry as a whole.



## Consumer Service Goals

- To conduct an aggressive campaign against deceptive, false, and misleading advertising of home furnishing products sold in California to minimize economic harm.
- To protect California consumers from fraud and health and safety hazards associated with used and rebuilt mattresses and bedding, through focused enforcement of sanitization and labeling laws.
- To enforce flammability standards for upholstered furniture, bedding, and thermal insulation to protect California consumers from the risks of death, injury, and property loss associated with residential fires.
- To conduct proactive consumer education and outreach regarding labeling standards for home furnishing products to empower California consumers to make informed purchases.
- To bring the burgeoning Internet retail industry into compliance with the laws regulating sales of upholstered furniture and bedding to California consumers.

In the summer of 1998, a three-year-old boy was left unattended in the converted garage of a single family home. While playing with matches or a lighter, he accidentally ignited an upholstered couch. There was no exit door from the garage to the outside, and the home's only smoke alarm had no battery. The fire was reported, and firefighters arrived within three minutes, but by that time the fire had spread from the garage to the main house. Meanwhile, the mother reentered the home in a vain attempt to rescue the boy and her five-month-old daughter. The bodies of the mother and the two children were found in the home; the cause of death was later determined to be smoke inhalation. The boy had also suffered extensive burns. This scenario involving child-play fires is distressing and increasingly typical throughout the United States.

Since October 1975, California's Bureau of Home Furnishings and Thermal Insulation regulations have addressed the consumer risk associated with upholstered furniture fires. The Bureau's Technical Bulletin 117 requires that all upholstered furniture sold in the state of California, regardless of origin, use fire-retardant materials in construction. The existence of this law makes the average piece of furniture less likely to ignite rapidly and, if ignited, less likely to burn quickly or to sustain burning. Thus, the time window for an occupant to recognize and react to a fire by escaping is widened, reducing the risk of death, injury, and/or significant property damage.

Fire statistics for California and the United States reveal that since 1975, the incidence of fire deaths, injury, and property loss due to fires involving upholstered furniture has dropped at a higher per capita rate in California than for the nation as a whole. While use of smoke detectors and sprinklers, a decrease in the number of smokers, and increased consumer education and awareness about fires are important factors in avoiding fire losses, the existence of the California furniture flammability standard is the primary factor in explaining the significantly lower fire incidence rate in California for home furnishings fires.

The Bureau has also developed an even more stringent flammability standard for upholstered furniture seating for use in public occupancies such as hospitals, hotels, nursing homes, auditoriums, and theaters. Although the number of fires occurring in these occupancies is much lower than the real-life

scenario described above, the potential loss of life and property is much greater for any one fire incident that does occur. In addition, the Bureau is responsible for thermal insulation performance certification and safety standards for buildings.

The Bureau's regulations also protect consumers from potential health hazards associated with the sale of rebuilt and used mattresses. All bedding products that are rebuilt or sold used must be properly sanitized to minimize contamination and must also be labeled as secondhand to avoid misleading consumers that the products are new. Failure to disclose that a bedding product is used or rebuilt constitutes consumer fraud. The Bureau issued 14 statewide Notice of Withhold orders to manufacturers of rebuilt mattresses, making it illegal to sell their products in California. This directly removed more than 5,000 contaminated mattresses from the retail market and prevented the manufacture of countless other noncompliant mattresses.

The Bureau initiated a flammability research project in cooperation with the Sleep Products Safety Council to revise existing federal and California regulations concerning classification testing of mattress and futon tickings for smolder retardancy. The project is expected to be completed by spring 2000. In addition, at the request of the Sacramento District Attorney's Office and the Department of Justice, flammability tests were conducted at the Bureau laboratory as part of an arson/murder investigation. Test data submitted were a factor contributing to conviction of the defendant. Research data from the case were highlighted in a one-hour British Broadcasting Company television documentary that aired in the United Kingdom in August 1998.

## Future Challenges

While current Internet sales account for only a small portion of the total furniture and mattress market in California, it is anticipated that Internet "e-tailing" will experience substantial growth in the near future. The Bureau has begun an analysis of Internet business activities that may be subject to the Home Furnishings and Thermal Insulation Act. Most companies selling products over the Internet are located outside our state and, for the most part, are unaware of California law. The Bureau's primary concern is that furniture and bedding offered to California consumers via the Internet meet state legal requirements for flammability and labeling. Whether doing business with a retail location or via the Internet, California consumers should be afforded consistent protection in making their home furnishings purchases.

All Bureau programs are designed to protect the public from health, safety, and economic risks. The vulnerability of consumers to fraud or negligence associated with upholstered furnishings and bedding products is primarily due to their inability to inspect the contents of products prior to making a purchase and the invisibility of significant risks entailed in the purchase of the product. Therefore, the Bureau will continue to aggressively enforce labeling requirements and product standards. In support of these ongoing efforts, the Bureau laboratory has become one of the foremost product testing facilities in the nation.

## Consumer Service Goals

- To staff a toll-free number for consumer complaints and inquiries from applicants and licensees.
- To administer examinations by computer at times and locations that are convenient to applicants.
- To establish a website and distribute a quarterly newsletter to better inform applicants, licensees, and the general public.

Somewhere near the end of a life's work and play, many of us need the gentle assistance of others. When daily needs begin to include expert medical attention and monitoring, we turn to nursing homes for help. At their best, nursing homes provide an invaluable service–supportive care and medical attention that are a wellspring of relief and restoration to thousands of men and women. The security of a home where daily medical needs are met affords residents the reassurance they need to pursue their interests. Alleviating some of the pains and preoccupations of life's later years is the work of nursing homes and their administrators, who are licensed in California by the Nursing Home Administrator Program.

Nursing homes play an important role in America's health care system. Among other services, they provide skilled nursing and supportive care to older individuals who do not need the intensive medical care provided by hospitals, but for whom receiving such care at home is no longer feasible. The Nursing Home Administrator Program licenses and regulates administrators in California's facilities and ensures that continuing education requirements are met. The Program also issues administrators preceptor certificates that authorize them to train and tutor prospective administrators. California has more than 1,400 nursing home facilities that employ administrators; more than 3,800 administrators are currently licensed in the state. During the fiscal year, the Program issued 239 new licenses and certificates, renewed 1,295, processed about 190 applications for preceptor training, and approved 212 continuing education providers.

By Interagency Agreement, the administration and operation of the Nursing Home Administrator Program was transferred on July 1, 1998, from DCA to the Department of Health Services, whose Licensing and Certification Division deals with nursing homes on a daily basis. (The Agreement extends through June 30, 2001.) Violations and citations issued to nursing home staff by the Division can now be monitored more efficiently by the Program to determine whether disciplinary action against administrators is appropriate.

Since its transfer, the Program has conducted town hall-type forums to inform administrators about the Program's plans for the future and to allow them the opportunity to voice their concerns. In addition, questionnaires were sent out to all administrator licensees seeking input on services provided, licensee priorities, and qualification requirements under the Program.

## Future Challenges

During normal business hours, the Program will continue to field calls from the public, applicants, and licensees to its newly established toll-free number. In addition, the Program will be making arrangements to administer examinations via Computer-Based Testing starting in 2000. This will enable applicants to take the examinations at their convenience at one of several locations. Beginning in summer 2000, the Program will distribute a quarterly newsletter and will establish a website that will allow the public and applicants to download forms and other information and to contact the Program via email.

## Consumer Service Goals

- To enhance student protection by assuring that private postsecondary schools and the programs they offer are meeting the minimum requirements of the law.
- To explore the foundation for funding the Student Tuition Recovery Fund and develop alternative methodologies for providing a solvent plan.
- To reduce the time required to process applications.
- To enhance the enforcement program by increasing staffing to actively pursue violators and provide more timely resolution of student complaints.
- To begin collaborative efforts with schools to enhance student awareness of the Bureau and its student protection programs.

The rapidly changing and expanding limits of California's economy are a boon to the state's residents, providing opportunities unimagined just a few years ago. Those opportunities, though, are not always close at hand; they must be pursued with determination—and education. Career-minded adults in California can choose among a broad array of postsecondary educational institutions, including four-year universities and colleges, community colleges, specialized technical schools, and all manner of technology-driven training options. California, arguably more than any other state, has embraced a forward-thinking, even futuristic, approach to preparing minds for a new knowledge-driven economy. Thousands of the educational outlets that make up this new wave operate under the purview of the Bureau for Private Postsecondary and Vocational Education, which reviews the qualifications of schools and programs and protects the rights and safety of students, employers, and the general public.

The Bureau's scope of oversight includes 26 specific types of educational services identified by statute that are offered in varying combinations at more than 2,000 private proprietary educational institutions for adults. In January 1998, the Bureau was also given the authority to register (as opposed to approving) institutions that offer continuing education, license examination preparation, intensive English-language instruction, short-term seminar training, and short-term career training. In addition, the Bureau approves education programs offered to veterans who receive GI Bill benefits by all postsecondary institutions, including private institutions, public and independent community colleges, state colleges, and universities.

Between January 1 and December 31, 1998, the Bureau processed 562 degree, nondegree, and registered applications; 357 student complaints; 2,459 certificates of authorization; and 229 Title 38 (GI Bill) applications. In addition, it recovered $190,000 in tuition refunds for students.

The Bureau developed a website (*www.dca.ca.gov/bppve*) to provide easy access to information by consumers, applicants, and students; published a *Site Review Handbook* and a *Site Review Manual* to assist institutions in meeting the Board's requirements; and conducted training workshops

throughout the state for all institutions. In addition, the Bureau adopted emergency regulations to reduce application fees and implement a new registered education seminars program. An Advisory Committee was established to represent all parties interested in the private postsecondary and vocational education market.

## Future Challenges

As the Bureau transitions into a new century, it will work closely with the regulated community of private sector schools to maintain quality education while providing effective student protection in the delivery of education. In the near term, the Bureau will strive to provide more timely processing of applications and complaints and to ensure the continuing viability of the Student Tuition Recovery Fund.

## Consumer Service Goals

- To provide licensing and registration status information via the Internet.
- To reduce the risk to consumers by expediting criminal history screening of applicants.
- To implement a newly developed training course for school security guards.

Crime rates have dropped to their lowest levels in three decades. Violent crimes–including murders, rapes, robberies and assaults–have sunk as well, now at their lowest levels since 1985. The use of guns in homicides and robberies also continues to drop off steadily. Across the board, the signs are promising. U.S. Attorney General Janet Reno attributes these gains to "a balanced approach that includes prevention, intervention, punishment and supervision." In California, where the business of security is booming, the "prevention" and "supervision" that Reno speaks of so highly undoubtedly include the increased presence of security guards, investigators, advanced alarm systems, and other security tools and personnel that serve to discourage crime before it happens. These professions are governed in California by the Bureau of Security and Investigative Services, which licenses and regulates businesses and personnel that provide security-related services for a fee.

During the fiscal year, the Bureau issued 54,724 new licenses and certificates, renewed 58,343 licenses and certificates, and took disciplinary action against 1,709 licenses and registrations. The growth of the industry over the past several years continues at a relatively steady pace.

In the last year, the Bureau has made extensive use of the Internet to increase consumer education and awareness about the security industry and reduce the cost of regulation. The "license look-up" program allows a consumer to determine if an individual under consideration to provide a security service possesses the required license or registration. In addition, all laws and regulations, licensing applications and application instructions, licensing fact sheets, the *Powers to Arrest Manual*, legislative changes, policy announcements, and the newly legislated School Security Guard Training curriculum are now on the website and can be downloaded by the consumer, industry representatives, and law enforcement agencies 24 hours a day instead of only during "normal" business hours, as before. Security is an "all-day, every-day" industry, so the ease and increased availability of information allowed by the Internet is truly a valuable service to these practitioners.

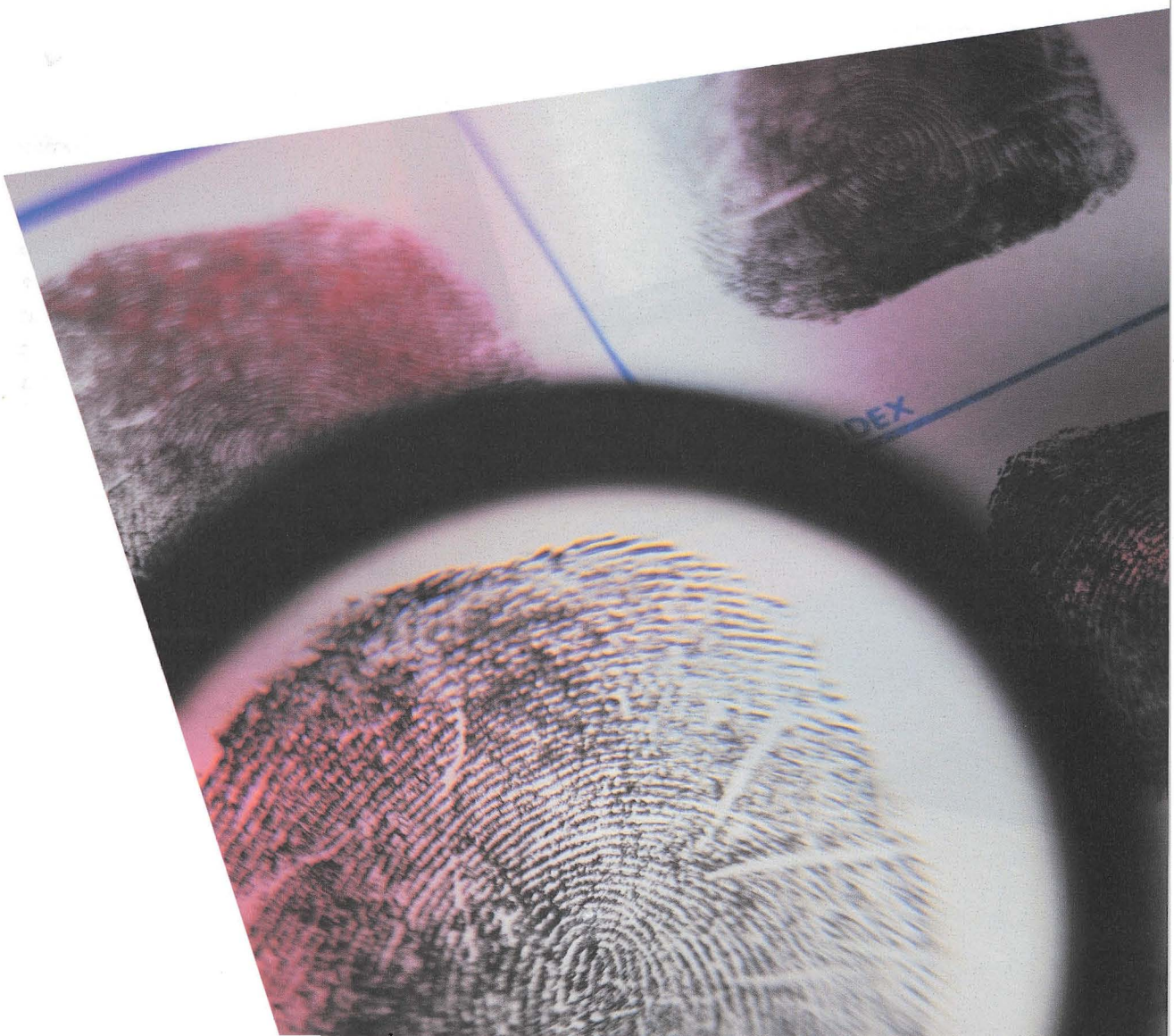
Protocols have also been developed to implement the Livescan fingerprinting process. Livescan allows applicant fingerprints to be electronically scanned (primarily at local law enforcement agencies) and directly transmitted to the Department of Justice. Use of Livescan will lower the risk to consumers and the industry by reducing the time required to check applicants' criminal histories from the current 90-120 days to 5-10 business days.

During the fiscal year, Bureau staff conducted numerous investigations of security companies and officers regarding the wearing of proper shoulder patches. The patches must include the words "Private Security," and the badges must be attached to the uniform. This requirement allows the public and law enforcement officers to distinguish between sworn peace officers and private security agents.

Beginning in March 2000, the Bureau will implement computerized applicant examinations six days a week at nine locations throughout the state. Applicants will be able to make appointments by telephone to take the examination locally at their convenience, and examinations will be scored and administratively processed within a few days, rather than the current 30-60 days.

## Future Challenges

The Bureau's most immediate challenge is to reduce or eliminate the temporary employment of individuals who have not completed criminal history reviews. Currently, the law permits private patrol operators and training facilities to issue temporary guard registrations that allow individuals to work for up to 120 days while their criminal histories are checked. The proposed new licensing procedure will give authority to issue temporary guard registrations exclusively to the Bureau. Eventually, with the speedier background checks allowed by Livescan, the temporary guard registration will be eliminated, and only individuals who have undergone criminal history reviews will be registered.



California Department of Consumer Affairs Homepage - Consumer Protection, Consumer Education,...
http://www.dca.ca.gov/
State of California
Department of Consumer Affairs
BARBERING AND COSMETOLOGY
400 R Street, Suite 4080 Sacramento, CA 95814
Home
General Info
News/Press Releases
Strategic Plan
About the Bureau
Meetings
Laws & Regs
Laws
Regulations
New Laws
Forms & Pubs
Licensing
Enforcement
Complaints
The Bureau of Barbering and Cosmetology licenses and regulates the professions of barbering, cosmetology, electrology, esthetics, manicuring, and establishments where these services are performed. It also regulates health and safety issues in schools approved by the Bureau. Anyone who, for a fee, provides a service including, but not limited to, hair cutting, hairdressing, nail care, skin care, removal of superfluous hair, permanent removal of unwanted hair, and the application of make-up must be licensed by this Bureau.

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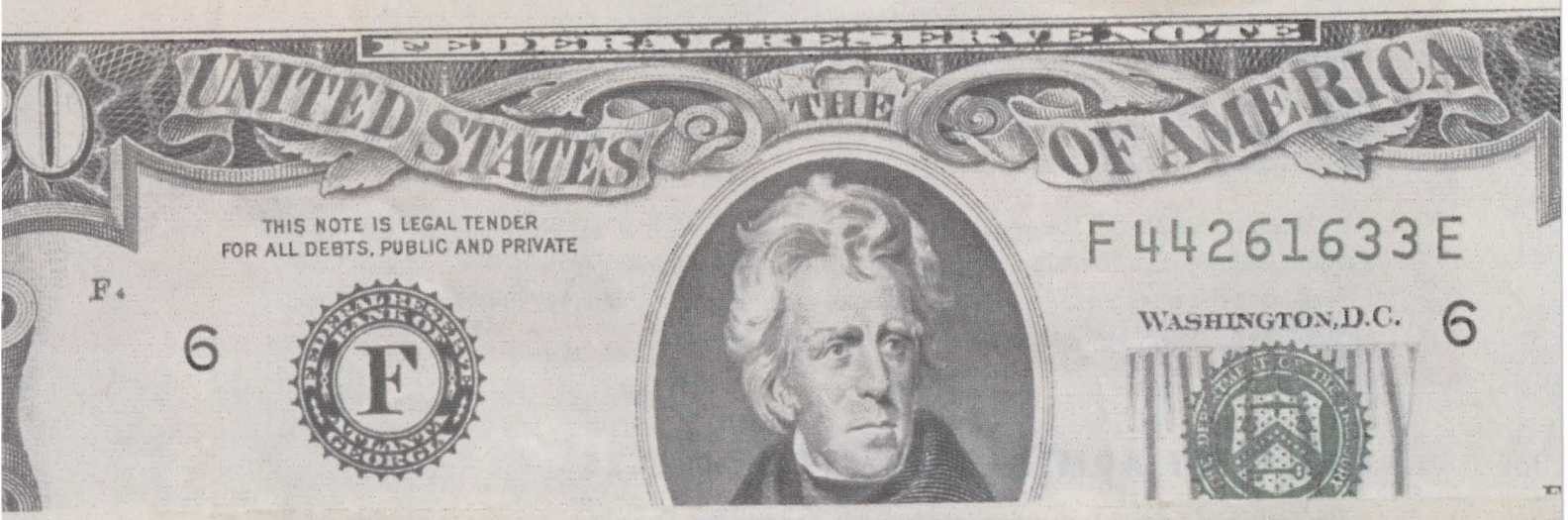
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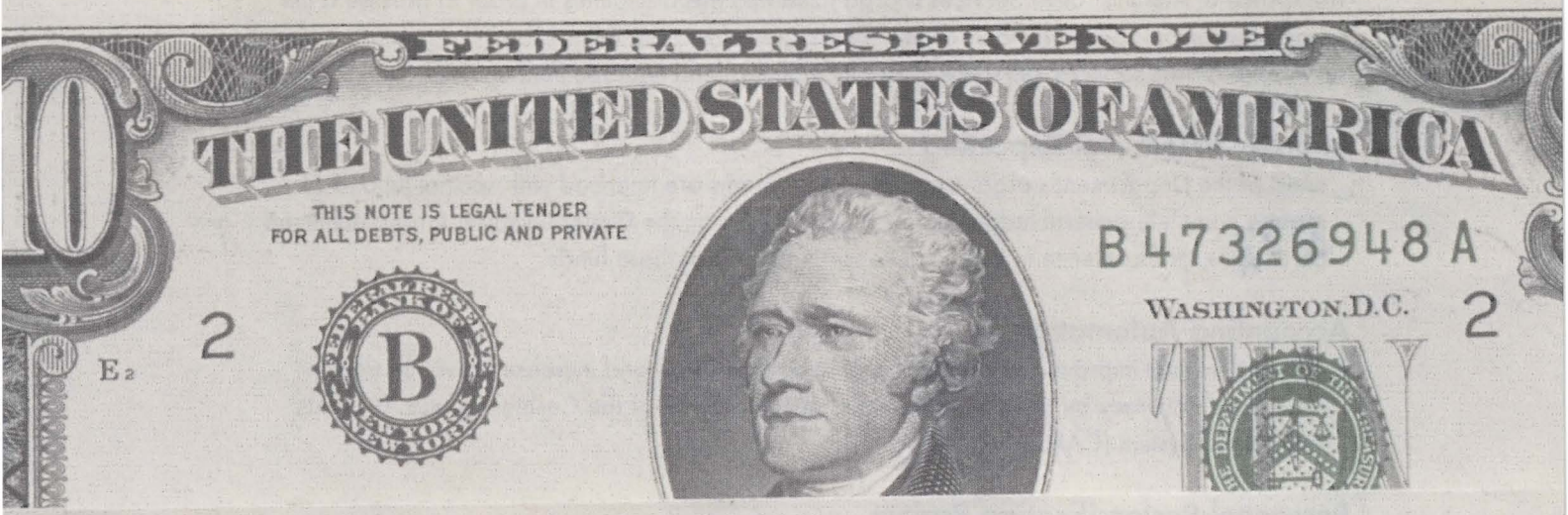
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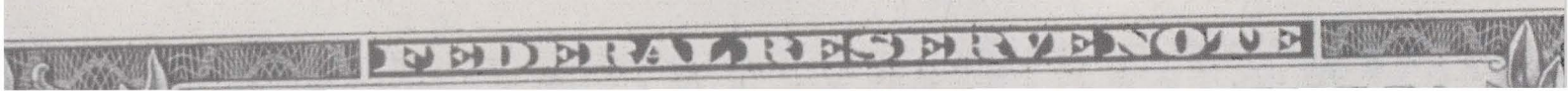

FEDERAL RESERVE NOTE

The Administration and Information Services Division consists of two offices: the Office of Administrative Services (OAS) and the Office of Information Services (OIS). The Division is responsible for providing administration and information services to the boards, committees, commission, bureaus, programs, and divisions within the Department of Consumer Affairs. Administrative services include personnel, training, facilities, revenue collection, financial management controls, budgets, accounting and reporting, payroll and benefit administration, communications systems, application development, and information management. The Division is also responsible for creating information access through communications networks between the Department and consumers.

The Division 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 and complex—and they reflect four key themes: automation technology, customer service, innovative redesign, and funding.

## OFFICE OF ADMINISTRATIVE SERVICES

The Office of Administrative Services is organized into five disciplines in order to provide a full range of technical specialists to its clients. These specialized discipline-based teams perform fiscal services, business services, personnel services, training, and management analysis.

### Improved Financial Reporting

Most of the Department's organizations and programs are financed with special funds that require complete general ledger for each fund. This year, the General Ledger Group achieved certificates for Excellence in Financial Reporting for 18 of these funds.

### Accounting Automation

The Department improved its processing of revenue refunds and increased revenue transfer speed and accuracy by completing the automation project for the Cashiering and Accounts Receivable System (CARS).

### Personnel Reclassification Project

The Personnel Office, in response to a request from the Department of Personnel Administration, completed a reclassification project for the Department that returned employees to traditional civil service classifications from departmental team classifications established under the now-discontinued Performance Based Budgeting Pilot program.

### Budgets

The Budget Office began the planning process for returning the Performance Based Budgeting Pilot to the traditional budget structure.

## OFFICE OF INFORMATION SERVICES

The Office of Information Services supports the Department's technology infrastructure which allows internal clients to access licensing and enforcement information and also provides public information through Internet access. The OIS is organized into specialized disciplines in order to provide a full range of technical services.

### Year 2000 (Y2K) Project

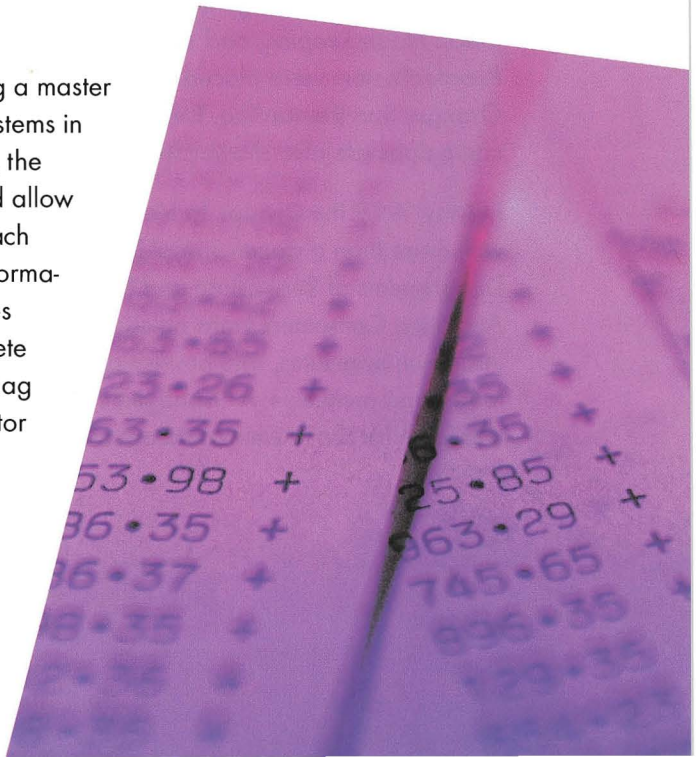
The Department's mission-critical business systems are Y2K compliant. The Y2K team was successful in testing all the equipment in the Department to determine whether the equipment was ready for the year 2000. Equipment determined not ready was identified and replaced. The Y2K team is completing the remaining Y2K activities, such as the compliance of business-necessary applications and testing of the business continuity plans.

### Internet Services

The Technical Team continued to improve electronic access. The Department's Internet homepage *(www.dca.ca.gov)* grew to over 2,000 webpages during the fiscal year and averages over half a million "hits" a month. New features during fiscal 98-99 include license look-up capabilities for nine boards and bureaus, with more lining up. In conjunction with the Communications and Education Division, the team posted several popular consumer campaigns, including Consumer Awareness Month, Don't Fall Into Consumer Traps, Holiday Hints, New Year's Resolutions for Consumers, Be a Healthy Consumer, Summer Scams, Virtual Home & Garden Cybershow, and Senior Scambusters. New websites were added for the Board of Podiatric Medicine, the Consumer Information Center, the Acupuncture Board, the Structural Pest Control Board, and the Physical Therapy Board. The team also added many license applications, complaint forms, and other documents for easier consumer access.

### Integrated Consumer Protection System

In 1997, staff began the formidable task of designing a master computer system to replace the multiple computer systems in use throughout the Department. When implemented, the Integrated Consumer Protection System (ICPS) would allow the Department to have a single electronic file for each licensee containing all licensing and enforcement information. In addition, consumers, applicants, and licensees would be able to interactively file complaints, complete applications, and renew licenses. The project hit a snag in October 1998 when the Department's private sector business partner terminated the contract. The Department is currently evaluating several commercial off-the-shelf software packages to determine if an existing package will meet its business needs.



## Consumer Service Goals

- To develop cost-effective methods (e.g., website campaigns) to reach large numbers of consumers and the media.
- To develop partnerships with local consumer groups and other community-based organizations in order to provide consumer information to diverse and hard-to-reach groups.
- To develop a public awareness campaign that repositions the Smog Check Program from an automobile testing program to a clean air program.

Californians thrive on information; it enables us to solve problems, ask questions, plan projects, even avert disasters. At the Department of Consumer Affairs there is no shortage of valuable information for the state's consumers. The responsibility for developing and distributing consumer information rests with the Department's Communications and Education Division. The goal is to enable and empower consumers to make the best possible decisions in the marketplace. The Division engages in the daily exchange of information with reporters and community leaders; tracks the key consumer issues of the day and ensures that information is accurate, complete, and helpful; and also manages publications and face-to-face presentations at public events. Recent years have ushered in the Internet as an excellent method of delivering information to the public. The Communications and Education Division has embraced it as one more tool for the task of answering consumers' questions about a complex marketplace.

During the fiscal year, the Division launched several successful public awareness campaigns to encourage consumer preparedness, including "Summer Scams," "Back to School," and "Holiday Hints." In September 1998, an eight-week consumer awareness health and safety campaign was launched in Southern California to encourage consumers to check out their barbershops and cosmetology establishments before agreeing to services. The "Before You Get a New Look, Get a Good Look Around" campaign consisted of ads in the October and November issues of *Family Circle*, *Good Housekeeping*, and *Ladies Home Journal* and in the September 21 and October 19 issues of *People*. Posters were placed in 80 shopping mall kiosks in 42 major shopping malls in Los Angeles, Orange, San Bernardino, Riverside, and Ventura counties through the first week of November. All campaigns are also showcased on the Department's website.

In May 1999 the Division launched a Home and Garden Cybershow on the Department's website, with more than a dozen virtual booths from various Department and State entities, including the Departments of Real Estate and Pesticide Regulation, as well as the California Housing Finance Authority. Consumers were able to check out the backgrounds of contractors, compare homeowner insurance premiums, and browse publications on everything from pest control to home furnishings to landscape architects. A "Springtime Sprucing Up" kit with various Department publications was available for those who could not attend online.

The Division presented two well-received educational workshops for DCA employees. The first, on grammar, writing, and proactive media relations, was held in January 1999; the second, on writing and designing newsletters, took place in April.

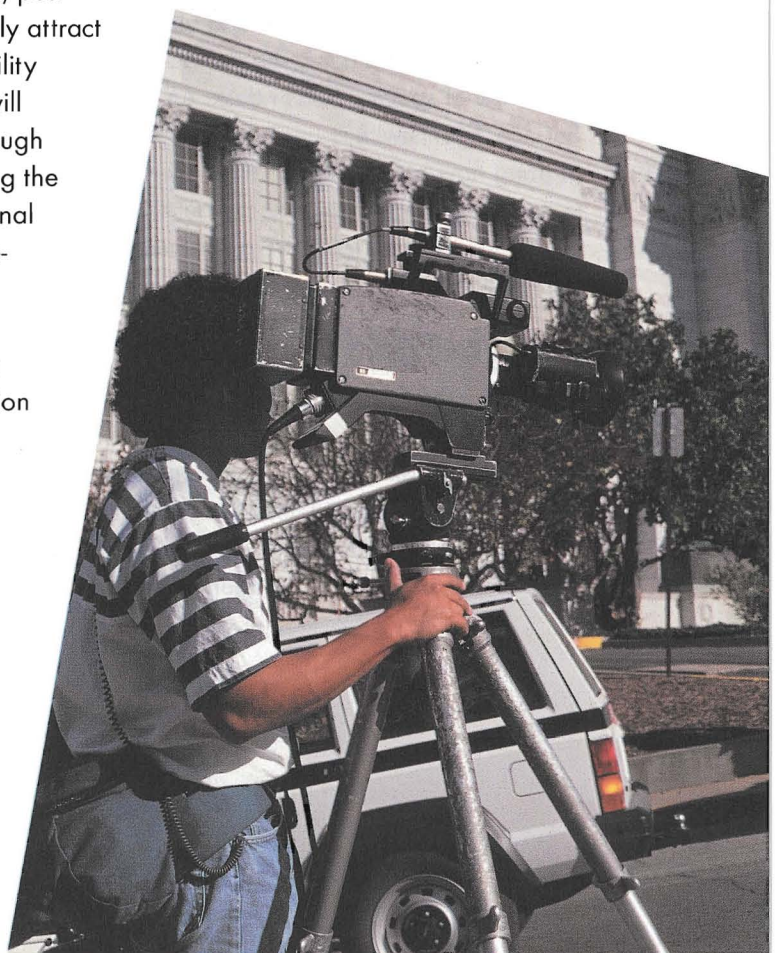
The Division compiles a quarterly Audience Reached Report that summarizes the estimated impact of consumer awareness messages delivered via ads, the Internet, print and broadcast media, presentations, publications, and other means by the eight bureaus and programs directly under the Department's authority. The impact of these messages is measured in "impressions"–one for each time a message from the Department reaches a member of the target audience. Impression totals during the first quarter of the fiscal year were 32,000,000, with 220,376,838 in the second, 12,890,843 in the third, and 3,158,911 in the fourth. (The second quarter's high figures can be attributed directly to success of the Barbering and Cosmetology Program's "Before You Get a New Look, Get a Good Look Around" campaign.) Over the entire 12-month period, an estimated 268.5 million impressions were recorded–enough to reach California's 33 million+ residents eight times with a Department consumer awareness message.

## Future Challenges

California's diverse ethnic population is particularly vulnerable to consumer scams. The Communications and Education Division will develop relationships with local community-based organizations that work with these communities to learn how to effectively reach them with consumer information. In addition, the Division has developed plans to launch a multilingual website featuring several of the Department's foreign-language publications.

Many of the Department's regulated areas (e.g., pest control, guide dogs for the blind) do not naturally attract the media attention received by other high-visibility areas, such as automotive repair. The Division will continue to promote these less visible areas through innovative, cost-effective virtual campaigns, using the season (e.g., Christmas) and events (e.g., National Cosmetology Month) as "hooks" to attract widespread media and consumer attention.

The health benefits of the Smog Check Program remain largely unknown to the public. The Division plans to develop a public awareness campaign that shifts public emphasis on the program from testing vehicles to improving air quality.



## Consumer Service Goals

- To respond to consumer inquiries using computerized reference and referral information that can be easily retrieved and continuously updated.
- To provide the most current and accurate program information available for release to consumers.
- To respond to consumer correspondence within three working days of receipt.
- To expand service to persons who do not speak English by hiring additional bilingual employees.

*Is my auto mechanic registered? Where can I get a Smog Check? How do I apply to be a security guard? Where do I file a complaint about a contractor?* If you have questions like these, the Department's toll-free consumer hotline agents have answers. The Consumer Information and Analysis Division operates the hotline at 800-952-5210, providing consumers information about their rights and options to help them make informed decisions and resolve complaints. For those issues that are not regulated by the Department's boards, bureaus, and programs, consumers are referred to appropriate state, local, federal, or private agencies. Division staff also provide information to current or prospective licensees. The hotline is open Monday-Friday, 8am-6pm, and Saturday, 8am-4:30pm. The public counter is open Monday-Friday, 8am-5pm.

During the fiscal year, the Division implemented several hotline innovations to better serve the consumer. To speed response time, each Consumer Service Agent was provided with a personal computer, and the reference and referral information that agents use to answer consumer questions was put online, replacing the cumbersome 1,000-page, hard-copy directory, which occupied about three feet of space on each desk. An internal "HELP Desk" was established to assist Consumer Service Agents with issues and consumers requiring more than routine information and/or handling. Staffing now includes Internal Program Liaisons, who improve customer service by keeping agents up-to-date on legislation, fee increases, workload backlogs, and other information affecting specific licensee groups. In addition, a streamlined correspondence response and tracking process has been instituted that has reduced processing time from 45-60 days to three working days.

## Future Challenges

Plans for the future include an interactive website that will allow consumers and Consumer Service Agents to communicate on a real-time basis. The Division also is planning to obtain an enhanced Automatic Call Distributor with Interactive Voice Response that will allow callers to key in their car license numbers at a telephone prompt and automatically receive the addresses of their nearest Smog Check Test-Only stations. The response system will also display information about the caller's vehicle to aid the agent in responding to the caller's questions.

## Consumer Service Goals

- To design examinations that fairly and accurately assess candidate competence to practice.
- To establish examination content that achieves licensing goals set forth by the boards.
- To promote consumer protection by maintaining the security and validity of examinations so that only qualified candidates are successful.
- To minimize the inconvenience and cost of examination services to those who seek professional licensure.
- To reduce artificial barriers to licensure through automation and advances in technology.

For several hundred thousand Californians whose professions are governed by the Department of Consumer Affairs, entry into their chosen fields involves more than years of study, practice, and persistence. For these potential licensees, the culmination of all those years of preparation is a comprehensive examination to weigh their qualifications and expertise. Just as candidates must carefully prepare for these examinations, the tests themselves must be carefully designed to ensure that they fairly and accurately assess the candidates' competence to practice. Designing these tests is the role of the Department's Office of Examination Resources.

During the fiscal year, the Office developed numerous multiple-choice and oral examinations for a wide variety of professions, including barbers, bar pilots, cosmetologists, electrologists, funeral directors, landscape architects, licensed clinical social workers, licensed education psychologists, manicurists, marriage and family therapists, psychiatric technicians, psychologists, structural pest field representatives, registered veterinary technicians, smog check technicians, traffic engineers, and veterinarians.

The Office has established a Master Service Agreement for computer-based testing that will assist all boards, bureaus, programs, committees, and the commission to convert from paper-and-pencil testing to computer-based examinations in order to meet the growing needs of California consumers and licensure candidates over the next decade. Computer-based testing provides added security to the examination process and will allow the Department to increase the number of testing locations, offer testing more frequently, and provide immediate examination results. In this way, qualified candidates will be licensed on a more timely basis and can more quickly enter their professions.

During the fiscal year, the Office presented a paper at a joint meeting of the American Educational Research Association and the National Council on Measurement in Education in Montreal, Canada, entitled "Alternative Approaches to Standard Setting for Licensure and Certification Examinations." The research explored new criterion-referenced methodologies to establish the passing score on licensing and certification examinations. The Office also developed two resource briefs for the Council on Licensure, Enforcement and Regulation. The first, "Job Analysis: A Guide for Regulatory Boards," includes an overview of the assumptions underlying job analyses, a description of common methodologies, and answers to commonly asked questions. The second, "Licensure Examinations," identifies major issues involved in developing and administering licensure examinations.

## Future Challenges

The Office anticipates fully implementing the occupational analysis and examination development guidelines developed by the Department pursuant to legislation adopted in 1999 (Jackson, Chapter 67, Statutes of 1999). This achievement will give the Office the ability—and the responsibility—to assist all of the Department's licensing entities to perform the evaluations required by Business and Professions Code Section 139.

The Department will work actively to encourage professional associations and testing vendors to comply with the Office's testing guidelines. Shared knowledge and understanding about proper examination procedures will further improve consumer protection and fairness to applicants.

The Office will take a leadership role in implementing the most current technology to allow timely issuance of licenses. Finally, the Office will strive to develop more efficient occupational analysis and test development procedures and technologies to reduce the time and cost of projects.

## Consumer Service Goals

- To prevent legal problems through education and by providing objective legal advice and counsel.
- To represent the Department and interact with the State and Consumer Services Agency in crafting and advocating policies on sales, leases, consumer finance, rent-to-own, credit reporting, telecommunications, informal dispute settlement, small claims court, and other consumer issues.
- To conduct education programs for Department managers, staff, and the public on consumer law, mediation, negotiation, and other problem-solving techniques, including use of the small claims court process.
- To work proactively to assure that the telecommunications market evolves in ways that are friendly and fair to consumers and that it serves all classes.
- To adapt the *Consumer Law Sourcebook for Small Claims Court Judicial Officers* for publication on the Internet and to expand its coverage.

The Legal Affairs Division provides professional legal advice and assistance to the Department's executive staff, boards, bureaus, and programs on implementing statutory programs and complying with legal requirements for other occupations and professions. The Division comprises the Legal Office and the Legal Services Unit. The Legal Office provides legal representation to the boards, bureaus, and programs, and the Legal Services Unit helps carry out the Consumer Affairs Act's consumer service functions.

During the fiscal year, the Legal Office issued more than 300 written legal opinions regarding administrative and professional licensing laws, including the corporate practice of medicine, public records, persons eligible to participate in the Repair Assistance Program or Vehicle Retirement Program, and issues concerning the Americans With Disabilities Act. Lawyers from the Legal Office reviewed and submitted comments to federal regulators pertaining to the Healthcare Integrity and Protection Databank and drafted regulations and advised the Department and its constituent agencies on implementation of recent federal legislation impacting eligibility for licensure. The Legal Office also drafted and reviewed more than 100 proposals for regulations pertaining to the Smog Check Program, advertising for hearing aid dispensers, notification to clients or customers that a practitioner is licensed by the state, boxer pension plans, temporary licensing of veterinarians, and other issues. In addition, the Legal Office participated in enforcement by helping the Bureau of Electronic and Appliance Repair disconnect telephones used by persons engaged in unlicensed activity and by helping the Bureau of Home Furnishings and Thermal Insulation issue a Notice of Withhold order against unsafe children's products.

The Legal Services Unit provided legal counsel to the Department's Year 2000 Project Team and Internet Task Force; provided legal analysis and materials to combat identity theft; and produced new legal guides on bad checks, rent-to-own, and automobile leasing. The unit conducted training seminars in consumer law and small claims court procedures, and cosponsored a statewide

conference for coordinators of county dispute resolution programs. A Legal Services representative served as an active member of the Federal Reserve Board's Consumer Advisory Council, which advises the Board on the consumer impact of its credit- and bank-related regulatory programs, and another participated as a member of the California Public Utility Commission's Universal Lifeline Telephone Service Marketing Board, which promotes lifeline telephone service among low-income Californians. The Legal Services Unit continues to promote and distribute the *Consumer Law Sourcebook for Small Claims Court Judicial Officers*, which is widely used and acclaimed throughout the state, and is completing preparation of a handbook for small claims court plaintiffs and defendants.

## Future Challenges

The Internet has transformed the world into a single global marketplace in which location and distance are increasingly irrelevant. With the benefits of this new technology, however, comes a broad range of legal and regulatory challenges–how do we protect California consumers from fraudulent activities by individuals and businesses in other parts of the world? How do we license individuals whose geographical area of practice is increasingly worldwide and whose base of operations is no longer a single physical location? The Division will continue to work on solutions to these and other dilemmas caused by the globalization of the marketplace. It will also support Information Age solutions to consumer problems, including use of the Internet for the dissemination of concisely written and organized legal information and for effective and low-cost dispute resolution.

## Consumer Service Goals

- To provide objective and thoughtful analyses of legislation and proposed regulatory changes.
- To advocate for consumers in order to represent and protect their interests by conferring with individual members of the Legislature and, as needed, by testifying before appropriate committees.
- To encourage input from, and foster cooperative relationships with, consumer organizations and interested members of the public to ensure that their views are represented in the policymaking process.

The Legislative and Regulatory Review Division performs a variety of services on behalf of the Department. The Division tracks and analyzes legislation affecting the Department and the regulatory programs within its jurisdiction, reviews and monitors board- and bureau-proposed legislation during the development and approval stages, and reviews and drafts positions on external legislation affecting consumers. In addition, Division staff work with the Department's Executive and Legal offices to draft legislative proposals of general interest to the Department and California consumers. During the 1998-99 fiscal year, the Division followed more than 1,200 legislative bills and recommended positions on approximately 400.

The Division also reviews all proposed regulatory changes submitted by the boards and bureaus to ensure that they are not injurious to the public health, safety, or welfare, and makes approval or disapproval recommendations to the Director. Recently the Department requested that the Board of Registered Nursing withdraw a rulemaking file dealing with the assigning of "nursing" tasks to unlicensed assistive personnel. The Department also intervened on a rulemaking file submitted by the Contractors State License Board regarding the Board's arbitration program. In this case, the Department requested a more in-depth review of the Board's proposal.

The annual Consumer Legislative Digest published by the Division contains summaries of legislation of significance to the Department, its licensees, and consumers throughout the state. The Digest is organized to help readers readily identify a specific bill by any of several methods: bill number, subject matter, or chapter number for bills signed into law.

Pursuant to SB 2036 (McCorquodale, Chapter 908, Statutes of 1994), the boards within the Department submit reports to the Joint Legislative Sunset Review Committee, and these reports become the basis for legislative hearings regarding the future of each board. The Division works with the Department's Executive Office and boards to coordinate participation in the Sunset Review Hearings as required by SB 2036.

The Division's focus is being expanded to include legislation of importance to California's consumers that does not necessarily directly involve a Department board or bureau. During the 1999 Legislative Session, the Division monitored legislation requiring school bus passengers to use passenger restraint systems; establishing low-cost automobile insurance pilot programs in Los Angeles

and San Francisco; limiting the liability of debit cardholders to $50; enabling consumers to sue insurers who engage in unfair claims settlements; requiring standards regarding the safe installation, maintenance, operation, and inspection of permanent amusement park rides; establishing nurse-to-patient ratios for all health facilities; prohibiting service plans from using medical information for commercial purposes or conditioning health care services upon the enrollee's waiving medical information confidentiality protections; requiring persons serving as conservators or guardians to register with the Department of Justice; and requiring health facilities to include pain as an item to be assessed along with patient vital signs. Listed below and on the following pages is a sampling of recently enacted consumer protection legislation.

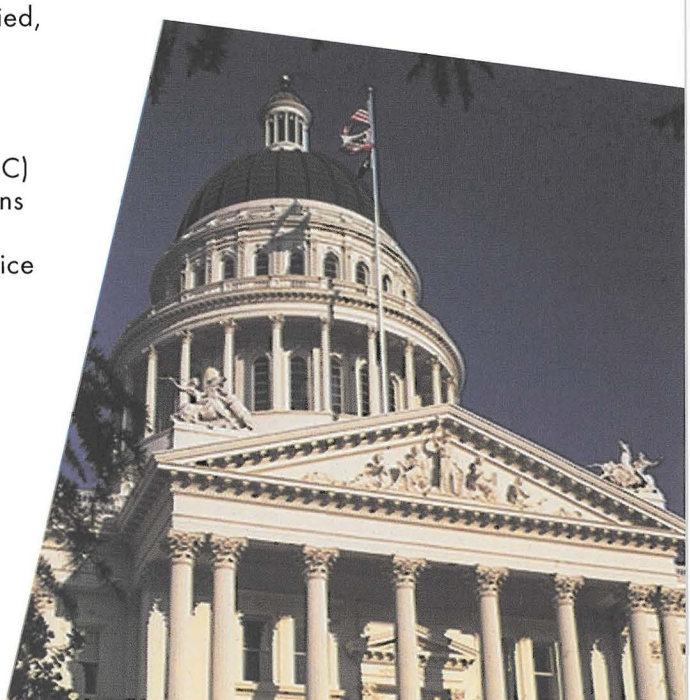
**AB 12 (Davis) Health Care Coverage: Second Opinions**
Requires health care service plans to provide a second medical opinion upon request by the patient.

**AB 15 (Gallegos) School Buses: Passenger Restraint Systems: Seats**
Requires the State Board of Education to adopt regulations to require passengers in a school bus to use a passenger restraint system. Requires all pupils who are transported in a school bus to receive instruction in school bus emergency procedures and passenger safety. Requires all school buses manufactured on or after January 1, 2002, and purchased or leased for use in California to be equipped with a combination pelvic and upper torso passenger restraint system.

**AB 39 (Hertzberg) Health Care Coverage: Contraceptive Drugs**
Enacts the Women's Contraceptive Equity Act which requires health care service plans, except for a specialized health care service plan contract that provides outpatient prescription drug benefits, to provide coverage for a variety of Food and Drug Administration-approved prescription contraceptive drugs and devices. Requires the same level of outpatient prescription benefits for an enrollee's covered spouse and nonspouse dependents as for the enrollee. Allows certain religious employers, as defined in the bill, to request a health care service plan contract without coverage for these drugs and devices in certain circumstances.

**AB 55 (Migden) Health Care Coverage: Independent Medical Review**
Requires the Department of Corporations to establish an independent medical review system by January 1, 2001. This external review program is created for patients to dispute claims when treatment has been delayed, denied, or modified by their plan.

**AB 78 (Gallegos) Health Care Coverage: Department of Managed Health Care**
Establishes a new Department of Managed Care (DMC) and transfers the regulation of health care service plans (health plans) from the Department of Corporations (DOC) to the new department. Establishes a new Office of the Patient Advocate to assist health plan enrollees with complaints, provide educational guides, issue annual reports, and make recommendations on consumer issues.



**AB 88 (Thomson) Health Care Coverage: Mental Illness**
Requires a health care service plan (health plan) contract or disability insurance policy to provide coverage for severe mental illnesses and for the serious emotional disturbances of a child.

**AB 106 (Scott) Firearms: Safety Devices**
Requires that effective January 1, 2002, all firearms sold, transferred, or manufactured in California be accompanied by a firearms safety device approved by the Department of Justice. Additionally, all firearms must be accompanied by a warning stating the danger unsecured firearms pose to children and that persons whose unsecured firearms accidentally are used to injure a child may be criminally prosecuted.

**AB 215 (Soto) Health Care Coverage**
Places a moratorium on the Department of Corporation's authority to issue health plan licenses with waivers or limited licenses.

**AB 271 (Gallegos) Health Care: Cosmetic and Outpatient Surgery Patient Protection Act**
Enacts the Cosmetic and Outpatient Surgery Patient Protection Act, which increases patient protection at outpatient surgery settings by requiring physicians to carry malpractice insurance, requiring minimum staffing levels, and requiring physicians to report any death or serious hospitalization of a patient to the Medical Board of California.

**AB 285 (Corbett) Medical Advice Services**
Requires any in-state or out-of-state business that provides telephone medical advice services to a patient in California to be registered with the Department of Consumer Affairs.

**AB 341 (Cox) Background Checks**
Requires all licensed security professionals to obtain a criminal history check from the Federal Bureau of Investigation. Includes security guards, private patrol operators, private investigators, locksmiths, repossessors and their employees, and alarm company operators and their agents. Ensures that convicted criminals at the federal and state levels will be screened and denied a license whenever appropriate.

**AB 394 (Kuehl) Health Facilities: Nursing Staff**
Requires the Department of Health Services to adopt regulations that establish licensed nurse-to-patient ratios for all health facilities, as specified, and limits the nursing-related duties performed by unlicensed assistive personnel (UAP).

**AB 406 (Knox) New Area Codes: Telephone Number Assignment**
Requires the California Public Utilities Commission (CPUC) to develop and implement measures to conserve area codes more efficiently by using existing telephone numbers. Sets forth several tasks the CPUC must pursue to conserve telephone numbers and avoid future area code proliferation.

**AB 416 (Machado) Personal Information: Disclosure**
Expands patient privacy rights by prohibiting health care providers from releasing medical information regarding an individual's participation in outpatient treatment with a psychotherapist without a written request to the provider and notice to the patient. Currently, there are protections related to inpatient care for mental health conditions, but not for records of outpatient psychotherapy. AB 416 resolves this discrepancy.

**AB 535 (Reyes) Telecommunications: Services**
Requires all local telephone companies to inform residential subscribers of available pay-per-use custom calling services and inform the subscribers how they can block unwanted services. Provides for a one-time bill adjustment for subscribers who incur a charge through inadvertent or unknowing usage.

**AB 758 (Thomson) Consumer Credit Reporting Agencies**
Models the California Consumer Credit Reporting Agencies Act after the federal Fair Credit Reporting Act by allowing only prevailing plaintiffs (instead of prevailing parties) to recover court costs and reasonable attorney's fees with regard to a consumer who files a claim against a consumer credit reporting agency. Discontinues exemptions for out-of-state creditors from the provisions of the California Consumer Credit Reporting Agencies Act.

**AB 791 (Thomson and Migden) Healing Arts: Pain Management**
Requires pain management education to be incorporated into medical schools' curricula and requires health facilities to include pain as an item to be assessed along with patient vital signs.

**AB 850 (Torlakson) Amusement Rides: Safety**
Requires the Division of Occupational Safety and Health of the Department of Industrial Relations to establish rules and regulations for permanent amusement rides, such as the safe installation, maintenance, operation, and inspection of permanent amusement rides.

**AB 892 (Alquist) Health Care Service Plans: Hospice Care**
Defines basic health care services to include hospice care. Requires group health care service plans (health plans), as specified, to provide hospice care that at a minimum is equivalent to that provided by the federal Medicare program.

**AB 925 (Hertzberg) Conservatorships: Statewide Registry**
Requires each person who wishes to serve as a conservator or guardian to register, or reregister, with the Statewide Registry maintained by the Department of Justice, except as provided. Makes certain information available to the public upon request.

**AB 936 (Reyes) Health Care Coverage: Medicare Supplement Coverage**
Entitles individuals previously enrolled in a Medicare managed plan, but terminated during specific dates, to receive a new 60-day open enrollment plan offering Medicare supplement coverage.

**AB 1105 (Jackson) Effective July 6, 1999, as an urgency measure (Budget Trailer Bill)**

**Department of Consumer Affairs**
Required the Department of Consumer Affairs to develop a policy regarding examination development and validation and occupational analysis by September 30, 1999. The policy was developed by the Department's Office of Examination Resources and distributed to all boards, bureaus, and programs within the Department, as well as to the Osteopathic Medical Board of California and the Board of Chiropractic Examiners. It was the intent of the Legislature that this policy be used by the fiscal, policy, and Sunset Review committees of the Legislature in their annual reviews of the boards, bureaus, and programs.

**Acupuncture**
Eliminates the Acupuncture Board's practical examination and instead requires applicants to pass a written examination to be developed by the Office of Examination Resources of the Department of Consumer Affairs.

**Alternative Dispute Resolution**
Establishes pilot programs in four superior courts to assess the benefits of early mediation of civil cases filed in the pilot courts after January 1, 2000, and before January 1, 2004. By January 1, 2003, the Judicial Council must submit a report to the Legislature and to the Governor reporting the settlement rate, timing of settlement, litigants' satisfaction with the dispute resolution process, and the costs to the litigants and the courts.

**Vehicle Inspection and Repair**
Expands the Low-Income Repair Assistance Program (LIRAP) to include all vehicles directed to a Test-Only Facility and authorizes the Bureau of Automotive Repair to set different copayments for participating motorists. Increases eligibility for LIRAP. Allows the Department of Consumer Affairs to exempt vehicles up to six model-years old from smog check.

**AB 1290 (Davis) Warranties: Motor Vehicle Manufacturers**
Existing law, the Tanner Consumer Protection Act, presumes a new vehicle is a "lemon" if the same problem causes the vehicle to be repaired four or more times or the vehicle is out of service more than 30 days in the first 12,000 miles or one year from delivery. AB 1290 enhances consumer protections by increasing the period in which the presumption is applied to 18 months or 18,000 miles.

**AB 1471 (Havice) Vehicles: Air Bags: Inflatable Restraint Systems**
Prohibits installing, reinstalling, distributing, or selling any previously deployed inflatable restraint system and designates such actions as misdemeanor crimes. Assists in curtailing fraudulent activities involving air bags.

**AB 1520 (Leach) Bunk Beds**
Enacts the Bunk Bed Safety Act of 1999. Prohibits bunk beds manufactured after January 1, 2000, from being sold unless they conform to the state's modified American Society for Testing Materials standard. Noncompliant bunk beds made prior to January 1, 2000, must have a tag disclosing their noncompliance.

**AB 1558 (Wildman) Practice of Medicine: Unprofessional Conduct**
Requires physicians and surgeons who collect biological specimens for clinical testing to ensure that those specimens are secured in a locked container when placed in a public location.

**SB 5 (Rainey) Health Care Benefits: Breast Cancer Services**
Requires coverage for the screening, diagnosis, and treatment of breast cancer. Prohibits enrollment from being denied because of a personal or family history of breast disease or breast cancer.

**SB 19 (Figueroa) Medical Records: Confidentiality**
Establishes rules regarding the disclosure of medical information by providers of health care, as specified. Prohibits a health care service plan from conditioning health care services upon the enrollee's waiving medical information confidentiality protections. Prohibits any health care service plan or its contractors from using any medical information for any commercial purpose.

**SB 21 (Figueroa) Health Care Service Plans: Duty of Care**
States that patients have the right to sue their health plans for harm caused by failure to provide ordinary care under the plan. Provides a remedy for consumers who are substantially harmed by a health care service plan or managed care entity's action to delay, deny, or modify medically necessary treatment.

**SB 41 (Speier) Disability Insurance: Contraceptive Coverage**
Enacts the Women's Contraception Equity Act by requiring disability (health) insurers that provide prescription drug benefits to cover a variety of prescription contraceptive methods approved by the federal Food and Drug Administration as of January 1, 2000, subject to exemption for religious employees, as specified.

**SB 59 (Perata) Health Care Coverage**
Requires health plans and health insurers to adopt and follow specified policies and procedures when determining whether to authorize or deny treatment, and requires adoption of a standard Medi-Cal notice form.

**SB 64 (Solis) Health Insurance: Management and Treatment of Diabetes**
Requires every health care service plan (health plan) contract and every policy of disability insurance (health insurance), as specified, to provide coverage for the management and treatment of diabetes, as specified.

**SB 72 (Murray) Lawyers: Financial Services**
Authorizes a lawyer, while acting as a fiduciary, to sell financial products to any client who is an elder or dependent adult with whom he or she has or has had an attorney-client relationship within the preceding three years. Requires the transaction to be fair and reasonable to the client and requires the lawyer to provide the client with a written disclosure that includes certain information about the financial product and the terms of the proposed sale. Provides for civil remedies and damages.

**SB 130 (Hayden) Firearms: Safety Devices**
Requires that effective January 1, 2002, all firearms sold, transferred, or manufactured in California be accompanied by a firearms safety device approved by the Department of Justice. Additionally, all firearms must be accompanied by a warning stating the danger unsecured firearms pose to children and that persons whose unsecured firearms accidentally are used to injure a child may be criminally prosecuted.

**SB 148 (Alpert) Health Care Coverage: Phenylketonuria (PKU)**
Requires every health care service plan contract (except specialized health care service plan contracts) and specified disability insurance policies that provide coverage for hospital, medical, or surgical expenses and that are issued, amended, delivered, or renewed in this state on and after July 1, 2000, to provide coverage for the testing and treatment of phenylketonuria under the terms and conditions of the plan. Defines such treatment coverage to include the cost of formulas and special food products that are part of a physician-prescribed diet, as defined.

**SB 171 (Escutia) Automobile Insurance: Lifeline Policies**
Establishes the County of Los Angeles Low-Cost Automobile Insurance Pilot Program to be available to low-income motorists.

**SB 189 (Schiff) Health Care Coverage: Grievances: Independent Medical Review**
Requires health care service plans to provide enrollees with written response to grievances while expanding the right to external review for experimental treatments. SB 189 also expedites the review process in order to respond quickly to a patient's appeal for treatment coverage.

**SB 205 (Perata) Health Coverage: Cancer Screening Tests**
Requires health care service plans and disability insurers to cover medically accepted cancer screening tests under any contract or policy issued, amended, or renewed on or after January 1, 2000.

**SB 260 (Speier) Health Care Coverage: Risk-Bearing Organizations: Financial Solvency**
Requires the regulation of risk-bearing provider organizations to help ensure the financial solvency of medical groups and continuity of care for patients to be overseen by a Financial Solvency Standards Board established by this bill.

**SB 313 (Figueroa) Debit Cards: Cardholder Liability**
Under specified conditions, limits the liability of debit cardholders, as defined, to $50.

**SB 317 (Leslie) Financial Institutions: Consumer Y2K Problem**
Enacts the California Consumer's Year 2000 (Y2K) Financial Protection Act. Requires financial institutions regulated by the Department of Financial Institutions to not impose any fee, charge, or penalty on consumers as a result of the financial institution's Y2K problem and to reimburse problem-related charges imposed by third parties.

**SB 349 (Figueroa) Emergency Services and Care**
Requires coverage for psychiatric emergency medical conditions. Provides for additional screening, examination, and evaluation of a patient to determine whether a psychiatric emergency medical condition exists.

**SB 450 (Speier) Physicians and Surgeons: Advertising: Plastic Surgery**
Requires physicians and surgeons who use the term "board certified" to cite the source of their certification; requires the Medical Board of California to develop appropriate guidelines for liposuction; and waives licensure renewal fees for physicians who provide only volunteer, unpaid services.

**SB 490 (Kelley) Veterinary Medicine Records**
Prohibits a veterinarian from disclosing information about an animal receiving veterinary care or about the client responsible for the animal except under specified circumstances. Requires that all information received incidental to the vaccination of a dog be kept confidential. Prohibits sale or distribution of the names and phone numbers of dog owners who have had their dogs vaccinated against rabies, since such information is often used for solicitation purposes. Ensures animal owners the right to keep veterinary records confidential and ends unwanted solicitation of pet owners.

**SB 527 (Speier) Automobile Insurance: Low-Cost Policies**
Establishes a low-cost automobile insurance policy pilot program in San Francisco. Pursuant to this pilot program, insurers will offer automobile insurance policies to good drivers with an annual household income equal to or less than 150% of the federal poverty level at an annual premium of $410, as specified.

**SB 545 (Dunn) Credit Notice**
Effective July 1, 2000, this statute requires any credit card issuer that extends credit to a cardholder through the use of a preprinted check or draft to provide specific information attached directly to the check or draft, explaining the terms and conditions of use.

**SB 559 (Brulte) Health Care Providers: Preferred Rates**
Provides for the payment of preferred reimbursement rates by payors for health care services rendered by health care providers, imposes certain disclosure and related requirements on contracting agents, as defined, who sell, lease, assign, transfer, or convey a list of contracting providers and their contracted preferred reimbursement rates to other payors or contracting agents. Imposes certain requirements on payors who seek to pay a preferred reimbursement rate and provides that the failure to comply with these requirements renders the payor liable to pay the nonpreferred rate, as specified.

**SB 836 (Figueroa) Advertising: Truthfulness**
Revises and expands the prohibition against fraudulent advertising by health care professionals. Prohibits healing arts professionals from using misleading "before and after" images or other deceptive enhanced or modified photographic or visual imagery.

**SB 926 (Speier) Personal Information, Supermarkets**
Establishes the Supermarket Club Card Disclosure Act of 1999, which prohibits a club card issuer from requesting the driver's license number or social security account number of an individual applying for a supermarket club card. Prohibits a club card issuer from selling or sharing a supermarket cardholder's name, address, telephone number, or other personal identification information.

**SB 930 (Hughes) Credit Cards**
Requires a credit card issuer who mails an offer to receive a credit card and in response receives a completed application that lists a different address from the address on the original offer to verify the change of address. Prohibits specified entities that accept credit cards for the transaction of business from printing more than the last five digits of the credit card account number or the expiration date on receipts.

**SB 1237 (Escutia) Insurance Claims: Dispute Resolution**
Enacts the Fair Insurance Responsibility Act of 2000, which requires insurers to act in good faith toward and deal fairly with third-party claimants. Enables a consumer, subject to certain conditions and exceptions, to assert a cause of action against an insurer who engages in an unfair claims settlement.

## Consumer Service Goals

- To implement the Livescan (electronic) fingerprinting process to speed background checks for security and investigative services applicants.
- To ensure that temporary licenses are not issued to applicants with convictions that may negatively impact the consumer.
- To ensure that all licensees meet their family support commitments.

The 200+ professions and occupations regulated by the California Department of Consumer Affairs are, to put it mildly, diverse. A single consumer could conceivably do business with half a dozen or more of these practitioners in a single business day and easily a hundred of them in a lifetime. These professions and occupations are prevalent in our society because they provide important, vital, even lifesaving services. Despite their diversity, they are all collected under the Department of Consumer Affairs–in part because they are licensed in order to protect the public. In California, licenses are a privilege that prospective professionals earn by proving that they have met education and training requirements and, in many cases, by passing competency tests. The licensing process ensures consumers that the practitioners on whom they rely have met the quality standards required by law. The Department employs a dedicated Licensing Division to carry out this essential function.

The role of the Licensing Division is to issue and renew licenses for specific Department bureaus and programs: Auto Repair, Security and Investigative Services, and Cemetery and Funeral. (Private Postsecondary and Vocational Education approvals are administered by a separate unit.) During the fiscal year, the Division processed nearly 200,000 initial and renewal licenses.

Division staff worked throughout the fiscal year on the implementation of electronic fingerprint processing for Bureau of Security and Investigative Services applicants. In addition, in January 1999, the Division synchronized expiration dates of licenses for automotive repair dealers, lamp inspection stations, and brake inspection stations. Prior to the synchronization, licensees who held all three licenses had up to three different expiration dates.

## Future Challenges

Plans are in progress to implement computerized examinations for Bureau of Security and Investigative Services and Cemetery and Funeral Program applicants six days a week at nine locations throughout the state beginning in March 2000. This will help speed the licensing process and make it more convenient. Applicants will be able to take the exam locally at a convenient time, and the exam can be scored within days rather than months.

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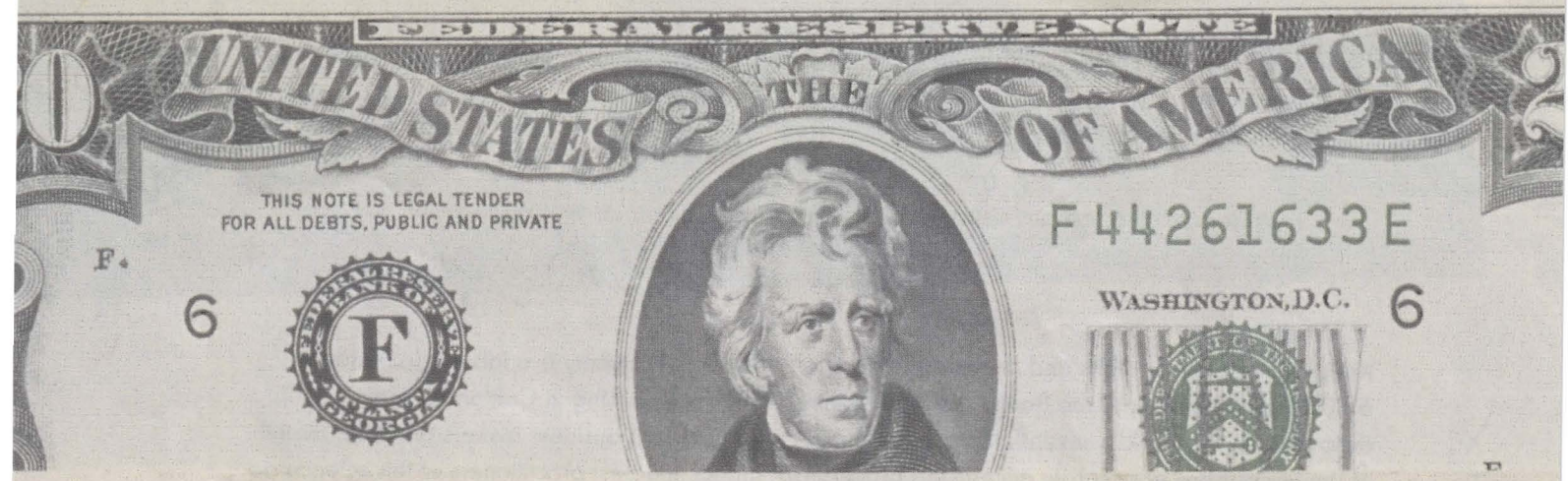
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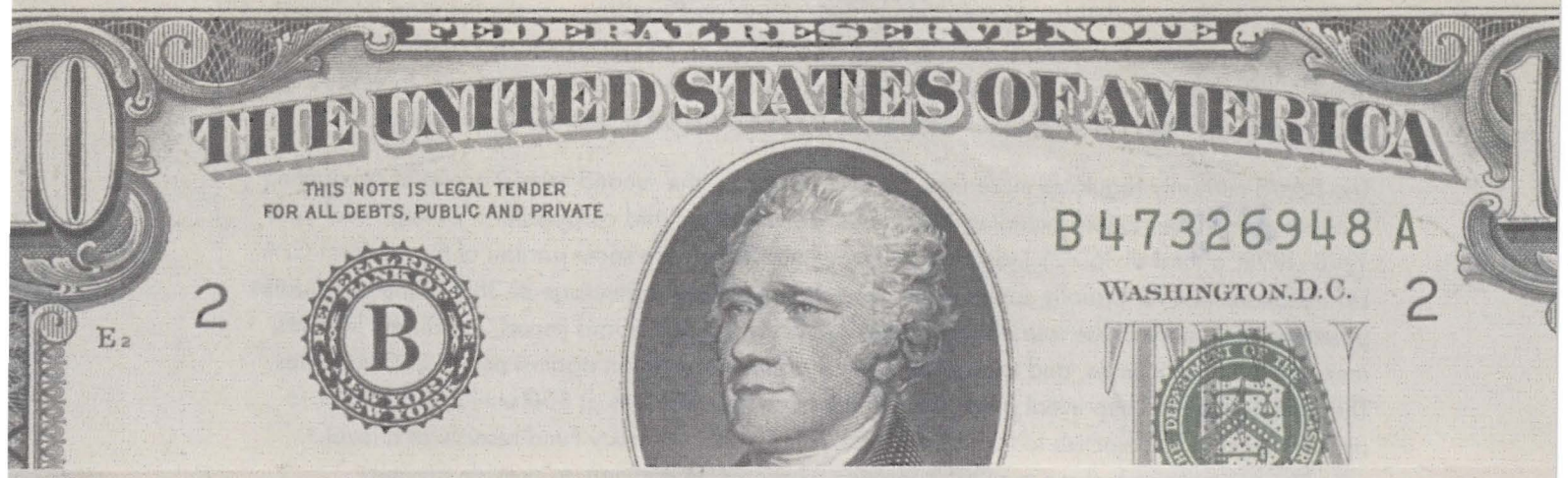
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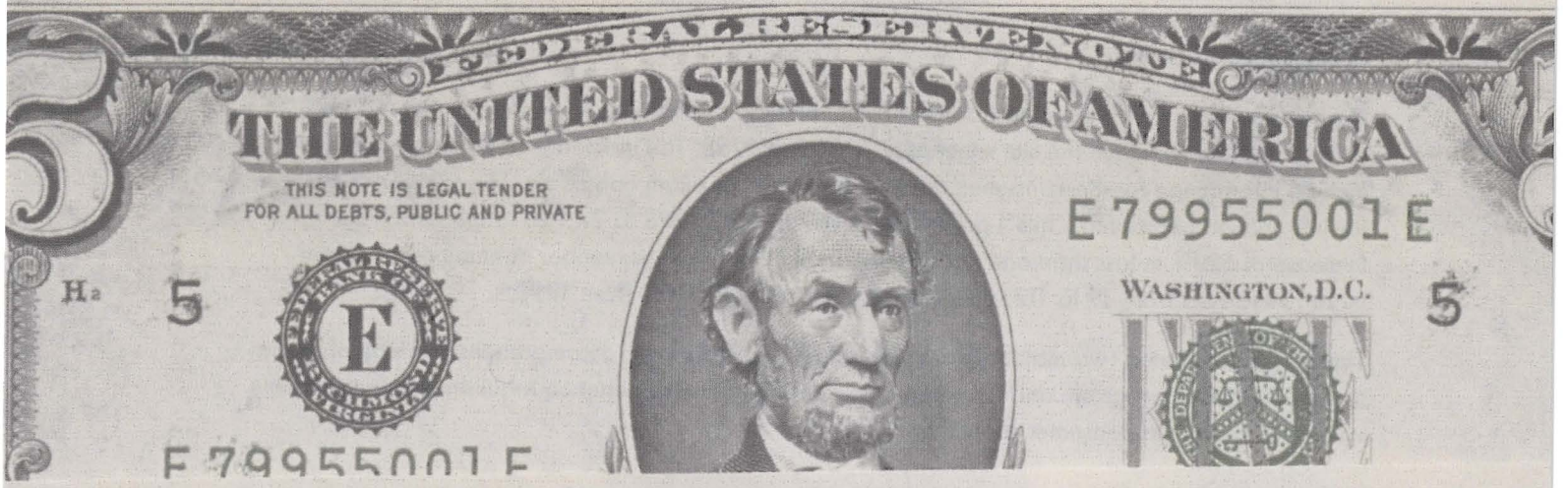
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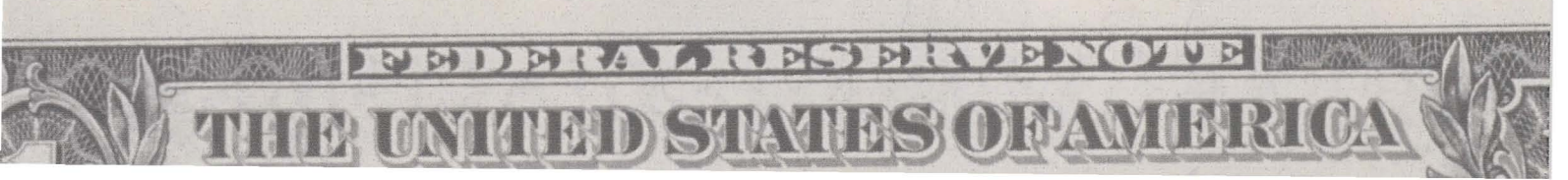
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## Consumer Service Goals

- To study the education and experience requirements for certified public accountants to determine their value and the benefits to consumer protection, and, based on findings, implement relevant modifications or alternatives.
- To assess how various forms of firm ownership impact consumers.
- To evaluate how electronic methods of practice (intrastate and interstate) impact consumers.
- To assess how alternative forms of compensation for rendered services impact consumers.

Keeping track of the digits and decimals that drive California's economy is a job entrusted to the 62,000-plus licensees of the Board of Accountancy. Living and working in California–often described as the world's seventh largest economy–consumers and business owners are well aware of the importance of accurate accounting procedures. In fact, the best practitioners of this science do much more than track dollars; they daily help their clients and employers make the most intelligent and productive financial choices, adding value and efficiency to California's economy. It is the work of the California Board of Accountancy to set standards for entry into the profession, to verify accountants' qualifications, and to investigate and resolve illegal activity by practitioners.

The Board currently regulates more than 62,000 licensees, the second largest group of accounting professionals in the nation, including individuals, partnerships, and corporations. During fiscal year 1998-1999, a total of 16,721 individuals were scheduled to take some portion of the Uniform CPA Examination; 14,092 actually sat for it at one of the four sites. An average of 38% of the candidates passed one or more of the four exam sections administered. The Board issued 2,190 new licenses, renewed 30,695 licenses, and took some form of disciplinary action against nearly 200 licensees. The Board voted to keep initial permit fees and license renewal fees at $50 until July 1, 2000, to aid in achieving its objective to reduce and stabilize the Accountancy Fund reserve at a level equal to approximately three months' operating expenses. In addition, to provide greater consumer protection, regulations were adopted specifying disclosure requirements for licensees accepting commissions.

The information available on the Board of Accountancy's website at *www.dca.ca.gov/cba* has more than doubled since the site's inception in March 1998. The index has been categorized to include information for the consumer, the licensee, and the exam candidate. The number of requests for information per month ("hits") grew from 4,769 in April 1998 to 24,928 in July 1999, an increase of 523% in less than one year. Additionally, the average number of email requests per month increased from 19 to 112, an increase of more than 500% from 1998.

The Board completed two major reports related to Sunset Review: a comprehensive study of its continuing education program, and a study of the education and experience requirements to determine value and benefit to consumer protection.

## Future Challenges

Legislation requires the Board to prepare a second Sunset Review Report in 2000 incorporating studies of the exam, education, experience, and continuing education requirements and other required information. In addition, the Board will work at the national level to explore alternate approaches to the current trade-association control of the Uniform CPA Examination. The Board also has taken a leadership role in participating in a joint committee of the American Institute of Certified Public Accountants and the National Association of State Boards of Accountancy to convert the Uniform CPA Examination into a computer-based examination.

## Consumer Service Goals

- To better serve consumers by clarifying and communicating acupuncturists' scope of practice.
- To better protect consumers through improved educational standards of programs required for acupuncture licensing renewals.
- To protect consumers against the potential danger of medicinal-grade herbs.

"The world is a lot smaller than it used to be." Of course in the literal sense, that isn't so–but the advancements of this century have brought nations and peoples closer. One positive side effect of this proximity is the growing exchange of theories and achievements between continents. Once we broke down the barriers of prejudice and ignorance, it was just a matter of time before we learned to celebrate our shared ideals and began seeking to understand our differing ideas. Medical science has been one sure beneficiary of this gathering of thought, exemplified by the arrival and expansion of acupuncture in the West. Acupuncture, like many other ideas incubated abroad, is now accepted medical practice in California, and its practitioners are regulated by the Acupuncture Board.

Acupuncturists have been licensed in California since 1976; since 1979 they have been designated to be regulated as a primary health care profession, enabling them to diagnose and treat consumers without oversight and referral from a physician. Acupuncture is defined as the stimulation of a certain point or points on or near the surface of the body, accomplished by the insertion of needles to prevent or modify the reception of pain or to normalize physiological functions.

During the fiscal year, the Board issued 469 new licenses and certificates, renewed 2,313 licenses and certificates, and took disciplinary action against 15 licensees.

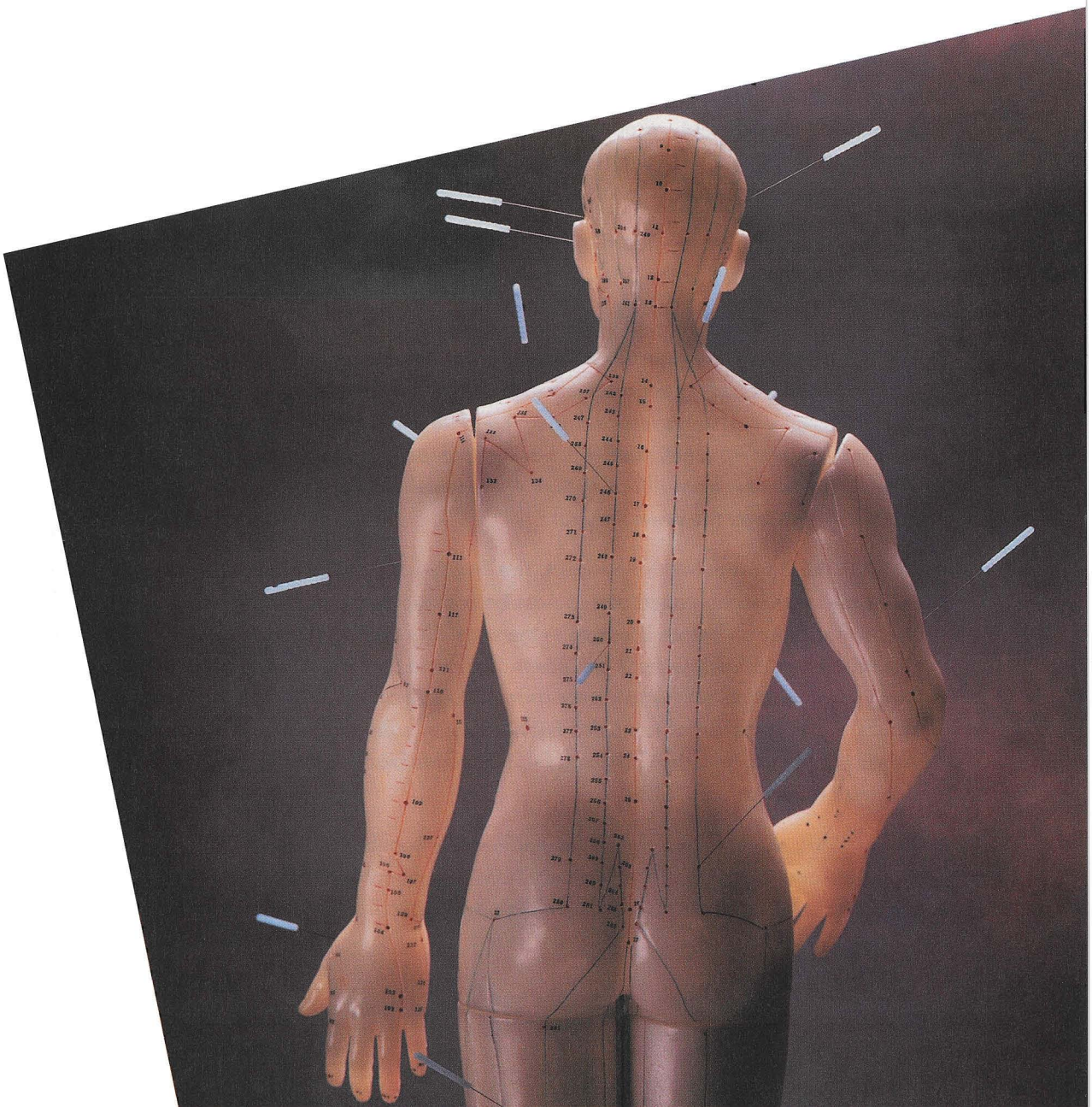
As mandated by the Legislature, the Board eliminated the practical clinical portion of the licensing examination and replaced it with a written practical part. The licensing examination will be administered via computer beginning in the year 2000.

## Future Challenges

The health care industry recognizes acupuncture and Oriental Medicine as mainstream treatment for patients. The growing demand for both treatment and licensure has required the Acupuncture Board to become ever more vigilant and proactive in protecting the consumer. One of the challenges facing the Board is the public's and the insurance industry's misunderstanding of acupuncturists' scope of practice, due in large part to their title, Licensed Acupuncturist. The law allows acupuncturists to practice the holistic approach of Oriental Medicine, which includes diagnosis of the patient's problem and treating the problem with herbs, massage, nutrition, and exercise. The Board is currently researching changes needed in laws and regulations to standardize references to the title and scope of practice of licensees and is evaluating whether consumers would be better served by changing the acupuncturist title to Doctor of Oriental Medicine.

The use of herbs is a fundamental part of the practice of Oriental Medicine. Such herbs can pose a significant health hazard if not taken properly. Because of the growing use of herbs by the public, the Board is evaluating the need to regulate and license herbalists in California and will prepare legislation to accomplish this task if necessary. If resources permit, the Board also plans to evaluate the need to identify and maintain a list of medicinal herbs submitted to the federal Food and Drug Administration and the Food and Drug Branch of the Department of Health Services.

To further protect consumers, the Board is developing specific guidelines and categories for continuing education course work for acupuncture license renewal. It also plans to redesign the school program by increasing educational requirements, strengthening the school approval process, and strengthening Board oversight of the program.



## Consumer Service Goals

- To enact additional rules of professional conduct for architects and landscape architects covering such areas as competency, full disclosure, informed consent, conflict of interest, and copyright infringement.
- To implement and monitor new reporting mechanisms for building officials, including use of digital signatures and reporting via the Internet.
- To establish a new internship requirement for architects prior to licensure.

A walk through California's capital city of Sacramento—or nearly any city or town in the state—brings into view a parade of architectural impressions. From city hall to shopping mall, parks to promenades, the architecture of California is a veritable visual history lesson, a blueprint of our progress. California is home to the world's most eclectic collection of architecture, with its landmark public buildings in city centers statewide, its majestic memorials on the grounds of the State Capitol, and its hometown streets lined with intricately designed and restored dwellings. Architects and landscape architects are the designers of the buildings and spaces we live in, and they are largely responsible for our safety, productivity, and enjoyment while we carry on our business and recreation. The job of licensing these professionals is performed by the California Board of Architectural Examiners.

During the fiscal year, the Board issued 509 new licenses and certificates, renewed 11,289 licenses, and took disciplinary action against nine licensees. It also provided information and educational materials to consumers seeking to hire architects and landscape architects.

The Board annually assesses the effectiveness of its Building Official Contact Program by asking all city and county building departments to respond to a survey regarding the Board's services. Of the 185 building departments responding to the 1998 survey, 94% said that they had received satisfactory service, and 96% indicated that having licensee information on the Board's website is very helpful. The survey showed that 73% of the respondents contract out for plan check review services, a 5% increase over the previous year.

In 1998, the Board published a report, *The Practice of Architecture in California*, explaining the rationale for requiring candidates to pass both a national examination and a California-specific supplemental exam before licensure in the state. The report summarizes the Board's analysis of the distinct aspects of architectural practice in California and includes the goals and process for the Board's job analysis survey; a comparison of current and previous job analysis surveys; survey results, including tables of tasks and knowledges in order of ranking; and the resultant test plan. As part of the process, the California Supplemental Examination was revised; it was first administered in January 1999.

In July 1998, six representatives from the People's Republic of China, led by Wang Zi Niu, chief executive and secretary of the National Administration Board of Architects Registration, met with Board representatives to review California's registration and regulatory processes. This was the

latest in a series of actions undertaken under the three-year Cooperation Agreement between the National Council of Architectural Registration Boards (NCARB) and the National Administration Board of Architects Registration. Those actions culminated in a vote by the 55 member boards of NCARB to ratify a two-phase cooperation agreement that sets in motion a step-by-step process for accomplishing the mutual recognition of architects between the United States and the People's Republic of China.

## Future Challenges

The Board has been collaborating with Joint Ventures Silicon Valley Network to implement the "Smart Permit" initiative. This technology will allow design professionals to "digitally sign" documents and send them securely over the Internet, saving time and money for themselves and their clients.

The Board must determine whether to implement an Intern Development Program (IDP) to improve the competency of entry-level architects and to facilitate reciprocity with other licensing bodies. By 2001, forty-six U.S. jurisdictions will require completion of the IDP as prescribed by NCARB.

Rapid changes in technology will continue to have a dramatic impact on the professions of architecture and landscape architecture. As the professions adapt to these changes, the Board must determine how changes in practice necessitate changes in regulation. Electronic seals, plan checking, permitting, and data transfer are among the issues to be addressed.

## Consumer Service Goals

- To ensure that consumers who pay to watch professional and amateur boxing/martial arts events see evenly matched competitive events.
- To ensure that consumers receive proper ticket refunds for canceled boxing/martial arts events.
- To ensure the safety of the viewing public and all participants in professional and amateur boxing and full-contact martial arts.

Memorable images of boxing and martial arts abound in the American psyche; most generations throughout this century can quickly identify "their" champion, recall his finest hour in the ring, and even chronicle his rise to fame. That rise to the championship likely included plenty of trials and training among the amateur ranks, where hundreds upon thousands of hopefuls test their skills daily. As athletic endeavors, both boxing and martial arts are demanding; as spectator sports, they have grown tremendously popular; and as businesses, they have become enormously lucrative for those at the top. For the amateurs and professionals in the ring, and for those at ringside who teach, train, manage, officiate, observe, and heal the athletes, the road to the ring runs first through the California Athletic Commission. Because these sports involve obvious and significant risks, the Commission is charged with licensing and oversight not only of the athletes, but also of the full complement of professionals working in and around the ring, as well as in the front office.

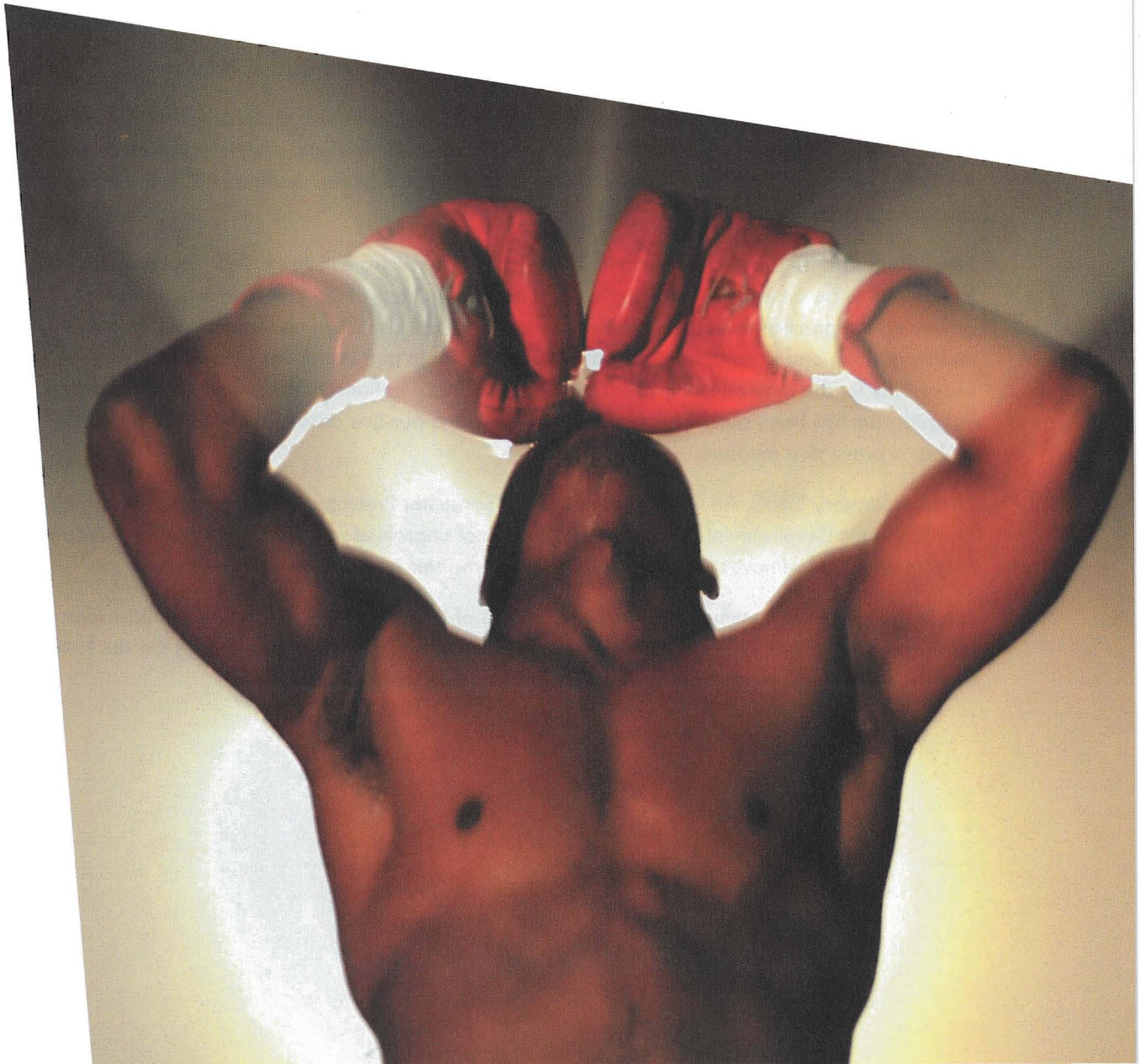
The Athletic Commission was created in 1924 by an initiative of the people of California. The Commission regulates professional and amateur boxing and full-contact martial arts throughout the state by licensing all parties involved in an event and by maintaining full control over the administration of 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. During the fiscal year, the Commission issued 2,033 new licenses and certificates, renewed 1,227, and took disciplinary action against 260 licensees.

The Commission refunded more than $178,000 to boxers eligible for refunds from the California Professional Boxers' Pension Plan. Notices regarding the refund program were mailed to more than 4,000 professional boxers. In addition, the Commission refunded more than $13,000 to an individual boxer determined to be totally disabled.

The Commission chairman and executive officer attended the annual meeting of the Association of Boxing Commissions in Albuquerque in June 1998. Each year California holds more boxing events than any other state (nearly double), and the Commission's expertise is relied upon heavily by other state athletic commissions.

## Future Challenges

California is one of seven states that do not require pregnancy testing for female fighters prior to bouts. Boxing is a violent sport, and without such a requirement, a tragedy is inevitable. The Commission is seeking an author for legislation to require such testing. In addition, it is now popular for professional boxing matches to be held on Indian Reservations with gaming facilities. While the federal government has given state athletic commissions the authority to supervise these events, they have no authority to collect applicable taxes and other assessments. One of the major issues is the sovereignty of tribal lands. The Commission will be seeking federal legislation in this area.



## Consumer Service Goals

- To educate consumers on the differences and similarities of the professions in the behavioral sciences.
- To monitor complaints and disciplinary cases for trends and public policy concerns.
- To continue evaluating alternative forms of discipline for licensees (i.e., citation and fine program).

The obligations and rewards of marriage, the challenges and triumphs of parenting, the awkwardness and adventure of adolescence–with so many dynamic and demanding forces at work in our daily lives, it's no wonder we sometimes need to hear the voice of wisdom and undergo the rigors of therapy. When we are at our most vulnerable, we entrust our emotional health and that of our families to marriage and family therapists (MFTs) and licensed clinical social workers. Upon the advice of these professionals, thousands of Californians every year make a choice or a change that can make a world of difference. That's why these counselors must adhere to the high moral, ethical, and professional standards–set and monitored in California by the Board of Behavioral Sciences.

The Board of Behavioral Sciences licenses, regulates, and establishes standards for MFTs, licensed educational psychologists, MFT interns, licensed clinical social workers, and associate clinical social workers. During the fiscal year, the Board issued 5,183 new licenses, renewed 29,214, and took disciplinary action against 35 licensees.

Since the Board began implementing its citation and fine program in April 1999, the program has proven to be an effective tool to discipline minor violations of the laws and regulations governing the practice of Board licensees and registrants. This disciplinary option provides a middle ground, and is appropriate in cases calling for stern and instructive action, but not necessarily for the most critical and permanent disciplinary options. In that sense, the citation and fine program has been successful on several levels– as a punitive action, as a corrective solution, and as a preventive measure.

Effective January 2000, AB 1677 (Committee on Consumer Protection, Governmental Efficiency and Economic Development) expands the definition of unprofessional conduct to include failure to keep records and removes the Board's authority to register professional corporations.

The Board's website continues to be a major source of information for consumers and licensees alike, receiving 186,000 hits in the past year. The Board is in the process of making the site faster and easier to use. The improved design should be completed by January 2000.

## Future Challenges

The Board's examinations are a primary means of ensuring public safety. The Board will take extra steps this year to evaluate and strengthen the criteria for selecting subject matter experts and examiners and will also explore new ideas and testing methods. In addition, Board staff will expand the role and significance of probation monitoring.

## Consumer Service Goals

- To enhance consumer protection through timely complaint resolution and consistent and efficient enforcement of the contractor license law.
- To accept and respond to consumer inquiries and complaints via the Internet.
- To educate consumers to make informed choices about construction services and ensure that licensed contractors continually strengthen the skills required to achieve competent performance.

Today in California, thousands of new or remodeling construction projects are in progress. Nationwide, Americans spend $120 billion annually to repair their homes, and by 2004, this is estimated to increase to $150 billion. Changing lifestyles, improvements in the quality of building materials, and increases in square footage of new homes are all partly responsible for stimulating demand for remodeling. The Contractors State License Board helps ensure that these projects are done properly by licensing the more than 275,000 contractors in the building trades professions in California and enforcing the licensing laws. The Board also helps resolve disputes that arise from construction activities and provides consumers information so that they may make informed choices.

During the fiscal year, the Board received 26,076 consumer complaints, issued 2,680 citations, suspended 791 individual licenses, and revoked 791 licenses. The Board also arranged for $28,638,000 in refunds to consumers.

The Board organized and conducted three major consumer forums cosponsored by television and radio stations and a dozen other consumer service agencies. More than 1,000 consumers attended, and tens of thousands more saw and heard public service announcements regarding the forums. Approximately 250,000 copies of consumer and contractor educational publications were distributed, and consumer attendance at home and garden shows at which CSLB was represented topped 1.1 million. In June 1999, the Board celebrated "70 Years of Service" at an event for the industry, legislators, and past and present Board members, registrars, and employees.

A pilot project to reengineer the Board's field operations was implemented in the greater Los Angeles area. The pilot, involving creation of an Intake Mediation Center and three Investigation Centers, will allow the Board to train staff and redirect resources to ultimately streamline the complaint handling process.

The Board has approved a strategic plan that emphasizes the protection of consumers now and in the future. Strategic goals provide the framework for meeting consumer needs: licensing of qualified contractors, enforcement, consumer education, contractor education, dispute resolution, regulatory streamlining, and organizational efficiency.

## Future Challenges

In the coming years, the Board expects to tackle such issues as workforce development, public education and outreach, enforcement, and the expanded use of technology. With construction booming in California, the industry is in need of qualified workers, and the Board will be exploring ways to help fill that need. Consumer education will continue to be a high priority, particularly for at-risk groups, such as seniors. The Board will also be taking aggressive action against dishonest contractors and lenders who persuade elderly homeowners to take out second mortgages to finance unnecessary repairs and improvements. In addition, the Board hopes to develop interactive websites, which will allow consumers to conveniently view information about licensed contractors and Board programs, services, and products, and permit contractors to apply for licensing online with just a few keystrokes.

## Consumer Service Goals

- To develop and implement a statewide consumer education outreach program to provide a more accurate understanding of the profession by the stakeholders.
- To clarify the statutes regulating the Transcript Reimbursement Fund to provide greater access for the indigent population.
- To keep abreast of new technologies such as electronic audio and video recording that may significantly change the practice of court reporting for reasons of accuracy, costs, access, and expeditious delivery to the profession's stakeholders.

In our legal process, the words of the witnesses, the decisions of a judge, and the questions of the attorneys are the keys that unlock a case. Days, months, even years later, when "the record" is summoned for consideration by the parties to a legal proceeding, perhaps in an appeal or a new trial, what was said before can be recalled in faithful, unbiased detail. How is that possible? A licensed court reporter was there all along, quietly creating the transcript that would become "the case" that we so often hear about after the fact. The practitioner's only apparent tools are the telltale machine vaguely related to the typewriter family, and perhaps a laptop computer. The unseen tools of the trade, though, include precision, diligence, and relentless attention to detail. Parsing the banter between multiple, unpredictable speakers is tough enough at a business meeting, let alone when someone's life or livelihood is on the line. The job and its tremendous value to our system of justice are entrusted in this state only to licensees of the Court Reporters Board of California.

Accuracy in court reporting is essential, as is prompt transcription of the information recorded. The Court Reporters Board helps ensure both accuracy and promptness by establishing and maintaining high qualifications, performance, and ethical behavior standards for court reporters.

During the year, the Board issued 161 new licenses, renewed 7,919, and took disciplinary action against 6. With the help of Department staff, the Board also launched its website at *www.dca.ca.gov/crb*. This has created another vehicle for consumers to communicate with the Board and has encouraged communication through email, saving staff time and improving turnaround time on responses. Over the last year, the Board has expanded its quarterly newsletter from two pages to four to communicate directly with its licensees and other interested parties about program changes and emerging trends in the profession. In addition, the Board has issued press releases and news articles to warn consumers about possible transcript overcharging by some court reporters.

As part of its Sunset Review Report to the Legislature, the Board conducted research to determine the causes of low pass rates on some Certified Shorthand Reporter examinations and made improvements in testing methods based on the possible causes identified. Among those changes is convenient, computerized administration of parts of the exam at four testing locations across the state. The Board also hopes to increase the current testing frequency of the dictation/transcription portion of the exam to three times per year, if a cost-effective specialty software program can be developed to reduce the time required for processing exam applications and grading transcripts.

## Future Challenges

Emerging technologies in the court reporting field, including improvements in audio and video recording, may significantly change how court reporting is conducted in the next 10 years. The Board will need to keep track of advancements, their effects on the profession, and their impact on consumers. To collect appropriate data and produce an analysis of technological changes in court reporting, the Board expects to conduct a survey of state courts, court reporters, court reporting schools, and other venues that are experimenting with, using, developing, and teaching new technologies, techniques, and practices. Representatives of the electronic audio and video recording professions will also be surveyed.

## Consumer Service Goals

- To ensure consumer protection by accepting an applicant from a foreign dental school only after determining that the school provides education equivalent to similar, accredited U.S. schools.
- To improve the existing licensing process to permit applicants speedy access to the marketplace without compromising consumer protection.
- To review and analyze the Board's drug and alcohol diversion program to ensure that it continues to provide consumer protection by requiring prompt rehabilitation of impaired practitioners.

For most people, a trip to the dentist's chair is a cause for apprehension. We worry about the needle poking, the drill whining, and the dentist scolding us for not flossing. While the Board of Dental Examiners can't prevent cavities, it does work to ensure your safety while they're being filled. The Board licenses only competent dental health care professionals and takes appropriate action whenever licensees fail to maintain the standards of practice. The membership of the Board consists of eight dentists, four public members, one dental hygienist, and one registered dental assistant.

During the fiscal year, the Board issued 1,754 new licenses and certificates, renewed 15,882 licenses and certificates, and took disciplinary action against 81 licensees. The Board also eliminated the written portion of the state licensure examination that duplicated Parts I and II of the National Board exam, which is a requisite for California applicants. In addition, the Board continues to look at the feasibility of expediting licensure for credentialed dentists relocating to California from other states and has developed eligibility criteria in conjunction with the California Dental Association.

The Board also made changes to its regulatory and examination processes during fiscal year 98–99. These changes include establishing regulations governing registered dental hygienists in alternative practice, as legislatively mandated. The Board also eliminated duplicative portions of the clinical exam and updated it to include current practices.

## Future Challenges

A major issue now facing the Board is the performance by dentists of cosmetic (oral and maxillofacial) surgery, which, although taught in dental schools, exceeds the dental scope of practice. The Board will continue to seek additional input from the dental community on this issue. For safety reasons, the Board is proposing to change the licensure examination to allow clinical examinations to be performed on manikins, rather than on human patients. In addition, the Board is considering the inclusion of multiple-choice questions.

## Consumer Service Goals

- To ensure that dental auxiliaries are competent to perform allowable procedures on consumers before being allowed to practice.
- To ensure that dental auxiliaries are informed of the laws and regulations that govern their practice, to help assure the safe delivery of dental care to consumers.
- To assist the Board of Dental Examiners in ensuring that consumers have the greatest access to dental care possible, consistent with consumer protection.

**Brush and floss.** It's a mantra that children grow up hearing, and for good reason. These days, though, you're just as likely to hear it from a dental auxiliary as from your family dentist. The tremendous expansion of the science of dentistry coupled with the public's ever-greater awareness of the importance of good dental health—not to mention the ever-higher life expectancy of all of those teeth—has generated a need for qualified, technically capable professionals who can perform some procedures and assist with many others.

The Committee on Dental Auxiliaries advises the Board of Dental Examiners on issues related to dental auxiliaries, and it licenses five main categories of dental auxiliaries. During the fiscal year, the Committee issued 6,847 new licenses and certificates and renewed 20,752 licenses and certificates. To better serve consumers and licensees, the Committee established its website at *www.comda.ca.gov* in July 1998. The website provides extensive information about the laws and regulations governing dental auxiliaries. Also available on the site are examination application forms and instructions for licensure applicants.

The Committee devotes much of its resources to assuring that its exams are administered efficiently and that dental auxiliaries are competent prior to being allowed to perform dental procedures on patients. This is accomplished by extensive training of examiners, ongoing concentrated reviews of each exam process and grading standards, and periodic occupational analyses to assure that exams are valid and reliable.

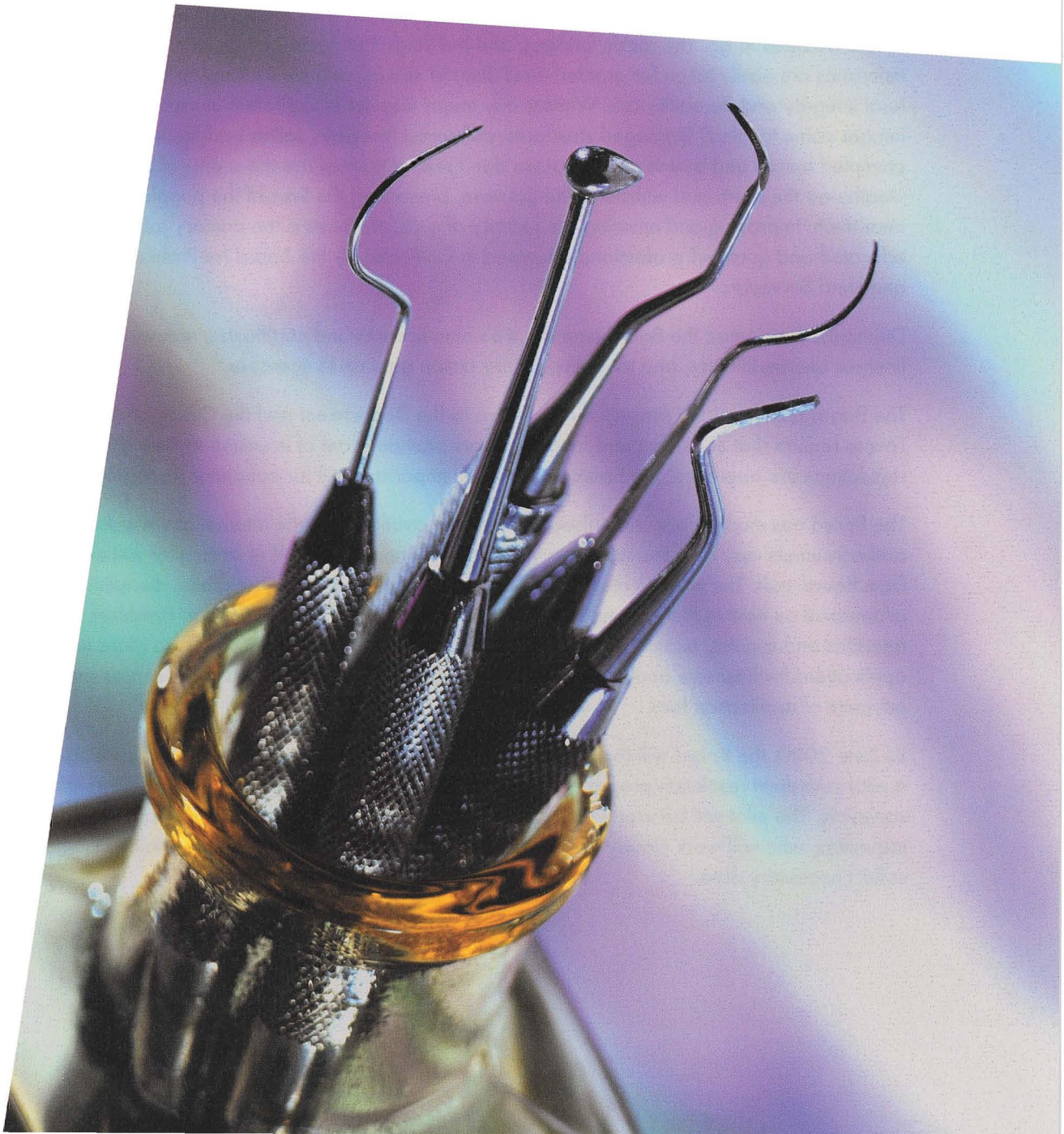
The Committee also devotes considerable resources to assuring that consumers have the greatest access to dental care possible, consistent with their training and the potential threat to the public health and safety. It accomplishes this by conducting extensive research and developing recommendations to the Board of Dental Examiners on the procedures that dental auxiliaries should be allowed to perform.

In September 1998 the Committee published the *Dental Auxiliary Handbook*, which contains the laws and regulations that apply to dental auxiliaries, beginning with the application and examination processes through the duties and responsibilities of licensees.

Various occupational analyses and other studies resulted in the addition of new duties to the dental assistant and registered dental assistant licensure categories to expand access to care, such as the preparation of bleaching trays, application of tooth-bleaching solutions, and the intraoral fabrication of temporary crowns.

## Future Challenges

The Committee's primary challenge is to keep pace with the technological advances and expanding duties of the profession. Continuous review and updating of examinations and grading standards, as well as the training of examiners, is a constant need. Collaboration with the Board of Dental Examiners provides one important method of enhancing the Committee's effectiveness in this area. Continued success will require additional research and consultation with the Board.



## Consumer Service Goals

- To ensure that engineers provide notice of licensure to clients.
- To develop a technical inspector program to investigate unlicensed activity, negligence, incompetence, and other violations.
- To develop a program to require applicants to submit fingerprints for a criminal background check prior to licensure.

On a simple trip to work, the average Californian traverses surface streets, freeway ramps and lanes, perhaps a parking garage and a few sidewalks, en route to a high-rise office building. Day in and day out, these structures "perform" flawlessly and allow us to do what we need to do and go where we need to go. The roads, bridges, and buildings that come and go on Californians' daily itineraries are easily taken for granted–until disaster strikes, and we realize just how vital their structural integrity and durability are. Witness any major disaster in California in recent memory–what images come to mind? Damaged structures–collapsed freeways, fallen bridges, washed-out roads, crumpled homes and businesses. What we don't see, of course, are the scores of structures that weathered the storm and withstood the pressure, preserving the lives of the people in, on, and near them. Improving and ensuring the security of such structures is the primary job of highly educated and qualified professionals licensed in California by the Board for Professional Engineers and Land Surveyors.

During the fiscal year, the Board issued 4,443 new licenses and certificates, renewed 19,295 licenses and certificates, and took disciplinary action against 15 licensees.

The Board has submitted proposed regulations to the Department and the Office of Administrative Law to require that engineers and land surveyors provide proof of licensure to their clients. Once the regulations are approved, the Board will gain an important tool for consumer protection.

The Board has made information about its licensees available on the Internet at *www.dca.ca.gov/pels*, and consumers may help themselves to verification information instead of waiting for written responses from Board staff. The website also includes the laws and rules, consumer guide, disciplinary actions, information on how to file a complaint, the complaint form, the *Plain Language Pamphlet*, Board agendas and minutes, examination schedules, and exam statistics. The Board also plans to add applications for licensure and is researching the feasibility of online renewal of licenses and payment of application fees.

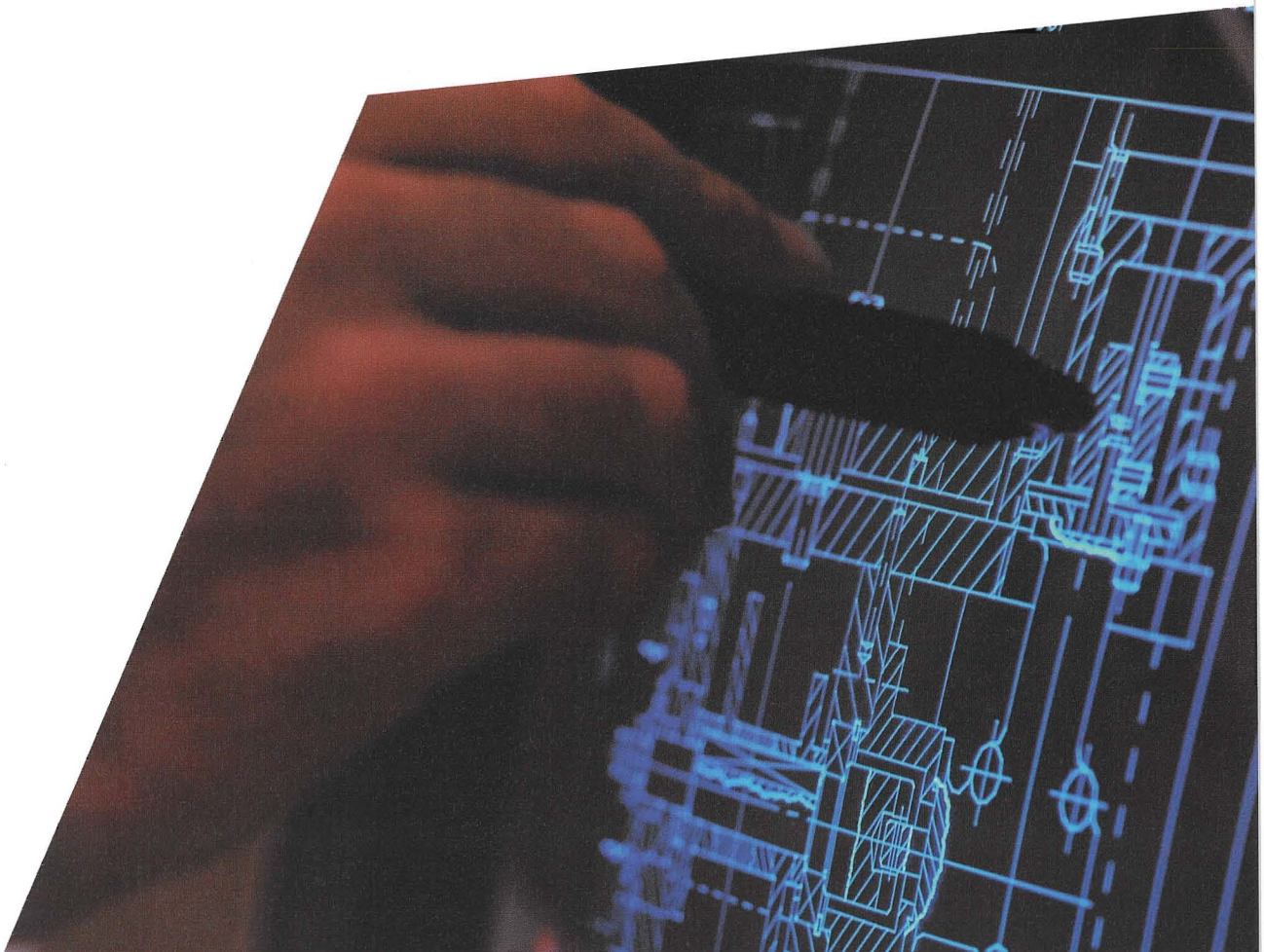
By June 2000, the Board will focus on its more complex, technical complaints by launching a pilot complaint resolution program that will involve the assistance of licensed engineers and surveyors. The pilot will be used in conjunction with the outreach efforts of the Board's technical inspectors, who will work closely with local agencies and businesses to identify violations and collect necessary data.

## Future Challenges

The trend toward design-build projects is increasing statewide. Current law predates the arrival of this approach to building development, so the building codes do not specifically allow it. However, the marketplace, by and large, has managed to walk a fine line, maintaining legal compliance while still pursuing design-build work plans and agreements. Because many licensees prefer this approach, the Board must monitor the evolution of design-build projects and be prepared to act to ensure compliance and consumer protection.

The Board has embarked on a fact-finding mission regarding the feasibility of requiring fingerprinting and background checks for prospective licensees. Staff is currently consulting other boards, bureaus, and programs in the Department that already have such requirements. Once the Board ascertains the projected benefits of background checks and the costs and possible disadvantages of such a program, a recommendation will be formulated.

Emerging communication and electronic technologies are changing the practice of engineering and land surveying. Such technologies impact the educational system and provide greater mobility and opportunity for engineers and land surveyors to practice out of state. These technologies also allow the unlicensed to attempt to provide services for which they are unqualified.



## Consumer Service Goals

- To more effectively use the Board's website *(www.dca.ca.gov/geology)* to disseminate pertinent information to the public.
- To shorten the time necessary to process applications, score tests, and notify test takers of their results.
- To participate in mutually beneficial association with similar licensing boards and standard-setting organizations nationwide.

In the last decade, the state of California has experienced eight major earthquakes injuring 94,623 people, killing 130, and causing nearly $27 billion in physical damage. The documented loss from landslides between 1992 and 1995 is nearly $2 billion, with 29 deaths. During 1996 alone, 57 of California's 58 counties were designated disaster areas by both the state and federal governments because of geological hazards. The El Niño storms of the 1997-98 winter season caused 17 deaths and over $550 million in property losses.

The tragedy of these losses is well established. The causes include improperly constructed dams, roads, and bridges; construction activities that cause landslides; and improperly identified earthquake hazards. In their wake are injuries, deaths, disruption of lives, destruction of property, and wasteful consumption of tax dollars. With sound geologic input, appropriate review by public agencies, and implementation of geologic recommendations during construction, much of this damage and loss would be avoided. The need for public protection through licensing and regulation of geologists and geophysicists is also well established in work involving environmental concerns and ground water resources, including contamination of ground water supplies by leaking underground storage tanks, land application of industrial waste, leaking landfills, and saltwater intrusion due to ground water withdrawal.

The practices of geology and geophysics, including their specialties and subspecialties, are both science and art. In California, the Board of Registration for Geologists and Geophysicists licenses these highly trained professionals, as well as Certified Engineering Geologists and Certified Hydrogeologists.

During the fiscal year, the Board doubled the number of cases sent to the Division of Investigation over the previous fiscal year, issued seven citations, and collected a total of $7,500 in fines for negligence, incompetence, unlicensed practice, and offering to practice without a license. The Board issued 145 new licenses and certificates and renewed 3,535.

Agreements were developed for mutual licensure as a registered geologist by comity with the 20 other states that administer the National Association of State Boards of Geology (ASBOG) registered geologist examination. The Board will begin administering the ASBOG examination in spring 2000.

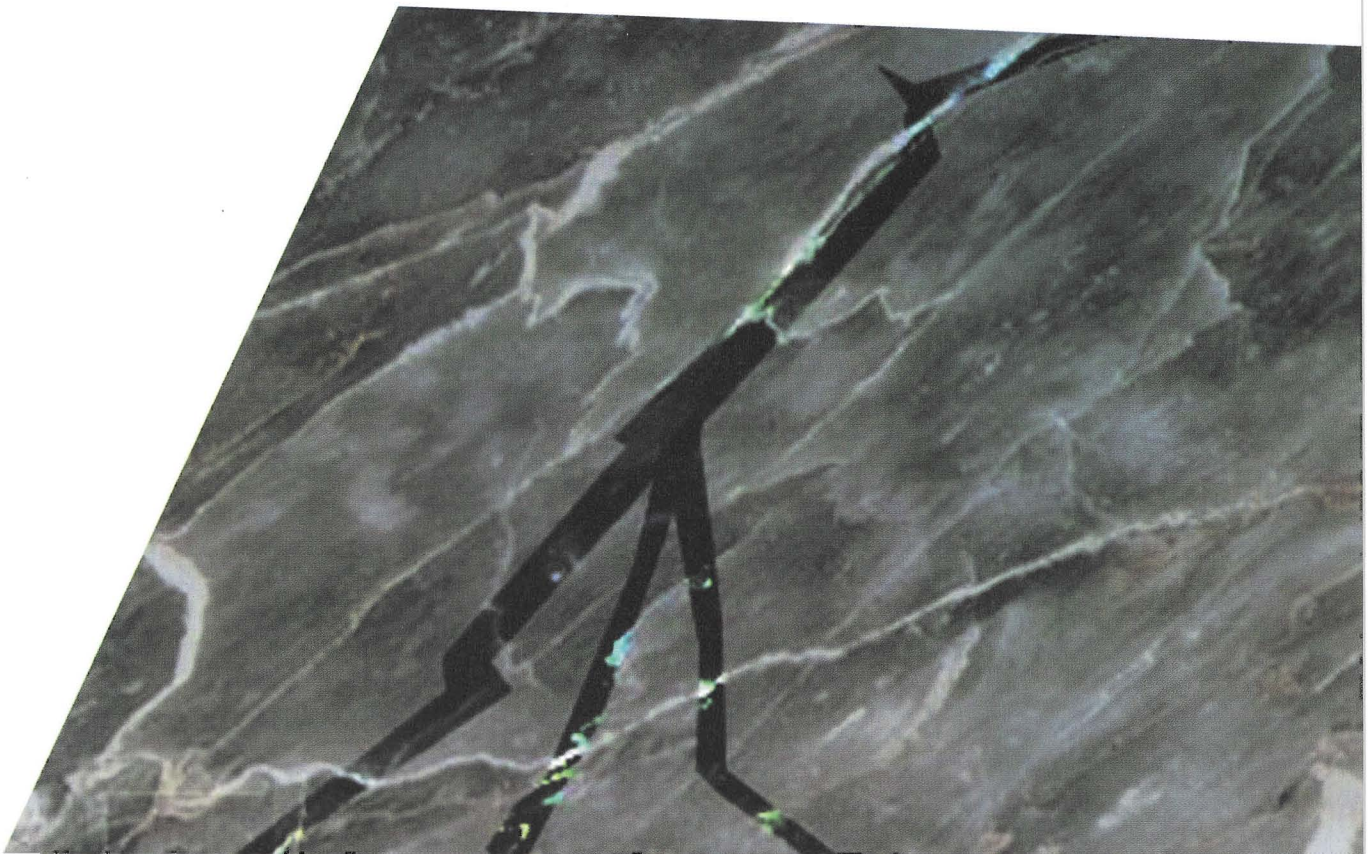
Five outreach presentations were conducted for university students, and a presentation was made to more than 500 geologists at the Geological Society of America's Cordilleran Section conference. Board staff also held public information forums in Northern and Southern California on the proposed revisions to the Geologist and Geophysicist Act.

The *Student Guide to Geologic Licensure in California* and the *Student Guide to Geophysical Licensure in California* were developed to inform students about the examination and licensure process. Staff also worked cooperatively with the Department of Conservation Division of Mines and Geology, Department of Forestry, California Licensed Foresters' Association, and the Regional Water Quality Control Board to develop a revised *Note 45, Guidelines for Engineering Geologic Reports for Timber Harvesting Plans* and *Guide to Determining the Need for Input from a Registered Geologist in Timber Harvest Plans.*

## Future Challenges

As the population of California continues to grow, housing all of its citizens will be a high societal priority. Since most seismically stable land in the state has already been developed, it is incumbent on the licensees of the geologic and geophysical professions to ensure that any and all new housing, office structures, or redevelopment is in compliance with building standards designed to minimize adverse impacts due to earthquakes, landslides, volcanoes, or other geologic phenomena.

The Board of Registration for Geologists and Geophysicists must continuously enhance the quality, value, and availability of geological and geophysical services offered to the people of California.



## Consumer Service Goals

- To ensure that blind persons receiving guide dogs in California are accorded the same consumer rights as all other California residents.
- To ensure that all licensed schools provide good instruction and meet all the requirements for proper operation of a nonprofit organization devoted to providing guide dogs.
- To ensure that persons who desire to raise funds to open guide dog schools have the means and staff necessary to operate the school.

Every day in California, a blind person with a guide dog faces numerous obstacles, not only physical obstructions such as inoperative traffic signals, but also obstructions of attitude–bus and taxi drivers who won't stop, stores and restaurants that won't allow the dog to enter, people who attempt to distract or interfere with the dog–despite statutes that clearly state that such discrimination is illegal.

The Board of Guide Dogs for the Blind is working to reduce incidents of this kind by educating businesses and the public about the rights of guide dog users. One important annual education project is "Guide Dog Day at the Capitol," when guide dog users, Board licensees, the Board, and friends of guide dogs visit every office in the Capitol to talk to lawmakers and their staffs about guide dogs and their importance in the lives of their blind handlers.

During the fiscal year, the Board issued nine new licenses and renewed 61.

## Future Challenges

In recent years, the complexities and potential hazards of modern-day traffic have become an increasing concern to guide dog users and other blind persons. The Board has begun researching traffic patterns and will be developing recommendations to improve the safety of California's blind pedestrians. In addition, with the aging of the general population, the need for guide dogs is anticipated to increase over the next decade, and the Board will work closely with the schools to meet this demand.

## Consumer Service Goals

- To promote hearing aid dispenser competency by evaluating mandatory continuing education programs.
- To ensure that consumers know where to obtain information on hearing aid dispensers and how to file complaints.
- To ensure that hearing aid dispensers advise consumers of their right to return hearing aids for refunds under the Song-Beverly Consumer Warranty Act.
- To protect consumers by clarifying specific advertising terms and strengthening enforcement language requiring acceptable advertising.

Coping with loss is a troublesome proposition for anyone. Losing one's hearing–a basic sense that most people cannot help but take for granted–is especially disruptive and disconcerting. Thankfully, in this age of fast-forward scientific and technological advancement, the options are expanding and improving impressively. Hearing aids, those screeching, bulky annoyances of yesteryear, have made a quantum leap in their ability to augment hearing without discomfort and without drawing unnecessary attention to the user's condition. For those who purchase hearing aids, the relief is often inspiring. Giving them that chance in a safe and professional marketplace is the calling of California's Hearing Aid Dispensers Examining Committee.

Most hearing aid purchasers are elderly and on fixed incomes. The Hearing Aid Dispensers Examining Committee protects this vulnerable population from fraudulent or incompetent fitting and selling of hearing aids. During the fiscal year, the Committee issued 392 new licenses, renewed 1,936 licenses, and obtained more than $29,000 in refunds for consumers.

In 1999, the Committee replaced its written examination question banking system with a new one that is faster and more efficient, enabling the Committee to pursue computerized test administration. The written exam is currently administered three times a year in Sacramento. Offering the exam electronically will allow applicants to take the written exam year-round at any of four sites throughout the state. The electronic testing sites will also offer "Livescan" (electronically transmitted) fingerprint processing, which will reduce waiting time for criminal history clearances.

The Committee is also in the process of updating its regulations to include guidelines outlining some of the most common errors hearing aid dispensers make in advertising. About half the complaints submitted to the Committee concern advertising. Among the most common problems are misleading discounts, "rebate coupons" that resemble checks, and initials for certifications that may not be understandable to consumers. Adding these guidelines to the regulations helps protect consumers, educates licensees, and also provides a useful enforcement tool.

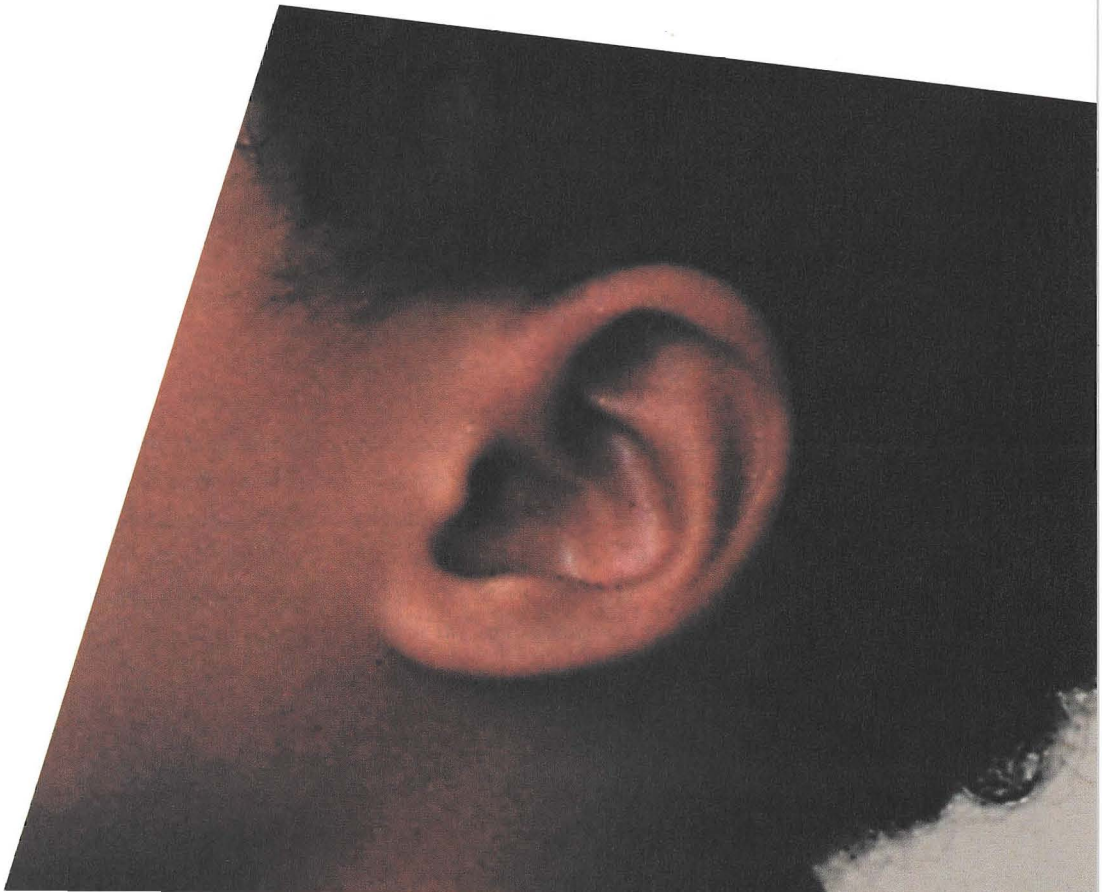
The Committee obtained Internet access and will develop a website, to include numerous fact sheets for consumers and licensees, including the Song-Beverly Consumer Warranty Act, complaint and licensing information, requirements for receipts, and other information. The Committee also plans to work with the Department to disseminate information regarding hearing aid dispensers and complaint procedures to consumer groups, particularly those serving the elderly.

The Hearing Aid Dispensers Examining Committee was sunsetted on June 30, 1999, and is now a program under the Department's management.

## Future Challenges

The biggest single challenge facing the new Hearing Aid Dispensers Program is monitoring the sale of hearing aids by mail order, direct mail, and the Internet. The law does not prohibit such sales, but specific conditions must be met. With the rise in hearing aid prices charged by licensed dispensers, more consumers may purchase less-expensive models offered through the mail or on the Internet, increasing the risk that the hearing aid purchased will not be the most suitable for the purchaser.

Similarly, catalog sales of hearing aids are potentially dangerous to consumers because the individuals may not have seen physicians, audiologists, or hearing aid dispensers to determine the extent of hearing loss or the presence of contributing conditions or complications. For that reason, consumers need to know the extent of their rights and protections when they pursue these options.



## Consumer Service Goals

- To further educate consumers about how to choose a physician and how to complain about problems with physicians and health maintenance organizations (HMOs).
- To help consumers with other health care-related questions by increasing public awareness of physicians' license status, HMO links, and other information on the Board's website.
- To ensure that physician advertising is not confusing or misleading to consumers.

Well over a century ago, someone here in California shouted "Gold!" and thousands of people flooded in from around the world, all hoping to strike it rich–but some of them were carrying cases of snake oil instead of pick-axes. It's no wonder, then, that the first occupational licensing board in California was the Board of Medical Examiners, the predecessor of today's California Medical Board. Their unstated goal at the beginning was to try to draw some sort of dividing line between physicians and quacks. A difficult task? A definite "yes," based on the experience of G.W. Linton, a physician who discovered upon arriving in Los Angeles in 1875 that he might have trouble finding a place to set up shop. He had plenty of money and plenty of medical training–that wasn't the problem. But walking just one block from the harbor, he counted 33 signs advertising the various and sundry services of "doctors." Fast-forward to 1999, and medical science has come a long way.

Despite the changes, however, the regulation of the profession is every bit as vital to California consumers. 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. During the fiscal year, the Board issued 4,892 new licenses and certificates, renewed 54,870 licenses and certificates, and took disciplinary action against 359 licenses.

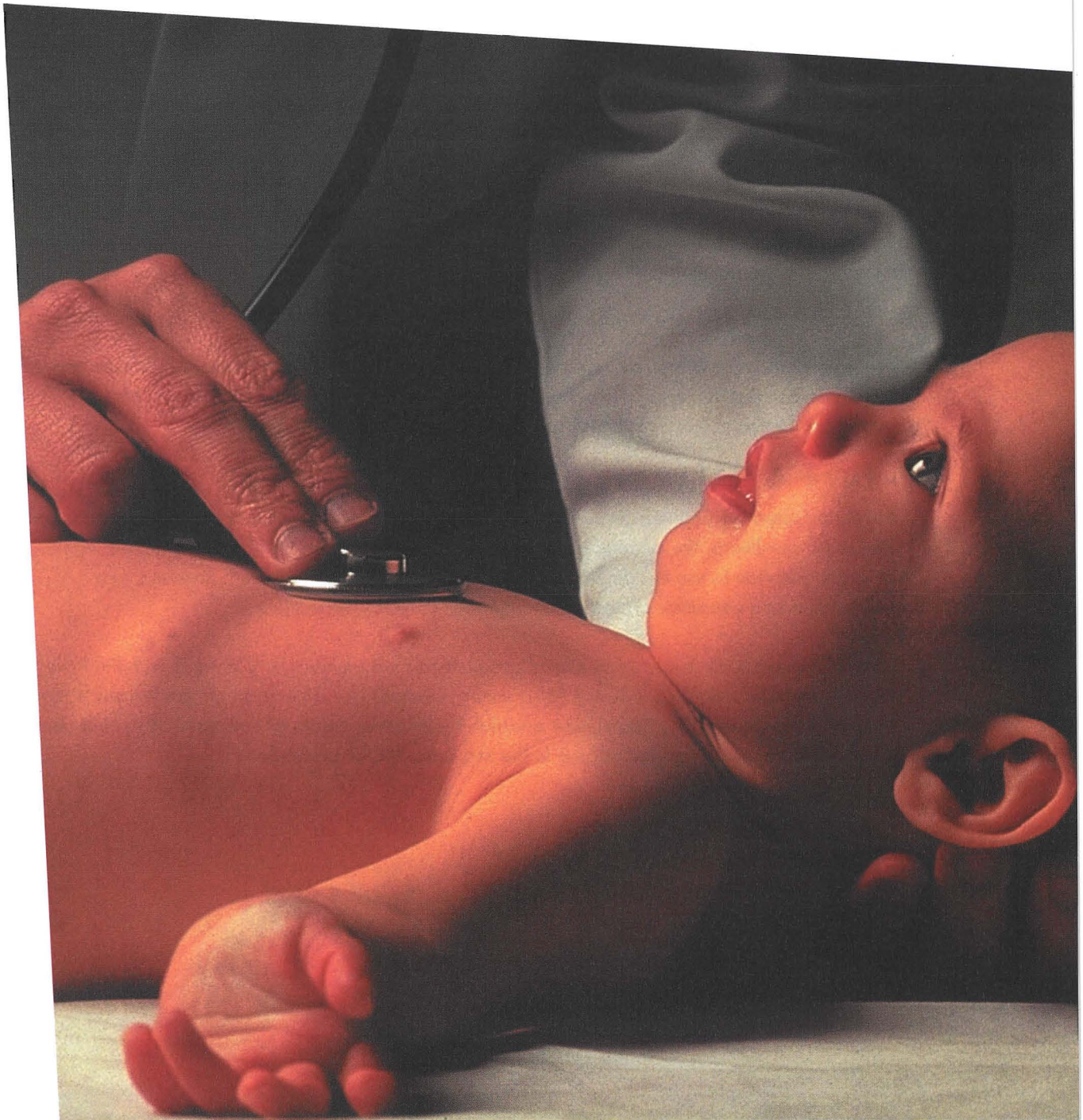
The Board received an award from Administrators in Medicine (AIM) for its website feature (at *www.medbd.ca.gov*) that assists consumers in choosing a health maintenance organization (HMO).

Board staff worked closely with the Legislature to secure passage of two truth-in-advertising bills, SB 450 (Speier) and SB 836 (Figueroa), both signed into law. SB 450 tightens the use in advertising of the term "Board certified," and SB 836 requires that images and pictures used in cosmetic surgery advertising must disclose exactly what is depicted.

## Future Challenges

The Medical Board recently formed a committee to investigate the potential for harm to consumers who purchase prescription drugs over the Internet. Often these drugs are sold without good faith exams, as required by law, and by individuals without California medical licenses. The Committee on Internet Prescribing will be discussing these and related issues with other governmental agencies and representatives from the e-commerce industry to develop mutually workable solutions to address the problems developing in this rapidly growing industry.

As advances in technology and cost incentives result in more procedures being performed outside of hospitals, California has become a national leader in defining outpatient surgical standards to maximize patient safety. The Board is working with the Legislature to augment the accrediting process for outpatient surgical centers to require a minimum of two staff persons on the premises, including one licensed health care professional, as long as a patient who has not been discharged from supervised care is present.



## Consumer Service Goals

- To inform consumers of the benefits of regular ocular health examinations to enable the early detection of eye disease and other illnesses, such as diabetes and tumors.
- To warn consumers of the health risks of obtaining contact lenses without valid prescriptions.

"Focus" is such a powerful word that it has long since outgrown the strictly visual base of its meaning. We focus resources to solve a problem; we try to focus on the positive; we conduct focus groups for research. But what happens when we can't focus–literally? In visual terms, the loss of ocular clarity, gradual or sudden, is disconcerting and often downright dangerous. It's the difference between "near-miss" and "head-on." When that power to focus fades, consumers head for the optometrist. In California, that's a safe move, thanks in part to regulatory oversight by the Board of Optometry. The Board works to ensure that consumers of optometric services receive quality vision care from competent, ethical practitioners.

This fiscal year, the Board reduced the time for optometrists to obtain licenses by six weeks. This reduction was achieved by changing the administration of the licensing examination from July to June and by streamlining the initial licensing process to allow issuance immediately after candidate passing scores are determined.

The Board issued 1,490 new licenses and certificates and renewed 4,523 licenses and certificates.

New regulations were written allowing for the issuance of administrative citations and fines and requiring licensees to notify consumers of their rights relative to spectacle and contact lens prescriptions and to inform consumers how to file complaints with the Board.

## Future Challenges

Newly adopted legislation to expand the practice of optometry to include treatment of glaucoma and other conditions, the suturing of simple wounds, a broadened list of pharmaceutical agents, and authorization to use certain injected drugs will provide the Board with dramatic new certification and consumer protection challenges.

Most optometrists are competent, ethical professionals who endeavor to comply with the laws and regulations governing their industry. Most minor violations occur because of optometrists' lack of awareness of the law. The Board must establish an effective means of communicating changes in the law and other information related to the regulation of the profession.

C Z P
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## Consumer Service Goals

- To ensure that all pharmacists provide consultations to patients receiving new medications and on request.
- To educate consumers about the Board of Pharmacy—how it can protect their interests, the importance of asking questions about their medication, and medication therapy compliance.
- To reduce prescription error incidents.

Modern medical science has identified more ailments, illnesses, and conditions than earlier health care practitioners could possibly have imagined. Likewise, pharmacists, physicians, medical researchers, and scientists have devised more cures, treatments, and therapies than practically anyone could have hoped for, even just a few years ago. The thousands of prescription drugs used in this modern age offer tremendous opportunities for relief—and tremendous potential for trouble if the dosages, combinations, and timing aren't just right. Californians entrust their well-being to pharmacists, so these individuals are carefully screened for licensure by the Board of Pharmacy.

During the fiscal year, the Board issued 7,069 new licenses and permits and renewed 32,562. The Board continued its licensee education program by publishing and distributing to all California pharmacists and pharmacies the third in a series of continuing *Health Notes* education monographs, "Pharmacist Involvement in Anticoagulant Therapy: How Patients Benefit." Such monographs help pharmacists to counsel patients about medications, thus increasing patient awareness and understanding of their medical conditions and encouraging medication compliance. Continuing education credits are awarded to pharmacists who submit and pass a written exam on the topic.

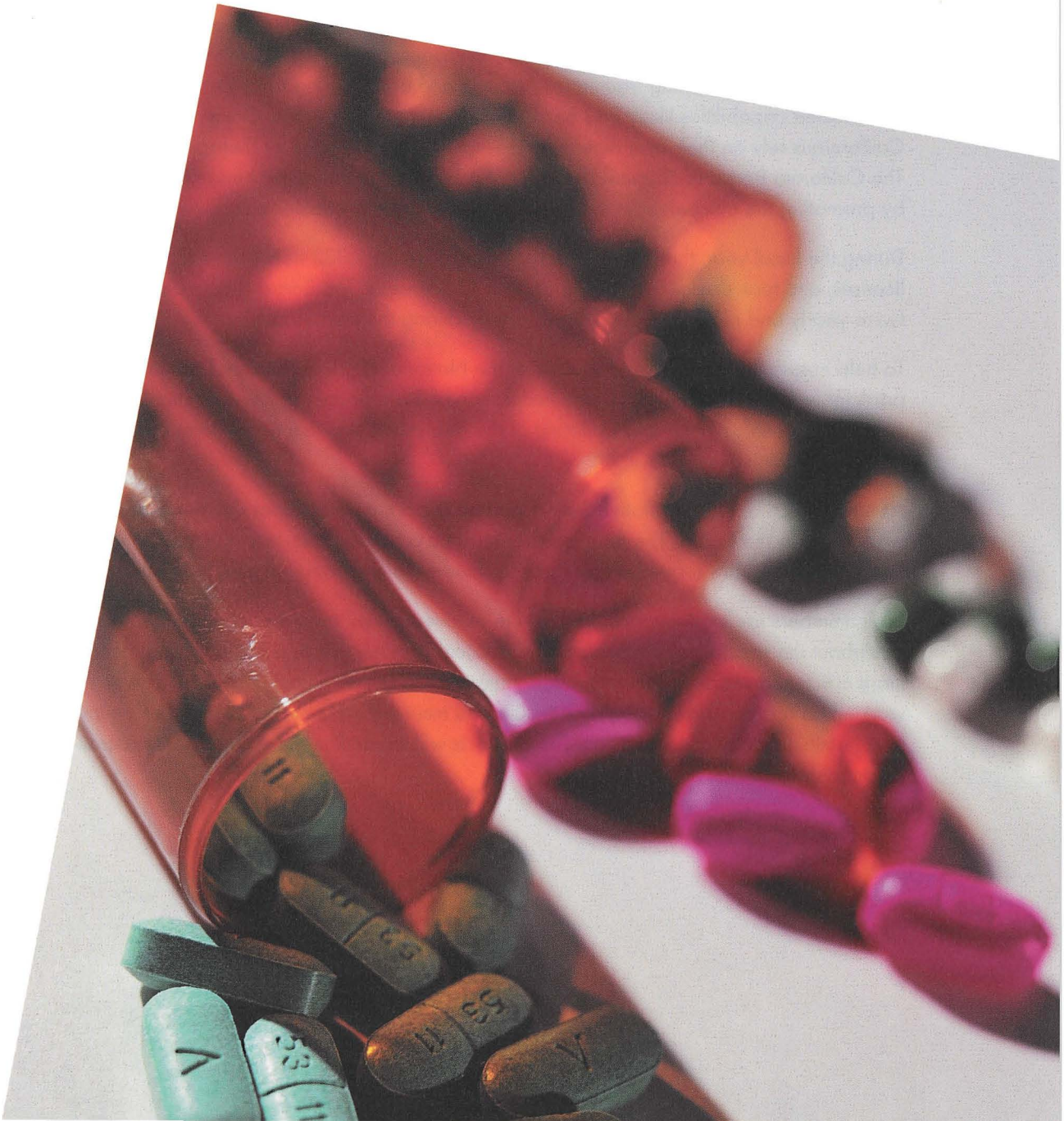
In addition, in May 1999, the Board's public education program was acknowledged for its excellence with the presentation of the Paul G. Rogers/NCPIE Medication Communicators Award by the National Council for Patient Information and Education in Washington, D.C.

## Future Challenges

Nationwide, 96% of patients don't ask any questions about their prescriptions and, as a result, often take their medications improperly. Up to half of the nearly two billion prescriptions filled each year are not taken correctly. For the last four years, the Board, through its "Talk to Your Pharmacist" public education campaign, has been vigorously dedicated to changing those statistics. A statewide survey is currently under way to measure the public's awareness of the need for taking medication properly. Once the survey's results are defined, the Board will refocus its efforts, if necessary, to ensure that consumers receive the medication information they need to protect their health.

Another way of changing those statistics is through the Board's assurance that pharmacists provide proper medication consultation to patients. The Board has issued citations to and collected $55,200 in fines from those pharmacists and pharmacies that fail to provide this service.

Also challenging is the prevention of medication errors, and the Board has proposed regulations requiring pharmacies to develop quality assurance programs to document, analyze, and prevent recurrence of such errors. To encourage pharmacies to more freely document medication errors, the Board also plans to support legislation exempting information collected as part of quality assurance programs from use in lawsuits.



## Consumer Service Goals

- To ensure that staff who investigate consumer complaints have a thorough understanding of the special requirements of the Physical Therapy Practice Act.
- To ensure that the National Physical Therapy Examinations are based on a valid analysis of practice and that the integrity of the examinations is maintained.
- To educate the public and licensees about the laws and regulations governing the practice of physical therapy in California, professional responsibilities, patient rights, and consequences for violations of the Physical Therapy Practice Act.

By the time we need the services of a physical therapist, the worst of the pain–the moment of injury or the disconcerting onset of a medical condition–is usually over. But diagnosis and treatment, therapy, and recovery also can be stressful, strenuous, and trying. There's no easy way around it–rebuilding and retraining traumatized muscle and bone is a rigorous task, and doubly so because the affected capabilities likely had been taken for granted for years. Once physical therapy begins, Californians rely on their own determination–and on the expertise of therapists and their assistants. The California Board of Physical Therapy gives patients an important head start toward recovery by promoting the competency and qualifications of these professionals.

During the fiscal year, the Physical Therapy Board issued 1,333 new licenses, renewed 9,080 licenses, and took disciplinary action against 13 licensees. The Board is now publishing its newsletter twice yearly and plans on publishing quarterly during the next fiscal year.

To help ensure the integrity and validity of the National Physical Therapy Examination, Board staff participate at annual meetings of the Federation of State Boards of Physical Therapy and take part in the Federation's review and updating of the analysis of practice and criteria reference studies on an ongoing basis.

As a result of the Joint Legislative Sunset Review Report, an additional Governor-appointed member was added to the Board. The new member must be a physical therapy educator. Also in response to the report, the Board formed a task force to review the electromyography certification requirements.

Staff members are working with the Division of Investigation to further educate and train investigators about the special requirements of the Physical Therapy Practice Act, enabling them to conduct more efficient and comprehensive investigations of consumer complaints. Additionally, the Board is working on a procedure manual to educate and train expert consultants, who are an invaluable tool in determining violations of the Act. These efforts will streamline the enforcement process and result in speedier resolution for the consumer.

## Future Challenges

The Board anticipates increased interest in the profession, which will impact efforts to meet the needs of the consuming public, as well as those of students, applicants, and licensees.

## Consumer Service Goals

- To distribute English and Spanish versions of the consumer information brochure, *What Is a PA?*
- To support efforts to obtain prescriptive privileges for physician assistants.
- To encourage increased use of physician assistants in medically underserved areas.
- To serve as a catalyst for changes in physician assistant-related law and to review and modify physician assistant laws and regulations to make them clearer and more concise for improved licensee and consumer comprehension.
- To encourage the development of physician assistant training programs in California.

Once upon a time, all a doctor needed was education, bedside manner, and a black leather bag. Modern medical practice leaves no doubt, though–that image is, indeed, a memory. Today's doctors depend on a full complement of highly trained personnel (not to mention a dizzying array of technology) to help and heal patients. In the medical reality of 1999, six million California consumers will receive some or all of their care from licensed physician assistants. Physician assistants provide medical services under the supervision of approved supervising physicians and are key members of primary care, pediatric, geriatric, and surgical health delivery teams. The Physician Assistant Committee is the agency solely responsible for ensuring that only qualified individuals are licensed to practice in California as physician assistants.

During the fiscal year, the Board issued 2,023 new licenses and certificates, renewed 5,402 licenses, and took disciplinary action against 12 licensees.

In support of the California Academy of Physician Assistants (CAPA), the Committee favored two legislative measures, both signed by the Governor, to allow physician assistants, under certain conditions, to receive sample drugs on behalf of a supervising physician and to issue drug orders and obtain federal DEA numbers. These new laws were pursued by the industry as part of an effort to gain prescriptive privileges for physician assistants.

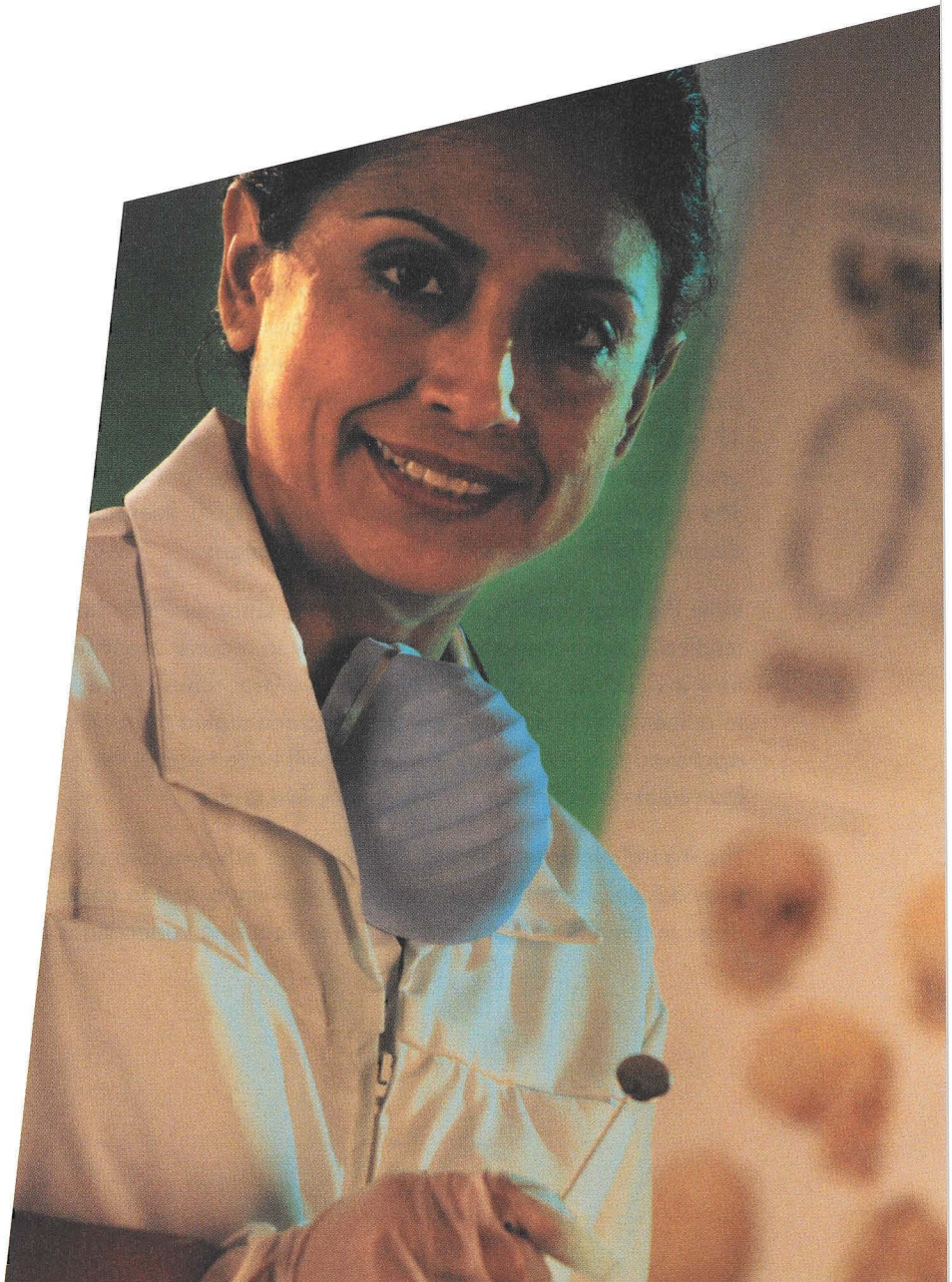
The Committee's executive officer met with key professional groups and offered guidance to educational administrators in an effort to locate qualified licensees willing to work in medically underserved areas of the state. The Committee's action and encouragement were catalysts for the development of two new training programs in Oakland and Riverside. Regulatory revisions were drafted to significantly reduce program application fees and program approval fees, further encouraging the development of new training sites.

The Committee established a Regulations Review Committee during the fiscal year to begin the process of checking every regulation within the Committee's jurisdiction to identify any necessary revisions. The Review Committee met for this purpose several times during the year.

The Committee also added a "fax on demand" feature to its telephone system to provide callers with 24-hour access to information. Based on a legislative mandate, the Committee also developed a rulemaking file package that will eventually reduce approval and renewal fees to zero for supervising physicians, while concurrently increasing physician assistant license and renewal fees.

## Future Challenges

The Board's primary challenge over the next few years is to remain fiscally solvent while concurrently eliminating supervising physician fees. In addition, the Board will continue to promote the increased use of physician assistants in medically underserved areas. California laws and regulations must also be changed to adjust to the shift from hospital-based medicine to community care, primary care, and preventive health care.



## Consumer Service Goals

- To increase use of citations and fines and to institute a temporary fee increase to maintain meaningful enforcement.
- To effectively implement the first continuing competence law for doctors in this country.
- To support development of a national clinical competence exam.
- To use the Internet to speed communication, expand outreach, and cut costs.

Sociologists say there are as many as 10 million baby boomers in California. In medical terms, that's 20 million feet sprinting toward the age when the expertise of a doctor of podiatric medicine is a likely need. As these professionals prepare for a jump in business, the entire industry–schools, hospitals, HMOs, insurers, and future practitioners–are busy positioning themselves to serve this population of probable patients. Meanwhile, the foot and ankle injuries sustained in athletic events and other activities by people of all ages continue to add to the demand for this medical expertise. In California, the industry serving these needs is licensed and monitored by the Board of Podiatric Medicine. The Board helps protect consumers by licensing doctors of podiatric medicine (DPM), setting podiatric education standards, approving schools and postgraduate programs, and enforcing the Medical Practice Act.

With 75 percent of its budget committed to consumer protection law enforcement, the Board moved to further concentrate its efforts on priority cases while finding more cost-effective means to run the program as a whole. With only 2,067 licensees, the Board issued 35 citations and fines, issued 13 cease-and-desist letters, referred 25 new cases to the Attorney General, filed 15 new accusations, placed 13 doctors on probation, and revoked 5 licenses. Of the 20 cases decided by the Board, 19 were stipulated agreements that saved the Board expensive hearing costs; this indicates that the program has achieved high success, credibility, and a deterrence effect. The Board also issued 166 new licenses and certificates, renewed 1,011 licenses and certificates, and accelerated disciplinary activity despite financial challenges.

With the enactment of SB 1981 (Greene, Chapter 736, Statutes of 1998), the Board became the first medical licensing agency in the country to require "continuing competence" for doctors. Under the new law, DPMs must certify at each two-year renewal that they meet at least one of seven pathways to relicensure. Licensees who are not credentialed through peer review at a health facility or an approved specialty certifying board will have to pass the Board's exam every ten years or complete four weeks of refresher training every five years.

The Board's Internet site, initiated this year at *www.dca.ca.bpm*, is the first state board site that provides links to private advocacy groups important to consumers and is the first podiatric board page in the nation that provides online licensing verifications and discipline information.

## Future Challenges

With the number of licensees falling steadily since 1993 (an initial effect of managed-care expansion), the Board is challenged to do more with less. Greater use of citations and fines for mundane violations is one plan, as is implementation of the nation's first continuing competence program for doctors. Continuing competence is central to the Board's strategic plan to emphasize *preventive* measures to reduce consumer harm and state expense.

The Board has sponsored a fee increase, but only a temporary one, and is committed to finding ever greater efficiencies, among them the support of a valid national licensing examination that will test for entry-level clinical competence. Once that is achieved, the Board could phase out of administering its own oral clinical exam, thus freeing up staff time for more licensing and consumer services.

## Consumer Service Goals

- To implement online license verification capability.
- To assist consumers to better understand the processes and procedures of the family court system throughout the state to resolve child custody disputes.
- To work with the Board of Control to ensure immediate availability of quality mental health services to victims of crimes.

"Everybody has problems." Although this sounds like an oversimplification, in the case of psychology it really is true. People from every walk of life–painters, politicians, and parents, even scientific geniuses–encounter psychological problems that require counseling or other forms of treatment or intervention. Perhaps the toughest challenge for practitioners over the years has been convincing patients that there is no shame in seeking psychological help, any more than there is in seeking a bandage for a sprained ankle. Of course, unlike experts in many other medical fields, psychologists must often contend with an ailment that actively obscures and obstructs its own treatment. Nonetheless, the vast majority of psychologists in California serve their purpose with dedication, even valor. Because the practice of psychology is such a uniquely challenging medical pursuit, the State of California created the Board of Psychology to license its practitioners and to monitor the profession on consumers' behalf.

During the fiscal year, the Board issued 1,343 new licenses, renewed 7,117 licenses, and filed 40 accusations. The Board also increased its number of educational reviews, which are used to resolve minor competency concerns in cases that do not warrant formal license discipline. Educational reviews are a constructive, preventive, and cost-efficient way to relieve pressure on the legal system while improving licensees' skills before minor deficiencies turn into major consumer protection concerns.

SB 1983 (Greene, Chapter 589, Statutes of 1998) continued the existence of the Board of Psychology until July 1, 2005 (the maximum period allowed by law). This "sunrise" bill also added another public member to the Board and amended section 2936 of the Business and Professions Code to make the Code of Conduct and Ethical Principles of the American Psychological Association the standard reference for all the Board's examination development and enforcement policy/standard-of-care decisions.

All disciplinary actions dating back to 1990 were posted on the Psychology Board's website at *www.dca.ca.gov/psych*. In addition, the Board added a supervision quiz relating to psychological assistants to the website in an effort to educate registrants, supervisors, and consumers on the responsibilities of the supervisor and supervisee. A customer satisfaction survey, board agendas, and board meeting minutes were also added to the website.

The Board will continue its liaison with the California Judicial Council to enhance consumer understanding of the processes involved in child custody evaluations. Recent work by the Judicial Council, with the Board's participation, has identified extensive variation in the methods and functions of family courts from one county to the next. Regardless of the county, however, it appears that the

vast majority of custody cases are resolved well before a trial comes into the picture; strong mediation efforts appear to be standard statewide. These discoveries by the Judicial Council provide fuel for change in some instances and likewise inform professionals and policy makers of successes that should be maintained and extended.

## Future Challenges

A national issue with potential consumer effect is the current effort to achieve prescription privileges for psychologists. If the profession is successful in obtaining such privileges, patients will receive psychotropic prescriptions from the practitioners best qualified and trained in that specialty; consumers will also benefit financially, since referrals will no longer be necessary for these prescriptions. Of course, these benefits would likely be accompanied by concerns including negligent prescribing, self-abuse of drugs by licensees, and perhaps legal challenges to such an expansion of psychologists' scope of practice. The Board must diligently prepare to handle such issues as they arise.

A second national concern is managed care's potential for limiting or eliminating the availability of psychological services for consumers. Managed care has historically severely limited the public's access to mental health services. Untrained, unlicensed HMO staff are determining consumers' needs for psychological services.

The Board plans to propose changes that would allow licensees to satisfy some portion of their continuing education requirements by appropriate alternatives to conventional learning experiences.

## Consumer Service Goals

- To vigorously pursue expansion of electronic transmittal of legal documents, enhanced computer tracking systems, and other innovations to improve timeliness and effectiveness of disciplinary action.
- To evaluate outcomes of disciplinary actions through analysis of recidivism data.
- To actively advocate for consumers in the area of pain management and in any other emerging areas that may arise.
- To take a proactive role in determining the adequacy and availability of nursing care for California consumers.

Each day, registered nurses make complex, life-or-death decisions that affect millions of consumers. Nurse midwives deliver babies, nurse anesthetists administer general anesthesia during surgeries, emergency room nurses triage patients, and intensive care nurses independently assess and monitor the most critically ill patients using advanced scientific technology. RNs also have important roles in acute care hospitals, drug treatment centers, home health care, and long-term care. With managed care and other shifts in health care delivery, RNs now must have the skills and knowledge to function independently and meet the serious, complex, and compelling needs of patients. In California, the Board of Registered Nursing keeps a watchful eye over these professionals and acts to ensure the protection of consumers in their care.

Legislation effective July 1998 (Cunneen, Chapter 159, Statutes of 1997) gave the Board a new certification category—clinical nurse specialist. In the first year, more than 1,000 registered nurses were certified as clinical nurse specialists. A ten-member task force provided guidance on standards and other issues arising during implementation of the new program. In addition, to support those registered nurses serving in the NATO military action in Kosovo, the Board granted them exemptions from renewal requirements; this special provision was publicized through nursing publications and an informational bulletin. To enhance its ability to evaluate credentials from international applicants, the Board chaired informal roundtable discussions in Sacramento with delegations from other countries, including Norway and England, to share information about nursing standards and licensure.

As part of its licensee education program, the Board cosponsored a teleconference in November 1998, "The New Bottom Line: Competence, Quality, Differentiated Practice, and the Work Force." More than 450 nurses from 20 locations in California participated. In February 1999, the Board sponsored a conference at California State University, Long Beach entitled "Advanced Practice for the New Millennium." Nationally renowned speakers presented information on the future of advanced practice nursing, legal requirements and issues, and current legislation to an audience of approximately 650 registered nurses.

The Board continuously seeks means to speed the complex legal and investigative process, while still preserving due process. Recently, the Board has been able to exchange legal documents on a limited basis with certain state Attorneys General. Expansion of that capability will shorten the time

frame for taking legal steps such as filing accusations. The sooner an accusation can be filed, the sooner the matter becomes a public record and employers can be placed on notice of possible concerns about an RN's practice. Also, outdated departmental computer systems provide very limited support for staff to assist in tracking, prioritizing, and following up on cases. Supplemental board computer tracking systems could enhance that capability until departmental systems can be updated. By prioritizing and tracking the age of cases effectively, staff can identify cases that need immediate action and follow-up.

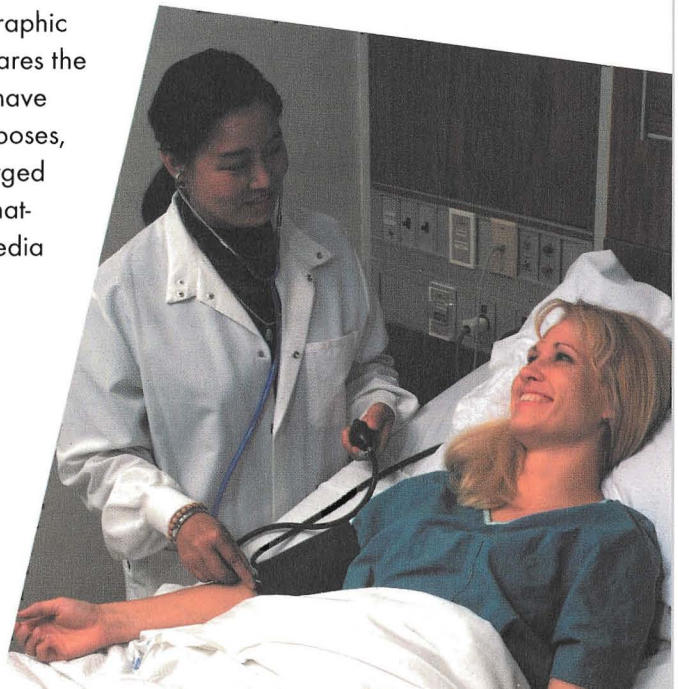
The Board of Registered Nursing will explore objective outcome data concerning the success rate of registered nurses who are reinstated after prior revocation and allowed to reenter practice under probationary conditions. Such an evaluation will contribute to consumer protection by giving Board members factual data to assist them in deciding whether to reinstate former licensees after revocation. By evaluating the outcomes for reinstated RNs for the past 10 years, the Board hopes to identify key factors that may contribute to success or failure after reinstatement.

## Future Challenges

California has the lowest number of registered nurses per capita in the country, and this shortage is projected to continue if no interventions occur. Complicating this situation, the shortage of RNs is most acute in the more complex, specialized practice areas. This has major implications for the availability of nursing care for California consumers.

To promote quality nursing care for all consumers, the Board must be an active partner with other organizations to assess the shortage and contribute to solutions. More specifically, the Board will support proposals that would effectively expand the availability of nursing education at all levels, with a special focus on access to education at the CSU and UC systems. This increased access to baccalaureate education is necessary to address the acute nursing shortage in complex practice areas such as intensive care, operating rooms, and emergency settings. The Board will also encourage and assist nursing organizations in developing a dynamic master plan for nursing to effectively identify and resolve nursing work force issues in both the short term and the long term.

In February 1999, the Board released its third survey of California registered nurses. This study provides demographic information about working nurses from 1997 and compares the data with surveys from 1990 and 1993. These surveys have proven to be useful for trend analysis and planning purposes, particularly at this time, as nursing shortages have emerged in certain specialty areas. This report has been disseminated to key groups and will be used as a reference for media inquiries about nursing statistics.



## Consumer Service Goals

- To encourage all patients and their families to become informed about their right to professional and competent respiratory care, regardless of the setting.
- To encourage all employers to continually and consistently verify the licensure status of their respiratory care practitioner employees in an effort to ensure patient safety.
- To enforce the requirement of mandatory reporting by employers.
- To require respiratory care practitioners to report violations of the Respiratory Care Practice Act by other practitioners.

For thousands of Californians each year, for so many medical reasons, a breath of fresh air suddenly becomes a labor of painful proportions. Whether that pain comes from tuberculosis or another critical condition, or perhaps from the unforeseen effects of medication, the ache of empty inhalation is laden with the sudden realization that breathing is among life's most basic requisites. Specialists called respiratory care practitioners are the lifeline for these patients. Their job is to know and use the myriad medications, treatments, and technologies to relieve, restore, and stabilize breathing. The specialization is so intricate and critical as to garner exclusive oversight in California by the Respiratory Care Board.

During the fiscal year, the Board issued 1,412 new licenses and certificates, renewed 6,373 licenses, and took disciplinary action against 90 licenses.

AB 123 (Wildman, Chapter 553, Statutes of 1998), requires mandatory reporting to the Board by employers when any respiratory care practitioner has been suspended or terminated for any of six specific causes. Failure to report is punishable by a $10,000 fine. In addition, any licensee with knowledge of another licensee's violation of statutes or regulations must also report to the Board.

In February 1999, the Respiratory Care Board's Executive Officer became the first recipient of the Public Protection Award presented by the Federation of Associations of Regulatory Boards. The award is presented to recognize an individual or organization that has contributed significantly to the protection of the public health, safety, and welfare through the professional regulatory community.

The Board has made a commitment to further and maintain consumer awareness, trust, and confidence by developing tools to support public relations efforts. To accomplish this goal, the Board will implement and optimize associated technology, not only to conduct Board business, but to communicate and disseminate information to the public. The Board has also reestablished the regular publication of its newsletter to provide updated and critical information to licensees and facilities, including hospitals and skilled nursing facilities. With the assistance of the Office of Examination Resources, the Board will be conducting an up-to-date Occupational Analysis. Further, the Board has committed to revising its disaster recovery system to securely archive and/or store historical information and records.

## Future Challenges

Advances in equipment, new treatment options, a rise in antibiotic-resistant tuberculosis, and an increase in patients admitted to medical facilities in advanced stages of respiratory distress have created an environment in which unlicensed care givers and untrained health professionals are often attempting advanced, complicated, and critical respiratory treatments. The Board has created a task force to study the issue and consult with other health boards to seek to resolve these potentially dangerous developments.

## Consumer Service Goals

- To enhance licensee knowledge about communication disorders by overseeing the continuing professional development program.
- To alleviate the shortage of trained speech therapy personnel in California by registering speech-language pathology assistants.

Problems with speech and hearing can come from a surprising array of causes, including abnormal motor skills, irregular physical development, emotional or social situations, or even substance abuse or the unexpected effects of medication. Whatever the cause, the problems can be startling, embarrassing, and debilitating to the patient. In California, treating these patients and understanding the complex and varied causes that may contribute to their healing and recovery is the work of professionals licensed by the state's Speech-Language Pathology and Audiology Board.

During the fiscal year, the Board issued 1,249 new licenses and renewed 9,689 licenses. In response to a shortage of trained support personnel, a new licensing category–speech-language pathology assistants–was created by AB 205 (Machado, Chapter 1058, Statutes of 1998).

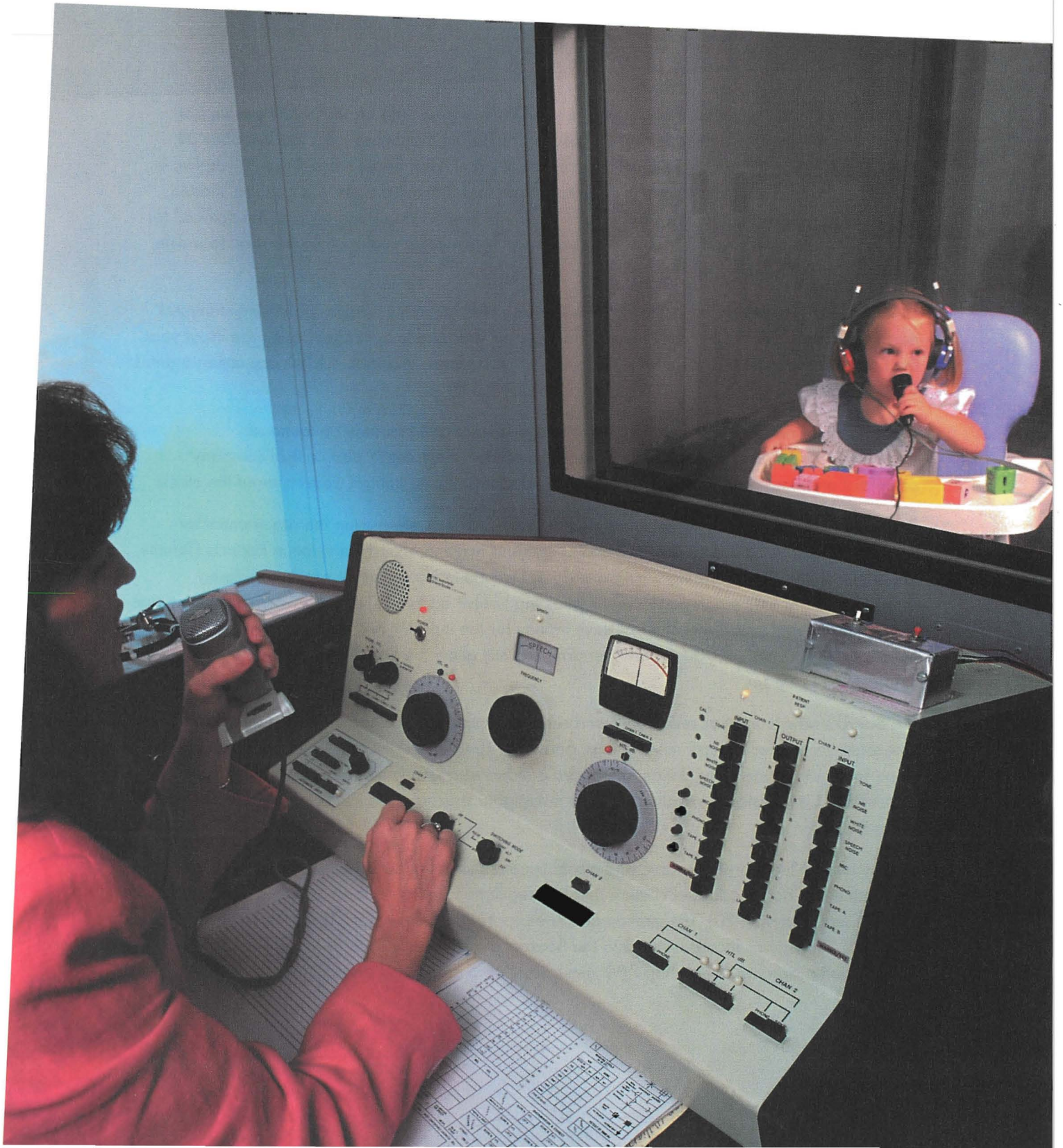
On July 1, 1999, the Speech-Language Pathology and Audiology Board was sunsetted and became a program under the Department of Consumer Affairs. AB 124 (Ackerman, Chapter 436, Statutes of 1999) restores the entity's Board status effective January 1, 2000.

In fiscal 98-99, Board staff made on-campus presentations to several training program directors and communication disorders department heads, as well as students studying to become speech-language pathologists and audiologists. The Board began using expert witnesses to review some of the more difficult cases to identify whether a deviation from standard practice or other unprofessional conduct has occurred.

The first occupational analysis of speech-language pathology since the Board was established by statute in 1974 will be completed by the Department's Office of Examination Resources during the next fiscal year.

## Future Challenges

The Board has developed a legislative proposal that would amend the current scope of practice to allow specially trained speech-language pathologists to use endoscopes in the evaluation and treatment of selected voice, swallowing, and speech disorders (velopharyngeal dysfunction, cleft palate, etc.). This proposal is currently being reviewed by representatives of several interested associations and will be addressed in January 2000.


SPEECH
FREQUENCY
INPUT
OUTPUT
CHAN 1
CHAN 2
TONE
WHITE NOISE
SPEECH NOISE
MIC
PHONO
TAPE A
TAPE B

## Consumer Service Goals

- To minimize the errors made during inspections of structures (homes or offices).
- To ensure that complete safety methods are employed when dealing with potentially harmful and deadly pesticides, termiticides, or gases.
- To explore emerging technologies for the benefit of consumers and industry.

Life sure was easier when the biggest pest in your life was your little brother. Now you've got termites, or maybe some other uninvited houseguests. Before that house turns into a money pit, you'd be well advised to call a licensed professional who knows about these things. If you live in California, you're lucky–the state can help you make sure that the people you hire are, indeed, licensed and legitimate. No, they can't make your little brother stop bugging you. But one call (or one click) to the Structural Pest Control Board is all it takes to get you back on the road to a safe, secure, structurally sound home.

The Structural Pest Control Board examines, licenses, and regulates persons practicing structural pest control and ensures that they have the necessary skills and knowledge. During the fiscal year, the Board issued 3,843 new licenses, renewed 2,536 licenses, and took disciplinary action against 47 licenses.

The Board has merged onto the information superhighway and can now be found at *www.dca.ca.gov/pestboard*. Consumers now have Internet access to pest control company complaint and licensing histories and can obtain updates of pest control issues around the clock.

The most significant accomplishment during the fiscal year was eliminating the requirement for licensees to file Wood Destroying Pest and Organisms Inspection and Completion Reports (Termite Reports) with the Board. During 2000, a program will be implemented requiring registered companies to file only a one-page sheet containing twelve addresses where an inspection or notice of work completed was done. This will save money for the industry and the Board, eliminate the need to process nearly 8,000 reports per day, and still allow the Board to maintain an effective enforcement program.

The Board's newsletter was reinstituted and sent to all registered companies, interested parties in real estate, consumer groups, associations, and other specific interest parties. In conjunction with the Department of Pesticide Regulation, the Board conducted a statewide training program for County Agricultural Commissioner investigators who investigate structural pesticide-related issues as agents of the Board.

As a result of a legislative mandate and a recommendation by the Joint Legislative Sunset Review Committee, the Board adopted citation and fine regulations in September 1998 (California Code of Regulations, Section 1920). The citation and fine program, which was implemented beginning January 1, 1999, was incorporated into the Board's existing office records inspection and complaint investigation programs. More than 700 inspections were completed during the fiscal year.

## Future Challenges

Emerging technologies and practices are the Board's most challenging concern. New approaches and tools will likely bring improved consumer safety and service, and the Board must work diligently to identify and permit legitimate new solutions while tracking any fraudulent or substandard work that may crop up under the guise of "technological advance."

## Consumer Service Goals

- To explore alternatives for consumer outreach, such as brochures, mailings to consumer organizations, and networking with animal control agencies.
- To establish and implement core and specialty minimum standards of practice in areas such as equine, food animal, and limited service clinics.
- To redefine protocols for registered veterinary technician private school inspections.

If we were to believe all of those six-year-olds who tell us what they want to be when they grow up, perhaps California would be overrun with veterinarians (and we'd have more than our fair share of astronauts and firefighters to contend with, too). It's a popular profession, perhaps because so many of those children grew up with beloved pets in their own homes. We Californians own an estimated 16.5 million pets, including cats, dogs, birds, horses, guinea pigs, snakes, and the odd tarantula. Many of these animals are treated by veterinarians one or more times a year, making veterinary practice a significant profession in this state. These practitioners are licensed in California by the Veterinary Medical Board, whose ultimate goals are to ensure that our animals are treated appropriately and that professional services are provided fairly. The Board's Registered Veterinary Technician Committee also certifies registered veterinary technicians (RVTs) and approves and inspects private schools or institutions offering RVT training curricula.

The Board issued 705 licenses and certificates during the fiscal year and, as a result of new legislation (SB 2003, Knight, Chapter 1070, Statutes of 1998), began offering temporary licensure to eligible veterinarians from out of state and to veterinarians participating in internships or residencies.

During the fiscal year the Board handled 470 new complaints and issued 46 cite and fine actions for negligence and/or incompetence, fraud and/or deception, improper record keeping, unprofessional conduct, and unlicensed activity. The Board adopted 14 disciplinary action decisions through the Attorney General's office that included revocations, stayed revocations, license surrenders, suspensions, probation, cost recovery, and fines.

To ensure the health and safety of animal patients, as well as that of animal health workers and the general public, the Board inspects veterinary hospitals and cites those not in compliance with minimum standards and sanitary conditions. The Board also promptly investigates complaints and, with the assistance of in-house veterinarian consultants and expert witnesses, determines if violations have occurred.

The Board is converting to a computerized administration of both the California State Board and the national licensing examinations. The first computer examinations are scheduled for April 2000.

The Board converted to a quarterly newsletter to make its communications with licensees more timely, and also posted articles from the publication on the Board's website. Staff also identified additional animal control agencies and consumer groups that were added to the mailing list, expanding that audience from 300 to 500.

The Board also worked with animal advocacy groups to implement SB 80 (Kopp, Chapter 380, Statutes of 1997), which authorizes registered veterinary technicians working in animal shelters to purchase sodium pentibarbitol for euthanasia purposes. The change constitutes a significant cost-saving alternative for shelters that previously had to hire a veterinarian to purchase the drug.

Under new regulations promulgated by the Board during the fiscal year, private schools training registered veterinary technicians would be subject to an inspection and possible enforcement action if any of several specific occurrences were observed. This additional enforcement tool extends the Board's ability to investigate possible problems and resolve them decisively.

## Future Challenges

The Board's new mandatory continuing education program begins January 1, 2000, bringing with it administrative challenges.

Internet, mail order, and other economically inventive approaches are inherently open to fraud, with little oversight in place. Tracking the development of these markets and recommending any needed regulation will be a future concern to the Board.

Unlicensed "alternative therapy" activities such as chiropractic, acupuncture, and massage therapy are gaining ground in the marketplace. Unlicensed cosmetic dental procedures may also be an issue in the future.

## Consumer Service Goals

- To ensure that all vocational nursing and psychiatric programs are well informed on current scope of practice issues by conducting forums, workshops, and individual meetings with program staff.
- To communicate with the consumer via the Board's Internet website, providing guidance regarding the Board's roles, functions, and services, as well as health care concerns and the disciplinary process.
- To annually conduct literature reviews, statistical research, and trend analyses of health care issues, practices, and needs.

While doctors and surgeons are the primary diagnosers and treaters of illness and injury, the healing most often goes on for days, weeks, even months after the initial treatment is complete. That's when you're most likely to meet a vocational nurse or a psychiatric technician. These professionals are there to help patients follow the course to recovery. Maintaining the physical and emotional health of consumers is the ultimate goal of the Board of Vocational Nursing and Psychiatric Technicians, which licenses and monitors these practitioners and the schools where they are trained.

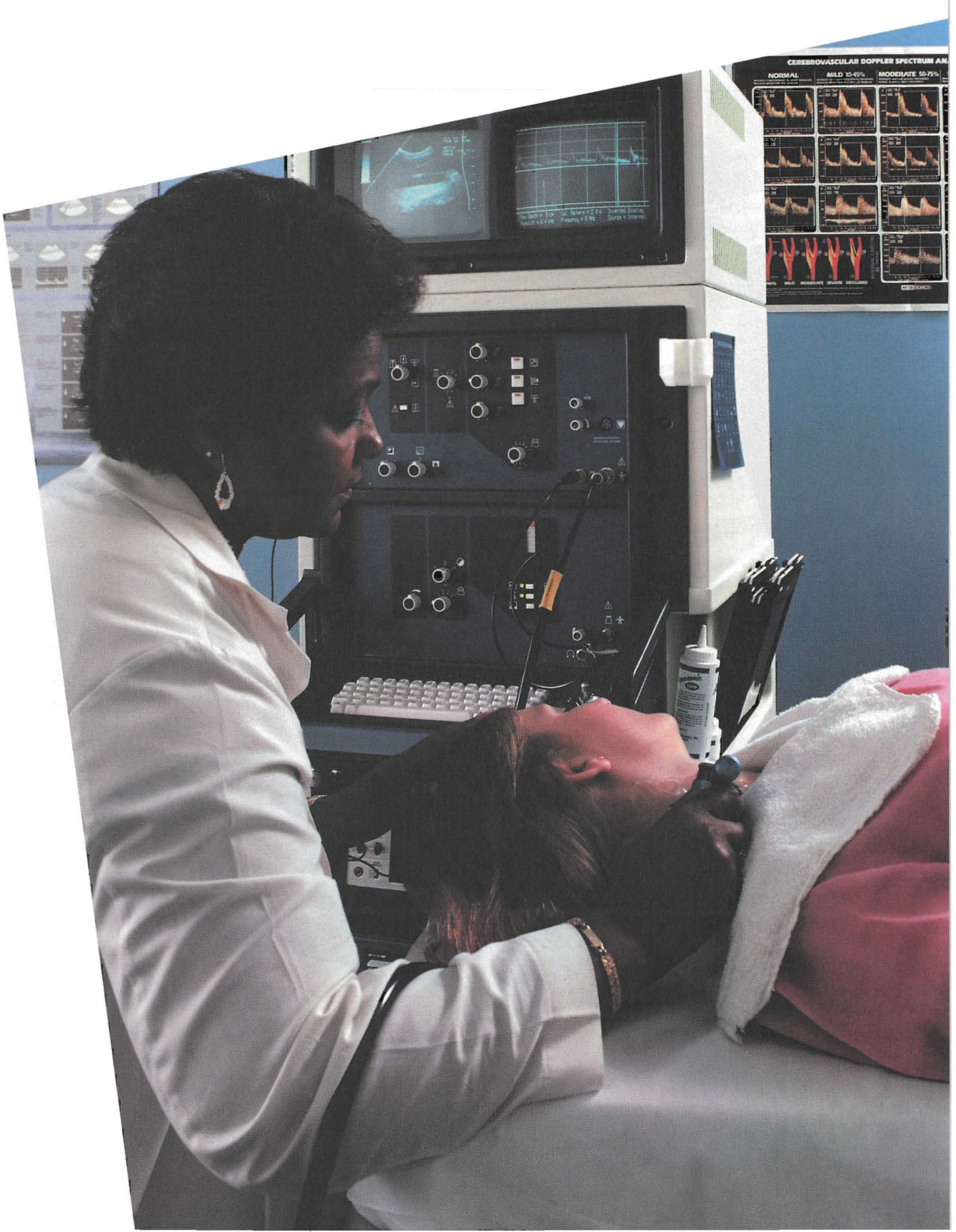
During the fiscal year, the Board issued 6,570 new licenses and certificates, renewed 35,807 licenses and certificates, and took disciplinary action against 125 licensees.

The Board continued its licensee education program by conducting 28 orientation meetings for new directors of vocational nursing and psychiatric technician programs. The orientations, which are open to the public, are held to inform new directors about, and assist them in complying with, the rules and regulations. In addition, the Executive Officer, Board members, and staff attended numerous functions of licensees, healthcare providers, agencies, and consumers throughout the year in order to network and present information regarding the scope of practice of licensed vocational nurses and psychiatric technicians in California, the role of the Board, and how the Board carries out its legal mandate to protect the public.

The Board's Internet webpage at *www.bvnpt.ca.gov* provides information and guidance regarding the Board's roles, functions, and services, as well as issues and concerns pertaining to health care and the disciplinary process.

## Future Challenges

As many employers opt to use unlicensed assistive personnel rather than licensed health care providers in the interest of greater profit margins, the risk to the consumer increases. Over the next few years, the Board will continue to support its licensees as cost-effective, safe, patient care providers and to provide consumer education so that patients can make informed decisions about their care. In addition, the Board will work to review and possibly redefine the scopes of practice for vocational nurses and psychiatric technicians in order to maintain a proper balance among sound health care practices, changes in health care delivery, employer expectations, and practitioner needs.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MODERATE 50-75%

California Department of Consumer Affairs Homepage - Consumer Protection, Consumer Education,...
http://www.dca.ca.gov/
California Board of Vocational Nursing
and Psychiatric Technicians
Teresa Bello-Jones, J.D., M.S.N., R.N.,
Executive Officer
NewsFlash!
Fee Change Notice
CA Home Page
BVNPT Home Page
Board/Committee Meetings
Board Members
Consumer Info
Education
Enforcement
Fee Schedules
General Information
Laws & Regulations
Licensing & Exams
Post Licensure & Renewal
Publications
Links
Driving Directions
MISSION STATEMENT
The mission of the Board of Vocational Nursing and Psychiatric Technicians is to protect the public welfare by ensuring that only qualified persons are licensed vocational nurses and psychiatric technicians by enforcing education requirements, standards of practice and by educating consumers of their rights.
NOTICE TO CONSUMERS
With emerging technology, many health care services, such as online medical advice, are now available via the internet. Please keep in mind that all individuals practicing as a vocational nurse or psychiatric technician in California must have a current (unexpired) and active Vocational Nurse (LVN) or Psychiatric Technician (PT) license in California.
If you have any concerns regarding the licensed status of an LVN or PT, you may contact the Board to verify the status of their license. You MUST provide the licensee's full name, license number (if available), and any other information which may assist the board in identifying the individual in question. Submit your inquiry to the Board by calling (916) 263-7800, or by sending an e-mail to webmaster@bvnpt.ca.gov.
Please note: The Board can ONLY provide information regarding licensed vocational nurses and psychiatric technicians. We cannot assist you with questions regarding registered nurses, certified nursing assistants, psychologists, medical assistants or any other related profession. See our links page for links to other agencies.
For further information, please refer to the information provided herein entitled "For Your Health Care... Know Your Rights" and "The Disciplinary Process... Know Your Rights".
Send comments/suggestions regarding the Board's homepage to: webmaster@bvnpt.ca.gov

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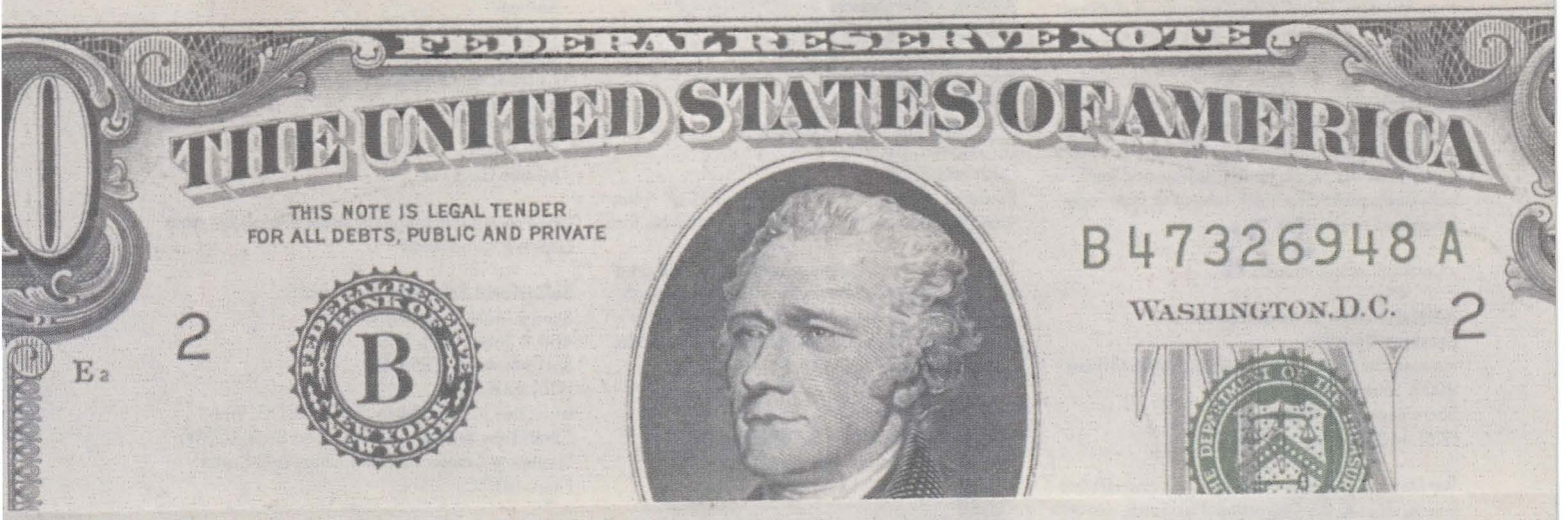
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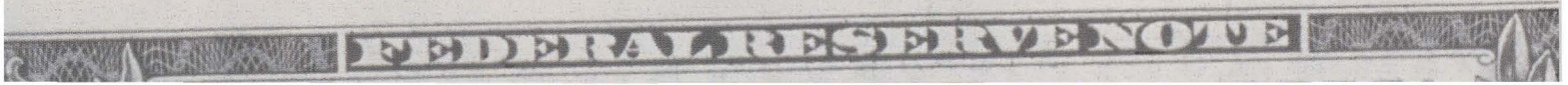
FEDERAL RESERVE NOTE

**Accountancy, Board of**
Carol Sigmann, Executive Officer
2000 Evergreen Street, Suite 250
Sacramento, CA 95815
(916) 263-3680
H. E. Mikkelsen, CPA, President; Baxter Rice, Vice President; Michael Schneider, CPA, Secretary-Treasurer; Robert E. Badham; Walter F. Finch, PA; Donna McCluskey, CPA; Diane Rubin, CPA; Robert J. Shackleton, CPA; Navid Sharafatian; and Joseph C. Tambe

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.

- Certified Public Accountants (CPA)
- Public Accountants (PA)
- CPA or PA corporations and partnerships

**Acupuncture Board**
Marilyn Nielsen, Executive Officer
1424 Howe Avenue, Suite 37
Sacramento, CA 95825
(916) 263-2680
Jung Min Kim, LAc, OMD, Chair; Shari Asplund; Marguerite M. Hung, LAc, OMD; Pius Lee; Shawn Steel; and Edmund Y. Tong

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.

- Certified acupuncturists

**Administrative & Information Services Division**
Howard Sarasohn, Chief Administrative Officer
400 R Street, Suite 2000
Sacramento, CA 95814
(916) 445-4626

The Division provides administration and information services to the Department's boards, committees, commission, bureaus, programs, and divisions.

**Arbitration Certification Program**
Rachel Chavez, Manager
401 S Street, Suite 201
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

Marc Sandstrom, President; Edward L. Oremen, Vice President; John Canestro, Secretary; Gordon Carrier; Albert C. Chang; Raymond Cheng; Christine M. Lampert; L. Kirk Miller; Lynn Morris; and Frank Williams

Landscape Architects Technical Committee Members: Sandra Gonzalez, Chair; Richard Zweifel, Vice Chair; Linda Gates; Dennis Otsuji; and David Tatsumi

The Board protects the public health, safety, and welfare through the regulation of the practice of architecture and landscape architecture services by ensuring that all licensees meet the required threshold of competency and that those who engage in fraudulent business practices are disciplined.

- Architects
- Landscape architects

**Athletic Commission**
Rob Lynch, 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
Ernest H. Weiner, Chairman; Manuel "Cal" Soto, Vice Chairman; Elmer Costa; and H. Andrew Kim

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.

- 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**
Douglas E. Laue, Chief
10240 Systems Parkway
Sacramento, CA 95827
(916) 255-4565

The Bureau registers and regulates approximately 32,000 California automative repair facilities and licenses lamp and brake inspection stations, smog inspection stations, and smog check technicians.

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

**Barbering & Cosmetology, Bureau of**
James Goldstene, Chief
400 R Street, Suite 4080
Sacramento, CA 95814
(916) 327-6250

The Bureau protects the consumers and providers of barbering, cosmetology, electrology, and related services.

- Apprentices (barber, cosmetology, electrology)
- Barber instructors
- Barbers
- Program-licensed establishments
- Cosmetologists
- Cosmetology instructors
- Electrologists
- Estheticians
- Manicurists
- Mobile Units

(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
Lorie Rice, Chair; Selma Fields, MFCC, Vice Chair; Judy Brislain, LEP; Marsena Buck, LCSW; Stephanie Carter; Christina Chen; and Karen Pines, MFCC

The Board regulates marriage and family therapists, licensed clinical social workers, licensed educational psychologists, marriage and family therapist interns, and associate clinical social workers.

- Licensed educational psychologists
- Licensed clinical social worker corporations
- Licensed clinical social workers
- Associate clinical social workers
- Licensed marriage and family therapist corporations
- Marriage and family therapist interns
- Marriage and family therapists

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

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

**Cemetery & Funeral, Bureau of**
G.V. Ayers, Chief
400 R Street, Suite 3040
Sacramento, CA 95814
(916) 322-7737

The Bureau protects the public's interest by educating consumers about their rights and options related to cemetery and funeral needs.

- Cemeteries, cemetery sales agents, cemetery brokers
- Crematories
- Cremated remains disposers
- Apprentice embalmers
- Embalmers
- Funeral directors
- Funeral establishments

**Communications & Education Division**
400 R Street, Suite 3060
Sacramento, CA 95814
(916) 324-1691

Assistance with media, public, legislative, and governmental inquiries.

**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

Response to inquiries on various consumer issues, referrals to appropriate government or private agencies for nonjurisdictional issues, distribution of publications, and assistance with filing complaints. Assistance available in English, Spanish, and 133 other languages.

**Contractors State License Board**
Dr. C. Lance Barnett, Registrar
9835 Goethe Road
Sacramento, CA 95827
(916) 255-3985
(800) 321-2752
Joe Tavaglione, Chair; Robert H. Alvarado, Vice Chair; John Chalker; Minerva Lopez-Baffo; David Lucchetti; Mrs. Phil Moore; Hacob "Jake" Shirvanian

The Board 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.

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

  Boiler; hot water; heating and steamfitting; 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 Drive, Suite 230
Sacramento, CA 95833
(916) 263-3660
John Hilbert, Chair; Peggy Porter, CSR, Vice Chair; Lillian Maloney, Julie Peak, CSR; and Susie Gilligan

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

- Court reporters

**Dental Examiners, Board of**
Georgetta Coleman, Executive Officer
1432 Howe Avenue, Suite 85
Sacramento, CA 95825
(916) 263-2300
Robert Christoffersen, DDS, President; Roger Simonian, DDS, Vice President; Kit Neacy, DDS, Secretary; Richard Benveniste, DDS; John Berry, DDS; Llewellyn Chin; Mark Goldenberg, DDS; Peter Hartmann, DDS; Kathy Holladay; Genevieve Klugman, RDH; Sandra Laderas, RDA; Sylvia Muscia; Patricia Turner; and Stephen Yuen, DDS

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

- Dentists

**Dental Auxiliaries, Committee on**
Karen Wyant, Executive Officer
1428 Howe Avenue, Suite 58
Sacramento, CA 95825
(916) 263-2595
Bobbi d'Arc, RDA, Chair; Kristy Landgren, RDH, Vice Chair; Kit Neacy, DDS, Secretary; Wayne Del Carlo, DDS; Rhona Lee, RDHEF; Stephanie Lemos, RDH; Patricia Morris, RDA; and Douglas Yee, DDS

The Committee administers the examination, qualification, and licensing processes related to five main license classifications of dental auxiliaries for the Board of Dental Examiners.

- Registered dental hygienists in alternative practice
- Registered dental hygienists in extended functions
- Registered dental hygienists
- Registered dental assistants in extended functions
- Registered dental assistants

**Dispute Resolution Office**
400 R Street, Suite 3090
Sacramento, CA 95814
(916) 322-5254

Guidance and assistance to county dispute resolution programs.

**Electronic & Appliance Repair, Bureau of**
Karen Hatchel, Chief
3485 Orange Grove Avenue
North Highlands, CA 95660
(916) 574-2032

The Bureau protects consumers from fraud, economic loss, and unsafe electronic and appliance repairs by combining education with a progressive enforcement program. 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 & Land Surveyors, Board for Professional**
Cindi Christenson, Executive Officer
2535 Capitol Oaks Drive, Suite 300
Sacramento, CA 95833
(916) 263-2230
George Shambeck, PLS, President; Kathryn Hoffman, Vice President; Gregg Brandow, PE; Dr. David Chen; Vincent Di Tomaso, PE; Ted C. Fairfield, PE; James Foley, PE; Andrew Hopwood; Stephen Lazarian, Jr.; Marilyn Lyon; Myrna Powell; Millicent Safran; and Quang D. Vu, PE

The Board safeguards the life, health, property, and public welfare by regulating the practice of professional engineering and professional land surveying. 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

**Examination Resources, Office of**
501 S Street, Suite 3
Sacramento, CA 95814
(916) 322-2703

The Office performs occupation analyses and develops written and oral examinations for a wide variety of professions licensed by various Departmental entities.

**Geologists & Geophysicists, Board of Registration for**
Paul Sweeney, Executive Officer
2535 Capitol Oaks Drive, Suite 300A
Sacramento, CA 95833
(916) 263-2113
Sharon Jasek Reid, President; David Cummings, Vice President; Dorene Dominguez; Seena N. Hoose; Robert Lindblom; Karen Melikian; and Paul R. Russ

The Board protects the health, safety, and welfare of the public by examining and licensing geologists and geophysicists and certifying engineering geologists and hydrogeologists in California.

- Engineering geologists
- Geologists
- Geophysicists
- Hydrogeologists

**Guide Dogs for the Blind, Board of**
Pat Urena, Executive Officer
2000 Evergreen Street
Sacramento, CA 95815
(916) 263-8956
Harry L. Thomas, President; Hugh Lyttleton, Vice President; Manuel Urena, Secretary; Audrey Hebner; Chris Kahn; John Manzella; and Melita Waters

The Board is responsible for regulation of guide dog schools, instructors, and fundraising.

- Instructors
- Training schools
- Fundraising to establish training schools

**Hearing Aid Dispensers Program**
Dianne Tincher, Administrator
1422 Howe Avenue, Suite 5
Sacramento, CA 95825
(916) 263-2288

The Program 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.

- Hearing aid dispensers

**Home Furnishings & Thermal Insulation, Bureau of**
Karen E. Hatchel, Chief
3485 Orange Grove Avenue
North Highlands, CA 95660
(916) 574-2041

The Bureau protects the public from health, safety, and economic hazards associated with upholstered furniture, bedding products, and thermal insulation sold in California.

- 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

**Investigation, Division of**
Michael Gomez, Chief
444 North Third Street, Suite 110
Sacramento, CA 95814
(916) 324-1534

The Legislature created the Division of Investigation in 1961 to provide centralized investigative services for the various regulatory boards, bureaus, programs, and commission within the Department of Consumer Affairs. The Division has the authority to investigate any alleged violation of the laws enforced by DCA regulatory agencies, as well as the Board of Chiropractic Examiners and the Osteopathic Medical Board of California.

**Legal Affairs Division**
400 R Street, Suite 3090
Sacramento, CA 95814
(916) 445-4216

The Division provides professional legal advice and assistance to the Department on implementing statutory programs and on complying with legal requirements for various occupations and professions.

**Legislative & Regulatory Review Division**
400 R Street, Suite 3120
Sacramento, CA 95814
(916) 327-5196

The Division tracks and analyzes legislation affecting the Department and California consumers, reviews legislation proposed by Departmental entities, and drafts positions on external legislation affecting the Department.

**Licensing Division**
400 R Street, Suite 3040
Sacramento, CA 95814
(916) 322-4000

The Division issues and renews licenses for specific Department bureaus and programs.

**Medical Board of California**
Ron Joseph, Executive Director
1434 Howe Avenue, Suite 92
Sacramento, CA 95825
Executive Office:
(916) 263-2389
Application inquiries:
(916) 263-2499
Complaints:
(916) 263-2424
(800) 633-2322
Division of Licensing:
(916) 263-2344
Division of Licensing: Thomas A. Joas, MD, President; Bruce H. Hasenkamp, JD, Secretary; James A. Bolton, PhD.
Division of Medical Quality: Ira Lubell, MD, MPH, President; Alan E. Schumacher, MD, Secretary; Anabel Anderson Imbert, MD; Raquel Arias, MD; Klea D. Bertakis, MD, MPH; Rudy Bermudez; Karen McElliott; and Kip S. Skidmore

The Board 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.

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

**Nursing Home Administrator Program**
Heather Martin, Program Administrator
1800 3rd Street, Suite 162
Sacramento, CA 94234
(916) 323-6838

The Program protects health, safety, and public welfare by regulating the practice of nursing home administrators.

- Nursing home administrators

**Optometry, Board of**
Karen L. Ollinger, Executive Officer
400 R Street, Suite 1070
Sacramento, CA 95814
(916) 323-8720
Steven S. Grant, OD, FAAO, President; Gerald J. Easton, OD, Vice President; John R. Anthony, OD, FAAO, Secretary; Sunil "Sunny" Aghi, MBA; Robert W. Dager, OD; Patricia L. Gee, EdD; Jennifer H.W. Kao, OD; Sheilah S. Titus, OD; and Jane R. Vogel, MA

The Board administers the Optometry Practice Act, conducting licensing examinations, issuing licenses for the practice of optometry, and issuing fictitious name permits, as well as statements of licensure.

- 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) 324-2302
Richard B. Mazzoni, RPh, President; Robert Elsner, Vice President; Caleb Zia, Treasurer; Sandra Bauer; Darlene Fujimoto, PharmD; John Jones, RPh; Steve Litsey, PharmD; Thomas S. Nelson, RPh; M. Standifer Shreve, RPh; Holly Strom, RPh; and Andrea Zinder

The Board serves the public by protecting the health, safety, and welfare of the people of California by ensuring the highest quality of affordable pharmacist care by qualified pharmacists who adhere to state and federal requirements of practice.

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

**Physical Therapy Board**
Steven Hartzell, Executive Officer
1418 Howe Avenue, Suite 16
Sacramento, CA 95825
(916) 263-2550
John Nativo, PT, President; Virginia Zlaket, Vice President; Donald A Chu, PhD, PT; Louis Garcia; Jerry Kaufman, PT; June Koefelda; Valerie Sinkus, PT

The Board 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.

- Electroneuromyographers
- Kinesiological electromyographers
- Physical therapist assistants
- Physical therapists

**Physician Assistant Committee**
Ray E. Dale, Executive Officer
1424 Howe Avenue, Suite 35
Sacramento, CA 95825
(916) 263-2670
Robert E. Sachs, PA, Chair; Steven R. Morey, PA, Vice Chair; Holly M. Ferguson, PA; Goodarz Haydarzadeh; Carole Hurvitz, MD; Steven D. Johnson, PA; and Sandra S. Navarro, PhD

The Committee protects consumers by licensing physician assistants, processing applications for approval of supervising physicians, and approving physician assistant training programs.

- 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
Iva P. Greene, MA, President; Kenneth K. Phillips, Jr., DPM, Vice President; Paul J. Califano, DPM; Elaine S. Davis, DPM; Joseph M. Girard, MBA, JD; Ann M. Kronenberg; and Jon H. Williams, DPM

The Board is the unit of the Medical Board that protects consumers by licensing, setting education standards and approving schools and postgraduate programs, and enforcing the Medical Practice Act in regard to podiatric medical doctors.

- Doctors of podiatric medicine

**Private Postsecondary & Vocational Education, Bureau for**
Michael Abbott, Chief
1027 10th Street, 4th Floor
Sacramento, CA 95814-3517
(916) 445-3427

The Bureau is responsible for regulating approximately 3,000 privately operated postsecondary institutions that operate in California.

- Private postsecondary schools

**Psychology, Board of**
Thomas O'Connor, Executive Officer
1422 Howe Avenue, Suite 22
Sacramento, CA 95825
(916) 263-2699
Judith Janaro Fabian, PhD, President; Martin Greenberg, PhD, Vice President; Mary McMillan, Secretary; Mary Ellen Early; Pamela Harmell, PhD; Linda Hee, PhD; Lisa Kalustian; Marilyn Palarea; and Emil Rodolfa, PhD

The Board protects the health, safety, and welfare of consumers of psychological services through licensure, enforcement, consumer education, and dissemination of regulatory information.

- Psychological assistants
- Psychologists
- Registered psychologists

**Registered Nursing, Board of**
Ruth Ann Terry, MPH, RN, Executive Officer
400 R Street, Suite 4030
Sacramento, CA 95814
(916) 322-3350
Mary Jo Gorney-Moreno, PhD, RN, President; Sharon Ecker, RN, Vice President; Genevieve D.R. Deutsch, RNC, OGNP; Sandra Erickson, CRNA, BPA; Monta Huber; Judith M. Jonilonis, RN, BBA, CNOR; Thomas C. Kravis, MD; Seth Liebman, Esq; and LaFrancine Tate

The Board acts as an advocate for health care consumers by setting and enforcing safe nursing practice standards and by educating the public.

- Continuing education providers
- Nurse anesthetists
- Nurse midwives
- Nurse midwives with furnishing number
- Nurse practitioners with furnishing number
- Psychiatric mental health nurses
- Public health nurses
- Registered nurses

**Respiratory Care Board**
Cathleen A. McCoy, BS, MA, Executive Officer
1426 Howe Avenue, Suite 48
Sacramento, CA 95825
(916) 263-2626
Kim L. Kruser, RCP, President; Barry Winn, EdD, RCP, Vice President; Randal Clark, RCP; Louise Leigh; Eugene Mitchell; Richard L. Sheldon, MD; Gary N. Stern, Esq; and J. Michael Thompson, RCP

The Board protects and serves the consumer by administering and enforcing the Respiratory Care Practice Act and its regulations in the interest of the safe practice of respiratory care.

- Respiratory care practitioners

**Security & Investigative Services, Bureau of**
John A. Nickols, Chief
400 R Street, Suite 3040
Sacramento, CA 95814
(916) 322-7530

The Bureau licenses and regulates businesses and personnel that provide security-related services for a fee.

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

**Speech-Language Pathology & Audiology Board**
Marilee Monagan, Executive Officer
1422 Howe Avenue, Suite 3
Sacramento, CA
95825-3204
(916) 263-2666

The Board protects the public health, safety, and welfare through the appropriate regulation of the practices of speech-language pathology and audiology in California.

- Audiologists
- Speech-language pathologists
- Speech-language pathology aides

**Structural Pest Control Board**
Donna J. Kingwell, Executive Officer
1418 Howe Avenue, Suite 18
Sacramento, CA 95825
(916) 263-2540
Glenn Hellyer, President; Kenneth Moore, Vice President; Carl Doucette; Theodora Poloynis-Engen; Nicholas Papadakis; and Kenneth Trongo

The Board examines, licenses, and regulates persons practicing structural pest control and ensures that they have the necessary skills and knowledge to properly inspect structures.

- 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) and Branch 3–termite control (wood type pests)
- Wood roof cleaning/treatment (roof restoration)

**Veterinary Medical Board**
Susan M. Geranen, Executive Officer
1420 Howe Avenue, Suite 6
Sacramento, CA 95825
(916) 263-2610
Ellen O'Connor, President; Michael Clark, DVM, Vice President; Alberto Aldrete, DVM; Nancy Collins, DVM; Vernell Goehring; Raymond Weitkamp, DVM; and Karen McNamar

The Board regulates the practice of veterinary medicine through licensing, examination, and enforcement of the rules and regulations governing veterinary medicine.

- Veterinarians

**Registered Veterinary Technician Examining Committee**
Susan Geranen, Executive Officer
1420 Howe Avenue, Suite 6
Sacramento, CA 95825
(916) 263-2610
Nancy Ehrlich, RVT, Chair; Alex Henderson, RVT, Vice Chair; Harold Davis, RVT; and Linda Zachritz, JD

The Committee is mandated to ensure the competency of registered veterinary technicians through examination and to inspect and approve all private schools or institutions that train veterinary technicians.

- Registered veterinary technicians

**Vocational Nursing & Psychiatric Technicians, Board of**
Teresa Bello-Jones, Executive Officer
2535 Capitol Oaks Drive, Suite 205
Sacramento, CA 95833
(916) 263-7845
Charles L. Bennett, LVN, President; Carolyn Duncan, PT, Vice President; Holly Donn, PT; Cecelia Estrada, RN; Mary Humphrey; Dorothy Jue Lee; Karen Ornelas, LVN; Mary Petersen; Bridget Robins; June Schockency; and Sister Marie de Porres Taylor

The mission of the Board is to protect the public's health, safety, and welfare by ensuring that only qualified persons become licensed vocational nurses and psychiatric technicians and that required education, competency, and practice standards are established and enforced.

- Vocational nurses
- Psychiatric technicians

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