ANNUAL REPORT
FISCAL YEAR 2005–06

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State of California

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California Department of Consumer Affairs

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OUR MISSION

To protect and serve consumers while ensuring a competent and fair marketplace.

OUR VALUES

As a government agency dedicated to protecting consumers and regulating a variety of professions, occupations, and businesses, the success and effectiveness of the Department of Consumer Affairs (DCA) depends on:

- Serving our stakeholders with committed, knowledgeable, well-trained employees.
- Providing prompt and fair investigation and adjudication of violations of law.
- Educating consumers so they are capable of making informed decisions in a complex and changing marketplace.
- Licensing applicants to ensure job markets are easily accessible.
- Creating productive partnerships with consumers, licensees, and businesses.
- Developing automation systems that provide efficient and effective support to consumers, DCA employees, licensees, and businesses.
- Improving consumer access to critical health and safety information and educating them on the health benefits of clean air.

OUR VISION

To be the recognized leader in providing innovative services that educate and empower consumers to make informed decisions. Consumers, licensees, and businesses will have a safe, fair, and competitive marketplace.

The California Department of Consumer Affairs — Protecting Consumers and Safeguarding the Marketplace Through Education, Licensing, and Enforcement

I am pleased to present the *Annual Report* for Fiscal Year 2005–06, because it details how the Department of Consumer Affairs (DCA) worked to protect the health, safety and economic well-being of California consumers as it helped to ensure a fair and competitive marketplace for businesses.

Through licensing, DCA maintained state standards for competence, education, and skills for an array of California's leading industries and professions. These diverse fields include healthcare, architecture, mixed martial arts, private postsecondary schools, psychology, engineering, cosmetology, nursing, and construction contracting. Along with its partner licensing Boards, internal Bureaus and other programs, the Department managed more than 2.3 million licenses, certificates, permits, and approvals in more than 100 business and 200 professional categories.

In conjunction with its California Office of Privacy Protection, DCA championed the privacy rights of California consumers and led the fight against identity theft. The Department teamed up with consumers, business, law enforcement, and prosecutors to sponsor the *Governor's Second Annual Identity Theft Summit*, which featured workshops and training for consumers, investigators, prosecutors, educators, and other key stakeholders. When millions of California veterans—Reserve, National Guard, and active-duty military personnel—feared their personal information was compromised in a Washington, D.C., laptop computer theft, DCA responded by teaming up with the California Department of Veterans Affairs to conduct a statewide series of educational workshops on identity theft prevention.

In planning for a future in which the number of State residents over the age of 60 is expected to climb dramatically as an "age wave" echoes the historic "Baby Boom," the California Department of Consumer Affairs convened the first-ever *Senior Summit: Protecting and Serving California's Aging Population*. The conference was highlighted by educational workshops that were standing-room-only and attended by seniors and other stakeholders from government, community-based organizations, and senior service providers.

DCA's Bureau of Automotive Repair expanded its Consumer Assistance Program (CAP) to help Californians repair or retire their high-polluting vehicles if they failed their Smog Check tests. Vehicle owners sent more than 15,000 vehicles to be crushed and taken off the roads permanently in exchange for $1,000 from CAP. More than 35,000 Californians received assistance of up to $500 in repairs to clean up their vehicles in order to

pass the Smog Check test. At the conclusion of the Fiscal Year, the CAP, publicized through Governor Schwarzenegger's *Breathe Easier Public Education Campaign*, was responsible for keeping more than 731 tons of smog-forming vehicle pollutants out of California skies.

Community-based organizations and consumer groups in California's diverse communities were important allies for the DCA, helping to educate and assist consumers. DCA hosted or participated in a variety of consumer-interest events throughout the State, including senior fairs, legislative town hall meetings, clean-air fairs, car shows, business expos, mediation week events, scam-stopper conferences, and fraud-prevention forums. Once again this year, the Department hosted the LifeSmarts State Championships, in which California's teen consumers competed in a test of marketplace skills and knowledge for a chance to represent California at the National Championships.

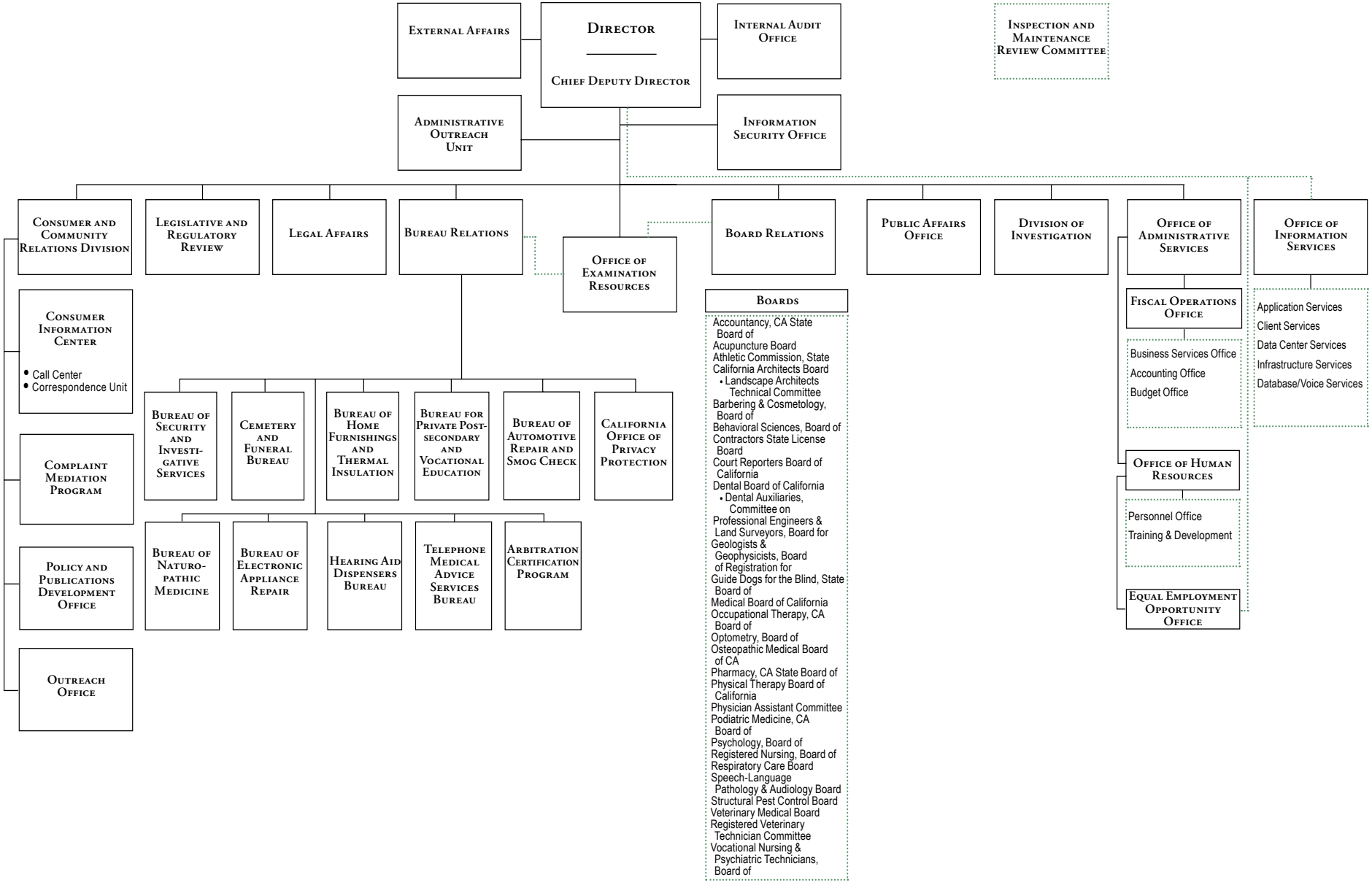
DCA staff responded to more than one million inquiries through the Consumer Information Center phone system and toll-free Consumer Assistance Hotline—(800) 952-5210—that features live, Spanish-speaking operators and assistance available in 144 languages through a translation service. Call Center customer service continued its positive trend, with average wait times continuing to decline, down approximately 38 percent from the prior year to less than 2½ minutes.

Finally, DCA enforced California consumer protection laws to safeguard public health and safety by investigating thousands of consumer complaints and mediating disputes between businesses and customers. Because of these efforts, consumers received nearly $43 million in refunds, rework, or restitution.

Charlene Zettel

Charlene Zettel
Director, California Department of Consumer Affairs

DCA Organizational Chart



Office of Administrative Services

The Office of Administrative Services (OAS) is responsible for providing administrative services to all bureaus, divisions, boards, committees, and commission within the Department of Consumer Affairs (DCA). Administrative services include accounting, which provides year-end financial reporting, cashiering of revenue collected, payment of all invoices, CALSTARS, and revenue/accounts receivables. Budget services include expenditure and revenue monitoring, fiscal analysis of legislation and proposed regulations, and preparation of information for the Governor's Budget. Business services include facilities and space planning, contracts, purchasing, the Small Business/Disabled Veterans Business Enterprise Program, mail distribution, records management, the Copy Center, and subpoena workload. The Office of Human Resources' (OHR) services include payroll and benefit administration, classification and pay, transactions, health and safety, exam administration, equal employment opportunity, and customer service and training and development services. OHR staff provides full-service support for employees within DCA and for client agencies. OHR staff is available to provide clients with the necessary information needed to make well-informed decisions with personnel-related laws, rules, policies, processes, and procedures. In addition, OAS is the primary contact with the various control agencies and ensures that the Department adheres to appropriate guidelines, rules, regulations, and laws.

Major Accomplishments for Fiscal Year 2005–06:

- In FY 2005–06, DCA moved its headquarters, plus many DCA boards and bureaus, from downtown Sacramento to two buildings in the Natomas area. The move resulted in a rent reduction of more than $0.7 million, with an annual savings of $1.3 million. The ongoing operational savings were captured in a budget change proposal reflecting the reduction in DCA appropriations.
- Transitioned DCA's Worker's Compensation Plan from the payment of annual insurance premiums to that of a self-insured department approach. The first-year savings realized from this change amounted to just under $6 million. Because of this, a budget change proposal was submitted to permanently reduce DCA's Worker's Compensation budget by $3 million to reflect the expectation of ongoing savings. Results from this change also include:
  1. Attaining a better level of service with State Compensation Insurance Fund (SCIF) adjusters.
  2. Reducing the number of active Worker's Compensation claims providing for a reduction in monthly service fees by 50 percent.
  3. Investigating suspected abuse and/or fraud more aggressively.
- Implemented a toll-free telephone line for public inquires related to payment issues. This enhanced service provides licensees and vendors with a direct line to DCA's Accounting Office, where a knowledgeable person responds to their concerns in a direct and timely manner.

Office of Information Services

The Office of Information Services (OIS) is responsible for directing and managing Information Technology (IT) at the Department of Consumer Affairs (DCA). The OIS researches and implements best practices, recruits and retains computer professionals, and manages and standardizes DCA's use of technology.

Major Accomplishments for Fiscal Year 2005–06:

- Relocated 795 DCA headquarters staff from downtown Sacramento into two new locations in Natomas with no disruption of IT services.
- Successfully implemented a Voice over Internet Protocol (VoIP) system for DCA's headquarters and annex facilities. The VoIP system provides voice services to DCA headquarters and supports five call centers. The new phone system reduces operational expenses and enhances staff productivity. It also protects DCA's investment by keeping the system on the cutting edge of technology, eliminating the need for a total system replacement due to obsolesence.
- Expanded the Applicant Tracking System (ATS) to include the Dental Board of California, the Structural Pest Control Board, and the Veterinary Medical Board. The ATS automates the license application process. OIS will continue to add additional boards and bureaus to the ATS in accordance with DCA's Strategic Plan.
- Began the process of expanding the current iLicensing system to all DCA entities. The system currently provides online application and credit card payment processing to seven of the DCA boards and bureaus. This implementation will also address a key element of the DCA Strategic Plan.
- Deployed a new DCA Intranet to ensure that DCA employees have electronic access to information and forms. This access increases the productivity and efficiency of staff.
- Provided multiple e-mail subscription lists to the DCA. Lists are varied according to licensee or consumer interest. Licensees and consumers can sign up to receive up-to-date information, as soon as it becomes available, without having to continually check back with the individual offices.
- Created a Web site for the inaugural California Senior Summit, which included online registration.
- Implemented the California Strategic Sourcing Initiative for cellular phones. This required the conversion of all DCA cell phones (300-plus) from one service provider to a choice of two statewide service providers.
- Expanded the use of Blackberry technology by 50 percent. The request for this expansion was driven by staff requests. The use of Blackberry technology provides additional opportunities for DCA staff to stay in touch when away from their offices by combining e-mail and cellular services into one handheld instrument.
- With the exception of the Contractors State License Board and the Medical Board of California, which provides its own IT support, each DCA field office received upgraded IT equipment installed by OIS staff. OIS PC Support and Telecommunications staff participated in the relocation or remodel of three DCA field offices.
- OIS' Chief Information Officer (CIO) was honored by the 2006 Government Technology Conference's Chief Information Officer Academy for outstanding customer service. The award "recognizes the CIO's contributions and role in leading an IT organization that provides exceptional service to the business."

CALIFORNIA OFFICE OF PRIVACY PROTECTION

The California Office of Privacy Protection (COPP) protects consumer privacy by promoting fair information practices in the marketplace. COPP assists consumers with identity theft and other privacy-related issues. It also coordinates with law enforcement on problem solving identity theft and high-tech crime activities and develops best practice recommendations for organizations.

Major Accomplishments for Fiscal Year 2005–06:

- With a budget increase and the addition of new staff, COPP handled a 21 percent increase in the number of people contacting COPP for information and assistance, and a 61 percent increase in the number of educational workshops conducted.
- Coordinated the program of instruction for *Teaming Up Against Identity Theft: A Summit on Solutions*, an event held in Los Angeles in February 2006 that was attended by nearly 1,000 people. The summit was presented by Governor Schwarzenegger and the State and Consumer Services Agency, Department of Consumer Affairs, California Office of Privacy Protection, and California District Attorneys Association. Twelve different classes were offered for consumers, businesses, government, law enforcement, prosecutors, higher education, and notaries.
- Updated six consumer information sheets on privacy issues, including Spanish and Chinese versions, for posting on the COPP Web site.
- Conducted 91 seminars and workshops for consumers, businesses, government, universities, and community organizations reaching 8,877 people. Fifty of these programs were for consumer audiences, including eight legislator town hall meetings and 17 special workshops to help veterans protect themselves following a major privacy breach. Forty-one of the seminars addressed privacy laws and best practices for business and government audiences, including six for higher education and seven for State employees.
- Provided information and assistance in response to 5,015 calls and e-mails from consumers, businesses, and government agencies.

Major Legislation/Regulations for Fiscal Year 2005–06:

- Per Assembly Bill 1595 (Evans, Chapter 343, Statutes of 2005), developed new informational materials to assist public officials in exercising their online privacy rights. This information will be posted on the new Public Officials Web page.

CONSUMER AND COMMUNITY RELATIONS DIVISION

The Consumer and Community Relations Division (CCRD) encompasses several functions and is often the Department's first point of contact for many consumers. Efforts to reach out to consumers include presentations to consumers, consumer groups and other interested parties, as well as presenting information at various community events. The CCRD includes the Complaint Mediation Program, the Consumer Information Center (Correspondence Unit and Call Center), the Outreach Office, and the Policy and Publications Development Office.

Complaint Mediation Program

The Complaint Mediation Program (Program) provides complaint mediation services to consumers who have experienced difficulties when purchasing products or services from industries regulated by seven bureaus within the Department of Consumer Affairs. The seven bureaus include the Bureau of Automotive Repair (BAR), Cemetery and Funeral Bureau (CFB), Bureau of Electronic and Appliance Repair (BEAR), Hearing Aid Dispensers Bureau (HADB), Bureau of Home Furnishings and Thermal Insulation (BHFTI), Bureau of Security and Investigative Services (BSIS), and the Bureau for Private Postsecondary and Vocational Education (BPPVE). Mediation is a valuable alternative to costly litigation that can overwhelm the California court system. The Program has a statewide presence with four offices located in the State's major metropolitan areas.

Major Accomplishments for Fiscal Year 2005–06:

- Received and reviewed more than 19,000 complaints filed by consumers and referred approximately 7,800 complaints to DCA bureaus for investigation of serious allegations such as fraud, bait and switch, false advertising, and gross negligence. The remaining complaints were assigned to Program staff.
- Mediated 8,000 consumer complaints, resulting in refunds and adjustments to consumers of more than $1.6 million. The Program resolved 47 percent of all mediated complaints within an average of 45 days.
- Conducted 19 presentations and participated in 49 statewide consumer outreach events where Program staff informed the public of their consumer rights, raised awareness of marketplace problems, and provided information to assist consumers in making more informed decisions.

Consumer Information Center

The Consumer Information Center (CIC) is often the first point of contact for approximately one million consumers and licensees in California each year. The Center is composed of the Call Center and Correspondence Unit. Representatives answering CIC's toll-free telephone lines provide assistance with marketplace concerns, refer the public to appropriate government agencies, distribute complaint forms, verify licenses for Department-regulated professions, and distribute consumer publications. The CIC employs four Spanish-speaking phone agents and has the ability to provide assistance in more than 140 languages. The Consumer Information Center's Correspondence Unit is the Department of Consumer Affairs' centralized resource, assisting the Executive Office with complex or sensitive consumer questions, complaints, and other written correspondence. In addition, the Unit responds to consumer inquiries from the Governor's Office, the State and Consumer Services Agency, legislative offices, and other State and federal agencies.

Major Accomplishments for Fiscal Year 2005–06:

- Reduced the average wait time for consumers calling the CIC to less than three minutes, a reduction of more than one minute from Fiscal Year 2004–05's wait time of three minutes and 53 seconds.
- Implemented a more advanced Call Center phone system. The new system allows CIC to monitor the Call Center phone system and phone agent activity more accurately, efficiently, and effectively.
- Hosted the State LifeSmarts competition for high school students and assisted in the coordination of the national competition. The state and national LifeSmarts competitions are a valuable tool for teaching important consumer and life skills to tomorrow's consumers — today's high school students. Hundreds of high school teams around the country competed to represent their state at the national competition.
- The Correspondence Unit responded to more than 24,000 written inquiries during Fiscal Year 2005–06, an average of more than 450 inquiries per week. The unit also employs a bilingual employee, who answers correspondence written in Spanish.
- Added a new e-mail address to the DCA Web site in May 2006 for senior consumers to send in their concerns, inquiries, or other correspondence. The e-mail address is Seniors@dca.ca.gov.

Outreach Office

As part of the Consumer and Community Relations Division (CCRD), the Outreach Office (Office) conducts outreach activities for the Department of Consumer Affairs (DCA), with a specific focus on Bureau of Automotive Repair (BAR) information and activities. The Office conducts outreach to inform and protect consumers about marketplace trends, and represents consumer interests at local, state, and federal levels. Outreach efforts include making presentations to consumer groups, consumer-based organizations, and other interested parties, as well as presenting information at various community events.

Major Accomplishments for Fiscal Year 2005–06:

- In 2005, DCA's Consumer and Community Relations Division hired a contractor to conduct a Consumer Opinion Survey to ensure that the Department is meeting the needs of California's consumers and to help it guide its outreach efforts. The results from Phase 1, representing 1,000 consumers statewide, found that consumers were aware of DCA, had a favorable impression of its effectiveness in serving the interests of consumers, and were in favor of online and e-mail communication.

  The results from Phase 2, representing 300 consumers from three underserved populations (Spanish-speakers, seniors, and households earning less than $20,000 per year) showed that, although consumer impressions of DCA were favorable, they were less familiar with the Department and did not utilize DCA's telephone or Web site services. This group preferred that DCA communicate with them via printed materials, radio, newsletters, mailers, and workshops. They also preferred these modes of communication be presented in languages other than English.
- Developed a comprehensive Outreach Plan in conjunction with BAR management and field staff. Proposed outreach activities include participation in community and consumer fairs, at which representatives can distribute consumer information and answer consumers' questions. Other components of the plan include conducting consumer presentations to communities, senior, high school, and civic groups, and making industry presentations to trade associations and vocational schools.
- Participated in the review process for the development of a new, more user-friendly Consumer Assistance Program (CAP) application form.
- Attended community-based outreach events, including the Mojave Desert Air Quality Management District Clean Air Fair, DCA Senior Summit, ROP Troubleshooting, Castroville Artichoke Festival, Sacramento County Fair, Los Angeles Police Department Traffic Safety, Valley CAN Business Expo, California State Fair, and Senior Fraud Fest 2.
- Assisted in the coordination of BAR outreach presentations to consumers and members of the automotive repair industry.

Policy and Publications Development (PPD) Office

The Policy and Publications Development (PPD) Office is responsible for the creation, revision, maintenance, distribution, and storage of the more than 200 consumer-related publications produced by the various entities of the Department of Consumer Affairs (DCA). PPD Office staff ensure that the policies and publications provide California consumers with the most up-to-date information possible and that the content adheres to the DCA Style Guide, the Plain Language Provision found in Government Code section 6219, and the mission and policies of DCA. The PPD Office is charged with the translation of these publications into various languages for non-English and limited-English speaking consumer groups. The PPD Office is also responsible for collecting data, coordinating, designing, and editing the *DCA Annual Report and Statistical Appendix*.

Major Accomplishments for Fiscal Year 2005–06:

- Coordinated the development, approval, and distribution of five policies for department-wide use.
- Created promotional materials for the Senior Summit and second annual Identity Theft Summit.
- Developed the PPD Library, making available upon request more than 200 booklets, fliers, fact sheets, guides, brochures, tip cards, posters, and other consumer-related materials.
- Edited, designed, and coordinated the approval, printing, and distribution of six revised publications, four new publications, and various newsletters for both English- and limited English-speaking California consumers.
- Collected and shipped more than 250,000 publications to DCA Outreach offices to be distributed to consumers at major public events.
- Developed an online PPD Publications List, a first-ever listing of all DCA consumer-related publications for use by consumers, stakeholders, and State agencies.
- Continued publication of two more issues of the *Consumer Connection* online magazine, including translation into Spanish.
- Coordinated approximately 20 translations for various DCA entities, including Web site information, fact sheets, brochures, booklets, and correspondence.

DIVISION OF INVESTIGATION

The Division of Investigation (DOI) was established in 1961. The mission of DOI is to provide the highest level of law enforcement services to the Department of Consumer Affairs (DCA) in order to protect the health, safety, and welfare of all California consumers. Working from seven field offices located throughout the State, sworn investigators from DOI conduct criminal and administrative investigations requested by the boards, bureaus, programs, and committees at the Department of Consumer Affairs. DOI field investigations frequently involve allegations regarding the use and theft of drugs, sexual misconduct, quality of care issues, and unlicensed activity. DOI's Special Operations Unit (SOU) conducts internal investigations, background investigations, workplace violence assessments, and administers the Department's Criminal Offender Record Information Program.

Major Accomplishments for Fiscal Year 2005–06:

- Completed 1,083 of the 1,547 cases referred to DOI by client agencies. The completed investigation reports served as the basis for discipline against licensees. DOI referred 78 reports to local district attorneys offices for criminal filings. The SOU completed 90 investigations during Fiscal Year 2005–06.
- Prepared and presented, by subject matter experts from the Board of Registered Nursing, the Office of the Attorney General, and DOI, Registered Nursing (RN) Training 101, a comprehensive, 20-hour Peace Officer Standards and Training (POST) accredited training course. The course also included attendees from the United States Drug Enforcement Administration, California Department of Corrections Internal Affairs, Medical Board, and the Board of Vocational Nursing and Psychiatric Technicians. The training took place November 7–9, 2005 in Southern California, and January 31 – February 2, 2006, in Northern California.

- Prepared and distributed a multi-page DOI overview brochure to enhance recruitment efforts and solicit candidates' interest. The brochure was widely distributed prior to the Senior Investigator exam and will continue to be used for recruiting purposes.
- Conducted infraction citation training for employees of the Bureau of Electronic and Appliance Repair and the Bureau of Home Furnishings and Thermal Insulation in September 2005. This training, conducted by the Special Operations Unit, was for DCA employees who are authorized by the Director of the Department of Consumer Affairs to issue infraction citations for applicable violations of the Business and Professions Code. The training covered areas of professionalism, decision-making, law, public officer safety, laws of evidence, information about the justice system, and report writing.
- Beginning on September 16, 2005, DOI management became an active member of the California District Attorneys Association's Consumer Protection Prosecution Roundtable meetings. Meetings include numerous representatives from city, county, and state prosecuting and investigating agencies to discuss latest trends in consumer scams, legislation, and case updates.
- Beginning on September 22, 2005, Special Operations Unit management participated in the California Peace Officers' Association quarterly roundtable discussions regarding internal affairs issues. The meetings provided a forum to discuss court rulings, issues, and trends regarding internal affairs cases.

EQUAL EMPLOYMENT OPPORTUNITY OFFICE

The Equal Employment Opportunity Office (EEO) serves all Department of Consumer Affairs (DCA) employees and applicants by promoting equal employment opportunity. The EEO Office also promotes affirmative action for persons with disabilities. EEO staff are also charged with preventing and eliminating discriminatory practices through training, education, and outreach, and work closely with other agencies and associations to increase outreach efforts for those agencies and DCA.

Major Accomplishments for Fiscal Year 2005–06:

- Provided training and education to DCA employees to ensure they adopt a proactive role in reporting and resolving potential discriminatory cases. Oversaw, monitored, and tracked mandatory sexual harassment training for DCA Supervisors, Managers, and Board and Commission members.
- The Disability Advisory Committee (DAC) prepared monthly health-related articles for the *Did You Know?* DCA internal newsletter. The DAC also contributed to the Wellness Fair, National Disability Awareness Month, and the Job Accommodation Network conference for persons with disabilities. DAC staff continued the monitoring of personnel hires through the Limited Examination and Appointment Program (LEAP).
- Continued oversight and coordination of the Department's Self-Evaluation to identify DCA policies, programs, services or activities, and practices to determine if changes or modifications are required to meet the Americans with Disabilities Act (ADA) requirements.

OFFICE OF EXAMINATION RESOURCES

The Office of Examination Resources (OER) provides examination-related services to DCA's regulatory boards and bureaus. OER's services ensure that licensure examination programs are fair, valid, and legal. Specific services provided include performing occupational analyses, conducting exam item development, evaluating performance of examinations, and consulting on matters pertaining to the measurement of minimum standards of competence for licensure.

Major Accomplishments for Fiscal Year 2005–06:

- Completed an occupational analysis that updated the description of scope of practice for both basic and advanced smog technicians.
- Completed the series of occupational analyses for the Cemetery and Funeral Bureau, keeping them in compliance with regulations as mandated in Business and Professions Code section 139.
- Ninety-four percent of computerized testing license candidates were satisfied with the results of OER's exam process.

LEGAL DIVISION

The Legal Division provides legal services to the Department's Executive staff, bureaus, programs, boards, and commission. The Legal Division is comprised of two interrelated units — the Legal Office and the Legal Services Unit.

The Legal Office serves as in-house counsel for the Director, and the Department's constituent agencies. Its attorneys regularly attend and provide legal advice at meetings and hearings held by the Department's constituent agencies. It provides legal analysis and opinions on laws, issues, and proposed legislation relevant to the Department and its constituent agencies, including the regulatory licensing laws of the Business and Professions Code, conflict of interest laws, the rulemaking process, and administrative adjudications. It also provides advice on government contracts, employer-employee matters such as equal employment opportunity issues and employee disciplinary matters, the Open Meetings Act, the Public Records Act, and the Information Practices Act. It serves as litigation liaison for the Department with the Office of the Attorney General.

The Legal Services Unit counsels the Director in carrying out the consumer mandates of the Consumer Affairs Act [Business and Professions Code § 302 et seq.] It provides assistance on consumer law issues to other units in the department, including the California Office of Privacy Protection. The unit provides legal and program advice to the Small Claims Advisers' Program and has a role in ensuring compliance under the Dispute Resolution Program. It created and maintains a large number of consumer handbooks and guides, including the *Consumer Law Sourcebook, California Tenants* handbook, *Using Small Claims Court* booklet, and more than 30 legal guides.

Major Accomplishments for Fiscal Year 2005–06:

- Updated the *California Tenants* handbook.
- Updated the *Small Claims Court* booklet.
- Updated the *Lemon-Aid for Consumers* brochure.
- Updated the following Legal Guides: H-1 (*Regulation of Homestead Filing Services*); S-11 (*FAQs and Tips on Gift Certificates and Gift Cards*), W-9 (*What If Your Health Club Closes?*), and W-10 (*Overview of California's Health Studio Services Contract Law*).
- Conducted classes at the Governor's Identity Theft Summit in February 2006.
- Drafted precedential decision in *Brooks Institute v. BPPVE* explaining various provisions in the Private Postsecondary Act and procedural requirements for revoking licenses or disapproving applications.
- Legal analysis of inconsistent provisions in various reporting sections of the Business and Professions Code (§§ 800 et seq.) led to introduction of remedial legislation by Senator Figueroa.
- Provided legal analysis to Governor's appointment staff explaining conditions under which a Board member could withdraw or rescind his or her letter of resignation.
- Drafted legal opinion addressing a number of issues surrounding disclosure of names and addresses of licensees.

LEGISLATIVE AND REGULATORY REVIEW DIVISION

The Legislative and Regulatory Review Division (Division) serves as a resource on Departmental legislative matters and represents the Department's legislative positions. The Division works closely with board and bureau staff and advocates public policy affecting consumers. The Division regularly advises the Director on all proposed Department of Consumer Affairs (DCA) regulations impacting public health, safety, and welfare.

Major Accomplishments for Fiscal Year 2005–06:

- Monitored and analyzed more than 480 legislative bills.
- Participated in shaping legislation on a variety of subjects, including air pollution/smog check, common interest developments, conservatorships, consumer rebates and warranties, court interpreters, health studio contracts, identity theft, immigration consultants, landlords/tenants, and private postsecondary education.
- Reviewed 57 proposed regulation packages and produced 118 analyses involving the following DCA entities: Accounting, Acupuncture, Architecture, the State Athletic Commission, Automotive Repair, Barbering and Cosmetology, Behavioral Sciences, Contractors, Court Reporters, Dentists, Geologists and Geophysicists, Home Furnishings and Thermal Insulation, Occupational Therapy, Optometry, Pharmacy, Physical Therapy, Physicians and Surgeons, Psychology, Respiratory Care, Speech Language Pathology and Audiology, Structural Pest Control, and Vocational Nursing and Psychiatric Technicians.

OFFICE OF PUBLIC AFFAIRS

The Office of Public Affairs (OPA) provides media relations, multimedia content development, consumer and community outreach support, and additional services to the Department of Consumer Affairs and its many affiliated boards, bureaus, and programs. OPA is responsible for responding to media inquiries, creating and executing marketing plans for the Department's various initiatives, and developing consumer education and media campaigns.

Major Accomplishments for Fiscal Year 2005–06:

- Assisted California veterans, active-duty, Reserve, and National Guard personnel concerned about the loss in Washington, D.C., of personal information for millions of veterans and service members. OPA provided essential support services to the Department, the California Office of Privacy Protection, and the California Department of Veterans Affairs by helping to plan and publicize a statewide series of seminars in which veterans and service members learned about identity theft prevention. In addition, OPA worked with several dozen news media organizations to disseminate information about the steps veterans and service personnel could take to protect their privacy and fight identity theft.
- Continued to support additional identity theft prevention initiatives, including the Department's second annual Identity Theft Summit, *Teaming Up Against Identity Theft: A Summit on Solutions*, which took place on February 23, 2006, in Los Angeles.
- Provided media relations and Web site content development services for a variety of public education campaigns and events. OPA highlighted the Department's consumer protection efforts by supporting such events as *Senior Summit 2006: Protecting and Serving California's Aging Population*, the LifeSmarts teen consumer skills state championship, National Consumer Protection Week 2006, National Fire Prevention Week, and Mediation Week. OPA also supported several education and outreach campaigns, including Help California Breathe Easier, Back to School Consumer Tips, and Be a Safe and Smart Holiday Consumer.
- Issued more than 40 press releases, responded to hundreds of media inquiries, and crafted Web and multimedia content to educate Californians and inform the news media about a wide range of consumer stories.

ARBITRATION CERTIFICATION PROGRAM

The Arbitration Certification Program (Program) was established in 1987 to certify and monitor arbitration programs offered by participating new vehicle manufacturers in California. The Program works closely with these manufacturers to verify that arbitrations are conducted in a fair and expeditious manner and comply with state and federal regulations. California's Lemon Law protects buyers and lessees of vehicles that have serious warranty defects that cannot be repaired by the manufacturer or dealer.

Major Accomplishments for Fiscal Year 2005–06:

- Continued to partner with the Department of Motor Vehicles (DMV) in disseminating Lemon Law booklets to 170 DMV field offices, with additional booklets going to Better Business Bureau and American Automobile Association offices throughout the State.
- Attended four industry and consumer forums (California Consumer Affairs Association Conference, International Association of Lemon Law Administrators Conference, National Association of Motor Vehicle Boards and Commissions, and the New Motor Vehicle Board Industry Round Table). Benefits to the Program from attending these forums included networking opportunities involving Lemon Law arbitration, focus on vehicle warranty issues, and improvements to the Program's day-to-day operations.
- Provided training to new call center trainees at the Los Angeles County Department of Consumer Affairs regarding warranty law and consumer rights covered under the Lemon Law.
- Certified the arbitration process offered by recreational vehicle (RV) manufacturer Monaco.
- Hundreds of California consumers took advantage of free arbitration offered through the 22 car, van, truck, and RV manufacturers that are certified by the Program. As a result, more than $45 million was returned to consumers who purchased vehicles that were determined to be lemons. These consumers benefited through refunds, replacement vehicles, and ordered repairs.
- In March 2006, the Program posted the 2005 Consumer Satisfaction Survey on its Web site. The survey reported an increase in satisfaction with the Program, and also a need to further educate California consumers about the availability of arbitration services for those who suspect they purchased a lemon vehicle.
- Revised the *Lemon Aid for Consumers* booklet to keep consumers informed about current laws and consumer rights.

BUREAU OF AUTOMOTIVE REPAIR

The Bureau of Automotive Repair (BAR) was established within the California Department of Consumer Affairs in 1972 with the enactment of the Automotive Repair Act. The Act helps to protect consumers by requiring all automotive repair dealers to provide their customers with written estimates and itemized invoices that detail the parts provided and the labor performed.

BAR has statutory oversight responsibilities for several statewide licensing programs, including the Smog Check and Lamp and Brake Certification programs. BAR licenses and regulates more than 35,000 automotive repair dealers, more than 2,000 lamp and brake stations, more than 7,500 Smog Check stations, nearly 4,000 lamp and brake technicians, and more than 16,000 Smog Check technicians in the State of California.

Major Accomplishments for Fiscal Year 2005–06:

- BAR's Registration Enforcement Unit collected more than $1 million in registration revenue and registered more than 4,200 automotive repair dealers that had not been previously registered or had not paid registration fees.

- Smog Check Field Operations Headquarters implemented a Focused Inspection Program (FIT), which electronically identifies Smog Check stations that fail to properly inspect vehicles. To date, there have been 467 inspections performed. This proactive approach has completely corrected over 90 percent of all stations that have been visited by BAR and continues to be successful.
- Launched the Next Generation Electronic Transmission Program in June 2006. All California Smog Check stations are now being served by SGS Testcom, which replaced MCI. The contractor is responsible for electronically transmitting Smog Check test results from the Smog Check stations to the Department of Motor Vehicles to assist California's motorists with vehicle registration and renewal transactions. The Smog Check test results are also transmitted to BAR for storage and data analysis. The transition process was a huge undertaking; California is the first location in the world to convert 140 million test records from one contractor to another.

Major Legislation/Regulations for Fiscal Year 2005–06:

- With the passage of AB 383 (Montañez, Chapter 565, Statutes of 2005) enacted on January 1, 2006, BAR raised the federal poverty guidelines for CAP's Repair Assistance Program from 185 percent to 200 percent of the federal poverty level. In addition, AB 383 authorized the Department to expand the eligibility requirement to 225 percent of the federal poverty level, which became effective July 31, 2006. For a family of four, the newest guidelines provide total family incomes at $45,000 per year to participate. These new, expanded guidelines allow greater participation for those consumers who need financial assistance to repair their vehicles.
- As a result of a disciplinary settlement reached through the California Office of the Attorney General, two separate auto repair chain establishments, consisting of a total of 24 facilities in Southern California, had their Automotive Repair Dealer registrations (ARDs) placed on revocation, stayed with probation, and suspended. The disciplinary actions were taken after investigations conducted by BAR substantiated fraudulent and unfair business practices. In addition to the disciplinary action taken on the ARDs, the settlement called for an order of $6,184 to all consumers who had been victimized, and $190,000 to BAR for investigative costs.

Consumer Assistance Program

The Bureau of Automotive Repair provides financial assistance to qualified consumers whose vehicle fails a Biennial Smog Check inspection. Through the Consumer Assistance Program, consumers, after making a co-payment, may receive up to $500 to repair their high polluting vehicle and pass a smog check inspection. Consumers may also sell their vehicle through a state-contracted dismantler for $1,000.

Major Accomplishments for Fiscal Year 2005–06:

- The Bureau of Automotive Repair's Consumer Assistance Program retired 15,541 high polluting vehicles resulting in an estimated 731 tons of emission reduction. This exceeded the Governor's goal of retiring 15,000 vehicles.

CEMETERY AND FUNERAL BUREAU

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

Major Accomplishments for Fiscal Year 2005–06:

- Held the Bureau's first Advisory Committee meeting on July 20, 2005, and discussed several topics focusing on updating and clarifying language in conflicting regulations.
- Began the process of providing all licensing examinations four times per year instead of twice a year. This change has enabled graduates to take the exam closer to their graduation date.
- Completed the occupational analysis for Crematory Managers. The occupational analysis will help ensure quality licensees because applicants will be tested on real-world knowledge specifically related to their occupation.

BUREAU OF ELECTRONIC AND APPLIANCE REPAIR

The Bureau of Electronic and Appliance Repair (Bureau) regulates the repair, maintenance, and service of consumer entertainment electronics, home office equipment, automobile stereo and alarm equipment, and major home appliances. The Bureau also regulates the sale and administration of service contracts on a wide variety of products including jewelry, furniture, power tools, and lawn and garden equipment. The service market is constantly evolving as technology advances and new products are introduced.

Major Accomplishments for Fiscal Year 2005–06:

- Increased the number of service contract registrations by more than 60 percent through focused field visits and staff research of telephone books, newspapers, and various other resources to identify companies selling contracts covering consumer products. Field Representatives conducted sweeps of shopping malls and other venues to inform businesses of the service contract law.
- Implemented a random inspection process to educate and inform service dealer registrants of their responsibilities under the law and address potential violations before consumers are harmed. The inspection process provides Bureau staff the opportunity to meet with a registrant to inspect documents, provide helpful tips, and answer any questions.
- Transferred responsibility for the investigation and processing of all unlicensed activity to the Enforcement Compliance Unit in August 2005. The transfer of the responsibility from the Field Offices to Headquarters resulted in Field Representatives having more time to concentrate on investigations and issuance of citations, an increase of 157 percent from the previous year.

FAMILY SUPPORT PROGRAM

The Department of Consumer Affairs' (DCA) Family Support Program (FSP) improves the lives of children throughout the State by enforcing child support regulations through non-custodial parent's DCA licenses. One of 15 agencies belonging to the State Licensing Match System, DCA compares its licensees' names and Social Security numbers with a list generated by the Department of Child Support Services of those of people listed as more than 30 days behind in their court-ordered child support payments. In addition, FSP ensures privacy protection for licensees who are mistakenly listed when a DCA license is matched in error (such as a Social Security number mismatch, mistaken identity, or input error) by contacting both the corresponding county(s) and the enforcing board(s) or bureau(s) so corrections can be made.

Major Accomplishments for Fiscal Year 2005–06:

- The Family Support Program was instrumental in issuing more than 6,343 DCA temporary licenses, suspending more than 4,220 licenses, and releasing the family support hold on more than 6,769 licenses.
- The Family Support Program assisted the State Gaming Commission with implementing its child support program.

HEARING AID DISPENSERS BUREAU

The Hearing Aid Dispensers Bureau (Bureau) oversees the licensing and regulation of hearing aid dispensers. The Bureau informs consumers of their legal rights and obligations when purchasing or returning hearing aids. It also protects consumers by maintaining advertising standards as well as evaluating the competence of individual dispensers. The Bureau enforces statutory and regulatory requirements related to the practice of hearing aid dispensing.

Major Accomplishments for Fiscal Year 2005–06:

- Increased the practical examination schedule from three administrations per year to four in order to accommodate more applicants. The increase in practical exam administrations provides applicants additional opportunities to take the practical exam.
- Participated in various outreach events, distributing informational packets relating to the fitting and selling of hearing aids to groups and interested parties. Consumers were also educated about issues such as warranty and complaint filing information.
- Streamlined the Bureau's enforcement process by enhancing the Cite & Fine Program. This process facilitates a more timely resolution to enforcement cases and protects consumers from unscrupulous/unlawful activity and issues reported by licensees.
- A permanent Bureau Chief was appointed and an additional staff member hired to ensure the efficient administration of the Bureau's programs.

Major Legislation/Regulations for Fiscal Year 2005–06:

- The Bureau initiated proposed regulations to clarify the continuing education course approval process and to increase the Bureau's cite and fine authority from $2,500 to $5,000 for the most egregious cases. Currently, these proposals are in the draft stage and have not yet gone through the Departmental approval process.

BUREAU OF HOME FURNISHINGS AND THERMAL INSULATION

The Bureau of Home Furnishings and Thermal Insulation (Bureau) regulates the manufacture and sale of furniture, bedding, and thermal insulation products, which are found in nearly every consumer's home. The Bureau enforces health and safety standards on these products by selecting samples from the market, testing for flammability and sanitization, and removing products from the marketplace that pose risks to California consumers.

Major Accomplishments for Fiscal Year 2005–06:

- Continued working toward a standard to increase the flammability resistance of comforters, pillows, and mattress pads by initiating an inter-laboratory study team of regulators and commercial laboratories to evaluate the standard's testing procedures.
- Transferred responsibility for the investigation and processing of all unlicensed activity to the Enforcement Compliance Unit in August 2005. The transfer of the responsibility from the Field Offices to Headquarters allowed inspectors more time in the field, increasing the issuance of citations by almost three times those issued in the previous year.
- Implemented a sanitization project, authorized by Business and Professions Code sections 19120 through 19132, ensuring that retailers comply with the used bedding law.

BUREAU OF NATUROPATHIC MEDICINE

The Bureau of Naturopathic Medicine (Bureau) was established within the Department of Consumer Affairs in 2004 and began licensing in January 2005. The Naturopathic Doctors Act defines naturopathic medicine as "a distinct and comprehensive system of primary health care practiced by a naturopathic doctor for the diagnosis, treatment, and prevention of human health conditions, injuries, and disease." The Bureau ensures that California naturopathic doctors meet the required education and standards of competence for licensure. The Bureau licenses, regulates, and investigates complaints against California naturopathic doctors as well as provides consumers with licensing and disciplinary information.

Major Accomplishments for Fiscal Year 2005–06:

- Licensed 84 additional naturopathic doctors in California for a statewide total of 189. Streamlined licensing procedures to meet the first goal of the Bureau's Strategic Plan, which is to "review existing application processes to ensure timely, efficient, and accurate processing of all applications." This resulted in faster services to potential licensees.
- Established the Naturopathic Childbirth Attendance Advisory Committee and Naturopathic Minor Office Procedures Taskforce.
- Created *A Consumer's Guide to Naturopathic Medicine* in order to meet the second goal of the Bureau's Strategic Plan.
- The Bureau responded to numerous inquiries regarding the nature of naturopathic practice in California, qualifications of licensees, and reports of misuse of title by unlicensed practitioners. The creation of the new consumer guide, entitled *A Consumer's Guide to Naturopathic Medicine*, will increase public knowledge about naturopathic medicine when the guide goes into distribution in the fall of 2006.
- Addressed continuing education requirements with licensees by mailing informational correspondence and by creating a new Web page that displays statutory requirements. The Web page also contains an online version of the mailed correspondence.

BUREAU FOR PRIVATE POSTSECONDARY AND VOCATIONAL EDUCATION

The Bureau for Private Postsecondary and Vocational Education (Bureau) is responsible for approving and regulating private postsecondary educational institutions. The Bureau, in exercising its approval, regulatory, and disciplinary functions, has the protection of the public as its highest priority. The Bureau regulates approximately 1,500 approved, degree-granting, and vocational institutions serving an estimated 400,000 students. It oversees school compliance with minimum standards for instructional quality and financial stability, responds to student complaints, and administers a program that helps reimburse a student's tuition if a school closes unexpectedly. Under contract with the U.S. Department of Veterans Affairs, the Bureau also approves education and training programs for veterans and their dependents. The Bureau's objective is to develop a strong, widely respected sector of private postsecondary and vocational education throughout the State.

Major Accomplishments for Fiscal Year 2005–06:

- Pursuant to a settlement agreement obtained with the Bankruptcy Trustees for Computer Learning Centers, a large-degree granting school that closed without notice in January 2001, the Bureau received payment of almost $600,000 in June 2006.
- Implemented a new Annual Report auditing process for collecting underpaid annual fees from previous years. These efforts not only support essential Bureau functions, but also demonstrate fairness to schools that pay their fees on time. The Bureau also improved the notification and collection process by matching annual gross revenue reported during the Annual Report process with annual fees actually paid to identify any discrepancies, netting an additional $200,000 in the current year.

- Developed a brochure in English and Spanish entitled *Private Postsecondary Educational Opportunities in California*. This publication promotes private postsecondary educational opportunities in California and provides information to assist prospective students make a decision concerning a school. A compliance guide to assist school administrators in maintaining compliance with Bureau laws and regulations was also completed.
- Served administrative actions against 16 schools for various violations of the Bureau's laws and regulations. Violations ranged from non-payment of fees to failure to meet minimum standards of educational quality.
- Improved the Bureau's performance rating for monitoring private and public schools that provide educational services to veterans to the highest possible standard awarded by the U.S. Department of Veterans Affairs. This was accomplished by increasing the number of visits to schools, increasing response time for schools needing an initial site visit, increasing staff participation in conferences and training programs, and improving communication between the Bureau and the U.S. Department of Veterans Affairs.
- In September 2005, the Bureau began a pilot project for resolving complaints through the Department of Consumer Affairs' Complaint Mediation Program. The program has handled 60 percent of the student complaints related to private postsecondary schools, with an average processing time of 25 days, a reduction of 142 days.

Bureau of Security and Investigative Services

The Bureau of Security and Investigative Services (Bureau) licenses and regulates the private security industry. The Bureau has jurisdiction over security guards, private investigators, and alarm, locksmith, private patrol, and repossession companies (including their employees). Firearm and baton training facilities, as well as their instructors, also fall under the Bureau's jurisdiction.

Major Accomplishments for Fiscal Year 2005–06:

- Partnered with DCA's Office of Information Technology and Department of Justice staff to set up a Live Scan fingerprint response electronic interface. The interface eliminated the manual keying of fingerprint clearances for 17 types of licenses.
- Held the first Bureau Advisory Committee meeting in March 2006. The Advisory Committee is made up of public and industry representatives who assist and advise the Bureau on compelling industry issues.
- Hosted a visit from governmental officials of Thailand, who wanted to learn more about the privatization of repossessors.
- Hosted the International Association for Security and Investigative Regulators Conference. At the Conference, Bureau staff profiled California's comprehensive program of licensure, enforcement, and training regarding private security for Canadian and national agencies.
- Participated in more than 25 statewide outreach events and conducted more than 200 on-site visits to licensees, companies, and industry representatives, providing education on licensing requirements, the On Line Licensing Program, and Live Scan.
- Added the new Proprietary Private Security Officer icon to the Bureau's Web site to provide interested parties with information on the new type of license.

Major Legislation/Regulations for Fiscal Year 2005–06:

- Senate Bill 194 (Maldonado, Chapter 655, Statues of 2005), the Proprietary Security Services Act, requires a person who meets the definition of a proprietary private security officer to register with the Bureau within a required period of time. For example, if an officer is hired on or after January 1, 2006, he or she must begin the registration process on or after July 1, 2006. If hired before January 1, 2006, they must begin the registration process on or after January 1, 2007.

TELEPHONE MEDICAL ADVICE SERVICES BUREAU

The Telephone Medical Advice Services Bureau (TMAS) was established to regulate businesses located both in and out of state that provide telephone medical advice services to California residents. Telephone medical advice is a relatively new method used by some healthcare organizations to better meet the medical needs of their large client populations. By telephone, consumers are able to contact their healthcare provider to explain their symptoms and receive immediate advice about the proper course of action that should be taken.

Major Accomplishments for Fiscal Year 2005–06:

- Received and closed 32 non-jurisdictional complaints, an increase from 23 complaints received in the 2004–05 fiscal year. These complaints were referred to the Board of Registered Nursing or the Department of Managed Health Care for further disposition.

CALIFORNIA BOARD OF ACCOUNTANCY

The California Board of Accountancy (Board) regulates more than 75,000 licensees, the largest group of licensed accounting professionals in the nation. The Board ensures that only qualified persons and firms are licensed to practice public accountancy and that appropriate standards of competence and practice, including ethics, objectivity, and independence, are established and enforced. By authority of the Accountancy Act, the Board qualifies California candidates for the National Uniform Certified Public Accountant (CPA) Examination; certifies, licenses, and renews licenses of individual CPAs and Public Accountants (PA); and registers CPA partnerships, PA partnerships, and corporations.

Major Accomplishments for Fiscal Year 2005–06:

- Finalized arrangements for a one-day, eight-hour, continuing education seminar in October 2006 that will be free to all California licensees. The opportunity for this seminar is the result of the settlement of a major enforcement case. Securities and Exchange Commission (SEC) Chairman Christopher Cox will be the keynote speaker, and the continuing education (CE) seminar will originate from San Francisco, fed via satellite to a Southern California location and will be "live" via Webcast.
- Received applications from 16,058 candidates to take the Uniform CPA Exam, which is more than 14 percent of the nation's total. In addition to having the largest number of accounting professionals in the United States, the Board consistently receives the highest number of applicants for the exam each year.
- Posted the "Special Notice Regarding Refund Anticipation Loans (RAL)" on the Board's Web site to warn consumers of the high fees associated with "instant tax refunds" offered by their tax preparers. Consumers were also alerted that, if a CPA prepares their tax returns and offers an RAL, the CPA must comply with disclosure requirements specified in the California Accountancy Act and Accountancy Regulations.

Major Legislation/Regulations for Fiscal Year 2005–06:

- Sponsored two provisions in Senate Bill 229 (Figueroa, Chapter 658, Statutes of 2005). As a follow-up to the Practice Privilege provisions enacted in 2004, Senate Bill 229 added section 5054 to the Accountancy Act. This section creates a narrow exception from licensure, practice privilege, and firm registration requirements to address the needs of California consumers who have moved from another state and would like to continue having their tax returns prepared by the same accountants who prepared their tax returns in prior years.
- Senate Bill 229 also amended section 5079 of the Accountancy Act to add limited self-reporting requirements for California non-licensee owners of accounting firms. These reporting requirements, which relate to investigations by the Securities and Exchange Commission and the Public Company Accounting Oversight Board, expand the Board's "radar screen" of information relevant to the firm's practice of public accountancy so that the Board can protect consumers in a more efficient manner.
- Completed comprehensive rulemaking that added 11 new sections to the Accountancy Regulations (sections 26 through 35.1) in order to implement the new Practice Privilege Program. The regulations provide for an online notification process to enable qualified out-of-state licensees to easily notify the Board of their intent to practice public accountancy in California.
- Approved revisions to section 98 of the Accountancy Regulations incorporating by reference the 2005 edition of its "Manual of Disciplinary Guidelines and Model Disciplinary Orders."

ACUPUNCTURE BOARD

The Acupuncture Board (Board) regulates the practice of acupuncture and Oriental medicine in the State of California. Acupuncture treats health conditions by stimulating "acu-points" found at certain locations on the surface of the body. Acupuncturists stimulate acu-points by inserting very thin needles through the skin to produce physiological effects. The Board establishes the minimum qualifications individuals must meet in order to practice acupuncture and sets the standards of conduct within the profession, primarily through its authority to license acupuncturists.

Major Accomplishments for Fiscal Year 2005–06:

- Increased continuing education requirements from 30 to 50 hours every two years as a condition of license renewal. Continuing education requirements were also limited to no more than five hours on issues unrelated to actual health care to patients.

Major Legislation/Regulations for Fiscal Year 2005–06:

- Responded to the legislatively mandated Sunset Review process. As a result of multiple hearings and meetings, the Board was reconstituted effective January 1, 2006. The legislative bill reconstituting the Board repealed the current nine-member board, created a new seven-member board, and extended the sunset date to January 1, 2009.
- Approved regulations (California Code of Regulations section 1399.454) requiring acupuncturists to use needles labeled for single use only and made it unprofessional conduct for an acupuncturist to use a needle more than once. The regulations benefit consumers by helping to protect them from life-threatening conditions such as HIV, hepatitis, and antibiotic-resistant bacteria.
- Regulations (California Code of Regulations section 1399.465) went into effect increasing the maximum amount of an administrative fine allowed for citations from $2,500 to $5,000. The higher penalty is imposed when exceptional circumstances are present. Consumers benefit from the increase in administrative fines, because it deters violators from repeat offenses.

CALIFORNIA ARCHITECTS BOARD

The California Architects Board (Board), originally known as the State Board of Architecture, was created by the California Legislature in 1901 to safeguard the public's health, safety, and welfare. The Board licenses and regulates more than 21,000 architects, who are responsible for designing billions of dollars worth of structures each year. The Board's regulation of the profession of architecture protects consumers using architectural services, as well as people who inhabit or use the structures architects design.

Major Accomplishments for Fiscal Year 2005–06:

- Developed new forms of the California Supplemental Examination (CSE) to ensure that architects licensed in California are tested on California-specific issues such as seismicity, energy conservation, and legal issues, as well as areas not adequately tested on the national examination. The process involved item writing, training script development, pilot testing, and review. The new forms of the CSE will be initiated into the testing process beginning in January 2007.

Major Legislation/Regulations for Fiscal Year 2005–06:

- Approved regulations to make the nationally administered Intern Development Program (IDP) a requirement for licensure in California beginning January 1, 2005. The Board requires the use of an evidence-based record system, the Comprehensive Intern Development Program (CIDP), to foster better communication between interns and their supervisors in conjunction with the IDP. The Board conducted a series of internship forums throughout the state to ensure that architects and interns are familiar with the new requirement. The Board is also developing an online resource to connect interns with firms participating in IDP/CIDP.

- California Code of Regulations (CCR) section 152, relating to administrative citations, was amended to:
  1. Change the definition of a Class A violation to pertain to an unlicensed individual who has violated Business and Professions Code section 5536;
  2. Change the fine ranges for Class A, B, and C violations;
  3. Add a provision that authorizes the Board to assess an administrative fine up to $5,000 if the citation meets one or more conditions outlined in the new language; and
  4. Conform to amendments to Business and Professions Code section 125.9, which increased the maximum administrative fine that boards can assess and with the recommendation by the Department of Consumer Affairs to establish conditions for assessing administrative fines ranging from $2,501 to $5,000. This regulation became effective on June 21, 2006.
- Added language to Public Information Disclosure (CCR section 137) which created in the Board's regulations a section that expresses the overall goal of the Board to permit consumers and members of the public to access information consistent with statutory and constitutional law. The amendment establishes a timeframe for incorporating complaint and disciplinary information into the Board's system; a timeframe for responding to requests for information; conditions of disclosure; information to be disclosed regarding complaints and disciplinary actions; and information that shall not be disclosed to the public. These amendments became effective July 1, 2006.

STATE ATHLETIC COMMISSION

The State Athletic Commission (Commission) regulates professional boxing, professional and amateur kickboxing, and professional mixed martial arts (MMA) events throughout the State by licensing all participants and supervising the events. The Commission is by far the busiest athletic commission in the United States, second in the world only to Japan. It ensures the health and safety of the participants through medical requirements, ability evaluations, and efficient supervision. The Commission also oversees the Professional Boxers' Pension Plan that provides retirement and death benefits to vested boxers.

Major Accomplishments for Fiscal Year 2005–06:

- Effectively supervised 166 events during 2005–06, more than any other athletic commission in the United States. In doing so, it satisfactorily accomplished its health, safety, and fairness goals while assuring consumer integrity and providing a fair, successful business environment for all stakeholders.
- Initiated a system to track injuries by keeping its own internal list. These efforts promote health and safety and greatly help the Commission in its ongoing rules review.
- Initiated an internal study in 2006 to track the weight of all competitors due to the exponential growth of weight concerns in combative sports. The Commission began recording the participants' weights at the official weigh-in the day before the bout, on the evening of the bout, just before the bout, and after the bout. The purpose of the study is to gather data to determine the safest time to conduct weigh-ins, identify weight loss and/or weight gain dangers to participants, and addresses health and safety issues.
- Started initial steps to revise its drug testing policy by instituting a true random drug testing policy using approved chain of custody procedures. It is now well on its way to setting the industry standard while assuring compliance with laws and promoting a drug-free competitive environment.

Major Legislation/Regulations for Fiscal Year 2005–06:

- The Commission became a Program under the Department of Consumer Affairs effective July 1, 2006. However, the Governor signed Senate Bill 247 (Perata, Chapter 465, Statutes of 2006), which establishes the Program back to a commission, effective January 1, 2007.
- Implemented Senate Bill 1549 (Figueroa, Chapter 619, Statutes of 2004), that directs the California State Athletic Commission to oversee mixed martial arts (MMA) events. In March 2006, the Commission began supervising these events, which are growing in popularity among consumers and stakeholders. The Commission also created its own MMA suspension list to compensate for the lack of a national registry.
- In January 2006, regulatory language was approved for full contact mixed martial arts. This regulatory language also established separate provisions for different martial arts competitions.
- Proposed regulations that provide an option for a competition enclosure, clarify the duties of the referee in stopping bouts, and the time competitors should rest between bouts. All of these proposals are health and safety related.

Board of Barbering and Cosmetology

The Board of Barber Examiners and the Board of Barbering and Cosmetology were established in 1927 and merged in 1991. The Board of Barbering and Cosmetology (Board) licenses and regulates the professions of barbering, cosmetology, manicuring, esthetics, electrology, and the establishments where barbering and cosmetology services are provided. The highest priority and mission of the Board is to promote and protect the interests of California consumers by serving as a guardian of their health and safety, enhancing public and industry participation in decision-making, promoting ethical and professional standards, and creating policies that are contemporary, relevant, and responsive.

Major Accomplishments for Fiscal Year 2005–06:

- Reorganized its examination application process by assigning specific license types to specific staff. In doing this, applicants have been able to take their examination in two to three months. Previously, candidates had to wait six to eight months for an exam date. The number of examinations has increased by 20 percent. By partnering with the Department of Consumer Affairs, the Board was able to reduce the backlog of renewal payments and change of name/address from eight months to six weeks. The Board has also streamlined its process for establishment (salon) licensing, eliminating a six-month backlog.
- Disciplinary actions and enforcement actions, i.e., probation status, accusations filed/revoked, and voluntary/surrender against licensees are now posted via the Internet on the Licensee Look-up feature.
- Increased Disciplinary Review Committee hearings, decreasing the appeal backlog by 59 percent.
- Board staff attended trade shows and provided information to licensees and students about disinfecting procedures, scope of practice, and preparation for examinations. Board members have also visited schools and given seminars to students. These outreach efforts have benefited students, applicants, licensees, and, ultimately, consumers.

BOARD OF BEHAVIORAL SCIENCES

The Board of Behavioral Sciences' (Board) mission is to protect the well being of Californians by setting standards for mental health professionals through effective communication, education, examination, licensing, and enforcement. The Board was established in 1945 as the Board of Social Work Examiners to license and regulate social workers, and has, in the past 60 years, expanded to license and regulate Marriage and Family Therapists (MFTs) and Licensed Educational Psychologists (LEPs). As of January 1, 2005, the Board had over 62,000 licensees and registrants under its jurisdiction.

Major Accomplishments for Fiscal Year 2005–06:

- Adopted a new strategic plan in August 2005. The updated plan includes new strategic goals relating to communication and outreach with both the public and Board stakeholders. It also includes numerous objectives to improve Board operations and responsiveness to Board customers.
- Reduced registration and licensure application processing times by 43 percent, providing applicants with more timely service.
- Established a full-time Outreach Coordinator. The person in this position routinely travels to schools, professional events, and public events to share information about the Board and its licensing processes. The full-time Outreach Coordinator provides key information about the Board and licensing processes in a user-friendly format, which will help those interested in becoming licensed navigate the process and members of the public better access the Board and its services.
- Added a Web site subscriber feature to the Board's Web site, which provides the ability to notify individuals of regulation or legislative changes, Board and committee meeting notices and materials, enforcement actions, and various exam and licensing information.

Major Legislation/Regulations for Fiscal Year 2005–06:

- Senate Bill 229 (Figueroa, Chapter 658, Statutes of 2005) effective January 1, 2006, extended the Board's sunset date to July 1, 2008, and made some minor changes to Marriage and Family Therapist (MFT) licensure experience requirements. This bill also has provisions for requiring license revocation upon discovery of licensee/patient sexual contact, and provided a definition for "discovers."
- Title 16, California Code of Regulations (CCR) section 1888 was updated on August 21, 2005, to include major revisions to the Board's Disciplinary Guidelines document. The Board also made a number of changes without regulatory effect (Section 100), including form revisions, grammatical changes, and conforming regulations to statutory changes.

CONTRACTORS STATE LICENSE BOARD

The Contractors State License Board (CSLB) protects consumers by regulating the construction industry through policies that promote the health, safety, and general welfare of the public. The CSLB accomplishes this by ensuring that construction is performed in a safe, competent, and professional manner by licensing contractors, enforcing licensing laws, and requiring that any person practicing or offering to practice construction contracting be licensed. The CSLB licenses and regulates contractors in the 43 classifications that constitute California's construction industry. The CSLB also works with partner agencies to combat unlicensed activity and individuals and businesses that operate in the "Underground Economy."

Major Accomplishments for Fiscal Year 2005–06:

- Intensified efforts to deal with unlicensed activity and the state's underground economy. As a key partner in Governor Schwarzenegger's Economic and Employment Enforcement Coalition, CSLB inspected 477 construction sites during sweeps, resulting in partner agencies finding 408 violations with $3.2 million in citations assessed and projected civil penalties.

- Received 20,283 complaints; all were investigated, and many resulted in successfully mediated outcomes. The CSLB obtained $36 million in ordered restitution for consumers.
- Decreased the processing time necessary to close complaints. In July 2002, more than 600 cases out of 8,600 open complaints were open for more than one year. As of July 1, 2006, the number of cases more than one year old was reduced to 89.
- Received more than 9.3 million visits on the CSLB Web site. There were more than 44 million license status checks conducted online. More than 183,000 license status checks were conducted through the Board's automated phone service.
- Improved service through the CSLB automated telephone line and operator-staffed Licensing Information Call Center (LIC). These improvements enabled CSLB to open all phone queues for the first time in its history, eliminating busy signals for callers. More than 863,000 calls were made to the automated line; almost 245,000 calls were transferred to CSLB operators. By the end of the fiscal year, the average wait time to speak with an operator was less than three minutes.
- Initiated steps to make two of its divisions more effective and efficient. The Division of Administration conducted health and safety training for all CSLB managers and supervisors, updated duty statements, and established weekly meetings with DCA personnel staff. The Licensing Division accelerated the training of new staff and reduced attrition. These changes made the processing of license applications and transactions more efficient.

Major Legislation/Regulations for Fiscal Year 2005–06:

- Assembly Bill 316 (Nakanishi, Chapter 385, Statutes of 2005) streamlined and reorganized the text of Senate Bill 30 (Figueroa, Chapter 566, Statutes of 2004) making construction contracts easier for both the contractor and consumer to understand and use.

COURT REPORTERS BOARD OF CALIFORNIA

The Court Reporters Board of California (Board) administers a minimum competence test to determine the entry-level abilities of court reporters, regulates the minimum curriculum which court reporting schools and programs must offer, and disciplines licensees when necessary. Court reporters, also known in California as Certified Shorthand Reporters, are professionals who have met basic, minimum standards of competence that enable them to provide verbatim transcripts of oral court, grand jury hearings, depositions, and other proceedings. The Board provides oversight and recognition to the 17 California schools of court reporting.

Major Accomplishments for Fiscal Year 2005–06:

- The Board reviewed legislation, regulations, and operations. The Board Chair established three working committees to ensure that discussions impacting Board operations could be conducted and were productive.
- Implemented a new licensing exam based on the Board's new Occupational Analysis.
- Developed outreach/informational letters to attorney associations.

Major Legislation/Regulations for Fiscal Year 2005–06:

- Assisted in developing language for Transcript Reimbursement Fund, Assembly Bill 1293 (Oropeza), which allows for a larger pool of indigent applicants to receive free transcripts.
- Initiated regulations and conducted a public hearing for the Board's Professional Standards of Conduct regulation, which will act as a court reporters' code of ethics.

Committee on Dental Auxiliaries

The Committee on Dental Auxiliaries (COMDA) is responsible for the examination and licensure of five different categories of dental auxiliaries. These health care professionals assist and support doctors of dentistry and their practice. COMDA develops and administers written, practical, and clinical licensure examinations, conducts occupational analyses of the various licensure categories, and evaluates dental assisting educational courses. COMDA also makes recommendations to the Dental Board of California on all issues affecting dental auxiliaries, including scope of practice and requirements to qualify for the examinations and licensure.

Major Legislation/Regulations for Fiscal Year 2005–06:

- The Governor signed Senate Bill 1111 (Figueroa, Chapter 621, Statutes of 2005) which contained clean-up provisions to Senate Bill 1546 (Figueroa, Chapter 667, Statutes of 2004) relating to dental assisting scope of practice. A two-member COMDA/Dental Board taskforce was appointed to oversee development of related regulations. In addition, legislation was sought to delay implementation of Senate Bill 1546 (Figueroa, Chapter 667, Statutes of 2004), until January 1, 2008, in order to allow sufficient time to conclude negotiation and development of these regulations.
- Senate Bill 1541 (Ducheny) sponsored by the California Dental Association (CDA) would establish an on-the-job training pathway to the dental assisting specialty license categories that will be established by Senate Bill 1546 (Figueroa, Chapter 667, Statutes of 2004), starting January 1, 2008.
- Supported Assembly Bill 1334 (Salinas) sponsored by the California Dental Hygienists Association (CDHA), which would eliminate the requirement that Registered Dental Hygienists in Alternative Practice must receive a prescription from a doctor or dentist before performing hygiene services.
- Implemented Assembly Bill 539 (Laird, Chapter 294, Statutes of 2004), allowing qualified third- and fourth-year California dental students to apply for the Registered Dental Hygienist examination and licensure.

Dental Board of California

The Dental Board of California's mission is to protect and promote the health and safety of California consumers. The Board licenses those dental health care professionals who demonstrate competence, takes action to maintain the appropriate standard of care, and works to enhance the education of licensees and consumers.

Major Legislation/Regulations for Fiscal Year 2005–06:

- Promulgated emergency regulations to implement Senate Bill 1865 (Aanestad, Chapter 670, Statutes of 2004) subject to an occupational analysis by the Department of Consumer Affairs. This legislation allows California to accept the Western Regional Examination Board (WREB) exam as an alternative to the California Dental Licensing Exam. The occupational analysis determined that the WREB exam met Section 139 standards as required by law. The Emergency Regulations that enabled the application process for WREB candidates were approved on March 13, 2006.
- The provisions of Assembly Bill 1386 (Laird, Chapter 539, Statutes of 2005), effective January 1, 2006, added requirements for dentists to be certified to administer oral conscious sedation to adult patients. Previously, these regulations were only required for dentists when working with minors. This completes the Dental Board's regulation of all current forms of dental anesthesia.
- Implemented Senate Bill 299 (Chesbro, Chapter 4, Statutes of 2006) which allows applicants to obtain a dental license by contracting to work at a public health clinic or to teach or practice at an accredited educational program for at least two years. This avenue of licensure has resulted in a substantial increase in applications for dental licensure under this method.

BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

The Board for Professional Engineers and Land Surveyors (Board) safeguards life, health, property, and public welfare by regulating the practices of professional engineering and land surveying. The Board licenses professional engineers and land surveyors, establishes regulations, enforces laws and regulations, and helps the public make informed decisions when utilizing engineering and land surveying services.

Major Accomplishments for Fiscal Year 2005–06:

- In order to increase access to their services, the Board implemented a toll-free number for consumers and licensees.

Major Legislation/Regulations for Fiscal Year 2005–06:

- Worked with the Joint Committee on Boards, Commissions and Consumer Protection (Joint Committee) to extend the Board's sunset date through Senate Bill 228 (Figueroa, Chapter 657, Statutes of 2005) from July 1, 2006 to July 1, 2008.
- Worked with the Joint Committee and the Assembly Business and Professions Committee to determine the most appropriate method of regulating the practice of engineering. The drafting of the language was a culmination of many years of discussions, hearings, studies, and the sunset review process to determine the most appropriate method of regulating the practice of engineering. After further study and numerous meetings, it was determined by the Legislature that it would be in the best interest of consumers and licensees to maintain the way the Board currently licenses engineers.
- Began administering the National Structural Engineering examination and the National Land Surveyor examination twice rather than once per year. The Board determined that administering the exams twice per year would allow engineers and land surveyors to become licensed more quickly. It also gives consumers more choices when hiring an engineer or land surveyor.
- The Board amended its responsible charge regulations to make them clearer so that both licensees and consumers will be able to understand what a professional engineer or land surveyor has to do to be in responsible charge of professional engineering and land surveying work/services.

BOARD FOR GEOLOGISTS AND GEOPHYSICISTS

The Board for Geologists and Geophysicists (Board) examines and licenses Professional Geologists, Professional Geophysicists, Certified Engineering Geologists, and Certified Hydrogeologists in California. The Board was created when the Geologist and Geophysicist Act was signed into law in 1968. The mission of the Board is to continuously enhance the quality and availability of geological and geophysical services offered in California. Licensed Professional Geologists and Professional Geophysicists ensure that the public has technically accurate information on issues regarding seismic activity, environmental protection, forest practice, residential development, and resource extraction (oil, gas, gold, and construction materials).

Major Accomplishments for Fiscal Year 2005–06:

- Increased license renewal fees by 35 percent, which allows the Board to better fund operational and staffing improvements.
- Doubled the size of staff from three to six, which facilitated faster response times in licensure, examination, and enforcement-related issues with both consumers and licensees.
- Made extensive updates to the Board's Web site by posting current enforcement actions, publications and newsletters, and meeting agendas and minutes online. Updates and revisions were also made to applicant and licensee forms.

Major Legislation/Regulations for Fiscal Year 2005–06:

- Senate Bill 228 (Figueroa, Chapter 657, Statutes of 2005) changed the name of Registered Geophysicists to Professional Geophysicists (PGP).
- The Board promulgated complaint disclosure and modest licensing fee increase regulations.

STATE BOARD OF GUIDE DOGS FOR THE BLIND

The State Board of Guide Dogs for the Blind (Board) licenses and regulates schools and people in California who train and supply guide dogs for the blind, while promoting and protecting the interests of guide dog users. The mission of the Board is to maintain the high threshold of guide dog training that promotes the safety, independence, and self-reliance of consumers.

Major Accomplishments for Fiscal Year 2005–06:

- Completed the Guide Dog Instructor occupational analysis with the assistance of the Department of Consumer Affairs' Office of Examination Resources in order to develop updated standard procedures for the Practical Examination. The analysis included identifying constructs to be tested, criteria for route selection, and criteria for scoring the candidates. Workshops for the examination are currently scheduled for spring 2007.
- Created a Guide Dog Day Committee (Committee) composed of volunteers from the three California guide dog schools, members of the Board, and the blind community. The first Guide Dog Day was held at the State Capitol in 1989 to educate the Legislature about the particular needs and concerns of guide dogs and their handlers. Now, the goal of the Committee is to plan a statewide, same-day event in the spring to bring the message to California consumers. Planned topics include the problems that handlers experience when people are unaware of accessibility laws, protection from vicious dog attacks on guide dogs, and what constitutes a working assistance dog.

LANDSCAPE ARCHITECTS TECHNICAL COMMITTEE

The Landscape Architects Technical Committee (LATC) operates within the California Architects Board (Board) and is responsible for regulating the practice of landscape architects in California. This responsibility includes examination, licensure, and enforcement to ensure minimal competency to carry out professional standards for more than 3,300 landscape architects, and to maintain a positive impact on the health, safety, environment, and welfare of the people of California.

Major Accomplishments for Fiscal Year 2005–06:

- Formed an Education Subcommittee with the objective of reviewing examination eligibility requirements, identifying issues, and proposing solutions. As a result, 12 issues and 17 recommended solutions were approved and will be forwarded to the Legislature pursuant to LATC's 2003 Sunset Review Report (Chapter 475, Statutes of 1997). The LATC plans to initiate rulemaking and carry out the recommended changes.
- Responded to concerns voiced by the Board and the Joint Legislative Sunset Review Committee regarding the security of the current California Supplemental Examination (CSE) take-home format and the fact that the CSE has not been revised since 2000. LATC is working with the Department of Consumer Affairs' (DCA's) Office of Examination Resources to conduct a California-specific Occupational Analysis and redevelop the CSE. The LATC will compare the current content of the CSE to the current national exam, the Landscape Architect Registration Examination, to determine what knowledge will be necessary for future California landscape architects. This is a long-term project; workshops began in June 2006.

Major Legislation/Regulations for Fiscal Year 2005–06:

- In cooperation with the Board's Regulatory and Enforcement Committee and under DCA's directive, staff and legal counsel drafted proposed language to modify and restructure California Code of Regulations (CCR) sections 2630 and 2630.1. The amended language elevates the fine ranges for Class A, B, and C violations. It is also consistent with amendments to Business and Professions Code section 125.9, which increased the maximum administrative fine that boards can assess, and the recommendation by the DCA to establish conditions for assessing administrative fines ranging from $2,501 to $5,000. The amended CCR sections 2630 and 2630.1 became effective on July 5, 2006.
- Adopted a Complaint Information System (CCR section 2608) to establish conditions of disclosure with respect to: 1) providing complaint information to the public, 2) clarifying information to be disclosed regarding complaints and disciplinary actions, 3) setting a timeframe for incorporating complaint information into the Board's system, 4) spelling out additional ways in which members of the public can request information, 5) establishing a timeframe for responding to requests for information, and 6) defining conditions for not disclosing certain information to the public. The amended CCR section 2608 became effective on July 5, 2006.

MEDICAL BOARD OF CALIFORNIA

The Medical Board of California (Board) protects consumers by licensing and regulating physicians. The Board comprises two divisions, the Division of Licensing and the Division of Medical Quality. The former sets standards for physician licensure, reviews applications for licensure and evaluates and approves certain medical education programs. The latter investigates complaints against physicians and imposes discipline against them as necessary. The Board also provides the public with helpful information, including consumer guides on a variety of health-care topics, licensing records, and disciplinary information on physicians.

Major Accomplishments for Fiscal Year 2005–06:

- The Board's online Physician Volunteer Registry was developed by the Board's Access to Care Committee because of its concerns with increasing the availability of healthcare in California. The Registry is intended to be used by clinics or other entities, particularly those located in underserved areas, that are seeking volunteer physicians. This Registry, along with the Board's Loan Repayment Program (LRP), was transferred to the Health Professions Education Foundation (HPEF) effective July 1, 2006.
- The Board's Physician Corps Loan Repayment Program encourages recently licensed physicians to practice in federally designated practice settings in California that are designated as medically underserved by repaying their student loans (up to $105,000) in exchange for three years' service. This year, applications were received from 70 physicians. The qualified applicants represented a cumulative request of over $7.75 million in loan repayments. There was significant diversity in the applicants' cultural backgrounds, the languages they speak, and the geographic locations of the practice settings. Twenty-one awardees were selected, and almost $1.7 million in loan repayments were funded. In order to enhance funding for this program, it was transferred to the Health Professions Education Foundation effective July 1, 2006.
- Substantial improvements were made to the Board's Diversion Program, including developing a new tracking system and hiring additional staff, including a manager, to maintain the random urine testing program, a manager to oversee the compliance specialists, and two more compliance specialists.

Major Legislation/Regulations for Fiscal Year 2005–06:

- Pursuant to Senate Bill 231 (Figueroa, Chapter 674, Statutes of 2005), the Office of the Attorney General is now directly involved in the Board's investigative process in a quasi-vertical prosecution system. This allows cases that do not warrant further action to be closed in a more timely manner. This will also allow cases that need suspension orders issued to be processed in a more timely manner. The main advantage of this process is to expedite the investigation of complaints regarding physicians' unprofessional conduct. In addition, this bill provides that, when documents are lawfully requested by the Board from licensees, they shall be provided within 15 business days of receipt of the request. Failure to produce requested documents after being informed of the required deadline constitutes unprofessional conduct, and the Board may now cite and fine a physician and surgeon.
- The Medical Board sponsored Assembly Bill 327 (De La Torre, Chapter 293, Statutes of 2005) which authorizes the Board to accept a voluntary $50 contribution during the issuance on renewal of a physician's license. The contribution, which would be deposited into the Medically Underserved Account of the Medical Board's Contingent Fund, will provide funding for the continuation of the Board's loan repayment program to encourage more physicians to work in underserved areas or with underserved populations in this state.
- In addition to extending the Board's existence through 2010, Senate Bill 231 (Figueroa, Chapter 674, Statutes of 2005), made many other changes. Among those changes are: An increase in physician licensing and renewal fees from $600 to $790; the implementation of a 2½ -year integrated quasi-vertical prosecution program in conjunction with the Office of the Attorney General from January 1, 2006 to June 30, 2008; the requirement that the Bureau of State Audits conduct a full audit of the Board's Diversion Program for substance-abusing physicians by June 30, 2007; the deletion of cost recovery, making the loss of cost recovery monies revenue neutral by allowing regulations to be written to increase the licensing and renewal fees; and the requirement that the Joint Committee on Boards, Commissions, and Consumer Protection examine the Board's composition and licensure fees and report its findings to the Governor and the Legislature no later than July 1, 2008.
- Assembly Bill 920 (Aghazarian, Chapter 317, Statutes of 2005) established the California Physician Corps Program within Health Professions Education Foundation (HPEF) by transferring the Steven M. Thompson Physician Corps Loan Repayment Program and the Volunteer Physician Program from the Medical Board of California. In addition, this bill adds two members to the HPEF Board, appointed by the Medical Board, effective January 1, 2006.

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

Occupational therapy, established in 1917 to treat World War I soldiers, is one of the oldest allied health professions in the United States. The California Board of Occupational Therapy (Board) was established on January 1, 2001, with the responsibility for licensing and regulating the state's occupational therapy practitioners. Practitioners provide important health and rehabilitation services to people of all ages who, because of illness, injury, or developmental or psychological impairment, need specialized intervention to regain, develop, or build the skills necessary for independent living.

Major Accomplishments for Fiscal Year 2005–06:

- Effective January 1, 2006, the Board began enforcing the new continuing competency requirements. As a condition of license/certificate renewal, occupational therapists and occupational therapy assistants are required to complete 12 Professional Development Units (contact hours) of continuing competency activities within the renewal period. The Board has modified its renewal form to capture continuing competency information and initiated its first audit in May 2006.

Major Legislation/Regulations for Fiscal Year 2005–06:

- Proposed a regulatory amendment on July 8, 2005, that would decrease the license renewal fee. On May 18, 2006, the language was amended to remain a $150 renewal fee, but was proposed in conjunction with a transition from an annual to a biennial renewal. This will result in a 50 percent decrease in renewal fees for licensed occupational therapists and certified occupational therapy assistants. The proposal will also reduce various other fees. This proposed regulation is currently awaiting approval.
- On December 30, 2005, proposed regulations for implementing Business and Professions Code section 2571, which would authorize occupational therapists to apply topical medications. The proposed regulations specify that an occupational therapist who is approved by the Board to perform advanced practices in physical agent modalities may administer topical medications to a patient via iontophoresis and phonophoresis. The medications used shall be ordered by a practitioner legally authorized to prescribe medication. Written protocols shall be prepared for the administration or application of the medications used.
- Submitted the Board's first Sunset Report to the Joint Committee on Boards, Commissions and Consumer Protection (Committee) on September 1, 2005. The Committee recommended that the Board be continued through 2013. Senate Bill 1476 (Figueroa) was signed to extend the operations of the Board consistant with that recommendation.

STATE BOARD OF OPTOMETRY

The mission of the State Board of Optometry is to ensure that Californians have access to appropriate, high-quality eye and vision care and to implement and promote fair and just laws and regulations to protect the health and safety of consumers. Protection of the public is the highest priority of the Board. The Board accomplishes this by regulating the practice of optometry in California through licensing and enforcement, and through its public education programs.

Major Accomplishments for Fiscal Year 2005–06:

- Focused on improving the efficiency of the Licensing Program by updating and expanding written material for applicants and licensees and streamlining internal processes.

Major Legislation/Regulations for Fiscal Year 2005–06:

- The Board continued its legislative efforts to update the Optometry Practice Act by identifying and correcting two overly burdensome regulatory requirements that serve no apparent public protection purpose. The Board worked closely with optometric professionals and the State Legislature in support of Senate Bill 579 (Aanestad), which proposed to facilitate California licensure for out-of-state optometrists wishing to practice optometry in California. This bill establishes new license criteria that recognizes out of state practitioners' optometric experience and eliminates the current requirement that experienced licensed optometrists must take an entry level exam in order to become licensed in California. The Board also successfully sought legislation [Senate Bill 1476 (Figueroa)] to eliminate a redundant registration requirement for optometric corporations.

- The Board implemented Assembly Bill 488 (Bermudez, Chapter 393, Statutes of 2005), which revised and recast the majority of the enforcement statutes in the Optometry Practice Act. Major tasks associated with the implementation included re-writing the disciplinary guidelines and educating interested parties regarding the significant changes in the law that took effect on January 1, 2006.

OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA

The Osteopathic Medical Board of California (Board) oversees the practice of medicine by osteopathic physicians and surgeons by enforcing the Medical Practice Act and Rules and Regulations. Emphasizing the inter-relationship of the body's nerves, muscles, bones, and organs, doctors of osteopathic medicine consider the whole person to prevent, diagnose, and treat illness, disease, and injury. Currently, the Board oversees more than 3,200 licensees across California.

Major Accomplishments for Fiscal Year 2005–06:

- Submitted a Budget Change Proposal to the Department of Finance for additional staffing in order to meet the increase of daily demands on Board personnel and to serve consumers in a more efficient and timely manner. The additional staffing allows the Board to assign a designated position to their enforcement and discipline program.

Major Legislation/Regulations for Fiscal Year 2005–06:

- Adopted regulations to implement section 125.9 of the Business and Professions Code on September 6, 2005. The section, which authorizes the issuance of citations, is consistant with the implementation of the Citation and Fine Program. This program allows the Board to issue citations and fines in lieu of filing or prosecuting formal accusations. Citations will be issued for minor violations of the Medical Practice Act and related California laws if the violation does not involve patient harm or controlled substance abuse.

CALIFORNIA STATE BOARD OF PHARMACY

The California State Board of Pharmacy (Board) protects consumers by licensing and regulating all aspects of the practice of pharmacy in California including the pharmacist, the pharmacy, and prescription drugs and devices. The Board also regulates drug wholesalers, specialized facilities, and other practitioners, such as pharmacist interns and technicians. The Board licenses close to 100,000 individuals and firms and enforces 12 regulatory programs.

Major Accomplishments for Fiscal Year 2005–06:

- Developed nine consumer fact sheets in conjunction with pharmacy students from University of California, San Francisco. These sheets are available online and have been distributed at public health events. The titles of these sheets are as follows: *What's the Deal With Double Dosing? Too Much Acetaminophen, That's What!*; *Diabetes: Engage Your Health Team!*; *Thinking of Herbals? Check Carefully Before You Take Them With Medicines*; *Lower Your Drug Costs, So You Can Keep on Taking Your Medicines*; *Did You Know? Good Oral Health Means Good Overall Health!*; *Ever Miss a Dose of Your Medicine? Here are Some Tips…*; *Don't Flush Your Medicines Down the Toilet!*; *Is Your Medicine in the News?*; and *Generic Drugs: Real Medicines at High Quality, Low Cost*.
- Created a subcommittee on Medicare Drug Benefit Plans to provide a forum for pharmacists to take a lead in educating Medicare beneficiaries, their families and caregivers, other health care professionals, and patient advocates about the new federal Medicare prescription drug benefit program.
- Completed a job analysis of the pharmacist profession to maintain the validity of the California Pharmacist Jurisprudence Examination (CPJE). The results of the analysis aided in the development of a new content outline for the CPJE, which was implemented during the spring 2006 administration of the examination.

- Implemented a $100,000 surety bond requirement for wholesalers to strengthen the Board's ability to enforce the electronic pedigree law for the distribution of prescription drugs. In doing so, a workgroup was formed with stakeholders to provide guidance on the implementation of electronic pedigrees to track the distribution of prescription drugs from the manufacturer to the wholesaler to the pharmacy so that patients are assured that prescription drugs are safe and not counterfeit.

Major Legislation/Regulations for Fiscal Year 2005–06:

- Sponsored legislation [Senate Bill 1111, (Committee on Business, Professions and Economic Development) Chapter 621, Statutes of 2005, Omnibus Measure 45455]. This legislation amended Business and Professions Code section 4014 to require mandatory reporting to the Board by licensees who have admitted to or been fired for chemical, mental, or physical impairment affecting their ability to practice safely or for any drug-related violation of law. Other Board-sponsored provisions in this bill strengthen the Board's licensing and enforcement programs.
- Promulgated multiple regulatory proposals, including provisions determining abandonment of application files, use of automated pharmacist identifiers instead of pharmacist's initials, biennial self-assessment of a pharmacy, pharmacy practice modifications, recognized schools of pharmacy, and requirements for the pharmacist licensure examination and licensure.
- Implemented a new law [contained in Assembly Bill 302 (Committee on Business and Professions), Chapter 506, Statutes of 2005], Business and Professions Code section 4076, that requires pharmacies to include on a prescription drug's container, the physical description of the dispensed medication, including the color, shape, and any identification code that appears on the tablets or capsules.

PHYSICAL THERAPY BOARD OF CALIFORNIA

The Physical Therapy Board of California (Board) licenses and regulates Physical Therapists (PT), Physical Therapist Assistants (PTA), and physical therapy aides in California. The Board was created to protect the public from the incompetent, unprofessional, or criminal practice of physical therapy.

Major Accomplishments for Fiscal Year 2005–06:

- Reduced the retention period of citations from seven to five years per regulation. Prior to this reduction, the Board's retention period of seven years was two years longer than that of the Medical Board of California. Some licensees who received citations indicated they were challenging them due to the long retention period. After discussion, the Board determined that five years was long enough to determine if the licensee would be complying with the order of abatement. This reduction was pursued because employers were using citations punitively against PTs and PTAs even though citations are not considered formal discipline.
- Employed the Department of Consumer Affairs' (DCA's) Office of Examination Resources to conduct workshops to ensure that the questions on the California Law Examination (CLE) were directly relevant to the application of the laws and regulations that govern the practice of physical therapy. Approximately 45 subject matter experts participated in the workshops, which resulted in the production of three new formats of the CLE, which the Board began administering in April 2006.

- Updated the Board's Web site to include multiple quick access features. These features allow consumers, licensees, and Board staff access to information such as verifying licenses, changing addresses, and receiving automated updates on Board actions via e-mail. The Web site contains comprehensive information regarding historical disciplinary actions against licensees, the consumer complaint process, and the required forms/process to file complaints with the Board.
- Implemented the Applicant Tracking System (ATS) in July 2005. After the implementation of ATS, and various modifications to the system, staff now process applications in a smooth and efficient manner.

PHYSICIAN ASSISTANT COMMITTEE

Physician Assistants are highly skilled professionals who, under the supervision of a physician, provide medical care to patients. The Physician Assistant Committee of the Medical Board of California (Committee) protects consumers by licensing qualified physician assistants and approving the programs that train them.

Major Accomplishments for Fiscal Year 2005–06:

- Initiated set-up and implementation of the Applicant Tracking System with the Department of Consumer Affairs' Office of Information Services. This system will allow the Committee to track applications, provide statistics and meet the application processing goals more efficiently. Planned completion date: August 2006.
- Currently working to include complaint disclosures on the Committee's Web site. This will allow consumers to view the number of enforcement actions filed against a Physician Assistant when verifying licensure.
- Updated the Physician Assistant Laws and Regulations and posted it on the Committee's Web site.

CALIFORNIA BOARD OF PODIATRIC MEDICINE

The California Board of Podiatric Medicine (Board) licenses more than 2,000 podiatric physicians and enforces the Medical Practice Act through its consumer protection law enforcement. The Board is unique because it also licenses all postgraduate medical residents and reviews all California residency programs prior to approval, and reviews all schools for approval on an annual basis. The Board is the only doctor-licensing board in the nation implementing a continuing competency program, which may be contributing to the sustained, longitudinal decline in complaints, which have dropped from a high of 271 in the 1998-99 fiscal year to 109 in the 2005–06 fiscal year.

Major Accomplishments for Fiscal Year 2005–06:

- Submitted the 2005 Sunset Review to the Joint Committee on Boards, Commissions and Consumer Protection, concurring with Administration recommendations to include a majority of public members on licensing boards.
- Implemented 2006 audit recommendations regarding fine-tuning licensing procedures.
- Responded to the Audit Report with a recommendation of regular audits of management, licensing, and enforcement in doctor-licensing programs.

BOARD OF PSYCHOLOGY

The Board of Psychology (Board) protects the safety and welfare of consumers of psychological services through the efforts of its licensing, enforcement, continuing education, and educational outreach programs. The Board regulates psychologists, registered psychologists, and psychological assistants. The Board was established in 1958 when the first psychologists were certified in the state. In 1967, the Psychology Licensing Law was enacted by the Legislature. The Board is dedicated to ensuring that psychologists provide competent and ethical psychological services to consumers.

Major Accomplishments for Fiscal Year 2005–06:

- Translated two booklets, *Professional Therapy Never Includes Sex* and *For Your Peace of Mind — A Consumer Guide to Psychological Services*, into Spanish, Chinese, and Korean. The Board also translated its *Notice to Consumers*, which licensees are required to post in their offices, into these three languages.
- Revised the supervision brochure for applicants, enhancing and changing it into a chart format so that applicants can gain a better understanding of the complex regulatory requirements for supervised professional experience that are required for licensure.
- Appointed a new Executive Officer, who attended health fairs, met with professional associations, and visited hospitals to facilitate distribution of Board booklets and brochures to consumers.

Major Legislation/Regulations for Fiscal Year 2005–06:

- The Board proposed a new regulation, entitled "Consumer Information." If approved, this regulation will require licensees to provide, as appropriate, non-English speaking clients the translated versions of approved Board notices or publications, or to discuss with them the content of these notices or publications if not available in the language in which services are rendered.

BOARD OF REGISTERED NURSING

The Board of Registered Nursing (Board) is responsible for ensuring safe registered nursing practice standards, overseeing nursing school programs, and educating the public. The Board licenses Registered Nurses and evaluates them for certification in the following specialty areas: Nurse Practitioner, Nurse Anesthetist, Nurse Midwife, Clinical Nurse Specialist, Public Health Nurse, and Psychiatric/Mental Health Nurse.

Major Accomplishments for Fiscal Year 2005–06:

- Hosted a two-day Investigator Training in Southern California on November 7, 2005 and Northern California on January 31, 2006 for Division of Investigation staff. The training course provided a comprehensive review of complaints against registered nurses, advanced practice nurses, and nurse imposters. An extensive review of the most important types of Nursing Practice Act violations, agency record availability, and the Standard of Evidence used in administrative hearings was included with an overall emphasis on current laws and regulations. Additionally, investigative techniques and protocols, evidence gathering, undercover operations, and report writing were covered. Feedback from attendees was very positive, and the consensus was that this training would improve the quality of investigations.
- Introduced a pilot online consolidated nursing program survey on October 1, 2005. This new online survey will collect data from pre-licensure nursing education programs. The results of this comprehensive survey will provide data-driven evidence to influence the policy process at the local, state, federal, and institutional levels to support nursing, nursing education, and workforce planning in California.
- Added two new features to the Board's Web site. The first feature allows the public to request examination and endorsement application packets, LiveScan forms, and fingerprint cards. The second feature allows questions to be sent directly to the appropriate unit via the Board's Webmaster e-mail address. Five areas where questions can be directed are Renewals, Licensing, Diversion, Nursing Education, and Enforcement.

RESPIRATORY CARE BOARD OF CALIFORNIA

The Respiratory Care Board of California (Board) is mandated to protect and serve consumers by administering and enforcing the Respiratory Care Practice Act. Respiratory Care Practitioners (RCPs) work under the direction of a physician and specialize in evaluating and treating patients who have breathing difficulties as a result of heart and lung disorders. They also provide diagnostic, educational, and rehabilitative services.

Major Accomplishments for Fiscal Year 2005–06:

- Implemented a Law and Professional Ethics Course requirement, aimed at informing RCPs of the expectations placed upon them as professional practitioners in the State of California. The requirement became effective January 1, 2005. The course must be completed by applicants prior to their licensure, by licensees as part of continuing education, and by petitioners prior to reinstatement. The course also addresses obligations of licensed RCPs to patients under their care, responsibilities to report illegal activities occurring in the workplace, and acts that jeopardize licensure and license status.
- Contracted the services of the Institute for Social Research (a foundation of the California State University, Sacramento) to conduct a workforce study to determine the current dynamics of the respiratory care profession in April 2006. The Board will utilize the research findings to plan and prepare for potential shortages of RCPs in California and to consider future direction regarding education and certification requirements for RCPs.
- Expanded consumer education and public outreach efforts to increase public awareness of unlicensed and/or unqualified personnel performing respiratory care and to promote the respiratory care profession to increase the number of active licensees commensurate with the health care needs of California consumers as outlined in the Board's Strategic Plan.
- Updated the Board's Web site to include citation information under the disciplinary portion of the online license verification system.

Major Legislation/Regulations for Fiscal Year 2005–06:

- Senate Bill 229 (Figueroa, Chapter 658, Statutes of 2005) amended Business and Professions Code section 3751 to align petition for reinstatement requirements and established a requirement that petitioners must provide evidence of competency consistent with existing minimum education requirements.
- Senate Bill 232 (Figueroa, Chapter 675, Statutes of 2005) extended the Board's sunset date from July 1, 2007 to July 1, 2008.
- Senate Bill 1111 (Figueroa, Chapter 621, Statutes of 2005) accommodated recent changes to the national examination admission requirements as well as other future procedural changes in examination administration. The bill also established that printouts of license verifications via the Board's Web site may be relied upon.
- The Board adopted California Code of Regulations sections 1399.327, 1399.350.5, 1399.352.7, and 1399.372.5, implementing the Law and Professional Ethics Course requirement.

SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY BOARD

The Speech-Language Pathology and Audiology Board (Board) protects the public from unskilled and incompetent practitioners by requiring speech-language pathologists and audiologists working in California to meet certain educational and training standards. Speech-language pathologists help people with speech, voice, language, and swallowing disorders or impairments. Audiologists help people with hearing, balance, and related disorders. To ensure the ongoing protection of consumers of speech-language pathology and audiology services, the Board investigates applicants' backgrounds, investigates complaints against licensed and unlicensed practitioners, and takes disciplinary action whenever appropriate.

Major Accomplishments for Fiscal Year 2005–06:

- Assisted the academic and professional community with transitioning the State training standards for audiology from a master's degree to a doctorate. Served as a consultant to the University of California/California State University joint planning team to identify viable training institutions that are prepared to join resources and offer joint doctoral training opportunities. The planning team identified two new joint doctoral training program partnerships: The University of California, San Francisco, San Francisco State University, University of California, Los Angeles, and Northridge State University. The new audiology doctoral programs are in the developmental stages and are scheduled to enroll students beginning in fall 2007.
- Continued to seek out information regarding an acceptable and well-supported standard of care for children diagnosed with Auditory Processing Disorders (APDs). The Board posted an informational message on its Web site to assist parents, educators, and licensees in the research of pertinent professional materials and identifying other available resources. The Board is continuing to work with other states and professional associations to identify any legal challenges that other regulators have faced in enforcing standards for the diagnosis and treatment of APD. Notably, APD has become the new "label" for a number of common learning disabilities afflicting children in schools.

Major Legislation/Regulations for Fiscal Year 2005–06:

- Revised the Board's Continuing Professional Development Program by amending existing regulations (California Code of Regulations section 1399.160 et. seq.) to clearly identify the imposed course content standards and to expand them to include other general health and educational issues that may impact overall client/patient care.

STRUCTURAL PEST CONTROL BOARD

The Structural Pest Control Board (Board) regulates individuals and companies engaged in the business of controlling various household pests, including rodents, vermin and insects, as well as wood-destroying pests and organisms in homes and other structures. The Board regulates pest control operators, field representatives, applicators, and structural pest control companies. The Board's primary goal is to ensure the health and safety of California consumers.

Major Accomplishments for Fiscal Year 2005–06:

- Established the computerized Applicant Tracking System (ATS) for prospective licensees. ATS represents the first phase of the Board's ability to enable computer-based testing in multiple locations throughout California. This system assists with the scheduling of the license examinations as well as the actual licensing of each individual. Cashiering information is also logged, allowing staff to quickly confirm receipt of payments.
- Upgraded the existing phone system for quality control purposes. Upgrades included a call center feature so that incoming calls are now routed to the appropriate staff person and can be recorded and monitored by supervisors to confirm that each caller receives the correct information from a courteous staff member.
- Reached the one thousand mark for the number of companies electronically submitting Wood Destroying Pest and/or Organisms (WDO) reports online. This number represents approximately two-thirds of registered wood destroying pest and/or organisms companies in California. The WDO system, established during the previous fiscal year, has proven to be a very valuable tool to the industry as noted by the number of companies voluntarily using the online system. By having the means available to determine if a previous wood destroying pest and/or organism inspection has been completed within the past two years, the system has also proven to be a valued tool for consumers considering the purchase of a new home.

VETERINARY MEDICAL BOARD

The Veterinary Medical Board (Board) protects consumers and animals through the development and maintenance of professional standards and the licensing of veterinarians and registered veterinary technicians. The Board also ensures that licensees perform correct veterinary medical practices through enforcement of the California Veterinary Medicine Practice Act.

Major Accomplishments for Fiscal Year 2005–06:

- Streamlined consumer access to its Web site by adding examination and licensing information.
- Implemented an Applicant Tracking System (ATS) for more efficient and expeditious review of examination applications.
- The Board established a Shelter Medicine Committee in October 2005. The goal of the Committee is to establish shelter medicine protocols for public shelters. The Committee plans to have a document in place by April 2007.
- The Registered Veterinary Technician Committee (RVTC) completed a two-year project of gathering information on the Registered Veterinary Technician profession and job tasks. The information was presented to the Board, and a public hearing was held in April 2006 to adopt expanded RVT job tasks, which had not been evaluated since 1984.

BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS

The Board of Vocational Nursing and Psychiatric Technicians (Board) adopts rules and regulations that govern the practice and education of Licensed Vocational Nurses (LVNs) and Psychiatric Technicians (PTs) for the protection of the public. The Board enforces these rules and regulations through the discipline of unsafe and abusive LVNs and PTs, the systematic oversight of the vocational nursing and psychiatric programs, and the education of consumers regarding the Board's role and consumer rights. LVNs and PTs provide care for California's most vulnerable citizens ranging from newborns to the elderly who may be physically or mentally impaired. The Board currently regulates the practice of over 99,000 LVNs and 13,000 PTs, the largest groups working in these fields in the nation.

Major Accomplishments for Fiscal Year 2005–06:

- Expedited the approval and accreditation of Vocational Nursing (VN) programs that demonstrate regulatory compliance to assist in decreasing the state's nursing shortage. The number of accredited VN programs increased by 28 percent (from 139 to 178 programs) during the past year. Additionally, most of the Board's existing VN programs requested and obtained Board approval to increase their student enrollment authority, resulting in an increase of available slots in new and existing programs of 24 percent (from 8,915 to 11,711 students).
- Conducted several surveys to solicit input from stakeholders (i.e., applicants, licensees, program directors, facilities, and consumers who filed an enforcement complaint, etc.). This information will be used to assist in improving the effectiveness and efficiency of the Board and to identify future educational and technological changes that may impact current rules and regulations.
- Surveyed all VN and PT programs as well as the clinical facilities of several nursing programs to determine what challenges LVNs and PTs may face in education and practice within the next five years as well as to identify possible problems encountered by new graduates of VN and PT programs.
- Developed and administered the Psychiatric Technician Licensure Examination under contract with the Department of Consumer Affairs' Office of Examination Resources. During Fiscal Year 2005–06, the Board completed a psychiatric technician occupational analysis. The analysis will result in a new test plan that will determine the content of the California Psychiatric Technician Licensure Examination.