



REGULATORY AGENCY ACTION

- amend section 360 to provide that no licensee shall verbally or physically abuse an official or Commission representative, and state that such abuse may result in suspension, fine, or disciplinary action as determined by the Commission;

- amend section 361 to clarify the position of the corner workers (seconds);

- amend section 362 to provide that excessive coaching may lead to point(s) deduction by the referee, ejection from the venue, and disciplinary action by the Commission;

- amend section 363 to provide that the designated chief second shall be responsible for ensuring that the corner is dry at the start of each round;

- amend section 365 to prohibit the use of fans and the swinging of towels between rounds;

- amend section 368 to make a clarifying change regarding referees used as judges;

- amend section 371 to provide additional requirements for licensure as a professional boxing referee and clarify that a licensed referee may serve as a judge without the need to obtain a judge's license;

- amend section 372 to specify that referees shall wear such apparel as may be approved by the Commission;

- amend section 373 to delete a reference to wrestling programs;

- amend section 375 to delete some duplication of the physical examination requirements for professional boxing referees;

- amend section 376 to allow a referee to protest a negative evaluation;

- amend section 378 to provide that any licensed boxing referee, judge, timekeeper, or physician shall be admitted to any boxing show upon presentation of his/her license card;

- amend section 379 to add additional requirements for licensure as a professional boxing judge; and

- adopt new sections 495 and 496, which would require all professional boxers' training gymnasiums licensed by the Commission to post their license in a conspicuous place and require owners of licensed professional boxing gymnasiums to submit to the Commission, on a monthly basis, the Commission-approved sparring form which shall include information on licensed boxers or holders of sparring permits who have been knocked out or injured at the gymnasium.

The Commission held a public hearing on these regulatory proposals on January 13 in San Diego; following the hearing, the Commission adopted the proposals, which await review and approval by the Office of Administrative Law.

LEGISLATION

Proposed Legislation. During 1995, the Commission is expected to pursue legislation to tax pay-per-view boxing events telecast in California. The proposed legislation would attach a 5% fee to the out-of-state promoter or producer of a pay-per-view boxing match (not the cable television company telecasting the event); allow 1% of the pay-per-view revenues to be used to support amateur boxing in California; and allow any excess pay-per-view revenues to be used to offset the cost of the Commission's neurological examination. If the Commission does not establish an event fee cap, staff estimates that the fee could generate as much as \$800,000 in annual revenue for the Commission.

The Commission is also expected to pursue legislative changes to Business and Professions Code section 18880 *et seq.*, its Professional Boxers' Pension Plan statutes (*see above*); at this writing, no specific language has been approved by the Commission.

RECENT MEETINGS

At its September 23 meeting in Los Angeles, the Commission again considered a promoter's application to sponsor a "toughman competition" in California. [14:4 CRLR 41] According to Commission staff, a toughman competition is a tournament in which each winning competitor advances to a new round until only one undefeated competitor remains; these tournaments are based upon different weight classes and typically include fighters who have no professional experience. The promoter in question was present at the meeting to answer the Commission's questions regarding the competition, and provided a letter of introduction, his proposed rules for the event, letters of endorsement, copies of articles regarding out-of-state competitions, and a press kit. The Commission expressed concern about how the fighters would be licensed, how the competitors train before the fights, and how the Commission would be able to judge the contestants' abilities; Commission members also noted that riots have erupted during toughman competitions conducted in other states. Following its consideration of the request, the Commission unanimously denied the promoter's application.

At its November 18 meeting in Irvine, the Commission discussed problems concerning the administration of its neurological examination. Specifically, staff reported that it is increasingly experiencing difficulties in scheduling timely neuropsychological examinations for boxers

who fail the mental status portion of their neurological examinations. In such cases, staff has required the individual to retake the initial examination with another neurologist; however, staff acknowledged that this interim procedure does not necessarily appear to be the optimum solution, as boxers are frequently able to memorize the test questions and answers. At the meeting, the Commission heard from three physicians who recommended that the Commission allow a boxer who has failed the mental status portion of the neurological examination to fight once, but require that he/she take the neuropsychological examination before he/she has any subsequent fights in California. Following discussion, the Commission adopted this recommendation.

At its January 13 meeting in San Diego, the Commission reelected William Eastman to serve as Chair and Willie Buchanon to serve as Vice-Chair during 1995.

FUTURE MEETINGS

February 23 in Irvine.

April 7 in Los Angeles.

May 12 in Sacramento.

July 13 in South Lake Tahoe.

August 18 (location to be announced).

October 6 (location to be announced).

December 8 (location to be announced).

BOARD OF BARBERING AND COSMETOLOGY

Executive Officer: Olivia Guebara
(916) 445-7061

On July 1, 1992, pursuant to AB 3008 (Eastin) (Chapter 1672, Statutes of 1990), the enabling statutes of the Board of Barber Examiners (BBE) and the Board of Cosmetology (BOC) were repealed and replaced with an enabling act creating the Board of Barbering and Cosmetology (BBC); that act is found at Business and Professions Code section 7301 *et seq.* BBC licenses and regulates persons engaged in the practice of barbering, cosmetology, and electrolysis. The Board is authorized to conduct and administer examinations, adopt regulations governing public health and safety, and discipline persons in violation of its statutes or regulations. BBC represents the first merger of two California regulatory agencies. The Board, which consists of five public members and four members representing the professions, holds meetings at least four times per year.

On October 19, Paul Schwager announced his resignation from BBC, effec-



tive October 31. Subsequently, Assembly Speaker Willie Brown appointed Ronald Lind, Director of Organizing for United Food and Commercial Workers Union Local 428, to replace Schwager on the Board; Lind was sworn in at BBC's January 9 meeting in Sacramento.

MAJOR PROJECTS

BBC Regulations Finally In Place.

On October 24, over two years after BBC's creation, the Office of Administrative Law (OAL) approved the Board's comprehensive set of regulations which implement its enabling act; the regulations consist of thirteen articles in Division 9, Title 16 of the CCR. [14:4 CRLR 42; 14:2&3 CRLR 41; 14:1 CRLR 34] Also, on October 18, OAL approved BBC's adoption of Article 8 (curricula) (sections 950.1 *et seq.*).

BBC's Citation and Fine Program

Initiated. Pursuant to section 974 of its newly-approved regulations, BBC may assess a citation and/or an administrative fine for the first, second, and third violations of specified sections of the Business and Professions Code and Title 16 of the CCR. At its October 3 meeting, BBC created a Disciplinary Review Committee consisting of Board members Philip Taylor and Dan Sierras and Executive Officer Olivia Guebara; the Committee will conduct an informal review of appeal requests from individuals who receive citations and fines from BBC. The Board directed staff to draft regulatory language to define the scope and duties of the Committee.

At BBC's January 9 meeting, Enforcement Division Manager David Feinberg reported that staff had prepared a cite and fine procedure manual, trained inspector and headquarters staff, and created a new electronic data processing system for the cite and fine program; Feinberg further reported that staff is in the process of developing an appeals process and providing public and licensee notification about the new cite and fine program. Also at the January meeting, BBC made a number of policy decisions regarding the program. For example, the Board agreed that BBC inspectors are to cite all violations they see; establishment owners are responsible for violations of independent contractors working within their establishments; barbers are subject to the same regulations as are all other licensees; inspectors should cite for an expired license any time a person is practicing with a license that has expired, and cite the establishment license for aiding and abetting unlicensed activity, even if the establishment license holder is the unlicensed individual; and the Board will not entertain appeals based on a lack of notification.

BBC Adopts New Operating Policies.

At its October 3 meeting, BBC unanimously adopted several new policies which were developed by its Administration Committee. Among other things, the new policies provide that the President and Executive Officer together may direct any Board member to perform a specific task or function on behalf of the Board prior to obtaining full Board approval; BBC shall set its meeting dates for one full year in advance during the first meeting of the newly-elected Board officers; Board meeting dates should, as is possible, coincide with dates and general locations of industry trade shows and various professional association conferences and events; and a Board member is not eligible to serve as President or Vice-President until he/she has served one year as a general Board member.

LEGISLATION

Future Legislation. During 1995, BBC is expected to pursue legislation which would delete the words "for compensation" from Business and Professions Code section 7317, which prohibits the practice of barbering, cosmetology, or electrolysis for compensation without a license. When the language of the 1990 merger bill was drafted, the words "for compensation" were added to this section; prior to 1990, the Board of Cosmetology successfully prosecuted unlicensed individuals without having to prove that compensation was made. Because unlicensed persons found working in salons often claim they are providing services free of charge, BBC argues that it is difficult to prove otherwise without conducting costly undercover operations. Accordingly, BBC may pursue changes to section 7317 to delete the words "for compensation," and to clarify Business and Professions Code section 7318 to exempt from BBC's licensure requirements persons actually providing services for free outside a licensed establishment. [14:4 CRLR 42]

RECENT MEETINGS

At its October 3 meeting, BBC established procedures relating to the evaluation of its Executive Officer. Among other things, BBC agreed to conduct an annual written evaluation; the Administration Committee will distribute a list of questions regarding the Executive Officer's performance, and each Board member will rank answer each question; the Committee will compile the rankings and provide one written evaluation form to the Executive Officer; and BBC will require the Executive Officer to submit a self-evaluation to the Committee.

Also at its October meeting, BBC approved the Examination Committee's proposed performance criteria, which specifies for instructors all of the areas in which the Board may test license applicants. At its January 9 meeting, the Board modified its performance criteria to include references to chemical exfoliation procedures. The Board also agreed to substitute the term "chemical exfoliation procedure" for the term "chemical skin peel" in its literature.

Also at its January meeting, the Board reviewed a draft version of its *Student Handbook*, which is being developed to clarify the examination application process for applicants and state the basic procedures relative to any of the Board's examinations. Board members agreed to return any comments or revisions to the document by fax to Board staff so that the *Handbook* can be finalized and made available to applicants as soon as possible.

At BBC's January 9 meeting, Supervising Examiner Joyce Moro reported that the barber occupational analysis is behind schedule due to staff changes at the Department of Consumer Affairs' (DCA) Office of Examination Resources (OER). Moro reported that staff had prepared a draft version of the proposed survey, and sent the draft to a test group of fourteen barbers, all of whom have previously participated in past barber occupational analysis activities; at this writing, BBC expects to receive comments regarding the draft survey by January 6. OER will review the comments and make appropriate revisions to the final survey before its distribution. [14:4 CRLR 43; 14:2&3 CRLR 41]

Also at its January 9 meeting, BBC noted that AB 3008 (Eastin) (Chapter 1672, Statutes of 1990) requires BBC and DCA to assess the results of merging the Board of Barber Examiners and the Cosmetology Board and report to the legislature on or before June 30, 1995; BBC and DCA must assess the results of the merger in terms of its impact on licensees and the health and safety of the general public, including any cost savings attributable to the program. BBC directed its staff to commence preliminary research and prepare a draft of this report for its review.

FUTURE MEETINGS

March 19-20 in Newport Beach.
May 21-22 in Stockton.
July 23-24 in San Francisco.
September 17-18 in San Diego.
November 5-6 in Fresno.