and/or mail vote, shall be ratified at the next scheduled BBC meeting; and, in the event an issue has been voted on by the Board, that issue may not be brought up again for six months unless there is a material change in facts or law. After making minor modifications, the Board adopted the proposals as BBC procedural guidelines.

Proposed New Qualifications for Cosmetology Instructors. The Council for Private Postsecondary and Vocational Education (CPPVE), which approves schools of barbering and cosmetology, is considering a proposal which would require all cosmetology instructors to hold a cosmetology instructor license issued by BBC before being certified by CPPVE. However, Board staff believes that BBC's enabling act does not require a cosmetology instructor to hold an instructor license issued by the Board prior to being certified by CPPVE, although it is one means of satisfying the CPPVE instructor requirements; according to BBC, instructors may also satisfy the CPPVE instructor certification requirements by having any combination of three years of training and/or experience in the field of instruction. Since imposing the license requirement appears to be outside CPPVE's statutory jurisdiction, it has also asked BBC to consider an amendment to the Board's enabling act to require cosmetology instructors to have a BBC-issued instructor license in order to qualify for CPPVE certification. Executive Officer Olivia Guebara was scheduled to attend a meeting with CPPVE officials in January to discuss this request; the Board was expected to discuss the proposed statutory amendment at its February meeting.

LEGISLATION

Anticipated Legislation. At BBC's December 7 meeting, staff reported that the California Cosmetology Association is being considered for sponsorship legislation during the 1993-94 session similar to AB 3637 (Polanco), which died in committee during 1992; AB 3637 would have mandated the California Cosmetology Association (CDA) to take continuing education courses after curing, and esthetics is rapidly changing; and that the practice of cosmetology, barbering, mani-curing, and esthetics is rapidly changing; and that the public health and safety of California consumers would be served by requiring persons licensed in these areas to take continuing education courses after receiving their initial license; that BBC and CDA are the most appropriate entities to establish comprehensive standards for continuing education for these professions; that specific continuing education is needed in the safe handling and use of hazardous materials, disinfection and sanitation, communicable diseases, and other health and safety topics related to cosmetology and barbering; and that a comprehensive program of continuing education will provide for communication of the latest information on health and safety topics to the professions and thus further BBC's consumer protection mandate.

RECENT MEETINGS

At BBC's November 2 meeting, Interim Executive Officer Kualette White reported that staff was in the process of filling the fifteen new inspector positions acquired as a result of the BBE/BOC merger; at BBC's December 7 meeting, Executive Officer Olivia Guebara reported that fourteen of those positions had been filled. Most of the positions filled were Inspector I and II positions; two authorized Inspector III positions will be filled after the examination process has been completed.

At BBC's November 2 meeting, White also reported that the Board is very close to completing an automated scheduling program which should streamline the Board's processing of examination applications. White also announced that staff had implemented a schedule of item writing workshops coordinated through DCA's Central Testing Unit (CTU) to ensure that an ongoing bank of new test questions is available to integrate into the Board's examination. BBC and CTU staff have also recommended that the Board conduct a complete analysis of the barber exam, which has not been revised in at least ten years.

At BBC's December 7 meeting, Executive Officer Guebara reported that the Department of Finance (DOF) has approved the Board's budget change proposal (BCP) for funding to implement the photographic license requirement throughout California, as mandated by AB 3062 (Wright) (Chapter 213, Statutes of 1992). The Board's other BCP request, for funding of permanent clerical positions at BBC headquarters in Sacramento, is being considered by DOF for inclusion in the Governor's 1993-94 proposed budget.

FUTURE MEETINGS

June 7 in southern California.
August 16 in northern California.
October 25 in southern California.
December 13 in northern California.
fessional conduct, except that the Board may, in its sole discretion at the time of adoption, specify in its order that a petition for reinstatement may be filed after two years;

– at least two years for early termination of any probation period of three years or more; or

– at least one year for modification of a condition, or reinstatement of a license revoked for mental or physical illness, or termination of probation of less than three years.

**Board Continues Discussion of MFCC/LCSW Experience/Supervision Issues.** At its December 11 meeting, BBSE continued to discuss possible legislative proposals to resolve several problems which have arisen with the existing MFCC/LCSW “supervised experience” statutory schemes.

One proposal would clarify the acceptability of out-of-state MFCC and LCSW experience gained by an individual who resides in California, has a qualifying degree from a California institution, and is under supervision by a California licensee. Although Business and Professions Code section 4980.90 provides that BBSE “may allow any person to be examined who, in its opinion, has met the education and experience requirements for licensure while residing outside of California, or education outside California and experience within California, that are substantially the equivalent” of BBSE’s requirements, the Code does not appear to address the Board’s authority to accept experience obtained outside California by California residents. [12:4 CRLR 62]

At its September meeting, BBSE considered draft legislative amendments which would provide that MFCC experience gained outside California shall be accepted toward the licensure requirement if it is substantially the equivalent of BBSE’s requirement, provided that the applicant has gained a minimum of 250 hours of supervised experience in direct counseling within California while registered as an intern with the Board. Similar proposed amendments would have provided that LCSW experience gained outside of California shall be accepted toward the licensure requirement if it is substantially the equivalent of BBSE’s requirement, provided that the applicant has gained a minimum of 250 hours of supervised experience in direct clinical social work services while registered as an associate with the Board. The Board received a number of objections to the proposed requirement of 250 hours of supervised experience within California, since many persons seeking licensure in this state already have years of experience in other states. [12:4 CRLR 63]

At the Board’s December 11 meeting, staff presented revised legislative proposals concerning the out-of-state experience requirements for BBSE’s review. Regarding MFCC experience, the revised version retains the 250-hour requirement and permits BBSE to accept experience gained outside of California if it can be verified by the governmental agency which licenses MFCCs in the state or country where the experience was gained. Regarding LCSWs, the revised proposal deletes the 250-hour requirement, and instead provides that experience gained outside of California shall be accepted toward the licensure requirement if it can be verified by the governmental agency which licenses clinical social workers in the state or country where the experience was gained and is substantially the equivalent of BBSE’s requirements. Further, a person who is licensed in another state or country and who qualifies for licensure based on experience gained outside California would be able to apply for and receive an interim permit to practice clinical social work; such permit would be valid for a period of two years and would not be renewed or reissued. The Board tentatively agreed to pursue these proposals, subject to deletion of the references to verification of experience by a governmental agency and further discussion at the January meeting of BBSE’s Legislative Committee.

In a related matter, BBSE’s Legislative Committee held workshops on October 23 and November 23 in order to solicit comments and proposals regarding several pre-licensure clinical experience and supervision issues. These issues have become serious problems in recent years because of the statutory distinction between an MFCC candidate’s completion of BBSE’s “supervised experience” requirement in private practice settings under Business and Professions Code section 4980.43(c), and in so-called “exempt” settings described in section 4980.43(b). In 1986, section 4980.43(c) was amended to add several provisions which protect both consumers and interns, such as required onsite supervision, a prohibition on interns paying for their own supervision, and a requirement that employers pay fair remuneration to interns. However, these protections apply only to private practice settings. In other “exempt” settings where MFCC interns and trainees are permitted to gain supervised experience (such as government entities, schools, colleges, nonprofit and charitable corporations, and licensed health facilities), supervisees are free to work with only one hour per week of offsite supervision, hire (and fire) their supervisor, and volunteer their time even if the services they perform are generating revenue for their employer. BBSE staff believes that these and other loopholes in its enabling act destroy the purpose of the “supervised experience” requirement, place interns and trainees in a vulnerable position, and threaten consumer protection.

As a result, BBSE has expended considerable time over the past year conducting workshops to discuss key issues such as supervision in exempt settings, onsite supervision, competency of supervisors, competency of supervisees, and MFCC trainee registration. [12:4 CRLR 63–64] Approximately 45 people attended the October workshop; recommendations made by the attendees were presented to those attending the November workshop. At the November workshop, numerous modifications were suggested and accepted, resulting in three broad recommendations:

**Deregulation of MFCC Trainees.** MFCC trainees may currently perform services under supervision before completing any coursework and may gain 1,500 hours of the required 3,000 hours of supervised experience prior to completion of the degree. Workshop participants discussed whether MFCC trainees should be allowed to practice on the public from the day they enroll in a master’s degree program, or whether MFCC trainees should be allowed to perform services only under the auspices of the academic program and only after the trainee has completed a specified number of academic hours. Several workshop participants opined that allowing trainees to gather experience hours from the day of enrollment in a graduate program encourages inappropriate selection of sites and supervisors, provides insufficient guidance in the management of trainee registration and the trainee-supervisor relationship, allows the use of totally inexperienced people in the field, and jeopardizes consumer protection. Further, workshop participants generally agreed that the current trainee registration program appears to focus more on the crediting of hours than on the quality of field work and the applicability of it to the academic program. Further, the registration itself may appear to confer official pre-license status which may be misleading both to consumers and to the trainees themselves regarding their level of competence.

As a result of these findings, BBSE may seek legislation to terminate the trainee registration program and shift attention to the registration of supervisors (see infra); provide that no practicum or...
experience may be obtained until after trainees have completed twelve semester or eighteen quarter units in the core area of their degree; and provide that a maximum of 750 hours may be earned pre-degree, and that those hours must be gained under the auspices and supervision of the academic institution.

• Registration Program for Supervisors. There was strong consensus among workshop participants that the burden of responsibility for good judgment and compliance with the law should shift to those with greater experience and credentials, and that supervisors should be responsible to BBSE and to the consumer for clinical services performed by interns and trainees. As a result, BBSE may seek legislation to establish a registration program for supervisors and require that individuals seeking registration (or biennial renewal of their supervisor registration) possess specified qualifications. Additionally, the Board may specify that the supervisor is responsible to the consumer for clinical services rendered by the supervisee; must be knowledgeable about laws, regulations, and ethics; must establish procedures which can be documented and demonstrated for monitoring the supervisee's services; must approve assessment and treatment decisions; must have access to client records; must evaluate sites and treatments, including an identification protocol is established which assures access to a qualified supervisor; and (5) access to live data from therapy is ensured.

Rulemaking Update. On December 24, the Office of Administrative Law approved BBSE's amendments to section 1833, Title 16 of the CCR, which prescribes the log sheet containing a weekly summary of hours of experience gained toward licensure as an MFCC. [12:2&3 CRLR 70] The amendments modified the form to provide a place for certain identifying information, a place to report telephone counseling and telephone praxis, and a line showing the total number of hours earned per week.

RECENT MEETINGS
At BBSE's December 11 meeting, staff reported that the development of a new written LCSW exam by Assessment Systems, Inc. (ASI) is proceeding on schedule. The first Examination Committee meeting was held on September 19-22; the goals of that meeting were to create outlines for each examination, link the knowledge base to the outlines, and determine the weightings for each area of the outlines. At this writing, ASI expected to complete the project in March.

FUTURE MEETINGS
May 13-14 (location to be announced). September 16-17 (location to be announced).
December 9-10 (location to be announced).

CEMETERY BOARD
Executive Officer: John Gill (916) 263-2660

The Cemetery Board's enabling statute is the Cemetery Act, Business and Professions Code section 9600 et seq. The Board's regulations appear in Division 23, Title 16 of the California Code of Regulations (CCR).

In addition to cemeteries, the Cemetery Board licenses cemetery brokers, salespersons, and crematories. Religious cemeteries, public cemeteries, and private cemeteries established before 1939 which are less than ten acres in size are all exempt from Board regulation.

Because of these broad exemptions, the Cemetery Board licenses only about 188 cemeteries. It also licenses approximately 142 crematories, 200 brokers, and 1,200 salespersons. A license as a broker or salesperson is issued if the candidate passes an examination testing knowledge of the English language and elementary arithmetic, and demonstrates a fair understanding of the cemetery business.

The current members of the six-member Cemetery Board are industry member Iris Jean Sanders and public members Herman Mitschke, Lilyan Joslin, Brian Armour, and Linda Trujillo, who was recently appointed to the Board; at this writing, one industry member position on the Board is vacant.

MAJOR PROJECTS
San Diego Union-Tribune's “Death with Indignity" Series Criticizes Board.
In a five-day series of articles published in the San Diego Union-Tribune on December 6-10, the Cemetery Board and Board of Funeral Directors and Embalmers were criticized as ineffective institutions “more inclined to ignore complaints and side with the death industry than regulate it.” The articles described the Cemetery Board as an agency beset by incompetence and cronyism, even as complaints against its licensees escalate. Among the Board's hardiest critics is one of its own members, Lilyan Joslin, who charges that the Board is “spinless” and said it is “hand-holding and cheek-kissing the industry.” Another leading critic is Assemblymember Jackie Speier, who describes California's regulatory system as “scandalous.” Speier chairs the Assembly Consumer Protection Committee and has authored death industry reform legislation on several occasions.

Among the criticisms are accusations of flagrant and unchecked abuses within crematoriums. For example, as many as