



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 determine (1) whether the site can provide MFCC experience, and (2) compliance with laws and regulations regarding MFCC experience being gained toward licensure; must make and document periodic site visits for experience gained away from the place where the intern is employed; and must have a written plan for handling emergencies, including an identification of who will provide assistance and how that assistance will be provided.

• **Offsite Experience and/or Supervision.** Recently, the Attorney General's Office affirmed BBSE's interpretation of Business and Professions Code section 4980.43(g), which restricts MFCC trainees and interns to performing services "at the place where their employer regularly conducts business." BBSE has interpreted this language rather strictly, and has rejected hours of practice submitted by trainees and interns where the employer has permitted them to practice at multiple locations, including private residences, the offices of third parties with whom the employer has a contractual relationship, and other locations operated by the third parties. The AG's Office agreed with BBSE that neither the plain meaning nor the legislative history of section 4980.43 authorizes MFCC trainees or interns to be employed and obtain licensure experience

credit for hours obtained at multiple, non-recurring locations because this is how their employer "regularly conducts business." Interns and trainees may not be assigned by their employer to perform services at locations operated by third parties solely because their employer, as a part of the regular conduct of the employer's business, has a contract with the third party to provide services.

However, attendees at the October and November workshops generally agreed that excellent experience and invaluable community service to underserved populations would result if some types of controlled offsite experience were acceptable for licensure purposes. As a result, BBSE may seek legislation permitting MFCC interns and LCSW associates to gain supervised experience without onsite supervision provided that (1) a registered supervisor has evaluated and approved the site; (2) the offsite services rendered are services normally rendered by the agency; (3) a specific ratio of supervisor contact to hours of clinical contact is required; (4) an emergency 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 practicum, 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 harshest critics is one of its own members, Lilyan Joslin, who charges that the Board is "spineless" 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



100,000 cremations may have been improperly conducted throughout southern California since the early 1980s, according to allegations in pending lawsuits. Currently, state investigators are reviewing operations at San Diego County's two largest cremation organizations in connection with allegations that they conducted thousands of illegal cremations, burning bodies simultaneously and mixing the ashes of strangers. Attorneys who have filed class actions alleging such misconduct contend that the Board has historically ignored complaints or delayed action when presented with evidence of desecration in the crematoriums.

The state's fiscal crisis and resulting cuts to the Cemetery Board's budget are expected to worsen its ability to enforce standards within the industry. The Board, which operates on a \$360,000 annual budget, historically relied on one inspector to examine the state's 188 cemeteries and 142 crematoriums and review the records of \$400 million set aside to maintain cemeteries. However, that inspector is now gone, forced to take an early retirement as a result of the budget crisis; his retirement prompted Executive Officer John Gill to acknowledge in a memo that there is currently a "potential of substantial consumer abuses" in the cremation industry. Gill, who has served as the Board's Executive Officer since 1972, recently began an investigation into allegations of abuse by the Neptune Society, which runs a crematorium in Lakeside, but only after the *San Diego Union-Tribune* questioned Board officials about the volume of cremations conducted by Neptune.

Recently, Gill has made some attempts to respond more readily to consumer complaints; however, his actions may be too little, too late. As the Board's composition changes, Gill may lose the majority support needed to keep his job. Over the last year, Gill's critics have accused him of tipping off industry officials about inspections and ignoring abuses at crematoriums, among other things.

Board Holds Hearing on Citation and Fine Rules. On September 30, the Board held a public hearing on its proposed citation and fine regulations, to be codified at Article 7.5, Division 23, Title 16 of the CCR. [12:4 CRLR 66] Board Chair Pro Tem Lilyan Joslin expressed deep dissatisfaction with the regulations as drafted, and recommended that the fines for all offenses be increased to \$2,500, the maximum permitted under the Cemetery Act. As drafted, the regulations have three tiers of violations with fines ranging from \$50-500, \$100-1,000, and \$150-1,500 depending on the type of of-

fense. Joslin also recommended that the regulations be amended to include sanctions for violations of ground maintenance standards. Executive Officer Gill explained that the Board currently has no statutory authority over ground maintenance under the Cemetery Act; Joslin responded that the Board should seek statutory amendments to the Act to permit the Board's regulation of ground maintenance.

Joslin also expressed dissatisfaction with proposed section 2384(d), which would provide that, in his/her discretion, the executive officer may issue an order of abatement without levying a fine for the first violation of any provision set forth in sections 2384(a)-(c). Joslin opined that a fine should be mandatory and recommended that subsection (d) be purged from the proposed regulations. Following discussion, the Board agreed to appoint a subcommittee to review comments regarding the proposed regulations and decide whether revisions are warranted.

LEGISLATION

Anticipated Legislation. The Board may seek legislation to amend its enabling statute so that it may exercise jurisdiction over ground maintenance at cemeteries and crematoriums. Despite increased concerns among Board members and the public over maintenance issues, the Board is currently powerless under its enabling statute to regulate in this area.

RECENT MEETINGS

At the Board's September 30 meeting, Executive Officer John Gill discussed the impact of the recent budget cuts on the Board's activities, noting that the Board's budget had been cut by 10% in addition to a 50% cut in travel. Gill stated that part of the 10% cut was absorbed by the retirement of the Board's field auditor; that position could be filled by late spring. However, in anticipation of more budget cuts in the next fiscal year, Gill recommended that the Board's auditor position be downgraded to an Auditor I position; this would result in an approximate \$18,000 savings to the Board. Gill further explained that during the period in which the Board's auditor position remains unfilled, he would be conducting inspections and consumer complaint investigations.

Also at the Board's September meeting, Executive Officer Gill reported that Department of Consumer Affairs (DCA) Director Jim Conran asked that all DCA boards adopt goals and objectives. Board member Brian Armour briefly reviewed his proposed mission statement, and recommended that this item be placed on the

agenda for the Board's workshop scheduled for January 7.

FUTURE MEETINGS

To be announced.

BUREAU OF COLLECTION AND INVESTIGATIVE SERVICES

Chief: James C. Diaz
(916) 445-7366

The Bureau of Collection and Investigative Services (BCIS) is one of 38 separate regulatory agencies within the Department of Consumer Affairs (DCA). The Chief of the Bureau is directly responsible to the DCA Director.

The Collection Agency Act, formerly codified at Business and Professions Code section 6850 *et seq.*, expired at midnight on June 30, 1992, by operation of a sunset provision in the law. Thus, although its official name still refers to collection agencies, BCIS is no longer authorized to regulate the collection industry. [12:4 CRLR 68-69]

The Bureau still regulates eight other industries, including private security services (security guards and private patrol operators), repossession, private investigators, alarm company operators, protection dog operators, medical provider consultants, security guard training facilities, and locksmiths.

Private Security Services. Regulated by the Bureau pursuant to Business and Professions Code section 7544 *et seq.*, private security services encompass those who provide protection for persons and/or property in accordance with a contractual agreement. The types of services provided include private street patrols, security guards, watchpeople, body guards, store detectives, and escort services. Any individual employed to provide these services is required to register with the Bureau as a security guard. Any security guard who carries a firearm and/or baton on the job must possess a firearm permit issued by the Bureau. The Bureau operates to protect consumers from guards who unlawfully detain, conduct illegal searches, exert undue force, and use their authority to intimidate and harass.

Repossession. Repossession agencies repossess personal property on behalf of a credit grantor when a consumer defaults on a conditional sales contract which contains a repossession clause. Any individ-