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but two are in favor of abolishing the shave requirement. Pamplin's reasons for this proposal include the facts that few customers request shaves; the few patrons who do request shaves are usually shaved with an electric razor; there are not enough models upon which to train new barbers in shaving techniques; and many barbers fear they may contract AIDS if they accidentally cut an infected customer. Pamplin also expressed concern about the liability of BBE and barber colleges if a student contracts AIDS while preparing for the licensing examination.

Board president Edna Mayhand, a BBE inspector, and various barbers stated opposition to Pamplin's proposal, stating that the shave is the only aspect of barbering which distinguishes it from cosmetology. DCA legal counsel Gus Skarakis expressed doubt that the Board could remove the shave requirement from the exam since barber schools are statutorily required to teach the shave. He opined that legislation would be necessary to eliminate the requirement.

President Mayhand temporarily resolved the issue by appointing Board members Robert Boulding and Paul Schwager and barber college owner Frank Chirco to a committee on sanitation in barber shops and schools. She requested that the committee examine the shave, chemical processes, and the facial for sanitation concerns, and report its findings to the Board.

LEGISLATION:

AB 1161 (Eastin). AB 3008 (Eastin), the BBE-BOC merger bill, requires the new BBC to appoint an executive officer subject to confirmation by the DCA Director. The Director may reject BBC's appointment of its executive officer, or may recommend dismissal of the executive officer to the Board, provided that the recommendation be for good cause specifically stated in writing. As introduced March 6, this bill would specify that both the rejection and the recommendation for dismissal must be for good cause and specifically stated to the Board in writing.

AB 1161 would also delete a requirement that BBC, commencing July 1, 1992, inspect every establishment at least twice per year where any licensed barbering or cosmetology activity is practiced for compliance with applicable laws relating to the public health and safety and the conduct and operation of such establishments. This bill is pending in the Assembly Committee on Consumer Protection, Governmental Efficiency and Economic Development.

AB 2180 (Baker), as introduced March 8, would direct the new BBC, on or before January 1, 1993, to promulgate regulations concerning the practice of booth rental. This bill, which would become operative July 1, 1992, is pending in the Assembly Consumer Protection Committee.

RECENT MEETINGS:

At its February 25 meeting in Palm Springs, BBE discussed its latest semi-annual report on inspections, examinations, enrollments, administrative hearings, and complaints; this report covered the period of July-December 1990. According to BBE President Mayhand, inspections are increasing toward the Board's goal; 6,372 inspections were conducted during the six-month period. Executive Officer Lorna Hill explained there would have been close to 8,000 inspections, but some of the inspectors were sick and others were involved in accidents during the period. The passage rate for the 349 students, apprentices, and instructors who took the Board exam was 79.83%; Board member Red Carter opined that the ideal passage rate is 75%. Enrollments in all colleges reached 326 during the six-month period. Fifty complaints were filed, two licenses revoked, fifteen licenses suspended, and \$17,775 in fines collected during the period.

Also at its February meeting, BBE approved the application of Moler Barber College in Sacramento and granted provisional approval of a new barber college in Bakersfield.

BBE voted to oppose AB 223 (Felando), which is sponsored by cosmetology schools; the bill would allow BOC to issue temporary licenses to students who have finished training and are waiting to be scheduled for examinations. Board and audience members expressed concern that unlicensed students would be released on an unsuspecting public which expects cosmetologists to be licensed before they are allowed to practice their trade. (See *infra* agency report on BOARD OF COSMETOLOGY for more information on AB 223.)

Also in February, BBE passed a proposal to allow an equivalent to the 60-hour industrial education class required for beginning barber instructors, since the class is no longer being offered in southern California. BBE will now allow any three-unit class in Teaching Methods for Secondary Level Learners which is taught in a community college (or its equivalent or higher) by a professor in the education department in lieu of the required industrial education class.

At a March 18 emergency meeting, BBE voted to raise its fees to the statutory maximum, with cyclical renewal, to avoid a deficit in fiscal year 1991-92.

FUTURE MEETINGS:

To be announced.

BOARD OF BEHAVIORAL SCIENCE EXAMINERS

Executive Officer: Kathleen Callanan (916) 445-4933

Authorized by Business and Professions Code section 4980 *et seq.*, the eleven-member Board of Behavioral Science Examiners (BBSE) licenses marriage, family and child counselors (MFCCs), licensed clinical social workers (LCSWs) and educational psychologists (LEPs). The Board administers tests to license applicants, adopts regulations regarding education and experience requirements for each group of licensees, and appropriately channels complaints against its licensees. The Board also has the power to suspend or revoke licenses. The Board consists of six public members, two LCSWs, one LEP, and two MFCCs. The Board's regulations appear in Division 18, Title 16 of the California Code of Regulations (CCR).

MAJOR PROJECTS:

MFCC Internship Issues. AB 3657 (Vasconcellos) (Chapter 1365, Statutes of 1986) rewrote the laws governing the educational and experience requirements for MFCC licensure after January 1, 1988. (See CRLR Vol. 10, No. 4 (Fall 1990) p. 59; Vol. 10, No. 1 (Winter 1990) p. 59; and Vol. 9, No. 3 (Summer 1989) pp. 41-42 for background information.) Among other things, AB 3657 requires an MFCC applicant to complete 3,000 hours of supervised experience over a period of not less than 104 weeks, and within the six-year period immediately preceding the date the application for MFCC licensure is filed with BBSE.

During 1989, the Board received a request for an extension of an MFCC internship registration beyond the six-year maximum period. Following deliberation, BBSE instructed its staff to inform interns requesting such an extension that they could reapply for intern registration upon expiration of the six-year period, but that they would have to meet the 1988 educational requirements as set forth in AB 3657. This same information was disseminated in BBSE's *Bulletin* newsletter in late 1989.

At its January 18 meeting, BBSE instructed its staff to draft legislation, to



be reviewed at BBSE's April 12 meeting, which would allow a one-year extension beyond the six-year period so long as the applicant meets the current education requirements and does not work in private practice.

Also at its January meeting, BBSE again discussed whether MFCC interns in non-private practice settings may pay their supervisors for the supervision. (See CRLR Vol. 10, No. 4 (Fall 1990) p. 59 for background information.) Business and Professions Code section 4980.43(c) prohibits interns in private practice settings from paying their supervisors, but the statute is silent as to whether interns gaining experience in other settings may do so. BBSE staff and legal counsel have interpreted section 1833(b)(4), Title 16 of the CCR, as prohibiting interns in any setting from paying their supervisors.

According to BBSE, such payment for supervision undermines the direct supervisor relation since the intern has the power to hire and fire his/her supervision as he/she chooses. At the January meeting, BBSE instructed staff to draft legislation for review at the April meeting which will require employers to be responsible for arranging and paying for clinical education and will prohibit an MFCC intern from paying for his/her experience.

Also at its January meeting, BBSE discussed classroom requirements for MFCC degree programs. Currently, MFCC candidates are allowed to obtain educational credit toward their degree requirement through correspondence courses. Because of the lack of accreditation, BBSE has determined that such correspondence courses are inappropriate as education for the degree. The Board instructed staff to draft legislation requiring actual classroom instruction for the MFCC degree programs.

LEGISLATION:

AB 756 (Bates), as introduced February 26, would provide that on or after January 1, 1993, any person applying for or renewing a license, credential, or registration as an LCSW, MFCC, school counselor, school psychologist, or school social worker, shall, in addition to all other requirements for licensure or renewal, have completed coursework or training in suicide prevention and intervention. This bill is pending in the Assembly Health Committee.

AB 1106 (Felando), as introduced March 5, would add Chapter 15 to Division 2 of the Business and Professions Code, to prohibit any person from engaging in the practice of drug and alcohol abuse counseling, as defined, or

from representing himself/herself to be a drug and alcohol abuse counselor, without a certificate granted under Chapter 15. Further, this bill would create the Alcohol and Drug Counselor Examining Committee within BBSE and require the Committee to adopt regulations establishing certification standards and requirements relating to education, training, and experience for persons who practice alcohol and drug abuse counseling. AB 1106 is pending in the Assembly Health Committee.

SB 686 (Boatwright), as introduced March 5, would enable BBSE to implement a "cost recovery" system; that is, it would authorize BBSE, in any order issued in resolution of a disciplinary proceeding before the Board, to request the administrative law judge to direct any registrant or licensee found to have violated or to be in violation of certain provisions to pay to the Board a sum not to exceed the actual and reasonable costs of the investigation and prosecution, and would specify procedures to enforce an order for payment. The bill would also prohibit BBSE from renewing or reinstating the license or registration of, or from accepting any petition for reinstatement or modification of probation from, any licensee or registrant who has failed to pay all of the costs ordered, except under prescribed conditions where a financial hardship has been demonstrated. This bill is pending in the Senate Business and Professions Committee.

SB 738 (Killea), as introduced March 6, would require BBSE and the Board of Psychology (BOP) to establish required training or coursework in the area of domestic violence assessment, intervention, and reporting for all persons applying for an initial license and the renewal of a license of a psychologist, LCSW, or MFCC. The bill would require this training or coursework to be required one time only for each person applying for initial licensure or for licensure renewal on or after July 1, 1992, in addition to all other requirements for licensure. This bill is pending in the Senate Business and Professions Committee.

SB 899 (Boatwright). Existing law requires an MFCC applicant to have obtained 3,000 hours of supervised experience within the six years immediately preceding the date of filing the application for licensure. At least 1,500 hours of the experience must have been obtained as a BBSE-registered intern. Also, existing law requires that an intern register with BBSE once every year for not more than six years. Existing law permits those persons who were granted six-year intern registrations prior to January 1, 1983, that had expired prior to

the completion of the experience requirements for licensure to continue intern registration status and continue to gain hours of experience in all allowable work settings, except private practice, through December 31, 1989.

As introduced March 7, this bill would instead permit an intern to annually extend his/her registration with BBSE beyond the six-year maximum so long as the intern meets the educational requirements in effect at the time of the application for extension and no grounds exist for its denial, suspension, or revocation; it would add similar provisions for those interns whose registration expired on or after December 31, 1989, and who reapplied for intern registration on or before January 1, 1992.

In addition to requiring interns to be registered with BBSE while obtaining experience, existing law requires those persons who enrolled in a qualifying MFCC degree program on or after January 1, 1990, to register with the Board within 90 days of the date of enrollment, or prior to the commencement of gaining trainee hours of experience. This bill would only require these persons who enroll on or after January 1, 1990, to register with the Board prior to the commencement of gaining trainee hours of experience. This bill is pending in the Senate Business and Professions Committee.

SB 1112 (Mello). Existing law requires persons employed or under contract to provide mental health services under the Short-Doyle program to be subject to all applicable laws respecting professional licensure, and prohibits any person from providing services for which licensure is required unless the person possesses a currently valid license. Existing law authorizes the state Department of Mental Health to waive these requirements for a specified period of time for, among others, persons in the MFCC or LCSW professions who are gaining qualifying experience for licensure in the profession. This bill, as introduced March 8, would delete the provisions relating to waivers, and would instead provide that the requirements respecting licensure would not be applicable to MFCC registered interns or to associate social workers who are gaining qualifying experience for licensure under supervision. This bill is pending in the Senate Health and Human Services Committee.

AB 2085 (Polanco). Existing law requires each applicant for licensure as a LCSW to have supervised post-master's degree experience; for those purposes, supervision requires at least one hour of



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direct individual supervision for each week of experience claimed. As introduced March 8, this bill would permit up to one-half of the hours of supervision to be by group supervision. This bill is pending in the Assembly Health Committee.

RECENT MEETINGS:

At its January 18 meeting, BBSE elected Karen Walton as Chair and Jack Fujimoto as Vice Chair.

FUTURE MEETINGS:

July 19 (location to be announced).

October 18 (location to be announced).

CEMETERY BOARD

Executive Officer: John Gill
(916) 920-6078

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 185 cemeteries. It also licenses approximately 45 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.

MAJOR PROJECTS:

Regulatory Update. On February 5, the Office of Administrative Law (OAL) approved the Board's amendment to section 2318 and repeal of section 2317, Title 16 of the CCR. (See CRLR Vol. 11, No. 1 (Winter 1991) p. 52 for background information.) Section 2317 set the temporary cemetery salesperson's license fee; amendments to section 2318 increase the fee for a cemetery salesperson's original license.

At this writing, the Board is still awaiting approval from OAL regarding the proposed adoption of section 2376, Title 16 of the CCR, which would define the point at which an initial sale will be deemed complete and specify the time within which money collected must be deposited in an endowment care fund.

(See CRLR Vol. 11, No. 1 (Winter 1991) p. 52 for background information.)

LEGISLATION:

AB 1540 (Speier). Existing law provides for the regulation and licensure of funeral directors and embalmers by the Board of Funeral Directors and Embalmers and the regulation and the licensure of cemetery brokers and salespersons by the Cemetery Board. As introduced March 7, this bill would repeal those provisions and enact the Cemeteries, Funeral Directors and Embalmers Act, with unspecified contents. This bill is pending in the Assembly Committee on Consumer Protection, Governmental Efficiency and Economic Development.

LITIGATION:

In *Christensen, et al. v. Superior Court*, the California Supreme Court is reviewing the Second District Court of Appeal's June 1990 decision which substantially expanded the plaintiff class in this multimillion-dollar tort action against several Board licensees. (See CRLR Vol. 10, No. 4 (Fall 1990) pp. 61 and 75 for background information on this case, which is reported at 271 Cal. Rptr. 360.) The final reply briefs were filed on March 4; at this writing, the court has not yet scheduled oral arguments.

FUTURE MEETINGS:

To be announced.

BUREAU OF COLLECTION AND INVESTIGATIVE SERVICES

Chief: Alonzo Hall
(916) 739-3028

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.

Pursuant to the Collection Agency Act, Business and Professions Code section 6850 *et seq.*, the Bureau regulates the practices of collection agencies in California. Collection agencies are businesses that collect debts owed to others. The responsibility of the Bureau in regulating collection agencies is twofold: (1) to protect the consumer/debtor from false, deceptive, and abusive practices and (2) to protect businesses which refer accounts for collection from financial loss. The Bureau also plays an important role in protecting collection agencies from unlawful competition by the detec-

tion and prohibition of unlicensed activity within the industry.

In addition, eight other industries are regulated by the Bureau, 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 individual employed by these services is required to be registered with the Bureau. Pursuant to the Repossession Act, Business and Professions Code section 7500 *et seq.*, the Bureau functions to protect consumers from unethical methods of repossessing personal property, such as physical abuse resulting in bodily harm, threats of violence, illegal entry onto private property, and misrepresentation in order to obtain property or information about property.

Private Investigators. Private investigators conduct investigations for private individuals, businesses, attorneys, insurance companies, and public agencies. The scope of their job generally falls within the areas of civil, criminal, and domestic investigations. Any private investigator who carries a firearm on the job must possess a firearm permit issued by the Bureau. Pursuant to Business and Professions Code section 7512 *et seq.*, the Bureau oversees private investigators to protect consumers and clients against investigators who misrepresent, impersonate, or make threats in order to obtain desired information; perform inadequate or incompetent investigations; fail to substantiate charges or charge more than