



disregarded the warnings and hired laborers, including teen-age boys, to remove the asbestos, sweep it up, and dispose of it, causing the asbestos to become airborne. According to Fioretta, removal of the asbestos by a licensed firm would have cost \$2,000-\$5,000.

Neighbors alerted authorities when they saw asbestos being placed in a dumpster, Fioretta said. Karen Phillips, an inspector with the Bay Area Air Quality Management District, told Sausedo to halt work until it could be determined if the pipe insulation contained asbestos. According to Fioretta, as soon as Phillips left, Sausedo ordered the job finished.

#### RECENT MEETINGS:

At the January 19 Board meeting, CSLB Registrar David Phillips announced that the Board's Automated Phone Response System was being tested by CSLB staff; the new toll-free number will not be made public until the testing period is concluded. This 36-line service will permit callers using a touch-tone phone to request license information, forms, office locations and hours, complaint information, etc.; except for license information, the system will be available 24 hours a day.

At CSLB's January 19 meeting, the Licensing Committee recommended that a Weatherization and Energy Conservation Contractor be defined as a person who installs, removes, modifies, maintains, or repairs energy conservation products limited to the following: door and window weatherstripping, caulking, water heater pipe wrap, water heater blanket, insulating gaskets for electrical outlet covers, shade screens, shutters, storm windows, tinted window film, and residential water flow-restricting devices installed onto existing fixtures. This definition does not include insulation, glazing or heating, ventilating and air conditioning work. The Board adopted the proposal.

Also at the January 19 meeting, the Board adopted the Licensing Committee's suggestion that it revise Business and Professions Code section 7058.5 regarding asbestos certification examinations. According to the Committee, licensees who have no interest in performing asbestos removal are having trouble in bidding on projects which involve asbestos and related work and in obtaining the asbestos certification. Currently, a licensee must have the asbestos certification regardless of whether he/she is going to actually perform the work or subcontract it out. The revised language would require the certification

only if the licensee is actually going to perform the asbestos work.

#### FUTURE MEETINGS:

June 6 in Sacramento.

July 19 in Ontario.

#### BOARD OF COSMETOLOGY

*Executive Officer: Denise Ostton  
(916) 445-7061*

In 1927, the California legislature enacted the Cosmetology Act, establishing the Board of Cosmetology (BOC). The Board was empowered to require reasonably necessary precautions designed to protect public health and safety in establishments related to any branch of cosmetology. BOC's enabling legislation is found in Business and Professions Code section 7300 *et seq.*; the Board's regulations are codified in Division 9, Title 16 of the California Code of Regulations (CCR).

Pursuant to this legislative mandate, the Board regulates and issues separate licenses to salons, electrologists, manicurists, cosmetologists, and cosmeticians. It sets training requirements, examines applicants, issues certificates of registration and licenses, hires investigators from the Department of Consumer Affairs to investigate complaints, and disciplines violators with licensing sanctions.

The Board is comprised of seven members—four public members and three from the industry. It is required to hold meetings at least four times per year.

On July 1, 1992, BOC and the Board of Barber Examiners (BBE) will merge, pursuant to AB 3008 (Eastin) (Chapter 1672, Statutes of 1990). The Business and Professions Code sections which establish BBE and BOC will be repealed and replaced with an enabling act creating the Board of Barbering and Cosmetology (BBC), which will provide for the licensure and regulation of persons engaged in the practice of performing specified acts relating to barbering, cosmetology, and electrolysis.

#### MAJOR PROJECTS:

*BOC Considers Issuing Temporary License.* At its January 20 meeting, BOC discussed the feasibility of issuing temporary licenses to cosmetology school graduates who are awaiting examination. Proponents of the temporary license concept argue that the four- to sixteen-week waiting period after graduation and prior to examination imposes a financial hardship on applicants; they assert that the applicants may not practice their trade without a cosmetology license, and

therefore need a temporary license in order to practice. In addition, Education Code section 94316.5 requires that at least 70% of vocational school students obtain employment in the field studied within six months of graduation; cosmetology school owners argue that the waiting period for the exam and licensure decreases the chance that students will obtain jobs in the cosmetology field within six months of graduation.

However, section 101.6 of the Business and Professions Code provides that the purpose of a regulatory board is to ensure that persons possess the requisite skills and qualifications necessary to provide safe and effective services to the public; section 7414 of the Business and Professions Code states that "under no circumstances shall a temporary [cosmetology] license be issued." BOC determined that section 7414 would have to be amended in order to allow temporary licenses to be issued, and agreed that the Board would not sponsor such legislation at this time. BOC bases its opposition to such legislation in part on its belief that issuing temporary licenses will not solve the problem of the waiting period for the licensing examination and that temporary licenses would not ensure consumer protection. Several audience members stated that they may pursue such legislation, or may attempt an amendment to Education Code section 94316.5 to require the six-month period to begin running from the date the applicant takes the cosmetology examination instead of the graduation date.

*Status Update on Regulatory Changes.* Following a January 20 public hearing, BOC adopted proposed changes to section 990, Division 9, Title 16 of the CCR. The amendments will increase the renewal fees for cosmetology establishment and individual licenses expiring on or after July 31 from \$20 to \$36; the renewal delinquency fee from \$10 to \$18; and the registration fee for cosmetology establishments from \$20 to \$36. (See CRLR Vol. 11, No. 1 (Winter 1991) p. 57 for background information.) This regulatory amendment is awaiting approval by the Department of Consumer Affairs and the Office of Administrative Law.

#### LEGISLATION:

*AB 1161 (Eastin).* Existing law, commencing July 1, 1992, provides for the replacement of the Board of Cosmetology and the Board of Barber Examiners by a new Board of Barbering and Cosmetology, and will provide for the regulation of those professions by that board. Among other things, the new board is required to appoint an executive officer



subject to confirmation by the Director of the Department of Consumer Affairs. The Director may reject the board'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 to the board in writing. As introduced March 6, this bill would specify that both the rejection and the recommendation for dismissal must be for good cause specifically stated to the board in writing.

Existing law requires, commencing July 1, 1992, that every establishment where any licensed barbering or cosmetology activity is practiced, shall be inspected by the board or its agents or assistants at least twice per year for compliance with applicable laws relating to the public health and safety and the conduct and operation of such establishments. This bill would delete that inspection requirement. This bill is pending in the Assembly Committee on Consumer Protection, Governmental Efficiency and Economic Development.

*AB 223 (Felando)*, as amended March 12, would permit persons who have completed an apprenticeship program in cosmetology, skin care, nail care, or electrology to be examined and licensed as cosmetologists, estheticians, manicurists, and electrologists, and would require minimum preapprentice training as established by the Board. It would also provide that no person holding a license as an apprentice shall, after completing the required training, work for more than three months, instead of the six months allowed under existing law, without applying for and taking the examination for licensure. This bill is pending in the Assembly Consumer Protection Committee.

*SB 985 (Deddeh)*. Section 7332 of the Business and Professions Code provides that any person applying for licensing as a cosmetologist must meet specified qualifications. One criteria for qualification is that the person has engaged in the practice of cosmetology, as specified, for a period of four years outside of California. As introduced March 8, this bill would increase that time period from four to five years; this provision would be operative until July 1, 1992. This bill is pending in the Senate Business and Professions Committee.

*AB 2180 (Baker)*, as introduced March 8, would direct the new Board of Barbering and Cosmetology, 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 pend-

ing in the Assembly Consumer Protection Committee.

#### RECENT MEETINGS:

At BOC's January 20 meeting, Myrna Powell was sworn in as a new BOC public member; she replaces Patricia Oststott, whose term expired.

Also at its January meeting, BOC announced that it has been meeting with the Franchise Tax Board (FTB) and the Employment Development Department (EDD) to address the underground economy associated with the cosmetology profession. BOC will be sending out letters to all licensees with their license renewal notices detailing EDD and FTB requirements, penalties for noncompliance, and EDD and FTB enforcement activities.

Finally, BOC discussed AB 2925 (Mojonnier) (Chapter 1674, Statutes of 1990), which transferred cosmetology school licensing and enforcement jurisdiction, including prior and pending disciplinary cases and investigations, from the Board to the Council for Private and Postsecondary and Vocational Education (CPPVE) as of January 1, 1991. (See CRLR Vol. 10, No. 4 (Fall 1990) pp. 69-70 for detailed background information on this issue.) BOC is currently working with the CPPVE to transfer its records and coordinate any matters of joint concern.

#### FUTURE MEETINGS:

To be announced.

#### BOARD OF DENTAL EXAMINERS

*Executive Officer: Georgetta Coleman (916) 920-7197*

The Board of Dental Examiners (BDE) is charged with enforcing the Dental Practice Act, Business and Professions Code sections 1600 *et seq.* This includes establishing guidelines for the dental schools' curricula, approving dental training facilities, licensing dental applicants who successfully pass the examination administered by the Board, and establishing guidelines for continuing education requirements of dentists and dental auxiliaries. The Board is also responsible for ensuring that dentists and dental auxiliaries maintain a level of competency adequate to protect the consumer from negligent, unethical, and incompetent practice. The Board's regulations are located in Division 10, Title 16 of the California Code of Regulations (CCR).

The Committee on Dental Auxiliaries (COMDA) is required by law to be a part of the Board. The Committee assists in

efforts to regulate dental auxiliaries. A "dental auxiliary" is a person who may perform dental supportive procedures, such as a dental hygienist or a dental assistant. One of the Committee's primary tasks is to create a career ladder, permitting continual advancement of dental auxiliaries to higher levels of licensure.

The Board is composed of fourteen members: eight practicing dentists (DDS/DMD), one registered dental hygienist (RDH), one registered dental assistant (RDA), and four public members. The 1991 members are James Dawson, DDS, president; Gloria Valde, DMD, vice-president; Hazel Torres, RDA, secretary; Pamela Benjamin, public member; Victoria Camilli, public member; Joe Frisch, DDS; Henry Garabedian, DDS; Martha Hickey, public member; Carl Lindstrom, public member; Alfred Otero, DDS; Evelyn Pangborn, RDH; Jack Saroyan, DDS; and Albert Wasserman, DDS. At this writing, one practicing dentist position is vacant.

#### MAJOR PROJECTS:

*COMDA Fee Increases Approved.* At the request of BDE, a four-member task force studied several options for COMDA fee increases. At BDE's January meeting, the task force presented its recommendations for fee increases in specific areas. Pursuant to section 1725 of the Business and Professions Code, the Board adopted the task force's recommendations for the following new fees: the application fee for an original dental auxiliary license is \$20; the license examination fee for dental assistants is \$40 for the written exam and \$50 for the practical exam; the license examination fee for registered dental assistants in extended functions is \$250; the license examination fee for registered dental hygienists is \$175; the license examination fee for registered dental hygienists in extended functions is \$250; the fee for issuance of a duplicate registration, license, or certificate to replace one that has been lost or destroyed, or in the event of a name change, is \$25; and the fee for each curriculum review and site evaluation is \$1,400 for unaccredited RDA educational programs and \$300 for unaccredited radiation safety courses.

*Reevaluation of Grading System for Dental Licensing Examination.* In 1990, BDE adopted a new five-point system for grading dental licensing exams which replaced the previous eight-point system. The numerical scores of the new system are as follows: 5 (or 95% equivalent), 4 (85% equivalent), 3 (75% equivalent), 2 (70% equivalent), and 0 (0%