



of the California Code of Regulations (CCR).

MAJOR PROJECTS:

Regulatory Changes. On November 16, BBSE submitted to the Office of Administrative Law (OAL) its final rulemaking package on several proposed regulatory changes which implement SB 2658 (Watson) (Chapter 1091, Statutes of 1988), which substantially changed the licensure requirements for LCSWs. Specifically, the Board adopted new section 1874 and amended existing sections 1876 and 1873. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 47 and Vol. 9, No. 3 (Summer 1989) p. 42 for background information.) OAL approved these regulations on December 18.

At this writing, Board staff is still preparing the final rulemaking record on three other packages of regulatory changes which were adopted as far back as March 1989. Included in these regulatory changes are new provisions to implement the Permit Reform Act of 1982; regulations implementing AB 3657 (Vasconcellos) (Chapter 1365, Statutes of 1986), which rewrote the laws governing the experience requirements for MFCC licensure; and amendments to several existing regulations regarding abandonment of applications and conduct substantially related to the qualifications and duties of BBSE licensees for purposes of license denial, revocation, or suspension. (See CRLR Vol. 9, No. 3 (Summer 1989) pp. 41-42 and Vol. 8, No. 4 (Fall 1988) p. 46 for extensive background information on these regulatory changes.)

LEGISLATION:

The following is a status update on bills reported in CRLR Vol. 9, No. 4 (Fall 1989) at page 47:

AB 1174 (Klehs) would permit BBSE to develop a diversion program for the rehabilitation of its licensees who are impaired due to abuse of drugs or alcohol. This bill would require BBSE to contract with one or more employee assistance programs to administer such a program for impaired practitioners and would specify the duties and responsibilities of the program. It would also require BBSE to contract with professional associations to coordinate participation in the program, to recruit volunteers to assist in the program, and to promote the program. Finally, this bill would provide that the program is to be operative only until January 1, 1994.

AB 1174 is pending in the Senate Business and Professions Committee.

AB 2422 (Polanco) would assess a 10% surcharge on the licensing fees of a number of health professions, including MFCCs, LCSWs, and LEPs, in order to fund a student financial assistance project to assist bilingual and bicultural students considering the mental health professions and to encourage currently employed bilingual and bicultural mental health paraprofessionals to pursue advanced degrees in the mental health field. The bill would require that 60% of the funds obtained pursuant to this surcharge will be used to support the training of students selected from professional fields in proportion to the contributions received from each professional group, and 40% will be used to support training of mental health professionals with other underrepresented areas of expertise, and to attract individuals to the mental health profession. This surcharge would remain in effect only until January 1, 1994. AB 2422 is pending in the Assembly Ways and Means Committee.

AB 1266 (Tucker), concerning the licensing of alcohol and drug counselors, is pending in the Assembly Health Committee.

LITIGATION:

In November, a San Diego County Superior Court jury rendered a record \$3.38 million civil judgment against a marriage counselor who is past president of the 15,000-member California Association of Marriage and Family Therapists. Gerald Allen Kersbrock, Ph.D., 51, resigned from his leadership post on September 27, 1989 after public release of alleged sexual misconduct with a married female patient.

The Rancho Penasquitos couple sued Kersbrock separately. The wife's claim settled at \$375,000 in compensatory damages. However, the jury awarded the husband \$1.85 million in compensatory damages and \$1,538,000 in punitive damages.

At this writing, BBSE is still investigating the case; if it find sufficient evidence of a disciplinable offense, it will recommend the filing of a formal accusation against Kersbrock to the Attorney General's office. Until the accusation is filed, a hearing is held, and a final decision is reached—which can take three to five years—Dr. Kersbrock may continue to practice as a licensed therapist in the state of

California.

SB 1004 (Boatwright) (Chapter 795, Statutes of 1989), effective January 1, makes it a misdemeanor or a felony offense for any psychotherapist to commit specified acts of sexual exploitation with a current patient or client, or with a former patient or client when the relationship was terminated primarily for the purpose of engaging in these acts, unless the psychotherapist has referred the patient or client to an independent psychotherapist. The new law is the result of a large number of alleged sexual misdeeds by therapists licensed by BBSE, the Board of Psychology, and the Medical Board of California.

FUTURE MEETINGS:

April 20 in San Francisco.

July 13 in San Diego.

September 14 in Sacramento.

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 Chapter 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 Changes Approved. Following a public hearing at its December 5 meeting in Los Angeles, the Board adopted several proposed changes to its regulations regarding crematory recordkeeping. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 48 and Vol. 9,



No. 3 (Summer 1989) p. 43 for background information.)

The Board amended existing section 2340(a) to require that holders of a cemetery certificate of authority who operate a crematory maintain specified records. The Board also amended section 2340(a)(8), which requires licensees to keep records regarding the exact date, time, place, and type of disposition of cremated remains. The proposed change adds the option of recording only the name of the person or entity to whom the cremated remains were released. Finally, the Board added subsection (c) to section 2340 to read as follows: "This section shall not be interpreted to require the holder of a certificate of authority to maintain a separate set of records pertaining to cremation."

At this writing, these regulatory changes are being prepared for submission to the Office of Administrative Law (OAL) for review. The Board also authorized Executive Director John Gill to make any nonsubstantive changes required by OAL.

Endowment Care Fund Rates. At the Board's December meeting, the Board's Endowment Care Fund Subcommittee made a proposal to the Board regarding a proposed increase in endowment care fund contributions. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 48 for background information.) The Subcommittee recommended graduated increases over a three-year period in the following areas: grave space—from the current level of \$1.75 per square foot up to \$2.50 in 1993; crypts—from the current level of \$75 each to \$120 each in 1993; additional crypts—from the current level of \$40 each to \$60 each in 1993; and niches—from the current level of \$25 each to \$40 each in 1993. The Board approved the Subcommittee's recommendations, and plans to have this proposal introduced as legislation in the near future.

Salesperson Licensing. The Board discussed the issue of salesperson licensing at its December meeting. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 48 for background information.) Executive Officer John Gill suggested that the temporary licensing fee of \$20 and the original cemetery salesperson license fee of \$20 could be combined into a one-time \$30 fee. The Board is also considering reducing the effective period of a temporary license from the current ninety days to thirty days. These changes would require legislative action.

In conjunction with these changes, the Board would offer two exams per month rather than one. Also, instead of requiring potential licensees to sign up for a particular exam, they would be issued a ticket that they could use at any exam within the temporary licensure period. These changes in exam procedure would reduce paperwork and could be accomplished administratively, according to Mr. Gill. This matter was continued until the March meeting.

RECENT MEETINGS:

At its December 5 meeting, the Board considered a number of licensing applications: one application for a certificate of authority; four applications for crematory licenses; nine applications for corporate cemetery broker licenses; and one application for an individual cemetery broker license.

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 over forty separate regulatory agencies within the Department of Consumer Affairs (DCA). The Chief of the Bureau is directly responsible to the director of the Department.

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 two-fold: (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 detection 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), repossessioners, 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 for these services is required to register with the Bureau as a security guard. Any security guard who carries a firearm 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.

Repossessioners. 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. Pursuant to the Repossessors 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. Pursuant to Business and Professions Code section 7540 *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 the amount agreed upon; and alter, falsify, or create evidence.

Alarm Industry. Alarm company operators install, service, maintain, monitor, and respond to burglar alarms. These services are provided to private individuals, businesses, and public entities. Pursuant to the Alarm Company Act, Business and Professions Code section 7590 *et seq.*, the Bureau regulates