



cosmetology instructors. The development of such a curriculum will occur in four phases: (1) needs assessment and curriculum planning; (2) curriculum development; (3) pilot testing of the curriculum; and (4) a "Train the Trainers Program," in which designated staff are trained on how to prepare instructors to use the curriculum. A motion to pursue Phase 1 was passed by the Board.

A budget change proposal (BCP) will be necessary to obtain the necessary funds for Phases 2-4. Rather than waiting for the entire BCP process to conclude, staff recommended that a bill be drafted with legislative language requiring the Board to provide a curriculum for schools of cosmetology relative to hazards in the workplace. According to staff, legislation sets the scene for a BCP; thus, the process could be expedited and the curriculum could be written earlier. BOC referred this issue to its Legislative Committee for drafting.

Continuing Education Compliance Update. The Board's continuing education (CE) requirement appears in Business and Professions Code sections 7332.5 and 7436. These sections became effective on January 1, 1987, and CE is now a requirement for licensed cosmetology instructors who wish to renew their active status licenses. An active cosmetology instructor license, which is required in order to teach at a cosmetology school, must be renewed every two years (section 7436). Thus, January 1989 was the first time licensees needed to satisfy CE requirements in order to renew their licenses, and sanctioning for noncompliance with CE requirements has only recently become an issue for BOC.

In order to satisfy the CE requirement, a cosmetology instructor must meet one of the following: (1) must complete thirty hours of Board-approved CE during the prior licensing period; (2) must teach cosmetology on the campus of a California Community College; or (3) must hold a clear vocational education teaching credential (from the California Commission of Teacher Credentialing). After conducting an audit of compliance with the new CE requirement, Board staff found that a large percentage of instructors (48%) are unable to prove they have complied.

BOC considered several suggestions from its staff on how to deal with this problem. After discussion of several alternatives, BOC approved staff's proposal to send two more letters to those

not in compliance, as opposed to imposing immediate sanctions. The first will warn licensees that they have not satisfied the CE requirements and that they have ten days in which to provide documentation of CE compliance; the second letter will warn of disciplinary action if they do not respond.

Ad Hoc Committee to Review Curricula and Specialty Instructor Licenses. At its September meeting, BOC approved a recommendation by its Education/Examination Committee that an Ad Hoc Committee be created to look into the licensure of specialty instructors. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 53 for background information.) In November, the Ad Hoc Committee established its goals and objectives. The goal of the Committee is to promote changes which will facilitate adequate instruction in cosmetology schools. The objectives of the committee are to define the purpose of the Board-required curriculum; identify the areas in course curricula that present barriers to students receiving adequate instruction in cosmetology schools; recommend changes to course curricula that are deemed necessary in achieving the above-stated goal; and decide whether a statutory change broadening the scope of the cosmetology instructor license would foster the above-stated goal.

The Ad Hoc Committee also proposed possible legislative changes to section 7332.5, 7396, and 7396.5, to remove what the Committee characterized as the "narrow focus of the cosmetology instructor licenses." Section 7332.5 establishes cosmetology instructor qualifications; section 7396 sets school staff requirements; and section 7396.5 sets instructor requirements.

The Board voted to have the Ad Hoc Committee consider this matter more fully before any legislation is attempted.

LEGISLATION:

The following is a status update of bills described in detail in CRLR Vol. 9, No. 4 (Fall 1989) at pages 53-54:

AB 1108 (Epple) was amended on January 10 to delete legislative intent language directing the merger of BOC and BBE. This bill is pending in the Senate Business and Professions Committee. (See *supra* agency report on BBE for additional information on the merger issue.)

SB 1198 (Montoya), which would have required the Board, until January 1, 1991, to inspect a cosmetology estab-

lishment within ninety days of the date of issuance of a license and once every twelve months thereafter, died in committee.

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 Chapter 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 thirteen members: eight practicing dentists, one registered dental hygienist, one registered dental assistant, and three public members. The 1990 members are Jean Savage, DDS, president; Joseph Anthony, DDS, vice-president; Gloria Valde, DDS, secretary; Pamela Benjamin, public member; W. James Dawson, DDS; Henry Garabedian, DDS; Martha Hickey, public member; Alfred Otero, DDS; Evelyn Pangborn, RDH; Ray Polverini, public member; Jack Saroyan, DDS; Hazel Torres, RDA; and Albert Wasserman, DDS.

MAJOR PROJECTS:

Conscious Sedation Permit Pro-



REGULATORY AGENCY ACTION

cedure. The passage into law of AB 1417 (Speier) (Chapter 526, Statutes of 1989) requires BDE to establish a permit procedure for the use of conscious sedation by dentists. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 55 for background information.) The Board has appointed Dr. Joseph Anthony and Martha Hickey, as a subcommittee of the Enforcement Committee, to review the matter and propose recommendations.

Regulatory Hearing. At its November 17 meeting, the Board held a regulatory hearing on proposed amendments to section 1086(d), Chapter 10, Title 16 of the CCR, regarding the duties of dental auxiliaries. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 54; Vol. 9, No. 2 (Spring 1989) p. 54; and Vol. 9, No. 1 (Winter 1989) p. 45 for background information.) The Board adopted the proposed changes, which remove several restrictions on the ability of registered dental assistants to perform coronal polishing, but emphasizes that the coronal polish shall not be intoned or interpreted as a complete oral prophylaxis.

National Practitioner Data Bank. Pursuant to the federal Health Care Quality Improvement Act of 1986, 42 U.S.C. § 11101 et seq., BDE is one of several state regulatory agencies which must report adverse disciplinary actions to a new federal data bank, which will collect this information and distribute it to health care entities which may employ licensed practitioners and to other state licensing boards. The data bank's operations are scheduled to commence in April 1990, with the purpose of tracking incompetent practitioners who move from hospital to hospital or state to state. BDE has right to query the data bank in connection with its licensing and discipline functions, and must report all disciplinary actions taken against dentists and hygienists. Specified health care entities, professional associations, and malpractice insurance companies must also report certain events to the data bank.

LEGISLATION:

The following is a status update of bills described in detail in CRLR Vol. 9, No. 4 (Fall 1989) at page 55:

AB 109 (Hayden) would enact provisions governing the handling, storage, treatment, disposal, and transportation of medical waste. This bill is pending in the Senate inactive file.

AB 550 (Moore) would have provid-

ed that applicants who fail to pass BDE's skills examination after three attempts shall not be eligible for further examination until the applicant has completed a minimum 50 hours of education in each subject the applicant failed. This bill died in committee.

SB 733 (Davis), which would have increased BDE's delinquency renewal fee and the fee for a registered provider of continuing education, died in committee.

AB 1061 (Felando), which would affect the examination eligibility requirements for graduates of foreign dental schools, is pending in the Senate Rules Committee.

AB 1703 (Vasconcellos), which would limit the type of advertising prohibited as unprofessional conduct by dentists, is pending in the Senate Business and Professions Committee.

AB 459 (Frizzelle) would have provided that any license issued by an agency within the Department of Consumer Affairs (DCA) may be renewed at any time after its expiration without limitation as to time, and without the requirement of reexamination. This bill has been dropped.

LITIGATION:

In *California Dental Association v. Board of Dental Examiners*, No. 511723 (Sacramento County Superior Court), the CDA challenges BDE's decision that CDA's advertising campaign is illegal. In a complaint filed on December 14, CDA seeks to prevent BDE from carrying out its threat to obtain an injunction to compel the Association to stop its ad campaign. BDE claims that CDA's slogan—"We're the dentists who set the standards"—violates section 1680(i) of the Business and Professions Code (which prohibits advertising of superiority), and section 651 (which prohibits advertisements which are false or misleading).

CDA claims its slogan is not false or misleading, and that the statutes prohibiting its use are constitutionally invalid. The U.S. Supreme Court has held that commercial speech is protected under the first amendment so long as it is not false or misleading.

RECENT MEETINGS:

At BDE's November 17-18 meeting in Burlingame, the Board elected its 1990 officers: Dr. Jean Savage, president; Dr. Joseph Anthony, vice-president; and Dr. Gloria Valde, secretary.

FUTURE MEETINGS:

May 11-12 in Long Beach.
July 20-21 in San Diego.
September 14-15 in San Francisco.
November 16-17 in Los Angeles.

BUREAU OF ELECTRONIC AND APPLIANCE REPAIR

Chief: Jack Hayes
(916) 445-4751

The Bureau of Electronic and Appliance Repair (BEAR) was created by legislative act in 1963. It registers service dealers who repair major home appliances and electronic equipment. BEAR is authorized under Business and Professions Code section 9800 *et seq.*; BEAR's regulations are located in Chapter 27, Title 16 of the California Code of Regulations (CCR).

Grounds for denial or revocation of registration include false or misleading advertising, false promises likely to induce a customer to authorize repair, fraudulent or dishonest dealings, any willful departure from or disregard of accepted trade standards for good and workmanlike repair and negligent or incompetent repair. The Electronic and Appliance Repair Dealers Act also requires service dealers to provide an accurate written estimate for parts and labor, provide a claim receipt when accepting equipment for repair, return replaced parts, and furnish an itemized invoice describing all labor performed and parts installed.

The Bureau continually inspects service dealer locations to ensure compliance with the Electronic and Appliance Repair Dealers Registration Law and regulations. It also receives, investigates and resolves consumer complaints.

The Bureau is assisted by an Advisory Board comprised of two representatives of the appliance industry, two representatives of the electronic industry, and five public representatives, all appointed for four-year terms. Of the five public members, three are appointed by the Governor, one by the Speaker of the Assembly, and one by the Senate President pro Tempore.

MAJOR PROJECTS:

BEAR/BAR Dual Licensure. At a meeting of the Advisory Board's Executive Committee on October 17, BEAR Program Manager George Busman reported that BEAR had submitted to the Department of Consumer