



The truck weight fee increase would yield and expected \$2 billion. These revenues would be deposited in the State Highway Account, whose funds may be used only for transportation purposes. Proposition 108, also on the June ballot, would authorize the sale of bonds for rail transit capital improvement and urban rail construction; it is expected to raise \$3 billion.

The purpose of these propositions is to raise money to implement measures designed to improve California's transportation system and to reduce highway and freeway congestion. Such measures include interregional road systems in rural areas; urban rail construction; more meters or diamond lanes on freeways to facilitate traffic flow; freeway sound walls; and maintaining the present system. Both measures were subsequently successful on the June ballot.

The Board also discussed a proposal to introduce a bill amending section 9884.8 and 9884.9 of the Business and Professions Code. The proposal would require automobile repair estimates to include the specific time estimated and the hourly rate charged for the necessary repairs. Additionally, the repair dealer would be required to itemize and list on the invoice the time actually spent and the hourly rate charged to service the car.

Since the proponents of the proposal (Automobile Club of Northern California) were unable to attend the meeting, some questions and concerns of Board and audience members remained unanswered. For example, automobile industry representatives expressed fears that such invoice itemization would increase the time spent in recordkeeping. They also worried that such a measure would effectively render unemployed those workers who actually work more slowly than the listed hourly rate. BAR representatives were concerned that questions of enforcement and possible penalties are not addressed in the proposal's present form. BAR tabled the measure pending clarification of these issues.

At the Advisory Board's May 11 meeting in Sacramento, the Board heard an update regarding BAR's referee stations. If a motor vehicle cannot pass the Smog Check inspection and cannot be repaired to pass, then the vehicle owner is referred to a referee station. These stations then determine whether a waiver will be issued. At present, approximately 6,000 referee actions are taken each week statewide, with the vast majority of problems involving vehicles which cannot be repaired within the

statutorily designated cost limits.

The Advisory Board next discussed draft regulatory changes dealing with the invoicing of shop supplies and parts and toxic waste disposal charges. Section 3356, Chapter 33, Title 16 of the CCR, would be amended to require that all service work and all parts be separately listed as invoice items in order for a consumer to be charged. If the items are not individually listed, then the consumer may not be charged for them. As to the toxic waste disposal issue, a dealer may charge a customer for such costs, but that charge must be disclosed to the customer as a separate item on the estimate and on the invoice. BAR maintains that these provisions would remedy past abuses, and ensure that consumers are accurately and fairly charged for services actually rendered. These draft regulations will probably be ready for notice and public hearings in the fall.

#### FUTURE MEETINGS:

November 9 in San Luis Obispo.

#### BOARD OF BARBER EXAMINERS

*Executive Officer: Lorna P. Hill*  
(916) 445-7008

In 1927, the California legislature created the Board of Barber Examiners (BBE) to control the spread of disease in hair salons for men. The Board, which consists of three public and two industry representatives, regulates and licenses barber schools, instructors, barbers, and shops. It sets training requirements and examines applicants, inspects barber shops, and disciplines violators with licensing sanctions. The Board licenses approximately 22,000 barbers, 5,000 shops, and 20 schools.

BBE's enabling act is found at Business and Professions Code section 6500 *et seq.*; the Board's regulations are located in Chapter 3, Title 16 of the California Code of Regulations (CCR).

#### MAJOR PROJECTS:

*Merger with Board of Cosmetology.* On March 4, BBE held a special joint meeting with the Board of Cosmetology (BOC) for purposes of discussing the provisions of Assemblymember Delaine Eastin's AB 3008, which would at long last merge the two boards. (*See infra* LEGISLATION; *see also* CRLR Vol. 10, No. 1 (Winter 1990) p. 58; Vol. 9, No. 4 (Fall 1989) p. 46; and Vol. 7, No. 1 (Winter 1987) p. 1 for extensive background information.) The boards were

able to reach agreement on several issues, including provisions for a seven-member board which meets four times per year, a southern California field office, the minimum age and educational requirements for barbers and cosmetologists, and provisions regarding disciplinary proceedings.

However, at an April 18 hearing on AB 3008 before the Assembly Committee on Governmental Efficiency and Governmental Protection (chaired by Assemblymember Eastin), BBE took an oppose position on the bill as written at that time. At its May 6 meeting, BBE discussed several amendments which would make the bill more palatable, including a provision to establish a nine-member board which meets six times per year; deletion of language allowing the Director of the Department of Consumer Affairs (DCA) to reject the new board's appointment of an executive officer; deletion of language requiring each licensed establishment to provide a public toilet; a provision requiring the new board to inspect all establishments twice per year; and deletion of language requiring barbers to have completed a nail and skin care course in a school approved by the new board.

Although these amendments were not incorporated into the June 7 version of the bill, the Board took a support position on AB 3008 in a May 31 letter to Assemblymember Eastin. Noting that BOC has submitted numerous proposed amendments (many of which are consistent with BBE's proposed amendments), BBE urged Eastin that "if you accept their amendments, we request that you give the Barber Board what it wants, which is our fee bill unencumbered by any double joining or restrictive language." AB 1108 (Epple), BBE's much-needed fee bill, previously contained merger language which has now been deleted; if AB 3008 were "double-joined" to AB 1108, the fee bill would not become effective (even if it passed) unless the merger bill also passes. (*See infra* LEGISLATION for more information on AB 1108.)

*Cyclical License Renewal.* Presently, all BBE licensing fees are paid every two years on the same date. To help ease monetary dry spells and facilitate budget calculations, the Board recently voted to institute a cyclical payment system, whereby fee deadlines would be spread out over the year. BBE hopes to convince Assemblymember Epple to include authority for this cyclical renewal system in amendments to AB 1108.

*The Shave.* At its April 9 meeting, BBE once again addressed the validity



of requiring barber applicants to demonstrate ability to shave with a straight razor. Although this is the only licensure qualification which currently distinguishes barbers from cosmetologists, shaving is rarely performed in practice, due to its time-consuming nature and cost. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 46 for background information.) BBE industry member Elton Pamplin moved that licensure applicants be allowed to shave with an electric razor, which generated heated debate. Audience members argued that a good haircut requires a straight edge around the ears; and questioned whether the Board would incur liability by licensing barbers to shave with a straight edge without testing their ability. After considerable argument, BBE defeated Pamplin's motion by a vote of 3-2.

#### LEGISLATION:

*AB 3008 (Eastin)*, as amended June 7, would repeal the Business and Professions Code sections which establish both BBE and BOC, and create the Board of Barbering and Cosmetology (BBC). The bill would generally revise, recast, and consolidate the two acts presently governing the practice of barbering and cosmetology; and provide for the licensing and regulation of persons engaged in practice as a barber, cosmetologist, electrologist, manicurist, or esthetician. BBC would consist of seven members: four public members and three members representing the professions. The bill, which would become operative on July 1, 1992, would require the new board and the Department of Consumer Affairs to assess the results of merging the two boards and to report to the legislature on or before June 30, 1995. This bill is currently pending in the Assembly Ways and Means Committee.

*AB 1108 (Epple)*, as amended January 10, would delete existing maximum limits on licensing fees charged by BBE until January 1994 and would increase the maximum fees effective January 1, 1992. The bill has passed the Assembly and is pending in the Senate Business and Professions Committee.

#### RECENT MEETINGS:

At its March 5 meeting, BBE members discussed the low pass rate on its instructors' examination, and decided to investigate the possibility of having DCA's Central Testing Unit review the exam.

#### 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 Chapter 18, Title 16 of the California Code of Regulations (CCR).

#### MAJOR PROJECTS:

*Consumer Brochure on Psychotherapist Sexual Misconduct.* Pursuant to SB 1277 (Watson), enacted in 1987, psychotherapists are required by the law to provide a copy of *Professional Therapy Never Includes Sex!* to any patient who has been a victim of sexual exploitation by another psychotherapist. The brochure gives the patient excellent information on options for reporting the misconduct and receiving personal help. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 47; Vol. 7, No. 4 (Fall 1987) p. 42; and Vol. 7, No. 2 (Spring 1987) p. 60 for background information on SB 1277.)

Reporting options include administrative action, criminal action, civil action, and professional association action. Personal help options include individual or group therapy, self-help support groups, and therapy mediation sessions. Twenty-five copies may be purchased for \$5 by writing to: Office of Procurement, Publications Section, P.O. Box 1015, North Highlands, CA 95660.

*Regulatory Changes.* On January 8, the Office of Administrative Law (OAL) approved BBSE's adoption of section 1805.1, Chapter 18, Title 16 of the CCR, which implements the Permit Reform Act of 1981. On February 5, OAL approved BBSE's adoption of sections 1833.1 and 1833.2, and its amendments to sections 1833 and 1833.3. These regulations implement AB 3657 (Vasconcellos) (Chapter 1365, Statutes of 1986), which rewrote the laws governing the experience requirements for MFCC licensure. (See CRLR Vol. 10,

No. 1 (Winter 1990) p. 59 and Vol. 9, No. 3 (Summer 1989) pp. 41-42 for background information on these changes.)

On January 22, OAL disapproved BBSE's amendments to regulatory sections 1806, 1812, 1832, and 1833.1. (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.) OAL primarily found fault with section 1812, which would have defined conduct "substantially related" to the qualifications and duties of BBSE licensees for purposes of license denial, revocation, or suspension. OAL found that the amendments to section 1812 failed to comply with the clarity, consistency, and necessity standards of Government Code section 11349.1, and that BBSE's final statement of reasons failed to include an adequate summary of and response to each public comment made.

Executive Officer Kathleen Callanan separated out the amendments to section 1812 from the amendments to sections 1806, 1832, and 1833.1 (which pertain to the abandonment of applications); these latter changes were approved by OAL on May 17. At BBSE's April 20 meeting, Callanan suggested that the Board refer section 1812 to the Enforcement Committee for redrafting.

#### LEGISLATION:

*SB 2222 (Watson)* as amended April 19, would establish increased separate fees for the written and oral examination for MFCC, LEP, and LCSW licensure applicants, increase the renewal fees for those licenses, and make related changes. This bill is pending in the Assembly Health Committee.

*SB 2245 (Davis)* would include the relationship between a patient and an MFCC corporation, as well as the relationship between patients and any psychotherapist employed by those corporations, in the definition of the relationship of a psychotherapist and patient to provide the privilege of confidential communications. This bill passed the Senate on May 17 and is pending in the Assembly Judiciary Committee.

*AB 3229 (Polanco).* Existing law requires that the licensure requirements for clinical social workers, among others, in state and other governmental health facilities, be not less than for those in privately owned health facilities. The state Department of Health Services is authorized to grant a waiver from licensure requirements for clinical social workers employed in publicly