



fire extinguishing systems and fire alarm systems. This bill is pending in the Senate Business and Professions Committee.

**AB 781 (Mountjoy)**, as amended, would provide that no CSLB licensure exam shall be required of a qualifying individual if, within the five-year period immediately preceding the application for licensure, the qualifying individual has either personally passed the written exam for the same classification being applied for, or has served as the qualifying individual for a licensee whose license was in good standing at any time during that five-year period and in the same classification being applied for. At this writing, this bill is pending on the Assembly floor.

**AB 762 (Mountjoy)** would revise provisions of the Contractors License Law concerning unsatisfied judgments and the issuance, reinstatement, or reactivation of a contractor's license. This bill is pending in the Assembly Committee on Governmental Efficiency and Consumer Protection.

Following is a status update on bills reported in detail in CRLR Vol. 9, No. 1 (Winter 1989) at page 44:

**AB 118 (Floyd)**, requiring public entities to verify a contractor's licensure before awarding a public works contract, passed the Assembly Committee on Government Efficiency and Consumer Protection on February 22, and was referred to the Assembly Ways and Means Committee.

**AB 115 (Floyd)** was amended to require a public entity to award public works contracts for an amount greater than \$500,000 only to a qualified public works contractor. At this writing, this bill is pending in the Assembly Committee on Governmental Efficiency and Consumer Protection.

**AB 117 (Floyd)**, defining "lowest bidder" and "lowest responsible bidder", was placed in the Assembly inactive file on March 9.

**AB 147 (Floyd)**, regarding the provision of health insurance coverage by employers whose operations involves asbestos-related work, is pending in the Assembly Committee on Labor and Employment.

**AB 148 (Floyd)** was amended to require the owner of a public building to make an effort to determine the presence of asbestos, but would not impose penalties if the public building owner fails to make this effort. At this writing, this bill is pending in the Assembly Ways and Means Committee.

**SB 153 (Craven)**, revising the definition of a specialty contractor, is still

pending in the Senate Business and Professions Committee.

#### FUTURE MEETINGS:

July 20-21 in San Diego.

### BOARD OF COSMETOLOGY

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In 1927 the California legislature passed Business and Professions Code section 7300 *et seq.*, 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.

Pursuant to this legislative mandate, the Board regulates and issues separate licenses to salons, schools, electrologists, manicurists, cosmetologists, and cosmeticians. It sets training requirements, examines applicants, 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.

#### MAJOR PROJECTS:

**BOC Newsletter.** Because of recent major changes in the Board's disinfection and sterilization regulations (see CRLR Vol. 8, No. 3 (Summer 1988) p. 55), as well as the new awareness of AIDS and hazardous substances in the workplace, the Board is devoting the next issue of its *Currently Cosmo* newsletter to health and safety issues. The newsletter will include an updated copy of relevant health and safety regulations, which are required to be posted in all cosmetology schools and establishments. The rules will also be included in an insert with renewal applications for all licensees to ensure industry-wide awareness of the changes.

The newsletter will also include information about AB 2139 (Filante) (Chapter 808, Statutes of 1988), which imposes new requirements on tanning facilities. Tanning facilities are not licensed, but many tanning booths are found in cosmetology establishments. The newsletter is expected to be distributed in late May.

**Examination Changes.** At its January 22 meeting, the Board approved the Examination Committee's recommendation to revise the performance criteria and the practical examination. The examination

format will require each student to spend a day on a salon appointment schedule, actually performing cosmetological services on "customers" while examiners observe. The practical exam will be more consumer-oriented and will test more health and safety issues. The Board expects the new examination format to be in place by the end of 1989, thus allowing cosmetology schools to adjust to the new format.

#### LEGISLATION:

**AB 2272 (Mojonnier)** is BOC's clean-up bill, which contains numerous non-substantive changes to the Cosmetology Act. This bill is pending in the Assembly Committee on Governmental Efficiency and Consumer Protection.

#### RECENT MEETINGS:

At its January 22 meeting, the Board discussed a letter received from Dr. Michael J. Franzblau, President of the Congress of California Dermatological Society (CCDS). The CCDS is concerned about a company that is advertising the services of "dermalogists" who describe their services as permanent cosmetic make-up. Dr. Franzblau stated that a dermalogist is nothing more than a tattoo artist. The letter asks the Board for its support in seeking legislative or regulatory action to prohibit or restrict the use of the term "dermalogist" and other similar terms which mislead the consumer. The Board offered its support to the CCDS in its attempt to stop this practice.

#### FUTURE MEETINGS:

July 16 in San Diego.

### BOARD OF DENTAL EXAMINERS

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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.



## REGULATORY AGENCY ACTION

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: four public members, eight dentists, and one registered dental hygienist.

### MAJOR PROJECTS:

*Dental Auxiliaries' Duties Defined.* On January 12, the BDE held a regulatory hearing to receive testimony and comments on its proposal to add section 1066 to Article 9, Subchapter 2, Title 16 of the California Code of Regulations (CCR), and to renumber section 1068 to 1065 and amend it. The regulatory changes would specifically describe the dentist's continuing responsibility for and involvement in the treatment of his/her patient. (See CRLR Vol. 9, No. 1 (Winter 1989) p. 45 for background information.)

The hearing, held in Los Angeles, was well attended with over eighty people present; approximately twenty people presented testimony to the Board. A contingent of members of the California Dental Association (CDA) was present, voicing strong approval of the proposed rule changes. Persons testifying against the proposals included representatives of dental auxiliary organization. The dental auxiliaries testified that the proposal would infringe upon their duties and autonomy, as well as adversely affect the dental care of elderly and shut-in patients who may not have access to dental care.

Members of the CDA stressed that the proposal simply clarifies existing standards, and more clearly states the procedures a dentist must follow when caring for a patient. The Board agreed that the proposal is meant only to clarify existing practices, and not to place new limits on auxiliaries or hygienists. The Board voted 8-2 in favor of the new proposals, which now await review by the Office of Administrative Law.

*Alcohol and Chemical Dependency Diversion Program Summary.* BDE's Diversion Evaluation Committee (DEC) has released a summary of the first two years of BDE's alcohol and chemical dependency diversion program. The diversion program was developed in re-

sponse to legislation requiring BDE to seek ways of identifying and rehabilitating those in the dental profession whose competency has been impaired due to abuse of alcohol and drugs.

In 1986, BDE selected Occupational Health Services, Inc. (OHS) as the provider of the diversion program. The program, as administered by OHS, includes a system of identification, evaluation, treatment, and monitoring of participation and compliance with the rehabilitation program.

The diversion program is voluntary and a dental professional may choose not to participate at any point during the course of the program. If the DEC feels that the individual poses a threat to the public, however, the individual is referred for investigation by BDE's enforcement unit.

By using 10% as a conservative estimate of incidence, BDE assumed that of the 25,000 dentists in California, 2,500 will be impaired by chemicals sometime in their lives. This same percentage can be applied to the 10,300 registered dental hygienists and 15,630 registered dental assistants statewide.

Forty-eight people were accepted into the program in its first two years. Demographic data showed that incidence of chemical dependency is high in the dental profession (and other health professions) due to "genetics" (75% of the participants are from chemically dependent families), attitudes, and availability. A large percentage of the participants were age 35 to 44 and had been in practice from one to ten years as sole proprietors. The report acknowledged that the diversion program, which has treated only 1.76% of the at-risk population, "has had a minimal impact" on that population, and concluded that "more outreach will need to be done in this area."

The summary also concluded that treating chemical dependency as a health problem and not as a crime better serves the dental profession, the BDE, and the public. Primary among its benefits is that the diversion program is much less costly than the traditional disciplinary process. BDE believes the program both protects the public and helps those in the profession to obtain necessary treatment.

### LEGISLATION:

*AB 109 (Hayden)* would define medical waste and enact provisions governing the handling, storage, treatment, and disposal of medical wastes. Current law regulates medical waste as infectious

waste under the hazardous waste control law. This bill would apply to all producers of medical waste and would supersede any contrary regulation in Title 22 of the CCR. At this writing, AB 109 is pending in the Assembly Health Committee.

*AB 550 (Moore)* would specify that any person licensed to practice dentistry in California may append the letters "DDS" to his/her name. Existing law makes it a misdemeanor for any person to assume various dental degrees or append the letters "DDS", "DDSc", or "DMD" to his/her name without having the right to assume the title conferred upon him/her by diploma from a recognized dental college or school legally empowered to confer the title. AB 550, which is opposed by the BDE, is pending in the Assembly Health Committee.

*AB 459 (Frizzelle)* would provide that any license issued by an agency within the DCA may be renewed at any time after its expiration without limitation as to time, and without the requirement of reexamination. The Dental Practice Act requires an individual to take and pass an examination for licensure if a renewal has been delinquent for five years. The Board is opposed to this bill, which is pending in the Assembly Committee on Governmental Efficiency and Consumer Protection.

*AB 1417 (Speier)* would prohibit, on or after January 1, 1992, any dentist from administering, ordering, or permitting the administration of sedation or anesthesia on an outpatient basis unless the dentist has a specified permit from the BDE. At this writing, this bill is pending in the Assembly Health Committee.

*SB 733 (Davis)* would increase BDE's delinquency renewal fee and the fee for a registered provider of continuing education. This bill is pending in the Senate Business and Professions Committee.

*AB 1061 (Felando).* Existing law provides that a person who has been issued a degree by a foreign dental school listed by the World Health Organization (WHO) or by a foreign dental school approved by the BDE shall be eligible for an examination for a license to practice dentistry. This bill would delete the requirement that the foreign dental school be listed by the WHO or approved by the Board. This bill is pending in the Assembly Health Committee.

*AB 1703 (Vasconcellos).* Existing law specifies the grounds for disciplinary action to be taken against a dentist and includes unprofessional conduct, which is defined as, among other things, the advertising to guarantee any dental service or to perform any dental operation



painlessly. This bill, which would provide that the above specified advertising is unprofessional conduct only if it is false or misleading, is pending in the Assembly Health Committee.

**AB 1281 (Quackenbush).** Existing law provides that an expired dentist's license may be renewed at any time within five years after its expiration upon filing an application for renewal and paying the renewal fee in effect on the last renewal date. This bill would instead provide that an expired license may be renewed at any time within five years after its expiration upon filing an application for renewal and paying all accrued renewal and delinquency fees. AB 1281 is pending in the Assembly Health Committee.

#### RECENT MEETINGS:

At its February 3 meeting in Los Angeles, the BDE held a symposium on foreign dental licensure. The Board discussed the degrees issued in other countries, and how other states handle foreign dental school graduates. The symposium produced a good deal of background information on the issue.

#### FUTURE MEETINGS:

July 14-15 in San Diego.  
September 8-9 in San Francisco.  
November 10-11 in Los Angeles.

### BUREAU OF ELECTRONIC AND APPLIANCE REPAIR

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The Bureau of Electronic and Appliance Repair (BEAR) was created by legislative act in 1963. It registers service dealers who repair major home appliance and electronic equipment.

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 compli-

ance 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.

Glenn Shoemaker of Oakland was recently appointed as a public member by the Senate Rules Committee. Mr. Shoemaker, now retired, formerly served for eight years as an industry representative on the Advisory Board.

#### MAJOR PROJECTS:

**Future Regulatory Changes.** At the January 25 meeting of the Advisory Board's Legislative Committee, the Committee discussed whether it should adopt a regulation to control the use of piercing valves in the repair of refrigeration systems. The valve is used to enter, test, and add refrigerant to the sealed system of a refrigerator, freezer, or air conditioner. The difficulty is sealing the hole properly with a screw-on type valve. The Committee believes a proper temporary repair is accomplished with a clamp-on type valve, and a permanent repair should be made with a solder-on type valve. After a great deal of discussion, the Committee voted to draft a regulation to control the use of piercing valves in the repair of refrigeration systems.

**Proposed Agreement on Auto Alarm Systems Jurisdiction.** At its January 25 meeting, the Legislative Committee again discussed the fact that service dealers registered with BEAR who install and repair automobile security systems are also required to register with the Bureau of Automotive Repair (BAR). (See CRLR Vol. 9, No. 1 (Winter 1989) p. 46 for background information.) In order to avoid this dual licensure problem for BEAR licensees, BEAR proposes to enter into an administrative agreement with BAR, similar to the agreement between BEAR and the Contractors State Licensing Board regarding the repair and installation of satellite antennas. That agreement was codified in legislation. The Committee approved a motion directing BEAR Program Manager George Busman to draft appropriate language for the administrative agreement between the agencies.

#### LEGISLATION:

**SB 352 (Presley)** would provide that BEAR field investigators are peace officers, but would not authorize them to carry firearms. This bill is pending in the Senate Judiciary Committee at this writing.

**SB 116 (Rosenthal)** would make a statement of legislative intent regarding chlorofluorocarbons (CFCs), which contribute to the depletion of the ozone layer that protects the earth from harmful ultraviolet radiation. Among other things, the bill would require any owner or operator of a retail store, cold storage warehouse, or commercial or industrial building when servicing or disposing of a refrigeration system containing CFCs, and any person who installs, replaces, or services those refrigeration systems, to reuse or recycle the CFCs. The Board is concerned that SB 116's current definition of "refrigeration systems" would include large numbers of refrigerators serviced at a single location by BEAR service dealers. The requirements to recover and recycle CFCs would add substantial costs to the repair process, which costs would be passed on to the consumer. BEAR will solicit comments on SB 116 at its next meeting.

#### RECENT MEETINGS:

At its January 25 meeting, the Legislative Committee discussed whether to adopt a regulation to require service dealers to place a sign at their place of business advising consumers of their right to a written estimate and return of replaced parts not exempt by regulation. The Committee felt that since most repair work is done in the home, the consumer would not notice a sign in the service facility. The Committee suggested that a better way to inform the public of the Bureau's existence and jurisdiction would be to place information statements under specific headings in the yellow pages of telephone directories. This proposal is currently being discussed with Pacific Bell and GTE.

#### FUTURE MEETINGS:

August 25 in San Francisco.  
November 17 in San Diego.

### BOARD OF FUNERAL DIRECTORS AND EMBALMERS

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The five-member Board of Funeral Directors and Embalmers licenses funeral establishments and embalmers and approves changes of business name or location. It registers apprentice embalmers, approves funeral establishments for