



BOARD OF BARBER EXAMINERS

*Executive Officer: Lorna P. Hill
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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 schools, 6,500 shops, and 21,500 barbers.

MAJOR PROJECTS:

Student Security Trust Fund. Business and Professions Code section 6540 *et seq.* requires BBE to create a Student Security Trust Fund to "relieve or mitigate pecuniary losses suffered by any student of barbering as the result of a licensed barber college ceasing its operation as such for any reason." Each barber college currently pays into the Fund \$2 per student enrolled. Under section 204.6, Chapter 3, Title 16 of the California Code of Regulations (CCR), the Fund's total is set at a maximum of \$10,000; once this limit is reached, BBE must suspend the assessment.

Although a school closing is not a common occurrence, funds in excess of \$10,000 to reimburse students would not be available. The recent closure of Career Opportunities School in Pasadena will require the Board to pay over \$6,000 in tuition to other schools for those students who transfer. The Board intends to reimburse students who do not re-enroll in another college proportionally from the remainder of the Fund. The owner of the school offered to pay the Fund for the transferring students' tuition, but he has since filed for bankruptcy, and the Board is not expecting to be able to collect any money.

At its April meeting, BBE noted that section 6541 of the Business and Professions Code allows the Fund maximum to be \$50,000, and voted to seek a regulatory amendment to section 204.6(b). BBE subsequently published a formal notice of its intent to amend section 204.6(b) to increase the assessed sum from \$2 to \$5 per enrolled student, and to increase the Fund's maximum to the statutory ceiling of \$50,000. The Board was scheduled to conduct a formal regulatory hearing on this proposed change on July 10 in San Diego.

Clarification of Bonding Requirement. Also at the April meeting, in the wake of the closure of Career Opportunities School, the Board discussed section 6541.6 of the Business and Professions Code, which requires "a new barber college which has been licensed in this state for less than two years" to post a \$20,000 surety bond with the Board. This bonding requirement, as worded, has presented problems for BBE when considering entire or partial transfers of the ownership of a school which has been licensed for more than two years. The problem becomes even more complex when considering such a school's purchase by a person or entity that has not operated a barber school for more than two years. In 1986, Department of Consumer Affairs legal counsel opined that the surety bond would not be required upon the transfer of ownership of an existing barber college which has been licensed by the Board for more than two years (even if the transferee has not operated a barber college for two years). At the April meeting, the Board adopted a motion to seek legislation to clarify section 6541.6.

LEGISLATION:

AB 1108 (Epple) as amended May 17, would delete existing maximum limits on licensing fees charged by BBE until January 1993, and would increase the maximum fees effective January 1, 1991. (See CRLR Vol. 9, No. 2 (Spring 1989) p. 48 for background information on this bill.) The bill would also state legislative intent directing the merger of the BBE and the Board of Cosmetology. It would require those boards to submit a final report on a merger plan to the legislature by December 15, 1990. The provisions of the bill providing for fee increases would not become operative unless that final report is submitted. This bill is pending in the Assembly Ways and Means Committee.

AB 459 (Frizzelle) would eliminate the five-year cancellation provision for failure to pay renewal fees. Current law requires former licensees who have allowed their licenses to lapse for a five-year period to retake the BBE examination if they wish to be relicensed. This bill, which has become a two-year bill, would allow these individuals to be relicensed without retaking the exam, so long as all applicable fees are paid. The Board opposes this legislation.

RECENT MEETINGS:

BBE President Paul Schwager and Executive Officer Lorna Hill met with officers of the Board of Cosmetology

(BOC) in December 1988 to discuss a possible merger of the two boards. BBE has resisted any merger although the Senate Committee on Business and Professions has recommended that the two boards work together to avoid superfluous and often confusing regulation. Currently, all barber functions are distinct from cosmetology functions, even though the professions are similar. (See CRLR Vol. 7, No. 1 (Winter 1987) p. 1 for a detailed discussion of the merger issue.)

At BBE's February meeting, BBE decided not to pursue the discussion of combining the two boards. In response, BOC President Len Steinbarth wrote to BBE urging the Board to reconsider. At its April meeting, BBE considered a motion to send a letter inquiring whether a current quorum of the BOC is still interested in negotiating a merger of the two boards. After discussion, however, the motion was withdrawn and the matter tabled.

FUTURE MEETINGS:

August 14 in San Francisco.

BOARD OF BEHAVIORAL SCIENCE EXAMINERS

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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.

MAJOR PROJECTS:

Regulatory Hearings. At its March 15 meeting, BBSE held public hearings on a number of proposed changes to its regulations, which appear in Chapter 18, Title 16 of the California Code of Regulations (CCR).

Following the hearings, the Board adopted proposed section 1805.1, which would establish processing times for applications and registrations pursuant to the Permit Reform Act of 1982. (See CRLR Vol. 8, No. 4 (Fall 1988) p. 46