



REGULATORY AGENCY ACTION

by establishing an outreach education program for consumers and licensees;

-to ensure prompt issuance of licenses by eliminating a backlog of applications and providing timely processing of license applications;

-to ensure prompt processing of licensee transactions to maintain a license, by eliminating the backlog and providing timely processing of all licensee transactions;

-to ensure prompt responses to telephone inquiries for licensing information by implementing an automated telephone system;

-to ensure prompt resolution of complaints by reducing the backlog to a pipeline of 5,000 plus an actual backlog of 3,000 by June 1989, and further reducing the backlog to a pipeline of 5,000 plus an actual backlog of 1,800 by June 1990; and

-to ensure maximum use of all resources, including industry and private sector, to resolve complaints and target specific illegal activity, by utilizing the arbitration program, industry expert program, and building citation program to process more complaints.

FUTURE MEETINGS:

To be announced.

BOARD OF COSMETOLOGY

Executive Officer: Denise Ostton
(916) 445-7061

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:

Proposed Regulatory Changes. The BOC recently announced its intent to adopt several changes to its regulations, which appear in Chapter 9, Title 16 of

the California Code of Regulations (CCR). The Board is considering amendments to sections 919.4 and 990, and the addition of new section 986.1, and was scheduled to hold a public hearing on the proposed changes on July 9 in San Diego.

An existing regulation requires that a copy of the health and safety rules adopted by the BOC be conspicuously posted in reception areas of both cosmetology schools and establishments. New section 986.1 would require that the posted copy of the rules also include consumer information regarding BOC licensure of the establishment and problems which may be addressed by the Board, as well as how to contact the Board.

The amendment to section 919.4 would specify requirements for daily attendance recording by schools of cosmetology and electrology. The amendment to section 990 would increase the renewal fee for cosmetology establishment and individual licenses to \$20 and the delinquency renewal fee to \$10.

LEGISLATION:

SB 1198 (Montoya), sponsored by the California Cosmetology Association, would require the Board, until January 1, 1992, to inspect a cosmetology establishment within ninety days of the date of issuance of a license and once every twelve months thereafter. SB 1198 is currently pending in the Senate Business and Professions Committee.

SB 190 (Morgan), entitled the Private Postsecondary Act of 1989, is sponsored by the California Postsecondary Education Commission and the California Student Aid Commission; it is opposed by the California Association of Private Postsecondary Schools. SB 190 would create a single agency—the California Council for Private Postsecondary Education—to license and monitor all private postsecondary institutions in California, including cosmetology schools. This bill would also prohibit institutions from issuing academic or honorary degrees, or from offering courses of education leading to educational, professional, technical, or vocational objectives, unless they have demonstrated compliance with prescribed minimum standards. This bill is pending on the Senate floor at this writing.

AB 2272 (Mojonnier), the Board-sponsored clean-up bill which would make numerous nonsubstantive changes in the Cosmetology Act, is pending in the Assembly Ways and Means Committee.

RECENT MEETINGS:

At the Board's May 7 meeting, Dom-

inick Fisichella, MD, was elected Board president.

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 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.

Governor Deukmejian recently reappointed the following individuals to another term on BDE: W. James Dawson, DDS, of Ross; Pamela R. Benjamin, a public member from Union City; and Jean H. Savage, DDS, of Santa Monica.

MAJOR PROJECTS:

Approval of Radiographic Operatories. On May 5, BDE conducted a hearing to receive comments on proposed amendments to subsections (d), (e), and (g) of section 1014.1, Chapter 10, Title 16 of the California Code of Regulations (CCR). Existing section 1014.1(d) specifies that a radiographic operator shall be deemed adequate if it is approved by the Radiologic Health Section of the Department of Health Services. Because the Radiologic Health Section does not



approve radiographic operatories, the amendment specifies that radiographic operatories in teaching facilities shall now comply with California Radiation Control Regulations. BDE approved this change to section 1014.1(d).

BDE did not approve another proposed amendment to section 1014.1(d) which would have required radiographic training facilities to be equipped with rectangular collimation. This device substantially reduces the level of radiation a patient receives when he/she has dental x-rays taken. BDE refused to require the device because testimony was presented which indicated that it is difficult to operate and not widely used by dentists in practice. Testimony also revealed that new products will be introduced in the next few years which significantly lower patients' radiation exposure level.

The Board also approved changes to subsections (e) and (g) of section 1014.1, with minor modifications. The amendments ensure that radiation safety curricula approved by the Board contain instruction in the most current concepts of radiation safety, including didactic instruction in the use of cylindrical and rectangular collimation.

The Board approved these regulatory changes subject to slight modifications; at this writing, the proposals await review by the Office of Administrative Law (OAL).

Dental Auxiliaries' Graduation Notification. Also on May 5, BDE approved an amendment to section 1076(b), Chapter 10, Title 16 of the CCR. The existing regulation required all dental auxiliaries to file a completed application thirty days prior to an examination. As amended, section 1076(b) would allow students to apply for examination prior to graduation if the school certifies that the student is expected to graduate. This proposal also awaits review by OAL.

LEGISLATION:

AB 1806 (Statham) would authorize BDE to establish a citation and fine system to penalize licensees for violations of the Board's statutes or regulations. It would also require BDE to establish a regular inspection program which would provide for random, unannounced inspections. The bill would authorize the inspection of books, records, and the premises of any place in which dentistry is being practiced during the hours the place is open for business. Failure of a licensee to allow the inspection would be grounds for disciplinary action. AB 1806 is pending in the Assembly Ways and Means Committee at this writing.

AB 2061 (Felando), as amended May 25, would provide that no dentist shall administer or order the administration of general anesthesia on an outpatient basis unless the dentist possesses a current license in good standing to practice dentistry in California and a valid general anesthesia permit issued by BDE. It would also provide that no dentist shall order the administration of general anesthesia unless the dentist is physically within the dental office at the time of the administration, and set forth specific requirements and fees for the general anesthesia permit issued by BDE. This bill is pending in the Assembly Ways and Means Committee.

The following is a status update on bills reported in detail in CRLR Vol. 9, No. 2 (Spring 1989) at pages 54-55:

AB 109 (Hayden), which would define the term "medical waste" and enact provisions governing the handling, storage, treatment, and disposal of medical wastes, is pending in the Assembly Ways and Means Committee at this writing.

AB 550 (Moore), which would specify that any person licensed to practice dentistry in California may append the letters "DDS" to his/her name, is still pending in the Assembly Health Committee.

AB 459 (Frizzelle), which would provide that any license issued by an agency within the Department of Consumer Affairs may be renewed at any time after its expiration without limitation as to time, and without the requirement of reexamination, is a two-year bill pending in the Assembly Committee on Governmental Efficiency and Consumer Protection.

AB 1417 (Speier), which would prohibit, on or after January 1, 1992, any dentist from administering or ordering the administration of conscious sedation on an outpatient basis unless the dentist has a specified permit from BDE, is pending in the Assembly Ways and Means Committee.

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

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

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

AB 1281 (Quackenbush), which would provide 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 all accrued renewal and delinquency fees, is pending in the Assembly Ways and Means Committee.

RECENT MEETINGS:

On April 14, BDE's Foreign Dental Graduate Licensure Subcommittee met in Los Angeles. At that meeting, the Subcommittee agreed to recommend to the BDE that when an applicant for licensure fails the exam three times, the applicant may not retake the exam until successful completion of fifty hours of education for each subject the applicant failed in the last unsuccessful examination. The Subcommittee also voted to limit the number of times the exam may be taken to six. The BDE must now act on this proposal.

FUTURE MEETINGS:

September 8-9 in San Francisco.
November 10-11 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 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 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 represent-