



REGULATORY AGENCY ACTION

ing and evaluation of oral examination commissioners will also be evaluated. The Board also decided to initiate a comprehensive review of the LCSW oral examination, which will begin in January 1990.

At its July and September meetings, BBSE considered and approved several additional advertising formats which are acceptable as alternatives to the ones set forth in the Board's advertising guidelines. The professional disciplines regulated by BBSE are prohibited from misrepresenting the type of license they hold, and from using any advertising which is false, misleading, or deceptive. Licensure status must be shown either by including the complete name of the license, or by including the initials of the license and the license number. The Board permits licensees to include academic credentials (such as M.A. or Ph.D.), so long as the degree is earned and relevant to the license.

FUTURE MEETINGS:

January 26 in Oxnard.
April 20 in San Francisco.
July 13 in San Diego.

CEMETERY BOARD

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In addition to cemeteries, the Cemetery Board licenses cemetery brokers, salespersons and crematories. Religious cemeteries, public cemeteries and private cemeteries established before 1939 which are less than ten acres in size are all exempt from Board regulation.

Because of these broad exemptions, the Cemetery Board licenses only about 185 cemeteries. It also licenses approximately 25 crematories and 1,400 brokers and salespersons. A license as a broker or salesperson is issued if the candidate passes an examination testing knowledge of the English language and elementary arithmetic, and demonstrates a fair understanding of the cemetery business.

MAJOR PROJECTS:

Proposed Regulatory Changes. At its September 6 meeting in San Francisco, the Board again discussed proposed changes to its regulations regarding crematory recordkeeping. (See CRLR Vol. 9, No. 3 (Summer 1989) p. 43 for background information.) The regulations in question appear in Chapter 23, Title 16 of the California Code of Regulations. Existing section 2340(a) would

be amended to require that a holder of a cemetery certificate of authority who operates a crematory maintain specified records. Currently, only crematory licensees are required to maintain such records.

The Board also discussed a proposed change to section 2340(a)(8), which requires licensees to keep records regarding the exact date, time, place, and type of disposition of cremated remains. The proposed change would add the option of recording only the name of the person or entity disposing of the remains. The stated reason for this proposed change is that often the licensees do not know the information required by existing section 2340(a)(8).

The Board also discussed the proposed addition of a subsection (c) to section 2340, to read as follows: "This section shall not be interpreted to require the holder of a certificate of authority to maintain a separate set of records pertaining to cremation."

The Board planned to hold a public hearing on these proposed regulatory changes at its December meeting.

Endowment Care Fund Rates. The Board's Endowment Care Fund Subcommittee consisting of Frank Haswell and Karen McGagin met on July 28 to discuss whether to increase the minimum endowment care fund contributions for cemetery space. The Subcommittee agreed with the staff that the minimum contributions should be increased to at least the following: grave space from the current \$1.75 per square foot to \$2 per square foot; crypts (first) from the current \$75 each to \$100 each; crypts (additional) from the current \$40 each to \$50 each; and niches from the current \$25 each to \$30 each. The stated justification for the proposed increases is to keep up with inflation. At the Board's September 6 meeting, Mr. Haswell proposed that these increases be the first step in a three-step increase resulting in contributions of \$2.50 per square foot for grave space, with corresponding increases for crypts and niches. These increases would start in 1991, with additional increases in 1992 and 1993. This issue was referred to the Board's Legislative Committee, and a proposal is scheduled for presentation at the December Board meeting.

Salesperson Licensing. The Board discussed the issue of salesperson licensing at its September 6 meeting. Executive Office John Gill reported that the temporary licensing fee of \$20 and the licensing exam fee of \$10 could be combined into a one-time \$30 fee. This change would require legislative action. In conjunction

with this change, the Board would offer two exams per month rather than one. Also, instead of requiring potential licensees to sign up for a particular exam, they would be issued a ticket that they could use at any exam within the 90- or 120-day temporary period. These changes in exam procedure would reduce paperwork and could be accomplished administratively, according to Mr. Gill. This matter was continued until the December meeting when the Board will be able to consider proposed legislation.

LEGISLATION:

SB 698 (Petrus), extending the Board's annual report requirement to all cemetery authorities, and requiring the report to be filed on or before June 1 (or within five months after the close of the fiscal year with approval of the Board), was signed by the Governor on July 27 (Chapter 225, Statutes of 1989).

RECENT MEETINGS:

At its September 6 meeting, the Board considered a number of licensing applications. Board members heard two applications for certificates of authority, three applications for crematory licenses, six applications for corporate cemetery broker licenses, and one application for an individual cemetery broker license.

The Board also considered a complaint against Oakwood Cemetery Association of Los Angeles in Chatsworth. The Board received a complaint from a consumer stating that the finish was coming off the marker she had placed on her husband's grave. Although Oakwood believed that the damage was caused by normal wear and tear, it arranged for the manufacturer to refinish the marker at no cost to the consumer. In investigating the complaint and examining Oakwood's rules and regulations, the Board discovered a violation of section 8302(b) of the Cemetery Act. Oakwood's regulations stipulate that no cremains will be interred in the ground without Oakwood's copper urn. This is a violation of section 8302(b), which provides that no cemetery authority shall require, as a condition to the erection of a marker, monument, or other structure within the cemetery, that the marker, monument, or other structure be purchased from or through the cemetery authority. The Board voted 4-0 to require Oakwood to change its regulations to conform with section 8302(b).

FUTURE MEETINGS:

December 5 in Los Angeles.