



AB 3841 (Eastin) was substantially amended on August 24 to include former provisions of *AB 3953 (Eastin)*. Existing law exempts from the provisions of the Contractors State License Law, among others, an owner of property, building or improving structures thereon or appurtenances thereto, who contracts for the project with a licensed contractor or contractors. This bill provides that this exemption shall apply only if four or fewer of the structures are intended or offered for sale in a calendar year. These limitations do not apply if the owner of the property contracts with a general contractor.

This bill also provides that, on and after January 1, 1990, the installation of all fire protection systems shall be performed only by a contractor holding a fire protection contractor classification.

AB 3841 also requires contractors, as to construction projects completed on and after January 1, 1989, to keep records relating to the construction for five years. Finally, this bill provides that a complaint referred to arbitration by the CSLB registrar shall not be made public until the registrar has initiated an investigation into the alleged violation of an arbitration award.

AB 3841 was signed by the Governor on September 20 (Chapter 1035, Statutes of 1988).

AB 3953 (Eastin) became *AB 3953 (Polanco, Eastin)* and was substantially amended on August 26. Some of its former provisions were incorporated into *AB 3841 (see supra)*. New *AB 3953* would have appropriated \$300,000 from the Contractors License Fund to the CSLB for the purpose of conducting a pilot project pertaining to developing, implementing, and assessing the merits of a central data base of contractor information, including contractor information from small, minority, and women-owned businesses. The Governor vetoed *AB 3953* on September 28.

AB 3969 (Hauser), as amended June 22, requires a contractor who inspects property for the purpose of determining the presence of asbestos or for remedial action with knowledge that the report is required by a lender or public agency for a permit, to disclose if it is owned by, or has any financial relationship with, the business or entity performing the corrective work. The bill also prohibits an asbestos consultant who inspects property for the purpose of determining the presence of asbestos, with knowledge that the report is required by a lender or by a public agency for a permit, from requiring, as a con-

dition of performing the inspection, that the consultant also perform subsequent corrective work. *AB 3969* was signed by the Governor on September 28 (Chapter 1491, Statutes of 1988).

AB 4310 (Eastin), as amended August 29, requires a plasticized pocket card to be issued, at no cost, to a contractor upon licensure and requires the surrender of the card under specified circumstances. The bill also creates a pilot project on direct access to contractor license verification systems in not less than six cities, counties, or cities and counties, or other entities that assent thereto; and requires CSLB to report to the legislature on or before March 31, 1991 on the pilot project. This bill was signed by the Governor on September 28 (Chapter 1495, Statutes of 1988).

SB 354 (Craven), which requires the CSLB to report to the Governor and legislature by February 15, 1989, on the licensing of interior designers, and appropriates \$25,000 from the Contractors License Fund to the Board for purposes of conducting the study, was signed by the Governor on August 30.

SB 2386 (Campbell), which requires any public works contract of any public entity to include an affidavit affirming that the bidder has not participated in various collusive activities, was signed by the Governor on September 29 (Chapter 1548, Statutes of 1988).

SB 2163 (Presley), which would, with respect to post-January 1, 1989 contracts, prohibit requiring both the giving of a bond and the retention of payment(s) to ensure performance, has been referred for interim study.

AB 3391 (Chandler), *AB 4571 (Duplissea)*, *SB 1875 (Greene)*, *SB 2385 (Campbell)*, *AB 3384 (Floyd)*, *AB 4244 (Farr)*, and *AB 4427 (Ferguson)* died in committee.

RECENT MEETINGS:

At its July 20-21 meeting in San Leandro, CSLB Registrar David Phillips reported that the Board's goals for reducing the enforcement backlog are being implemented. The Board expressed satisfaction with the progress of the arbitration program and the statewide automated enforcement system, but acknowledged that the building department citation program is not working as well as anticipated. Mr. Phillips also noted that the amnesty backlog is down to 8,000 from over 33,000 applications (see CRLR Vol. 8, No. 3 (Summer 1988) p. 54; Vol. 7, No. 4 (Fall 1987) p. 45; and Vol. 6, No. 4 (Fall 1986) p. 33 for background information).

Also at the July 20 meeting, Mr. Phillips discussed several issues that he would like the Board to address in the upcoming year, including training for enforcement staff; citations for unlicensed contractor advertising; clean-up legislation for the amnesty program to deal with unlicensed contractors; waiver of trade exams; giving credit for experience on exams where the score is within a few points of passing; and reciprocity between states.

Also at the July meeting, John Moore was commended for his work as Chair of the CSLB for the 1987-88 year, and was presented with a plaque acknowledging his work during the past year.

FUTURE MEETINGS:

January 12-13 in Monterey.
April 20-21 in southern California.
June 8 in Sacramento.
July 20-21 in San Diego.

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:

Continuing Education Requirements.
At its September 18 meeting in San Francisco, the BOC again attempted to clarify its continuing education (CE) requirements for cosmetology instructors. (See CRLR Vol. 8, No. 3 (Summer 1988) p. 55 for background information.) The Board discussed (1) who must complete thirty hours of CE; (2) exemptions from the requirements; and (3) the definition of "inactive license status." The Board also provided a list of recognized providers offering courses ap-



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proved for CE credit.

Also at its September 18 meeting, Andre Nizetich, president of Cosmetology Instructors Symposium Services, spoke to the Board regarding his petition to amend section 947 of the Board's regulations. His proposed changes would require recognized CE providers to maintain attendance records for a period of four years. He also recommended limitations on class size and duration to ensure the quality of the required thirty hours. Industry members present expressed dissatisfaction with his proposals, and the Board denied the petition on the grounds there is "no demonstrated need" for the changes.

Regulatory Changes. At its July 17 meeting, the Board adopted several changes to its regulations contained in Chapter 9, Title 16 of the California Code of Regulations. (See CRLR Vol. 8, No. 3 (Summer 1988) p. 55 for background information.) The Office of Administrative Law (OAL) has already approved the Board's changes to sections 979-982 concerning more stringent guidelines for disinfection and sterilization of cosmetology instruments.

Two other regulatory packages also adopted by the Board in July await submission to the OAL. The first package would amend section 990 to increase renewal and licensing fees. The second package would amend sections 911.4 (satellite classrooms), 919.7 (student access to school records), and 919.8 (school records).

LEGISLATION:

SB 2472 (Montoya) was signed by the Governor (Chapter 594, Statutes of 1988). This legislation requires that all written instructions given during the BOC's licensing examination be available in Vietnamese. Its sister bill, SB 1046 (Montoya), requiring the instructions to be available in Korean, died in committee.

SB 1884 (Morgan), sponsored by the Student Aid Commission, was signed by the Governor (Chapter 1414, Statutes of 1988). It requires the Board to submit a report to the legislature by March 1989 on the feasibility of establishing a tuition recovery fund for cosmetology school students, and efforts that may be taken to reduce student default and institutional abuses of student loan programs.

SB 2546 (Rosenthal), signed by the Governor (Chapter 499, Statutes of 1988), extends the January 1, 1989 sunset provision in the statute governing the licensing and operation of mobile cosmetology units to January 1, 1992.

LITIGATION:

Board of Cosmetology and Denise Ostton v. Michael Kelley, No. 358630 (Sacramento Superior Court), has been dropped. Ms. Ostton has been formally approved as BOC's Executive Officer. (See CRLR Vol. 8, No. 3 (Summer 1988) pp. 40 and 55 for background information.)

RECENT MEETINGS:

At its July 17 meeting in San Diego, the Board elected Len Steinbarth as Board president in a 4-3 vote. Jayne Rhodes, a licensed cosmetologist and owner of an electrology salon, was sworn in as an industry member of the Board. The BOC presented a plaque to former Board member Marlene Brocker in recognition of her years of dedicated service.

At its September 18 meeting in San Francisco, the Board adopted several changes to the policy guidelines relating to the duties and authority of the Board president. Board member Howard Stein proposed that the president's duties include "publicly chastising" any Board member who is absent three consecutive times without reasons. Board member Sheila Washington objected, stating there is no demonstrated need for public chastisement. The Board amended the proposed language to authorize the Board president to "publicly announce" such absences, and adopted the change.

The Board also approved changes to its disciplinary guidelines to establish consistency of penalties statewide. A complaint disclosure policy was adopted, as was an action plan for 1988-89. A copy of the Board's report on hazardous and toxic materials in the workplace, including substantiated findings, conclusions, and recommendations for Board action, was distributed to the Board members.

FUTURE MEETINGS:

January 22 in Palm Springs.

March 12 in Sacramento.

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.

MAJOR PROJECTS:

Examination Audit Contract Awarded. Under Business and Professions Code section 1633, the BDE is required to conduct an analysis of 1981-87 exam results to determine whether candidates should repeat the entire licensing exam when they have failed some sections of the test while passing others. The contract for the evaluation of the dental licensure examination was recently awarded to Hoffman Research Associates, Inc. (HRA) of Chapel Hill, North Carolina. The contract specifies that HRA will deliver eight items, including detailed statistical studies and comparisons, to the Board within the next year. The bid for the contract awarded was \$119,811. (For further discussion on the issue, see CRLR Vol. 8, No. 3 (Summer 1988) p. 56.)

Clarification of Dentists' Responsibilities Regarding Procedures Performed by Auxiliaries. Informational meetings held by the BDE in early 1988 revealed that the Dental Practice Act should be clarified with respect to the responsibilities of the dentist regarding procedures performed by auxiliaries. (See CRLR Vol. 8, No. 3 (Summer 1988) p. 56 and Vol. 8, No. 2 (Spring 1988) p. 54 for background information.) Specifically, the BDE found that the Act is unclear as to the duties which may be performed by auxiliaries prior to an examination and diagnosis of the patient by a dentist. A subcommittee of the Board held a public regulatory writing