



workshop on August 10 and drafted a proposal for the Board to consider.

At its September meeting, the Board considered the proposal, which would add section 1065 and renumber and amend section 1068, Title 16, California Code of Regulations. The proposed amendments would specify clearly which duties an auxiliary may perform prior to an examination of the patient by a dentist. The Board plans to publish the proposed amendments in November and hold a hearing on them in January.

**New Body to Clarify BDE/COMDA Relationship.** One of BDE's goals is to clarify and define the relationship between COMDA and the Board. At its September meeting, the Board created a new entity, consisting of the BDE President, the COMDA liaison, and the Chairperson of COMDA and/or its Executive Officer, which will now hold quarterly meetings. The intent of these meetings is to establish better communication between the BDE and COMDA. At its initial meeting, the new group will review past years' problems, and establish goals for the coming year. The body will report to the Board following each quarterly meeting.

**BDE Monitors the Franchising of Dental Services.** The Board directed its staff to notify Prime Health, Inc., proprietors of the Specialty Dental Centers (SDC), of the Board's concern over the establishment of SDC in California. The BDE notified Prime Health of the Board's intent to pursue litigation against the company if any SDCs open in California. Franchising of dental services in California is presently considered illegal by the BDE. Representatives of Prime Health have recently made major progress in revising business contracts to be in compliance with state law, and to appease the Board's concerns. Therefore, the BDE will decide whether further action is necessary at a future meeting, after having met with a representative from Prime Health.

**Chemical Dependency Liaison Committee.** The Board is in the process of establishing a Chemical Dependency Liaison Committee, to be composed of BDE members and members of the California Dental Association. Meetings would be held to exchange information on the identification and treatment of chemically dependent licensees, and to foster better communication on the treatment of this social disease. BDE President Dr. Alfred Otero will represent the Board on the Liaison Committee, and was scheduled to report on the highlights of its first meeting at the

BDE's November meeting.

## LEGISLATION:

**AB 3816 (Chandler)** creates within the Department of Corporations a health care service plan advisory committee. Two members of the committee shall be persons in an administrative capacity with a dental service plan. This bill was signed by the Governor on September 13 (Chapter 848, Statutes of 1988).

**AB 3766 (Connelly)**, which authorizes the courts to order medical practitioners charged with violating certain felony controlled substance laws to surrender to the clerk of the court all triplicate prescriptions blanks, was signed by the Governor on August 29 (Chapter 639, Statutes of 1988).

The following is a status update on bills reported in detail in CRLR Vol. 8, No. 3 (Summer 1988) at pages 56-57:

**SB 1045 (Montoya)**, regarding the use of general anesthesia by dentists, died in the inactive file. An interim hearing on the bill was scheduled for October 28 by the Business and Professions Committee.

**SB 1235 (Montoya)**, regarding use of conscious sedation by dentists, and **SB 2239 (Montoya)**, which would have provided that no public member of the BDE may be employed by any corporation or person who is a licentiate of the Board, died in the Assembly Health Committee.

**SB 1552 (Kopp)**, which requires BDE to consider requiring AIDS training in its continuing education requirements, was signed by the Governor (Chapter 1213, Statutes of 1988).

**SB 2852 (Watson)**, which would have specified the procedure for terminating the relationship between a primary care practitioner and a patient, failed passage on the Senate floor.

**AB 634 (Moore)**, regarding use of the term "DDS", died in the Senate Business and Professions Committee.

**AB 3029 (Vasconcellos)** makes it unprofessional conduct for dentists to advertise in a manner which violates section 651 of the Business and Professions Code. This bill was approved by the Governor on August 11 (Chapter 396, Statutes of 1988).

**SB 2736 (Watson)**, which would have required the Department of Health Services to study the cost-effectiveness of dental sealants, died in the Senate Committee on Health and Human Services.

## RECENT MEETINGS:

At the Board's July meeting, Department of Consumer Affairs legal counsel

Anita Scuri briefed Board members on the OAL's unauthorized amendments to the Board's continuing education (CE) regulations. After several disapprovals and resubmissions, OAL finally approved BDE's CE regulation in April 1988. When BDE received its copy of the regulations, however, it noticed that OAL had made changes to the language of the Board's regulations. Specifically, OAL had added language which would have included several CE provider application forms as a substantive part of the regulations, whereas the Board had previously decided that the forms would not be a part of the regulatory language. According to BDE staff, OAL contended that it has the authority to make nonsubstantive clarifying changes to agency-approved regulatory language. BDE challenged OAL's unauthorized changes, and threatened to appeal to the Governor's office for the rescission. In August, OAL backed down from its previous decision, and reapproved BDE's version of the CE regulations in the September 16 *Notice Register*.

At its September meeting in San Francisco, Dr. Jack Saroyan briefed the Board concerning the Non-Disciplinary Review (NDR) Panel meeting held on August 19 in San Francisco. The panel addressed matters relative to advertising violations and standard of care. Dr. Saroyan noted that the NDR process is a low-cost, nonthreatening way to investigate and resolve minor infractions by licensees.

## FUTURE MEETINGS:

To be announced.

## BUREAU OF ELECTRONIC AND APPLIANCE REPAIR

Chief: Jack Hayes  
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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



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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 representatives of the electronic industry, and five public representatives, all appointed for four-year terms.

Advisory Board members Marcus Fearnough (appliance industry member) and Michael Nakamura (electronic industry member) were recently reappointed to another term on the Board.

### MAJOR PROJECTS:

*Press Release Announces New Mandatory Written Estimate Regulation.* In August, BEAR and the Department of Consumer Affairs (DCA) issued a press release announcing BEAR's new written estimate regulation. Under section 2722 of BEAR's regulations, electronic and major home appliance repair dealers are now required to provide a written estimate of charges to consumers before repairs are made to home electronic equipment and major home appliances. Other requirements applicable to repair dealers now include verbally informing the consumer of charges assessed for a home service call and a written statement as to any charges to be made for diagnosing the defect in electronic equipment or appliances and for providing the written estimate.

*Registration of Electronic and Appliance Technicians.* The Advisory Board is currently considering a proposal to create a registration and/or licensing system for electronic and appliance technicians who work for registered service dealers. At the Board's May 13 meeting, BEAR Los Angeles office supervisor Zeferino Lopez stated that an analysis of consumer complaints received from 1977 to the present reveal that over one-half of the complaints allege poor technician workmanship. Technicians who perform incompetently are usually fired (and may cost a service dealer his/her registration), but are able to move on to another service dealer with impunity. Lopez stated that in 1977, legislation was introduced to require registration of technicians, but failed due to opposition by the California State Electronic Asso-

ciation (CSEA). Since then, no effort has been made to reintroduce the bill. Lopez requested that the Board reconsider this issue.

At the Board's August meeting, Larry Moore, Field Representative with BEAR's Los Angeles office, presented a report outlining the problems which incompetent and unregistered technicians impose upon service dealers and consumers. Although CSEA representatives still questioned the need to register or license technicians, the Board referred the issue to its Legislative Committee for further investigation and discussion.

### LEGISLATION:

The following is a status update on bills discussed in CRLR Vol. 8, No. 3 (Summer 1988) at page 57:

*AB 1250 (Lewis)*, which extends the exemption of automobile dealers or manufacturers found in Business and Professions Code section 9806, and exempts registered electronic and appliance repair dealers from the Automotive Repair Act, was signed by the Governor on August 22 (Chapter 480, Statutes of 1988).

*AB 1913 (Harris)* raises the monetary jurisdiction of small claims courts to \$10,000 for damages actions which involve personal injury or property damage; limits for all other small claims actions are raised from \$1,500 to \$2,500. This bill was signed by the Governor on August 22 (Chapter 481, Statutes of 1988).

*AB 4570 (Duplissee)*, a Department of Consumer Affairs-sponsored bill concerning full disclosure on extended service warranties, was signed by the Governor on August 25 (Chapter 582, Statutes of 1988).

*AB 4468 (Elder)* would have required that extended service warranties sold by retail outlets be backed by insurance for purposes of indemnifying the purchaser of the warranty, but was vetoed on September 28.

### RECENT MEETINGS:

During its summer meetings, BEAR discussed a proposal to require service dealers to use certain minimum test equipment. On July 12, DCA legal counsel Don Chang told BEAR's Legislative Committee that BEAR lacks statutory authority to require service dealers to obtain and use minimum test equipment. However, both the CSEA and the Electrical Industries Association publish lists of suggested test equipment, and the Committee decided to recommend to the Advisory Board that BEAR provide an informational sheet to regis-

tration and renewal applicants, which would contain the names and addresses of nonprofit national and local trade associations that provide recommended test equipment for servicing electronic equipment and appliances. At its August 19 meeting, the Board approved this idea, but a CSEA representative stated that legislation should be pursued to enable BEAR to require minimum test equipment.

At its May and August meetings, the Advisory Board discussed an apparent conflict between California law and the current requirements of some service contract administrators and manufacturers. Section 9843 of the Business and Professions Code requires service dealers to return replaced parts to consumers after repairs, unless those parts are exempt by regulation. BEAR's regulations do not currently exempt parts replaced under a service contract from that requirement, but many service contract administrators/manufacturers require that parts replaced under a service contract by returned to them or retained for audit. DCA counsel Don Chang recommended an amendment to section 2765 of BEAR's regulations to exempt replaced service contract parts from the requirement that they be returned to the consumer, but that suggestion was rejected by BEAR's Legislative Committee at its July 12 meeting. At the Board's August meeting, BEAR Program Manager George Busman informed the Board that BEAR has cited a service dealer for returning a part to a service contract administrator when it should have been returned to the customer in only one instance. The Board decided to monitor the situation and treat future problems on a case-by-case basis.

### FUTURE MEETINGS:

To be announced.

### BOARD OF FUNERAL DIRECTORS AND EMBALMERS

*Executive Officer: James B. Allen  
(916) 445-2413*

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 apprenticeship training, annually accredits embalming schools and administers the licensing examinations. The Board inspects the physical and sanitary con-