



contractor or 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 performing subsequent corrective work on that property. This bill passed the Assembly on June 9.

AB 4244 (Farr), as amended April 28, would exempt from the Contractors' License Law work conducted by gas, heat, or electrical corporations conducted on the properties of significant electrical or gas customers of such a corporation. This bill is still pending in the Assembly Committee on Governmental Efficiency and Consumer Protection.

AB 4274 (Bane) has been substantially amended and pertains only to structural pest control operators.

AB 4310 (Eastin), which would require a plastic card to be issued to contractors upon their licensure, passed the Assembly on June 9.

AB 4427 (Ferguson), which would require rebates to be paid to CSLB licensees when the Contractors' License Fund exceeds \$1 million, is still pending in the Assembly Committee on Governmental Efficiency and Consumer Protection.

AB 4456 (Polanco), which would have required the CSLB to establish a special public works unit to investigate complaints against contractors performing work for the state, failed passage in the Assembly Committee on Governmental Efficiency and Consumer Protection.

RECENT MEETINGS:

At its April 13 meeting in Palm Springs, the Licensing Committee conducted a workshop to review the application form and the experience requirements for licensure. Many suggestions were made regarding changes to the application. A staff proposal to eliminate the Certificate of Experience and incorporate that form onto the application form itself was accepted by the Committee pending approval of the form.

Also at that meeting, the Committee recommended that criminal background checks be performed on all applications referred for investigation. Staff was directed to check into the feasibility of such a proposal.

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:

Ostton Approved as Executive Officer. On May 23, Department of Consumer Affairs (DCA) Director Michael Kelley informed Denise Ostton that she has been approved as BOC's Executive Officer. (For related discussion, see *supra* agency report on DEPARTMENT OF CONSUMER AFFAIRS; see *infra* LITIGATION.)

Continuing Education Requirements. At its April 17 meeting in Oakland, the Board reviewed a status update on continuing education requirements for cosmetology instructors. The Board noted that a February 29 panel discussion on the subject was attended by almost thirty school owners and instructors, as well as Executive Officer Denise Ostton, Board member Marlene Brocker, and BOC program analyst Jeff Weir. The panel discussion was intended to clarify the requirements of the law and regulations regarding continuing education for cosmetology instructors.

Effective January 1, 1989, cosmetology instructors must show proof of completion of thirty hours of continuing education. The Board is concerned because thus far, few continuing education courses have been submitted to the Board for approval. Only one package of courses, offered by Cosmetology Instructors Symposium Services, had been certified by April 17.

Cosmetology Exam Project. DCA's Central Testing Unit has completed validation of written examinations for cos-

metologists, instructors, manicurists, cosmeticians, and electrologists. Six hundred exam questions were reviewed with 48% of those questions targeted for revision at a later date.

Regulatory Changes. The Board is contemplating several changes to its regulations, contained in Chapter 9, Title 16 of the California Code of Regulations.

One package of proposed changes would substantially amend the Board's health and safety rules regarding disinfection and sterilization. Sections affected include sections 979 (disinfection of non-electric instruments), 980 (disinfection of electrical instruments), 981 (sterilization of electrolysis instruments), and 982 (disinfection of manicuring instruments).

A second regulatory package proposes amending section 990, to increase the renewal fee for cosmetology establishment and individual licenses, as well as the delinquency renewal fee.

A third package proposes to amend sections 911.4 (satellite classrooms), 919.7 (student access to school records), and 919.8 (school records).

The changes were to be discussed at a formal hearing, scheduled for July 17 in San Diego.

LEGISLATION:

SB 1884 (Morgan), as amended June 13, would require the BOC to complete a study by March 1989 to determine the feasibility of establishing a tuition recovery fund for students attending schools of cosmetology. This bill is pending in the Assembly Education Committee.

SB 2472 (Montoya) would require that all written instructions given during BOC's licensing examination be available in Vietnamese. This bill is pending in the Assembly Committee on Governmental Efficiency and Consumer Protection.

SB 2546 (Rosenthal), as amended April 7, would extend the January 1, 1989 sunset provision in the statute providing for the licensure of mobile cosmetology units to January 1, 1992. This bill is pending in the Assembly Committee on Governmental Efficiency and Consumer Protection.

LITIGATION:

Board of Cosmetology (BOC) and Denise Ostton v. Michael Kelley, No. 358630 (Sacramento Superior Court), concerns DCA Director Michael Kelley's failure to either approve or disapprove BOC's August 1987 appointment of Denise Ostton as the Board's permanent executive officer (EO). At this writing, the lawsuit was scheduled for a July 16



hearing, notwithstanding Kelley's May 23 approval of Ostton as BOC's EO. (For a detailed discussion of this lawsuit, see *supra* agency report on DEPARTMENT OF CONSUMER AFFAIRS.)

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 appointed Pamela R. Benjamin of Union City as a public member to the Board. Joseph E. Anthony, DDS, Hazel C. Torres, RDA, and Gloria D. Valde, DDS, were reappointed to serve as members of the Board.

MAJOR PROJECTS:

Definition of "Patient of Record." For many months, the Board has considered possible adoption of a regulation defining the term "patient of record." In fact, the Board attempted to define the term in 1984 but abandoned the effort due to a lack of consensus as to what should be included in the definition. On April 7, an informational hear-

ing was held in Burlingame concerning the "patient of record" issue. Several individuals testified, including representatives from the Native American Health Center and the California Dental Association. After hearing comments on this issue, the Board voted to form a subcommittee to draft language for a proposed regulation to clarify the Dental Practice Act, focusing on the responsibilities of dentists. (For background information on the "patient of record" issue, see CRLR Vol. 8, No. 2 (Spring 1988) p. 54 and Vol. 8, No. 1 (Winter 1988) p. 52.)

Examination Audit. Pursuant to Business and Professions Code section 1633, the Board 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. Under current law, the entire exam must be repeated if any sections are failed. The Board formed a subcommittee to select the winning bid among those seeking to perform the examination audit. The committee is comprised of Dr. Jean Savage, Board member; Eric Werner, Department of Consumer Affairs; and Dr. Robert Christoffersen, an educational consultant. The bid was to be awarded before the end of the current fiscal year.

Continuing Education Regulations. Following several disapprovals and re-submissions, the Office of Administrative Law approved the Board's continuing education rulemaking file on April 4. The new regulations went into effect immediately upon being filed with the Secretary of State. (For further discussion on this issue, see CRLR Vol. 8, No. 2 (Spring 1988) p. 54; Vol. 8, No. 1 (Winter 1988) p. 51; and Vol. 7, No. 4 (Fall 1987) p. 47.)

Changes in Peer Review Reporting Law. Effective January 1, changes in peer review reporting laws affect dental associations and societies as well as dental groups with twenty-five or more members which have a professional peer review system. Pursuant to SB 1620 (Hart), such organizations must report their peer review actions to BDE within thirty days of the imposition of any summary suspension of fourteen days or more. Section 805(e) of the Business and Professions Code states that "[f]ailure to make a report pursuant to this section is a misdemeanor punishable by a fine of not less than two hundred dollars nor more than one thousand two hundred dollars." Changes implemented under SB 1620 also allow the Board to review information and records which

were used as a basis for the peer review allegations and resulting actions.

LEGISLATION:

SB 2736 (Watson) would require Department of Health Services to study the cost-effectiveness of dental sealants and report back to the legislature by January 1, 1991. The purpose is to evaluate whether it is reasonable for Medi-Cal to cover the cost of sealants. The Board supports this bill, which is pending in the Senate Committee on Health and Human Services.

SB 2852 (Watson), which failed passage in the Senate twice during June, was designed to affect all healing arts practitioners. As amended June 2, the bill would have specified the procedure for terminating the relationship between a primary care practitioner and a patient and provided that violations of this law would constitute unprofessional conduct. The Board opposed this bill, believing it to be redundant with section 1680(u) of the Business and Professions Code, which provides that abandonment of a patient without procuring another provider constitutes unprofessional conduct.

SB 2339 (Montoya), as amended on June 8, would provide that no public member of the BDE may be employed by any corporation or person who is a licentiate of the Board. The bill passed the Senate on June 9.

The following is a status update on bills reported in CRLR Vol. 8, No. 2 (Spring 1988) at pages 54-55:

SB 3029 (Vasconcellos), as amended on June 8, continues to focus on advertising by dentists. The bill would include in the list of activities constituting unprofessional conduct the dissemination of public communication containing false, fraudulent, misleading, or deceptive statements or claims. The measure is pending in the Senate Committee on Business and Professions.

AB 449 (Felando), regarding dental advertising of certification, died in committee.

AB 634 (Moore), regarding use of the term "DDS", was to be heard in the Senate Committee on Business and Professions on August 1.

SB 1045 (Montoya), regarding use of general anesthesia by dentists, remains in the inactive file.

SB 1235 (Montoya), regarding use of conscious sedation by dentists, remains in the Assembly Committee on Health, where a hearing on the measure was postponed on April 12.

SB 1522 (Kopp), which would direct BDE to consider requiring AIDS training in continuing education require-