

REGULATORY AGENCY ACTION



of the CCR. The proposed change would add section 229 regarding model standards. This change was dropped from the January 25 regulatory package in order to prepare further analysis and testimony. The proposed regulation would outline standards for models to be used by candidates taking the practical portion of the barber examination.

Correction. In CRLR Vol. 7, No. 4 (Fall 1987) p. 41, we erroneously reported that BBE agreed with recommendations to amend sections 212 and 212.2 of the Board's regulations. The Board decided not to change either section. We apologize for the error.

Examination Scheduling. In response to the large number of students who are scheduled but fail to appear for the BBE exam in southern California, the Board recently implemented a "standby" program. Prior to the exam, the Board will designate a limited number of individuals as standbys. These individuals may appear at the exam, and may be admitted if other examinees fail to show up for their scheduled exams.

The Board decided to implement the standby program based on its own internal statistics for the period July 1987 to January 1988. During this time period, BBE's statistics showed that 98 out of 378 examinees scheduled for testing in southern California did not show up for the BBE exam. Thus, at its January 25 meeting, the Board heard public comment and decided to implement the program. BBE will limit the number of examinees to be designated as standbys for each examination, rather than allowing an unlimited number of standbys. The plan is in its experimental stages and BBE will monitor it in order to determine its effectiveness.

Chino Youth Training Program. The Board is currently in the process of deciding whether to grant full certification to the barber training program at the Youth Training School at Chino. Full certification requires completion of a 1500-hour training program by the barbershop student. Currently, the BBE only certifies the Chino program for 1200 hours because previously the program did not offer hands-on experience in shaving and other facial treatments.

However, Chino program officials contend that its seven-year-old program now offers complete training. If BBE certifies the program for 1500 hours, then the Chino Youth Training Program would be afforded all the benefits of a fully licensed barbershop school. Thus, BBE would institute the administration of written and practical examinations at

the training facility. The Board was scheduled to discuss whether to full certify the Chino Youth Training Program at its April 11 meeting.

Operations Manual for Inspections. In order to improve the Board's inspection of shops, BBE has drafted an operations manual for inspectors to use in determining whether barbershop are in compliance with the applicable codes and regulations. The operations manual consists of information pertaining to the inspection process, and cross-references the information to applicable BBE regulations and statutes. The manual is an internal document and will not be distributed to licensees. It will provide a convenient reference guide for shop inspectors, which should diminish the amount of time required by an inspector to inspect a shop. Shop inspectors will have an opportunity to comment on the effectiveness of the manual in improving shop inspections. BBE expects to finalize the manual in approximately six to eight weeks.

Projected Fiscal Budget of BBE. Governor Deukmejian has asked all boards to compile an analysis of their projected budgets for the next five years, incorporating their goals and objectives into the fiscal analysis. BBE has begun this task.

LEGISLATION:

SB 1388 (Montoya) and SB 1179 (Maddy), each offering a different approach to merger of the barber and cosmetology licensing programs, were not heard in the Senate Business and Professions Committee before the January 22 deadline. Therefore, both bills are dead for this session. (For more information on the merger issue, see CRLR Vol. 7, No. 3 (Summer 1987) p. 68; Vol. 7, No. 2 (Spring 1987) p. 41; and Vol. 7, No. 1 (Winter 1987) p. 1.)

RECENT MEETINGS:

At its January 25 meeting, the Board discussed different methods of evaluating school personnel in barbershop training facilities. Board members expressed a desire to improve the quality of instructors as well as to reevaluate the schools in which they teach in order to prepare students to competently enter the barbershop profession. The matter was submitted to the education subcommittee for further study.

FUTURE MEETINGS:

June 20 (location undecided).

BOARD OF BEHAVIORAL SCIENCE EXAMINERS

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The eleven-member Board of Behavioral Science Examiners (BBSE) licenses marriage, family and child counselors (MFCCs), licensed clinical social workers (LCSWs) and educational psychologists (LEPs). The Board administers tests to license applicants, adopts regulations regarding education and experience requirements for each group of licensees, and appropriately channels complaints against its licensees. The Board also has the power to suspend or revoke licenses. The Board consists of six public members, two LCSWs, one LEP, and two MFCCs.

MAJOR PROJECTS:

Proposed Regulatory Changes. At its February 19 meeting in Palm Springs, BBSE discussed three proposed regulatory changes. First, the Board plans to amend section 1805 of its regulations in Title 16, California Code of Regulations, to comply with the Permit Reform Act of 1981. New section 1805.1 would establish application processing time limits for the Board's various programs (MFCC internship, MFCC license, LCSW license, LEP license, license-renewals, corporate registration, and hypnosis certification).

The Board will also propose an amendment to section 1806 of its regulations, to provide that an application for licensure shall be deemed complete when all documents and information required to determine eligibility for examination have been submitted to the Board. Applications must be completed within one year of filing with the Board, or they will be deemed abandoned. An application would also be deemed abandoned if the applicant does not submit evidence that he/she has removed deficiencies within two years of a deficiency letter.

The Board also approved language which will amend section 1807.2, to clarify that no exemption will be given regarding child abuse training.

Finally, BBSE plans to amend section 1812, which defines acts which are substantially related to the qualifications, functions, or duties of a licensee and may serve as a basis for denial, suspension, or revocation of a license. The proposed amendment would add a list of specific acts to this definition, including violence toward another person; sexually related crimes; possession of drugs; theft; violation of any provision



REGULATORY AGENCY ACTION

of the Board's statutes or regulations; and failure to report any act required by law to be reported.

The Board planned to publish these proposed changes in the *Notice Register* in April.

LEGISLATION:

SB 2657 (Watson) would increase the renewal fee, the examination fee, and the reexamination fee for MFCCs; the registration fee for MFCC interns; the original license fee, renewal fee, and reexamination fee for LEPs; and the original license fee and renewal fee for LCSWs. This bill is pending in the Senate Business and Professions Committee; a hearing was set for April 11.

SB 2658 (Watson) would delete an existing statutory provision authorizing social worker applicants whose application has been rejected to apply to the BBSE for reconsideration. The bill would also revise the requirements for licensure as a clinical social worker, particularly with respect to the two years of experience required for licensure eligibility. At this writing, this bill is also awaiting an April 11 hearing in the Business and Professions Committee.

SB 1552 (Kopp) would require BBSE to consider including training regarding the characteristics, methods of assessment, and treatment of acquired immune deficiency syndrome (AIDS) in specified continuing education and training requirements for its licensees. At this writing, the bill is pending in Assembly Health Committee.

AB 4617 (Lancaster), introduced February 19, concerns business names of MFCC corporations. Existing law provides that the name of a MFCC corporation and any name(s) under which it renders professional services shall contain and be restricted to the name or last name of one of more of the present, prospective, or former shareholders and shall include one or more of the words "marriage," "family," and "child," and either "counseling" or "counselor," and wording or abbreviations denoting corporate existence.

AB 4617 would instead allow MFCCs to use the words "therapy" or "therapist" instead of "counseling" and "counselor." It would also provide that a MFCC corporation and any licensed MFCC shall not use any name which is false, misleading, or deceptive, and shall inform the patient, prior to the commencement of treatment, of the name and license designation of the owner(s) of the practice or, in the case of a corpor-

ation, that the business is conducted by a MFCC corporation.

AB 4617 is pending in the Assembly Health Committee.

SB 1642 (Keene) was amended for the fifth time on March 9. Earlier versions of the bill would have required health care service plans and individual practice associations which offer mental health benefits to make reasonable efforts to make available to their members the services of psychologists, MFCCs, and LCSWs. That language has been deleted. As amended March 9, the bill would permit a licensed nonprofit hospital service plan to convert, with permission from the Insurance Commissioner, into a business corporation. SB 1642 is pending in the Assembly Ways and Means Committee.

RECENT MEETINGS:

At its February 19 meeting, the Board heard from Deborah Carona, chair of the Ethics Committee. Ms. Carona reported on the findings of the Senate Task Force on Psychotherapy and Patient Sexual Relations (see CRLR Vol. 7, No. 3 (Summer 1987) p. 60 and Vol. 7, No. 2 (Spring 1987) p. 42 for background information). The Board decided to send Senator Watson a letter stating support for the work of the Task Force. The Board also decided to send recommendations to the Task Force. In particular, the BBSE recommends that sexual misconduct by a psychotherapist with a patient should be made a felony. At present, victims of improper psychotherapist conduct are limited to a civil action.

Also at the February 19 meeting, the BBSE heard from Genevieve Terrill, chair of the Examination Committee. Ms. Terrill outlined policy and procedure issues related to requests for special accommodations at examination sites. Special accommodations will be given to blind and deaf examinees. The Board will assign a reader for those who require one, and will add thirty minutes to the time of the examination. Ms. Terrill explained that unfamiliarity with the English language is not considered a disability, and thus no special time allowances or assistance from a reader will be permitted in such cases.

The Board heard a presentation by Lorie Rice at the February meeting regarding the Board of Pharmacy's program for impaired professionals. Ms. Rice, Executive Officer of the Board of Pharmacy, explained how that board chose from among the four or five existing model programs. She explained the

various factors which must be considered when choosing a program. These include resources and the severity of the problem in the industry. The Board stated that it will look into the various programs.

FUTURE MEETINGS:

June 24 in Los Angeles.
September 2 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:

Cremation Procedures. As a result of recent litigation alleging illegal commingling of cremated remains, the industry is experiencing a great deal of uncertainty regarding the meaning of the word "commingling," as used in the Health and Safety Code. (See CRLR Vol. 8, No. 1 (Winter 1988) pp. 47-48 for further details on this issue.) In response to this increasing concern, the Board directed legal counsel Anita Scuri to prepare a legal opinion on the incidental commingling of human remains during the cremation process.

At the Board's February 24 meeting in Newport Beach, Scuri presented her written opinion in response to the following question: "Does the cremation of the remains of a person in a cremation chamber that was used previously for the cremation of the remains of another person whose cremated remains were removed prior to the new cremation violate Health and Safety Code section 7054.7(a)(1) as a result of the incidental and unavoidable residue remaining in the cremation chamber?"

Scuri's opinion reviewed existing statutes, including section 7054.7(a)(1), which currently states that "except with