



previously agendaed items would not be rediscussed for six months, if there is no new information concerning the item. Board member Sheila Washington objected because she felt it may lead to abuse; however, all other Board members voted for the policy decision.

FUTURE MEETINGS:
June 5 in Oakland.

BOARD OF DENTAL EXAMINERS

Executive Officer:
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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 reappointed Alfred Otero, Jr., DDS; Evelyn Pangborn, RDH; and Albert Wasserman, DDS, to the Board.

The BDE recently selected its 1988 officers: Alfred Otero, Jr., DDS, is Board President; Jean Savage, DDS, is Vice President; and James Dawson, DDS, is Secretary.

MAJOR PROJECTS:

Informational Hearings. On April 7 in Burlingame, the BDE was scheduled to conduct its second informational hearing on determining the need to

define the term "patient of record." (For further discussion on this issue, see CRLR Vol. 7, No. 4 (Fall 1987) p. 52.) After reviewing the hearing testimony, the Board will determine whether regulatory action is necessary.

Disciplinary Guidelines. At its January 15 meeting, the BDE approved the proposed 1988 revisions to the Board's Disciplinary Guidelines. The guidelines are designed for use by administrative law judges, attorneys, and licensees involved in settlements, disciplinary actions, and stipulations. The revised guidelines outline standard and optional conditions of probation, and recommended penalties for specific statutory violations.

Investigative Priorities Update. The BDE also recently approved revisions to its investigative priority guidelines. The changes were made to ensure that the Board's enforcement arm is operating in a manner which is consistent with the law and which best protects the people of California.

Continuing Education Regulations. On December 31, the Office of Administrative Law (OAL) disapproved for the second time the Board's proposed amendments to its continuing education (CE) regulations. (See CRLR Vol. 8, No. 1 (Winter 1988) p. 51 and Vol. 7, No. 4 (Fall 1987) p. 47 for background information.)

Specifically, OAL found that, following its initial disapproval of the Board's CE regulations, the BDE substantially modified section 1016(e) regarding the appeal rights of CE providers, but did not make the modifications available for public comment prior to resubmitting them for OAL approval on December 2, 1987. OAL disagreed that the modifications to section 1016(e) were "technical nonsubstantive" changes.

Additionally, OAL found that the provisions in sections 1016 and 1017.2 which would require the use of forms prescribed by the Board failed to specify what information must be disclosed on the form, and were inconsistent with Government Code section 11347.5. Finally, OAL again found that the provision in section 1017 regarding the required contents of an advanced cardiac life support course violated OAL's clarity and incorporation-by-reference standards.

Permit Reform Act Regulations Approved. OAL recently approved BDE's proposed regulations to implement the Permit Reform Act of 1981 (Chapter 1087, Statutes of 1981), which requires licensing agencies to establish and follow timelines for processing ap-

plications and to set forth certain information regarding actual processing time based on the last two years prior to proposing the regulations. BDE's adoption of section 1061 and amendments to seven other existing regulatory sections specify the amount of time an applicant for any type of BDE license can expect to wait for Board action. (See CRLR Vol. 7, No. 4 (Fall 1987) p. 47 for background information.)

Expired and Cancelled Licenses. Board member Ray Polverini, BDE staff, and legal counsel are developing specific policy and procedure guidelines for the renewal of expired licenses and the issuance of new licenses to replace cancelled licenses. Draft policy changes were scheduled for discussion at BDE's March meeting.

LEGISLATION:

SB 1522 (Kopp), as amended January 4, would require the Board to consider including training regarding the characteristics, methods of assessment, and treatment of AIDS in continuing education requirements for its licensees. This bill is pending in the Assembly Health Committee.

AB 3029 (Vasconcellos), as amended March 10, would amend a current restriction on dental advertising. Existing law makes it unprofessional conduct and grounds for disciplinary action for any dentist to advertise free dental work or free examination. AB 3029 would limit this prohibition to an advertisement of those services which would directly or indirectly result in the rendering of professional services for compensation. This bill is pending in the Assembly Health Committee.

SB 1235 (Montoya) would, after January 1, 1990, prohibit a dentist from administering or utilizing a qualified anesthesia provider for the administration of conscious sedation on an outpatient basis unless the dentist has a valid general anesthesia permit or a specified permit issued by the Board. The bill specifies educational requirements necessary for the permit and authorizes imposition of a fee. This bill is pending in the Assembly Health Committee.

SB 1045 (Montoya) would provide that dentists providing general anesthesia on an outpatient basis must possess a valid license to practice dentistry and a valid general anesthesia permit issued by the Board. Dentists must complete specified advanced training in order to qualify for the permit, and must ensure that specified equipment and drugs are



on the dental office premises. An onsite inspection of the dental practice location must be conducted every six years. A general anesthesia permittee must complete fifteen hours of continuing education as a condition of permit renewal. SB 1045 was placed in the inactive file at the request of Assemblymember Felando.

AB 449 (Felando) would repeal existing law which limits a dentist who limits his/her practice to a certain field to advertising only that he/she is certified or eligible for certification. This bill is pending in the Senate Business and Professions Committee.

AB 634 (Moore) would allow any person licensed to practice dentistry in California to append the letters "DDS" to his/her name. This bill failed passage in the Senate Business and Professions Committee on August 17, but was granted reconsideration on August 20.

LITIGATION:

In December, the California Dental Association (CDA) filed suit in Santa Monica Superior Court alleging that the California Dental Hygienists Association (CDHA) engaged in illegal pricefixing. On February 17, the CDHA filed a cross-complaint, alleging antitrust violations; the filing of frivolous lawsuits; interference with attempts to conduct business; and libel and infliction of emotional distress to CDHA's past president. CDHA seeks compensatory and punitive damages of up to \$900,000.

RECENT MEETINGS:

At the Board's January 15-16 meeting, the BDE approved the reappointments of 27 Examining Committee members. The examiners will serve for a two-year term which expires on December 31, 1989.

The 1988 RDA practical examination schedule is tentatively set for March 5-6 and 12-13 at UCLA; March 26-27 and April 9-10 at UOP; September 24-25 and October 1-2 at UCLA; and October 15-16 and 22-23 at UOP. The passage rates on the RDA written examinations given in January and August of 1987 were 72% and 79%, respectively. The passage rates on the practical examinations given in March and September of 1987 were 63% and 58%, respectively.

The overall 1987 passage rate for the RDH examination was 75%. The 1988 RDH examination schedule is as follows: May 20-22 at USC; June 10-12 at UCSF; July 8-9 and 20 at UCLA; and November 4-6 at UCSF.

Upon COMDA's recommendation, the BDE recently approved the radiation

safety programs to be offered at Santa Barbara College, Professional Dental Enterprises of San Diego, and Dental Dynamics of Simi Valley.

FUTURE MEETINGS:

July 15-16 in San Diego.
September 9-10 in San Francisco.
November 11-12 in Newport Beach.

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 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.

MAJOR PROJECTS:

Proposed Regulations. BEAR is proposing the amendment, adoption, or repeal of four sections of chapter 27, Title 16 of the California Code of Regulations. A public hearing on the proposed regulatory changes was scheduled for April 5 at BEAR's Sacramento office.

Section 2702 would be amended to define the term "audio recorders." A service dealer is defined under existing law as a person who engages in the business of installation, repair, or maintenance of specified items, including

audio recorders. Existing law does not define the term "audio recorders."

Section 2712, which requires all BEAR registrants to notify BEAR of any changes to their mailing address, would be repealed. Existing law already requires information in a service dealer's application to be current and up-to-date.

New section 2771 would set up a regulatory system for the issuance of citations and the assessment of civil penalties, as authorized by section 125.9 of the Business and Professions Code. (For background information, see CRLR Vol. 8, No. 1 (Winter 1988) p. 52.)

New section 2772 would establish a regulatory appeals procedure for citations issued under proposed section 2771.

LEGISLATION:

AB 1250 (Lewis) would expand the exemption of automobile dealers or manufacturers found in Business and Professions Code section 9806 with respect to the installation or replacement of antennas, radios, or other audio or video playback equipment, where such installation or replacement is related to the sale or repair of a motor vehicle. As amended on January 11, the bill also exempts registered electronic and appliance repair dealers from the registration requirements of the Automotive Repair Act. The bill was passed by the Assembly on January 27, and is currently pending in the Senate Business and Professions Committee.

AB 1913 (Harris) would raise the monetary jurisdiction of small claims court from \$1,500 to \$10,000 in actions which involve personal injury or property damage. Monetary jurisdiction for all other actions would be raised from \$1,500 to \$2,500. This bill was passed by the Assembly on January 25 and has been referred to the Senate Judiciary Committee.

AB 4570 (Duplissee) would affect the sale of service contracts for home electronic equipment and appliances. It would require full disclosure to the consumer of the terms, conditions, and exclusions of the contract prior to purchase. The service contract would also be required to include a consumer right of cancellation of the contract within sixty days. The bill is pending in the Assembly Committee on Governmental Efficiency and Consumer Protection.

AB 4468 (Elder) would require that service contracts sold by retail outlets be backed by insurance. The bill is pending in the Assembly Committee on Governmental Efficiency and Consumer Protection.