



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
(916) 445-4751

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.



RECENT MEETINGS:

BEAR's Advisory Board met in Monterey on February 5. The Advisory Board and its Legislative Committee discussed the possibility of recommending minimum test equipment necessary for electronic and appliance repair. However, the Board voted not to make any recommendations and to leave this area to industry and trade associations. The proposed recommendations would not have been adopted as regulations, but the Board feared that the recommendations might be considered "underground regulations." The issue will be discussed again at BEAR's next meeting.

BEAR staff reported on disciplinary action taken by BEAR between the Advisory Board's meeting in November 1987 and the February 5 meeting. Six criminal actions were initiated against service dealers for operating without a license. An appliance repair dealer in Garden Grove received a thirty-day stayed registration suspension and was placed on three years' probation for administrative violations, including placing ads in the *Pennysaver* without stating the company's name or address, and without stating whether the costs of parts and labor were included in the advertised price. The registrations of two satellite antenna dealers were revoked. In addition, one application for registration was denied because of the applicant's moral character.

FUTURE MEETINGS:

August 19 in Long Beach.
November 18 in Ontario.

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 conditions in a funeral establishment, enforces price disclosure laws and audits preneed funeral trust accounts maintained by its licensees. (A Board audit of a licensed funeral firm's preneed trust funds is statutorily mandated prior to transfer or cancellation of the license.)

In addition, the Board investigates and resolves consumer complaints.

MAJOR PROJECTS:

Permits for Disposition of Cremated Remains. In its January 15 newsletter, the Los Angeles County Funeral Directors Association (LACFDA) encouraged California funeral directors to inform clients who have the right to control the disposition of human remains of their responsibilities regarding the interment procedures authorized by a permit for disposition. Currently, Health and Safety Code section 7100 specifies the person(s) entitled to control the disposition of the remains of a deceased person in the absence of other directions given by the decedent. In addition, section 7100 provides that "a decedent...may direct the preparation for, type or place of interment of his remains, either by oral or written instructions, but a written contract for funeral services may be modified only in writing. The person...entitled to control the disposition... shall faithfully carry out the directions of the decedent...."

According to the newsletter, "some registrars may become aware that cremated remains are being released to persons with the right to control the disposition without that person fully understanding what actions are authorized by the permit." Specifically, some individuals who take possession of cremated human remains assume that if the box on the permit entitled "Burial at Sea or Disposition other than in a Cemetery of Cremated Remains" is checked, and the permit indicates that the ashes are released to the individual's home address, burial of the ashes or scattering at sea is also authorized. However, these procedures require a new disposition permit, and funeral directors were reminded to so inform their clients.

Death Certificates. In response to an article appearing in the *Los Angeles Times* and increasing concern and confusion throughout the industry regarding the appropriate role(s) of funeral directors, physicians, and local registrars in obtaining, completing, and filing death certificates, the Los Angeles County Board of Supervisors recently ordered an investigation of the death certificate problem in Los Angeles County. (See CRLR Vol. 8, No. 1 (Winter 1988) pp. 53-54; Vol. 7, No. 4 (Fall 1987) p. 49; Vol. 7, No. 3 (Summer 1987) p. 70; and Vol. 7, No. 2 (Spring 1987) p. 50 for background information.)

Chief Accountant-Auditor William Eng conducted a study of the death

certificate process. His ten-page report encompasses information gathered from interviews with members of LACFDA, a review of the policies and procedures of the county coroner's office and the Department of Health Services (DHS), and a flowchart of the death certificate process. The report concludes that the process of obtaining a properly executed and complete death certificate is unnecessarily complicated and time-consuming for funeral directors. Additionally, delaying disposition places added stress on the deceased's family and friends. Recommendations for remedial action are primarily aimed at correcting the underlying procedural problems in processing death certificates.

Among the recommendations offered to streamline the death certificate issuance process is the development of uniform instruction guidelines by the Office of the State Registrar for physicians' proper completion of death certificates. Section 10203, chapter 5 of the Funeral Directors and Embalmers Law, requires that "the medical and health section data and the time of death shall be completed and attested to by the physician last in attendance; provided, such physician is legally authorized to certify and attest to these facts...." Funeral directors, however, cannot always confirm that the attending physician has accurately completed the medical details. Consequently, death certificates submitted by the funeral director are not always accepted for registration, thereby requiring the funeral director to relocate the physician and secure a death certificate which will be acceptable to the local registrar. The development of uniform guidelines should help ensure that physicians properly complete the certificates.

The report also recommends that the DHS registrar station a part-time public health registrar at the county coroner's office on a trial basis, as part of a "one-step program" to improve service to the public by reducing the time required to issue a burial permit.

Eng's third recommendation would require the DHS to develop a method for monitoring the authenticity of death certificates. DHS could randomly mail confirmation letters to attending physicians requesting verification of the signatures and the cause of death on their death certificates. Conducting an investigation through random sampling will help to detect forgery of a physician's signature on death certificates by funeral establishment personnel. As reported in the *Los Angeles Times* on February 10,