



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,



"the county issues about 65,000 burial permits annually and does not attempt to determine whether the physician's signature is legitimate...." (See agency report on CEMETERY BOARD, CRLR Vol. 7, No. 2 (Spring 1987) p. 43 for an example of a funeral establishment employee's forgery of a physician's signature on a death certificate.)

The report also revealed that in 15% of cases sampled, death certificates were not signed by the attending physicians within fifteen hours after the death, as is required by section 10204 of the Health and Safety Code. In addition, physicians are required to deposit the certificate at the place of death, or deliver it to the attending funeral director at his place of business. Failure to comply with these statutes is a misdemeanor, under section 10677 of the Health and Safety Code. However, physicians are rarely prosecuted for violating section 10677 because infractions carry only a \$10 fine; each subsequent offense carries a fine of not less than \$50, or imprisonment in the county jail for not more than sixty days, or both.

Upon review of Eng's report in early January, the County Coroner's Office and DHS expressed general agreement with the recommendations. On February 9, the Los Angeles County Board of Supervisors adopted the report's recommendations.

The county audit was requested in response to a story in the *Los Angeles Times* last September, which quoted a night supervisor at a Los Angeles funeral home as saying that death certificates were routinely altered there, and that some certificates were thrown away and physicians' signatures forged on new ones to avoid delays in funeral services or avert the expense of legally mandated coroner's reviews. The *Times* stated that in some cases "[p]hysicians reported that their signatures had been forged by [the funeral home's] employees before the certificates were filed with county health authorities." At the request of the county coroner's office, DHS investigated the charges. The findings of that investigation are currently in the hands of the Los Angeles County District Attorney's Office.

LEGISLATION:

SB 89 (Boatwright), which would have repealed the statutes creating the Cemetery Board, transferred that Board's powers and duties to the Board of Funeral Directors and Embalmers, and increased the membership of the Funeral Board by adding a cemetery industry

representative, has been dropped by its author. (See CRLR Vol. 7, No. 3 (Summer 1987) pp. 62 and 70 for further information.)

SB 2359 (Roberti), as introduced on February 18, would authorize health officials to issue burial permits to funeral directors, even if there are "non-material errors" on death certificates, such as incorrect birth dates and marital status, allowing mistakes or omissions to be corrected later. The bill would also allow doctors to authorize employees, such as office nurses, to sign death certificates.

State Registrar David Mitchell, whose office is responsible for death certificates, opposes a major part of the proposed legislation, saying that it would be "a serious step backward." At this writing, SB 2359 is pending in the Senate Judiciary Committee.

FUTURE MEETINGS:

June 23 in Monterey.

BOARD OF REGISTRATION FOR GEOLOGISTS AND GEOPHYSICISTS

Executive Officer: John W. Wolfe (916) 445-1920

The Board of Registration for Geologists and Geophysicists (BRGG) was created by statute in 1969. This eight-member Board licenses geologists and geophysicists and certifies engineering geologists. These designations are determined by examinations administered twice each year. The Board also has the power to discipline licensees who act in violation of the Board's licensing statutes. The Board may issue a citation to licensees or unlicensed persons for violations of Board rules. These citations may be accompanied by an administrative fine of up to \$2,500.

The Board is composed of five public members and three professional members. BRGG's staff consists of two full-time employees (Executive Officer John Wolfe and his secretary) and two part-time personnel. The Board's committees include the Professional Practices, Legislative, and Examination Committees. BRGG is funded by the fees it generates. The 1987 budget bill increased the Board's budget by \$1,000, bringing its current total to \$219,000.

MAJOR PROJECTS:

Regulatory Changes. On April 4, BRGG was scheduled to hold a public hearing on proposed regulatory changes to section 3031, Title 16 of the Cali-

fornia Code of Regulations, which specifies the requirements an applicant must meet in order to qualify to take the geological licensing examination. Generally, applicants must have completed at least seven years of education and work experience in professional geological work. The proposed changes would delete the current four-year limitation on credit which may be given for undergraduate study, graduate study or research, or teaching in meeting the seven-year requirement. The proposed changes also provide that an applicant would not be eligible to earn credit for supervised professional geological and/or geophysical work until completion of all basic educational requirements set forth in section 7841(b) of the Business and Professions Code.

LEGISLATION:

SB 87 (Boatwright), as amended January 12, would have abolished the BRGG and transferred the licensing of persons engaging in geology and geophysics to the Board of Landscape Architects. However, SB 87 died in committee.

RECENT MEETINGS:

At BRGG's January 12 meeting in Los Angeles, drafts of the revised Guidelines for Groundwater Investigation Reports and Geologic Guidelines for Earthquake and/or Fault Hazard Reports were distributed to Board members for their review. The Professional Practices Committee is in the process of updating these reports, which are intended to be used as guidelines, and removing those items which would be considered standards.

At Board member James Weddle's request, the Board discussed the possibility of requiring licensees to complete certain continuing education requirements. Board member Joseph Crosby suggested that letters be sent to the affected professional associations requesting their reactions to the proposed addition of such a requirement.

Department of Consumer Affairs attorney Barbara King replaced Don Chang as legal counsel for BRGG.

Also at its January meeting, the Board discussed the status of SB 87 (previously SB 86). Board President Howard Spellman and Executive Officer John Wolfe attended the interim hearing of the Senate Business and Professions Committee in Palm Springs on December 7. Howard Spellman and James Weddle sent letters expressing opposition to the bill to Senator Montoya.