



program it feels have been most successful and should be continued over the next two to five years; (2) those areas it believes should be discontinued or modified; and (3) enforcement actions taken during the past four to five years, as well as those anticipated in the next few years.

FUTURE MEETINGS:

To be announced.

CONTRACTORS STATE LICENSE BOARD

*Registrar: John Maloney
(916) 366-5153*

The Contractors State License Board (CSLB) licenses contractors to work in California, handles consumer complaints, and enforces existing laws pertaining to contractors.

The thirteen-member Board, consisting of seven public members, five contractors and one labor member, generally meets every other month. The Board maintains four committees: legislative, which monitors legislation affecting the Board; enforcement, which oversees enforcement of existing rules and regulations, including licensing requirements; licensing, which oversees the Board's licensing procedures; and administration/public information/liason, which oversees the Board's operations and public contact. Committees meet monthly, making recommendations to the full Board for requested action.

MAJOR PROJECTS:

Low Voltage Systems Contractor. Section 832, Title 16 of the California Administrative Code (CAC), classifies specialty contractors. CSLB has proposed an amendment which would add class C-7 (Low Voltage Systems Contractor) to the list of specialty contractors. Under proposed section 832.07, a communication and low voltage systems contractor is one who installs, services, and maintains all types of communication and low voltage systems which are energy-limited and do not exceed 91 volts. The proposal, which was amended after a hearing on October 22, is scheduled for a January 28 hearing at the Hotel Queen Mary in Long Beach.

Landscape Contractor Regulations. CSLB has proposed an amendment to section 832.27, Title 16 of the CAC, which would delete and replace current language which specifically describes tasks which landscape contractors may perform. According to CSLB, the amend-

ed provision would more accurately define the general work function allowed by the classification, thus eliminating the need to frequently revise the regulations as the technology of the trade evolves. The proposed amendment would also permit landscape contractors to subcontract to appropriately-licensed specialty contractors that work which may not be performed by a landscape contractor but which is essential to the completion of the landscape project. A hearing on the proposed amendment is scheduled for January 28 in Long Beach.

Unlicensed Contractor Workshop. CSLB conducted a workshop on October 21 to obtain testimony and information on the extent of the unlicensed contractor problem in California. (See CRLR Vol. 7, No. 4 (Fall 1987) p. 46.) Those present, including Board members and interested members of the industry, discussed ways to address the problem. Several proposals were presented, including one under which a trade association would be established to aid CSLB in enforcing laws against individuals who are operating as contractors without a license. CSLB committees have been directed to study the possibilities.

Implementing AB 1280 (Areias). This bill, which is now law (Chapter 1264, Statutes of 1987), gives CSLB authority to waive examinations for specified contractor classifications by regulation. At its November 17 meeting in San Francisco, the Licensing Committee recommended three criteria for determining whether an examination should be waived, including (1) health and safety concerns; (2) frequency of complaints against the classification; and (3) number of applicants per classification.

FUTURE MEETINGS:

To be announced.

BOARD OF COSMETOLOGY

Acting 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:

Executive Officer's Report 86/87 Fiscal Year. At the Board's October 25 meeting, Acting Executive Officer Ostton informed the Board that the Combined Budget and Expenditures Report for the first eleven months of the 1986/87 fiscal year indicates that expenses for personal services and travel exceeded budget projections. However, that factor should be offset by underexpenditures in other areas. The year-end expenditure projection indicated the Board would spend approximately 97% of its \$3.1 million budget by June 30, 1987.

Ms. Ostton also informed the Board that three vacancies exist within the Board: Supervising Examiner, Inspector I, and Secretary. In addition, the number of Board licensees has increased overall by 5%.

Ms. Ostton stated that applicants currently wait an average of 39 days from submission of application to examination and, if successful, licensing. Hence, the waiting period has decreased, even though the number of applicants has increased.

Finally, the enforcement activities report showed that at the conclusion of the 1986/87 fiscal year, 118 fewer complaints were received than during the previous year.

Regulatory Changes. Following a December 13 hearing, the Board adopted a proposal to amend section 995, Chapter 9, Title 16 of the California Administrative Code, to establish an inactive license status for cosmetology instructors. At this writing, the rulemaking file is being compiled for submission to the Office of Administrative Law.

Statewide Pass/Fail Ratios for Instructors Exam. In response to concerns raised by many schools and applicants regarding the high failure rate for instructor applicants in southern California, the Board recently reviewed the pass/fail percentages from the instructors exam for the 1986/87 fiscal year. In order to address the apparent inconsistencies between northern and southern California scores, additional data is being developed in several areas. First, the



Board is currently working with the Department of Consumer Affairs' (DCA) data processing unit to identify failures and passes by school code, and to determine whether there is a correlation between failure rates and experience qualifications. Second, efforts will be made to identify possible techniques to improve exam procedures (e.g., videotaping of the exam). Finally, the Board hopes to hire an outside contractor, Cooperative Personnel Services Agency, to validate the practical section of the exam.

LEGISLATION:

SB 1388 (Montoya) and *SB 1179 (Maddy)*, each offering a different approach to merger of the barber and cosmetology licensing programs, were discussed at an interim hearing in Palm Springs on December 8. (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.) In attendance were Senators Montoya, Boatwright, McCorquodale, and Rosenthal, and Assemblymember Bradley. Howard Stein, Denise Ostton, and others presented testimony on behalf of BOC.

Future Legislation. The BOC is considering possible legislation to amend several sections of the Business and Professions Code. The Board has adopted a proposal to amend section 7305 of the Business and Professions Code, which presently states that the appointment of the Board's Executive Officer is subject to the approval of the director of the Department of Consumer Affairs. The proposed amendment, which deletes all reference to the word "director" in section 7305, will be forwarded to the Attorney General along with a request for a legal opinion. The Board is also considering amendment of section 7307, which provides for director approval of various Board actions.

The Board is also contemplating the proposal of legislation which would change the minimum age limitation for licensure testing from 17 to 16. At its October 25 meeting in Sacramento, the BOC heard discussion concerning the minimum age limitation for student enrollment and testing. Existing law specifies that no school of cosmetology shall enroll any person as a student who is not at least 16 years of age. However, the statutory minimum age for admission to Board examinations is 17 years. The Subcommittee on Education/Examination met on October 3 to discuss this issue and to receive comment from the industry.

RECENT MEETINGS:

At its October 25 meeting in Sacramento, Board members discussed a proposed requirement that students' handwritten entries on cosmetology school time cards be verified by supervising instructors on the reverse side of the cards. The matter was referred to subcommittee for further study.

At its December 13 meeting in Costa Mesa, the Board discussed Senator Joseph Montoya's request that the Board determine the feasibility of administering written licensing examinations in Vietnamese. Board members voiced concern that such a proposal would open the door for other applicants to challenge the exam because the test was not in their native languages. Also of concern is the fact that product manufacturers' instructions are written in English. The matter was referred to the Board's Subcommittee on Education/Examination to consider developing a feasibility study to determine the number of Vietnamese applicants tested by the Board and their various dialects.

FUTURE MEETINGS:

April 17 in Los Angeles.

June 5 in Oakland.

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.

MAJOR PROJECTS:

Regulatory Changes. At its November 13-15 meeting in Monterey, the Board adopted section 1064 in Chapter 10, Title 16 of the California Administrative Code. Section 4947 of the Business and Professions Code allows dentists to perform acupuncture upon successful completion of a BDE-approved course of instruction. The proposed language of section 1064 sets forth training requirements, including specified criteria for course length and content, instructor qualifications, course settings, and certificate requirements. As of this writing, the proposed changes have not yet been submitted to Office of Administrative Law (OAL).

The Board also adopted proposed section 1049. Section 1657 of Business and Professions Code authorizes the use of mobile dental clinics. The proposed regulation will define "mobile dental clinic," establish the registration process, describe requirements to obtain a permit, set the initial and renewal permit fees, and provide that the permit is non-transferable. Proposed section 1049 is also awaiting submission to OAL.

In October, OAL disapproved BDE's proposed regulatory action (File No. 87-0928-01) regarding adoption of sections 1016.1, 1017.1, 1017.2, and amendments to sections 1016 and 1017 of Title 16 of the California Administrative Code. (For detailed discussion of these changes, see CRLR Vol. 7, No. 4 (Fall 1987) p. 47.) The deficiencies asserted by OAL in its October decision include the following: (1) section 1016(e)(2) is difficult to understand and is inconsistent with the requirements of due process; (2) the use of forms prescribed by the Board in sections 1016(b)(1), (b)(2), (h), and 1017.2(a) and (b) do not satisfy the clarity and consistency standards; and (3) section 1017(a) does not satisfy the clarity standard and APA incorporation-by-reference requirements. On December 2, the Board resubmitted the proposed changes after addressing OAL's concerns. However, on December 31, the regulations were once again disapproved by OAL. The Board is planning to resubmit the package again in early February.