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 Vietnam. 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.
At the Board's June 1987 meeting, the California Dental Association requested that the term “patient of record” be defined in section 1067 of the COMDA regulations. After consideration of the request by the Board and COMDA, the Board has decided to hold informational hearings to determine whether there is a need for the definition in BDE's regulations, contained in Chapter 10, Title 16 of the California Administrative Code. As of this writing, the hearings are tentatively scheduled for late February in the Los Angeles area and April 7 in San Francisco. Interested parties may contact the Board for additional information.

**Licensing Exam.** At the September 18-20 meeting in San Francisco, the 1988-89 exam schedule was accepted. Exam sites will be in southern California in March and June and in northern California in June and September.

The Board heard reports from a subcommittee regarding the number of times a candidate for licensure may retake the licensing exam. The Board formed an ad hoc subcommittee to study this issue further and to evaluate the examination of foreign-trained dentists.

**RT Exam.** Business and Professions Code section 1636 allows only graduates of schools recognized by the World Health Organization (WHO) or schools approved by the Board to take the restorative technique (RT) exam. While WHO does not itself accredit dental schools, it serves as a registry of dental schools which the respective states have accredited. The latest WHO dental school listing, The World Directory of Dental Schools, was published in 1967. The Board adopted a short-term solution to this problem by approving the use of the WHO medical school directory last published in 1979 to verify the existence of a dental school. Other available WHO publications which the Board may use include The World of Learning (1987 edition) and the International Handbook of Universities (1986 edition). Statutory changes, which may be needed as a long-term solution to this problem, are still in the planning stage as of this writing.

**Illegal Drug Trade Agreement.** The Board has adopted a memorandum of understanding under which it has agreed to work with other state and federal agencies in an effort to deter illegal drug trading. Parties to the agreement include the Bureau of Narcotics Enforcement, Drug Enforcement Agency, the Attorney General's Office, Board of Medical Quality Assurance, Department of Justice, Board of Pharmacy, Board of Osteopathic Examiners, and Department of Health Services (Medi-Cal Fraud Bureau). Representative of the agencies will meet in March to establish procedures for implementing their deterrence efforts. The Board's memorandum of understanding is effective until January 1, 1990, and may be renewed at that time.

**CPR Requirement.** At its November meeting, the Board decided it will maintain the current CPR requirement for reissuance of licenses. In late 1986, the Board's Committee on Continuing Education raised concern over the possible transmission of infectious diseases while using “resusci-Annie,” the CPR training mannequin. (See CRLR Vol. 7, No. 1 (Winter 1987) p. 41.) A spokesperson for the American Heart Association informed the Board that the mouth-to-mouth portion of the examination is required for successful completion of the test for CPR certification. Participants may use self-provided masks or lung bags.

**LEGISLATION:**

- **AB 449 (Felando),** regarding advertising of specialties, and **AB 1127 (Bradley),** which originally concerned dental hygienists, have been dropped by their respective authors. (For background information, see CRLR Vol. 7, No. 4 (Fall 1987) p. 47 and Vol. 7, No. 3 (Summer 1987) p. 69.)
- **AB 634 (Moore), SB 1045 (Montoya),** and **SB 1235 (Montoya),** reported in CRLR Vol. 7, No. 4 (Fall 1987) at p. 47 as two-year measures, remain pending.

**FUTURE MEETINGS:**

- March 11-12 in San Francisco.
- May 6-7 in Los Angeles.
- 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. Fay S. Wood was sworn in as a public member of the Advisory Board on November 20. Wood, who was appointed by Assembly Speaker Willie Brown, is an executive with the Elite Group, Inc.

The Advisory Board elected new officers for 1988. Marcus Fearnough, a representative of the appliance industry, was elected Board President. Armen Karagosian, an electronic industry representative, was chosen to be Vice-President.

**MAJOR PROJECTS:**

- Contemplated Regulations for Impostion of Fines. BEAR is drafting regulations to implement SB 2335 (Chapter 1379, Statutes of 1986), which authorizes BEAR to issue citations and fines for violations of the Electronic and Appliance Repair Dealers Act. The contemplated regulations would add new sections 2771 and 2772 to Chapter 27, Title 16 of the California Administrative Code.

Three categories of violations will be proposed, with fines ranging from $50 to $2,500, depending upon the category of the violation and other criteria. Fines could be levied for unregistered service dealer activity and violations by registered dealers.

A person cited under these regulations could request a “citation review conference” to discuss the matter with BEAR representatives. Such a conference could result in the fine being decreased or withdrawn.

**Proposed Regulations to Implement AB 3394:** Regulations proposed by BEAR to implement AB 3394 have been...