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, 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 Fearnehough, 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 179, 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
approved by the Office of Administrative Law. (For background information, see CRLR Vol. 7, No. 4 (Fall 1987) p. 47 and Vol. 6, No. 4 (Fall 1986) p. 36.)

LEGISLATION:

Proposed Legislation on Service Contracts. The Legislative Committee of the Advisory Board recently recommended that a legislative proposal to regulate service contracts be submitted to the Department of Consumer Affairs (DCA) for introduction as DCA legislation in 1988. Insurance Code section 116 and Civil Code sections 1791, 1794.4, and 1794.41 would be amended by the proposal.

The proposal, which would apply to service contracts for home electronic equipment and appliances, 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 right of cancellation within a specified period of time, and would have to be backed by insurance.

The DCA has decided to sponsor the service contract legislation, but no author has been determined as of this writing. However, at least one legislator has indicated an interest in the area of service contracts. Senator Robert Presley recently sent a letter to BEAR Chief Jack Hayes expressing his concern about possible abuses in the service contract area, and asking whether BEAR is seeking service contract legislation.

Some opponents of service contract legislation claim that legislation is unwarranted at this time because there is insufficient evidence of abuse in the service contract industry.

Proposed Legislation in Telephone Disconnects. BEAR is looking at a legislative proposal to disconnect telephones of unregistered service dealers. The proposed legislation would be modeled after SB 1650 (Chapter 518, Statutes of 1986), which applies to unregistered service dealers. The service dealer prior to purchase. The service contract would also be required to include a right of cancellation within a specified period of time, and would have to be backed by insurance.

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Proposed Legislation in Telephone Disconnects. BEAR is looking at a legislative proposal to disconnect telephones of unregistered service dealers. The proposed legislation would be modeled after SB 1650 (Chapter 518, Statutes of 1986), which allows the Contractors State License Board to ask the Public Utilities Commission to seek a business telephone disconnect of an unlicensed contractor who advertises in the "yellow pages" if the business owner refuses to obtain a license.

BEAR Chief Hayes indicated that this type of authority would be an excellent enforcement tool for BEAR to eliminate unregistered service activity. However, the DCA has decided against pursuing BEAR telephone disconnect legislation this year.

RECENT MEETINGS:

BEAR's Advisory Board met in San Diego on November 20, and discussed the schematic service information which manufacturers distribute to service dealers. BEAR Chief Hayes reported that some manufacturers provide only microfiche schematic service information. Many service technicians prefer to use paper schematics, according to Hayes. A service industry representative pointed out that consumer costs may escalate if service dealers must purchase microfiche readers out of necessity. A manufacturer's representative stated that it costs more to produce paper schematics than it does to produce microfiche schematics. The Board took no action on this matter.

BEAR staff reported on disciplinary action taken by BEAR in the fall quarter. BEAR revoked the registration of two service dealers, filed two criminal actions and five administrative actions, and denied one registration. Staff also reported that there were 500 delinquent registrations as of November 1.

FUTURE MEETINGS:

May 13 in San Jose.
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:

Death Certificates. As previously reported, funeral directors have experienced difficulty presenting acceptable death certificates to local registrars. (See CRLR 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 further details on this issue.) In response to the 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, Senator Roberti has investigated the extent of this problem statewide.

At the request of Roberti's staff, the Enforcement Program of the Board of Medical Quality Assurance (BMQA) conducted an informal study of the number of complaints its consumer services representative had received, from January through early November 1987, regarding physicians who fail to sign death certificates within the fifteen-hour time limit established in section 10204 of the Health and Safety Code. BMQA's study indicates that the Los Angeles regional office received 139 complaints, and offices in other parts of the state received 24 complaints. In addition, Mary Kelting of Vital Statistics Analysis (Redondo Beach) reported that there were 64,430 deaths in Los Angeles County and 204,176 throughout the state in 1987.

According to Kenneth Wagstaff, Executive Director of BMQA, "[t]his leads us to believe that areas within Los Angeles do have some unique problems or that other parts of the state are underreporting their problems to our Board." In his November 18 letter to Mr. Larry Hawkins, president of the Los Angeles County Funeral Director's Association (LACFDA), Mr. Wagstaff explained that BMQA's jurisdiction regarding physicians' accurate completion of the medical details and local registrars' acceptance of death certificates is "limited to investigating complaints of physicians who do not comply with the law and educating physicians of their responsibilities under the law."

In a recent issue of its newsletter Action Report, BMQA reminded physicians of their responsibilities regarding the signing of death certificates in a timely manner. In addition to the section 10204 timely signature requirement, Health and Safety Code section 10203 requires physicians to complete and attest to the medical and health section data and the time of death on the certificates. Action Report also stated, "If the physician feels he cannot legally attest to the patient's cause of death or he has not seen the patient within the 20 day period, the case shall be reported to the County Coroner's Office."

Mr. Wagstaff explained that BMQA "would also support legislation that