



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 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 under-reporting 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 "[l]imited 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 "[w]ould also support legislation that



would clearly state specific guidelines that would help local authorities in establishing a consistency in accepting death certificates...." In addition, Mr. Wagstaff stated, "If the Senator [Roberti] would propose some legislative remedy in this matter, [BMQA] would follow the legislation, analyze its impact and assist in making it a workable law to enforce." However, Mr. Wagstaff noted that, "[s]uch a law would be under the purview of the Department of Health Services."

Preneed Committee Report. At its September 8 meeting in Sacramento, the Board's Preneed Committee, comprised of Board members Virginia Anthony and Randall Stricklin, discussed possible amendments to section 1265, Title 16 of the California Administrative Code. (See CRLR Vol. 7, No. 1 (Winter 1987) p. 43; Vol. 6, No. 1 (Winter 1986) p. 30; and Vol. 5, No. 4 (Fall 1985) p. 29 for background information.) After lengthy deliberation, the Committee formulated specific recommendations for Board consideration.

Currently, the first paragraph of section 1265 limits the annual trust administration fee, including a trustee fee, to 2.5% of the trust corpus, and the second paragraph specifically prohibits use of the trust corpus or income to pay any sales commission, rent, or salary. The Committee's recommendations include amendment of section 1265 to delete the second paragraph regarding sales expenses, and Board consideration of "[t]he adoption of a regulation, or other necessary action, which would specifically permit the collection of a 'service charge,' 'set-up fee,' 'arrangement fee' or 'consultation fee,' outside of any trust arrangement. This fee would be for the services actually provided in establishing a prearrangement and might be limited to a percentage or a maximum dollar amount or a percentage not to exceed a maximum dollar amount. The fee would also have to be disclosed on any and all price disclosure, itemization, or general price list documents.

At its September 25 meeting in San Diego, the Board entertained public discussion regarding the Preneed Committee's recommendations for amendments to section 1265. Following the discussion, the Board referred the issue back to the Preneed Committee for revision of the amendment's second paragraph.

LEGISLATION:

SB 90 (Boatwright) would repeal the statutes creating the Cemetery Board, transfer that Board's powers and duties

to the Board of Funeral Directors and Embalmers, and increase the membership of the Funeral Board by adding a cemetery industry representative. (See CRLR Vol. 7, No. 3 (Summer 1987) pp. 63 and 70 for details on this bill.)

The following bills, discussed in CRLR Vol. 7, No. 4 (Fall 1987) p. 50, have been dropped by their authors:

AB 801 (Calderon) would have authorized a trustee who has a duty or power to pay a decedent's debts to publish a notice in a newspaper, as specified, providing for the submission of claims for payment.

AB 1838 (Stirling) would have provided that the statutes regulating pre-need funeral arrangements do not apply to cemetery or funeral merchandise and services which are delivered as soon as paid for.

AB 2550 (Allen) would have required that persons subject to licensure by a board, bureau, committee, or other licensing entity within the Department of Consumer Affairs report adverse judgments relating to their professional capacity or business conduct.

RECENT MEETINGS:

At its November 19 meeting in San Francisco, the Board discussed but took no formal action regarding the revision and modernization of the Funeral Directors and Embalmers Law (Chapter 12, Division 3, Business and Professions Code). The Board's Legislative Committee and an advisory committee consisting of Board members and eleven other individuals are assisting in the revision process. (See CRLR Vol. 7, No. 4 (Fall 1987) p. 50.)

FUTURE MEETINGS:

To be announced.

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 viola-

tions 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:

Licensing Exam Revision. At its October 5 meeting, the Board heard a report on the Examination Committee's progress in revising the licensing exam. While noting that many of the current questions are not out of date, the Committee suggested that the number of questions in some categories be decreased to allow for other questions covering additional areas of growing concern for geologists and geophysicists, such as groundwater pollutants and waste disposal. The Examination Committee will meet in closed session on April 16-17 to review the exam and make any changes deemed necessary.

Regulatory Changes. Also at the October 5 meeting, the Board voted to adopt a proposed amendment to section 3005, Title 16 of the California Administrative Code, which increases the initial registration and renewal fees for geologists and geophysicists from \$80 to \$100. The rule change also increases the renewal fee for a specialty geologist from \$10 to \$20. The Board also adopted a proposed amendment to section 3003 of its regulations, which specifies that the term "code," as used in the Board's rules, refers to the Business and Professions Code. The amendments to sections 3003 and 3005 were approved by the Office of Administrative Law in January.

The Professional Practices Committee has identified a need to specify core curricula. Therefore, as of this writing, BRGG is discussing the possibility of proposing a rule which would specify permissible core curricula for degrees which relate to its licenses.

LEGISLATION:

AB 1727 (Condit). The Board opposed an August 18 amendment to AB 1727, which would have repealed the requirement that the State Geologist be a registered geologist in California.

BRGG believes that the State Geolo-