



Approximately 130,000 individuals and facilities are registered with the Bureau. Registration revenues support an annual Bureau budget of nearly \$34 million.

The Bureau is assisted by a nine-member Advisory Board which consists of five public and four industry representatives.

MAJOR PROJECTS:

New Vehicle Warranty Service: Consumer Education. The Advisory Board has relayed to BAR and to the state Air Resources Board its concern about the need for a consumer awareness program to educate consumers on their rights under warranties on newly-purchased vehicles. Repair shop owners find that their customers have been charged by dealers for work which should have been covered under the five-year/50,000-mile emission warranty. Customers are often told that unless they return to the dealer from which they purchased the car for service (e.g., tune-ups), the warranty will be ineffective. Customers are also encouraged to purchase "extended warranties" which in reality do not extend beyond the existing warranty. Independent garage owners also report that computerized emissions systems in new cars burn out spark plugs prematurely. Customers are then charged by dealers for a complete tune-up as well as the emissions/warranty work, when in fact only the spark plugs need replacement.

Another problem reported involves dealers who take back old parts from customers, have the customer fill out a warranty card, and then keep the rebate from the manufacturer under the five-year/50,000-mile warranty.

Extended service contracts are also becoming the source of a large number of complaints. Consumers report that they have been prevented from obtaining credit unless they purchase the contract, and that adjusters who decide whether work is covered under the contract are improperly trained.

At the November 21 meeting, Board member Joe Kiljian pointed out that consumers have a responsibility to know what they are buying. For example, owner's manuals contain an explanation of the five-year/50,000-mile warranty. The Board will continue to work with BAR and the Air Resources Board on these concerns, which will be addressed again at the next meeting.

LEGISLATION:

SB 2335 (Montoya), which has been signed by the Governor, allows autho-

rized state agencies to issue administrative citations and fines for rule violations. BAR is not yet ready to propose regulations for a citation system. BAR prefers to focus on warning and deterring potential violators, rather than on writing citations after the fact.

AB 3939 (Farr). With the passage of the Farr-Davis Driver Safety Act of 1986, California has become the first state to enact legislation allowing ignition interlock devices to be installed on the vehicle of a convicted drunk driver upon court order. The Office of Traffic and Safety has been authorized to implement the program in four counties. The two-year program will be considered successful if recidivism is reduced by at least 10% over the two-year period. BAR anticipates that issues involving consumer complaints about the manufacture and installation of the devices, the auditing of installers of the device, and the certification of the device will arise in the near future.

RECENT MEETINGS:

At its November 21 meeting in San Francisco, Linda Whitney, Research Manager for BAR, presented an evaluation of the smog check program repair ceiling. The major issue continues to be compliance with the program. Ms. Whitney discussed the benefits of the program to the consumer and the state, and is preparing a full report to be presented in early 1987.

Ms. Whitney also provided updated information on whether California will implement an annual or biennial smog inspection program. The EPA appears to favor a nationwide biennial program, but the California Inspection Maintenance Review Committee has not yet decided which program would be best for California.

The Board also discussed the cost and warranty service of the smog test analyzer device. Shop owners expressed concerns over an apparent lack of periodic checks by manufacturers of their smog check test analyzers, and stated that preventive maintenance should be a priority.

FUTURE MEETINGS:

To be announced.

BOARD OF BARBER EXAMINERS

Executive Officer: Lorna P. Hill
(916) 445-7008

In 1927, the California legislature created the Board of Barber Examiners

to control the spread of disease in hair salons for men. The Board, which consists of three public and two industry representatives, regulates and licenses barber schools, instructors, barbers, and shops. It sets training requirements and examines applicants, inspects barber shops, and disciplines violators with licensing sanctions. The Board licenses approximately 22 schools, 6,500 shops and 21,500 barbers.

MAJOR PROJECTS:

Merger with Board of Cosmetology: At its November 24 meeting in Costa Mesa, the Board heard testimony from 100 people, mostly barbers and some cosmetologists, on whether the Board of Barber Examiners (BBE) should merge with the Board of Cosmetology (BC). The majority of people testifying opposed the merger, arguing that they do not want to lose control over their profession; that cosmetology and barbering are not the same profession and should not be regulated by the same board; and that many had made a conscious choice to be a barber instead of a cosmetologist. The testimony centered on merger of licenses, as most of the witnesses appeared to have assumed that a merger of the boards will necessarily entail a merger of the cosmetology license with the barber license. (*But see* FEATURE ARTICLE, *supra* at 1.)

Harold Jones, Executive Director of the Board of Cosmetology, also testified at the meeting. He informed BBE that BC had unanimously voted to enter into negotiations with BBE regarding the proposed merger. Moreover, Mr. Jones stated that his board believes that current legislative sentiment favors either merger or abolition of the two boards. He stated that it would be wise for the two boards to initiate the merger, instead of having the legislature define the terms of the merger for them. Mr. Pamplin, BBE industry member, asked Mr. Jones what BC's reaction would be if BBE does not agree to enter into negotiations with BC. Mr. Jones replied that BC would do what it perceives to be its "legislative duty." Mr. Pamplin assured Mr. Jones that BBE would also do what it perceives to be its "legislative duty."

LEGISLATION:

AB 86 (Elder) would abolish the Board of Cosmetology and vest its authority in the Board of Barber Examiners. The bill would also change the name of the Board of Cosmetology Contingent Fund to the Cosmetology Contingent fund.



Proposed Changes. The Board is currently seeking an author to introduce a bill which would repeal section 6607 of the Business and Professions Code, which prohibits barber colleges from offering discounts; amend section 6529 of the Business and Professions Code in order to allow fee increases to be greater than \$5 every two years; and amend section 6591.5 of the Business and Professions Code in order to increase fines to \$250 for the first offense, \$500 for the second offense, and \$1,000 for the third offense.

RECENT MEETINGS:

At its October 27 meeting in San Diego, the Board approved regulatory changes in the following areas:

- Exam Appeals. Prior to being amended, section 203.2 (Title 16, California Administrative Code) authorized the executive officer to act on examination appeals. The Board amended the section, which now requires that all examination appeals be heard by the Board.

- Abandonment of Applications. Previously, no regulation existed which specified the length of time which the Board must hold an application for a barber license, a barber shop license, or a barber school license. The Board added section 203.3, which provides that an application will be considered abandoned if the applicant fails to act on it within one year.

- Student Enrollment. The Board added section 214.1, which now requires that a student transferring from one barber college to another file an application for transfer with the Board no later than 14 days from the transfer. Moreover, the student must submit to the Board proof that he/she has cleared all outstanding bills and fees before being allowed to transfer.

- Educable Mentally Retarded Program. Article 4.5, which was promulgated in 1972, allows for special barbering schools for the educable mentally retarded. However, no applications for such a school have been received by the Board in the last fourteen years; thus, the Board repealed the article.

- Model Standards. In order to set objective standards for models used during its examinations, the Board added section 236.60. The new rule prohibits models from being under 15 years of age, a barber, an apprentice, barber school owner or employee, licensed instructor, or interpreter. Furthermore, the new rule specifies that the model must have no less than 2 days' beard growth and hair that is at least 3/8 inches long.

- Apprentice Training Requirements. The Board amended section 246.3 to require local Joint Apprenticeship Training Committees to submit transfer documents to the Board within 20 days after a student participating in the program transfers from one shop to another. The Board also amended section 247(i), which now requires barber shop trainers to submit daily records of the apprentice's employment by the seventh day of each month.

Those regulatory changes have been submitted to the Office of Administrative Law for approval.

FUTURE MEETINGS:

To be announced.

BOARD OF BEHAVIORAL SCIENCE EXAMINERS

Executive Officer:

Kathleen Callanan
(916) 445-4933

The eleven-member Board of Behavioral Science Examiners (BBSE) licenses marriage, family and child counselors (MFCCs), licensed clinical social workers (LCSWs) and educational psychologists. The Board administers tests to license applicants, adopts regulations regarding education and experience requirements for each group of licensees and appropriately channels complaints against its licensees. The Board also has the power to suspend or revoke licenses.

MAJOR PROJECTS:

National Exam. The BBSE is participating with several other states in a project to study the possibility of a national licensing examination for marriage and family therapists. The state of Georgia initiated the project, and California is vice-chair of the newly-created "Association of Marriage and Family State Boards." The group will compare qualifications and licensing procedures from around the country. The group plans to meet in March in Washington, D.C. to discuss the creation of a national exam. Board President Terri Asanovich will attend.

The Association also hopes to hold legal workshops to combat the problem of practitioners whose licenses have been revoked in one state but who move to another state and continue to practice.

Board Subcommittees. The Board plans to establish policies regarding the role and function of its subcommittees. An Executive Subcommittee has been formed to update all policies and pro-

cedures of the Board. One priority of the Subcommittee will be to develop procedures to encourage attendance by Board members at committee and/or Board meetings.

Disciplinary Action Reporting. Following a suggestion by a professional member, the Ethics Subcommittee proposed that the name of any licensee who has been formally disciplined be submitted to relevant professional association(s). The Board adopted this proposal at its November 14 meeting in Sacramento. Names will be submitted sixty days after the effective date of the final disciplinary decision. An association may request all relevant public information on the action, including all accusations and the proposed and final decisions on each accusation. All requests must be made to the Board in writing.

Proposed Regulations. The Board is currently drafting regulations to change the final filing date before MFCC, LCSW, and LEP exams from sixty to ninety days.

Preliminary work on deleting regulations which are repetitive or in conflict with AB 3657 is being performed. (See CRLR Vol. 6, No. 4 (Fall 1986) p. 30.) At this time, no further regulatory changes have been proposed to implement AB 3657.

LEGISLATION:

SB 40 (Watson) created a Task Force to investigate the problem of sexual abuse of patients by psychotherapists, and to examine the role of state agencies, including the Board, in control and discipline of the problem. The Task Force held public hearings on December 8 in Los Angeles and December 12 in San Francisco. Testimony was heard from patients, attorneys, Board members, professionals and investigators. Kathleen Callanan, Executive Officer of the Board, testified regarding difficulties that BBSE has encountered in dealing with the problem. Investigators used by the Board have heavy caseloads and low salaries. She suggested that the Task Force explore methods of monitoring unlicensed practitioners, those whose licenses have been revoked but who continue to practice under the title of a therapy not requiring licensing, and those who claim to be exempt from licensing due to religious affiliation.

The Task Force plans to propose legislation to alleviate the problem. Suggestions include requirements that state agencies such as BBSE and the Psychology Examining Committee have the