



REGULATORY AGENCY ACTION

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However, no applications for such a school have been received by the Board in the last fourteen years; thus, the Board repealed the article.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
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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



same disciplinary procedures and stricter procedures overall. A central data control system would also help in circulating disciplinary information. The Task Force is also considering the creation of a single disciplinary group to deal with this problem.

RECENT MEETINGS:

At its November 14 meeting in Sacramento, the Board voted to use the American Association of Social Workers' national exam for licensing. However, an increase in examination fees is necessary. Therefore, the Board directed its Legislative Committee to seek legislative authority to raise exam fees.

The Ethics Committee created a subcommittee to review the Board's disciplinary guidelines with the assistance of legal counsel. The subcommittee will compare BBSE's guidelines to those of the Board of Medical Quality Assurance, the Psychology Examining Committee, and the Board of Registered Nursing, and is open to suggestions for improvement.

The Executive Officer reported on past LCSW and MFCC exam statistics. The upcoming calendar of MFCC exams was also reviewed. Administrative problems regarding security, proctoring, and securing a site for the exams were discussed.

The Credentials Qualifications Committee continues to be concerned about tutorial programs which take the place of regular graduate work. The Board is concerned about a strong reliance on bibliographies, some of which may be obsolete; the tutor selection process; and inadequate information about the educational background of transfer students. A liaison subcommittee is being created to work with the Department of Education to resolve these concerns.

FUTURE MEETINGS:

March 27 in San Francisco.

CEMETERY BOARD

Executive Officer: John Gill
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In addition to cemeteries, the Cemetery Board licenses cemetery brokers, salespersons and crematories. Religious cemeteries, public cemeteries and private cemeteries established before 1939 which are less than ten acres in size are all exempt from Board regulation.

Because of these broad exemptions, the Cemetery Board licenses only about 185 cemeteries. It also licenses approxi-

mately 25 crematories and 1,400 brokers and salespersons. A license as a broker or salesperson is issued if the candidate passes an examination testing knowledge of the English language and elementary arithmetic, and demonstrates a fair understanding of the cemetery business.

MAJOR PROJECTS:

Investigation. The Board's ongoing investigation of practices of Union Cemetery Association in Bakersfield continues. (See CRLR Vol. 6, No. 4 (Fall 1986) p. 31.) At its most recent meeting on December 3, the Board requested that its field investigator conduct an onsite inspection of Union Cemetery to assure its compliance with the Board's remedial directives. (See also CRLR Vol. 6, No. 2 (Spring 1986) p. 37.)

Fee Reduction. The Board, pursuant to legal counsel Anita Scuri's suggestion, passed a motion to adopt fee reduction by regulation. The reduction in fees is scheduled to become effective April 1, 1987. (See CRLR Vol. 6, No. 3 (Summer 1986) p. 24 and CRLR Vol. 6, No. 4 (Fall 1986) p. 31 for further information.)

LEGISLATION:

SB 89 (Boatwright), introduced December 12, would repeal the statutes creating the Cemetery Board, transfer the Board's powers and duties to the Board of Funeral Directors and Embalmers, and increase the membership of that board by adding a cemetery industry representative.

RECENT MEETINGS:

At its December 3 meeting, the Board reviewed two applications for Certificates of Authority. The Board continued one application and approved the other. The Board also reviewed six applications for a cemetery broker's license, denying one, approving four, and continuing one application.

Ms. Scuri drafted legislation authorizing disciplinary action against any Board licensee or registrant for unprofessional conduct. Unprofessional conduct will include, among other things, incompetence and negligence. At the December meeting, however, Board industry members voiced concern over the vagueness of the proposed legislation's definitions of negligence and incompetence. The Board moved to re-refer the item to the subcommittee composed of Board members Cuffie Joslin and Frank Haswell. (See CRLR Vol. 6, No. 4 (Fall 1986) p. 31.)

FUTURE MEETINGS:

To be announced.

BUREAU OF COLLECTION AND INVESTIGATIVE SERVICES

Chief: Gary Kern
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The Bureau of Collection and Investigative Services is one of over forty separate regulatory agencies within the Department of Consumer Affairs. The chief of the Bureau is directly responsible to the director of the Department.

The Bureau regulates the practices of collection agencies in California. Collection agencies are businesses that collect debts owed to others. The responsibility of the Bureau in regulating collection agencies is two-fold: (1) to protect the consumer/debtor from false, deceptive and abusive practices and (2) to protect businesses which refer accounts for collection from financial loss.

In addition, seven other industries are regulated by the Bureau: private security services (security guards and private patrol operators), repossession, private investigators, alarm company operators, protection dog operators, medical provider consultants and security guard training facilities.

Private Security Services. Private security services encompass those who provide protection for persons and/or property in accordance with a contractual agreement. The types of services provided include private street patrols, security guards, watchpeople, body guards, store detectives and escort services. Any individual employed for these services is required to register with the Bureau as a security guard. Any security guard who carries a firearm on the job must possess a firearm permit issued by the Bureau. The Bureau operates to protect consumers from guards who unlawfully detain, conduct illegal searches, exert undue force and use their authority to intimidate and harass.

Repossession. Repossession agencies repossess personal property on behalf of a credit grantor when a consumer defaults on a conditional sales contract which contains a repossession clause. The Bureau functions to protect consumers from unethical methods of repossessing personal property, such as physical abuse resulting in bodily harm, threats of violence, illegal entry onto private property and misrepresentation in order to obtain property or information about property.

Private Investigators. Private investigators conduct investigations for private individuals, businesses, attorneys, insurance companies and public