



allowing the owner an opportunity to comply. Legal counsel Barbara King noted that another advantage to this approach would be the binding effect upon an owner who signs the document under penalty of perjury that the establishment is in compliance with the outlined regulations. The Committee will develop this alternative more thoroughly and report back to BOC.

(3) Volunteer Inspection Program. This method would involve professional associations in peer review, serving as a voluntary informal task force working with the Board but not taking the place of the BOC inspection program. Several associations will be contacted in the near future to determine whether interest in this joint effort exists.

Contractual Arrangements with Barber Board for Conducting Inspections. The Barber Board has refused to consider any contractual arrangements with the BOC which would provide for Barber Board inspection of cosmetology licensee salons. (See CRLR Vol. 6, No. 4 (Fall 1986) p. 34.) BOC thus supports SB 66 (Torres) as an alternative means for obtaining more inspectors to conduct the requisite inspections (see LEGISLATION, below).

LEGISLATION:

SB 66 and SB 67 (Torres) were introduced on December 4, 1986. Together, these bills reintroduce sections of SB 1412, which was vetoed by the Governor last year.

SB 66 reintroduces two controversial inspection provisions previously considered in SB 1412. The bill would require the Board to inspect newly licensed cosmetology establishments within ninety days of licensure, and to inspect each cosmetology establishment at least once every 24 months. Five additional inspectors would be provided by this bill.

SB 67 would authorize BOC to cite and fine licensees for violations of BOC regulations, and also contains several technical clean-up provisions. BOC supports both bills.

AB 86 (Elder) would repeal the statutes creating the BOC, and transfer of regulation of all cosmetology licensees to the Board of Barber Examiners. To date this bill does not provide for any cosmetology representation on the Barber Board for the would-be transferees.

Sections 6(a) and (b) would amend section 7320.5 of the Business and Professions Code to provide that a cosmetologist may practice cosmetology on the premises of a licensed barbershop, but only if that premises is also licensed

by the board (State Board of Barber Examiners) as a cosmetology establishment; further, a barber may practice barbering on the premises of a licensed cosmetological establishment but only if that premises is also licensed by the board (State Board of Barber Examiners) as a barbershop.

BOC is watching this legislation closely.

FUTURE MEETINGS:

To be announced.

BOARD OF DENTAL EXAMINERS

Executive Officer:

Georgetta Coleman
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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 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 main tasks is to create a career ladder, permitting continual advancement of dental auxiliaries to a higher levels of licensure.

The Board is composed of thirteen members: four public, eight dentists and one registered dental hygienist.

MAJOR PROJECTS:

License Examinations. The Examination Committee released its 1986 results: a total of 1,005 examinees participated with a passing average of 62%. California schools maintained high passing rates: USC at 86%, UCLA at 92%, UCSF at 92%, UOP at 82%, and Loma Linda at 73%. The Board credited the quality and diversity of the California programs for the successful passage rate.

Foreign-Trained Dentists. During 1976 and 1977, the Board disapproved of foreign-trained dentists' use of the terms DDS, DDSc and DMD. During that period, the Board vigorously enforced section 1700 of the Business and Professions Code. This section makes it a misdemeanor offense for anyone to assume the degree of "doctor of dental surgery," "doctor of dental science," or "doctor of dental medicine," or append the letters "DDS," "DDSc" or "DMD" to his/her name without a diploma from a recognized dental college or school. In light of a resulting lawsuit against the Board, the Board has now modified its policy to give enforcement of section 1700 its lowest priority, with the understanding that legislation will be introduced to repeal the law and allow foreign-trained dentists to use the titles DDS, DDSc, and DMD once licensed in California.

Continuing Education. The Board plans to hold regulatory hearings to update its existing continuing education program. (See CRLR Vol. 6, No. 4 (Fall 1986) p. 35.) The Committee on Continuing Education, comprised of Dr. Dawson, Dr. Wasserman, and Mr. Polverini, expressed concern about the need to maintain CPR training as a continuing education requirement, in light of the potential spread of infectious diseases.

Delivery of Dental Care. The Task Force on Delivery of Dental Care was formed to address the President's concern about the lack of dental care in skilled nursing facilities. (See CRLR Vol. 6, No. 4 (Fall 1986) p. 35.) Dr. Gaynor of the California Dental Association (CDA) and Arlene Glube, RDH, of the California Dental Hygienists Association (CDHA) agreed that development of the project has been more difficult than they anticipated. Ms. Glube added that both CDA and CDHA have worked very closely to make the project feasible. The project has given the groups an opportunity to work together and renew their mutual respect. Dr. Gaynor and Ms. Glube also agreed that this project is not a political maneuver by either organization, but a project designed to provide a service to skilled nursing homes.

LEGISLATION:

SB 2421 (McCorquodale), which was signed by the Governor on September 26, amends existing law which defines as unlawful the practice of dentistry without a license. The bill describes practices, acts, and operations which are exempt from the licensing requirement, including the practice of oral surgery by a physician or surgeon licensed under the



REGULATORY AGENCY ACTION

Medical Practice Act; operations by students in the clinical departments of dental colleges approved by the BDE; the practice of dentistry by licensed dentists of other states or countries during a clinical demonstration before any medical society; and the construction, alteration, or repair of bridges, crowns, dentures, or other prosthetic or orthodontic appliances, when the cast or impressions have been taken by a licensed dentist.

The bill further provides that a license which is not renewed within five years after its expiration may not be renewed, restored, reinstalled, or reissued thereafter, but the holder may apply for a new license if (a) no fact or circumstance justifies denial; (b) he/she pays all fees as if applying for the first time; and (c) he/she takes and passes the examination as if applying for the first time, or otherwise establishes to the satisfaction of the Board that he/she is qualified to practice the profession.

RECENT MEETINGS:

The Board met in San Francisco on November 14-15. Executive Officer Coleman updated the Board on the automation project in which the Board has been involved with the Department of Consumer Affairs (DCA). During fiscal year 1984-85, DCA received approval to automate the programs of its boards. Last year, the BDE received its first installation, but due to fiscal problems, the Board will have to delay further automation until funds exist to support the project.

The Alaska Board of Dental Examiners requested that BDE to administer its practical examination. Dr. Savage expressed her view that the Board is a regulatory agency and not an examining agency. The request was denied.

Dr. Savage expressed concern that because many of California's children are immigrants and may not have had proper dental care, the National Dental Survey might reflect that California dentists are not properly caring for the children of this state. Dr. Garabedian suggested that a letter be drafted to Westat (the company conducting the survey), informing it of this problem and suggesting that the survey be amended to include information on the length of time the children have been California residents.

The Board also discussed the need for legislation to increase its authority to assess fees and limit the number of times a candidate may take the licensure examination. The staff requested authority to

work with DCA and the legislature to increase the Board's fee limits. Dr. Wasserman expressed concern about the proposed increase, reminding the Board that when he was appointed to the Board three years ago, it had a \$1 million reserve. He requested a breakdown of the Board's reserve in order to determine whether a proposed increase is justified. Additionally, the staff seeks to research the issue of limiting the permissible number of examination attempts, and the possibility of requiring remedial education in the event of failure.

BDE Assistant Executive Officer DeCuir relayed the opinion of Mr. Claude Wild, Regional Director of the Federal Trade Commission (FTC), who had addressed the Association of Administrators of State Boards of Dentistry regarding dental advertising. In general, Mr. Wild informed the Association that the FTC favors dental advertising to the extent that it promotes competition within the profession. When quality of care is the basis of the advertising, however, the FTC will minimize its involvement and leave advertising regulation to state boards. Dr. Dawson expressed extreme dissatisfaction with alleged attempts by the FTC to prevent regulatory boards from implementing advertising regulations to protect the health and safety of the general public.

FUTURE MEETINGS:

March 12-14 in San Francisco.

May 7-9 in Los Angeles.

BUREAU OF ELECTRONIC AND APPLIANCE REPAIR

Chief: Jack Hayes
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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 when requested, 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.

MAJOR PROJECTS:

Regulatory Changes. BEAR has proposed numerous regulatory changes to implement AB 3394, BEAR's clean-up legislation (Chapter 207, Statutes of 1986). The proposed changes include a provision which requires electronic and appliance repair dealers to provide customers with specific written estimates. Section 2722 states in part that a written estimate for cost of repair shall include all costs for parts and labor and shall not be a minimum and maximum estimate. If adopted, BEAR will look to the Bureau of Automotive Repair (BAR) for guidance in implementing this provision. BAR's regulations also forbid range estimates; if a dealer does give such an estimate, the customer is required to pay only the price at the bottom of the range.

In both industries dealers are sometimes permitted to make certain estimates by phone. Section 2722(d) of BEAR's proposed amendments provides that "where a written estimate for the cost of repair is made after the service dealer has obtained possession of customer's equipment, and where applicable, provided the customer with a diagnosis fee, the service dealer may telephone the cost of repair to the customer for his or her approval. The customer shall incur no repair cost obligation until a written estimate is provided the customer and approval obtained."

BEAR also proposes to adopt new section 2722.5, which defines the term "diagnosis fee," as used in section 2722. BEAR noticed these regulatory changes for public comment on January 2, and scheduled a February 18 public hearing.

LEGISLATION:

AB 2735 (Peace) has been signed into law (Chapter 1497, Statutes of 1986). It requires retailers who offer grey market goods for sale to post a notice that the