disciplinary action. AB 699 would require the Registrar of Contractors to investigate complaints if the specialty contractor has not been paid within 35 days after submitting a bill. It would also provide that a prime contractor who has received a progress payment may not assert a defense to a disciplinary action for the deliberate failure to make payment, as specified. The bill would also enable the Registrar to gain access to financial information held by financial institutions regarding construction lenders' progress payments to a prime contractor in connection with an investigation required by AB 699.

AB 542 (Ferguson), introduced February 9, would rephrase existing legislative intent language to provide that CSLB shall use monies appropriated from the Contractors' License Fund to improve its administrative and investigative oversight activities and capacity.

RECENT MEETINGS:
At its January 22 meeting in San Diego, staff presented to the Board thirteen legislative proposals. The Board unanimously voted to seek immediate sponsorship for eleven of the proposals which attempt to relieve problems encountered by staff in enforcing the Contractors License Law. Two of the proposals were referred to committee for redrafting.

The Board also unanimously voted to establish a Board committee of three to meet and consider any legislation which might affect contractors. This committee is to have the intermediate power, with subsequent Board ratification, to speak for the Board in supporting any legislation in the Board's best interests. The resolution establishing the committee also authorizes it to meet in private and without notice in order to take positions on pending legislation; it is unclear whether that provision of the resolution complies with the Bagley-Keene Open Meetings Act.

In response to several recent fake fire protection system installations (see CRLR Vol. 6, No. 3 (Summer 1986) p. 27), a plumbing contractors' task force has requested the Board to take action to prevent future scandals. The task force recommends that examinations for those who install fire protection systems include not more than 10% of total exam questions on fire safety. They also request that the Contractors License Law's definition of plumbing contractors be revised to include repair of automatic fire sprinkler systems. The Board referred the matter to its Licensing Committee.

The Board voted unanimously to accept staff's revised disciplinary guidelines. These new guidelines set license revocation terms and restitution requirements for contractors who violate certain provisions of the Contractors License Law.

At its January 13 meeting in Los Angeles, the Licensing Committee heard testimony from two City of Paramount officials who stated that most signs in their jurisdiction have been installed by persons without a contractors license. The officials were of the opinion that a license should be required for such activity. The Committee is currently awaiting a new Attorney General's Opinion on whether sign installers come within the definition of a contractor as set forth in section 7026 of the Business and Professions Code. A 1968 Attorney General's Opinion states that no contractors license is required for the erection, installation, or maintenance of electrical or non-electrical signs as described in section 5227 of the Outdoor Advertising Act.

The results of a postcard consumer survey conducted in August 1986 have been compiled, and show a decline in satisfaction with the Board's enforcement against unlicensed activity.

FUTURE MEETINGS:
June 3 in Sacramento.
July 16 in San Francisco.

BOARD OF COSMETOLOGY
Executive Officer: Harold Jones (916) 445-7061

In 1927 the California legislature passed Business and Professions Code sections 7300 et seq., establishing the Board of Cosmetology (BOC). The Board was empowered to require reasonably necessary precautions designed to protect public health and safety in establishments related to any branch of cosmetology.

Pursuant to this legislative mandate, the Board regulates and issues separate licenses to salons, schools, electrologists, manicurists, cosmetologists, and cosmeticians. It sets training requirements, examines applicants, hires investigators from the Department of Consumer Affairs to investigate complaints, and disciplines violators with licensing sanctions.

The Board is comprised of seven members, four public and three from industry.

MAJOR PROJECTS:
BOC/Board of Barber Examiners Merger. The BOC Legislative Committee has recommended that BOC adopt merger Proposal IAA. Under the proposal, BOC and the Board of Barber Examiners (BBE) would be abolished and a new nine-member board would regulate both cosmetology and barber licenses beginning in January 1988. Changes in licensing of both professions would be determined and implemented by the new combined board. The new board would include five industry members (three cosmetologists and two barbers) and four public members, with the Governor appointing five members, and the Speaker of the House and the Chairperson of the Senate Rules Committee each appointing two members. Present board members would be eligible for appointment to the new board. (For further background information on the merger issue, see CRLR Vol. 7, No. 1 (Winter 1987) p. 1; see also LEGISLATION, infra, for a description of several bills which have been introduced to merge the two boards. Editor's Note: The Legislative Analyst has estimated that a merger of the two boards would result in an annual savings of $256,000.)

At a February 1 hearing, those who commented unanimously opposed proposal IAA. Representatives from the industry fear that the proposed distribution of the new board (with BOC outnumbering BBE by one member) would result in BBE regulation of cosmetology licenses. Executive Officer Harold Jones explained that the proposed distribution provides for a majority of industry representation on the board. He stated that this industry majorly conflicts with the composition of almost all other "non-healing-arts boards," which are dominated by public members.

BOC will conduct further workshops on this subject, with additional opportunity for public comment.

Student Tuition Recovery Fund. In response to the present difficulty faced by schools of cosmetology in obtaining costly surety bonds (bonds which ensure that enrollees may recover tuition paid if the school closes), BOC has adopted a proposal to create a $100,000 Student Tuition Recovery Fund. The fund would allow BOC to reimburse student tuition when a school closes, thereby alleviating the schools' need to be bonded.

Creation of the fund will require legislative action (see LEGISLATION, infra), and will involve a transfer of $100,000 from BOC's main Contingency
Account into a new Recovery Fund Account. Upon any depletion of the Recovery Fund, BOC will request an approximate $2 enrollment fee from every new cosmetology school enrollee until the account balance reaches $100,000.

Inactive License Survey. The Department of Health, Education and Welfare, schools of cosmetology, BOC, and its staff are interested in determining the number of licensed but inactive cosmetologists in California. BOC anticipates that its present figure (384,000 licensees) is an inaccurate representation of active, practicing cosmetology licensees and is therefore also an inaccurate representation of individuals subject to license renewal fees. The outcome of the survey may result in increased cosmetology application fees.

The Board approved a ceiling budget of $5,000 for the survey, which is expected to take six months to complete. Upon staff recommendation, the Board agreed to contract with the University of California at Davis to carry out the survey.

LEGISLATION:

AB 86 (Elder), which provides for the repeal of statutes creating the BOC and the transfer of regulation of all cosmetology licensees to the Board of Barber Examiners, was referred to the Committee on Government Efficiency and Consumer Protection on February 9. (For more information, see CRLR Vol. 7, No. 1 (Winter 1987) p. 41.) On February 1, the Board of Cosmetology voted to oppose AB 86.

SB 1779 (Maddy), introduced March 5, would create a Board of Cosmetology and Barbering in Chapter 10 of the Business and Professions Code. The new board would be vested with all the powers, duties, and jurisdiction formerly vested in the Board of Cosmetology and the Board of Barber Examiners. The new board would consist of nine members: four public members, three cosmetology industry representatives, and two members representing the barbering profession.

SB 1388 (Montoya) is yet another merger bill, which would abolish the Board of Cosmetology and transfer its powers and duties to the Board of Barber Examiners. The bill would also add two cosmetology industry representatives to the Board of Barber Examiners, for a total of seven board members (two barber industry representatives, two cosmetology industry representatives, and three public representatives).

SB 66 and SB 67 (Torres) were referred to the Committee on Business and Professions on January 29. SB 66 would authorize funds for five additional inspectors and would require inspection of newly licensed cosmetologists within ninety days of licensure, among other provisions. SB 67 would authorize BOC to cite and fine licensees for regulation violations. (For more information, see CRLR Vol. 7, No. 1 (Winter 1987) p. 41.)

SB 1607 (Watson), introduced March 6, is the Board’s Tuition Recovery Fund bill (see MAJOR PROJECTS, supra).

RECENT MEETINGS:

During a public meeting of BOC on February 1, the Board voted in favor of the following proposed regulatory changes:

- Photo ID Requirement. Due to difficulty faced by BOC inspectors in determining whether or not an individual performing cosmetological services at a particular station in a salon being inspected is the same individual named on the cosmetology license on display, BOC voted in favor of requiring all workers to produce (upon request) a valid state or government agency photo identification. A valid California driver’s license is expected to be the most common ID used.

BOC is considering implementing this requirement over a period of years, giving notice to cosmetology licensees by printing a phrase similar to the following on all new and renewed licenses: “Photo ID must be produced upon request.” Failure to comply with this requirement may result in disciplinary action by BOC.

- Mobile Cosmetological Units. The Consumer Services Commission (CSC) approved operation of mobile cosmetological units beginning on January 1, 1987. In response to CSC’s request that BOC adopt the necessary regulatory standards for the new mobile units, BOC voted in favor of limiting unit travel to a 50-mile radius from the unit’s permanent mailing address. This limitation, together with the requisite itinerary each unit must provide to BOC, should alleviate difficulties BOC inspectors would otherwise face in locating and traveling to the mobile units to conduct inspections.

- Continuing Education of Cosmetology Instructors. BOC voted in favor of requiring cosmetology instructors to complete thirty hours of continuing education in accordance with AB 2848. (See CRLR Vol. 6, No. 4 (Fall 1986) p. 34 and CRLR Vol. 6, No. 3 (Summer 1986) p. 28.)

The Board is presently in the process of drafting the language for these proposed regulations.

FUTURE MEETINGS:

To be announced.

BOARD OF DENTAL EXAMINERS

Executive Officer: Georgetta Coleman
(916) 920-7197

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 higher levels of licensure.

The Board is composed of thirteen members: four public, eight dentists and one registered dental hygienist. The two-year terms of Board officers recently expired and new members were elected to replace them. Former President Dr. Henry Garabedian, DDS, stepped down in favor of Dr. Jack Saroyan, DDS. Dr. Jean Savage, DDS, succeeded Dr. Alfred Otero, DDS, as Vice President. The office of Secretary, formerly held by Evelyn Pangborn, RDH, was filled by Dr. Albert Wasserman, DDS. All of the newly-elected officers ran unopposed.

MAJOR PROJECTS:

Regulatory Changes. At a regulatory hearing held on January 16, the Board discussed proposed amendments to sections 1028, 1035, 1035.2, and 1076 of its regulations, which appear at Title 16 of the California Administrative Code.