



applicable laws relating to the public health and safety at least once per year, rather than twice per year. This bill was signed by the Governor on October 14 (Chapter 1172, Statutes of 1991).

AB 223 (Felando), as amended September 3, would permit persons who have completed an apprenticeship program in cosmetology, skin care, nail care, or electrology to be examined and licensed as cosmetologists, estheticians, manicurists, and electrologists, and would require minimum preapprentice training as established by BBC. This bill is pending in the Senate Rules Committee.

RECENT MEETINGS:

At BOC's September 8 meeting, Karen McGagin, Special Assistant to the Director of the Department of Consumer Affairs, discussed DCA's desire to aid the Board in its upcoming merger with BBE. The Board also discussed its recent office move from 1020 N Street to 400 R Street, Suite 4080, in Sacramento, and its recent installation of a new telephone system; the new system allows all calls to be tracked and provides consumers and licensees easier access to the Board.

BOC also discussed section 967, Title 16 of the CCR, which requires, among other things, that a copy of BOC's health and safety regulations be conspicuously posted in the reception area of both cosmetology schools and establishments. Additionally, regulatory section 986.1 requires the health and safety poster to include a bold-print "Message to the Consumer" at the bottom of the page. This section was added to alert consumers to the existence of the Board and its commitment to providing a safe and healthy environment for cosmetology customers. The posted message notifies consumers of the Board's jurisdiction and provides consumers with the Board's address and phone number. Although the health and safety rules poster containing the consumer information message was supposed to have been conspicuously posted since the adoption of section 986.1 in 1989, many licensees in attendance were unaware of the requirement. All agreed that the consumer information message is needed and of great importance.

FUTURE MEETINGS:

January 5 in Ontario.
March 16 in Fresno.
May 3 in Redding.

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 Board's regulations are located in Division 10, Title 16 of the California Code of Regulations (CCR).

The Committee on Dental Auxiliaries (COMDA) 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 primary tasks is to create a career ladder, permitting continual advancement of dental auxiliaries to higher levels of licensure.

The Board is composed of fourteen members: eight practicing dentists (DDS/DMD), one registered dental hygienist (RDH), one registered dental assistant (RDA), and four public members. The 1991 members are James Dawson, DDS, president; Gloria Valde, DMD, vice-president; Hazel Torres, RDA, secretary; Pamela Benjamin, public member; Victoria Camilli, public member; Joe Frisch, DDS; Henry Garabedian, DDS; Martha Hickey, public member; Carl Lindstrom, public member; Alfred Otero, DDS; Evelyn Pangborn, RDH; Jean Savage, DDS; Jack Saroyan, DDS; and Albert Wasserman, DDS.

MAJOR PROJECTS:

OAL Approves Fee Increases. At its May 10 meeting, the Board unanimously adopted proposed amendments to section 1021, Division 10, Title 16 of the CCR, which increase various BDE fees. (See CRLR Vol. 11, No. 3 (Summer 1991) p. 73 for background information.) The Office of Administrative Law (OAL) approved these revisions on August 2.

BDE Seeks RDHEF Rule Changes. On July 26, BDE held a public hearing

on proposed revisions to its regulations affecting registered dental hygienists in extended functions (RDHEF). Specifically, the Board seeks to adopt new section 1089(c) and 1089(d), amend sections 1082.2(a), 1082.2(c), and 1083(d), and repeal section 1067(g), (r), and (s). (See CRLR Vol. 11, No. 3 (Summer 1991) pp. 73-74 and Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) p. 85 for detailed background information.) Following the hearing, BDE adopted the entire proposal as it was presented; the revisions await review and approval by OAL.

LEGISLATION:

SB 1070 (Thompson), the Patient Protection Act of 1991, was signed by the Governor on October 14 (Chapter 1180, Statutes of 1991). This bill requires the Department of Health Services to promulgate guidelines and regulations to minimize the risk of transmission of blood-borne infectious diseases in the health care setting by January 1993. It further requires BDE, in addition to the Medical Board, the Board of Registered Nursing, and the Board of Vocational Nurse and Psychiatric Technician Examiners, to ensure that its licentiates are informed of their responsibility to minimize the risk of transmission of blood-borne infectious diseases from health care provider to patient, from patient to patient, and from patient to health care provider, and of the most recent scientifically recognized safeguards for minimizing the risk of transmission. This bill amends the Dental Practice Act's definition of unprofessional conduct to include, except for good cause, a knowing failure to protect patients by failing to follow infection control guidelines and, thereby, risking the transmission of blood-borne infectious diseases.

The following is a status update on bills reported in detail in CRLR Vol. 11, No. 3 (Summer 1991) at pages 74-75:

AB 1918 (Moore), as amended June 28, prohibits persons and specified entities from discriminating, with respect to employment, staff privileges, or the provision of, or contracts for, professional services, against a licensed dentist on the basis of the educational degree held by the dentist. This bill was signed by the Governor on October 7 (Chapter 729, Statutes of 1991).

AB 1158 (Speier), as amended August 20, permits any person licensed under the Medical Practice Act as a physician who is not licensed to practice dentistry under the Dental Practice Act to apply to BDE for a special permit in oral and maxillofacial surgery, and



REGULATORY AGENCY ACTION

authorizes BDE to issue a special permit if the applicant furnishes evidence satisfactory to the Board that he/she meets certain eligibility requirements. This bill, which provides that every provision of the Dental Practice Act applicable to a person licensed to practice dentistry is applicable to a person to whom a special permit is issued, was signed by the Governor on October 6 (Chapter 629, Statutes of 1991).

SB 650 (Alquist), as amended April 15, authorizes BDE to establish by regulation a system for issuing a citation, which may contain an order of abatement or an order to pay an administrative fine, for violation of the Dental Practice Act or any regulation adopted pursuant to that law. This bill was signed by the Governor on October 5 (Chapter 521, Statutes of 1991).

SB 664 (Calderon), as introduced March 5, would prohibit dentists, among others, from charging, billing, or otherwise soliciting payment from any patient, client, customer, or third-party payor for any clinical laboratory test or service if the test or service was not actually rendered by that person or under his/her direct supervision, except as specified. This bill is pending in the Senate Business and Professions Committee.

SB 1004 (McCorquodale), as amended May 7, would prohibit health facilities from denying, restricting, or terminating a dentist's staff privileges on the basis of economic criteria unrelated to his/her clinical qualifications or professional responsibilities. This bill would define economic criteria as factors related to the economic impact on the health facility of a dentist's exercise of staff privileges in that facility, including, but not limited to, the revenue generated by the dentist, the number of Medi-Cal or Medicare patients treated by the dentist, and the severity of the patients' illnesses treated by the dentist. This bill is pending in the Senate Health and Human Services Committee.

AB 194 (Tucker), as introduced January 4, would provide that, on and after January 1, 1993, an applicant for a license to practice dentistry in this state who fails to pass the skills examination after three attempts shall not be eligible for further reexamination until the applicant has successfully completed a minimum of 50 hours of additional education at an approved dental school. A foreign-trained dental applicant who fails to pass the required restorative technique examination after three attempts would not be eligible for further reexamination until the applicant has successfully completed a minimum of two

academic years of education at an approved dental school. This bill is pending in the Assembly Ways and Means Committee.

AB 2120 (Cortese), as amended September 11, would, among other things, require the licensure of dental assistants; create a new licensure category of RDAs in orthodontic practice; prescribe the functions that may be performed by dental assistants, RDAs, and RDAs in orthodontic practice under direct and general supervision; and authorize BDE to adopt regulations relating to these functions. This bill would also require COMDA to adopt regulations to establish minimum qualifications for licensure of dental assistants; require COMDA to establish the minimum qualifications for licensure of RDAs in orthodontic practice; and authorize COMDA to adopt licensing regulations for RDAs in orthodontic practice by January 30, 1993. This bill is pending in the Assembly Health Committee.

SB 777 (Robbins) would, commencing July 1, 1992, provide for the certification and licensure of dental technicians and dental laboratories under the Board's jurisdiction. As amended April 29, the bill would enlarge the membership of the Board by adding a certified dental technician as a member, and would create a Dental Laboratory and Technology Committee, commencing July 1, 1992, under the Board's jurisdiction, consisting of five members appointed by the Board. This bill, which is opposed by the Board, is still pending in the Senate Business and Professions Committee.

AB 91 (Moore), as amended August 28, would require a dentist, dental health professional, or other licensed health professional to sign his/her name or enter his/her identification number and initials in the patient's record next to the service performed, and to date those treatment entries. This bill was passed by both houses and awaits the Assembly's concurrence in Senate amendments.

SB 934 (Watson), as amended May 22, would prohibit a dentist from using any toxic and carcinogenic materials to repair a patient's oral condition or defect unless the dentist obtains prior informed consent from the patient. This bill, which the Board opposes, is still pending in the Senate Business and Professions Committee.

RECENT MEETINGS:

At BDE's July 26 meeting, Executive Officer Georgetta Coleman reported that the Department of Consumer Affairs' Internal Audits Division recently

completed an audit of the Board's internal controls. Ms. Coleman noted that the audits are intended to provide an assessment of the Board's system of internal accounting and administrative controls. Ms. Coleman reported that, in general, BDE received a passing grade.

At BDE's September 20 meeting, the Board discussed Business and Professions Code section 1715.1, which allows a five-year delinquency period prior to the cancellation of an "Additional Office Permit"; the Board noted that existing law does not specify a length of time during which other Board-issued permits may remain delinquent before they may be cancelled by the Board. To remedy this situation, the Board agreed to seek a legislative amendment to section 1715.1, to provide that the delinquent period for most of the Board-issued permits is five years.

FUTURE MEETINGS:

To be announced.

BUREAU OF ELECTRONIC AND APPLIANCE REPAIR

Chief: K. Martin Keller
(916) 445-4751

The Bureau of Electronic and Appliance Repair (BEAR) was created by legislative act in 1963. It registers service dealers who repair major home appliances and electronic equipment. BEAR is authorized under Business and Professions Code section 9800 *et seq.*; BEAR's regulations are located in Division 27, Title 16 of the California Code of Regulations (CCR).

The Electronic and Appliance Repair Dealer Registration Law requires service dealers to provide an accurate written estimate for parts and labor, 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 BEAR's enabling act and regulations. It also receives, investigates, and resolves consumer complaints. Grounds for revocation or denial 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 Bureau is assisted by an Advisory Board comprised of two represen-