



# REGULATORY AGENCY ACTION

for purposes of the Public Contract Code. This bill is pending in the Senate Rules Committee.

*SB 153 (Craven)* was substantially amended in January and no longer relates to CSLB.

## RECENT MEETINGS:

CSLB's October 19-20 Board meeting was cancelled due to the October 17 San Francisco Bay Area earthquake.

At its November 16-17 meeting in Sacramento, CSLB heard strong industry and trade opposition to proposed revisions to Board Rule 825, which would redefine the scope of the C-61 "limited specialty" license categories and reduce the required experience from four to two years for the C-61 classification. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 52 for background information.) The Board unanimously passed a motion to retain the existing experience requirements for all C-61 license classifications.

Also at its November Board meeting, CSLB received extensive industry comment and support for the concept of CSLB's elevation to independent board status. (See *supra* LEGISLATION.) Various contractor trade associations indicated their interest in supporting legislation which would remove CSLB from the DCA and elevate it to the position of an independent agency.

CSLB Registrar David Phillips appeared before the Senate Business and Professions Committee during an oversight hearing on various DCA agencies on October 25. At the hearing, Mr. Phillips testified regarding CSLB's attempts to reduce its large backlog of consumer complaints against contractors which are pending at the Board. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 53; Vol. 9, No. 3 (Summer 1989) pp. 47-48; and Vol. 9, No. 1 (Winter 1989) p. 44 for background information.) Mr. Phillips indicated that most of the complaints involved either poor workmanship or the excessive cost of the work.

## FUTURE MEETINGS:

April 19-20 in Santa Barbara.  
June 7 in Sacramento.

## BOARD OF COSMETOLOGY

*Executive Officer: Denise Ostton*  
(916) 445-7061

In 1927, the California legislature

enacted the Cosmetology Act, 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. BOC's enabling legislation is found in Business and Professions Code section 7300 *et seq.*; the Board's regulations are codified in Chapter 9, Title 16 of the California Code of Regulations (CCR).

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, issues certificates of registration and licenses, 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 members and three from the industry. It is required to hold meetings at least four times per year.

## MAJOR PROJECTS:

*Merger with Board of Barber Examiners.* Two legislative committees recently held interim hearings on the long-proposed merger of BOC with the Board of Barber Examiners (BBE). While BOC has traditionally favored at least an administrative merger with BBE, BBE has consistently opposed any form of merger. (See *supra* agency report on BBE for background information; see also CRLR Vol. 7, No. 1 (Winter 1987) for extensive information on the merger issue.)

On October 25-26, the Senate Business and Professions Committee held an interim hearing and stressed its desire that the boards cooperate in planning a merger. On December 7-8, the Assembly Committee on Governmental Efficiency and Consumer Protection reiterated the legislature's intent to merge the two boards; at this writing, Assemblymember Delaine Eastin is drafting a timetable which would result in the introduction of legislative merger language by January 1991 and the creation of a new board by January 1992.

*Regulatory Changes Adopted.* At its November meeting in Newport Beach, BOC adopted an amendment to section 916.14, Chapter 9, Title 16 of the CCR. This section sets forth the required course curricula for the 600-hour

instructor training course offered by schools of cosmetology, and limits the use of textbooks to one specific text for teaching preparatory instruction. The amendment will allow the use of more than one textbook in such training. The Board feels that a variety of textbooks will best serve the interests of students and schools of cosmetology. At this writing, the rulemaking file on this regulatory change is being prepared for submission to the Office of Administrative Law (OAL).

Several other amendments to BOC's regulations, which were adopted at the Board's July 1989 meeting, are at various stages in the rulemaking process. The Board's amendment to section 990, which will increase the renewal fee for cosmetology establishment and individual licenses and the delinquency renewal fee, was approved by OAL on October 26 and became effective on January 31. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 53 for background information.)

The rulemaking files on amended section 919.4 and new section 986.1 are being prepared for submission to OAL. Section 919.4 was amended to specify requirements for daily attendance recording by schools of cosmetology and electrology. Section 986.1 will add information to the sign which is required to be posted in the reception areas of both cosmetology schools and establishments. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 53 for background information on these changes.)

*Task Force on Hazardous Substances in the Beauty and Hair Care Workplace.* At its November meeting, BOC was updated on the status of the Hazardous Substances Symposium to be conducted in early June. The goal of the Symposium will be to bring together representatives of state and federal agencies, the hair care and beauty professions, occupational health organizations, and the California legislature. The Symposium will focus on the problems related to hazardous substances in the beauty and hair care workplace. Discussions will emphasize possible solutions to the problems, barriers to the solutions, and how to overcome those barriers.

The task force is also developing a proposed plan of education and training for cosmetology students. The first step to requiring training on hazards in the workplace is the development of a health and safety curriculum for use by



cosmetology instructors. The development of such a curriculum will occur in four phases: (1) needs assessment and curriculum planning; (2) curriculum development; (3) pilot testing of the curriculum; and (4) a "Train the Trainers Program," in which designated staff are trained on how to prepare instructors to use the curriculum. A motion to pursue Phase 1 was passed by the Board.

A budget change proposal (BCP) will be necessary to obtain the necessary funds for Phases 2-4. Rather than waiting for the entire BCP process to conclude, staff recommended that a bill be drafted with legislative language requiring the Board to provide a curriculum for schools of cosmetology relative to hazards in the workplace. According to staff, legislation sets the scene for a BCP; thus, the process could be expedited and the curriculum could be written earlier. BOC referred this issue to its Legislative Committee for drafting.

**Continuing Education Compliance Update.** The Board's continuing education (CE) requirement appears in Business and Professions Code sections 7332.5 and 7436. These sections became effective on January 1, 1987, and CE is now a requirement for licensed cosmetology instructors who wish to renew their active status licenses. An active cosmetology instructor license, which is required in order to teach at a cosmetology school, must be renewed every two years (section 7436). Thus, January 1989 was the first time licensees needed to satisfy CE requirements in order to renew their licenses, and sanctioning for noncompliance with CE requirements has only recently become an issue for BOC.

In order to satisfy the CE requirement, a cosmetology instructor must meet one of the following: (1) must complete thirty hours of Board-approved CE during the prior licensing period; (2) must teach cosmetology on the campus of a California Community College; or (3) must hold a clear vocational education teaching credential (from the California Commission of Teacher Credentialing). After conducting an audit of compliance with the new CE requirement, Board staff found that a large percentage of instructors (48%) are unable to prove they have complied.

BOC considered several suggestions from its staff on how to deal with this problem. After discussion of several alternatives, BOC approved staff's proposal to send two more letters to those

not in compliance, as opposed to imposing immediate sanctions. The first will warn licensees that they have not satisfied the CE requirements and that they have ten days in which to provide documentation of CE compliance; the second letter will warn of disciplinary action if they do not respond.

**Ad Hoc Committee to Review Curricula and Specialty Instructor Licenses.** At its September meeting, BOC approved a recommendation by its Education/Examination Committee that an Ad Hoc Committee be created to look into the licensure of specialty instructors. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 53 for background information.) In November, the Ad Hoc Committee established its goals and objectives. The goal of the Committee is to promote changes which will facilitate adequate instruction in cosmetology schools. The objectives of the committee are to define the purpose of the Board-required curriculum; identify the areas in course curricula that present barriers to students receiving adequate instruction in cosmetology schools; recommend changes to course curricula that are deemed necessary in achieving the above-stated goal; and decide whether a statutory change broadening the scope of the cosmetology instructor license would foster the above-stated goal.

The Ad Hoc Committee also proposed possible legislative changes to section 7332.5, 7396, and 7396.5, to remove what the Committee characterized as the "narrow focus of the cosmetology instructor licenses." Section 7332.5 establishes cosmetology instructor qualifications; section 7396 sets school staff requirements; and section 7396.5 sets instructor requirements.

The Board voted to have the Ad Hoc Committee consider this matter more fully before any legislation is attempted.

## LEGISLATION:

The following is a status update of bills described in detail in CRLR Vol. 9, No. 4 (Fall 1989) at pages 53-54:

**AB 1108 (Epple)** was amended on January 10 to delete legislative intent language directing the merger of BOC and BBE. This bill is pending in the Senate Business and Professions Committee. (See *supra* agency report on BBE for additional information on the merger issue.)

**SB 1198 (Montoya)**, which would have required the Board, until January 1, 1991, to inspect a cosmetology estab-

lishment within ninety days of the date of issuance of a license and once every twelve months thereafter, died in committee.

## 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 Board's regulations are located in Chapter 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 thirteen members: eight practicing dentists, one registered dental hygienist, one registered dental assistant, and three public members. The 1990 members are Jean Savage, DDS, president; Joseph Anthony, DDS, vice-president; Gloria Valde, DDS, secretary; Pamela Benjamin, public member; W. James Dawson, DDS; Henry Garabedian, DDS; Martha Hickey, public member; Alfred Otero, DDS; Evelyn Pangborn, RDH; Ray Polverini, public member; Jack Saroyan, DDS; Hazel Torres, RDA; and Albert Wasserman, DDS.

## MAJOR PROJECTS:

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