



# REGULATORY AGENCY ACTION

plaints cannot be investigated for months. Subsequent legal action may take a year or more. However, under the arbitration program, a complaint may be resolved within 120 days. CSLB encourages all contractors who are asked to resolve disputes through the arbitration program to do so.

## LEGISLATION:

*SB 153 (Craven)* would revise the definition of a specialty contractor to include a contractor whose operations include the performance of design work requiring special skill and whose principal contracting business involves the use of specialized building trades or crafts. This bill is pending in the Senate Business and Professions Committee.

The following bills are awaiting assignment to a policy committee at this writing:

*AB 115 (Floyd)* would require a public entity to award public works contracts for an amount greater than \$200,000 only to a qualified public works contractor, as specified, instead of the lowest responsible bidders.

*AB 117 (Floyd)* would add to the Public Contract Code definitions of the terms "lowest bidder" or "lowest responsible bidder" for purposes of prescribed provisions. It would also prescribe certain factors which may be considered by the awarding authority in determining the "lowest bidder" or the "lowest responsible bidder".

*AB 118 (Floyd)* would require a public entity, the University of California, and the California State University, prior to awarding a public works contract, to contact CSLB to determine whether the contractor is licensed in good standing.

*AB 147 (Floyd)*. The Contractors' State License Law requires a contractor whose operations include asbestos-related work to provide health insurance coverage to cover the entire cost of medical examinations and monitoring required by law and be insured for workers' compensation, or provide a \$500 trust account for each employee engaged in asbestos-related work. This bill would permit an employer, in addition to the trust account, to provide a surety bond or other approved security, so long as these methods guarantee coverage of the above costs. *AB 147* would also require public entities to solicit bids and contract for asbestos-related work separate and apart from other work performed, if certain conditions exist. This bill would also revise the definition of "asbestos containing construction materi-

al" to mean any manufactured construction material which contains 1% or more asbestos by weight.

*AB 148 (Floyd)* would require the owner of a public building who engages in, or contracts for, asbestos-related work to make a good faith effort to determine if asbestos is present before the work is begun or incur certain penalties. This bill would also permit the Division of Occupational Safety and Health, after inspection or investigation, to apply for an injunction where an employer does not have a valid asbestos registration. This bill would also authorize specified civil penalties where an employer performs asbestos-related work without a valid registration.

*Proposed Legislation.* At its October meeting, the CSLB discussed the possibility of pursuing certain legislative proposals in the next session, including the following:

- amend the current arbitration provisions to allow CSLB to pay for expert witnesses;

- provide funds to establish an illegal licensee activities section within CSLB;

- make failure to carry workers' compensation insurance a cause for disciplinary action;

- extend the time in which an expired license may be renewed without exam, from the existing three years to possibly five years;

- prevent duplicate names on licenses;

- establish a process that will allow local governments to receive administrative fines relating to building citation program reimbursements; and

- make noncompliance with nonlicensee citations a warrantable offense.

## RECENT MEETINGS:

At CSLB's October 27-28 meeting in Irvine, Registrar David Phillips announced that CSLB staff is continuing to make good progress in reducing the complaint backlog. As of August 1988, the backlog was reduced to 4,900. Mr. Phillips stated that he believes CSLB will reach its goal of 3,000 by June 1989; 1,800 by 1990; and zero complaint backlog by 1991. Mr. Phillips also stated that the amnesty licensing backlog has been completely eliminated (see CRLR Vol. 8, No. 4 (Fall 1988) p. 51; and Vol. 8, No. 3 (Summer 1988) p. 54 for background information).

At its October meeting, CSLB decided to develop a Policy Memo Manual which will contain all of the policies of the Board. The Board will also maintain a manual of old or superseded policies so that it may be used as a reference. Upon

completion, the manuals will be distributed to each Board member.

Also at the October meeting, Licensing Deputy Bob Berrigan was congratulated by the Director of the Department of Consumer Affairs for his superior managerial performance during the 1987-88 fiscal year. Specifically, Mr. Berrigan was acknowledged for having successfully managed the heavy workload brought about by the amnesty program.

## FUTURE MEETINGS:

April 20-21 in southern California.

June 8 in Sacramento.

July 20-21 in San Diego.

## BOARD OF COSMETOLOGY

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

In 1927 the California legislature passed Business and Professions Code section 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 members and three from the industry.

## MAJOR PROJECTS:

*Regulatory Changes.* The Office of Administrative Law recently approved five amendments to Board regulations, which all became effective in January 1989. An amendment to section 990, Chapter 9, Title 16 of the California Code of Regulations, increases licensing and renewal fees. An amendment to section 995 establishes an inactive license status for cosmetology instructors. Amendments to three other sections (911.4, 919.7, and 919.8) affect school records and satellite classroom regulations. (See CRLR Vol. 8, No. 4 (Fall 1988) p. 52 and Vol. 8, No. 3 (Summer 1988) p. 55 for background information on these changes.)

## LEGISLATION:

During the 1989 legislative session,



the Board plans to sponsor a clean-up bill that would be a vehicle for nonsubstantive, editorial changes to the Cosmetology Act, as well as for more substantive amendments which are not critical enough to require separate legislation.

The Board also seeks to sponsor a concurrent resolution to create a Task Force on Hazardous Substances in the Workplace.

Currently, Board staff is working on the two studies required by SB 1884 (Morgan) (Chapter 1414, Statutes of 1988) (see CRLR Vol. 8, No. 4 (Fall 1988) p. 52), which may result in the introduction of legislation this year to establish a tuition recovery fund for cosmetology school students. The fund would protect students from pecuniary losses due to a licensed school of cosmetology or electrology ceasing its operations.

The recent passage of AB 2139 (Filante) (Chapter 808, Statutes of 1988) imposes several requirements on tanning facilities, but does not license these facilities. The Board has requested its staff to offer assistance to Assemblymember Filante by notifying tanning facilities located in cosmetology establishments of the new requirements.

## RECENT MEETINGS:

At the Board's November 20 meeting in Los Angeles, Arthur S. Takei, Vice-President of the United Food and Commercial Workers' International Union (UFCW Local 770), addressed the Board concerning a seminar entitled "Health Hazards of Hair Care and Beauty Professionals: Problems and Solutions." The seminar, co-sponsored by the UFCW, was attended by more than 300 California beauty professionals. Mr. Takei urged the Board to extend continuing education (CE) credits to cosmetology instructors who attend similar seminars. He pointed out that the Board of Barber Examiners certified CE credits for barber instructors who attended this seminar. BOC members expressed their support for the concept of requiring training on hazardous substances in the workplace in cosmetology schools and would like to work with the national UFCW in developing a definite training program. However, the Board cannot at this time offer CE credit for attendance at hazardous substance seminars, important as they may be. Under current law, cosmetology instructors are granted CE credit only for courses dealing with the teaching of vocational education (*i.e.*, teaching methods). Therefore, at this time, it is not possible for the Board to allow CE credit to be given for other curricula.

## FUTURE MEETINGS:

May 21 in San Francisco.  
July 16 in San Diego.

## 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 (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: four public members, eight dentists, and one registered dental hygienist.

## MAJOR PROJECTS:

*Proposed Regulations to Define Duties of Dental Auxiliaries.* The BDE recently published its proposal to adopt changes in its regulations, which appear in Title 16 of the California Code of Regulations. The Board proposes to add section 1066 to Article 9 of Subchapter 2, to specifically describe the duties a dental auxiliary may perform before a dentist has reviewed the patient's history and performed an oral examination. These requirements would apply to new patients not previously seen by the dentist. Under the proposal, an auxiliary may perform only four specific procedures prior to a review of the patient's history and an oral examination by the dentist.

A second proposal would renumber

section 1068 to section 1065 and amend it. Existing section 1068 already requires dentists who use auxiliaries to post a notice of duties that may be delegated to auxiliaries. The proposed amendment would require this notice to contain proposed section 1066. The Board was scheduled to hold a January 12 hearing on these proposed changes. (See CRLR Vol. 8, No. 4 (Fall 1988) pp. 52-53 and Vol. 8, No. 3 (Summer 1988) p. 56 for background information on this issue.)

## LEGISLATION:

Listed below are a number of issues and proposals that may take the form of proposed legislation in the upcoming session:

- The addition of section 1632.5 to the Business and Professions Code, to require applicants who fail the dental examination three times to complete a one-year general practice residency course in dentistry or a minimum of one academic year of undergraduate clinical coursework in dentistry. The applicant would be required to give the Board proof of satisfactory completion of this requirement before he/she could be reexamined.

- An amendment to section 125.9 of the Business and Professions Code, to give the Board authority to issue citations and fines for violations of its statutes and regulations.

- Amendments to increase the Board's statutory cap on examination and licensing fees; all BDE fees are currently at their statutory maximums.

- A reintroduction of the general anesthesia clean-up legislation, which died last session.

## RECENT MEETINGS:

At the Board's November 11 meeting in Newport Beach, new officers were elected. Albert Wasserman, DDS, was elected Board president; Ray Polverini, a public member, was elected vice-president; and Jean Savage, DDS, was elected secretary.

At its September and November meetings, the Board discussed the issue of stricter regulation of infectious disease in dental offices. Although BDE was informed by legal counsel that it is precluded from regulating in this area (because other agencies are delegated this authority), the Board decided to inform the dental community of existing infectious disease control guidelines through its newsletter.

## FUTURE MEETINGS:

May 5-6 in Anaheim.