



Also at its July meeting, CSLB discussed its ongoing attempts to achieve a six-month complaint processing goal. (See CRLR Vol. 9, No. 3 (Summer 1989) pp. 47-48; Vol. 9, No. 1 (Winter 1989) p. 44; and Vol. 8, No. 4 (Fall 1988) p. 51 for background information.) While this goal has not been achieved, the Board succeeded in reducing its complaint backlog to 2,000 by June 1989, according to Registrar David Phillips. CSLB is also in the process of developing a ninety-day complaint processing model to comply with a request from the Secretary of the State and Consumer Services Agency. To help CSLB achieve its ninety-day processing goals, Assemblymember Delaine Eastin proposed the addition of fourteen permanent enforcement staff positions to the agency's 1989-90 budget. These positions were subsequently approved. The Board adopted a motion to reaffirm the concept of a ninety-day complaint processing period, to be implemented by June 1991.

FUTURE MEETINGS:

January 18-19 in Long Beach.
April 19-20 in Santa Barbara.
June 7 in Sacramento.

BOARD OF COSMETOLOGY

Executive Officer: Denise Ostton
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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 Adopted. At its July meeting in San Diego, the Board adopted several changes to its regulations, which appear in Chapter 9, Title 16 of the California Code of Regulations

(CCR). An amendment to section 990, which will increase the renewal fee for cosmetology establishment and individual licenses to \$20 and the delinquency renewal fee to \$10, was adopted unanimously. Section 919.4 was amended to specify requirements for daily attendance recording by schools of cosmetology and electrology.

An existing regulation requires that a copy of the health and safety rules adopted by BOC be conspicuously posted in reception areas of both cosmetology schools and establishments. New section 986.1 will add to the information required to be included on the posted sign. The posted copy of the rules must now include consumer information regarding BOC licensure of the establishment and problems which may be addressed by the Board, as well as how to contact the Board.

At this writing, the rulemaking file on these proposed changes is being prepared for submission to the Office of Administrative Law.

Ad Hoc Committee To Review Curricula and Specialty Instructor Licenses. In July, BOC considered the licensure of specialty instructors and decided to create an Ad Hoc Committee to look into the matter. Currently, to be a licensed instructor, no matter what the area of specialty, a person must complete the full cosmetology course, pass a general cosmetology exam, and become a licensed cosmetologist. The Ad Hoc Committee will investigate the need for and feasibility of creating a system to license in specific categories of practice, such as skin care or manicuring. Such a system of licensure will involve a need for specialty schools, instructors, and curriculum, all of which will be considered by the Committee. The Ad Hoc Committee will be responsible for reviewing the effects of curricula, performance criteria, and examination on training and learning. It will also be directed to recommend changes to the existing curricula, and amendments to existing laws and regulations to implement desired curriculum changes. At the September meeting, the Board approved a recommendation by the Education/Examination Committee that the Ad Hoc Committee be composed of BOC members and staff, school owners, cosmetology instructors, a representative specializing in skin care, a representative specializing in manicuring, establishment owners, and members of the general public.

Ad Hoc Committee To Investigate the Regulation of Unregulated Practices. At its September 10 meeting, BOC consid-

ered the regulation of several unregulated treatments and practices, including body wraps, cellulite treatments, ear piercing, tanning booths, permanent eyeliner technique, and booth rental. The Board's jurisdiction over permanent eyeliner technique is unclear, because it is considered a form of tattooing by some and a medical practice by others—neither of which fall under BOC authority. "Booth rental" occurs when a licensed operator is not the owner or employee of the salon in which he/she works, but has some contractual agreement with the owner to have exclusive use of a location within the salon to provide cosmetology services. The Board has long been concerned about this practice because it believes the "booth rental" relationship is not recognized in statute. The Board adopted a proposal to create an Ad Hoc Committee to look into the regulation of such practices. The Committee's investigation will be directed toward issues of consumer protection, adequate training, sanitary conditions, and financial considerations of the salon and school owners and practitioners.

LEGISLATION:

AB 1108 (Epple), which states legislative intent directing the merger of the BOC and the Board of Barber Examiners, was made a two-year bill and is pending in the Assembly Ways and Means Committee. (See CRLR Vol. 7, No. 1 (Winter 1987) p. 1 for extensive background information on the merger issue.)

The following is a status update on bills described in detail in CRLR Vol. 9, No. 3 (Summer 1989) at page 48:

SB 190 (Morgan), as amended September 12, establishes the Council for Private Postsecondary and Vocational Education, comprised of fifteen members appointed in a prescribed manner and three *ex officio* members; and, commencing January 1, 1991, requires the Council to be responsible for the approval of private postsecondary and vocational educational institutions, including cosmetology schools. The bill prohibits institutions from issuing academic or honorary degrees or from offering courses of education leading to educational, professional, technological, or vocational objectives, unless they have demonstrated compliance with prescribed minimum standards and have been approved by the Council. The Council is authorized to receive and investigate complaints alleging violations of the bill's provisions and, at the conclusion of a hearing, to report its findings to the Attorney General, or to commence an



REGULATORY AGENCY ACTION

action to revoke an institution's approval to operate.

Further objectives of the bill include the following: to ensure minimum standards of instructional quality and institutional stability for all students in all types of institutions; to establish minimum standards concerning quality of education, ethical and business practices, health and safety, and fiscal responsibility; and to prohibit the granting of false or misleading literature, advertising, solicitation, or representations by private educational institutions or their agents.

This bill was signed by the Governor on October 1 (Chapter 1307, Statutes of 1989).

AB 2272 (Mojonnier), the Board-sponsored clean-up bill which makes numerous nonsubstantive changes in the Cosmetology Act, was signed by the Governor on September 21 (Chapter 653, Statutes of 1989).

SB 1198 (Montoya), which would require the Board, until January 1, 1992, to inspect a cosmetology establishment within ninety days of the date of issuance of a license and once every twelve months thereafter, was made a two-year bill, and is currently pending in the Senate Committee on Business and Professions.

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 (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 proced-

ures, 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 members are: Albert Wasserman, DDS, President; Ray Polverini, Public Member, Vice-President; Jean Savage, DDS, Secretary; Joseph Anthony, DDS; Pamela Benjamin, Public Member; W. James Dawson, DDS; Henry Garabedian, DDS; Martha Hickey, Public Member; Alfred Otero, DDS; Evelyn Pangborn, RDH; Jack Saroyan, DDS; Hazel Torres, RDA; and Gloria Valde, DDS.

MAJOR PROJECTS:

Clarification of Dental Auxiliaries' Duties. The Board was scheduled to hold a regulatory hearing on oral prophylaxis and coronal polishing in conjunction with its November 17-18 meeting in San Francisco. The current restrictions on the performance of coronal polishing by RDAs have been the source of much controversy for several years. (See CRLR Vol. 9, No. 2 (Spring 1989) p. 54, Vol. 9, No. 1 (Winter 1989) p. 45 and Vol. 8, No. 4 (Fall 1988) p. 52-53 for background information.) The Board has proposed amendments to subsection (d) of section 1086, Chapter 10, Title 16 of the California Code of Regulations (CCR), to remove restrictions regarding the time and place an RDA may perform coronal polishing. Additionally, the Board has proposed conforming changes to section 1085, Chapter 10, Title 16 of the CCR.

Dental Auxiliary Regulations Rejected. On May 17, Department of Consumer Affairs Director Michael Kelley rejected the Board's amendment and renumbering of section 1068 and the addition of new section 1066 to its regulations in Title 16 of the CCR. The regulatory changes would have made it unprofessional conduct for any dentist to permit or require an auxiliary to perform any procedure on a patient not previously seen by the dentist, with four limited exceptions. The Board's purpose in adopting the regulatory changes was to clarify the law regarding the responsibility of the dentist regarding the treatment of all patients and to specify which procedures may and may not be performed by an auxiliary on a patient not previously seen by the dentist. (See CRLR Vol. 9, No. 2 (Spring

1989) p. 54 and Vol. 9, No. 1 (Winter 1989) p. 45 for background information.)

In his letter of disapproval, DCA Director Kelley stated that the changes implicit in the regulations are unnecessary and would disproportionately impact low-income patients. According to Kelley, "the mandated dental examination contemplated by the regulations appears to present the risk of increased cost and possible denial of access to specified dental services particularly as affects the poor, disabled and elderly, many of whom may not have a regular or family dentist and who will therefore be confronted with the economic burdens of the 'first time' dental examination provided in these regulations." Kelley acknowledged that the policy questions presented by BDE's proposed regulations "are for all intents and purposes questions of high controversy and first impression. These issues strike to the core of the proper scope of practice for dental auxiliaries and the proper level of supervision to be exercised by licensed dentists, and are more properly the subject of a broader legislative policy dialogue and debate than the narrow review accorded by a regulatory review." Finally, Kelley noted that his rejection "is in keeping with the policies of this Administration to avoid government intrusion into private section activities except where a compelling public interest dictates otherwise."

After discussing the rejection at its July meeting, the Board attempted to override the Director's decision. Under section 313.1(b) of the Business and Professions Code, a unanimous vote of the Board in support of the proposed regulatory changes would send the rulemaking file to OAL for review. However, BDE members Torres and Pangborn both voted against the motion. Thus, BDE decided to accept the Director's disapproval, but will establish a policy statement on its enforcement of existing law in this area.

Alcohol and Chemical Dependency Diversion Program. BDE's diversion program was developed to seek ways of identifying and rehabilitating those in the dental profession whose competence has been impaired due to abuse of alcohol or drugs. (See CRLR Vol. 9, No. 2 (Spring 1989) p. 54 and Vol. 8, No. 4 (Fall 1988) p. 53 for background information.) The Chemical Dependency Diversion Evaluation Committee, appointed by the Board, is comprised of three licensed dentists, one dental auxiliary, one physician/psychologist, and one public member. All of the appointments expire by December 1989, and the Board