

CONSUMER CONNECTION

New protections for California patients



Plus:

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your auto body repair?**

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for 2012**

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sweet deal**



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New scrutiny for outpatient medical settings

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A MESSAGE FROM THE DIRECTOR



I am very happy to welcome you to the first issue of *Consumer Connection* for 2012.

This is also the first issue of *Consumer Connection* since I became Director of the Department of Consumer Affairs though I'm very familiar with the magazine, having worked for DCA in one capacity or another over the last several years.

One of the things I like about *Consumer Connection* is the way it highlights the work we do to protect and educate consumers in those areas we regulate, while also having a broad enough focus to address timely consumer issues outside our jurisdiction. That wide-open commitment makes *Consumer Connection* unique in State government. It represents our belief that an educated and informed consumer is a powerful force in fighting scams and ensuring fair and honest treatment for all California consumers.

This issue is an excellent example. Our cover story highlights increased scrutiny coming soon to free-standing surgical clinics, as a result of changes in State law. These outpatient settings, not affiliated with a hospital, are performing cosmetic surgeries, weight-loss procedures, in-vitro fertilization, and more. The Medical Board of California will be taking a closer look at these surgical settings to ensure that the facilities are accredited and personnel are qualified.

The Medical Board of California is one of the entities of the Department of Consumer Affairs. This issue of *Consumer Connection* includes an overview of the Department's other entities and the wide range of professionals we license and regulate.

Here's a look at the rest of the articles in this issue:

Having a car repaired after a collision is a fact of life for many people. But how do you know the repairs were done properly? Experts from the Bureau of Automotive Repair will check your car – at no charge to you – to be sure the work was done correctly. If a problem is found, the Bureau will contact the the body shop for you to correct the problem.

Prepaid, reloadable debit cards are popping up all over these days, offered by retail outlets, credit card companies, and even being hawked by celebrities. The cards can be useful, but before you sign up, be sure you understand the fees for various transactions such as withdrawing cash, checking your balance, or making purchases. The California Employment Development Department is also using prepaid cards instead of checks for unemployment and other benefits.

Few consumers realize they are secretly being tracked as they visit Web sites. Information on your browsing history

is bundled and sold to online advertisers who then target your computer with ads relating to the sites you visit. Is that harmless? Maybe so, but there are ways you can block most tracking and protect your privacy online.

Finally, California's active-duty military and veterans are being targeted for abusive financial products such as payday loans, car title loans, and refund anticipation loans. Veterans are even being offered cash to turn over their pension or other benefits to someone else. The Department of Consumer Affairs joins the California Department of Veterans Affairs in warning military vets about these unscrupulous and predatory practices.

We hope you'll look to future issues of *Consumer Connection* for important alerts and information on consumer topics. You can also keep up with important consumer news and information by following us on Facebook at [www.facebook.com/CACConsumer-Connection](http://www.facebook.com/CACConsumerConnection), and on Twitter www.twitter.com/DCAnews. As always, feel free to call us at 800.952.5210 for assistance.

A handwritten signature in black ink that reads "Denise D. Brown".

Denise D. Brown, Director
California Department of Consumer Affairs



NEW SCRUTINY FOR OUTPATIENT MEDICAL SETTINGS

Nonhospital settings performing cosmetic, weight loss, or infertility surgeries will be subject to new rules.

Changes are in the works that will significantly strengthen State oversight of free-standing outpatient medical settings. The aim is to better protect patients by ensuring that facilities are accredited, that personnel are qualified, and that complaints are promptly investigated.

New rules are currently being written by the Medical Board of California (MBC), part of the Department of Consumer Affairs. The rules will ensure that all outpatient medical settings are inspected and approved by an appropriate accreditation agency, that procedures are in place to handle serious side effects, that surgeons have admitting privileges at a local acute care hospital, and that the institutions meet other requirements.

The new rules will apply to med-spas performing cosmetic surgeries, weight-loss clinics doing Lap-Band and other procedures, and institutions offering in-vitro fertilization, among others.

The new requirements are mandated under Senate Bill 100, authored by State Sen. Curren Price (D-Los Angeles), which was passed in August 2011 and was signed by the Governor. The bill states that the new regulations must be in place by January 1, 2013. The legislation was supported by MBC.

Currently, free-standing surgical facilities in California are subject to a patchwork of oversight and regulation. Multiple government entities and accreditation bodies may be involved, making it difficult for consumers to easily verify that a facility is properly licensed, accredited, and that its healthcare professionals are properly trained. Presently, certain outpatient settings (including those owned by physicians) do not need to be accredited. That will change.

The new law will also ban what critics call “accreditation shopping,” in which a surgical center that is denied accreditation by one entity seeks accreditation from another. Under the new proposals, once a surgical center’s accreditation is revoked, denied, or suspended that decision will apply to all accreditation agencies.

The new legislation also increases the amount of information that will be available to consumers about these outpatient facilities. Under the changes, the MBC will post online a list of accredited outpatient settings. Consumers will also be able to see if a setting’s accreditation has been revoked, suspended, or placed on probation or if the setting had received a reprimand by the accreditation agency. Accreditation entities will also be required to notify MBC when they take action against an outpatient setting.

“We at the Medical Board of California are dedicated to ensuring consumer safety when it

comes to healthcare,” said Dan Wood, Public Affairs Officer for the MBC. He added, “Our goal is to make sure every resident of and visitor to California has access to the highest standard of healthcare professionals. Not only that, we are making sure consumers receive care in medical facilities that also meet and exceed the demanding standards we set.”

It will take a few more months before all the rules are in place. In the meantime, if you are considering a surgical procedure at an outpatient setting, there are steps you can do take to help protect yourself. Here are some recommendations from the Medical Board of California:

- Know who will perform the procedure and his or her licensing status:

If a physician is performing the treatment, you should ask about his or her qualifications. Is the doctor a specialist in these procedures? Is he or she board certified in an appropriate specialty? Licensing status may be verified at the Medical Board’s Web site at www.mbc.ca.gov. Click on “Check Your Doctor.” Board certification status may be verified at American Board of Medical Specialties, www.abms.org.

- If a registered nurse or physician assistant will be doing the procedure, ask questions: What are his or her

qualifications? Where is the physician who is supervising them? Is the supervising physician actually onsite? (Although the physician does not have to be onsite, he or she must be immediately reachable.) Again, you should check the supervising physician's credentials, as well as those of the nurse or physician assistant. To check the license of registered nurses, go online to the Board of Registered Nursing, www.rn.ca.gov. To check the license of physician assistants, go online to the Physician Assistant Committee, www.pac.ca.gov.

- Be fully informed of the risks: All procedures carry risks, and conscientious practitioners will fully disclose them. Medical professionals have an ethical responsibility to be realistic with their patients and tell them what they need to know. Use caution if procedures are being heavily marketed, with high-pressure sales techniques promising unrealistic results.
- Observe the facility and its personnel: Medical procedures should be done in a clean environment. Although you can't see germs, you can see if the facility looks clean and if personnel wash their hands, use gloves, and follow sound hygienic practices.



- Ask about complications, and who is available to handle them: If you should have an adverse reaction, you want to know who will be there to help. Who should you call, and what hospital or facility is available where the physician can see you? Qualified physicians have facilities or privileges at a hospital where they can handle emergencies.
- When considering cosmetic surgery, don't be swayed by advertisements and promises of low prices: There are a host of medical professionals offering competent, safe, cosmetic procedures. If the procedures are being offered at extremely low prices, there is a good possibility that what they are advertising is not what will be delivered. Genuine Botox, Collagen, Restalyne, and other injections are expensive. If someone is offering

an injection for \$50, when the going rate at a physician's office is \$500, then you can be sure it's not the real McCoy. There have been tragic cases of unscrupulous practitioners injecting industrial silicone and toxic counterfeit drugs that have made patients critically ill, caused disfigurement, or resulted in death.

- Unusually low cost can be a warning sign: Know that there is a substantial financial cost to obtaining qualified treatments, as well as some risk. If you want the best results, do your homework and only trust those who demonstrate competence and caution.
- Ask questions and expect understandable answers: Qualified responsible medical professional will always take the time to answer your questions and understand your concerns. MBC spokesperson Dan Wood puts it this way, "If something doesn't seem right to you, go with your instinct and don't allow yourself to be dismissed without getting the answers you want and demand."

For a list of the accrediting bodies accepted by the Medical Board of California for outpatient surgery settings, go online to www.mbc.ca.gov/outpatient_surgery.html.

A close-up photograph of a young man with short dark hair, wearing a dark blue short-sleeved button-down shirt, leaning over the open hood of a car. He is smiling warmly at the camera while using a green-handled screwdriver on the engine. The background is slightly blurred, showing the interior of a garage or workshop.

FREE AUTO BODY
INSPECTION
PROGRAM
AVAILABLE

After you've had collision repair work done on your car, it's pretty hard for the untrained eye to see if it was all done right, isn't it? Well, if you're a California consumer, you can get an auto body inspection from experts at the Bureau of Automotive Repair (BAR), part of the California Department of Consumer Affairs (DCA).

Auto body repairs can be very complex, and understanding all the necessary parts and labor that go into fixing collision damages can be confusing. The Auto Body Inspection Program is a valuable tool that can provide added protection and education for California motorists who are involved in automobile accidents.

Why have an inspection?

Most consumers are not aware that auto body repairs performed on their vehicles could be sub-standard or that they may not have received the parts and actual work expected. Collision repair deficiencies can be hidden, and if they remain undetected, they can reduce the structural integrity of your vehicle and potentially put you at risk.

Safety is an issue

BAR officials point to consumers who have had collision repairs done who paid for parts they didn't receive or labor that wasn't performed. In some cases, the vehicle may be left unsafe. See the adjacent photos for a scary situation in which BAR intervened.

Incomplete repairs can also set up consumers for further mechanical problems down the road.

A case in point involves a Sacramento woman whose car was rear-ended on the way to work. After the crash, the repairs to the bumper, trunk, and exhaust system totaled \$3,900. However, she wasn't confident the repairs were done right. A relative who works for the State told her about BAR's Auto Body Inspection Program, so she took advantage of it. The inspection revealed a problem. Her invoice clearly stated the shop would remove and replace her damaged muffler, which it didn't.

The Bureau talked with the owner's auto body shop and her muffler was replaced in a matter of days.

How does the inspection program work?

It's simple. Call BAR's toll-free number at (866) 799-3811 to schedule an appointment, and have ready a copy of the auto body repair invoice listing the repairs performed. On the sched-



uled date, a BAR inspector will come to you to inspect your vehicle. The BAR's inspectors check your vehicle to determine whether the auto body repairs were performed properly and match the work listed on the invoice. That's how easy it is, and there's no charge!

What happens after my vehicle's checked out?

If BAR inspectors find no discrepancies, they'll just document the result. When BAR officials do find problems, they will help get the shop to make corrections. You can also:

- Have the inspector open a complaint that will be investigated by a BAR field representative.
- Contact your insurance company for a follow-up with BAR.
- Choose not to pursue the issue.

"It's a win-win for consumers and for the BAR," says Jaime Ramos, Supervisor of BAR's Sacramento Field Office. "It gives consumers peace of mind about the repairs and it helps the Bureau regulate the industry." BAR will take action against the shop if fraud is involved.

Although BAR does not have an inspection program for mechanical work, the Bureau will still take a complaint and investigate it.

Visit www.bar.ca.gov and go to the "File a Complaint" link under "QUICK HITS" on the left-hand side.

Before having any work done on your car, BAR advises the following:

- Verify that the automotive repair provider's license is valid by checking online at www.bar.ca.gov or call (800) 952-5210.

- Ask for a written estimate of any repairs before work begins.
- Ask for the return of any parts replaced during the repair.
- Ask for a detailed final invoice upon completion.



This sport utility vehicle had its door repaired by a California auto body repair shop. The owners thought everything was fine until they took it to the Bureau of Automotive Repair (BAR) for a thorough auto body inspection. The next photo gives a closer look at the problem.

BAR inspectors discovered that the seam indicated by the arrow should have been welded together. This improper repair resulted in insufficient structural rigidity around both front and rear passenger side doors. The proper welds would have restored the necessary structural rigidity as required by the vehicle manufacturer. This vehicle's current condition could result in greater injuries of the occupants if it is involved in another collision.

Another BAR inspection discovery: This shoddy welding of the inner apron panels was hidden behind a fender panel.

DCA professional licensing:

A key to consumer protection

Restaurant bouncer, landscaper, car stereo installer, and furniture reupholsterer seem to have nothing in common, but they do. All of these people must be licensed by the California Department of Consumer Affairs (DCA).

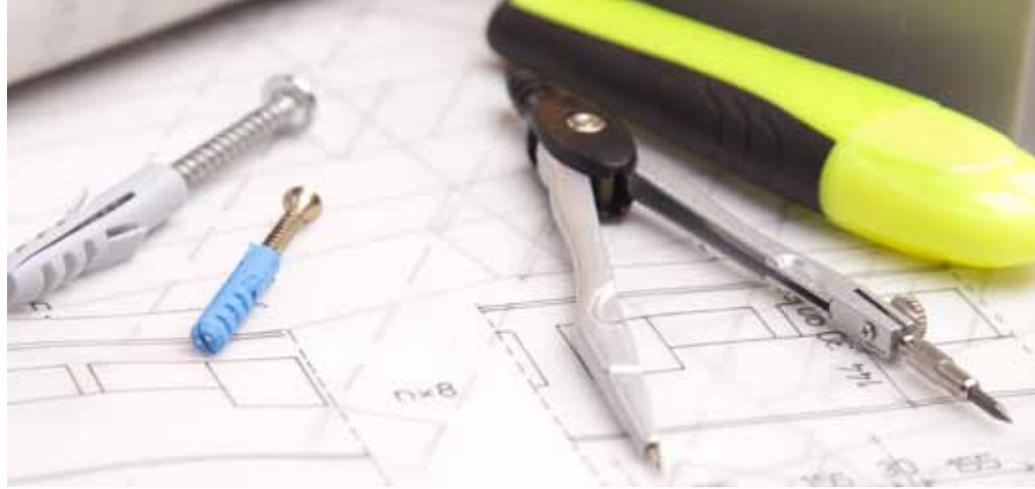


DCA issues more than 2.5 million licenses, certificates, and approvals to individuals and businesses in more than 240 categories. The State license ensures that the person who possesses it has met education and training requirements and has passed specialized examinations. For consumers, licensing also provides a remedy when a service is not delivered or if the work is substandard.

In some cases, however, consumers are not aware that people who work in certain professions or who provide certain services must have a valid license. Doing business with people who are supposed to have a license, but don't, leaves you open to losing money and maybe even endangering your health.

If you're not sure if a particular professional needs a license, or you're not sure if a person's license is valid, there are easy ways to check. Call the Department of Consumer Affairs at 800.952.5210 or go online to www.dca.ca.gov. Click on "Verify a license" in the middle of the page. In addition, licensed professionals who operate their own businesses may also need a business license in the community where the business is located. Other licenses and permits may also be required.

Professional licenses are issued by other State agencies. Non-DCA licenses include real estate brokers and salespersons, real estate appraisers, securities broker-dealers, some banks and credit unions, mortgage brokers, and financial planners. Information on



those occupations and license requirements can be found online at the Department of Real Estate's Web site at www.dre.ca.gov.

The majority of licenses DCA issues are to people who work in healthcare fields: doctors, dentists, nurses, pharmacists, nurses, mental health professionals, and others. For example, there are more than 140,000 licensed physicians and surgeons in the State, 450,000 nurses, and 100,000 pharmacists and pharmacy technicians combined. Most consumers are aware that professionals in healthcare fields must be licensed.

The licensing requirements of other professions, however, are not as well known. For example, did you know that DCA's Contractors State License Board (CSLB) issues licenses in 43 classifications? There are licenses for general engineering contractors, general building contractors, and a variety of specialty contractors including electrical, drywall, fencing, flooring, heating and air conditioning, swimming pool construction, solar, tile, plumbing, and more.

More than 300,000 licensed contractors work in California. You can verify the license status by going online to www.cslb.ca.gov or by calling 800.321.2752.

Remember, anyone who performs construction work that is valued at more than \$500 for labor and materials must hold a license. Anyone who advertises construction work must be licensed to do the work advertised. Doing business with an unlicensed contractor puts your money and your home at risk. If you know of someone doing construction work without a license, you can report that person on the CSLB Web site or by phone.

In some cases, a contractor may be licensed in a specialty, but not in the specialty needed for the job. For example, a person who is licensed to do pool and spa maintenance cannot do swimming pool construction. If you're unclear about the tasks allowed on a specific contractor's licenses, contact CSLB for information.

DCA's publication *The Department of Consumer Affairs: Who We Are and What We Do* has a complete list of DCA licenses. The booklet is available online at www.dca.ca.gov.

Highlights of new consumer laws for 2012

Every year, the Department of Consumer Affairs' Division of Legislative & Policy Review compiles a digest of significant legislation affecting the Department's boards, bureaus, and other programs, as well as consumers in general.



Here is a sampling of some of the new State laws that were enacted in 2011. The list includes the bill number (AB means the bill originated in the Assembly; SB means the bill originated in the Senate) and the last name of the legislator who sponsored it.

DCA's full 2011 Legislative Digest can be viewed online at www.dca.ca.gov/publications/leg_digest/index.shtml.

The full text of each bill is available at the Legislative Counsel's Web site, www.leginfo.ca.gov.

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AB 588 (Perez) Tenancy and victims of domestic violence

Amends existing law so that a tenant who is a victim of domestic violence, sexual assault, or stalking has more time (180 days instead of 60 days) to provide notice of intent to terminate a lease early.

.....

AB 1219 (Perea) Credit cards: personal information

Creates an exemption for retail motor fuel dispensers from the Song-Beverly Credit Card Act of 1971. Specifically, this bill allows gas stations to ask consumers for ZIP codes at gas pumps as a means of completing a transaction and ensuring a measure of fraud protection.

.....

AB 1267 (Halderman) Physicians and surgeons: misdemeanor incarcerations

Requires the Medical Board of California to automatically place a physician's license to practice medicine on inactive status during any period of incarceration resulting from a misdemeanor conviction.

SB 24 (Simitian) Personal information: privacy, security breaches

Amends California's security breach notification law to require those private and public entities issuing a security breach notification to write the notice in plain language, include certain specified information about the breach, and forward an electronic copy of the notice to the Attorney General.

.....

SB 100 (Price) Healing arts: outpatient settings

Increases oversight of accredited outpatient medical settings and increases physician oversight over the use of lasers and intense pulse light devices in cosmetic medical procedures.

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SB 332 (Padilla) Rental dwellings: smoking

Codifies the existing ability of landlords to prohibit smoking in leased residential premises and specifies applicable notice and lease agreement requirements.

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SB 431 (Emmerson) Pharmacies: regulation

Prohibits a pharmacist whose license was revoked by the Board of Pharmacy from dispensing medication to Californians via mail, and enhances existing reporting requirements to the Board when a pharmacy discovers theft of dangerous drugs.

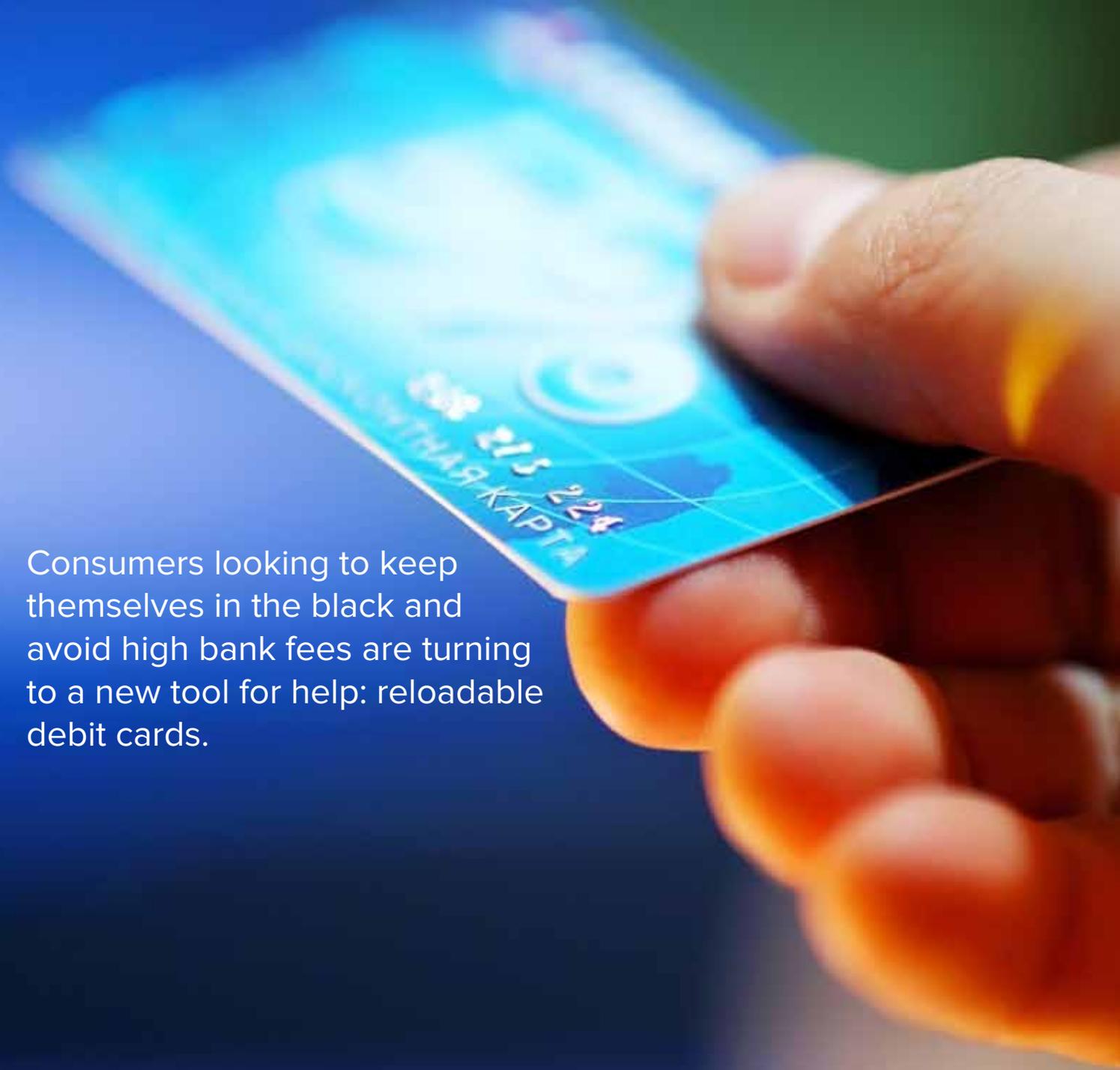
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SB 850 (Leno) Medical records: confidential information

Requires an electronic health or medical record system to automatically record and preserve any change or deletion of electronically stored medical information, and would require the record to include, among other things, the identity of the person who accessed and changed the medical information and the change that was made to the medical information.

Prepaid debit cards:

Read the fine print

A close-up photograph of a hand holding a blue prepaid debit card. The card is held between the thumb and index finger, with the rest of the hand visible in the foreground. The card has a grid pattern and some text, including the number '215 224' and the word 'КАРТА'. The background is a blurred blue and green gradient.

Consumers looking to keep themselves in the black and avoid high bank fees are turning to a new tool for help: reloadable debit cards.

Fans of the reloadable debit cards – which don't require a bank account – say they have dual benefits of helping users avoid high bank and credit card fees and helping them not spend more than they have. The cards still allow flexibility when purchasing, such as the ability to shop online and pay bills.

With reloadable debit cards – offered by major card issuers, retailers, and even celebrities – you pre-pay with cash, the amount is loaded on the card, and you can use it almost anywhere you could use a traditional debit or credit card, including online. It's safer than carrying cash and limits your risk if it should fall into the wrong hands.

One drawback of these cards is that, for the most part, they are not covered by the new Federal Reserve rules providing important protections when you purchase or use gift cards. And, there still may be fees. These can include charges for first-time issuance, reloading, ATM usage, balance inquiries, maintenance, and replacement.

TO HELP AVOID THESE FEES, CONSUMERS UNION OFFERS THESE TIPS:

- Find and read the fee schedule before you buy the card: Make sure you understand all the different ways you can be charged for using it. The cost will vary widely depending on which card you pick and how you use it. (You may have to scour the card's packaging as well as visit the issuer's Web site.)
- Try to figure out how you will use your card and compare the fees: In addition to a monthly fee, you may be charged for making purchases, depositing money, making cash withdrawals, paying bills, checking your balance, inactivity, or using customer service.
- Take steps to reduce your fees: If you decide to get a prepaid card, you may be able to reduce your fees by using direct deposit to load money onto your card. Avoid non-network ATM charges by getting cash back when making purchases and checking your balance online or over the phone.

Finally, don't discount a bank account entirely. Consumers Union says most prepaid cards charge higher fees than basic checking accounts offered by the top five banks in the United States. To

read the comparisons, visit <http://defendyourdollars.org/pdf/Adding-It-All-Up.pdf>.

GOVERNMENT GETS IN THE GAME

More than 40 U.S. states – including California -- use prepaid debit cards to distribute unemployment benefits and other subsidies to recipients, according to *The Wall Street Journal*.

New State Employment Development Department (EDD) Debit Cards recently replaced unemployment checks for the 1.2 million unemployed Californians currently receiving unemployment benefits. It is one of the largest prepaid card programs in the nation, covering both the Unemployment Insurance program as well as the State Disability Insurance program, which converted to the Visa®-branded debit cards earlier this year.

Once the EDD Debit Card is activated through banking partner Bank of America, the scheduled unemployment benefits will electronically go directly into the customer's debit card account and the money can be accessed immediately. Customers can also choose to have their funds transferred from their debit card account to their own personal bank accounts, either as a one-time or an automatic recurring transfer.

According to EDD, it can be used like any debit card to:

- Withdraw cash at any ATM or bank or credit union that accepts Visa. Customers get free unlimited cash withdrawals at Bank of America ATMs. For each benefit deposit made to their card, Bank of America will not charge for the first two withdrawals made at an ATM outside its network (but some banks outside the Bank of America network may charge a fee at their ATM locations).

- Check the balance on the card at ATMs or through Bank of America and request any teller pay up to that available balance on the card account – free of charge.
- Make purchases anywhere Visa cards are accepted, including grocery stores, gas stations and doctors’ offices – even shop and pay your bills online.

There are no fees for the following:

- Cash back with purchases at grocery stores, drug stores, and U.S. post office locations.
- Unlimited teller cash access at any bank or credit union that accepts Visa cards.
- Unlimited direct deposit transfers to a checking or savings account (including non-Bank of America accounts).
- Unlimited balance inquiries at ATMs and online customer service.
- Unlimited automated and live customer service inquiries.
- Free domestic card replacement.

EDD touts the card system as a faster, more convenient, and more secure way for recipients to receive their benefits and funnel the money into the economy, and that careful use of the cards will help avoid fees.

So what is “careful use”? EDD’s Web site offers a YouTube video explaining how to avoid fees at www.youtube.com/user/CaliforniaEDD#p/u/8/7LdPPVq6jbM.

Some transactions that might include a charge are:

- International ATM withdrawals.
- Surcharges or convenience fees at non-Bank of America ATM transactions.
- Domestic Emergency Cash Transfer.

Some merchants may also charge a “convenience fee” or “surcharge fee” for debit card transactions at point-of-sale terminals.

The card is good for three years for receiving any unemployment or disability benefits a customer may qualify for over that period.

Learn more about the EDD debit card, including how to avoid fees, at www.edd.ca.gov/About_EDD/The_EDD_Debit_Card.htm.



Not so sweet:

How cookies follow you in cyberspace



Everybody loves cookies, right? Except for the extra calories, cookies are largely harmless. Cookies on your computer, however, are another matter. Computer cookies may be invading your privacy by following you all over cyberspace and collecting information about what you're doing. And you may not even know it is happening.

Computer cookies are bits of information saved on your computer's hard drive when you visit a Web site. The information is retrieved every time you revisit the site that placed the cookie. That's not necessarily a bad thing. Cookies make it more efficient for you to use a Web site by remembering certain details about your last visit. Those details could include the items in your shopping cart, your log-in name, your preferences, and even details about your past purchases. The cookies that originate from the Web site you are visiting are called first-party cookies.

A cookie can also be placed on your hard drive by a third party to keep track of what you view on multiple Web sites. Third-party cookies collect this browsing data and compile it into a profile of your interests, tastes, and purchasing habits (but without "personally identifiable information" such as your full name, address, phone number, e-mail address, Social Security number, etc.). This bundled information is then sold to companies that target your computer with ads (often banner ads at the top of a Web page) tailored to your interests or browsing history. It's called behavioral advertising.

Some people view third-party tracking and targeted ads as harmless, but others find it intrusive: An outside party knows what you've been doing online. Beth Givens, founder of the Privacy Rights Clearinghouse, a San Diego-based nonprofit consumer advocacy organization, has said that few consumers realize the extent to which they are being tracked online by companies that collect information on their browsing habits.

"Industry is also quick to point out that online data-gathering resulting in behaviorally targeted ads does not involve personally

identifiable data," she said in the article. "However, studies show that robust files generated from anonymous data can be matched with other data sources, offline and online, to determine individuals' identities.

"These days, the anonymity argument is largely a myth," she said.

(Read her full comments at <https://www.utsandiego.com/news/2011/nov/13/internet-privacy-a-contradiction-in-terms/>).

SOME PROTECTION – LEGAL AND OTHERWISE

Many advertisers agree not to gather tracking data from "sensitive" sites such as adult or gambling sites, or government agency sites. Advertisers may also choose not to track certain types of consumer information such as financial status, health and medical history, religious preferences, racial or ethnic origins, political beliefs, or sexual orientation. Such efforts, however, are voluntary.

California's Online Privacy Protection Act of 2003 requires operators of commercial Web sites that collect personal information on California residents to post a

privacy policy on their site and to follow the policy. The privacy policy must, among other things, identify the type of personally identifiable information collected and how the information may be shared with other parties. California's law does not, however, address cookies and tracking.

Federal law bans companies from engaging in unfair or deceptive practices. That extends to deceptive statements in privacy notices regarding how consumer data is collected and used. (California has a similar statute, Business and Professions Code 17200.) The Federal Trade Commission has taken action against companies that have used deceptive practices in privacy notices.

WHAT CAN YOU DO ABOUT COOKIES?

Consumers can take steps to protect their privacy and block some online tracking. Current versions of Internet browsers (Google Chrome, Internet Explorer, Mozilla Firefox, etc.) have information on how you can block third-party cookies. In most cases, the settings can be found under "Tools" and "Internet Options" while you are online. You may be able to block most third-party cookies simply by changing the settings on your browser.

You can also delete first-party cookies, but if you do, you'll probably have to re-enter some information when you visit a Web site you've visited before.

Of course, routinely updating your antivirus and anti-spyware software is also a key way to protect your privacy online.

OTHER WAYS TO OPT OUT

Here are some other resources on blocking unwanted tracking:

- Privacy Choice (www.privacychoice.org) has tools to help you understand and make choices about your online privacy. You can find out how tracking works, view your tracking profile, and opt out of targeted ads.
- *How to Opt-Out of Cookies That Track You*, from the World Privacy Forum has tips on how to opt out of tracking, and an explanation of opt-out cookies. www.worldprivacyforum.org/cookieopt-out.html.

FIND OUT MORE ABOUT THE ISSUE

Here are some other sources for information about online privacy:

- California Office of Privacy Protection, www.privacy.ca.gov/online.htm.
- OnGuardOnline, a Federal government site that offers tips on protecting yourself online, www.OnGuardOnline.gov.

- Privacy Rights Clearinghouse, www.privacyrights.org.
- *The Wall Street Journal* "What They Know" series, <http://online.wsj.com/public/page/what-they-know-digital-privacy.html>.
- A Federal Trade Commission report, *Protecting Consumer Privacy in an Era of Rapid Change: A Proposed Framework for Businesses and Policymakers*, <http://ftc.gov>.
- "A Guide to the Digital Advertising Industry That's Watching Your Every Click," an excerpt from *The Daily You*, a new book by Joseph Turow, a professor at the Annenberg School for Communication at the University of Pennsylvania. www.theatlantic.com/technology/archive/2012/02/a-guide-to-the-digital-advertising-industry-thats-watching-your-every-click/252667.

The California Office of Privacy Protection contributed to this article.

PRIVACY CONCERNS WITH SMARTPHONES

Users of smartphones have additional tracking issues to consider. Some mobile apps you download may collect information about you and share that information with other sources. That information may include your phone's unique ID number.

When downloading an app, you should check for privacy policies or permissions and be certain you are comfortable with the degree of tracking or sharing that comes with the app. An app that is asking permission to access the personal data on your phone should raise privacy concerns. Similarly, consider whether you want your location tracked via GPS. Allowing GPS tracking gives you access to location-based services, but it may pose privacy risks. Check your phone's user manual for specifics on how to turn off GPS tracking.

For more on the subject, see *The Wall Street Journal* article "Your Apps Are Watching You," <http://online.wsj.com/article/SB10001424052748704694004576020083703574602.html>.

UPDATE: SAFER BODY ART

Last year in *Consumer Connection*, we told you about the efforts of UC Davis Cancer Center and California State University, Sacramento, to raise awareness of the health risks of improperly done tattoos and piercings. Well, California's Legislature was listening, and passed the Safe Body Art Act.

Effective July 1, 2012, the law establishes new requirements designed to protect both the practitioner and the client from transmission of infectious diseases through improper procedures and the control of cross-contamination of instruments and supplies.

The Act requires body art practitioners to register annually (instead of just once) with the appropriate local enforcement agency. Another big change is a client questionnaire: Body art clients must receive and complete paperwork in which they reveal, among other things:

- If they're pregnant.
- Any history of herpes infection at the proposed procedure site.
- Risk factors of bloodborne pathogen exposure.

The body art shop is responsible for protecting this information according to State and Federal laws for protecting personally identifiable information. It can't sell, share or transfer the information, and must shred it after two years.

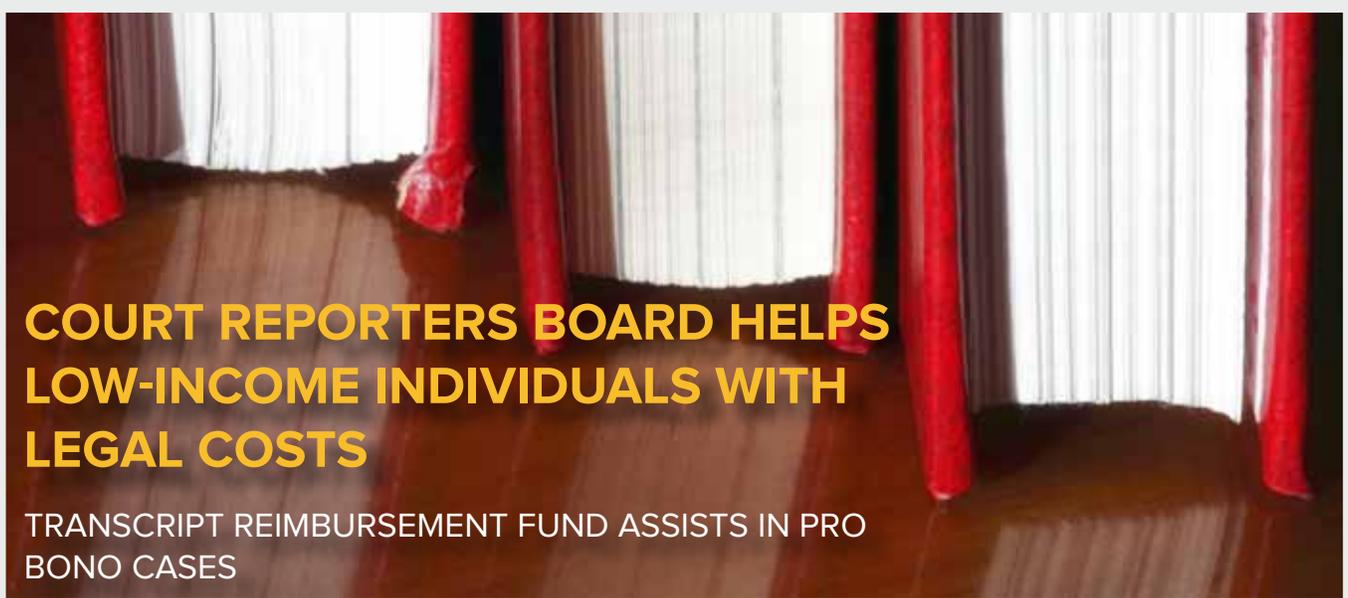
Practitioners must also comply with other specified requirements, including providing evidence of:

- Current hepatitis B vaccination or immunity.

- Completion of bloodborne pathogen control training. (Practitioners must also provide the training to anyone working in the shop's decontamination and sterilization area or procedure area.)
- Proof that he or she is 18 years of age or older.
- At least six months of related experience for first-time registrants.

The shop must also display a valid health permit.





COURT REPORTERS BOARD HELPS LOW-INCOME INDIVIDUALS WITH LEGAL COSTS

TRANSCRIPT REIMBURSEMENT FUND ASSISTS IN PRO BONO CASES

Do you know someone involved in a court case? If it's pro bono – meaning there are no attorneys' fees – there may be cost assistance available.

Equal access to justice is every person's right. DCA's Court Reporters Board of California (CRB) and the court reporters it oversees are critical to protecting that access for all Californians.

Court reporters provide verbatim transcripts of judicial proceedings and take responsibility for their accuracy. The CRB operates the Transcript Reimbursement Fund to provide court reporting services to qualified low-income litigants in civil cases who can't afford them. Reimbursement is available for transcripts provided by California-licensed court reporters when working with qualified indigent clients on civil cases. The litigant must be represented by legal counsel.

The fund was established by the Legislature in 1981 and is financed through court reporters' annual license renewal fees.

HOW TO QUALIFY:

LITIGANTS

The litigant must be indigent, which is defined as any of the following:

- A person whose income is 125 percent or less of the poverty threshold established by the U.S. Office of Management and Budget.
- A person who is eligible for supplemental security income.
- A person who is eligible for, or receiving, free services under the Older Americans Act or the Developmentally Disabled Assistance Act.
- A person whose income is 75 percent or less of the maximum level of income for lower income households as defined in section 50079.5 of the Health and Safety Code, for purposes of a program that provides legal assistance by an attorney in private practice on a pro bono basis.
- A person who qualifies for a waiver of fees pursuant to section 68632 of the Government Code.

APPLICANTS

The applicant must be a pro bono attorney, a qualified legal services project, a qualified support center, or other qualified project. If the applicant is a pro bono attorney, the case must have been referred to that attorney by a qualified legal services project, qualified support center, or other qualified project, or the attorney must have been appointed by the court. The fund pays for transcripts (original and one copy only, or where appropriate, just a copy) of court or deposition proceedings. Expedited fees are also covered. Reporters' invoices must contain a breakdown of costs.

The fund has provided assistance of more than \$7.6 million to consumers since its inception.

For more information, visit the Transcript Reimbursement Fund link on the home page at www.courtreportersboard.ca.gov, or call (877) 3-ASK-CRB (1-877-327-5272).



Tip: Use ‘em; Don’t lose ‘em

MORE GUIDANCE FOR GIFT CARDS

Unfortunately, nothing in the law requires a retailer to replace a lost or stolen gift card. However, you can help increase your chances that the retailer will work with you if you document it.

If you have received a gift card lately, it’s a good idea to save the receipt or take a photo of it, or both, in case it gets lost or stolen so it can be replaced more easily if the issuer is willing. If your card is lost or stolen, check the terms and conditions, and contact the issuer as soon as possible for help. If you report it stolen, the issuer can freeze (block) it and replace it (usually for a fee).



“Our advice is to use gift cards quickly – as soon as you get one, make a plan for spending it,” says DCA spokesman Russ Heimerich, who regularly fields questions from the media on the subject of gift cards. “The longer you hang on to it, the greater the risk of losing it, having it stolen, or the company that issued it going bankrupt and not honoring it at all.”



THE TECHNICAL SUPPORT SCAM

Although by no means new – Microsoft reports the scam has been around in various forms since about 2008 – the ruse never seems to go away. Consumers continue to report getting phone calls from deceptive – or just plain phony – computer technicians.

To get a handle on just how often, Microsoft surveyed 7,000 computer users in the United Kingdom, Ireland, United States, and Canada. The survey showed that across all four countries, 15 percent of people had received a call from scammers. Of those, 22 percent were deceived into following the scammers' instructions, which ranged from permitting remote access to their computer and downloading software code provided by the criminals, to providing credit card information and making a purchase.

The scams vary, but Microsoft says they commonly work like this: Criminals posing as computer security engineers call people at home to tell them they are at risk of a computer security threat. The scammers tell their victims they are providing free security checks and add authenticity by claiming to represent legitimate companies and using telephone directories to refer to their victims by name.

Similar scams try to convince the person that his or her computer is sending error messages indicating infection from malware. The caller then tries to sell the consumer an expensive "fix" such as a computer maintenance subscription.

Once they have tricked their victims into believing they have a problem and that the caller can help, the scammers are believed to run through a range of deception techniques designed to steal money. Or, the victim may end up paying for a service or program that's available for free. The study revealed that nearly 80 percent of people deceived in this way suffered some sort of financial loss.

Microsoft states in its online Safety & Security Center that neither Microsoft nor its partners make unsolicited phone calls (also known as cold calls) to charge you for computer security or software fixes.

Here's Microsoft's advice:

- Be suspicious of unsolicited calls related to a security problem, even if they claim to represent a respected company.

- Never provide personal information, such as credit card or bank details, to an unsolicited caller.

- Do not go to a Web site, type anything into a computer, install software or follow any other instruction from someone who calls out of the blue.

- Take the caller's information down and pass it to the authorities.

- Use up-to-date versions of software.

- Make sure security updates are installed regularly.

- Use a strong password and change it regularly.

- Make sure the firewall is turned on and that antivirus software is installed and up to date.

Microsoft advises those who think they may already have been a victim of a phone scam to do the following:

- Change the computer's password, change the password on their main e-mail account and change the password for any financial accounts, especially bank and credit cards.

- Scan the computer with the Microsoft Safety Scanner to find out if malware is installed on their computer.

- Contact your bank and credit card companies to alert them of the fraud. Help protect your computer from malware by installing antivirus software, using strong passwords, and keeping software up to date.

For more information, visit www.microsoft.com, or the California Office of Privacy Protection at www.privacy.ca.gov.

The background of the entire page is a close-up, slightly blurred image of the American flag, showing the red and white stripes and the blue field with white stars.

VETERAN BENEFIT BUYOUT PLANS AND OTHER BAD IDEAS

Look in any military magazine and you'll likely find multiple ads promising a cash lump sum in exchange for a veteran's future disability benefit or pension payments. Drive toward any military base and you'll see business after business offering fast cash for veterans in the form of auto title, tax refund anticipation, payday, and other quick cash loans. The Center for Public Integrity reported in August 2011 that more than one in five active-duty military households have taken out non-bank loans in the past five years.

It's no wonder veterans are being targeted. According to the U.S. Department of Veterans Affairs (USDVA), California veterans were paid more than \$3.8 billion in compensation and pension dollars in 2010. That figure represents only about 15 percent of the California veterans eligible to receive those payments.

For veterans struggling to find work after returning home from deployment or veteran families that have incurred unexpected or overwhelming debt, offers of quick cash can appear to be a godsend. Unfortunately, as the saying goes, if it sounds too good to be true it probably is.

Companies that offer cash in exchange for assignment of future military benefit and pension payments typically pay only a fraction of a veteran's actual entitlement over time—about 30 or 40 cents on the dollar. To add insult to injury, veterans that agree to sign away eight to 10 years of their benefits for cash may be required to put up a form of collateral, such as their house, to secure the contract in case they default. They may also be required to take out a life insurance policy payable to the company in case they die before the contract period is complete. With loan charges and other fees, veterans may pay interest rates exceeding 30 percent.

With payday loans, a veteran takes out a quick loan to deal with a temporary financial problem and promises to pay back the loan with the next paycheck. The Consumer Federation of America warns that some payday loans can cost up to \$30 per \$100 borrowed and borrowers carry annual interest rates (APRs) as high as 650 percent! If the veteran uses his or her paycheck to pay off the loan and doesn't have the money to

pay their other bills, they take out another payday loan and the expensive cycle continues.



Tax refund anticipation loans (RAL) are no picnic either. One of America's largest personal income tax preparation firms will grant clients \$5,000 within two days of filing their taxes—for an additional \$110 in fees and charges. According to the firm, if the clients do not take advantage of the RAL, they have to wait an average of three weeks to receive their refund. However, consumers who accept the loan offer may be spending more money than they'll receive on the refund. This is because the fees and charges of the RAL actually add up to an annual interest rate of more than 37 percent.

While acknowledging that these pension buyouts and quick-cash loans are not necessarily illegal, the U.S. Department of Veterans Affairs calls this type of offer a "financial scam" that takes advantage of desperate veterans

who may be down on their luck and need quick cash.

Last summer, an Orange County Superior Court judge ruled against one company that offered pension buyouts, awarding a total of \$2.9 million to 63 veterans in a class-action lawsuit. The judge said the agreements that the retirees had signed violated Federal law against "assigning" military pensions to other parties and called the buyouts "unscrupulous and substantially injurious."

The new Federal Consumer Financial Protection Bureau (CFPB) www.consumerfinance.gov was

established to protect veterans and other consumers. Holly Patreaus, wife of retired Army Gen. David H. Petraeus, heads the bureau's Office of Servicemember Affairs. Mrs. Patreaus is working to educate military personnel about how to protect themselves financially, enforce consumer protection laws already on the books and hold accountable companies that ignore them.

In the meantime, the best defense against unscrupulous and predatory lenders may still be a good offense. Check out the Federal Deposit Insurance Corporation's Web site www.fdic.gov/consumers/consumer/moneysmart/index.html and take advantage of its Money Smart facts, tips, and calculators.

This article was provided by the California Department of Veterans Affairs.



PRESENTS:

NEW, REVISED, AND TRANSLATED PUBLICATIONS

Knowledge is power, and DCA wants California's consumers to be as powerful as possible! Here are some new, some revised, and some translated publications on everything from automotive to security. Translated publications are already available in English. All publications are available online or by calling DCA's Publications Hotline at (866) 320-8652 for a free copy.

WHAT'S NEW



Consumer Guide to Alarm Companies

DCA's Bureau of Security and Investigative Services wants to make sure you know what to look for when deciding on an alarm company to protect your home. Find out what must be included in a contract before you sign on the dotted line, and know what questions to ask to make sure you're getting the service that's best for you.

www.dca.ca.gov/publications/alarm_companies.pdf



Locksmith Consumer Tips

It happens to everyone: You lock yourself out of your house or car, need to change a lock, or get a key made for a lock you already have. There are a lot of cons out there posing as legitimate locksmiths who take advantage of your situation by charging you huge fees, damage locks and sell your security information to other thieves. The information in this brochure gives you tips on finding a professional, licensed locksmith and how to spot a con.

www.dca.ca.gov/publications/locksmith_tips.pdf



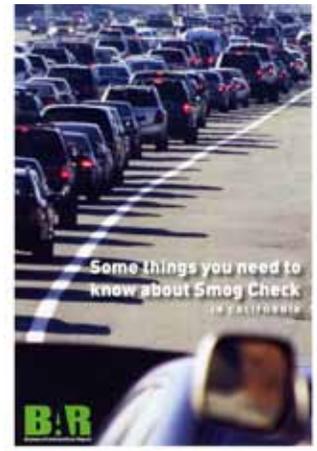
Senior Scambuster Kit on CD

DCA's very popular Senior Scambuster Kit is now available on CD! Great for reference desks at libraries, senior resource centers and more, this interactive CD holds 32 of DCA's most popular consumer publications on everything from automotive to health care to tenant's rights. The CD works on both Mac and PC. Call (866) 320-8652 for a free copy.

WHAT'S REVISED

Some Things You Need to Know About Smog Check in California

Does your car have to go through a smog check? What happens if it fails? Can you get financial assistance to repair or retire your car? These and many more questions are answered in this brochure from DCA's Bureau of Automotive Repair. www.bar.ca.gov/80_BARResources/ftp/pdffdocs/Smog%20Check%20Brochure.pdf



Winter Driving: Tips to Prepare for Winter Driving

Although California's weather is fairly mild, we do get rain and, in some areas, snow. DCA's Bureau of Automotive Repair has information about simple things you can do to prepare your car so you won't get caught in the cold.

www.bar.ca.gov/80_BARResources/ftp/pdffdocs/BARWinterTips.pdf

WHAT'S TRANSLATED

A Guide to the Bureau of Security and Investigative Services

Repossessioners, private security, locksmiths, and many other security-related professions are regulated by DCA's Bureau of Security and Investigative Services. Find out all about the Bureau, who it licenses, and tips on how to be an informed consumer in this publication. The yellow side has information for consumers; the blue side offers information for licensees.

www.dca.ca.gov/publications/con_guide_sp.pdf



Consumer Guide to Healthcare Providers

The Department of Consumer Affairs licenses and regulates more than 19 different types of healthcare professionals, from acupuncturists to registered nurses. Who are they and what do they do? Which one is right for you? You can find answers to these questions and more, plus Web site and phone numbers for each entity in this book.

www.dca.ca.gov/publications/healthcare_providers.pdf

Department of Consumer Affairs
 Office of Publications, Design & Editing
 1625 North Market Boulevard, Suite N-112
 Sacramento, CA 95834

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2009 Winner



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2008 Award
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STATE INFORMATION
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