

CALIFORNIA
BOARD OF BARBERING AND COSMETOLOGY



APRIL 25, 2016

Licensing and Examination Committee Meeting
Department of Consumer Affairs
1747 North Market Blvd.
HQ2 Hearing Room 186, 1st Floor
Sacramento, CA 95834

California State Board of Barbering and Cosmetology

Licensing and Examination Committee Meeting Agenda

Monday, April 25, 2016

1:00 P.M. or

Upon Completion of the Board's Reinstatement Hearings

Department of Consumer Affairs

1747 North Market Blvd

HQ2 Hearing Room 186, 1st Floor

Sacramento, CA 95834

ALL TIMES ARE APPROXIMATE AND SUBJECT TO CHANGE

1. Establishment of a Quorum; Welcome and Introductions.
2. Election of Committee Chairperson.
3. Public Comment on Items not on the Agenda
Note: the Board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a)]
4. Approval of Licensing and Examination Committee Meeting Minutes.
 - April 20, 2015
5. Discussion and Recommendations to Board Regarding Possible Licensing Requirements for Establishment Owners.
6. Discussion and Recommendations to Board Regarding Possible Board-Approved Certifications For Each License Type.
7. Update on Personal Service Permit Stakeholder Meetings Held on March 29, 2016 and April 5, 2016. (BPC § 7402.5)
 - Review of Public Stakeholder Meeting Comments
 - Discussion on Recommended Further Actions to be Taken by Board
8. Discussion of Future Agenda Items.
9. Public Comment
Note: the Board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a)]

Meetings of the Board of Barbering and Cosmetology are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. The audience will be given appropriate opportunities to comment on any issue before the Board, but the Chair may apportion available time among those who wish to speak.

The meeting is accessible to the physically disabled. A person who needs disability-related accommodation or modification in order to participate in the meeting shall make a request no later than five (5) working days before the meeting to the Board by contacting Marcene Melliza at (916) 575-7121 or sending a written request to that person at the address noted above.



Kristy Underwood
Executive Officer

Edmund G. Brown Jr., Governor
State of California

Department of Consumer Affairs
Board of Barbering and Cosmetology

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**CALIFORNIA STATE BOARD OF
BARBERING AND COSMETOLOGY
LICENSING AND EXAMINATION COMMITTEE MEETING**

MINUTES OF APRIL 20, 2015

Department of Consumer Affairs
1747 North Market Blvd
HQ2 Hearing Room 186, 1st Floor
Sacramento, CA 95834

COMMITTEE MEMBERS PRESENT

Mary Lou Amaro
Joseph Federico
Richard Hedges
Dr. Kari Williams

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Officer
Tandra Guess, Board Analyst
Marcene Melliza, Board Analyst

1. Agenda Item #1, WELCOME AND INTRODUCTIONS

Dr. Kari Williams, Board President, called the meeting to order at 11:00 a.m.

2. Agenda Item #2, ELECTION OF COMMITTEE CHAIRPERSON

Upon motion by Mr. Hedges, seconded by Dr. Williams, Mr. Federico was elected by a 4-0 vote as Chair of the Licensing and Examination Committee.

3. Agenda Item #3 PUBLIC COMMENT

John Moreno, Bakersfield Barber College, shared his concerns regarding the changes in the barber exam and the use of mannequins, especially when it comes to using a straight razor to shave.

Mirela Marinescu, International School of Beauty, has the same concerns and hopes that one day the exam procedures will be changed back and performed on live models.

Mr. Federico commented that one of the reasons for the change was to become in alignment with the NIC standards. As a school owner, Mr. Federico understands Mr. Moreno and Ms. Marinescu's concerns, but as school owners they are able to update and change their curriculum and make it mandatory that their students have to do many live shaves, so they can ensure themselves that they are putting out graduates that are perfectly able to perform these services. State Board is here to ensure public safety standards, and not to evaluate how well the barber can shave.

4. **Agenda Item # 4 APPROVAL OF LICENSING AND EXAMINATION COMMITTEE MEETING MINUTES.**

Upon motion by Dr. Williams, seconded by Ms. Amaro, the minutes from the July 16, 2013 Licensing and Examination Committee meeting were approved by a 4-0 vote.

5. **Agenda Item # 5, REVIEW AND DISCUSSION OF LICENSING REQUIREMENTS FOR ESTABLISHMENT OWNERS AND DETERMINATION IF ADDITIONAL REQUIREMENTS ARE NEEDED.**

Ms. Underwood explained that this topic had been discussed in the past, and staff brought it back to the committee to see if they wanted to discuss further at their next meeting. Currently a person can apply for an establishment license without any prior education or knowledge of the Industry, and be in charge of an establishment. Staff believes this license is far too easy to obtain and often see owners with outstanding fines cancel their establishment license and have someone else apply for a new license.

Mr. Hedges said this has been an ongoing issue with the Board. The Board needs to define regulations that if an owner sells or cancels their establishment license, that they should be required to provide proof of the sale, otherwise they should be made responsible for the establishment's fines.

Mr. Federico suggested a technological approach. Maybe the Board can create an online course that is required to be completed prior to receiving an establishment license. Another requirement he suggested was for an owner applicant to attend a DRC hearing.

Mr. Hedges also agreed that a online exam should be a requirement. It would be a great tool for corporations that have individuals in charge of establishments to take the online exam as well.

Ms. Underwood commented that there is already a statute that requires a licensee in charge and it has been determined that an owner can be a licensee in charge. She believes that original intent of that statute was to make sure the licensee was someone that actually had been thru school and was aware of the regulations of the industry.

Public Comment

Fred Jones, PBFC, suggested that an owner can be a licensee in charge, only if they hold an individual license from one of the five scopes of practices from the Board. If an owner is not a licensee, perhaps if these online course were to come available, it would be a requirement that the owner complete the course, otherwise the owner should not be the licensee in charge.

Jaime Schrabek, Precision Nails, asked if the fines are still attached to salons and why not to the individuals that completed the application as the owner. She suggested the Board increase their establishment application fee from \$50.00 to \$250.00 and require liability insurance as part of the application requirements.

Ms. Underwood confirmed that if the owner does not have an individual license from the Board, the Board does not have authority to go after those persons for the fines. Also, the Board cannot stop the sale of the establishment to another person.

Mr. Jones also commented on the transfer of business ownership and if new regulation was created to transfer the fines with the land (salon's address), this could help the board in collecting on fines left from previous owners.

Mirela Marinescu, International School of Beauty, wanted to know if Salon Suites were different from a booth renter and if they needed an establishment license.

Mr. Federico confirmed that the Salon Suites each have separate mailing addresses, so each unit is required to have an establishment license. A booth renter working at the address of a licensed establishment would fall under that license. The Board only issues one establishment license per address.

Ms. Underwood confirmed with the committee that staff will pursue different options on this issue and to bring to the next committee meeting.

6. Agenda Item # 6, AGENDA ITEMS FOR NEXT COMMITTEE MEETING

Mr. Hedges would like to discuss the idea of creating regulations to help transfer good and bad acts of the salon with the change of ownership.

Dr. Williams would like to discuss certification.

7. Agenda Item # 7, PUBLIC COMMENT

John Moreno, Bakerfield Barber College, wanted to know if the order of the barber exam has changed and also express his concerns how difficult it will be to shave the hair on the mannequin's beard. He was directed to email barbercosmo@dca.ca.gov his specific questions, and Ms. Heather Berg was also in attendance and offered her assistance to Mr. Moreno.

Fred Jones, PBFC, commented that the point of the practical exam is to show that the student does know the proper steps in keeping the consumer safe during the service and not how well the shave was performed. He forewarned the committee, that if there is any discussion about eliminating the practical exam, that it would not be well received in the industry.

8. ADJOURNMENT

With no further business, the meeting was adjourned.



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MEMORANDUM

TO: Members, Board of Barbering and Cosmetology Date: April 6, 2016

FROM: Tami Guess, Staff Service Specialist
Board of Barbering and Cosmetology

SUBJECT: Personal Service Permit Stakeholder Meeting

On March 29, 2016 in Sacramento, California and April 5, 2016 in Riverside, California, staff from the California Board of Barbering and Cosmetology (Board) met with stakeholders in compliance to the direction by the California Legislature as set forth in AB 181 (Chapter 430, Statutes of 2015).

INTENT

The focus was to gather information from interested parties regarding regulations they would like to see incorporated in the creation of the Personal Service Permit.

SUMMARY

At both meetings, Executive Officer Kristy Underwood presented a PowerPoint presentation which highlighted the best practice options as compiled from the other State Boards of Barbering and Cosmetology in the United States. A copy of the PowerPoint shown is included with this memo for the members review. Time was scheduled to allow for questions and comments from the interested parties. The agenda to these meetings was posted on the Board's website and agenda mail outs and emails were sent to the interested parties. In addition, the Board made use of social media (Facebook, Twitter) to advertise the pending meetings. Both meetings were webcast and the interested parties were encouraged to submit suggestions/comments either by email or by a comment card provided at the meeting sites.

The agenda items included:

- Summary of Best Practices from Other State Boards.
- Discussion of Appropriate Licensing Categories and the Feasibility of the Personal Service Permit within the Licensing Category in Order to Protect Consumer Safety (BPC § 7402.5(c) (1)).
- Discussion of Proof of Liability Insurance and Criminal Background Clearance Requirements (BPC § 7402.5(c) (5)).
- Discussion of Permit Fee, Renewal Fee and Delinquency Fee. (BPC § 7402.5(d)).

- Discussion and Identification of Specific Draft Language of Regulations Pertaining to the Personal Service Permit.

Results of the March 29, 2016 Meeting

Fred Jones, Professional Beauty Federation of California (PBFC) was the only attendee. He encouraged the Board to recognize the pressures and realities currently facing brick and mortar salons. This includes establishments which are employee based, commission based, booth rental based and pyramid based. The recent changes and proposed changes (minimum wage (AB 1513), piece rate wage, etc.) have put pressure on the employee based salon owners. Mr. Jones cautioned the Board on the possibility of unintended consequences. The PBFC would like to see a direct connection between the Personal Service Permit holder and a physical brick and mortar establishment. This would allow Board inspectors access to check the permit holder's protocols, tools and verify that the Board's health and safety regulations are being followed. Without the physical establishment, the health and safety of consumers cannot be monitored. This may or may not include traditional salon establishments or office type establishments. PBFC recommends personal liability insurance for the holder of a PSP.

Results of the April 4, 2016 Meeting

There were over 75 individuals in attendance with an undisclosed number of individuals on the webcast. The attendees were primarily Riverside Community College and Citrus College students and staff. There was a representative present representing the California Estheticians Facebook group and a few establishment owners.

Views on the PSP were numerous and varied. The attendees appeared to be split on a decision if the permit should even be pursued. Reasoning included the fact that providing personal services already occurs within the State with no documented consumer harm.

Next Steps

The Board will be posting a link to a survey on the BarberCosmo website which will allow licensees to state their position(s) on the PSP.

The Board will be scheduling a stakeholder meeting with establishment owners.

The Board will be conducting Facebook surveys to illicit licensee responses.

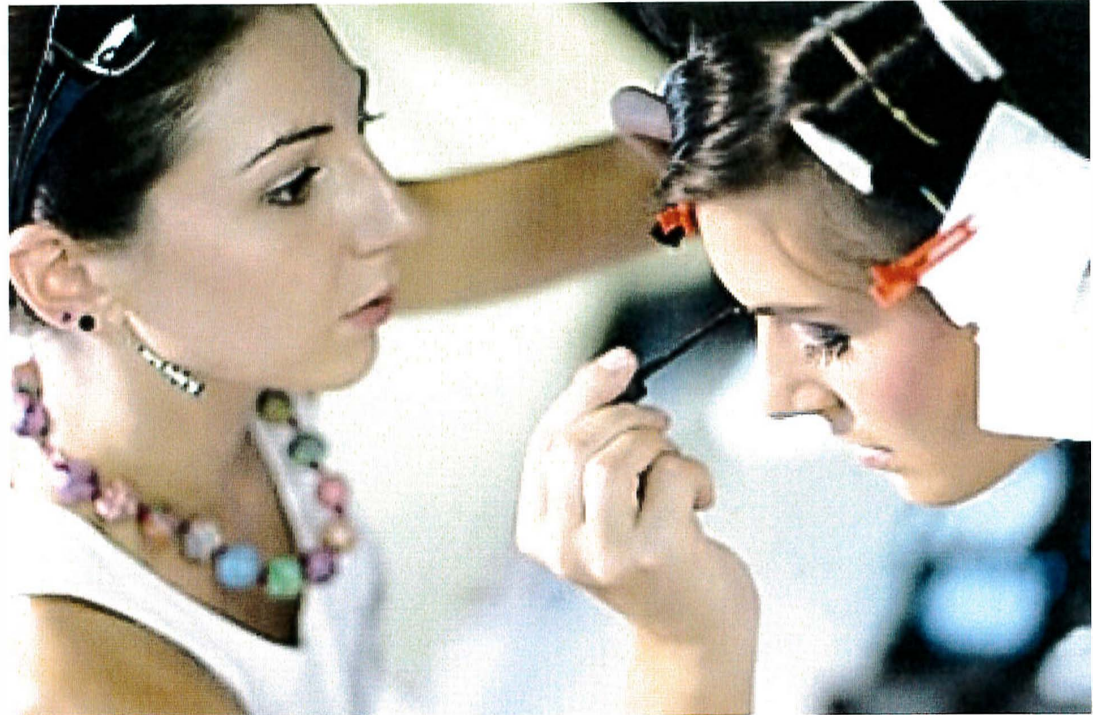


California Board of Barbering and Cosmetology

Personal Services Permit
Stakeholder Meeting

What is a Personal Service Permit (PSP)?

A permit that would authorize an individual to perform services (for which he or she is licensed) outside of a licensed establishment.



WHY?

Current law requires that all services in the beauty and barbering industry be performed inside of a licensed establishment. That means anyone found performing services, such as a wedding up-do at a church, a manicure at an office building, are in violation of California law and are subject to citation and fine.



Why Stakeholders

- The Board is meeting with stakeholders to obtain their input on how a PSP can be implemented.
- In order to implement, the Board needs your input on:
 - Requirements
 - Enforcement
 - Fees

Other States: Application Options

- Fee
- Company/Individual Contact
- Questions regarding criminal background
- Valid individual license
- Articles of Incorporation
- Copy of Assumed Business Name
- Liability Insurance

Other States: Posting Options

- Display permit # on all advertisements
- Post permit where services are being performed

Other States: Enforcement Options

- Enforcement is complaint driven
- Limit permit to certain services (hair only)
- License/permit must be with the individual at all times
- Specify where services can be provided (hotel, church, home)
- Random audits for compliance for health and safety
- Licensee must provide their permit # to the individual
- Licensee must obtain consumers signature on a disclosure statement.

Enforcement Options (cont.)

- Maintain client/appointment records at the business address
- Provide consumer with the Board's contact information

Other States: Regulations

- Single-use disposable tools
- All re-usable tools shall be sanitized after use
- All clean tools shall be in a clean container
- All tools must be transported in an air tight container
- Tools shall remain separated (dirty – clean)
- No alcohol shall be served in the area where services are performed
- No food shall be served where services are performed

Other States: Insurance

- Liability
 - Not less than \$100,000
 - Combined bodily injury and property damage

Other States: FEE

- Up to \$135.00
- Actual Cost to the Board

Other States: Renewal

- Permit only valid for 7 days
- Limit 4 permits per calendar year
- Permit only valid for 10 days
- Renewable Yearly

THANK YOU!!!!

If you have any additional comments
please fill out a comment form
available in the back of the room, or
if you are watching on-line and have
comments, please e-mail:

tandra.guess@dca.ca.gov