

**CALIFORNIA  
BOARD OF BARBERING AND COSMETOLOGY**



**JUNE 6, 2022  
Health and Safety Advisory Committee Meeting**

**Department of Consumer Affairs  
1747 North Market Blvd  
HQ2 Hearing Room 186, 1<sup>st</sup> Floor  
Sacramento CA 95834**

**CALIFORNIA BOARD  
OF  
BARBERING AND COSMETOLOGY**



---

**MEMBERS OF THE  
COMMITTEE**

Jacquelyn Crabtree  
Calimay Pham  
Reese Isbell  
Paul Bryson  
Lorianne Burr  
Deedee Crossett  
Brandy Hamilton  
Brandon Hart  
Paula Johnson  
Mark Rierson  
Leslie Roste  
Yumi Youn

---

---

**HEALTH AND SAFETY ADVISORY  
COMMITTEE**

**NOTICE AND AGENDA**

**Department of Consumer Affairs  
1747 North Market Blvd  
HQ2 Hearing Room 186, 1<sup>st</sup> Floor  
Sacramento CA 95834**

---

*Action may be taken on  
any item listed on the  
agenda.*

---

**June 6, 2022**

**10:00am – Until Completion of  
Business**

**AGENDA**

**Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Committee Chair and may be taken out of order. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Committee are open to the public.**

1. Call to Order/ Roll Call/ Establishment of Quorum
2. Executive Officer's Opening Remarks (Kristy Underwood)
3. Review and Possible Approval of March 14, 2022, Committee Meeting Minutes
4. Discussion and Possible Action Regarding the Staff's Analysis of the Board's Laws and Regulations and Recommendations for the Establishment of a Schedule of Administrative Fines Pursuant to the Requirements of Business and Professions Code Section 7407
5. Public Comment on Items Not on the Agenda  
*Note: The Committee may not discuss or take any action on any item 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, 1125.7(a))*
6. Suggestions for Future Agenda Items
7. Adjournment

\*Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Committee prior to the Committee taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Committee, but the Committee Chair may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Committee to discuss items not on the agenda; however, the Committee can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125, 11125.7(a)).

The meeting is accessible to the physically disabled. A person who needs disability-related accommodation or modification in order to participate in the meeting may make a request by contacting: Marcene Melliza at (916) 575-7121, email: [Marcene.melliza@dca.ca.gov](mailto:Marcene.melliza@dca.ca.gov), or send a written request to the Board of Barbering and Cosmetology, PO Box 944226, Sacramento, CA 94244. Providing your request is a least five (5) business days before the meeting will help to ensure availability of the requested accommodations. TDD Line: (916) 322-1700.

*Agenda Items*

*No. 1-2*

*No Attachments*

**DRAFT**  
**CALIFORNIA STATE BOARD**  
**OF**  
**BARBERING AND COSMETOLOGY**

**HEALTH AND SAFETY COMMITTEE MEETING**

**MINUTES OF MARCH 14, 2022**

**COMMITTEE MEMBERS PRESENT**

Jacquelyn Crabtree  
Reese Isbell  
Paul Bryson  
Lorianne Burr  
Deedee Crossett  
Brandy Hamilton  
Brandon Hart  
Paula Johnson  
Mark Rierson  
Leslie Roste  
Yumi Youn

**STAFF MEMBERS PRESENT**

Kristy Underwood, Executive Officer  
Carrie Harris, Deputy Executive Officer  
Sabina Knight, Board Legal Representative  
Allison Lee, Board Project Manager  
Marcene Melliza, Board Analyst

**COMMITTEE MEMBERS ABSENT**

Calimay Pham

**1. AGENDA ITEM #1, CALL TO ORDER/ROLL CALL/ESTABLISHMENT OF QUORUM**

Kristy Underwood called the meeting to order at approximately 10:00 a.m. and confirmed the presence of a quorum.

**2. AGENDA ITEM #2, ELECTION OF COMMITTEE CHAIRPERSON**

Ms. Crabtree volunteered herself as Chairperson. Mr. Isbell seconded the motion. The motion was opened up for public comment.

- Wendy Cochran thanked Ms. Crabtree and stated that she understands the current regulations well.

Motion carried 11 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Committee Members voted "Yes": Jacquelyn Crabtree, Reese Isbell, Paul Bryson, Lorianne Burr, Deedee Crossett, Brandy Hamilton, Brandon Hart, Paula Johnson, Mark Rierson, Leslie Roste, Yumi Youn

Ms. Crabtree thanked the members and took over as Chair.

### **3. AGENDA ITEM #3, EXECUTIVE OFFICER'S OPENING REMARKS**

Ms. Underwood thanked all the members for volunteering to be on the Committee. Ms. Underwood stated that the Health and Safety Committee is a statutorily mandated committee. The purpose of the meeting was to advise the Board on health and safety issues and trends. The Committee will undertake the health and safety regulations. The fine schedule will also be discussed during this meeting. The Committee members must report on the health and safety risks and give recommendations on how those concerns can be better addressed in California.

### **4. AGENDA ITEM #4, REVIEW AND POSSIBLE APPROVAL OF APRIL 19, 2021 MEETING COMMITTEE MINUTES**

Chair Crabtree moved to approve April 19, 2021 Meeting Minutes. Mr. Isbell seconded the motion. No public comments were made. Motion carried 11 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Committee Members voted "Yes": Jacquelyn Crabtree, Reese Isbell, Paul Bryson, Lorianne Burr, Deedee Crossett, Brandy Hamilton, Brandon Hart, Paula Johnson, Mark Rierson, Leslie Roste, Yumi Youn.

### **5. AGENDA ITEM #5, DISCUSSION AND POSSIBLE ACTION REGARDING THE RECOMMENDATIONS TO THE BOARD ON THE AMENDMENTS TO THE HEALTH AND SAFETY REGULATIONS: TITLE 16, ARTICLE 12, CALIFORNIA CODE OF REGULATIONS SECTIONS 977-995**

Ms. Underwood stated that the past Committee worked extensively on updating the health and safety regulations. Today, the Committee's role was to make a recommendation to the Board. The Board can then ask for more information, make changes, send it back to the Committee, or approve what the Committee has done and ask that the regulation process be started. When anything is changed with health and safety, the regulations must be reviewed by several entities in the Department of Consumer Affairs. They also must be reviewed by the Department of Public Health. The process is long and could take several years.

Ms. Underwood stated that the numbering of any regulatory section usually does not change, or the change is as minimal as possible. The board must know the history of violations. The history is what is relied upon to do disciplinary actions or to cite the right fine amount. She further stated that the previous Committee worked on the regulations for about three years. Since the last meeting, staff has been working to ensure minimal changes and would not impact the database.

Ms. Underwood stated that staff expected to send all the regulations to the Board unless the Committee would like to see a section changed and sent to the Board for review. Chair Crabtree felt that no more changes were needed. Her focus was on fine amounts and how the Committee would figure out how to fine people who keep violating the same sections.

Mr. Bryson voiced concerns with regulation section 986(a)(2). He indicated that EPA-registered disinfectants are not supposed to go on the skin, so using them on a makeup application brush is problematic. Mr. Bryson also stated that cleaning a brush with a monomer is only appropriate if that brush is used to apply monomer. He further stated that although disinfectants are used on a foot spa or a tool, those are thoroughly rinsed, but brushes are more sensitive. Ms. Underwood asked if saying “Clean with the cleansing agent” on the regulation would be fine. Mr. Bryson pointed out that that would give people the freedom to use any disinfectant. He proposed removing “EPA-registered disinfectant spray” and adding “(for monomer application brushes only).”

Ms. Hamilton stated that the language on brushes was not clear regarding the appropriate use of natural hair bristles regarding makeup brushes and some hairbrushes. For disinfection, she stated that antibacterial soaps could be used, not necessarily the chemicals that should not go on the skin.

Ms. Crossett requested that the health and safety guidelines specify which schools should teach the linen section. She asked if there was a way the regulations could indicate that students should be taught how to do some laundry.

Ms. Roste stated that the EPA-registered disinfectant was included in the regulations because it encompasses all brushes, including hairbrushes. She felt that the word disinfectant should remain in the regulation. The language should be more specific to brush type to use the appropriate cleansing agent. She noted that the effort was to reduce the spread of things such as ringworm.

Ms. Burr suggested adding ‘follow manufacturer guidelines for sanitation and disinfectant’ to the language, covering various brushes and materials.

Mr. Bryson added that the language should be unambiguous that the EPA disinfectants use non-porous materials such as hairbrushes, combs, and nail salon tools.

Ms. Underwood recommended a motion to approve the proposed health and safety regulations submitted to the Board with the caveat that section 986 be revised to address brushes by types.

Chair Crabtree moved to approve the proposed health and safety regulations to be submitted to the Board with the caveat that section 986 be revised to address brushes by types. Mr. Isbell seconded the motion.

The motion was opened up for public comment.

- Wendy Cochran stated that section 978(b)(2) must have an industry bulletin to clarify which products need an SDS. Regarding section 979(e), Ms. Cochran stated that tweezer cases should be considered. Regarding section 979(d), she stated “place” was too vague. Regarding Section 986, Ms. Cochran echoed Mr. Bryson’s sentiments on avoiding skin contact with EPA-registered disinfectants as they might cause problems with contact dermatitis. Regarding Section 987,

Ms. Cochran stated most estheticians place their linens inside duffel bags or plastic bags and carry them out to do their laundry at the end of a day. Regarding Section 989 #3, “to cut or remove the skin” would prohibit dermaplaning, which was currently available to licensed estheticians to perform. Regarding Section 989 #8, the language about glue was unclear whether or not it was eliminating wig glue for lash extension work. Ms. Cochran stated Section #9 should specify what injection means and Section 991 #6 might mean peels would be questioned.

- Ms. Knight stated that the regulations would be presented before the Committee several times. The comments will be presented to the Board and the Regulation Counsel during the review process. She requested Ms. Cochran to send her comments to Ms. Underwood.

Motion carried 11 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Committee Members voted “Yes”: Jacquelyn Crabtree, Reese Isbell, Paul Bryson, Lorianne Burr, Deedee Crossett, Brandy Hamilton, Brandon Hart, Paula Johnson, Mark Rierson, Leslie Roste, Yumi Youn.

**6. AGENDA ITEM #6, DISCUSSION AND POSSIBLE ACTION REGARDING THE STAFF'S ANALYSIS OF THE BOARD'S LAWS, REGULATIONS, AND RECOMMENDATIONS FOR ESTABLISHMENT OF A SCHEDULE OF ADMINISTRATIVE FINES PURSUANT TO THE REQUIREMENTS OF BUSINESS AND PROFESSIONS CODE SECTION 7407.**

Senate Bill (SB) 803 requires the Board to look at fines to determine what directly impacts consumer safety.

Staff went through all the fines and ranked their risks. The Legislature wondered if the safety of consumers was improving by issuing fines to licensees for issues that might not directly impact consumer safety. Ms. Underwood stated that 2020 and 2021 had no data because COVID and the salons were closed. Staff recommended a risk level to the Committee based on the experience of what was seen in consumer harm cases. They also provided reasons behind each risk level.

**Section 7313, Access to the Establishment for Inspection**

Ms. Underwood explained that the Board is required to inspect establishments anytime businesses provide services or during business hours. This section is when an individual physically prevents an inspector from conducting an inspection. Staff ranked this risk as high because preventing a health and safety inspection from being done meant something questionable was going on in the salon. No changes were recommended for this section since it was deemed a high risk to consumers.

Chair Crabtree agreed that oftentimes individuals do not allow inspectors into their establishments. She inquired whether the fine amounts could be changed. Ms. Underwood stated that the Committee had the authority to recommend changing the fines to the Board.



Ms. Burr believed that the fine was meager. She suggested a fine of \$1000. Chair Crabtree agreed and added that the fines should go up even higher every time someone blocks an inspector. Ms. Hamilton also wondered if other disciplines could be added to the fine. Mr. Hart stated that some businesses would not allow an inspector into their businesses for fear that they might find things that would lead to additional fines. Harsher penalties will ensure that employers comply with the rules.

Ms. Youn stated that some businesses work after hours to avoid inspection and asked what measures could be taken. Ms. Underwood stated that DCA was working to inspect such locations even after hours. She indicated that salons locked their doors during the inspection and continued providing services inside. Such salons got cited and fined.

Ms. Underwood stated that the maximum fine amount for citations is \$5000. She recommended raising the first fine to \$1000, then escalating it to \$1250 and \$1500 for the third violation. Ms. Burr voiced support of the recommendation. Mr. Isbell suggested going higher than \$1250 for the second violation. He felt the fines should go from \$1000 to \$1500 to \$2000. Chair Crabtree agreed.

Mr. Rierson indicated that sometimes inspectors come during a client visit. He asked if client visits should be stopped when an inspector comes in. Ms. Underwood said Inspections should not interrupt services.

Ms. Roste asked if there was a way to temporarily shut down businesses after the third time they denied the inspectors access. She felt that letting it get to the third violation implied that the violators kept getting away with wrongdoing. Ms. Underwood stated that three visits were used as the benchmark. DCA looks to take action on the third visit, especially on licensed establishments.

Ms. Crossett commented that the fines are not as big a deterrent as losing a license or being on probation. Ms. Underwood agreed and added that a salon has to provide access to all establishment areas. A locked cabinet would be a violation. Ms. Underwood recommended separating those two situations. She explained that independent contractors and booth renters in the industry lock up their items. Deputy Executive Officer, Carrie Harris, stated that section 904(f) allowed the executive officer or any authorized representative of the Board to have access to and inspect all areas within an establishment. Ms. Harris suggested adding a fine to this section to separate it from the violation of physically preventing an inspection.

Ms. Underwood suggested that the discussion on raising fines to be continued at the next Committee meeting to give staff time to separate the two situations.

### **Section 7317(a), Unlicensed Establishment**

Ms. Underwood explained that this section is cited when an establishment has no establishment license or changed ownership, moved, and has not applied for or received a new establishment license. Even though establishment licenses are not

transferable, some establishments move and post their old licenses. If an inspector explains to the establishment owner that a new license is required and the owner applies for a new one, then a fine will not be issued. If even after six weeks, the establishment has not applied for a license, then the fine will be issued.

Ms. Underwood stated that this was a high-risk violation, according to the number of times the violation had been cited. She believes the fine amounts are acceptable. Ms. Youn suggested raising the fines for this violation, mainly since many mobile service providers were unlicensed. She suggested starting the fines at \$1000 and going higher for the second and third violations. Ms. Hamilton echoed the same sentiments. She wondered if the Board has a task force that manages online traffic to check Instagram business accounts. Chair Crabtree said that she could report an unlicensed establishment by sending a direct complaint to the Board. The Committee agreed to set the fines at \$1000, \$1500, and \$2000.

#### **7317(b), Unlicensed Individual**

Ms. Underwood explained that this section is cited when an inspector finds an unlicensed person performing services. Chair Crabtree indicated that there are many unlicensed individuals and suggested raising the fines, starting from \$1000, to \$1500, to \$2000. Ms. Underwood stated that this violation is also cited to an apprentice who has been left alone and provides services as apprentices must be supervised at all times. Ms. Youn agreed that the fines should be high and should be in addition to some disciplinary action. Ms. Underwood stated that disciplinary action could be taken against the salon owner if the individual is working in a licensed establishment. She explained that when citing an individual for unlicensed activity, action cannot be taken against them because the Board takes action against a license. Ms. Underwood stated that the Board is working on a separate regulation issue for the apprentice program.

#### **7317(c), Expired Establishment License**

Ms. Underwood stated that staff ranked this violation as a low-medium risk because it is often a mistake. Most of the time, the owners forget to renew their licenses. Chair Crabtree suggested lowering the fine here. Start at lower on the first offense and then increase on the second violation. Ms. Underwood stated that renewal of expired licenses has a delinquency fee of \$60 if they are within the two-year delinquency term. The fee goes to about \$150 for longer than two years. She recommended lowering the first offense fee to \$100, the second offense will remain \$300, and the third is \$500. Chair Crabtree agreed.

#### **7317(d), Expired Individual License**

Ms. Underwood stated that staff ranked this violation as a medium risk since it could be a mistake. Citations are not issued when individuals renew immediately after inspection.

#### **7317(e), An Individual Working in an Expired Established License**

Ms. Underwood stated this is cited when a person is fully licensed, but their salon owner forgot to renew their license or it's an expired establishment. The risk is ranked at low-medium since it is not the individual's fault. Fines start at \$25 and go up to \$100. Ms.

Underwood felt that low medium was an acceptable risk level, and the fine levels were suitable.

### **7317(f), An Individual Working in an Unlicensed Establishment**

Ms. Underwood explained that this violation is not considered a mistake. It is somebody who could be working in an establishment that's trying to stay off the Board's radar or trying not to get an inspection. The risk level was raised to medium since it is riskier to a consumer. Fines are also higher.

#### **Public comment.**

- Wendy Cochran stated that for section 7313, there needs to be a mechanism for solo estheticians who do not have a receptionist. For 7317, Ms. Cochran stated there are many situations in which lash artists work from garage salons or through social media. She suggested doing more inspections. For 7317(c) and (d), Ms. Cochran felt that if these come to pass in the times of the COVID waivers, where fees are being waived, it will be a little confusing. For 7317(e), Ms. Cochran stated that some licensees are in lease situations in which they cannot break away from their irresponsible establishment owners. For 7317(f), Ms. Cochran stated that many med spas are in places that do not have an establishment license in place. Ms. Cochran wondered if a licensed esthetician would be cited for working with a doctor who does not have an establishment license.

### **Section 7320, Practice of Medicine**

Ms. Underwood stated that SB 803 made a change recently that one cannot offer a service that's practice of medicine. If they are offering a service deemed practice of medicine, they can be cited. Staff ranked this as the highest risk and set the fine at \$1000 across first, second, and third offenses.

Chair Crabtree suggested raising the fine starting at \$1000, to \$1500, then \$2000. Ms. Underwood mentioned that by the time it gets to a third offense, the offender will have gone through the disciplinary process. The person will still have the option of going to the administrative law judge. Therefore, getting to a third offense entails several opportunities for inspections and hearings.

Mr. Hart asked if the penalty structure is set individually for each section based on the number of offenses or if a regulation requires the penalty amounts to increase based on a percentage for the second and the third. He stated that it would be better to set the penalty structure across the Board rather than for each individual violation. Ms. Underwood stated that the penalty structure had no regulatory structure but agreed it was a great idea.

The Committee will only be required to set the first offense based on the risk. From there, it would be a multiplier. Ms. Harris agreed that Mr. Hart's recommendation would make things uniform if implemented. Ms. Underwood explained that if the Committee decided to go with Mr. Hart's recommendation, they could end the discussion on fines. Staff would bring an updated report at the next meeting. Mr. Rierson pointed out that the

structure would not significantly differ on more minor fines, such as the ones that started at \$100. He indicated that the structure is set for fines over a certain threshold. Ms. Underwood agreed and added that other fines were very low risk. The Committee had the authority to recommend removing such fines.

#### **7320.1, Use of Illegal Metal Tool**

Ms. Underwood stated this violation is rarely cited because another regulation is more specific to finding an illegal tool. Ms. Underwood recommended not having a fine for this violation because it is already cited under regulations.

#### **7320.2, Illegal Treatment Methods**

Ms. Underwood stated this violation is a high risk, but no violation has been found yet. Ms. Underwood recommended leaving it intact.

#### **7336, No Supervision of Apprentice**

Ms. Underwood explained that this is cited when an inspector finds an apprentice providing services and their approved trainer is not directly supervising the apprentice. It is considered high risk, and the apprentice cited the violation for unlicensed activity and for providing services without supervision. Ms. Hamilton opined that the fine should fall on the supervisor. She stated that the supervisor would know that the apprentice was in the shop and provided the service in their absence. Ms. Underwood pointed out that a not present person cannot be cited. The starting fine for this violation was set at \$100.

#### **7348, No Licensee in Charge of Establishment**

Ms. Underwood explained that this Section of the law requires that every establishment must have at least one person willing to take responsibility to go over the inspection. The violation was ranked at medium risk, and the starting fine was set at \$100.

#### **7349, Employing Unlicensed Person**

Ms. Underwood explained that this violation goes to the establishment that employs someone who has not gone to school and has never been tested to obtain their license. The risk was ranked high and the fine starts at \$1000. Chair Crabtree suggested that the fee be raised each time because this is a frequent offense.

#### **7349, Employing Unlicensed - Expired License**

Ms. Underwood reported that the Governor waived the licensing renewal fee for people with expired licenses in 2021 and 2022. She stated that the fines are for people who work with expired licenses but not those willing to renew theirs.

#### **7349.1, Illegal Use of a Barber Pole**

Ms. Underwood explained that the barber pole issue does not harm customers, so there should not be a fine.

#### **Public Comment**

- Wendy Cochran was concerned that the word “employing” in 7349 sounded a little problematic considering the industry is in an independent contractor

situation. For 7320, she stated that estheticians need a way to verify with the Board whether a device is within their scope. For 7320.1, she noted that it implied the Board would employ field testing devices.

### **7350, Establishment Residential Use/Entrance/Prohibited Use**

Ms. Underwood explained that they found this low-medium risk because there are few cases of people living inside the business establishment and it does not pose direct harm to customers.

### **7351, Restroom Requirements**

Ms. Underwood reported this was rated medium risk because most establishments use their restrooms as storage units. Salons with public restrooms risk a \$50 fine if they use restrooms as storage units for cleaning products. Establishments need washing areas for themselves. Ms. Underwood suggested a \$100 fine, to which Chair Crabtree agreed.

### **7352, No Soap/Towels or Air Hand Dryer in Hand Washing Facilities**

Chair Crabtree emphasized how important hand washing is and suggested the starting fine should be \$100.

### **7353.4, Labor Rights Notice Not Posted**

Ms. Underwood stated salons are required to have certain labor information posted in their establishments. It was rated a low-medium risk to customers and can warrant a \$50 violation. Still, most licensees might not be aware of this requirement therefore not have them. Ms. Underwood suggested a campaign to educate the licensees on these requirements.

### **7358, No Licensee in Charge of Mobile Units**

Ms. Underwood noted that there has never been a citation for this as a violation, however, it is a medium risk to customers. She suggested the fines remain the same.

### **7359, Employing an Unlicensed Person in a Mobile Unit**

Ms. Underwood stated that this section poses a high risk to consumers, although a violation has never been cited. She added that the first offenses should be fined. The Board will be informed of a new fine in the following meeting.

### **7360, Mobile Unit – Residential/Prohibited Use**

Ms. Underwood noted that there has never been a citation of a mobile units for residential use. She proposed that this be left as it was because there is a low probability of this happening in the future.

### **7400, No Change of Address Notice Filed**

Ms. Underwood explained that this is considered low risk even though licensees must inform the Board when they are changing their addresses. If a licensee is found to have changed their address without notifying the Board, they will receive a citation. Ms. Underwood stated she did not think this should be a fineable violation. Chair Crabtree suggested reducing the fine to \$25 and they both agreed.

**7404(l), Refusal or Interference with Inspection**

Ms. Underwood stated that refusal or interference with an inspection was rated a high-risk violation because inspections pose a danger to inspectors. Inspections have the potential to turn violent and sometimes individuals run and hide. She suggested leaving the fine at \$1,000 and Chair Crabtree agreed.

**904(d), No Photographic Identification Available**

Ms. Underwood stated every licensee should show an identification that matches their license on the wall. This was rated high risk because there are high chances that someone is using another person's license if they do not show their identification. Chair Crabtree proposed they raise this fee to \$100. Ms. Hamilton disagreed, and suggested licenses have pictures on it. Ms. Underwood stated that the database could not store those pictures for renewal. Ms. Hamilton suggested if they could do it manually by putting a photo on the license.

**905, Consumer Information Not Posted**

Ms. Underwood stated this was ranked as a high risk because consumers need to know how to contact the Board if they need to file a complaint. Chair Crabtree proposed raising the fine to \$100.

**920, Apprentice Training Records Not Available or Incomplete**

Ms. Underwood explained that a apprentice trainer will be cited if they do not have the training records of an apprentice during an inspection. This was rated medium-high risk, and the fine for a first offense is \$100.

**965, Display of License**

Ms. Underwood explained that consumers should be able to see the license of the person providing services, so the high risk level and fine is appropriate.

**978(a)(1),(a)(2),(a)(3),(a)(4), Receptacles, Cabinets, and Containers**

Ms. Underwood stated this section was ranked as low-medium. When the inspector finds that the establishment does not have the minimum equipment the first offense is \$50.

**978(a)(5), Insufficient Disinfectant for Immersion**

Ms. Underwood stated this section was rated high risk and the first offense was \$100.

**978(a)6, No Steam or Dry Heat Sterilizer for Electrology Tools**

Ms. Underwood stated most establishments do not have these tools. Mr. Rierson stated the fine amounts were appropriate.

**978(b), No Disinfectant Available for Use**

Ms. Underwood stated an establishment without any disinfectant for use will be fined \$250 as this is a high-risk violation. Ms. Roste suggested the starting fine be increased to \$500 so it is equal with section 978(a)(6).

**978(c), No Manufacturer Labeled Container for Disinfectant**

Ms. Underwood stated establishments using disinfectants without the manufacturer labeled container are cited \$250 because this is a high risk to consumers. Mr. Rierson suggested raising the fine to \$500 so it is consistent with the previous section.

**979, Disinfecting Non-electrical Tools**

Ms. Underwood stated this section is one of the most-cited violations and it often has to do with labeling issues. This is a high-risk violation that carries a fine of \$100.

**Public Comment**

- Wendy Cochran stated that estheticians who set up their business in rental spaces do not have control over their restrooms and asked what the Board would do so they are not fined for not following the restroom requirements. Regarding the disinfectant container, she sought clarification if a citation would be given whenever they dispose of containers after a disinfectant has been finished in a container.

**980(a), Incorrect Disinfection of Electrical Tools**

Ms. Underwood stated a licensee will be fined \$100 for a first offense if they are found using dirty electrical tools on a client. This was ranked as a high risk to consumers.

**980(b), Incorrect Storage of Electrical Items**

Ms. Underwood stated this section was ranked as a medium-high risk, and a fine of \$50 will be charged for the first offense if a licensee is found to be in violation. This pertains to storage, whereas the previous section was regarding tools being dirty, which is why the fine is lower.

**980(c), Incorrect Storage of Soiled Electrical Items**

Ms. Underwood stated this was ranked medium-high risk, and the fine for a first violation is \$50. Ms. Crossett pointed out that the fine for clean and soiled storage of electrical items is the same, so violators may not see the gravity of the matter. Ms. Underwood asked Ms. Harris to provide data of repeat offenses on this particular issue of storage to be attached to the report.

**980.1, Incorrect Disinfection of Pedicure Foot Spas**

Ms. Underwood stated this is one of the highest consumer harm situations and is a high risk. A violation for this attracts a \$500 fine per chair. Ms. Underwood strongly advised against changing that fine and stated the circumstances through which this specific violation may occur. Ms. Roste asked what happened when citations dropped from 72 to 24 between 2016 to 2017, and in 2019 it went down to 12 cites. She also wanted to know why the charges do not increase on the second and third offenses. Ms. Underwood believed that citations had dropped because most salons started using liners. She added that the maximum fine amount for a citation is \$5,000 and the Committee that put this in place saw that every charge could go high with multiple chairs.

**980.1(b), Incorrect, missing log of piped foot spa**

Ms. Underwood stated this section is a medium risk with a \$100 fine for the first offense.

**980.1(g), Requirement to Put a Sign on a Chair That Is Not in Service**

Ms. Underwood stated all chairs out of service should be labeled as so or be cited a \$50 fine for the first offense. This is a low-medium risk.

**980.2, Incorrect Disinfection of a Pipe-less Foot Spa**

Ms. Underwood stated the number of citations for this section is decreasing because of the foot spa liners are allowed in California. This high risk warrants a \$500 fine for the first offense if procedures are not followed. Ms. Underwood advised against any recommendations for changing this.

**980.2(b)(7), Incorrect, Missing Log of Pipe-less Foot Spa**

Ms. Underwood stated this section is a medium risk with a first offense of \$100.

**980.2(f), No Out of Service Sign for Spa Chair**

Ms. Underwood stated this section is a low-medium risk with a fine of \$50 for the first offense.

**980.3, Incorrect Disinfection of Non-Whirlpool Foot Basin Per Unit**

Ms. Underwood stated this section is a high risk with a \$100 fine for the first offense. From her experience, the foot spa chairs cause more harm than the portable tubs, but it is still risky.

**980.3(b)(6), Incorrect/Missing Log**

Ms. Underwood stated a missing log will cause a \$50 fine for the first offense and is medium risk.

**980.3(e) Improper Storage of Basins or Tubs**

Ms. Underwood stated the storage of portable tubs was ranked low risk with a \$50 fine for the first offense.

**980.4, Incorrect Disinfection of Foot Basin/Tub After Use of Disposable Liner**

Ms. Underwood stated this section is rated as low risk because a liner was used, but the fine is \$500. Mr. Bryson wondered why such a low risk would attract a considerable fine. He asked if it was necessary to disinfect the basins even after using a liner instead of just cleaning. Ms. Crossett stated that they have been teaching students about disinfection with the pandemic. Regardless of whether a client came into direct contact with the surface, you have to disinfect it afterward. So, if a liner was used in a basin or not, it would be a good idea to disinfect it after use. Mr. Isbell agreed with Ms. Crossett's sentiments. Ms. Roste asked if the fine would apply to those people who reuse the liners, and Ms. Underwood said she believed that would also apply.



**980.4(a)(2), Incorrect/Missing Log**

Ms. Underwood stated this section is for an incorrect or missing log of a non-whirlpool foot basin and is a medium risk that cites \$100 for the first offense.

**980.4(a)(4), Failure to Maintain the Supply of Liners**

Ms. Underwood stated this section is cited when licensees do not have five liners per tub in their salon. This is a medium to high risk with a \$250 fine.

**Public Comment**

- Wendy Cochran mentioned that with insights from Jamie Schrabek of Precision Nails, maybe the foot spa issue can be solved by waterless pedicures. She also believed that there would be no contamination of foot spas by sneezing, thereby challenging the point disinfection of portable basins.

**7. AGENDA ITEM #7, PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

Ms. Cochran pointed out that she and Ms. Schrabek had noticed that many of the worst cases of consumer harm, including amputations, are never reported to the Board of Barbering and Cosmetology. She urged the Committee to think beyond what can be observed in an inspection to what happens during a wrong service. She stated the Committee should recommend that legislation be passed requiring notification of settlements over a certain dollar amount just as with the Medical Board requires. Another thing to consider in this legislation on behalf of the California Aesthetic Alliance is that licensees are should be required to carry a minimal amount of liability insurance, protecting both the licensee and the consumer.

**8. AGENDA ITEM #8, SUGGESTIONS FOR FUTURE AGENDA ITEMS**

Ms. Crossett suggested that the Board consider having offenders take education lessons to reduce fines instead of paying for the violations.

**Public Comment**

- Wendy Cochran stated that the responsibility falls on the schools to teach their students the rules and regulations that they should adhere to after getting their licenses.
- Jaime Schrabek asked the Board to look into the new legislation AB1003 and what it meant for their industry. Another new bill AB1820 would create a labor trafficking unit within Cal/OSHA which would also impact the industry.

**9. AGENDA ITEM #9, ADJOURNMENT**

There being no further business to discuss, the meeting adjourned at approximately 1:30 p.m.



Analysis of the Board's Laws and Regulations and Recommendations for the Establishment of a Schedule of Administrative Fines Pursuant to the Requirements of Business and Professions Code Section 7407

## 7313 Access to Establishment for Inspection

**Examples of When and Why this is Cited:**

An individual physically prevents an inspector from conducting an inspection.

**Fine Schedule:**


	1 <sup>st</sup> Offense	2 <sup>nd</sup> Violation	3 <sup>rd</sup> Violation
Fine Amount	\$250	\$500	\$750

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
283	224	192	168	63	87

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** The Board protects consumers by enforcing the health and safety rules via the inspections program. Denying access to an inspector leads the Board to believe that there is something in the establishment that is purposely being hidden (illegal or dirty tools, working out of scope, unlicensed activity, etc.). While it is unknown, the potential for high risk must be considered.

## 7317a Unlicensed Establishment

**Examples of When and Why this is Cited:**

An establishment has no establishment license, or the establishment changed ownership or moved and has not applied for and received a new establishment license.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$500	\$1000	\$1000

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
887	735	693	662	298	444

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** An unlicensed establishment has no record with the Board, so it will not be inspected unless an inspector is in the area and notices the establishment or a complaint is received. If a business is not obtaining an establishment license, the risk is high for consumers as it would appear to the business intentionally wants to hide from the board. There are also cases where the owner of the establishment was not aware of the license and immediately applies once they are informed. These situations do not usually end in a citation and fine being issued.

### 7317 b. Unlicensed Individual

**Examples of When and Why this is Cited:**

An inspector observes an individual performing services and verifies that the individual does not have a personal license. This violation can also be cited if an inspector observes an apprentice performing service without their trainer’s supervision.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$1000	\$1000	\$1000

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
724	573	606	667	187	300

**Recommended Risk Level**



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** This could be one of the highest risks to consumers. An individual performing services who is not licensed likely means they have not attended school and received proper training. This individual has not been deemed minimally competent and has not learned the basic minimum health and safety skills.

### 7317c Expired Establishment License

**Examples of When and Why this is Cited:**

An inspection is conducted, and the inspector verifies the establishment license is expired.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$250	\$300	\$500

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
471	398	395	347	177	234

**Recommended Risk Level**



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** This violation often occurs when the business forgets to renew their license timely. When the license is renewed immediately after an inspection, a citation is not issued.

## 7317d Expired Individual License

**Examples of When and Why this is Cited:**

An inspection is conducted, and the inspector verifies an individual has not renewed their license.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$250	\$300	\$500

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
420	387	296	268	66	73



**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** This violation often occurs when the individual forgets to renew their license. When the license is renewed immediately after an inspection, a citation is not issued. However, if the license is not renewed, this poses a risk to consumers when an individual is performing services and choosing not to renew.

## 7317e Individual Working in an Expired Establishment

**Examples of When and Why this is Cited:**

An inspector finds an individual working in an establishment with an expired license.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$25	\$50	\$100

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
581	385	434	496	91	203

**Recommended Risk Level**



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** This violation often occurs without the individual licensee being aware. While an individual licensee should verify that they are working in a licensed establishment, it is the owner who may have forgotten to renew the license.

## 7317f Individual Working in an Unlicensed Establishment

**Examples of When and Why this is Cited:**

An inspector finds an individual providing services in an unlicensed establishment.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$250	\$300	\$500

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
664	556	463	546	145	362

**Recommended Risk Level**



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** Individuals should work in licensed establishments, so the Board knows to inspect the establishment and verify they are following all health and safety regulations for consumer protection. If establishments are not obtaining an establishment license, they are likely not following other requirements, which puts consumer safety at risk. Establishment owners may be unaware of licensing requirements if they are not personally licensed, which is why the Board also requires licensees to work in unlicensed establishments as they were taught about this in school.

## 7320 Practice of Medicine

**Examples of When and Why this is Cited:**

An inspector finds evidence that the practice of medicine is occurring in a licensed establishment. The services vary but have been deemed by the Board to cross into the medical field. Examples include but are not limited to providing injections, laser treatments, mole removal, and use of prescription products.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$1,000	\$1,000	\$1,000

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
94	66	66	149	45	110

**Risk Level**



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** The level of risk is extremely high as a licensee performing medical services does not have the appropriate education and training to safely perform such services.

## 7320.1 Use of Illegal Metal Tools

### Examples of When and Why this is Cited:

This violation is rarely cited as the Board usually cites CCR 993 as it is more specific to finding illegal tools. These tools are usually credo blades or needles.

### Fine Schedule:


	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$250	\$500	\$500

### Number of Times Violation Cited per Year:

2016	2017	2018	2019	2020	2021
2	9	5	13	0	1

### Risk Level

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** The risk level is high as illegal tools can cause harm to consumers; however, other areas of the Board’s regulations address these issues so this could be considered duplicative.

## 7320.2 Illegal Treatment Methods

### Examples of When and Why this is Cited:

An inspector finds a licensee using an x-ray device, a solution of phenol greater than 10%, or corrosive sublimate to a solution greater than one in five hundred.

### Fine Schedule:

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$500	\$500	\$500

### Number of Times Violation Cited per Year:

2016	2017	2018	2019	2020	2021
0	0	0	0	0	0

### Recommended Risk Level

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** A violation of this section would be a significant risk to a consumer, however, this violation has not been found in the last 6 years.

### 7336 No Supervision of Apprentice

**Examples of When and Why this is Cited:**

An inspector finds an apprentice providing service and their approved trainer is not directly supervising the apprentice.

**Fine Schedule:**


	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$100	\$150	\$200

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
38	42	60	68	8	20

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** An apprentice has not yet passed the minimal competency exam and therefore is a high risk to a consumer if not supervised.

### 7348 No Licensee in Charge of Establishment

**Examples of When and Why this is Cited:**

This section ensures that someone who is licensed by the Board is present when services are being offered. This violation is often cited because a person (who is licensed) will not take responsibility for being “in charge” and as a result, the establishment is issued a citation.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$100	\$150	\$200

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
601	338	437	370	75	50

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** The risk associated with this violation can vary because it is often just a misunderstanding as the licensee is afraid that they are accepting responsibility of the fines.



## 7349 Employing Unlicensed Persons

**Examples of When and Why this is Cited:**

An Inspector finds an individual performing services without any license or when an apprentice is found performing services without their trainer’s supervision.

**Fine Schedule:**


	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$1000	\$1000	\$1000

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
863	771	784	812	167	324

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** This poses one of the highest risks to consumers as someone who is not licensed has not received the required training or been deemed minimally competent.

## 7349 Employing Unlicensed Persons - Expired License

**Examples of When and Why this is Cited:**

An inspector finds an individual working and their personal license is expired.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$250	\$300	\$500

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
0	0	1	1	54	324

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** The risk level is generally low as the individual was initially licensed, however, there are factors to take into consideration. If an individual simply forgot to renew their license, that could be a low risk. If an individual is working with a license that has been expired for several years, they may not receive updates to laws and regulations, therefore increasing the consumer risk. Also, a licensee could have an expired license because they owe outstanding fines from other citation(s), in which case they may have a history of not complying with health and safety regulations.

### 7349.1 Illegal Use of a Barber Pole

**Examples of When and Why this is Cited:**

An inspector finds a barber pole, but a licensed barber is not employed in the establishment.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$25	\$50	\$100

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
43	29	24	19	5	1

**Recommended Risk Level**



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** The barber pole is a significant symbol of the barbering industry; however, the presence of the pole does not have a direct correlation to consumer safety.

### 7350 Establishment Residential Use/Entrance/Prohibited Use

**Examples of When and Why this is Cited:**

Inspector finds evidence of persons living in the establishment or an establishment does not have a direct entrance separate from an entrance in connection with private quarters.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$50	\$100	\$150

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
5	1	4	2	0	1

**Recommended Risk Level**



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** There is a risk of the establishment being unsanitary or unsafe if persons are living in the establishment. For instance, licensees could hide violations or illegal tools in the residential-use space.

### 7351 Restroom Requirement (Clean, Storage, Floor, Vented)

**Examples of When and Why this is Cited:**

An inspector finds items stored inside the public restroom and consumers have access to the items. This often involves cleaning supplies or products.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$50	\$100	\$150

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
1444	1102	1175	1068	197	76

**Recommended Risk Level**



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** Large items such as ladders or unsecured shelving could fall on consumers. Buckets, mops, and vacuums could be tripping hazards. In addition, open products or chemicals should not be accessible to a consumer (specifically a child) that may use the restroom.

### 7352 No Soap/Towels or Air Hand Dryer in Hand Washing Facilities

**Examples of When and Why this is Cited:**

An inspector finds there is no way for consumers to properly wash or dry their hands.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$50	\$100	\$150

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
316	215	146	118	16	3

**Recommended Risk Level**



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** Our licensees are hands-on with consumers and therefore the importance of having all the supplies needed to wash their hands is vital.

### 7353.4 Labor Rights Notice Not Posted

**Examples of When and Why this is Cited:**

An inspector does not observe the labor information posted.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$50	\$100	\$150

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
0	0	0	0	0	0

**Recommended Risk Level**



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** This violation became effective in 2017 and to date has not been cited, however, it is very important information that should be posted. The Board provides the posting with every new and renewed establishment license with instructions. While the risk to consumers is low, it is vital information to protect licensees working in establishments.

### 7358 No Licensee in Charge of Mobile Unit

**Examples of When and Why this is Cited:**

An inspector inspects a mobile unit which does not have a licensee in charge.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$100	\$150	\$200

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
0	0	0	0	0	0

**Recommended Risk Level**



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** The risk could be high if a licensee in charge is not present. This has never been cited as most individuals that own a mobile unit are both the owner and the working licensee.

### 7359 Employing Unlicensed Person in Mobile Unit

**Examples of When and Why this is Cited:**

An Inspector finds an individual performing services without any license in a mobile unit.

**Fine Schedule:**


	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$1000	\$1000	\$1000

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
0	0	0	0	0	0

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** The risk would be extremely high if an unlicensed person is working in a mobile unit. This violation has never been cited as most individuals that own a mobile unit are both the owner and the working licensee, however it should be identified as a significant risk to consumers.

### 7360 Mobile Unit - Residential/Prohibited Use

**Examples of When and Why this is Cited:**

An inspector finds an individual living inside a mobile unit.

**Fine Schedule:**


	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$50	\$100	\$150

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
0	0	0	0	0	0

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** While this violation has never been found, there is a risk of the mobile unit being unsanitary or unsafe if persons are living in the mobile unit.

## 7400 No Change of Address Notice Filed

**Examples of When and Why this is Cited:**

An inspector determines that an individual has moved their residence and not provided the Board with a current address.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$50	\$100	\$150

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
101	86	58	57	5	4

**Recommended Risk Level**



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** While it is important for the Board to have the licensee’s current address so renewal licenses and other mailings can be received, the risk of harm to a consumer is minimal.

## 7404I Refusal or Interference with Inspection

**Examples of When and Why this is Cited:**

When an individual within the establishment creates an interference that prevents the inspector from completing the inspection or places the inspector in an unwanted position. This is also cited when individuals working inside an establishment flee the location and/or hide illegal/dirty tools.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$1000	\$1000	\$1000

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
470	306	434	402	69	112

**Recommended Risk Level**



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** There are many times this violation is cited because an individual has become hostile with an inspector. An individual willing to become hostile with an inspector should be of high concern on how they would treat a consumer. This is also common when individuals flee or hide dirty items, which is one of the highest threats to consumer safety.

## 904(d) No Photographic Identification Available

### Examples of When and Why this is Cited:

An individual has no driver's license, identification card or other form of identification.

### Fine Schedule:


	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$50	\$100	\$150

### Number of Times Violation Cited per Year:

2016	2017	2018	2019	2020	2021
471	336	306	321	48	34

### Recommended Risk Level

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** Licensees are required to identify themselves when asked. This allows the Board to verify that someone is not using another person's license to provide services, which could be a very high risk to a consumer.

## 905 Consumer Information Not Posted

### Examples of When and Why this is Cited:

An inspector does not see the consumer information posted conspicuously in the reception area.

### Fine Schedule:


	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$50	\$100	\$150

### Number of Times Violation Cited per Year:

2016	2017	2018	2019	2020	2021
586	243	152	167	32	13

### Recommended Risk Level

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** The consumer notice provides consumers with information on how to file a complaint and contact the Board. Without this poster, many consumers may not know to contact the board if they have been injured or observe health and safety concerns.

## 920 Apprentice Training Records Not Available or Incomplete

**Examples of When and Why this is Cited:**

An inspector finds an apprentice present and they are unable to provide their training records.

**Fine Schedule:**


	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$100	\$150	\$200

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
78	46	66	79	9	29

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** Maintaining the apprentice training records is vital to prove that the individual is receiving the on-the-job training required for the apprenticeship program. This can also help prevent an establishment from having an apprentice working but not receiving the required training. An apprentice working on a consumer is not fully licensed, and therefore poses a higher risk to consumer if not being properly trained.

## 965 Display of Licenses

**Examples of When and Why this is Cited:**

An inspector does not see a license clearly displayed at a licensee’s work station.

**Fine Schedule:**


	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$50	\$100	\$150

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
3864	2963	3153	3748	609	83

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** The posting of the license is the most obvious indication to a consumer that the person providing the service is licensed. This allows a consumer to verify the license is valid and allows the consumer to see the individuals name and license number if they need to file a complaint. The Board often received complaints of harm where we are unable to identify the licensee because there was no license posted.



**978(a)(1),(a)(2),(a)(3),(a)(4) Receptacles, Cabinets and Containers**

**Examples of When and Why this is Cited:**

An inspector finds that an establishment does not have minimum equipment such as a covered waste container for hair, closed containers for soiled linens, closed containers to store clean tools and linens, proper containers for disinfectant solution, and mixed disinfectant.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$50	\$100	\$150

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
1109	473	429	259	34	53

**Recommended Risk Level** 

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** There is a low chance for consumer harm if hair and items are not stored in closed containers. Disinfectant solution is vital, however disinfection is covered in other sections, such as CCR 979.

**978(a)(5) Insufficient Disinfectant for Total Immersions**

**Examples of When and Why this is Cited:**

An inspector observes that a non-electrical tool is in disinfectant solution but is not fully immersed.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$100	\$150	\$200

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
1359	1141	1037	748	116	241

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High 
1	2	3	4	5

**Risks Level Explanation:** An item that is not fully immersed is not being disinfected properly. This would pose a significant risk to a consumer as that contaminated tool could spread bacteria, fungi, and/or viruses to another consumer.

### 978(a)(6) No Steam/Dry Heat Sterilizer for Electrology Tools

**Examples of When and Why this is Cited:**

An inspector does not find an autoclave or a dry heat sterilizer where electrology services are being provided.

**Fine Schedule:**


	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$500	\$1000	\$1500

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
0	0	0	1	0	0

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** Electrology is an invasive procedure and therefore requires sterilization as opposed to disinfection. Using non-sterilized tools is a significant risk to consumers.

### 978(b) No Disinfectant Solution Available for Use

**Examples of When and Why this is Cited:**

An inspector does not find disinfection solution available in the establishment.

**Fine Schedule:**


	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$250	\$300	\$500

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
260	250	167	175	42	97

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** The absence of disinfection solution being readily available increases the likelihood that tools are not being disinfected at all. This would create a significant risk for consumers who would be exposed to bacteria, fungi, and/or viruses.

### 978(c) No Manufacturer-Labeled Container for Disinfectant

**Examples of When and Why this is Cited:**

An inspector does not find a manufactured labeled container in the establishment.

**Fine Schedule:**


	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$250	\$300	\$500

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
280	185	157	206	30	48

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** The requirement to have the container on site is very important to consumer safety as it contains the label from the EPA indicating it is a proper disinfectant and contains the directions for use. When directions are not followed, the consumer is at risk of receiving services with tools not properly disinfected and thus being exposed to bacteria, fungi, and/or viruses.

### 979 Disinfecting Non-Electrical Tools

**Examples of When and Why this is Cited:**

An inspector observes a dirty tool not being disinfected properly, disinfectant solution not covered or containing debris, a tool not stored in a labeled container, or a container labeled clean may be dirty.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$100	\$250	\$500

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
11010	8608	8154	7787	1404	1455

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** This section includes the proper ways to disinfect non-electrical tools. If the disinfection procedures and storage of items are not done properly, the consumer’s safety is at high risk.

## 980(a) Incorrect Disinfection of Electrical Tools

**Examples of When and Why this is Cited:**

An inspector observes a licensee using a dirty electrical tool (most commonly hair clippers) or if the proper disinfection spray is not used.

**Fine Schedule:**


	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$100	\$250	\$500

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
198	162	122	50	6	17

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** If a tool is not disinfected properly and used on multiple consumers, the risk of spreading bacteria, fungi, and viruses is high.

## 980(b) Incorrect Storage of Electrical Disinfected Items

**Examples of When and Why this is Cited:**

An inspector observes an electrical tool not being stored properly.

**Fine Schedule:**


	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$50	\$100	\$150

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
77	32	64	73	2	9

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** Not storing a tool properly may increase the likelihood that a tool has not been properly disinfected, so the storage of a clean tool is an important step to reduce consumer harm.

## 980(c) Incorrect Storage of Soiled Electrical Tools

**Examples of When and Why this is Cited:**

An inspector observes an electrical tool not being stored properly.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$50	\$100	\$150

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
1725	1442	1387	1254	275	285

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** Not storing a tool properly may increase the likelihood that a tool has not been properly disinfected, so the storage of a clean tool is an important step to reduce consumer harm.

## 980.1 Incorrect Disinfection of Pedicure Spas (Per Chair)

**Examples of When and Why this is Cited:**

An inspector observes a whirlpool foot spa not being disinfected properly or the inspector finds the foot spa to be in a condition that poses an immediate threat to a consumer’s health and safety.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount (per chair)	\$500	\$500	\$500

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
72	24	21	12	2	9

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** This is the highest risk to consumers as there have been documented deaths and significant injuries to consumers from dirty foot spas.

### 980.1 (c)7, (d)8, (e)(4) Incorrect/Missing Log

**Examples of When and Why this is Cited:**

An inspector verifies that the foot spa cleaning log is not being maintained or is missing.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$100	\$150	\$200

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
125	71	51	30	3	75

**Recommended Risk Level**



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** The log is an important tracking tool for a licensee to make sure they are following the cleaning regulations for foot spas. While the missing log or incomplete log may not directly cause harm, it is a valuable requirement for the Board to ensure the proper steps are taking place.

### 980.1 (g) Failure to List Chair as “Not in Service” in Log; No Sign Displayed on Chair

**Examples of When and Why this is Cited:**

An inspector learns that a chair is out of service, but the chair is not identified as such.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$50	\$100	\$150

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
3	1	1	2	0	8

**Recommended Risk Level**



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** The requirement to display a sign helps consumers know that a chair should not be used. It is also an indication to the Board that the chair is not in use.

**980.2 Incorrect Disinfection of “Pipeless” Footspas (Per Unit)**

**Examples of When and Why this is Cited:**

An inspector observes a pipe-less foot spa not being disinfected properly or the inspector finds the foot spa to be in a condition that poses an immediate threat to a consumer’s health and safety.

**Fine Schedule:**


	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount (per chair)	\$500	\$500	\$500

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
331	228	175	102	31	25

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** This is the highest risk to consumers as there have been documented deaths and significant injuries to consumers from dirty foot spas.

**980.2(b)7, (c)6, (d)(3) Incorrect/Missing Log**

**Examples of When and Why this is Cited:**

An inspector verifies that the foot spa cleaning log is not being maintained or is missing.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$100	\$150	\$200

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
452	282	177	110	34	83

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** The log is an important tracking tool for a licensee to make sure they are following the cleaning regulations for foot spas. While the missing log or incomplete log may not directly cause harm, it is a valuable requirement for the Board to ensure the proper steps are taking place.

## 980.2 (f) Failure to List Chair as “Not in Service” in Log; No Sign Displayed on Chair

**Examples of When and Why this is Cited:**

An inspector learns that a chair is out of service, but the chair is not identified as such.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$50	\$100	\$150

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
8	11	7	9	4	2

**Recommended Risk Level**



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** The requirement to display a sign helps consumers know that a chair should not be used. It is also an indication to the Board that the chair is not in use.

## 980.3 Incorrect Disinfection of “Non-Whirlpool Foot Basins” (Per Unit)

**Examples of When and Why this is Cited:**

An inspector observes foot basin or tub not being disinfected properly or the inspector finds the foot spa to be in a condition that poses an immediate threat to a consumer’s health and safety.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$100	\$150	\$200

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
63	34	33	12	2	1

**Recommended Risk Level**



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:**

This is the highest risk to consumers as there have been documented deaths and significant injuries to consumers from dirty foot spas.



### 980.3(b)(6) Incorrect/Missing Log

**Examples of When and Why this is Cited:**

An inspector verifies that the foot spa cleaning log is not being maintained or is missing.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$50	\$100	\$150

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
274	179	148	99	12	22

**Recommended Risk Level**



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** The log is an important tracking tool for a licensee to make sure they are following the cleaning regulations for foot spas. While the missing log or incomplete log may not directly cause harm, it is a valuable requirement for the Board to ensure the proper steps are taking place.

### 980.3(e) Improper Storage of Basins or Tubs

**Examples of When and Why this is Cited:**

An inspector finds basins or tubs that are not stored in a clean, covered place.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$50	\$100	\$150

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
19	18	3	3	0	0

**Recommended Risk Level**



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** There is no direct correlation between consumer harm and how a foot basin is stored. The basins are portable and are usually easily cleaned out prior to use.

## 980.4 Incorrect Disinfection of Foot Basin/Tub After Use of Disposable Liner

**Examples of When and Why this is Cited:**

An inspector observes foot basins or tubs not being cleaned after a disposable liner was used.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$500	\$500	\$500

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
18	33	105	100	30	46

**Recommended Risk Level**



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** The use of the liner prevents a consumer’s skin from coming into direct contact with a foot basin or tub. The Board has not seen any consumer harm cases stem from a basin not being cleaned properly after use of a liner.

## 980.4(a)(2) Incorrect/Missing Log

**Examples of When and Why this is Cited:**

An inspector verifies that the foot spa cleaning log is not being maintained or is missing.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$50	\$100	\$150

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
74	107	166	175	36	286

**Recommended Risk Level**



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** The log is an important tracking tool for a licensee to make sure they are following the cleaning regulations for foot spas. While the missing log or incomplete log may not directly cause harm, it is a valuable requirement for the Board to ensure the proper steps are taking place.

### 980.4(a)(4) Failure to Maintain Supply of Liners (5 Per Tub)

**Examples of When and Why this is Cited:**

An inspector observes that an establishment does not have a supply of 5 liners per basin.

**Fine Schedule:**


	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$250	\$300	\$500

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
41	58	35	43	2	16

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** If a supply of liners is not present, this could mean that licensees are reusing liners, which could increase the risk to consumers.

### 981(a) No Disposal of Non-Disinfectable Items

**Examples of When and Why this is Cited:**

An inspector finds used disposable items that have not been thrown away immediately. Most common items cited are nail buffers, emery boards and wax sticks.

**Fine Schedule:**


	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$100	\$150	\$200

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
4732	3742	3755	3736	599	504

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** Usually items are not thrown away because the licensee will reuse the tools on multiple consumers – such as with emery boards. Using an item that cannot be cleaned or disinfected on more than one consumer puts the consumer at high risk for cross contamination.

### 981(b) Improper Storage of New Supplies and Disposable Tools

**Examples of When and Why this is Cited:**

An inspector finds a new tool not labeled “New.”

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$50	\$100	\$150

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
7539	1267	1174	669	138	74

**Recommended Risk Level**



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** Items are commonly stored in their original containers and it does not increase consumer safety to add a label of “new” to a package.

### 981(c) Carry Tools or Supplies in or on Garments

**Examples of When and Why this is Cited:**

An inspector sees a tool being carried in or on a licensee’s garments, pouch, or holster. Examples include hair clips on an apron or licensees wearing brush belts to hold makeup brushes.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$50	\$100	\$150

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
206	171	131	236	17	9

**Recommended Risk Level**



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** The Board has no evidence of a consumer ever being harmed from an item that was clipped on a licensee’s clothing. Pouches and holsters should not be used since they are typically made of leather or other porous material and cannot be disinfected, so there is a risk of tools being contaminated and spreading bacteria, fungi, or viruses to consumers.

## 982 Incorrect Sterilization of Electrology Tools

**Examples of When and Why this is Cited:**

An inspector finds that electrolysis tools are not being sterilized properly.

**Fine Schedule:**


	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$100	\$150	\$200

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
1	0	0	0	0	1

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** Electrology is an invasive procedure and therefore requires sterilization as opposed to disinfection. Using non-sterilized tools is a significant risk to consumers.

## 983 Personal Cleanliness

**Examples of When and Why this is Cited:**

An inspector observes a licensee’s attire not being clean or observes a licensee not washing their hands before a service.

**Fine Schedule:**


	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$50	\$100	\$150

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
20	4	20	8	0	0

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** There is no risk to a consumer’s safety if a licensee’s clothes are not clean, however, hand washing is vital. There is a high risk to a consumer’s safety if the licensee does not properly wash their hands before providing services.

**984(a) Allow Licensee with Infectious/Communicable Disease to Work on Person**

**Examples of When and Why this is Cited:**

An inspector observes a licensee providing a service and the licensee has an infection or parasitic infestation capable of being transmitted.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$100	\$250	\$500

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
2	2	3	0	0	0

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** The risk would be significant; however, it is almost impossible for the Board to determine or prove that this violation occurred.

**984(b) Allow or Require Licensee to Work on a Person with Infectious/Communicable Disease**

**Examples of When and Why this is Cited:**

An inspector observes a licensee providing a service on a consumer that has an infection or parasitic infestation capable of being transmitted.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$100	\$250	\$500

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
0	0	0	0	0	0

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** The risk would be significant; however, it is almost impossible for the Board to determine or prove that this violation occurred.

**984(e) Performing Services on Inflamed, Broken or Infected or Erupted Skin or Scalp/Working Without Gloves When Skin on Hands is Inflamed, Broken, Infected or Erupted.**

**Examples of When and Why this is Cited:**

An inspector observes a licensee providing a service to a consumer who has inflamed, broken, or an infection on their skin or scalp or the licensee has the skin issue and is not wearing gloves during the service.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$100	\$250	\$500

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
0	0	0	0	0	0

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** The risk would be significant; however, it is almost impossible for the Board to determine or prove that this violation occurred.

**985 No Use of Neck Strip or Towel**

**Examples of When and Why this is Cited:**

An inspector observes a service being performed and there is no neck strip or towel between the consumer’s neck and the cape.


**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$50	\$100	\$150

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
46	26	20	16	4	5

**Recommended Risk Level**



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** There is no evidence to suggest that a neck strip or towel increases consumer safety. The Board has no record of harm resulting from the absence of a neck strip or towel.

## 986 Neck Dusters/Brushes Not Clean or Sanitary

**Examples of When and Why this is Cited:**

An inspector finds a brush that is visibly dirty and/or not stored properly. This is most commonly found in neck dusters.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$50	\$100	\$150

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
4673	3485	3693	4251	745	246

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** Neck dusters are a hassle to clean and dry between clients. Many states have prohibited neck dusters as there is no viable method to ensure their cleanliness. While brushes can also be a significant risk, staff are developing a new and clear regulation for brushes.

## 987 Towels

**Examples of When and Why this is Cited:**

An inspector observes towels not being stored properly. Often clean towels are often left uncovered or in an open cabinet.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$50	\$100	\$150

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
2969	1874	1770	1737	287	248

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** There is no evidence to suggest that there is a risk to consumer safety from a towel not being stored in a closed container or cabinet.



## 988 Liquids, Creams, Powders and Cosmetics

### Examples of When and Why this is Cited:

An inspector finds dirty, open, and/or not labeled product containers. Wax pots are most commonly cited. This violation also covers the “double-dipping” of products.

### Fine Schedule:


	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$50	\$100	\$150

### Number of Times Violation Cited per Year:

2016	2017	2018	2019	2020	2021
5156	4189	4549	4172	657	342

### Recommended Risk Level

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** Leaving product containers open and double-dipping allows for cross-contamination between consumers, which is a significant risk to consumer health and safety.

## 989 Prohibited Hazardous Substance/Use of Product

### Examples of When and Why this is Cited:

An inspector finds a hazardous product, most commonly methyl methacrylate monomer.

### Fine Schedule:

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$500	\$500	\$500

### Number of Times Violation Cited per Year:

2016	2017	2018	2019	2020	2021
574	426	388	434	83	118

### Recommended Risk Level

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** Products are considered hazardous by the FDA, EPA, or OSHA for reasons. Use of a prohibited product poses significant risk to consumers. Methyl Methacrylate Monomer is poisonous and deleterious – it causes artificial nails to adhere to the natural nail bed so strongly that the nail bed can be removed under pressure. It also causes severe allergic reactions and can cause nail infections resulting from breaks in the natural nails.

## 990 Headrests, Shampoo Bowls, and Treatment Tables

**Examples of When and Why this is Cited:**

An inspector finds a dirty shampoo bowl or treatment table.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$50	\$100	\$150

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
1676	1208	1207	997	172	214

**Recommended Risk Level**



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** The treatment table and shampoo bowl should always be properly cleaned; however, the Board has no evidence of consumer harm from either of these situations.

## 991 Performing Invasive Procedures

**Examples of When and Why this is Cited:**

An inspector finds licensees using products/devices that are invasive. Microneedling tools and surgical blades are most commonly cited.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$500	\$500	\$500

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
44	29	48	84	25	44

**Recommended Risk Level**



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** Any licensee that performs an invasive procedure puts a consumer’s safety at significant risk. Licensees are not properly trained or tested on how to safely provide invasive procedures.

## 992 Performing Invasive Skin Exfoliation

**Examples of When and Why this is Cited:**

An inspector finds products that removes deeper than the epidermal layer of the skin. Medium and deep chemical peels are most commonly cited.

**Fine Schedule:**


	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$500	\$500	\$500

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
17	7	5	5	0	3

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** Any licensee that performs an invasive procedure puts a consumer’s safety at significant risk. Licensees are not properly trained or tested on how to safely provide invasive skin exfoliation.

## 993 Prohibited Tools

**Examples of When and Why this is Cited:**

An inspector finds a razor-edged tool used to remove calluses (blade or rasp) or a needle-like tool used for extractions.

**Fine Schedule:**


	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$300	\$400	\$500

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
348	249	329	283	43	72

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** There is a significant consumer safety risk as licensees are not properly trained or tested on how to safely provide services that remove skin or puncture the skin.

## 994 Cleanliness and Repair

**Examples of When and Why this is Cited:**

An inspector finds an excess of hair clippings/garbage present or broken furniture. This section is most commonly cited when there is hair from multiple consumers found in drawers or swept into a pile on the floor, or the garbage can is overflowing.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$50	\$100	\$150

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
1237	1017	986	858	135	125



**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** While the Board has no evidence that an accumulation of hair clippings or garbage directly impacts consumer safety, if an establishment is in a condition that allows this, then other regulations may be ignored as well.

## 995 Plumbing Standards

**Examples of When and Why this is Cited:**

An inspector finds an establishment does not have adequate ventilation, running water, or public toilets available.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Fine Amount	\$50	\$100	\$150

**Number of Times Violation Cited per Year:**

2016	2017	2018	2019	2020	2021
0	0	0	0	0	0



**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** Ventilation is necessary, so consumers can easily breathe and not inhale hazardous fumes. Running water is necessary to wash hands and flush eyes in case of an emergency.

*Agenda Items*

*No. 5-7*

*No Attachments*