

**CALIFORNIA STATE BOARD OF
BARBERING AND COSMETOLOGY**

MINUTES OF JANUARY 12, 2015 BOARD MEETING

**Handlery Hotel
950 Hotel Circle North
San Diego, CA 92108**

Additional meeting locations via teleconference:

**2405 Kalaniana'ole Avenue PH-11
Hilo, HI 96720**

**1515 Sports Drive
Sacramento, CA 95834**

BOARD MEMBERS PRESENT

Dr. Kari Williams, Vice President
Andrew Drabkin
Mary Lou Amaro
Bobbie Anderson
Christie Truc Tran

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Officer
Gary Duke, Legal Counsel
Tami Guess, Board Policy Analyst
Marcene Melliza, Board Analyst

BOARD MEMBERS ABSENT

Wen Ling Cheng

TELECONFERENCED MEMBERS

Richard Hedges, President
Joseph Federico

1. Agenda Item #1, Call to Order/Roll Call

Dr. Williams called the meeting to order at 10:00 a.m. The Board members and staff introduced themselves.

2. Agenda Item #2, 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)]

The public present did not wish to address the Board.

3. Agenda Item # 3, Board President's Report (Richard Hedges)

Mr. Hedges begins his report by summarizing the past years activities of the Board. The Board has significantly reduced the DRC cases waiting to be heard by adding an additional day to the hearings and by the large participation of the Board members. He noted that some of the cases he saw at the last DRC hearing had only been inspected four months prior. This is a much shorter wait time than previous years.

The Board has made great movement with revisiting our Health and Safety Regulations. We have collaborated with the industry and this has allowed us to make regulations easier to understand by adding definitions to existing regulations, as well as strengthening our consumer protection.

Our enforcement committee has made a significant impact by bringing the issues of the apprenticeship program to the forefront. This has allowed the Board to proceed with changes to regulations that will strengthened and improve processes for apprentices as well as address the abuses found in the program. Some examples of these abuses are: the selling of social security numbers, failure to turn in paperwork, and a large number of apprentices left in establishments alone/unsupervised and mainly being used for cheap labor.

The Board submitted their Sunset Review Report to the Legislature in October 2014. This allows the Board to bring up new issues to be addressed such as the Board's continued desire to have sole oversight of barbering and cosmetology schools, recognition of industry certification and natural hair care.

The Master Esthetician Bill, although it failed, the Board had put a lot of work into what could have been a new licensing category for a higher level of skincare. This will continue to be an area the Board will be watching and will look further into services that are being performed in med spas and how the Board can better address these issues.

Finally, Senate Bill 1159 allows the Board to accept an Individual Taxpayer Identification Number (ITIN) in lieu of a Social Security number (SSN) for licensure. This will assist the thousands of unlicensed people that are performing hair care services in the industry to get a license because they don't have a social security number. The Board was very proactive in supporting this bill and is looking forward to implementing the bill right away.

Mr. Hedges concluded his report by acknowledging the great work done by the BBC staff on the BreEZe application, the Boards' website and Facebook and the coordination of these programs to offer the licensees a user friendly environment.

4. Agenda Item # 4, Executive Officer Report (Kristy Underwood)

Ms. Underwood began with the licensing statistics and shared that the Board continues to operate the licensing unit with no backlog at all. Establishment licenses are being processed within a couple weeks and exam applications are processed as soon as 30 days. It's the best the Board has ever been and she attributes the success with the assistance of the online system BreEZe and the Board's staff in adapting to the new system. She asked if there were any questions concerning any of the statistics provided in the Board packets and there were no questions or comments.

5. Agenda Item # 5, Annual Election of Officers

Mr. Hedges nominated Dr. Williams for President. Mr. Federico seconded the nomination. Dr. Williams accepted the nomination. Roll call vote was held. Dr. Williams was elected President of the Board by a vote of 7-0.

Mr. Federico nominated Mr. Hedges for Vice President. Mr. Drabkin seconded the nomination. Mr. Hedges accepted the nomination. Roll call vote was held. Mr. Hedges was elected Vice President of the Board by a vote of 7-0.

Public Comment

Fred Jones, Professional Beauty Federation of California, wanted to publicly acknowledge and thank Mr. Hedges for his hard work and dedication to the Board this past year and also wishes the Board a pain free Sunset Review.

6. Agenda Item # 6, Appointment of Committee Members and Approval of Proposed 2015 Meeting Dates

Ms. Underwood started by saying we would like to hear from each member and which committees they would like to serve on. Ms. Underwood would like the Board to establish the calendar to have all the committees meet at least once this calendar year. She reminded everyone that we can only have four members on a committee and we would also like to list everyone as a member on the Disciplinary Review Committee in case we need someone.

Ms. Anderson would like to be a member of the Disciplinary Review Committee and the Legislative and Budget Committee.

Ms. Amaro would like to be on all of the committees. Later, Ms. Amaro removed her name from the Enforcement Committee.

Mr. Drabkin would like to be a member of the Enforcement and Inspection Committee and the Education and Outreach Committee.

Ms. Tran would like to remain on the Disciplinary Review Committee and join the Education and Outreach Committee.

Mr. Federico would like to remain on the committees he is currently on.

Mr. Hedges would like to remain on Disciplinary Review Committee, Licensing and Examination Committee, Enforcement Committee and Legislative and Budget Committee.

Dr. Williams would like to remain on the committees she is currently on.

Ms. Underwood asked everyone to make note of the proposed meeting dates and also mentioned the date for the March Disciplinary Review Committee has been changed to March 16-19, 2015.

Dr. Kari Williams asked for a motion to approve the proposed 2015 meeting dates. A motion was made by Mr. Drabkin, and seconded by Bobbie Anderson. The motion was passed with a 7-0 vote.

7. Agenda Item # 7, Annual Review and Approval of Board Member Guidelines and Procedures Manual

There have been minor changes made to the manual which are listed in red. Ms. Underwood asked if there could be a motion to approve the manual, which would include allowing staff to make any non-substantial changes.

Mr. Hedges suggested some changes to the verbiage under Chapter 6 (Travel Procedures) and questioned why the Board Members were required to use the Cal Travel Store. Ms. Underwood explained the State has a contract with the Cal Travel Store, but would inquire with DCA on Mr. Hedge's inquiry. Ms. Guess mentioned there is one exception that if the Board has a contract with a block of rooms for the meeting, those traveling to that meeting are allowed to book directly with that hotel. She also advised that if a Board Member has a particular hotel that he or she would like to stay at, they can advise the travel agent to book that hotel.

Mr. Drabkin moved to approve the Board Member Guidelines and Procedures Manual, which includes allowing staff to make any non-substantial changes. Ms. Anderson seconded the motion. The motion was approved with a 7-0 vote.

8. Agenda Item # 8, Approval of Board Meeting Minutes

- **October 20, 2014**

Mr. Hedges moved to approve the minutes from the October 20, 2014 meeting. Ms. Anderson seconded the motion. The minutes were approved with a 7-0 vote.

9. Agenda Item #9, Update from the Enforcement Committee Meeting on December 11, 2014. (Richard Hedges)

- **Discussion on Unregulated Services being offered in Establishments and Medical Offices.**
- **Discussion on the Implementation and Enforcement of SB 1159. Relating to Section 30 of the Business and Professions Code.**

Mr. Hedges shared that at the meeting the major discussion was surrounding medical facilities that use estheticians and how we should deal with them as well as other services within the salons that are not part of the Board's licensee's scope of practice. They discussed setting up a task force with the Medical Board and the RN Board to help define what goes on in medical spas, how we can make sure our licensees don't cross over into the medical scope of practice and how we can assist the medical doctors that have estheticians on staff.

Public Comment

Joyce Maxwell asked if dermaplaning was in the scope of practice of an esthetician and if an esthetician could instruct others on the procedure. Ms. Underwood stated performing dermaplaning on a consumer and receiving compensation for the service is not allowed. There is no regulation that prevents an esthetician from teaching others.

Ms. Underwood continued the update on the Enforcement Committee meeting and their discussion on the implementation of SB 1159. This law allows an applicant to apply for licensure with a Federal Individual Tax Identification Number (ITIN) in lieu of a Social Security Card. The

committee discussed developing a handout for the inspectors to distribute to individuals if needed. A draft of the handout was provided to the Board and attendees.

The Board is working with the Department of Consumer Affairs and expecting more direction to come from them, however the Board is moving forward with making changes to their current application forms. SB 1159 does give the Board until 2016 to do regulations, but the Board does not need regulations because we do not reference our application forms in regulation.

Public Comment

Fred Jones asked Ms. Underwood if the Board could put a notice out to the schools informing them of the new ITIN information and she agreed.

10. Agenda Item # 10, Proposed Regulations – Discussion/Review and Approval of Proposed Changes:

Ms. Underwood provided updates on the following:

- **Relating to Health and Safety Title 16, Division 9, Article 12 of the California Code of Regulations Sections: 977, 978, 979, 980.1, 980.2, 980.3, 981, 982, 983, 987, 991, and 992. Updating health and safety regulations to reflect terms more commonly used in the barbering and cosmetology industry and to make the terms clearer or more detailed.**

Ms. Underwood stated that the Health and Safety Regulation file has been submitted to the Department of Consumer Affairs for review. Once approved by the Director, the file will go to our Agency for review and approval. The file will then go to the Office of Administrative Law (OAL).

- **Relating to the Apprenticeship Program Title 16, Division 9, Article 3 of the California Code of Regulations Sections: 914, 918, 921, 921.1 and 921.2**

Ms. Underwood stated that the Apprenticeship Program Regulation file has been submitted to the Department of Consumer Affairs for review. Once approved by the Director, the file will go to our Agency for review and approval. The file will then go to the Office of Administrative Law (OAL).

- **Relating to the Removal of Lash/Brow Tinting form the Cosmetology Curriculum Title 16, Division 9, Article 7 of the California Code of Regulations Sections: 950.2, 950.9**

Ms. Underwood stated that the Lash/Brow Tinting Regulations have been approved and are in effect. Notices are currently going out to all schools advising them, that while they should continue to teach the technique, there is not a product that is approved by the FDA.

Relating to the Cross Over and Transfer of Credit of Barbering and Cosmetology Title 16, Division 9, Article 7 of the California Code of Regulations Sections: 950.8, 950.9 and 950.1

Ms. Underwood stated that the Cross Over and Transfer of Credit of Barbering and Cosmetology Regulation file has been submitted to the Department of Consumer Affairs for review. Once approved by the Director, the file will go to our Agency for review and approval. The file will then go to the Office of Administrative Law (OAL).

- **Relating to Text book Approval Title 16, Division 9, Article 12 of the California Code of Regulations Section: 961**

Ms. Underwood stated that the Text book Approval Regulation file has been submitted to the Department of Consumer Affairs for review. Once approved by the Director, the file will go to our Agency for review and approval. The file will then go to the Office of Administrative Law (OAL).

Dr. Williams asked how we are notifying our licensees concerning these changes and Ms. Underwood indicated that the regulation changes are on our website and that the Board is currently looking at updating the renewal notices to include a statement encouraging our licensees to visit our website for updated Board information.

11. Agenda Item # 11, Update on Upcoming Sunset Review Hearing

Ms. Underwood does not have an update; however she does expect a hearing date in March. As soon as she receives the date she will advise the Board, and the information will also be posted on our website.

12. Agenda Item # 12, Discussion on Proposed Regulatory Changes Regarding Military Applicants.

Ms. Underwood provided the background of Section 35 of the Business and Professions Code which requires that training obtained in the armed services be accepted as training towards a license. The Board already accepts training learned in the field of barbering, however it does not accept training for any other license types. Board staff is proposing a regulatory change that would allow all training applicable to barbering, cosmetology and electrology services learned in the armed services be accepted as part of the required training to sit for the examinations.

The language for the proposed new regulation would be:

909.1

Applicants applying for the examination with comparable training learned while on duty in the United States armed services shall submit the Verification of Military Experience and Training (V-Met) records.

Mr. Hedges moved for approval of the language. Ms. Amaro seconded the motion. The motion passed with a vote of 7-0.

13. Agenda Item #13, Agenda Items for Next Meeting

Mr. Hedges would like to discuss Continuing Education.

14. Agenda Item #14, Public Comment

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Public Comment

Fred Jones informed the Board that the 14th Annual Welcome to the World (WOW) event is currently on hold without a date.

15. Agenda Item #15, Closed Session

16. Agenda Item #16, Adjournment

With no further business, the meeting was adjourned.