

**CALIFORNIA STATE BOARD
OF
BARBERING AND COSMETOLOGY**

BOARD TELECONFERENCE MEETING

MINUTES OF AUGUST 3, 2020

BOARD MEMBERS PRESENT

Lisa Thong, President
Dr. Kari Williams, Vice President
Jacquelyn Crabtree
Andrew Drabkin
Derick Matos
Calimay Pham
Christie Tran
Steve Weeks

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

1. Agenda Item #1, CALL TO ORDER/ ROLL CALL/ ESTABLISHMENT OF QUORUM

Lisa Thong, Board President, called the teleconference meeting to order at 9:03 a.m. and confirmed the presence of a quorum.

2. Agenda Item #2, DISCUSSION AND POSSIBLE ACTION REGARDING RULEMAKING PROPOSALS

- **Discussion and Possible Action Regarding Comments Received Regarding Title 16, CCR section 965.2 (Personal Service Permit)**

Ms. Thong asked Legal Counsel to introduce this agenda item.

Sabina Knight, Board Legal Representative, stated the Board will review and discuss the comments received during the regulatory process and the staff-drafted proposed responses to those comments, which were included in the meeting packet. She asked to amend the motion to include authority to complete the regulatory process.

Kristy Underwood, Executive Officer, requested Board approval of the staff recommendations as listed in the meeting packet to finalize the regulatory package for final review by the Department of Consumer Affairs and the Office of Administrative Law (OAL) to complete the regulatory process.

Staff Recommendation

- Direct staff to reject the public comments received during the 15-day comment period, provide the responses to the comments as indicated in the meeting materials, and complete the regulatory process.

Questions and Discussion

Ms. Crabtree moved approval of the staff recommendation as presented.

Mr. Drabkin seconded.

Ms. Thong asked the moderator to facilitate the public comment section for this agenda item.

Public Comment

Joanne Kim Marsden asked how long the regulatory process will take and when individuals can apply for a Personal Service Permit (PSP) after it has been approved.

Ms. Knight stated the length of the regulatory process depends on the OAL workflow. Information will be posted on the website as it becomes available.

Chrystal Bougon asked what the PSP is and if it will apply to electrologists.

Ms. Underwood stated the information can be found in the regulatory section of the website. The PSP does not apply to electrologists.

Jordana (phonetic) asked if chemicals that clients could wash out themselves would be allowed, especially during these difficult times. The speaker stated they provided their public comment to staff last week about allowing house calls.

Ms. Knight stated today's discussion is not about the use of chemicals out of doors. When staff receives the letter, they will direct the writer to the proper place to find that information.

Swati Sharma, California Healthy Nail Salon Collaborative, provided their public comment to staff. The speaker asked if the timeline for the PSP might be moved up in light of the COVID-19 pandemic, if there will be guidance or training provided to licensees on steps they need to take for the PSP, and if these items will be translated into multiple languages.

Rosnell (phonetic) asked, if house calls are approved, whether individuals who operate a single-station salon in a salon suite environment or a retail establishment will be able to operate under the PSP.

Ms. Knight stated a frequently-asked questions document will be posted on the website at the end of the regulatory process.

Roxanne Callahan asked if the PSP would apply to work of individual stylists and independent contractors inside a facility, if all other mandates were met.

Debbie A. asked about the difference between a cosmetology license and the PSP and why a licensed cosmetologist must have a PSP to work 10 feet outside of their establishment.

Ms. Underwood stated the PSP has been moving along the regulatory process for the past four years. Currently, the law states that services must be performed inside a licensed establishment. A PSP would allow licensees to work outside of a licensed salon. There is detailed information posted on the website.

Leona Kim stated concern about working outside, especially in the summer heat in California.

Anastasia asked for a short summary of what a PSP is and how it applies to hair salons.

Jennifer Grace asked if the PSP applies for esthetician services.

Ms. Underwood stated it applies to limited esthetician services. More information is available on the website.

Unica Hair Studio (phonetic) asked if licensees will be required to get a business license from each county where services are done and if licensees can get a PSP and work from home with a permit from the city or county.

Ms. Knight stated those questions will be addressed in the FAQ section of the website after the regulatory process has been completed.

Taylor O'Reilly asked if the PSP applies to hourly-paid employees or independent contractors only.

Linda Sanderson asked if the salon owner's liability will follow through with the PSP.

Tasia (phonetic) asked if the PSP is only for services done outside of the establishment versus mobile services or in-home services.

Giana (phonetic) asked if the PSP will be at cost to the licensee and if a different one will be required for each county where services are performed.

Jessica Gentle asked when the FAQ will be made available.

Andrew T. asked if the PSP will make it legal for hair dressers to do house calls.

Pamela Chow asked if the PSP can pass as emergency services during the COVID-19 pandemic.

Michele stated the PSP is irrelevant during these times. Licensees need answers about COVID-19 and how to move forward.

Jessie asked how the PSP will be enforced.

Tracy referred to the comment in the meeting materials from Anne Fisher about whether the fee would be waived for the PSP due to the COVID-19 pandemic, which was rejected by staff. The speaker asked why the Board feels licensees should pay an additional fee for a permit to do a job that licensees are already licensed for.

Ms. Underwood stated the PSP has been in process long before the COVID-19 pandemic. The Board fee is established based on additional costs incurred for a regulatory package. More information can be found on the Board's website under proposed regulations.

MOTION: Ms. Crabtree made a motion, seconded by Mr. Drabkin, that the Board accepts the proposed responses to the comments as indicated in the meeting materials, and delegates to the Executive Officer the authority to make any technical and non-substantive changes that may be required in completing the rulemaking file.

Motion carried 8 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted “Yes”: Crabtree, Drabkin, Matos, Pham, Thong, Tran, Weeks, and Williams.

3. Agenda Item #3, PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Ms. Underwood assured everyone that the Board wants to hear the questions, comments, and concerns raised by the public but stated the Board will be unable to respond to comments and questions given during the public comment period.

Ms. Knight stated, by law, the Board is not allowed to engage, discuss, or take action under this public comment period. She provided the Board’s email address and asked members of the public to send their questions to that address. She stated the Board will post an FAQ section to the website from the questions asked about the PSP in today’s meeting.

[Note: all names of public speakers have been spelled phonetically.]

Autumn Aliva suggested, as a way to open businesses faster, testing licensees for COVID-19 every two weeks.

Shana Rose, salon owner, stated their salon has been dismantled due to the closure. The speaker stated they lost half their staff after the first closure and, after opening up for two weeks and three days, they lost the majority of their staff. Booth renters cannot be expected to continue to pay for a booth they cannot use. Asking licensees to work outside in 100-degree heat is inhumane.

Sarah asked the Board to look at their families and consider that the speaker is not able to financially support their children. The speaker stated they have worked hard to ensure the safety of their clients.

Chelsea Jean stated licensees of long standing have worked through pandemics of the past. Salons have never been shut down before. The speaker questioned why salons are being shut down during the COVID-19 pandemic. The speaker asked, if ergonomics, safety, and sanitation are at the forefront of the license, why licensees are now being told to illegally operate out of doors and put licensee and client lives at risk. The speaker asked where the logic is in this and who is making these decisions. The speaker asked why salons are open in other states but not California. The speaker asked why licensees are not being heard.

Tracy Mercal asked why the PSP is taking precedence over the closure of salons due to the COVID-19 pandemic. The next Board meeting is not until September – the speaker asked how that will affect the industry as far as reopening and how licensees will get back to work safely. The speaker asked if September is the earliest date possible for the Board to meet for a solution for an entire industry shut-down.

Stephanie stated the need for the Board to communicate with individual licensees to improve the process of communication so licensees can also advocate. Licensees need the Board to advocate for them since they pay for licensing. Licenses are for consumer protection but they are also for the protection of licensees. The Board is being paid to regulate – it needs to ensure that licensees have a right to work and are following

guidelines and inspections that allow licensees to work. Licensees should not pay license fees if the Board is unable to follow through and say to the state and counties that the license says that licensees have proven that services can be done in salons safely.

Lindsey W. stated there is a huge movement of individuals collecting their own data in the industry. The speaker proposed that the Board take an active hand in that and send out anonymous surveys to licensees and licensed establishments to collect that data so it can be presented in a valid and equitable way to decision makers at the state and county levels. The speaker requested that this be put on a future agenda for discussion.

Katie Novak, esthetician, stated working outside is not the solution. Waxing clients outside increases the risk of infection. The speaker stated they could perform services in a private studio in their doctor's office where it is a clean, safe, controlled environment.

Basil, salon owner, stated they did not understand why the Board is not advocating directly to the governor for salon reopening.

Chrissy Mae, esthetician, stated estheticians need to join in the conversation along with hair stylists.

Carolina S., hair stylist, asked how dentists are able to do their work.

Mike stated licensees spend a lot of money on licenses and fees to support the industry. Without licensees, there would be no Board. The speaker stated their hope that the Board will start advocating for the reopening of salons.

Jillian Ward stated many individuals have spent thousands of dollars to open their salons safely with personal protective equipment (PPE) and new guidelines. The speaker asked if licensees will be reimbursed for those funds while the doors are closed. The speaker asked if the doors will remain closed if the PSP goes into effect. The speaker stated they do not understand how the PSP can be any safer. The speaker asked about regulations that will go into effect to make it safe to go into clients' homes or private spaces and how that is safer than salon spaces.

Brianna, Beauty by Brianna, cosmetologist, barber, and esthetician, stated they have been out of work for months. The speaker stated they cannot work outside in 100-degree heat. The speaker stated they take pride in sanitation and keeping their community safe. Working outside may cause infections and will have huge health risks for licensees and clients.

Yota asked to streamline and modify some of the regulations. Public restrooms do not have hand sanitizer and paper towels in front of the door knob as it is imposed on licensees for washing their hands and washing and keeping everything clean 24/7. It is frustrating and confusing.

Austin, cosmetologist and barber, stated they have spent thousands of hours on client protection, safety, and infection control. It is extremely frustrating to hear the Board not support and defend licensees this morning. The speaker stated the need for a Board that cares about licensees and makes changes.

Dorrie Bressler asked who thinks it is better for licensees to work outside. The speaker stated homeless individuals have approached and touched them, their equipment, and their clients while the speaker was providing services outside in front of the salon. The speaker asked how that is a safer environment, when ten feet over inside the salon is a clean environment where licensees follow protocols properly. Also, other businesses are open and there have been low, if any, cases of COVID-19. The speaker asked why salons are not open yet and who is not doing their job.

Linda agreed with working outside individually. The speaker stated salons should be available to work if they are operated by a single owner or have one or two people in at the same time, socially distanced. It is important for everyone to be at work. Licensees follow many rules and regulations. The speaker asked the Board to send information on the PSP to all licensees. The speaker stated they have been unable to find the information on the website.

Celia Brennan, salon owner, stated their salon is 700 square feet with three full-time stylists who are able to properly socially distance. Many salons are close together and have no parking lot or patio available for their use to work outside. Clients do not want to pay to have their hair done on the sidewalk in 100-degree weather. The speaker suggested, instead of working outside on the sidewalk or parking lot, limiting the number of stylists inside.

Nica, Unica Hair Studio, suggested more Board inspector visits to ensure salons are following regulations instead of closing all hair salons when licensees are doing what they have been asked to do. The speaker suggested fining salons who are not following the regulations and letting everyone else go back to work.

Dannie Lynn, salon owner, stated this shut-down is causing many hair stylists to go underground or work outside of the salon where it is not sanitary. The speaker agreed with the previous speaker. Board inspectors could see how clean salons are. The speaker asked why it is okay for individuals to buy a box of color and have someone else put it on their hair while licensees are clean and sanitary.

Jillian Ward agreed with the previous speaker. Many unlicensed individuals have cropped up in the area and are offering their services on Facebook and Nextdoor. This is undermining the industry. The Board needs to do better for licensees.

Martha Mink, esthetician, massage therapist, stated they have been working in education at the state Board level in California since 2018 and they are keenly aware of and familiar with the infection control and safety requirements for the industry both in curricular requirements and in practice. The speaker stated all the science to understand COVID-19 completely as well as the potential health risk associated with increased exposure to sanitation and infection chemicals required to uphold the infection control measures during the COVID-19 pandemic is unknown. If that is the concern, the speaker asked why salons are opening at all. The speaker stated, that being said, Board licensees will uphold the infection control and safety measures set forth by the Board with licensing requirements. If that is the case, the speaker asked why the Board continues to charge for these licenses and for the education considerations, and why licensees are being asked to respect the Board.

Robin, hairstylist, stated they are in a double hairstylist household and have had no income from work done legally for the past five months. The speaker asked who made the decision to close salons and why the Board cannot help licensees to get back to work. Licensees need to be paid. The speaker asked, if scientific evidence is the reason for keeping licensees from work, why the Board cannot advocate for licensees to be paid until it is safe to work. It feels like the Board has not been helping licensees. The speaker asked the Board to please help.

Renee Earl asked the Board to stop what they are doing now and to look at what can be done to keep the industry moving and prevent it from falling apart completely. There are over 600,000 stylists who are losing their businesses. The speaker asked the Board to open salons and regulate stylists. That is what the Board is supposed to do. That is what licensees have paid the Board for. Licensees have gone through everything the Board has asked of them. Let salons open and come and regulate them.

Melissa Bowen, salon suite owner, stated listening to everyone complain and attack the Board makes it embarrassing to be part of this industry right now. This is a frustrating situation for everyone but complaining does not help. Licensees should be thankful to be healthy and be able to fight for their businesses and their lives. Spend time with family. Be thankful there is a job to fight for. Kindness wins.

Myrissa Lopez, esthetician, stated they understand the serious situation. Licensees are licensed in sanitation and disinfection while employees at the local grocery store are not. The speaker asked why grocery employees are allowed to work and yet licensees are not. The speaker stated, due to the personal nature of services, it is impossible to do their work outside. Licensees work in individual closed rooms in their facility. The speaker asked how that is not being safe.

Ivonne Sepulveda, salon owner, asked how the Board can help licensees make it through the COVID-19 pandemic. The speaker asked the Board to create a program that will be helpful for everyone.

Cindy Ramsey, esthetician, has a one-person skincare practice. The speaker stated they were in a meeting last week with the Department of Public Health where Ms. Underwood was also present. The speaker stated everything was contradictory. The representative of the CDPH stated at one point that all outdoor services that licensees have been allowed to perform need to be approved first. The speaker asked the Board to send inspectors out to provide Board approval for salons, so licensees do not have to go outside on the sidewalk.

Katie Novak stated, prior to the second closing, hair stylists and barbers were addressed first and allowed to open, whereas estheticians were left in the dark and it took a while for a protocol to come out for estheticians to open. The speaker stated concern that that may happen again. Estheticians get left out from cosmetologists and barbers. The speaker stated the hope that that changes. Estheticians should not be lumped together with salons because facials are not done in exposed areas.

Teisha asked what the penalties would be for salons that are caught open.

Sunita stated the state Board is the licensees' voice. Licensees are pleading to the Board to fight on their behalf. The Board's number-one priority should be to bring

licensees back to work. Students in beauty colleges are looking forward to working in this amazing industry and they are paying thousands of dollars to sit at home after they obtain their licenses. The speaker asked how the Board will expedite this and how students will recover their investment.

Carrie Ann, salon owner, Sola Salon Studios, stated they hoped to bring awareness to the unsanitary conditions of outdoor services. The speaker stated there have been photos of children getting haircuts on rusty bar stools with no sanitary covers on the equipment. The speaker stated some of the individuals who are willing to work outside during this pandemic are the same individuals who do not take sanitation seriously indoors. This needs to be regulated. Also, unlicensed individuals are offering beauty services on social media. The speaker asked the Board, as a way to end this, to fight for licensees to go back to work.

Violet Lewis, beauty school student, asked what the 1,600 hours and \$20,000 of education spent will mean for students. The speaker stated they are watching people in the beauty industry either be forced to go underground and risk their health or not bring in any income.

Leslie Patton, hair stylist, stated it is unrealistic to work outside lining many blocks in downtown areas. It is an unrealistic way to make an income. Sanitation is not proper. Licensees have been trained in disinfection and sanitation and need to get back to work. The speaker stated the hope that the Board will support licensees by speaking up for them.

4. Agenda Item #4, ADJOURNMENT

Due to loss of quorum, the meeting was adjourned at 10:41 a.m.