

**CALIFORNIA STATE BOARD  
OF  
BARBERING AND COSMETOLOGY**

**BOARD MEETING**

**MINUTES OF APRIL 17, 2023**

**BOARD MEMBERS PRESENT**

Calimay Pham, President  
Tonya Fairley, Vice President  
Megan Ellis  
Kellie Funk  
Reese Isbell  
Yolanda Jimenez  
Colette Kavanaugh  
Danielle Munoz  
Jacob Rostovsky  
Steve Weeks

**STAFF MEMBERS PRESENT**

Kristy Underwood, Executive Officer  
Carrie Harris, Deputy Executive Officer  
Sabina Knight, Board Legal Counsel  
Allison Lee, Board Project Manager  
Natalie Mitchell, Board Analyst

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

Calimay Pham, Board President, called the meeting to order at approximately 9:00 a.m. and confirmed the presence of a quorum.

**2. AGENDA ITEM #2, PETITION FOR REINSTATEMENT HEARINGS**

- Edmund Rhodes, Petition for Reinstatement of License, Barber License #B68079
- Kira Boranian, Petition for Reinstatement of License, Cosmetologist License #KK425835

**CLOSED SESSION**

**a. Pursuant to Government Code Section 11126(c) (3), the Board will meet in Closed Session to Deliberate on Disciplinary Matters.**

The Board met in closed session as permitted by law to deliberate on disciplinary matters.

**b. Adjourn Closed Session and Reconvene Open Session.**

President Pham reconvened the meeting at approximately 11:40 a.m. She welcomed the Board members back and confirmed the presence of a quorum.

### **3. AGENDA ITEM #3, BOARD PRESIDENT’S WELCOME (Calimay Pham)**

President Pham started her remarks by commending Ms. Underwood and the Board staff for their work and how much had been achieved since the last meeting in January. She highlighted that the Board implemented the written examination in Simplified Chinese and made significant progress toward the cosmetology compact licensing and the remedial education bills.

### **4. AGENDA ITEM #4, BOARD MEMBER UPDATES**

No Board member updates.

### **5. AGENDA ITEM #5, DISCUSSION AND POSSIBLE APPROVAL OF THE JANUARY 23, 2023, BOARD MEETING MINUTES**

Mr. Weeks commented that the minutes are usually well done. The detailed minutes keep the Board members updated on the happenings of the previous Board meetings.

**Motion:** Ms. Fairley moved to approve January 23, 2023, Board Meeting Minutes. Mr. Weeks seconded.

No comments were received from the public.

Motion to approve January 23, 2023, Board Meeting Minutes carried; 10 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted “Yes”: Calimay Pham, Tonya Fairley, Megan Ellis, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Danielle Munoz, Jacob Rostovsky, Steve Weeks.

### **6. AGENDA ITEM #6, EXECUTIVE MANAGEMENT REPORTS (KRISTY UNDERWOOD)**

#### **a) Administration and Operations**

Ms. Underwood reported that the Board continues to lose people to promotions and retirements and gain new people. Two new staff have just started, and they will be taking over the budgets and regulations desk.

She noted that the Board had done some career outreach. Carrie Harris and Alex Torkelson have been working with the Sacramento Valley Small Business Development Center. They have done several successful meetings with them and plan to do more. They do this with a group of establishment owners who contact the Board and offer to help people with their businesses. The Board will be looking at expanding this throughout California.

The Board held several successful “Meet the Employer” events with Sacramento State University thanks to Board Member Munoz. A lot of positive feedback was received from students.

Staff has also attended several outreach events at high schools to discuss getting into the industry and becoming a potential state employee. This they did with the help of Board Member Yolanda Jimenez. Several high schools were contacted, and a lot of

response has been received. Staff has also sent out a lot of information to schools for their career days.

Ms. Underwood noted that staff recently completed a Board-wide customer service and diversity, equity, and inclusion training. The Board is looking to downsize as there has been a lot of space in the office due to telecommuting. The Board will be moving into a suite at the Department of Consumer Affairs headquarters location in January of 2024.

Regarding outreach, Mr. Weeks noted that the Board currently has a lot of licensee specialists. He asked if some of them could participate in the outreach events by talking at events or schools to see if people are interested in joining the profession. Ms. Knight stated that the Board should ensure that only a few are together in one place because that would constitute a meeting. It could be one Board member at a time. Ms. Knight added that Ms. Underwood could reach out to the Board members if there is something that the Board members could be interested in.

#### **b) Licensing, Examinations, and Disciplinary Review Appeals**

Ms. Underwood reported that there are still some vacancies in the licensing unit. Emails have skyrocketed again. They are not processing anything at a backlog, but they are receiving a lot of email questions. Some of the vacancies that should be filled will be dedicated to that task.

Ms. Underwood also reported that since the last Board meeting, staff had a town hall with PSI, the exam vendor, where they went over the cosmetology exam content. She stated that the Board had asked about reciprocity candidates at the last meeting. The Board was thus provided with the information usually sent out to the candidates when they apply and are approved for reciprocity. Ms. Fairley thanked Ms. Underwood for the information, noting that one of her main concerns was whether people were being informed of what they needed to do.

Regarding licensing statistics, Ms. Underwood reported that the quarterly applications received from January through March increased from 12,000 the quarter before to 15,000. Examination stats, on the other hand, continue to be low. Ms. Underwood mentioned a meeting with the Bureau of Private Postsecondary Education (BPPE) next month. The focus of the meeting will be to determine what can be done to partner with some of the schools that have continuously had very low pass rates. They will also look at the possibility of providing relief to students at schools that are not getting the proper education.

President Pham noted that the exam result stats provided for quarter three needed to be corrected. For example, they showed that only two passed out of 36 for barbering. This is 6% and not 21%, as the report indicates. For electrologists, zero passed out of two, which would be 0%, not 100%, as shown. President Pham pointed out that the stats need to be accurate since they carry over for comparison.

Mr. Isbell appreciated the Chinese translation, adding that it was very helpful.

Regarding the school programs' new report, Ms. Underwood noted that the barber exam report indicated that the people that are failing were not failing by a lot. The breakdown was done for each license type, as shown in the report.

Mr. Rostovsky noted that the barber passing score was 75, but the overall average was 69. He asked if there was any information on what categories those 6 points were in to identify areas that need improvement. He wondered if it was around health and hygiene. Ms. Underwood stated that there is currently no data, but the staff is working on it and are close to getting it. They will be providing it by the school. PSI is helping with the collection of that data. Staff will then work on outreach with those schools to talk to them.

Ms. Underwood thanked the Board members who have served on the Disciplinary Review Committee this year as the pending cases are now much lower.

### **c) Enforcement, Inspections, and Cite and Fine**

Ms. Underwood noted that the Board might be getting new inspectors. Staff recently interviewed some good candidates. She mentioned that a new probation monitor was recently hired, and he started work last week. There are currently 136 open cases on probation and information on that has been sent to the Attorney General's office.

Ms. Underwood further reported that staff is continually watching extern information. They are doing some work on externs getting some inspections conducted where the externs are working to ensure they are being properly trained and supervised. Ms. Fairley asked if anything was being done to identify the externs correctly. Ms. Underwood stated that the externs have to have a school ID badge. She added that the Board is working on regulations for externs.

Ms. Funk asked if someone licensed in this industry could be an inspector. Ms. Underwood answered in the affirmative, adding that being a licensee is not a requirement. The current requirement is a certain number of units in criminal justice.

Concerning complaints, Ms. Underwood noted that more complaints were received this quarter than in the prior quarter. Pie charts showing a breakdown of complaints between the various categories were provided. The report also contained information on enforcement statistics, citations, requests for payment notices, and payment plans.

Mr. Weeks asked about the level at which the Board writes off the payment plans. Deputy Executive Officer, Carrie Harris, stated that for outstanding citations, a notice would be sent out around 30 days late and then 60 days late, and then 90 days late. If a licensee has a social security number, they are sent to the Franchise Tax Board. They are sent to collections if they still need a social security number. If no payments are made within three years, a form is sent to the Controller's Office to ask if the payment can be written off. The licensee can still pay the fine later, but the payment will be written off with approval from the Controller's Office.

#### **d) Outreach**

Ms. Underwood mentioned that staff attended the Premier Anaheim Trade Show on April 2 and 3. About 25 high schools were contacted, and over 500 pamphlets were sent out about how to pick a cosmetology and barbering school. Several email blasts have also been sent out, as indicated in the report.

Mr. Isbell noted that he had informed several elected officials in San Francisco of the press release regarding adding Chinese. The officials were very pleased. Ms. Underwood indicated that the public information office also sent that out to different Chinese media resources.

She also mentioned that an outreach event, the Jazz Z Beauty and Barber Trade Show, will be held in Southern California on May 20 and 21.

#### **e) SB 803 (Roth) Implementation Plan**

Ms. Underwood noted that some items are still being implemented. The hair stylist license examination has been completed. It is still anticipated to be implemented on July 1, 2023. Schools have been notified that they need to have their curriculum approved if they are interested in offering that course.

The Board almost has a contract with a vendor for the pre-apprentice training program. The vendor is working with staff to develop an online program.

The extern regulation package is ongoing. The Health and Safety Committee reviewed and recommended some health and safety regulations to the Board. Once these are in place, the Board will review the fines with the new health and safety rules to ensure they are in line with the legislature's expectations.

#### **f) Strategic Plan Update**

Ms. Underwood indicated that the report provided is used to track the objectives of the Strategic Plan. Ms. Jimenez requested details on the passing score workshop that was offered for the hairstylist license. Ms. Underwood stated that the workshop is done through DCA's Office of Professional Examination Services. They have an entire process of what they do based on an occupational analysis. Staff recruited people for different workshops. Once the Office of Professional Services develops the exam, they go through a different set of experts to set the passing scores for each question.

#### **Public Comment:**

- Wendy Cochran with the California Aesthetics Alliance asked if it was possible to have a Board member with a specialty in inclusion. She mentioned that there are a lot of conversations around inclusion, especially in waxing services among estheticians, and they would like to engage with a Board member who has a specialty in inclusion. This will help ensure that everyone is represented and that the language is fair to clients.

- Seth Caplan from CRU Institute of Cosmetology & Barbering School Orange County expressed concern about the hair stylist license. He wondered if the Board is prepared to deal with individuals that might be performing services that they are not allowed to perform under that license. He also wondered how the Board would enforce it to protect the barbering and cosmetology community.
- Ken Williams noted that outreach is necessary. He stated that licensee continuing education is vital, and the Board needs to address it more. He mentioned that he had been a school owner and educator for 38 years and a salon owner for 18 years, so he knows the curriculum. He pointed out that there is no school owner on the Board.

## **7. AGENDA ITEM #7, REVIEW AND POSSIBLE APPROVAL OF 2023 BOARD MEMBER GUIDELINES AND PROCEDURES MANUAL**

Ms. Underwood noted that at the last Board meeting, some suggestions had been made regarding the Board member guidelines and procedures. These were brought back to the Board today for approval. The manual now contained the license types and scope information so new board members could start learning as soon as they get appointed. A diversity, equity, and inclusion section was added as well. The language was worked with help from the DCA. DCA has a steering committee on diversity, equity, and inclusion. A standing committee on diversity, equity, and inclusion was also added. Ms. Underwood indicated that she had talked to several Board members about it. She believed it was important for the Board to have a committee that could talk about different ways to improve the industry since it is one of the most diverse industries in California. Ms. Underwood also mentioned that the word “pending” had been added to the Legislation and Budget Committee’s purview.

Mr. Isbell asked if specific people will be assigned to the DEI Committee and if that matter will be discussed today. Ms. Underwood noted that it would not be addressed today, but the Board President has the authority to appoint people. Anyone with interest can join.

Mr. Isbell also addressed the change to the Legislative and Budget Committee. He stated that during the 2022 Strategic and Planning update, the Board had discussed the concept of enlivening the standing committees that had been dormant for many years prior. He indicated that there had been some growing pains and apologized for his relatively outspoken commentary at the January Board meeting. He acknowledged that canceling the Committee's January meeting had been a mistake, noting that at that time, he believed there was no immediate business for the Committee other than procedural items. However, at the January Board meeting, it was clear to him that there should have been a Committee meeting that month. The Committee would have weighed in and delved into many of the detailed conversations that happened at the Board meeting.

Mr. Isbell mentioned that the Committee had its February meeting following that discussion. He put together an agenda for that and included a discussion on what the Committee wanted to work on together. From that well-thought-out conversation, the

Committee unanimously agreed on adding the word “pending.” He stated that that had not been what he had originally pursued with the Committee, but he was happy to work through it. He had reached a consensus with all the Committee members, who were on the same page now.

Mr. Weeks noted that the Board has always needed help filling the three spots on the Disciplinary Review Committee (DRC). Part of the reason was that, in the past, the Board needed more Board members. Mr. added that since the Board is now diverse, they should look at improving the vertical structure of the DRC. Ms. Fairley agreed with Mr. Weeks, adding that having an industry member at the DRC meetings is always important. This is because people from the industry also need to be versed in the laws and regulations and how the practices are applied. She encouraged industry members to think about serving in the DRC.

President Pham stated that the Board hopes to see a way for the members to share their knowledge and experiences at DRC beyond just having the hearings. She asked if there could be some way to synthesize that and generate ideas for moving forward. She also wondered if that could fit in with one of the committees. Ms. Underwood stated that since every Board member is on the DRC, the updates could be placed as an agenda item at one of the Board meetings. The Board members agreed.

Ms. Munoz recommended that every Board member participates in the DEI Committee in the first year of implementation. Ms. Knight noted that Ms. Pham and Ms. Underwood would work on a schedule to ensure participation. President Pham asked if the new Diversity, Equity, and Inclusion (DEI) Committee should be a standing committee. Ms. Underwood indicated it would be a standing committee, but it will not have meetings as often as the other committees. The meetings can be done twice a year. She mentioned that she had reached out to some Board members and urged other interested members to also reach out to her.

President Pham also asked if the DEI was intended to be increasing how the Board reaches out to licensees and the public. Ms. Underwood stated that some of the main issues that have been brought up include: are all schools teaching textured hair? Is the Board reaching out to different vulnerable communities to ensure they know how to file a complaint? She indicated that DEI would be a way to ensure that the Board is reaching out to ensure that the industry is addressing diversity and inclusion, as well as internally with the staff. Staff had already done two pieces of training internally. Ms. Underwood added that the DEI Committee will also be tasked with coming up with recommendations on how to better improve outreach.

**Motion:** Mr. Isbell moved to approve the 2023 Board Member Guidelines and Procedures Manual updates. Ms. Fairley seconded.

**Public Comment:**

- Wendy Cochran supported the idea of having the DRC discussion as an agenda item because she believed it would be important to have that public facing. She mentioned that new trends come out every week in the esthetics industry,

especially with machines. She noted that the Board needs that transparency to understand their use in the scope of practice.

- Ken Williams noted that diversity, equity, and inclusion are important to the industry. He emphasized that there needs to be more outreach. He acknowledged the diversity of the Board, adding that everyone has to work together. Mr. Williams also stated that he did not see the need for dual oversight over the schools. He also voiced concern about the requirement for inspectors to have a criminal justice background.

Motion to approve the 2023 Board Member Guidelines and Procedures Manual updates carried; 10 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted “Yes”: Calimay Pham, Tonya Fairley, Megan Ellis, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Danielle Munoz, Jacob Rostovsky, Steve Weeks.

## **8. AGENDA ITEM #8, OVERVIEW OF THE ELECTROLOGY SCOPE OF PRACTICE**

Ms. Underwood stated that this item was intended to inform the Board about electrology. Electrology is currently the smallest license population but harbors the most consumer risk and it is becoming more popular.

Ms. Underwood mentioned that several electrologists reached out to her during COVID. They were transgender electrologists who had transgender clients, and they were contracted with hospitals. However, the industry was closed down due to the shutdowns. This was detrimental to people going through the electrology process because they had to keep up with their services. Ms. Underwood mentioned that the Board was able to work with the Governor’s office and an exception was made for electrologists sometime during COVID because electrology was deemed to be closely related to medical procedures. She thus noted that it was important for the Board and the public to understand what electrology is. She also indicated that many different people and communities seek electrology services. Some people might be embarrassed to raise complaints because of several different reasons.

The Board was provided with information on the different modalities that electrology uses and the scope of practice. The electrology license requires a 12th-grade education instead of a 10th-grade education like all the other license types. The current license population is 1,570. This is expected to grow as electrology is a growing service that more people seek out slowly.

Ms. Underwood mentioned providing information about electrology to the transgender community. She stated that she is in regular contact with one electrology school owner who is aware of the consumer harm that has taken place. The school owner is encouraging people to complain to the State Board, but this should be happening more. Ms. Underwood stated that this is a matter that the DEI Committee could discuss to identify ways of reaching out and making people feel comfortable to come to the Board. The Board always tells people that they will remain anonymous with any complaints. It should therefore ensure that people can trust that.



Ms. Underwood mentioned that Ms. Kavanaugh, a licensed electrology expert, helped compile the information. Mr. Rostovsky asked how a Board member can ethically and appropriately act if they know certain situations of harm to clients. Ms. Knight stated that since Board members are also public members, they could file a complaint through the website portal. Mr. Rostovsky also pointed out that electrolysis facilities are very few. He knew only two in the state provided the service safely. Some people opt to go to places where they might be harmed because those places are cheap, and in some cases, insurance companies do not cover their procedures. He thus believed that some people were afraid to speak out because they had no other options.

Mr. Isbell asked if the Board would be reaching out to transgender communities throughout the state. Ms. Underwood stated that the outreach process has yet to start. Mr. Isbell mentioned that there is a city office in San Francisco for transgender healthcare, as well as several government and nonprofit organizations. He noted that the Board could reach out to community leaders to disseminate information on how people can file complaints with the Board.

In response to President Pham's question, Ms. Underwood confirmed that electrolysis is different from laser hair removal, which is still considered a practice of medicine.

Ms. Kavanaugh mentioned that she had had several clients who had filed grievances with insurance companies. Most insurance companies refer people to other electrologists but do not inform the Board of the complaints filed. She, therefore, suggested doing some outreach with the insurance companies as well.

Mr. Rostovsky noted that SB 923, a Transgender, Gender Diverse, and Intersex (TGI) Inclusive Care Act, was recently passed into law. It states that over the next year, quality standards of care and assurance for TGI medical and mental health services are being developed, and electrolysis is included. The Act will have a quality and insurance component and a training development curriculum. This means that if a person is cited and fined, they will have to go through a specific number of hours. He added that the DEI Committee would need to think about how to hold people accountable. Ms. Fairley indicated that education also comes in when people know where to report instead of reporting to the insurance companies, and they need help getting the solution they need.

### **Public Comment:**

- Wendy Cochran noted that a lot of the credit also goes to Senator Scott Wiener and the San Francisco team with the LGBTQ caucus, who responded quickly to ensure that electrology was put back as an essential service. Ms. Cochran also urged the Board to look into seeing changes in all scopes of practice and requirements to require reporting harm to the Board. Ms. Cochran noted that a huge generational shift is currently happening in electrology. She stated that most of the current electrologists are people in their sixties who took over the business from their mothers. She was concerned that many new electrologists with little experience would come up. It was, therefore,

crucial for the insurance companies reporting to the Board for the Board to be successful in protecting consumers.

#### **9. AGENDA ITEM #9, REPORT ON THE MARCH 13, 2023, LICENSING AND EXAMINATION COMMITTEE MEETING (Steve Weeks, Chairperson)**

Mr. Weeks noted that the Committee continues to look at exam pass rates. Mr. Weeks indicated that the pass rate was a problem that has no solid solution at the moment. Staff is currently in talks with BPPE to find a solution. The Committee is also looking to see if the difference in education factors into the pass rate.

Ms. Jimenez noted that the Spanish pass rates went up from 8% in quarter one to 9% in quarter two and then 19% in quarter three. She asked if the Board had done anything that led to the increase. Ms. Underwood said no.

Ms. Jimenez also asked if there are schools that practice fully in Spanish. Ms. Underwood answered in the affirmative, adding that the Board does not approve schools teaching by language. BPPE, however, allows schools to teach in any language.

President Pham asked if the number of people taking exams is similar from quarter to quarter or higher for certain quarters. Ms. Underwood stated that she would confirm that, but she believed the number was consistent since the processing was consistent.

#### **Public Comment:**

- Jasmine Williams, a new school director, expressed concern with the cosmetology pass rate. She noted that schools are not failing miserably because the average score is 73%. Since the passing rate is 75%, she indicated that most schools tend to dismiss it slightly because they do not think they are failing. She, therefore, proposed having a breakdown of each graduate's exam results to see the areas of concern that need to be addressed.
- Fred Williams mentioned that he has been dealing with pass rates for many years. He noted that to improve the rates, the Board should look at the fact that there is a filing fee of \$125 and no practical. Mr. Williams suggested that the filing fee should carry the weight of allowing someone to take the exam a second time for free.
- As indicated in the report, Seth Caplan from CRU Institute of Cosmetology and Barbering School noted that his school had a high passing rate. He noted that this was not by accident, as they had spent much time preparing the students. Sometimes, they went beyond the thousand hours. Mr. Kaplan mentioned that he got calls from people who went to apprentice programs to help pass the state Board exams. He used to help them without charging anything, but he stopped because the people he helped complained about paying a lot of money to unregulated schools with bad rates.
- Wendy Cochran addressed the issue of apprenticeship and mentioned that there is a new scam in town. The fraud is computer-based, telling estheticians that they

will lose services like lash extensions, but if they pay \$2500 in cash, they will be apprenticed to be cosmetologists. Estheticians are also told that they do not have to go to cosmetology school nor learn how to do hair; they only have to pass the written exam. This scam is being used to manipulate people in the industry. Ms. Cochran vowed to find these people and ensure that they are stopped. She added that the apprentice program needs to be looked into and that changes need to start happening.

Mr. Rostovsky proposed that the Committee should, in the future, do some focus groups with the community. It could be a listening session where everything is discussed. It might help with finding direction on what the community needs help with.

#### **10. AGENDA ITEM #10, REPORT ON THE MARCH 13, 2023, EDUCATION AND OUTREACH COMMITTEE MEETING (Tonya Fairley, Chairperson)**

Ms. Fairley noted that the Committee had decided, at the January 23 meeting, to move forward with sending text messages to licensees by the scope of practice. The Committee reviewed the cost of text messaging at the March 13 meeting and recommended that the full Board direct staff to postpone pursuing the text messaging program because of the cost. Once the fee study is completed, the budget can be assessed before deciding on the agenda. Ms. Underwood stated that the cost was much more than anticipated. She noted that the state has a very strict contracting process. The process has to go through the Department of General Services contracting requirements whereby small businesses have to be used. It was determined that sending one text message to over 300,000 licensees would cost approximately \$144,000. Ms. Underwood recommended keeping the program as something that can be potentially done.

Ms. Fairley also noted that the Committee made some recommendations on outreach opportunities, including live WebEx and town hall events to review the top 10 violations. One town hall event was planned last week but was canceled due to technical difficulties. Other recommendations included:

- Facebook Live events.
- Send LISTSERV email blasts to targeted licensees.
- Create Instagram reels in each scope of practice to explain the different license types and also what falls under their scope of practice.
- Create press releases with DCA and send them to media outlets, including the Chinese and Spanish media.
- Promote Simplified Chinese exam.
- Notify legislators about town hall events so they can share with their constituents.

Ms. Fairley further noted that the Committee reviewed the updates to the Board website to be more user-friendly. They also reviewed the pamphlets made by staff. The next Committee meeting will review staff progress in outreach efforts.

Ms. Munoz agreed with the idea of explaining the scope of practice. She believed defining the scope of practice would ensure clarity and manage the industry's expectations.

Ms. Fairley mentioned that only a few older generations are tapped into social media, but the younger generation is. Touching all the outreach bases mentioned will ensure everyone is reached as needed.

Ms. Munoz also noted that the Personal Service Permit and the mobile units should be more regulated to ensure consumers are protected. She indicated that it should be relayed to licensees that even though they found a way to keep practicing during COVID, they should do it in the right way.

**Public Comment:**

- Seth Caplan joked that his son could handle the text messaging program.

**11. AGENDA ITEM #11, REPORT ON THE MARCH 13, 2023, ENFORCEMENT AND INSPECTIONS COMMITTEE MEETING (Danielle Munoz, Chairperson)**

Ms. Munoz reported that the Committee discussed the current process of how salon suites are being inspected. The Committee recommended that staff launch a social media campaign to inform unlicensed people on how to become licensed and increase awareness of the Board's enforcement unit. The Committee also discussed people advertising their services on Instagram. Complaints have been received from consumers regarding those services. When the Board goes out to investigate, they find that the person is operating individually. This is an ongoing issue, and there was public comment on it. The Committee will be looking for ways to address that.

**Public Comment:**

- Fred Jones with the Professional Beauty Federation commented on unlicensed activity. He noted that COVID changed a lot in the industry, but certain correction measures should be taken. Licensees should be reminded that they have to get a license to practice. Mr. Jones noted that people openly violate the law by putting their services on social media. He urged the Board to take measures to send out a message, even if it will be by sending out bulletins, to inform the public that they are monitoring social media because of evidentiary issues with it.
- Ken Williams noted that the issue of unlicensed activity should also encompass braiders because most of them are unlicensed in the state. He urged the Board to lean on the industry for help with such cases. The sector will help in ensuring that it is regulated.

Ms. Funk mentioned that she attended the March 13 Committee meeting. One of the points raised concerning unlicensed people blatantly advertising on social media was that DOI needed help nailing down where the people are operating. The Committee had proposed doing posts on social media to appeal to the unlicensed practitioners to get

licensed. The posts could also be targeted at consumers, in general, to inform them about the importance of finding licensed people.

- Seth Caplan mentioned that he was approached by an online booking service to have access to his students and his school. Mr. Kaplan noted that he had a huge problem with them because they could not verify that anyone advertised with their app was licensed. He further mentioned that he was able to explain to his students the importance of doing activities that are allowed with their licenses. He believed such things promoted unlicensed activity and urged the Board to look into it through outreach to the schools.

## **12. AGENDA ITEM #12, REPORT ON THE FEBRUARY 13, 2023, MARCH 13, 2023, AND APRIL 10, 2023, LEGISLATIVE AND BUDGET COMMITTEE MEETINGS, CONSIDERATION OF COMMITTEE RECOMMENDATIONS AND POSSIBLE ACTION ON PROPOSED BILLS (Reese Isbell, Chairperson)**

Mr. Isbell noted that the Committee would continue to meet monthly as the legislative process continues. In February, they discussed the Committee's purview and were able to come to a resolution. They also talked about the monthly schedule. In March, the Committee reviewed the budget, which remains healthy with significant months in reserve. They discussed the status of the fee study, which is still in process. Mr. Isbell mentioned that the Board's budget analyst retired. Management is therefore plugging in processing time for each step of processing applications to calculate the cost by volume and establish the fees. At the April 10 meeting, the Committee reviewed several bills and voted unanimously to recommend a support position to the full Board.

Ms. Underwood provided an overview of the bills as follows:

### **a) AB 1328 (Gipson) Cosmetology Licensure Compact**

The Board had previously seen this language in the original format of what the Council for State Governments put together. There were changes to the bill numbering-wise from what the Board had seen at the January meeting. The Committee recommended a support position and authorized the Executive Officer to propose technical or non-substantive changes to the language.

Mr. Weeks noted that a portion of the Bill stated that it authorized the commissioner to levy and collect an annual assessment from the state and impose fees on licenses of member states to whom it grants a multi-state license to cover the cost of cooperation and activities of the commission. He asked if this would be a substantial fee.

Ms. Underwood stated that the nursing compact is around \$6000. The Board can therefore work with a fiscal impact of about \$6000 to \$10,000.

**Motion:** Mr. Isbell moved to support the Bill and authorize the Executive Officer to propose technical and non-substantive changes to the language. Mr. Weeks seconded. No comments were received from the public.

Motion to support the Bill and authorize the Executive Officer to propose technical and non-substantive changes to the language carried; 10 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted "Yes": Calimay Pham, Tonya Fairley, Megan Ellis, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Danielle Munoz, Jacob Rostovsky, Steve Weeks.

**b) SB 247 (Wilk) Alcoholic beverages: licensing exemptions: barbering and cosmetology services**

This Bill does not impact the Board, but it affects the licensees. It is a cleanup language for alcoholic beverages served in barber and cosmetology establishments. The language presently states beauty salons and barbershops. It will now clarify that it covers all establishments. The Committee recommended a support position.

**Motion:** Mr. Isbell moved to support SB 247. Ms. Fairley seconded.

No comments were received from the public.

Motion to support the Bill carried; 10 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted "Yes": Calimay Pham, Tonya Fairley, Megan Ellis, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Danielle Munoz, Jacob Rostovsky, Steve Weeks.

**c) SB 384 (Bradford) Barbering and Cosmetology**

This is the Board's bill for remedial education that the Board had offered to pursue at the last meeting. Senator Bradford's office reached out to the Board. He authored the bill, and it is scheduled for a hearing next week. The Committee recommended a support position.

**Motion:** Mr. Isbell moved to support SB 384. Ms. Fairley seconded.

**Public Comment:**

- Fred Williams asked if the Board would be offering remedial education. Ms. Knight stated that there is currently no such program. This Bill is just giving the Board the authority to go ahead and develop that program. Regulations will be adopted later on.

Motion to support SB 384 carried; 10 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted "Yes": Calimay Pham, Tonya Fairley, Megan Ellis, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Danielle Munoz, Jacob Rostovsky, Steve Weeks.

**d) SB 451 (Nguyen) Worker Classification: employees and independent contractors: licensed manicurists**

This bill does not impact the Board, but it affects licensees. It stems from a bill that passed years back and had an ending date for manicurists to be included in it. The bill originally removed the sunset date completely, but it now has a sunset date of January

1, 2030. The bill requires the ABC test for licensees to determine if they are independent contractors. It will ensure that manicurists are considered the same type of independent contractors as the other licensees. The Committee recommended a support position.

**Motion:** Mr. Isbell moved to support SB 451. Ms. Kavanaugh seconded.

**Public Comment:**

- Wendy Cochran noted that this is the fourth time the Board is chasing down the bill with another end date. This is because the legislature thinks that every manicurist is trafficked, which is not the case. She pointed out that if the Board wants to suggest changes to the language, it should be to get rid of the end date.

Motion to support SB 451 carried; 10 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted "Yes": Calimay Pham, Tonya Fairley, Megan Ellis, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Danielle Munoz, Jacob Rostovsky, Steve Weeks.

**e) SB 544 (Laird) Bagley-Keene Open Meeting Act: teleconferencing**

This is a change to the Bagley-Keene Open Meeting Act to allow the continuation of teleconferencing. Teleconferencing became popular during COVID when Board members were allowed to call in without listing the address they were calling from. Pre-COVID, all addresses of every Board member were listed. The end date of the Open Meeting Act is June 30 of this year, whereby all meetings will be required to go back to in-person. Even though the Board has fully resumed in-person meetings, teleconferencing works well for the committees. The Committee recommended a support position.

**Motion:** Ms. Fairley moved to support SB 544. Mr. Isbell seconded.

Mr. Isbell noted that the Legislative and Budget Committee meets regularly in Sacramento to deal with ongoing conversations. He believed that this change would be helpful to the Committee to meet by teleconference instead of taking a whole day to travel.

No comment was received from the public.

Motion to support SB 544 carried; 10 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted "Yes": Calimay Pham, Tonya Fairley, Megan Ellis, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Danielle Munoz, Jacob Rostovsky, Steve Weeks.

**f) SB 817 (Roth) Barbering and cosmetology: application, examination, and licensing fees**

This Bill is a cleanup language to SB 803. It clarifies the hairstylist fee to make it align with all other license-types. All other license types list an application and examination fee that is the cost to the Board for the development, purchasing, and grading. The

hairstylist fee is currently \$50, not covering the exam cost. The Committee recommended a support position.

**Motion:** Mr. Isbell moved to support SB 817. Mr. Rostovsky seconded.

**Public Comment:**

- Fred Jones noted that this Bill might be amended and should be watched closely. He believed it could be a vehicle for other issues.

Motion to support SB 817 carried; 10 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted "Yes": Calimay Pham, Tonya Fairley, Megan Ellis, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Danielle Munoz, Jacob Rostovsky, Steve Weeks.

Mr. Isbell mentioned that the Committee would have another meeting in three weeks. They will look at these bills and any potential issues that arise.

**13. AGENDA ITEM #13, REPORT ON THE MARCH 20, 2023, HEALTH AND SAFETY ADVISORY COMMITTEE MEETING (Calimay Pham, Chairperson)**

President Pham mentioned that the Committee reviewed the draft for the regulations, sections 977 through 995. Ms. Underwood noted that the Committee has been working on the health and safety regulations for some time now and hopes to bring it before the Board for approval soon.

**Public Comment:**

- Wendy Cochran wanted to give her comments, but she noted that the language would go through several iterations. Ms. Knight advised her to send them via email.

**14. AGENDA ITEM #14, DISCUSSION AND UPDATE REGARDING RULEMAKING PROPOSALS:**

- a) Update Regarding Rulemaking to Amend Title 16, California Code of Regulations (CCR) sections 904, 909, 931, 932, 937, and 962, and Repeal sections 928, 934, 950.1, 950.2, 950.3, and 950.4 (SB 803 Clean Up)**
- b) Update Regarding Rulemaking Proposal to Amend Title 16, CCR sections 913, 913.1, 914.1, 914.2, 915, 917, 918, 918.1, 919, 919.1, 920, 921, 921.1, 921.2, 922, 924, 924.1, 925, 926, 927 (Apprenticeship)**
- c) Update Regarding Rulemaking to Amend Title 16, CCR section 950.10 (Transfer of Credit)**
- d) Update Regarding Rulemaking Proposal to Amend Title 16, CCR sections 940, 941, 950.10, 950.12, 962, 962.1, 962.2 (Schools and Externs)**
- e) Update Regarding Rulemaking Proposal to Amend Title 16, CCR section 972 (Disciplinary Guidelines)**

Ms. Underwood mentioned that the Board's regulation attorney is reviewing several packages, including SB 803 cleanup, apprenticeship, transfer credit, and disciplinary



guidelines. Board staff is working on regulation packages that address schools and externs.

No comments were received from the public.

#### **15. AGENDA ITEM #15, PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

- Wendy Cochran stated that the Board needs to look deeply into the apprenticeship. She noted that it is becoming more exploitive, especially since there is no practical and people are only required to pass the written exam. She further indicated that the Board should look into statutes requiring injuries to be reported from insurance companies back to the Board so they can be investigated.
- Ken Williams stated that there is difficulty in finding inspectors because the qualifications need to match. He suggested that the Board vote to remove the criminal justice requirement from the inspector's job. He further noted that the Board has always stayed within budget because it brings in more money than it spends. Mr. Williams also requested to have a Board member visit his school.

#### **16. AGENDA ITEM #16, SUGGESTIONS FOR FUTURE AGENDA ITEMS**

- President Pham proposed a discussion of DRC's trends and possible proposals for things that should be addressed in regulations or the Board's current framework.
- Ms. Munoz noted that regarding the DEI Committee, there should be a platform where all Board members can weigh in on discussions. She pointed out that not all Board members will be on the Committee, so having an agenda item will allow the public to comment.
  - Ms. Knight mentioned that an overview of the Committee's tasks and roles would be a good place to start.
- Mr. Rostovsky proposed a discussion on the role of the Board in communication with insurance providers of various services that the Board can bill for insurance.

President Pham asked if the apprenticeship concerns were discussed at the Board level. Ms. Underwood answered in the affirmative, adding that there is a package in the draft regulations that will be provided at the next Board meeting. Ms. Underwood mentioned that there had been meetings with BPPE, the Division of Apprenticeship Standards, and the DCA. Updates will be provided at the next meeting.

#### **17. AGENDA ITEM #17, ADJOURNMENT**

There being no further business to discuss, the meeting adjourned at approximately 2:20 p.m.