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State and Consumer Services Agency – Arnold Schwarzenegger, Governor
BOARD OF BARBERING AND COSMETOLOGY
P.O. Box 944226, Sacramento, CA 94244-2260
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MEETING OF THE BOARD OF BARBERING AND COSMETOLOGY

MINUTES OF OCTOBER 4, 2009

**Courtyard Marriott
Mission Valley
595 Hotel Circle South
San Diego, CA 92108**

DRAFT

BOARD MEMBERS PRESENT

**Jerry Tyler, President
Richard Hedges, Vice President
Deedee Crossett
Frank Lloyd
Ken Williams**

STAFF MEMBERS PRESENT

**Kristy Underwood, Executive Officer
Denise Johnson, Ass't Executive Officer
Theresa Rister, Administrative Assistant
Gary Duke, Staff Counsel
Richard Loa, Staff Counsel**

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

Mr. Tyler called the meeting to order at 10:00 a.m. The board members and staff members present introduced themselves.

2. Agenda Item, #2, President's Report

Mr. Hedges reported he and Ms. Crossett attended a meeting in July of the Asian community. They answered questions on the board and were well received. In September, he traveled to San Jose to attend a meeting with Vietnamese nail professionals.

Mr. Williams recently attended a school forum in Pasadena.

Mr. Tyler requested all cell phones be turned off. He also requested all public comments be kept to the point of the subject at hand.

Mr. Tyler discussed recent events he had attended. These included the meeting of the NIC, a national board. He introduced Jackie Dahlquist, the newly elected president. Mr. Tyler continues to write monthly articles called Blue Highways for the California Stylist newspaper.

3. Agenda Item #3, Executive Officer's Report

Ms. Underwood reported a cosmetology and manicurist exam were held at the state prison. Five cosmetologists took the exam and four passed. Two manicurists took the exam and both passed.

Ms. Underwood reported on the recent live webcast. Inspections and violations were discussed. Multiple questions were answered. It was extremely successful.

The regulations have been translated into Spanish and are available online. The Vietnamese version will be available shortly.

Mr. Williams commended Ms. Underwood and her staff for being proactive.

4. Agenda Item #4, Approval of Meeting Minutes:

- **June 29, 2009 – Board Meeting:** Upon a motion by Mr. Hedges, seconded by Ms. Crossett the minutes were approved by a 5-0 vote.
- **June 30, 2009 – Board Meeting:** Ms. Crossett noted a change on page 4, #8. Upon a motion by Mr. Hedges, seconded by Mr. Lloyd, the minutes were approved by a 5-0 vote.

5. Agenda Item #5, Board Ethics Orientation

Mr. Loa gave a presentation on board ethics. Two areas were covered: portions of the Open Meetings Act and Disqualification and Abstention (conflict of interest and/or personal bias). Making ethical decisions ensures the decisions are made in compliance with the law. Closed session was discussed. Requirements of the Open Meetings Act was discussed, as well as exemptions. Examples were provided. A list of the top ten rules of the Open Meetings Act was presented and discussed. Guidelines for disqualification and abstention were discussed.

Public Comment:

Fred Jones clarified the Bagley Keene act allows individual discussions but not collective decisions outside of the meeting.

A female member of the audience asked if she was allowed, as a member of the industry, to email the board about questions she had. The Bagley Keene Act governs boards and not the public. The board noted if they received an email they would probably turn it over to staff.

6. Agenda Items #6, Review of Board Statistics

- **Licensing:** Staff is keeping up with the workload.
- **Examinations:** Exam results were presented and discussed.

- **Disciplinary Review:** Mr. Hedges noted he and Mr. Lloyd have committed a lot of time to keep up with the committee. Ms. Crossett has also found meeting places in San Francisco at no cost. They and staff have worked to streamline the paperwork.
- **Enforcement:** Education is ongoing.

7. **Agenda Item #7, Budget Update**

Ms. Underwood discussed the current budget. Adjustments were made to accommodate the reduction in the state budget. The reserve is healthy and stable. Ms. Crossett expressed her concerns about the funds spent on exam administration. She believed the money could be spent elsewhere, possibly in education and conducting exams in schools. Ms. Underwood agreed to do research and report back to the next meeting. Mr. Williams noted in North Carolina the students who earned 70 to 74% on the test were given an assistance license and encouraged to work for six months to enhance their knowledge. He believed possibly other options should be looked at. Mr. Hedges believed the first step would be to bring up the quality of the schools. The schools need to be held accountable. Schools need to be vetted prior to being allowed to do testing.

8. **Agenda Item #8, Status on Legislation**

- **AB 48 Creation of BPPVE:** This bill is on the Governor's desk. Ms. Underwood noted this bill prevents the board from having full oversight of schools.
- **SB 549 Cultural Background Requirement** This bill is on the Governor's desk.

Staff is awaiting news on the signing of the above bills that are on the Governor's desk. They were scheduled to be reviewed on October 11.

Public Comment:

Fred Jones of the PBFC, noted the author of the bill was favorable to give the board sole oversight. However, he was pressured by other boards who then wanted sole oversight in their industries. A hearing will be scheduled. Regarding the accreditation issue, he noted only regional agencies are exempted and not national. The author tried to limit the exemptions and keep the revenues to run the program. He noted it was a work in progress.

9. **Agenda Item #9, Proposed Regulations Update**

- **Approved of Schools, Amendment to Title 16, California Code of Regulations, Section 941:** Currently with the Department of Consumer Affairs for review. After approval is received, it will be reviewed by the Office of Administrative Law.

Public Comment:

Female audience member asked about the apprentice approval. She stated she was very frustrated with the process. The Board educated her that this was not the time to discuss. She could bring her concerns at the end of the meeting during public comment. .

At this time, the meeting was adjourned for a 10 minute break.

10. Agenda Item #10, Review and Approval of Proposed Draft Regulatory Language

- **Manicure Curriculum**
- **Barber Curriculum**
- **Extern Curriculum**
- **Electrology Curriculum**

The above curriculums need to be approved for the public hearing to be held. Mr. Hedges made a motion to approve all the curriculums as presented. Mr. Williams seconded the motion.

Public Comment:

Angela Regalado asked about the final approval process. She asked if it was possible to add an item on regarding going green in businesses and chemical exposure under health and safety for manicuring. Ms. Underwood noted the board was moving the items forward and a public hearing will be held in the future with public comment. She also asked if the board would be interested in participating in a committee with OSHA and other agencies to develop standards. Staff and the board recommended this issue be included in a future agenda.

The motion was approved by a 5-0 roll call vote.

11. Agenda Item #11, National Exam Update

- **Update on Written Exam Statistics:** The exam results were broken down in English, Spanish and Vietnamese.

Public Comment:

Dana Pancoe of the NIC noted steps were taken to lessen the stealing of test answers. They also received guidance to develop a lexicon for translated tests.

- **Review of Practical Audit and Discussion on Adopting National Practical Exam:** The board agreed they would like more information prior to approval. Staff was not involved in the audit; it was reviewed by experts. Ms. Underwood noted if the exam was implemented the licensing fee would have to be increased by \$15. It would then be self-sustaining. Start-up costs were involved. Ms. Crossett asked for clarification on certain comments and the overall report. Ms.

Underwood stated the staff that developed the report could be asked to speak to

- the board at the next meeting All agreed this may be helpful. Ms. Crossett believed the practical exam required a more detailed understanding by the board. Mr. Hedges clarified the board will continue to administer the test but using the NIC material.

Public Comment:

Dana Pancoe gave a brief background of the report and the process of obtaining the information. She noted NIC published every task for the practical exam so examinees can understand every expected behavior. The requirements were very specific.

Nadene Bruders asked for clarification regarding disinfection. It was noted it was included.

Fred Jones noted the PBFC's position was to adopt the full NIC test. The state's practical exam needed to be updated to avoid regurgitation of answers by students. The NIC would keep updated and be more relevant. He felt the \$15 increase in fee was well justified. Timing, cost and relevancy should be reviewed.

Peter Westbrook agreed the report needed to be more clarified.

Maggie Le commended the board for acknowledging Vietnamese workers. Mr. Tyler asked Ms. Le to save her comments for the public comment section.

Ms. Crossett noted it was very important the board move forward in a responsible and well-educated way. She believed it would be a good idea to bring in a rep from SMT regarding the report. Ms. Underwood noted even if the board decided to move forward there would be a lot of work involved in the future. Mr. Tyler noted the new exam would be updated and more relevant. He agreed the increase in testing fees was well justified. Ms. Crossett made the motion to direct staff to move forward on the NIC process and bring a representative to answer questions to a future meeting. Mr. Hedges seconded the motion and it was approved by a 5-0 vote.

Theresa Le of UFCWS, asked if the exam would cover aestheticians and manicuring. She asked if they would be presented only in English. (The test would be also be available in Vietnamese and Spanish)

A ten minute break was called at this time.

12. Agenda Item #12, Industry/Consumer Outreach Update

Mr. Williams recommended participation in the upcoming SIBE show in Los Angeles.

13. Agenda Item #13, Discussion on Remedial Education for Licensees

Mr. Williams stated this was a very important issue. Sometimes a punitive fee or fine did not get the message across and people accused of gross negligence required remedial education for retraining. Mr. Hedges agreed, especially for first time offenders. However, follow up and strict conditions were needed. Ms. Underwood noted this would require legislation. Current legislation required immediate action for foot spas. Other offenses were dealt with in the settlement terms requiring remedial education. They are also placed on probation and staff thoroughly monitors this. A formal request to require educational hours to offset the fine would need legislation.

Public Comment:

A female member of the audience asked about remedial education offered in various locations and languages. She believes it will help.

Jaime Schrabek, Precision Nails, asked if the probation period was variable? (It was a set period of time) She asked if probation status was posted on the website? (Yes)

Ms. Crossett asked if the recommended school list could designate a school's pass/fail rate. Ms. Underwood noted regulations/standards would have to be set. Mr. Hedges agreed a person needing remedial education should not be sent to a remedial school. It was agreed it should be based on the pass/fail rate.

Peter Westbrook asked if the school list included all schools (Yes). But students are advised to contact their local school.

Mr. Hedges made the motion to ask staff to develop recommendations based on the board's comments to move toward preparing new regulations for remedial education. Ms. Underwood noted if a person who has been fined and is offered remedial education in lieu of paying the fine must be approved by legislation. She noted staff could look at what is available to licensees today and what regulations can be developed regarding attending remedial education at schools of 70% or higher pass rate. Mr. Hedges amended his motion to ask staff to review currently allowable remedial education regulations to only allow remedial education to be conducted at schools that are performing at an adequate level.

Ms. Underwood recommended staff provide the board with options at the next board meeting regarding remedial education. Research will be done regarding legislations and regulations, and the cost of proposed recommendations. Mr. Hedges withdrew his motion and agreed to the above staff direction.

14. Agenda Item #14, Discussion on Establishment Owner Qualifications

Mr. Tyler recommended an establishment owner who is not a licensee should be required to take an 8 hour course that would include health and safety. They currently were not required to do continuing education. The establishment owner license would protect the consumer and the licensees. He believed the establishment owner license would require legislation. Mr. Hedges believed the initial course should be more than 8 hours, possibly 12. It was agreed the establishment owner needed a stronger base of knowledge, particularly in sanitation. Ms. Crossett noted the license should be more specific, for example a barber should not be in charge of a manicuring salon. Ms. Underwood agreed

this was not currently specified. An applicant for a new salon is not required to show their license. She noted the current statutory language states every salon must have a licensee

in charge, but it does not specify the kind of license. Ms. Crossett believed all licensees should be aware of sanitation. The current language cannot require education. The board agreed owners should be required to have a license. Mr. Hedges made the motion to request staff bring forward information and suggestions for alternatives to the establishment owner qualifications regarding education. Ms. Underwood noted the board did not meet again until January and it would be prudent to look for authors for possible legislation. Mr. Lloyd seconded the motion. Mr. Williams believed the establishment owner should be required to familiarize themselves with the board's rules and regulations as a written test. The board did not believe a written and practical test were necessarily required.

Public Comment:

Angela Regalado agreed with the continuing education for everyone. She agreed a training course should be required for the establishment license. Cal-OSHA required owners to have a health and safety booklet but it is not enforced. She wondered if the inspectors could check for this.

Peter Westbrook noted inspectors have been citing establishments for not having a licensee in charge. He agreed with the motion.

Jaime Schrabek asked how the regulations applied to corporation owners; a different license may be required. She noted mobile spas would need to be addressed. The establishment license should match the advertised names.

Jan Pazzola asked for clarification of the establishment license and licensee in charge. She did not know how it would protect the consumer. Who would be held accountable. Continuing education would be ideal.

A female member of the audience questioned the legality of the requirement of an establishment owner license. Legal counsel explained as landlord, they are responsible to make sure the property is in compliance with health and safety regulations. It should be included in the lease agreement and would cover non employee relationships. (It was noted the discussion was not to change the information; only to require an establishment license).

In summary of the motion, Ms. Underwood noted staff will move forward to search for authors for intent of having additional educational requirements for establishment owners and will bring back proposed language to the board in January. The motion was approved by a 5-0 vote.

15. Agenda Item #15, Discussion on Advanced Esthetician License

NIC confirmed they had an advanced esthetician test available. It is available in other states. Most states require a 1200 hour course for this second tier (as opposed to 600 hours for the first tier). The language needs to be broad. Mr. Hedges made the motion that the issue be moved forward and direct staff to review the medical board to ensure there was no conflicts. Mr. Williams seconded the motion. Ms. Crossett would like to see results of

the research. She believed most people were getting extra advanced training on their own. Ms. Underwood noted this would require legislation. Staff will research other states and talk to NIC, and bring back the results of their research.

Mr. Hedges stated staff has been requested to do a lot of work for the January meeting, and asked them to use their discretion to prioritize the research requests. Staff has been reduced due to furloughs and cutbacks.

Public Comment:

Florence Johnson supported the advanced license with extra continuing education.

Jaime Schrabek recommended the legislation include the scope of practice to include the whole body such as wraps, facials.

Jan Pazzola requested information on continuing education for all licensees. It was not on the agenda to be discussed and could be discussed by her during public comment.

The motion was approved by a 5-0 vote.

16. Agenda Item #16, 2010 Board Meeting Schedule

The proposed 2010 schedule was presented. It was agreed to change the January meeting to San Jose.

Public Comment:

Jaime Schrabek noted the IBF skin show was going to be held during weekend of the planned April meeting. She noted a lot of Californians attended the meeting.

17. Agenda Item #17, Establishment of Enforcement Committee

Mr. Hedges noted the duties of the enforcement committee and DRC overlapped. It was agreed they could be held in sync and be a public meeting if proper notice was provided. The Enforcement Committee will report back to the board.

18. Agenda Item #18, Public Comment

Theresa Le, UFCWS, thanked the board and Mr. Hedges for attending their conference. Their mission was to work with Vietnamese clients through transition, provide training and classes, and assist in disciplinary hearings.

Linh Pham, UHANA, asked about the progress of the portable license. Ms. Underwood noted legislation would be required because a licensee is not allowed to have more than one license. Getting a duplicate is even difficult. It is a violation to photocopy your license. Mr. Hedges noted first offenses were minor. Ms. Crossett noted the consumer has a right to view the license and it needs to be big enough to see. This protects the consumers to assure a legitimate license. She also asked when the online videos would be captioned in

different languages. Ms. Underwood stated there was only one video being developed at this time and there are no plans to translate. Future how to videos are being made, then translated. Mr. Hedges recommended a program for hearing impaired.

She also asked about the recently reviewed rules and regulations book and asked for a Vietnamese translation. Ms. Underwood noted the first attempt to translate into Vietnamese laws and regulations contained many errors. It will be available online next week. However, she noted the reading level of some Vietnamese may not be high enough. Her organization was working for multiple local and county ordinances to deal with chemicals in the work place. All agreed health and safety was very important.

Ms. Crossett noted some salons were trying to cutback and using cheaper materials, which may be less safe. Ms. Crossett stated she would personally support such ordinances but it would not be in the scope of the board. Mr. Hedges noted that most bottles were not labeled with their ingredients and this may be a first step. The female audience member was directed to work with staff.

Nadene Bruders asked if the performance criteria had been updated from 2005. (In the process) Why does the license renewal not contain a picture? (Pictures came from initial testing. Primarily for examination security purposes and not ongoing identification.) She noted it was important to revisit the licensing of instructors. Ms. Underwood noted the proposal to take over the oversight of the schools from BBPVE included this.

Katie Gardener, an instructor, noted she had an instructor's license from practicing in Illinois. She noted some schools were only hiring instructors that have had a California cosmetology license. She noted the Illinois license required 14 hours continuing education in psychology and methodology of teaching courses. She was given misinformation from a former board member. She noted the textbooks were written at a 10th grade level which some students were unable to understand. The newspapers were written at a 6th grade level to appeal to the masses. She noted Illinois also provided portable licenses.

Theresa Le, UFCWS, brought to the board's attention the practice of price slashing which affects public health and safety. Mr. Hedges noted consumer knowledge is important to know if prices are too low then corners have probably been cut. Price fixing is illegal.

A female audience member asked about inspector training. Ms. Underwood noted the inspectors are trained in all aspects of a salon. She has received many complaints about the inspectors. Mr. Lloyd noted the complaints at DRC have diminished and complaints need to be put in writing to be addressed. It was agreed inspectors should not be rude. Ms. Underwood stated all inspectors should present their ID when entering a business. She recommended reviewing the self inspection sheet that was available online in Vietnamese and Spanish. A survey card is also provided if an inspection results in a citation. Ms. Underwood stated they need to know about inspector complaints right away with details so they can be addressed correctly. The audience member also recommended something similar to traffic school – remedial education was being researched.

A female audience member asked about approving of school licenses. Ms. Crossett explained the prior process. Even though the BBPVE was discontinued, the rules and regs still require approval before a school can be opened. At this time, no new schools can be approved because the board has not been given the legal authority. Proposed regulations are in the works. Legislation is on the governors desk to be signed by October 11. If the bill is signed, the process will be reinstated. The board's hands are tied at this point and a

timeframe could not be given. If the bill was signed, information should be available in January. The board and staff expressed empathy for her concerns.

Mr. Lloyd recommended she talk to her state representative to encourage the Governor to sign the bill.

Jan Pazzola commented on the need for continuing education. Ms. Underwood noted it was a legislative priority but an author cannot be found. It will be pursued in the upcoming year. Jan believed it should be required every two years (minimum 20 hours) to keep everyone up to date.

Phuoc Dam, UHANA, thanked staff for putting the survey on the website. He encouraged all materials be available for limited English licensees. He noted a situation where a customer refused to pay for a manicure because they used unclean tools, and threatened to call the inspector. Ms. Underwood stated this cannot be done. The complaint must be done in writing. Complaints are reviewed for legitimacy prior to an inspection.

In addition, inspectors don't take phone calls. Mr. Hedges recommended the police be called for the non paying customers.

Katie Gardener commented on continuing education – one hour per month for 2 years equals 24 hours.

Magdalena commented on school applications. She was frustrated, like others, because she has spent the money to open her school but could not get approval. Legal counsel noted franchises are not always exempt. He clarified the board had some authority to approve schools provided they meet the curriculum. However, per the rules, they must also be licensed by the BPPVE, which no longer exists. Proposed legislation will provide this authority. Legal counsel explained the legislative process. The regulations were currently going through the internal process with the Department of Consumer Affairs.

A female audience member asked for clarification on fines versus revenue. Legal counsel explained the fines were not revenue generators, and were not expensive. The money went into the board reserves. She also asked if the survey results were online (No).

David Mojadidi, outlined his specific problems he had with opening his school. He passed all the inspections and given preliminary approval on June 25, 2009. He was told final approval would be received in two weeks. He hired staff but never heard back. The board directed the gentleman to get his paperwork together and talk to Ms. Underwood. Mr. Hedges noted the board approved to discontinue issuing licenses on June 29, 2009.

19. Agenda Item #19, AGENDA ITEMS FOR NEXT MEETING

CLOSED SESSION

20. Agenda Item #20, Discussion on Reconsideration and Disciplinary Cases

OPEN SESSION

21. Agenda Item #21, Adjournment

With no further business, the meeting was adjourned.



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AGENDA ITEM NO. 5



MEETING OF THE BOARD OF BARBERING AND COSMETOLOGY

MINUTES OF OCTOBER 5, 2009

**Courtyard Marriott
Mission Valley
595 Hotel Circle South
San Diego, CA 92108**

DRAFT

BOARD MEMBERS PRESENT

**Jerry Tyler, President
Richard Hedges, Vice President
Deedee Crossett
Frank Lloyd
Ken Williams**

STAFF MEMBERS PRESENT

**Kristy Underwood, Executive Officer
Denise Johnson, Ass't Executive Officer
Theresa Rister, Administrative Assistant
Gary Duke, Staff Counsel
Richard Loa, Staff Counsel**

1. Agenda Item #1, CALL TO ORDER/ROLL CALL

Mr. Tyler called the meeting to order at 10:00 a.m. The board members and staff members present introduced themselves.

2 Agenda Item, #2, PETITION FOR REINSTATEMENT

The Administrative Law Judge conducted the proceedings for the petition for reinstatement,

- Maria Cloris Kian
- Nalone Haema
- Uyen Lam Thi Do
- Cindy Thu H. Nguyen
- Sau Van Nguyen
- Gregory Griffin

3. Agenda Item #3, Closed Session:

Decision on Reinstatement and Disciplinary Cases (Closed Pursuant to Government Code Section 11126C(3)).

Open Session:

4. Agenda Item #4, Adjournment

There being no further business the meeting was adjourned.



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BOARD OF BARBERING AND COSMETOLOGY

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NOTICE OF SPECIAL MEETING OF THE BOARD OF BARBERING AND COSMETOLOGY

MINUTES OF November 2, 2009

Department of Consumer Affairs
2420 Del Paso Road, Suite 100
Sequoia Conference room
Sacramento, CA 95815

DRAFT

**BOARD MEMBERS PRESENT
(VIA TELEPHONE)**

Jerry Tyler, President
Richard Hedges, Vice President
Deedee Crossett
Frank Lloyd
Ken Williams

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Officer
Richard Loa, Staff Counsel
Theresa Rister, Admin. Analyst

1. Agenda Item #1, CALL TO ORDER/ROLL CALL

Mr. Tyler called the meeting to order at 10:00 a.m. The board members and staff members present introduced themselves.

2. Agenda Item, #2, Determination of Need for Special Meeting (Staff Counsel)

Mr. Loa gave overview for holding the special meeting. Upon a motion by Mr. Hedges, seconded by Mr. Tyler, all were in agreement to hold the special meeting, by a 5-0 roll call vote.

Closed Session: Pursuant to Government Code Section 11123(e). Pending Litigation.

3. Kevon Gordon et al v. City of Moreno Valley et al. Case No. ED CV-00688-SGL-SSx

Open Session

4. Public Comment

No public comment

5. Adjournment

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**Quarterly Barbering and Cosmetology
Licensing Statistics
Fiscal Year 09/10**

Applications Received

	Jul-Sept	Oct-Dec	Jan- Mar	Apr-Jun	YTD*
Establishment	1,463	1,586			3,049
Barber	316	424			740
Barber Apprentice	72	67			139
Cosmetology	5,157	5,535			10,692
Cosmetology Apprentice	139	141			280
Electrology	7	12			19
Manicuring	2,002	2,014			4,016
Esthetician	1,902	2,320			4,222
Total	11,058	12,099			23,157

Licenses Issued

	Jul-Sept	Oct-Dec	Jan- Mar	Apr-Jun	YTD*
Establishment	1,379	1,341			2,720
Barber	193	170			363
Barber Apprentice	57	23			80
Cosmetology	2,581	2,311			4,892
Cosmetology Apprentice	119	116			235
Electrology	9	8			17
Manicuring	1,023	1,167			2,190
Esthetician	998	1,048			2,046
Total	6,359	6,184			12,543

* Statistics: July 1, 2009 through December 31, 2009

Examination Results for December 2009

Practical Examinations

Administered	Passed	Failed	No Show	Pass Rate
Barber	38	26	16	59%
Cosmetologist	877	336	233	72%
Esthetician	347	38	46	90%
Electrologist	0	0	0	0%
Manicurist	461	110	69	81%
TOTAL	1,723	510	348	77%

Written Examinations

Administered	Passed	Failed	No Show	Pass Rate
Barber	33	27	16	60%
Cosmetologist	898	442	187	67%
Esthetician	314	178	43	68%
Electrologist	2	1	0	64%
Manicurist	382	182	69	67%
TOTAL	1,629	830	315	66%

WRITTEN EXAMINATION STATISTICS

																	Overall Pass/Fail Rates					
																	p	f	t			
EXAM TYPE	ENGLISH					SPANISH					VIETNAMESE					Eng	Span	Viet	71%	29%		
	PASSED	FAILED	TOTAL	% PASSED	% FAILED	PASSED	FAILED	TOTAL	% PASSED	% FAILED	PASSED	FAILED	TOTAL	% PASSED	% FAILED							
May-09	BARBER	85	27	112	76%	24%	5	0	5	100%	0%	0	0	0	0%	0%	460	187	644			
Jun-09		73	39	112	65%	35%	3	2	5	0%	0%	3	2	5	60%	40%	28	5	33			
Jul-09		65	18	83	78%	22%	6	2	8	75%	25%	4	0	4	100%	0%	11	13	24			
Aug-09		63	14	77	82%	18%	3	0	3	100%	0%	1	3	4	25%	75%	499	205	701	71%	29%	
Sep-09		35	19	54	65%	35%	3	1	4	75%	25%	1	2	3	33%	67%						
Oct-09		51	33	84	61%	39%	2	0	2	100%	0%	0	5	5	0%	100%						
Nov-09		58	10	68	85%	15%	3	0	3	100%	0%	2	1	3	67%	33%						
Dec-09		30	27	54	56%	50%	3	0	3	100%	0%	0	0	0	0%	0%						
	TOTAL	460	187	644	71%	29%	28	5	33	85%	15%	11	13	24	46%	54%						
May-09	COSMETOLOGY	735	398	1133	65%	35%	17	94	111	15%	85%	0	12	12	0%	100%	Eng	6306	2609	8915		
Jun-09		903	441	1344	67%	33%	40	114	154	26%	74%	0	36	36	0%	100%	Span	41	78	119		
Jul-09		916	387	1303	70%	30%	35	113	148	24%	76%	11	59	70	16%	84%	Viet	11	48	59		
Aug-09		730	271	1001	73%	27%	41	78	119	34%	66%	11	48	59	19%	81%				70%	30%	
Sep-09		766	244	1010	76%	24%	32	90	122	26%	74%	9	46	55	16%	84%						
Oct-09		746	313	1059	70%	30%	28	72	100	28%	72%	12	38	50	24%	76%						
Nov-09		673	245	918	73%	27%	34	67	101	34%	66%	10	45	55	18%	82%						
Dec-09		837	310	1147	73%	27%	37	79	116	32%	68%	24	53	77	31%	69%						
	TOTAL	6306	2609	8915	71%	29%	227	707	855	27%	83%	77	337	414	19%	81%						
May-09	MANICURIST	99	66	165	60%	40%	4	2	6	67%	33%	171	183	354	48%	52%	Eng	400	428	1173		
Jun-09		104	78	182	57%	43%	1	2	3	33%	67%	241	192	433	56%	44%	Span	27	16	43		
Jul-09		117	58	175	67%	33%	3	4	7	43%	57%	261	163	424	62%	38%	Viet	876	1173	1576		
Aug-09		80	44	124	65%	35%	5	3	8	63%	38%	203	162	365	56%	44%				47%	58%	
Sep-09		81	51	132	61%	39%	1	1	2	50%	50%	179	114	293	61%	39%						
Oct-09		88	41	129	68%	32%	6	1	7	86%	14%	273	113	386	71%	29%						
Nov-09		75	41	116	65%	35%	4	2	6	67%	33%	308	114	422	73%	27%						
Dec-09		101	49	150	67%	33%	3	1	4	75%	25%	278	132	410	68%	32%						
	TOTAL	400	428	1173	34%	36%	27	16	43	63%	37%	876	1173	1576	56%	74%						
May-09	ESTHETICIAN	332	263	595	56%	44%	0	0	0	0%	0%	1	27	28	4%	96%	Eng	2095	1132	3227		
Jun-09		335	218	553	61%	39%	0	1	1	0%	100%	12	152	164	7%	93%	Span	0	11	11		
Jul-09		333	164	497	67%	33%	0	0	0	0%	0%	34	160	194	18%	82%	Viet	94	430	524		
Aug-09		230	102	332	69%	31%	0	2	2	0%	100%	48	118	166	29%	71%				58%	42%	
Sep-09		222	102	324	69%	31%	0	2	2	0%	100%	83	132	215	39%	61%						
Oct-09		243	104	347	70%	30%	0	4	4	0%	100%	98	116	214	46%	54%						
Nov-09		191	80	271	70%	30%	0	0	0	0%	0%	103	80	183	56%	44%						
Dec-09		209	99	308	68%	32%	0	2	2	0%	100%	105	77	182	58%	42%						
	TOTAL	2095	1132	3227	65%	35%	0	11	11	0%	100%	94	430	524	18%	82%						
May-09	ELECTROLOGY	6	0	6	100%	0%	0	0	0	0%	0%	0	0	0	0%	0%	Eng	20	4	24		
Jun-09		0	1	1	0%	100%	0	0	0	0%	0%	0	0	0	0%	0%	Span	0	0	0		
Jul-09		5	0	5	100%	0%	0	0	0	0%	0%	0	0	0	0%	0%	Viet	0	0	0		
Aug-09		1	0	1	100%	0%	0	0	0	0%	0%	0	0	0	0%	0%				83%	17%	
		1	0	1	100%	0%	0	0	0	0%	0%	0	0	0	0%	0%						
		0	0	0	0%	0%	0	0	0	0%	0%	0	0	0	0%	0%						
		5	2	7	71%	29%	0	0	0	0%	0%	0	0	0	0%	0%						
		2	1	3	67%	33%	0	0	0	0%	0%	0	0	0	0%	0%						
	TOTAL	20	4	24	83%	17%	0	0	0	0%	0%	0	0	0	0%	0%						



State and Consumer Services Agency – Arnold Schwarzenegger, Governor
BOARD OF BARBERING AND COSMETOLOGY
 P.O. Box 944226, Sacramento, CA 94244-2260
 P (800) 952-5210 F (916) 575-7281 www.barbercosmo.ca.gov



**QUARTERLY BARBERING AND COSMETOLOGY
 DISCIPLINARY REVIEW COMMITTEE STATISTICS**

Fiscal Year 09-10

Report Date: December 31, 2009

	September - December*	YTD
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SOUTHERN

Heard	694	999
Received	484	793
Pending ¹	773	773 ²

NORTHERN

Heard	63	131
Received	276	387
Pending ¹	384	384 ²

¹ Pending refers to the number of appeals received but not yet heard by DRC.

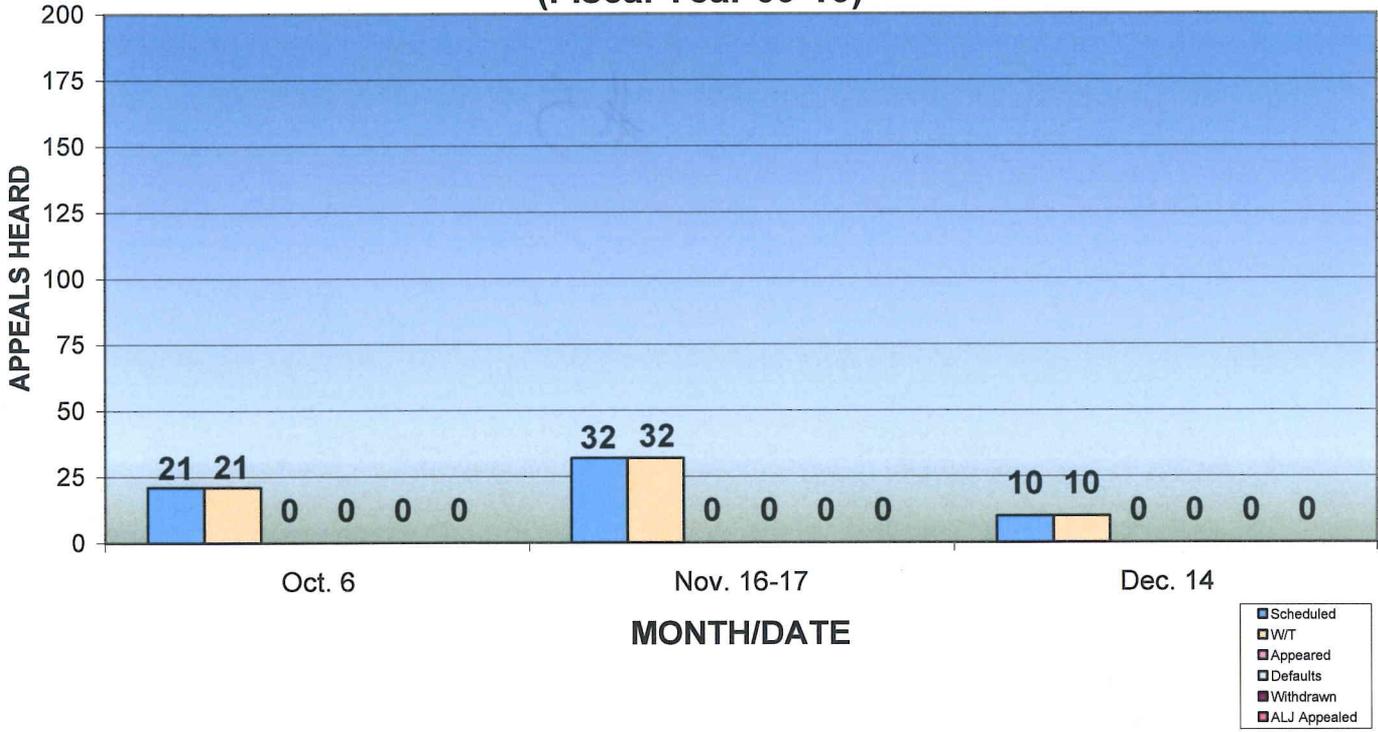
² Figure represents number of pending requests as of report date.

2010 SCHEDULED HEARINGS

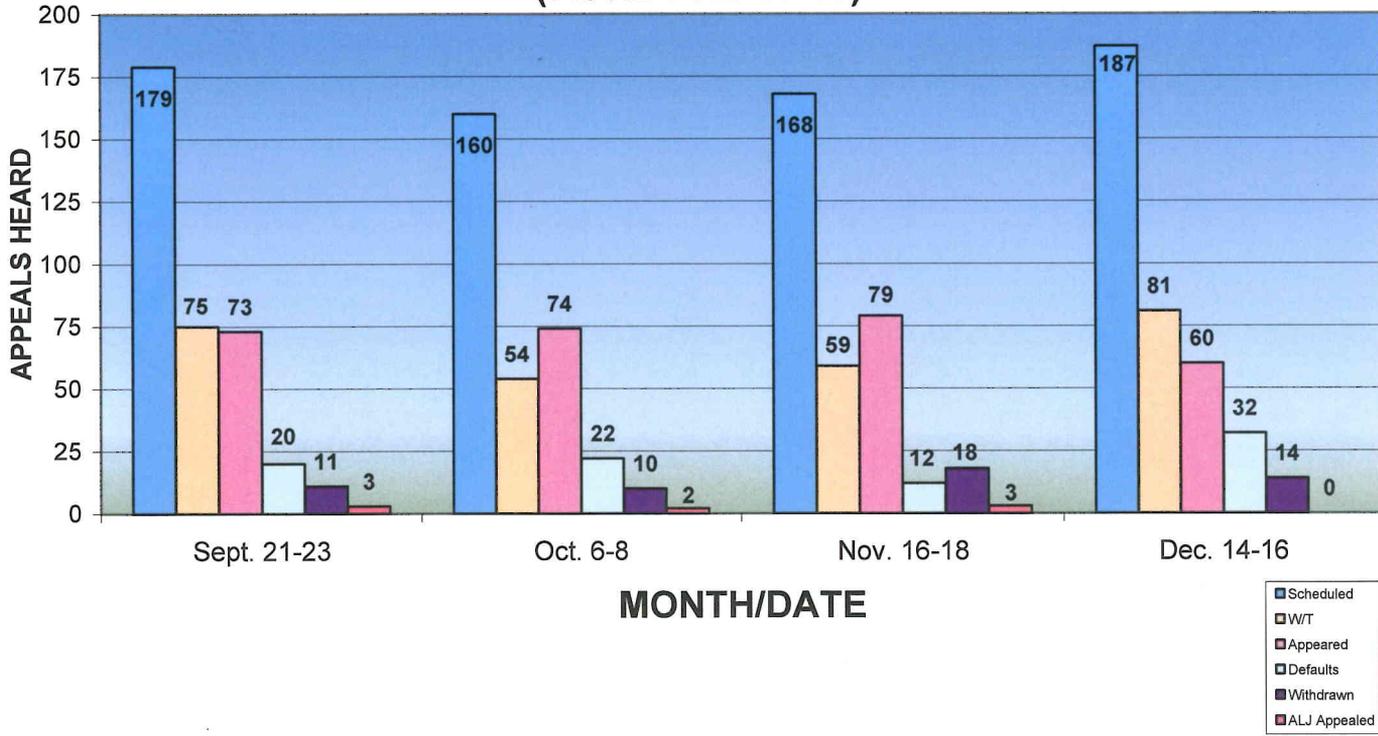
Area	Location	Date
Northern	Santa Clara	January 26-28, 2010
Southern	Los Angeles	February 23-25, 2010
Northern	Sacramento	March 22-24, 2010
Southern	Pomona	April 20-22, 2010
Southern	Los Angeles	May 18-20, 2010
Southern	Los Angeles	June 22-24, 2010

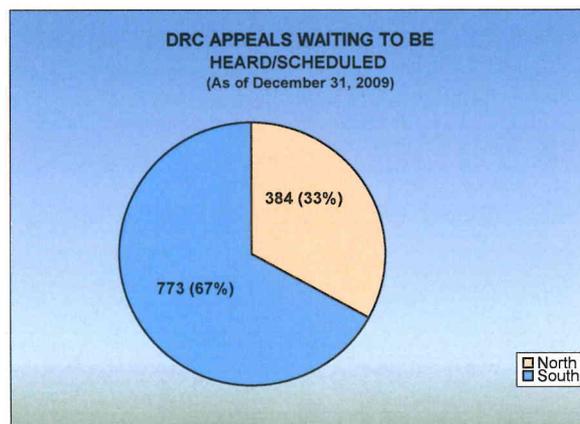
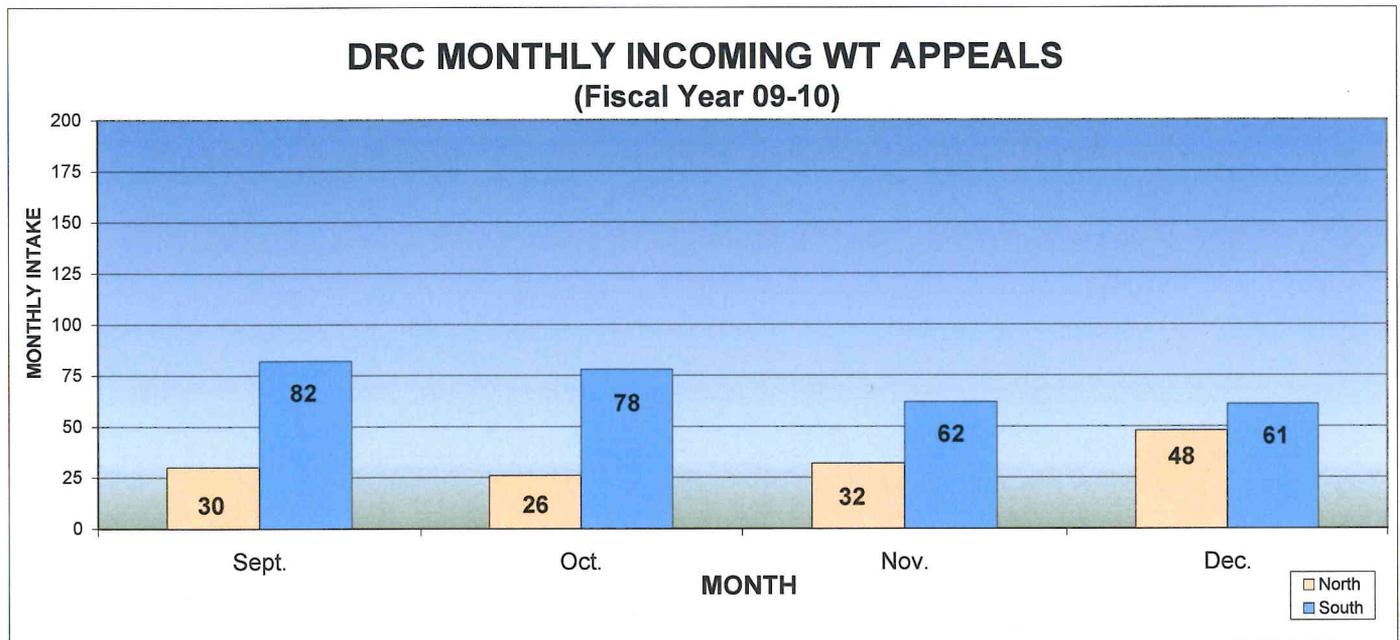
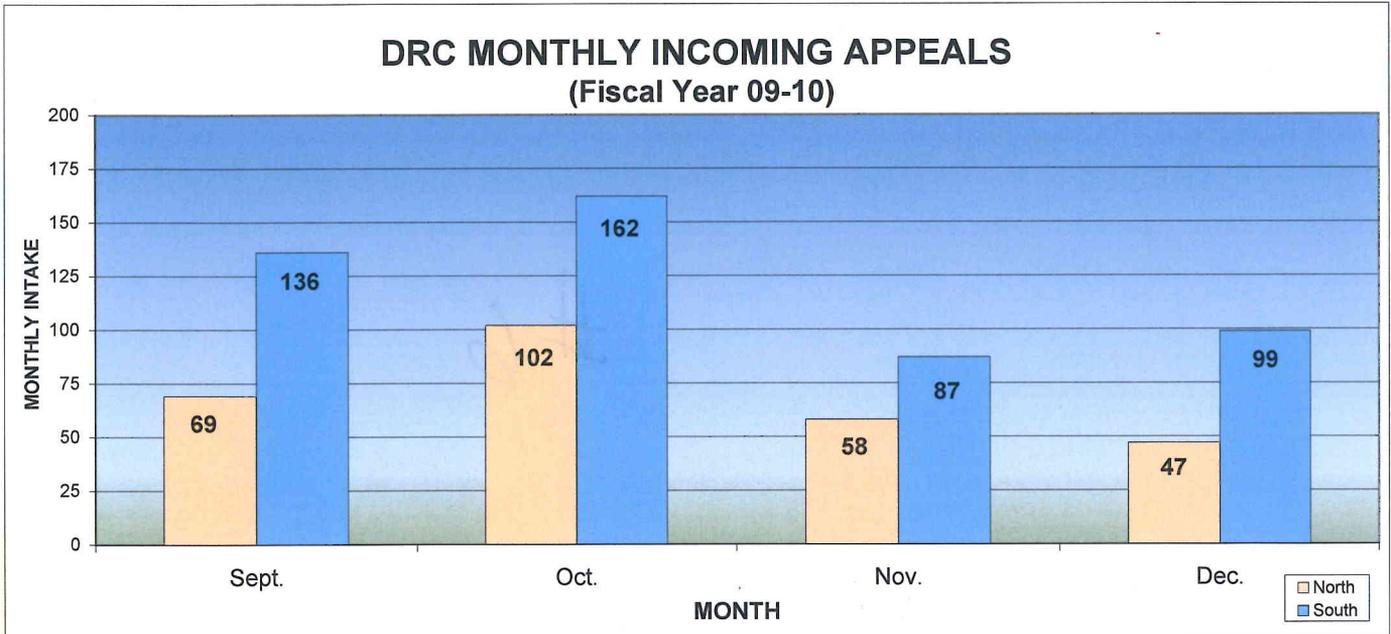
* Reports include four months of data (September - December).

NORTHERN DRC HEARINGS (Fiscal Year 09-10)



SOUTHERN DRC HEARINGS (Fiscal Year 09-10)





**QUARTERLY BARBERING AND COSMETOLOGY
ENFORCEMENT STATISTICS Fiscal Year 09/10
Report Date December 31, 2009**

AGENDA ITEM NO. 8

	Jul-Sept	Oct-Dec	Jan- Mar	Apr-Jun	YTD*
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COMPLAINTS

Complaints Received	753	673			1426
Referred to DOI	4	1			5
Complaints Closed	714	818			1532
Total Complaints Pending	1182	1065			1065

APPLICATION INVESTIGATIONS

Received	313	387			700
Pending	97	119			119
Closed	291	367			658

CITATIONS ISSUED**

Unlicensed	294	62			356
A	2250	639			2889
B	164	62			226
CA	8	3			11
CB	10	2			12
KK	853	219			1072
M	600	144			744
Z	118	38			156
Total	4297	1169			5466

ATTORNEY GENERAL

Referred	16	19			35
Accusations Filed	13	15			28
Statement of Issues Filed	1	2			3
Total Pending	89	91			91

DISCIPLINARY PROCESS

Hearing	0	9			9
Default Decision	8	4			12
Stipulation	12	8			20

DISCIPLINARY OUTCOMES

Revocation	8	7			15
Revoke, Stay, Probation	0	5			5
Revoke, Stay, Suspend/Prob	11	8			19
Revocation, Stay w/ Suspend	0	0			0
Probation Only	0	0			0
Suspension Only	0	0			0
Suspension & Probation	0	0			0
Suspension, Stay, Probation (Imm.Susp.)	10	7			17
Surrender of License	1	1			2
Public Reprimands	0	0			0
License Denied	1	0			1
Other	1	0			1
Total	32	28			60

PROBATION

Active	313	305			305
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* Statistics: July 1, 2009 through December 31, 2009

** Citation Data Available Through October 31, 2009

**Board of Barbering and Cosmetology
Fiscal Year 2009/2010
Projected Expenditures as of 11/30/09**

Personnel Services	Allotment	BBC Projected Expenditures	Projected Year End Balance	Notes
Permanent	3,550,329	3,342,146	208,183	straightline
Expert Examiner	464,259	375,356	88,903	board estimate from blanket report
Temporary	0	170,052	(170,052)	board estimate from blanket report
Statutory-Exempt	74,476	89,258	(14,782)	straightline
Board Member Commission	0	9,600	(9,600)	board estimate from blanket report
Overtime	0	26,529	(26,529)	board estimate from blanket report
Total Salary & Wages	4,089,064	4,012,941	76,123	
Salary Savings	(136,632)		(136,632)	
Net Salary & Wages	3,952,432	4,012,941	(60,509)	
Staff Benefits	1,684,428	1,693,464	(9,036)	py ratio
Total Personnel Services	5,636,860	5,706,405	(69,545)	

Operating Expense & Equipment (OE&E)	Allotment	BBC Projected Expenditures	Projected Year End Balance	Notes
General Expense	159,525	255,795	(96,270)	Straightline
Printing	216,995	167,710	49,285	PY-80K (last year's Eng regs-this year's Viet and Spanish regs)
Communications	105,722	57,458	48,264	PY Ratio
Postage	289,367	320,000	(30,633)	py estimate
Insurance	4,489	2,033	2,456	one time
Travel In-State	80,906	178,005	(97,099)	py estimate
Travel Out-of-State	1,500	1,500	0	full
Training	22,513	9,368	13,145	actual+diversity+idp+1K misc
Facilities Operation	1,327,231	895,373	431,858	840K for rent+50K misc
Consultant & Professional Svs. - Interdept.	125,781	0	125,781	none anticipated
Consultant & Professional Svs. - External	196,947	50,000	146,947	merchant+discover+37K for witness fess
Dept. and Central Admin. Services	5,271,507	5,271,507	0	full pro rata
Consolidated Data Centers	70,088	20,000	50,088	py estimate
Data Processing	36,376	10,383	25,993	py estimate
Examinations	1,604,669	1,765,000	(160,331)	1.3M PSI (py estimate) + 465K NIC (straightline on YTD actual)
Major Equipment	0	56,000	(56,000)	Colored copier, b/w copier
Minor Equipment	17,000	17,000	0	full
Other Items of Expense	7,288	2,400	4,888	Lab Coats
Vehicle Operations	14,772	50,000	(35,228)	py estimate
Enforcement	2,079,108	1,568,018	511,090	straightline
Special Items of Expense	0	175,000	(175,000)	ACLU Settlement (125K), refunds (50K)
Required OE&E Savings	0	221,022	(221,022)	
Total Operating Expense & Equipment	11,631,784	11,093,572	538,212	
Total reimbursements	(57,000)	0	(57,000)	
Total	\$ 17,211,644	\$ 16,799,977	\$ 411,667	

MEMORANDUM

TO: Members of the Board
Board of Barbering and Cosmetology

DATE: January 12, 2010

FROM: Kristy Underwood, Executive Officer
Board of Barbering and Cosmetology

SUBJECT: Report of the Enforcement Committee–Administrative Fine Schedule

On November 30, 2009 the Board's Enforcement Committee met and reviewed the administrative fine schedule. As a result, the Committee is putting forward the attached recommendation for the Board's consideration.

Attachment 1 This attachment is the working document that the Committee utilized to develop recommendations on the fine schedule. The attachment indicates the recommended fine schedule, and the recommendation from the Enforcement Committee Chair and staff that was utilized to facilitate the discussion during the committee meeting.

Attachment 2 This attachment is a simplified version of the committee's recommendation that is being submitted to the Board for review.

Should the Board approve the change to the fine schedule, staff will begin the regulatory process.

Section #	Description	Current	Final Recommendation					Enf. Comm, Chair Rec.				Staff Rec.			
			Change	1 st	2 nd	3rd	Corr	1 st	2 nd	3rd	Corr	1 st	2 nd	3 rd	Corr
7313	Access to Establishment for Inspection	100	Increase	250	500	750	No	25	75	50	Yes	50	100	150	Yes
												-	-	-	-
7317	Unlicensed Establishment	1,000	Reduce 1 st Offense	500	1000	1000	No	500	750	1000	Yes	1000	1000	1000	Yes
												500	750	1000	Yes
7317	Unlicensed Individual	1,000	No Change	1000	1000	1000	No	250	500	750	No	1000	1000	1000	Yes
7317	Expired Establishment License	1,000-	Reduction	250	300	500	No	250	300	500	Yes	250	300	500	Yes
7317	Expired Individual License	1,000	Reduction	250	300	500	No	100	250	500	Yes	250	300	500	Yes
7317	Individual working in Expired Establishment	1,000-	Reduction	25	50	100	No	25	50	100	Yes	250	300	500	Yes
7317	Individual Working in Unlicensed Est.	1,000	Reduction	250	300	500	-	-	-	-	-	-	-	-	-
7320	Practice of medicine	1,000	No Change	1000	1000	1000	No	500	750	100	No	1000	1000	1000	No
												100	250	500	No
7320.1	Use of illegal metal instruments	500	Reduce 1 st Offense	250	500	500	No	150	300	500	No	100	250	500	No
												100	250	500	No
7320.2	Illegal treatment methods	500	No Change	500	500	500	No	200	300	500	No	500	500	500	No
												100	250	500	No
7320.3	Representation as Cosmetologist	100	Elimination				No	75	150	500	Yes	100	250	500	Yes
	Remove – also unlicensed											-	-	-	-
7320.4	Representation as Barber	100	Elimination				No	75	150	500	Yes	100	250	500	Yes
	Remove – also unlicensed											-	-	-	-
7336	No supervision of apprentice	100	Gradual Increase	100	150	200	No	100	150	200	No	100	150	200	No
												25	50	150	No
7347	Establishment license is not valid to person / location Remove – Refer to Unlicensed Est.	100	Elimination				No	250	300	500	Yes	100	150	200	Yes
												500	750	1000	Yes
7348	No licensee in charge of establishment	100	Increase	100	150	200	No	50	100	250	No	100	150	200	No
												25	50	150	Yes
*7349	Employing unlicensed persons	1,000	No Change	1000	1000	1000	No	250	500	1000	No	1000	1000	1000	No
												500	750	1000	N/Y
7349.1	Illegal use of a barber pole	100	Reduction	25	50	100	No	50	100	150	Yes	50	100	150	Yes

Final Recommendation

Enf. Comm, Chair Rec.

Staff Rec.

25	50	150	Yes
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Section	Description	Current	Change	1st	2 nd	3 rd	Corr	1 st	2 nd	3rd	Corr	1st	2nd	3rd	Corr
7350	Establishment - residential use / entrance / prohibited use	100	Reduction	50	100	150	No	50	100	150	Yes	50	100	150	Yes
												25	50	150	Yes
7351	Restroom requirement - clean / storage / floor / vented	100	Reduction	50	100	150	No	50	100	150	Yes	50	100	150	Yes
												25	50	150	Yes
7352	No soap / towels in hand washing facilities	100	Reduction	50	100	150	No	50	100	150	Yes	50	100	150	Yes
7358	No licensee in charge of mobile unit	100	Gradual Increase	100	150	200	No	100	250	500	No	100	150	200	No
												25	50	150	Yes
7359	Employing unlicensed persons in mobile unit	1,000	No Change	1000	1000	1000	No	500	750	1000	No	1000	1000	1000	No
												500	750	1000	N/Y
7360	Mobile unit - residential use / entrance / prohibited use	100	Reduction	50	100	150	No	50	100	150	Yes	50	100	150	Yes
												25	50	150	Yes
7400	No change of address notice filed	100	Reduction	50	100	150	No	25	50	100	Yes	50	100	150	Yes
												-	-	-	-
7404(l)	Interference with Inspection		New	200	300	500	No	100	150	200	No	100	150	200	No
904(a)	Health and safety rules not posted <u>Strike</u>	100	Combine with 905									-	-	-	-
												-	-	-	-
904(d)	No photographic identification available	100	Reduction	50	100	150	No	50	150	300	Yes	50	100	150	Yes
												50	150	300	No
905	Consumer info. - not posted / incorrect size of print	100	Reduction	50	100	150	No	50	100	150	Yes	50	100	150	Yes
												25	50	150	Yes
920	Apprentice training records not available / incomplete	100	Gradual Increase	100	150	200	No	50	100	150	No	50	100	150	No
												25	50	150	Yes
965(a)	License not displayed at work station	100	Reduction	50	100	150	No	50	100	150	Yes	50	100	150	Yes
												25	50	150	Yes
965(b)	Establishment license not posted in reception area	100	Reduction	50	100	150	No	50	100	250	Yes	100	150	200	Yes

Section #	Description	Current	Final Recommendation				Enf. Comm, Chair Rec.				Staff Rec.				
			Change	1st	2 nd	3 rd	Corr	1st	2nd	3rd	Corr	25	50	150	Yes
965(c)	Display of expired / invalid license	100	Reduction	50	100	150	No	50	100	250	Yes	50	100	150	Yes
												25	50	150	Yes
978(a)(1)	Waste receptacle not covered	100	Reduction	50	100	150	No	50	100	150	Yes	50	100	150	Yes
												-	-	-	-
978(a)(2)	Closed receptacles for soiled towels / gowns / sheets	100	Reduction	50	100	150	No	50	100	150	Yes	50	100	150	Yes
												-	-	-	-
978(a)(3)	Closed cabinet for clean sheets	100	Reduction	50	100	150	No	50	100	150	Yes	50	100	150	Yes
												-	-	-	-
978(a)(4)	No disinfectant container	100	Gradual Increase	100	150	200	No	50	100	150	Yes	50	100	150	Yes
												25	50	150	Yes
978(a)(5)	Insufficient disinfectant in container for total immersion	100	Gradual Increase	100	150	200	No	100	150	250	No	100	150	200	No
												25	50	150	Yes
978(a)(6)	No steam / dry heat sterilizer for electrology instruments	100	Increase	500	1000	1500	No					500	500	500	No
												50	150	300	Yes
978(b)	No disinfectant solution available for use	500	Reduction	250	300	500	No	250	300	500	No	250	300	500	No
												25	50	150	Yes
978(c)	No manufacturer-labeled container for disinfectant	500	Reduction	250	300	500	No	250	300	500	No	250	300	500	No
												25	50	150	Yes
979(a)	Non-electrical items not disinfected properly	500	Reduction	100	250	500	No	100	250	500	Yes	100	250	500	Yes
												100	250	500	No
979(b)	Disinfectant not changed / covered	100	Gradual Increase	100	150	200	No	100	150	250	Yes	100	150	200	Yes
												25	50	150	Yes
979(c)	Soiled non-electrical instruments not in labeled receptacle	100	Reduction	50	100	150	No	50	100	150	Yes	50	100	150	Yes
												25	50	150	Yes
979(d)	Incorrect storage of non-electrical disinfected items clean / covered /labeled	100	Reduction	50	100	150	No	50	100	150	Yes	50	100	150	Yes
												25	50	150	Yes

Section #	Description	Current	Final Recommendation				Enf. Comm, Chair Rec.				Staff Rec.				
			Change	1st	2 nd	3 rd	Corr	1st	2nd	3rd	Corr	1st	2nd	3rd	Corr
980(a)	Incorrect disinfection of electrical items	500	Reduction	100	250	500	No	100	250	500	No	100	250	500	Yes
												25	50	150	Yes
980(b)	Incorrect storage of electrical disinfected items	500	Reduction	50	100	150	No	50	100	150	Yes	50	100	150	Yes
												25	50	150	Yes
980.1	Incorrect disinfection of pedicure spas (per chair)	500	No Change	500	500	500	No	250	350	500	No	500	500	500	No
												100	250	500	No
980.1 (c)(7) (d)(8) (e)(4)	Incorrect/missing log		New	100	150	200	No	100	150	250	Yes	100	150	200	Yes
												-	-	-	-
980.2	Incorrect disinfection of "Pipe-Less" footspas (per unit)	500	No Change	500	500	500	No	250	350	500	No	500	500	500	No
												-	-	-	-
980.2 (b)(7) (c)(6) (d)(3)	Incorrect/missing log		New	100	150	200	No	100	150	250	Yes	100	150	200	Yes
												-	-	-	-
980.3	Incorrect disinfection of "Non-Whirlpool Foot Basin" (per unit)	500	Reduction	100	150	200	No	100	150	250	No	100	150	200	Yes
												-	-	-	-
980.3(b)(6)	Incorrect/missing log		New	50	100	150	No	100	150	250	Yes	50	100	150	Yes
												-	-	-	-
981(a)	No disposal of non-disinfected items	100	Gradual Increase	100	150	200	No	50	150	250	No	100	150	200	No
												25	50	150	Yes
981(b)	Carry instruments or supplies in or on garments	100	Reduction	50	100	150	No	50	75	150	Yes	50	100	150	Yes
												25	50	150	Yes
982	Incorrect sterilization of electrology instruments	100	Gradual Increase	100	150	200	No	100	150	250	No	100	150	200	No
												100	250	500	No

Section #	Description	Current	Final Recommendation				Enf. Comm, Chair Rec.				Staff Rec.				
			Change	1st	2 nd	3 rd	Corr	1st	2nd	3rd	Corr	1st	2nd	3rd	Corr
983(a)	Person / attire not clean	100	Eliminate	50	100	150	No	50	100	150	Yes	50 25	100 50	150 150	Yes Yes
983(b)	Not washing hands before services	100	Reduction	50	100	150	No	50	150	250	No	50 25	100 50	150 150	No Yes
984	Work on person with infectious / communicable disease	100	Gradual Increase	100	250	500	No	100	250	500	No	100 100	150 250	200 500	No Yes
985	No use of neck strips or towel	100	Reduction	50	100	150	No	50	100	150	Yes	50 -	100 -	150 -	Yes -
986	Neck dusters / brushes not clean - sanitary	100	Reduction	50	100	150	No	50	100	250	No	50 -	100 -	150 -	Yes -
987(a)	Towels not covered / laundered	100	Reduction	50	100	150	No	50	100	150	Yes	50 -	100 -	150 -	Yes -
987(b)	Incorrect method of laundering towels	100	Reduction	50	100	150	No	50	100	150	Yes	50 -	100 -	150 -	Yes -
987(c)	Clean towels not stored in clean cabinets	100	Reduction	50	100	150	No	50	100	150	Yes	50 -	100 -	150 -	Yes -
988(a)	Cosmetics not in clean / closed containers	100	Reduction	50	100	150	No	50	100	150	Yes	50 25	100 50	150 150	Yes No
988(b)	Containers not labeled / no poison label	100	Reduction	50	100	150	No	50	100	150	No	50 25	100 50	150 150	Yes No
988(c)	Removing cosmetic preparations causing contamination	100	Gradual Increase	100	150	200	No	50	100	250	No	100 25	150 50	200 150	Mp No
988(d)	Cosmetic pencils not sharpened before use	100	Reduction	50	100	150	No	50	100	150	No	50 25	100 50	150 150	Yes No
989	Prohibited hazardous substance / use of product	500	No Change	500	500	500	No	250	500	500	No	500 25	500 50	500 150	No Yes
990(a)	Headrest not clean / covered	100	Reduction	50	100	150	No	50	100	150	Yes	50	100	150	Yes

Section #	Description	Current	Final Recommendation				Enf. Comm, Chair Rec.				Staff Rec.				
			Change	1st	2 nd	3 rd	Corr	1st	2nd	3rd	Corr	1st	2nd	3rd	Corr
990(b)	Shampoo bowls not clean / repaired	100	Reduction	50	100	150	No	50	100	150	Yes	-	-	-	-
990(c)	Treatment tables not clean /covered	100	Reduction	50	100	150	No	50	100	150	Yes	50	100	150	Yes
991	Performing invasive procedures	500	No Change	500	500	500	No	250	500	500	No	-	-	-	-
992	Performing invasive skin peeling / dermis	500	No Change	500	500	500	No	250	500	500	No	500	500	500	No
993(a)	Illegal instruments on premises - razor edged tools	500	Reduction	300	400	500	No	100	250	500	No	-	-	-	-
993(b)	Illegal instruments on premises - needle like instruments	500	Reduction	300	400	500	No	100	250	500	No	100	250	500	No
994(a)	Floors / walls / equipment not in clean condition	100	Reduction	50	100	150	No	50	100	150	Yes	50	100	150	Yes
994(b)	Accumulation of waste	100	Reduction	50	100	150	No	50	100	150	Yes	50	100	150	Yes
995(b)	No hot / cold running water in area / room	100	Reduction	50	100	150	No	50	100	150	Yes	50	100	150	Yes
995(c)	No potable drinking water / cups	100	Reduction	50	100	150	No	50	100	150	Yes	25	150	300	Yes
995(d)	Hand washing facilities - no running water / location	100	Reduction	50	100	150	No	50	150	250	Yes	50	100	150	Yes
995(e)	No public restroom located on premises	100	Reduction	50	100	150	No	50	150	250	Yes	25	150	300	Yes

Blue=Proposed Fine Schedule
Red=Prior fine schedule
Green=Chairs suggestions
Purple=Final Committee Proposal
 - = prior fine did not exist



Board of Barbering and Cosmetology
PO Box 944226, Sacramento, CA 94244
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MEMORANDUM

DATE: January 24, 2010

TO: Members of the Board
Board of Barbering and Cosmetology

FROM: Kristy Underwood, Executive Officer
Board of Barbering and Cosmetology

SUBJECT: Review and Approval of Final Regulatory Language for Barbering, Manicuring, electrology and Extern Curriculums

On Monday, January 4, 2010, staff held a public hearing on the Board's proposed changes to the barbering, manicuring, electrology and extern curriculums. The event was sparsely attended, with only one school representative offering comments on the proposed language with regard to barbering. The only other comment on the proposed changes was in the form of an e-mail and concerned the Board's proposed elimination of the extern curriculums. No comments were received on either the electrology or manicuring curriculums.

Attached is the proposed language as it was approved by the Board on October 4, 2009, a draft final statement of reasons containing a summary of public comments and draft responses to them, as well as copies of the comments themselves. If the Board elects to modify the proposed language as it now reads, a 15-day notice period will be necessary to allow public comment on those modifications.

BOARD OF BARBERING AND COSMETOLOGY
FINAL STATEMENT OF REASONS

Hearing Date: January 4, 2010

Subject Matter of Proposed Regulations:

Sections Affected: California Code of Regulations, Title 16, Division 9, Sections 950.1, 950.4, 950.5 and 962.3, 962.4, 962.5, 962.6.

Updated Information

The Initial Statement of Reasons is included in the file. No changes have been made which would warrant an update to the initial statement of reasons.

Local Mandate

A mandate is not imposed on local agencies or school districts.

Small Business Impact

This action will have no significant adverse impact on small business

Consideration of Alternatives

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Board would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation.

Summary of and Responses to Comments Received During the 45-day Comment Period

Comment #1

Dennis E. Jones, owner of Stockton Barber College, Stockton, CA

Mr. Jones objects to many of the changes proposed for the barbering curriculum as more fitting for a cosmetologist than a barber. His specific objections to each

proposed section are as follows:

(1) Under "Hairstyling": Finger waving, pin curling and comb-outs are not taught at barbering school

(1) Under "Hair Coloring and Bleaching": the use of semi-permanent, demi-permanent and temporary colors; formula mixing; high and low lights; use of dye removers; are not taught at barbering schools.

(1) Under "Hair Cutting:": The minimum 20 hours of technical instruction in hair cutting. Mr Jones says more hours are needed.

(2) Under Preparation and Performance: Preparing the client's hair for shaving; "antiseptic" after-shave; rolling cream massages. Mr. Jones objects to the inclusion of these terms

(3) Under Anatomy and Physiology: Human anatomy; physiology are not appropriate subjects for barbering school

Board Response: The Board accepts these comments and will modify the barbering curriculum.

Comment #2

Derek Azzaro

Mr. Azzaro's specific complaints regarding the proposed regulations are difficult to pin down, but he appears to object to the extern program and its curriculums in general because he feels it allows salons to use unpaid workers and takes the responsibility for educating students away from the schools.

Board Response: The Board rejects these comments as outside of the scope of this rulemaking. The B&P Code authorizes the existence of extern programs and requires that externs be unpaid. Moreover, extern programs, or internship programs as they are know in other trades and professions, are a common tool for giving students experience in the workplace in their chosen occupation.

DEPARTMENT OF CONSUMER AFFAIRS
 BOARD OF BARBERING AND COSMETOLOGY
Title 16, Division 9, California Code of Regulations

Specific Language

LEGEND	
<u>Underlined</u>	Indicates proposed amendments or additions to the existing regulation.
Strikeout	Indicates proposed deletions to the existing regulation.

The Board hereby amends Section 950.1 of Article 7 to read as follows:

950.1 Curriculum for Barbering Course.

~~(a) The curriculum for students enrolled in a barbering course shall consist of fifteen hundred (1500) clock hours of technical instruction and practical operations covering all practices constituting the art of barbering pursuant to Section 7316 of the Barbering and Cosmetology Act.~~

~~(b) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operation shall mean the actual performance by the student of a complete service on another person or on a mannequin.~~

~~(c) The course of instruction in the practical phases of barbering required for a student enrolled in a 1,500-hour course shall cover not less than 1,300 hours including training in basic haircutting and in hairstyling of all textures of hair at the discretion of the school owner or instructor. The practical training shall include performance of the following minimum practical operations:~~

Subject	Minimum Practical Operations
(1) Haircuts and Hairstyles	750
(2) Shaves	40
(3) Rest Facials	20
(4) Shampoos	25
(5) Scalp Manipulations	20
(6) Hair Waving and Curling	20
(7) Hair Coloring and Tinting	5
(8) Hair Processing and Relaxing	5
(9) Application of chemicals used on the hair; hairpieces; measuring, fitting and servicing of hairpieces and rolling cream massages.	

~~All students shall receive sufficient instruction and training in the subjects listed in this section to properly prepare them to apply for and take the examination given by the board and to provide barber services in an establishment.~~

(d) The course of instruction in the theory of barbering required for a student enrolled in a 1,500-hour course shall cover not less than 80 hours of instruction in the subjects listed in Section 7316(a) of the code, including razor cutting, hair processing, blow waving and sales techniques. The theory instruction shall include training in sales techniques which may be completed in theory training or practical training at the discretion of the school owner or instructor. The course of instruction shall also include 20 hours of technical instruction in the area of hazardous substances (shall be the course developed by the Board of Barbering and Cosmetology as provided by Section 7389).

(e) The course of instruction required for a student enrolled in a 1,500-hour course shall cover not less than 120 hours allotted to the practical and/or the theoretical phases of the course in such manner as the owner or instructor considers necessary in the individual case.

(f) A student shall be properly instructed to cut the hair of and render barber services to all patrons.

(a) The curriculum for students enrolled in a barbering course shall consist of fifteen hundred (1500) hours of technical instruction and practical training covering all practices of a barber pursuant to Section 7316 of the Barbering and Cosmetology Act.

(b) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operations shall mean the actual performance by the student of a complete service on another person or on a mannequin. Practical training shall mean the time it takes to perform a practical operation. Technical instruction and practical training shall include the following hours:

(1) 1100 Hours of Technical Instruction and Practical Training in Hair Dressing

The required subjects of instruction in Hair Dressing shall be completed with the minimum hours of technical instruction and practical operations for each subject-matter as follows:

Hairstyling (65 hours of Technical Instruction and 240 Practical Operations):

The subject of Hairstyling shall include, but is not limited to, the following techniques and procedures: Hair analysis, shampooing, finger waving, pin curling, comb outs, straightening, waving, curling with hot combs and hot curling irons and blower styling.

Permanent Waving and Chemical Straightening (40 hours of Technical Instruction and 105 Practical Operations):

The subject of Permanent Waving and Chemical Straightening shall include, but is not limited to, the following techniques and procedures: Hair analysis, acid and alkaline permanent waving, chemical straightening including the use of sodium hydroxide and other base solutions.

Hair Coloring and Bleaching (60 hours of Technical Instruction and 50 Practical Operations):

The subject of Hair Coloring and Bleaching shall include, but is not limited to, the following techniques and procedures (also including, the use of semi-permanent, demi-permanent and temporary colors): Hair analysis, predisposition and strand tests, safety precautions, formula mixing, tinting, bleaching, high and low lights, and the use of dye removers

Hair Cutting (20 hour of Technical Instruction and 80 Practical Operations):

The subject of Hair Cutting shall include, but is not limited to, the following techniques and procedures: Use of scissors, razor (shaper), electrical clippers/trimmers, and thinning (tapering) shears for wet and dry cutting.

(2) 200 Hours of Technical Instruction and Practical Training in Shaving

The required subjects of instruction in Shaving shall be completed with the minimum hours of technical instruction and practical operations for each subject-matter as follows:

Preparation and Performance (100 hours of Technical Instruction and 40 Practical Operations)

The subject of Preparation and Performance shall include, but is not limited to the following techniques and procedures: Preparing the client's hair for shaving, assessing the condition of the clients skin, performing shaving techniques, applying after-shave antiseptic following facial services, massaging the client's face, rolling cream massages.

(3) 200 Hours of Technical Instruction in Health and Safety

The required subjects of instruction in Health and Safety shall be completed with the minimum hours of technical instruction for each subject-matter as follows:

Laws and Regulations (20 hours of Technical Instruction)

The subjects of Laws and Regulations shall include, but is not limited to, the following issues: The Barbering and Cosmetology Act and the Board's Rules and Regulations.

Health and Safety Considerations (45 hours of Technical Instruction)

Health and Safety/hazardous substances including training in chemicals and health in establishments, material safety data sheets, protection from hazardous chemicals and preventing chemical injuries, health and safety laws and agencies, bacteriology and preventing communicable diseases including HIV/AIDS and Hepatitis B.

Disinfection and Sanitation (20 hours of Technical Instruction)

The subject of Disinfection and Sanitation shall include, but is not limited to the following techniques and procedures: Disinfection and sanitation including proper procedures to protect the health and safety of the consumer as well as the technician, proper disinfection procedures for equipment used in establishments.

Disinfection shall be emphasized throughout the entire training period and must be performed before use of all instruments and equipment.

Anatomy and Physiology (15 hours of Technical Instruction)

The subjects of Anatomy and Physiology shall include, but is not limited to the following issues: Human Anatomy, Human Physiology.

(c) The Board recommends that schools provide training in the area of communication skills that includes professional ethics, salesmanship, client record-keeping, decorum, basic tax information relating to booth renters, independent contractors, employees, and employers.

NOTE: Authority cited: Section 7312 and 7362(b), Business and Professions Code. Reference: Sections 7316, 7321.5(d)(1), 7362.5(a) and 7389, Business and Professions Code.

The Board hereby amends Section 950.4 of Article 7 to read as follows:

950.4. Curriculum for Nail Care Course.

~~(a) The curriculum for students enrolled in a nail care course shall consist of four hundred (400) clock hours of technical instruction and practical operations covering all practices of a manicurist, pursuant to Section 7316 of the Barbering and Cosmetology Act.~~

~~(b) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operation shall mean the actual performance by the student of a complete service on another person or on a mannequin. Such technical instruction and practical operations shall include:~~

	Minimum Hours of Technical Subject Instruction	Minimum Practical Operations
(1) The Barbering and Cosmetology Act and the Board's Rules and Regulations.	10	
(2) Cosmetology Chemistry related to manicuring practices. (Shall include the chemical composition and purpose of nail care preparations.)	10	
(3) Health and Safety/Hazardous Substances (Shall include training in chemicals and health in establishments, material safety data sheets, protection from hazardous chemicals and preventing chemical injuries, health and safety laws and agencies, ergonomics, and communicable diseases, including HIV/AIDS and Hepatitis B.)	15	
(4) Disinfection and sanitation (Shall include procedures to protect the health and safety of the consumer as well as the technician. The ten required minimum operations shall entail performing all necessary functions for disinfecting instruments and equipment as specified in Sections 979 and 980. Disinfection should be emphasized throughout the entire training period and must be performed before use of all instruments and equipment.)	10	10
(5) Bacteriology, anatomy and physiology.	10	
(6) Water and oil manicures, including hand and arm massage.	15	40

(7) Complete pedicure, including foot and ankle massage.	10	20
(8) Application of Artificial Nails		
(A) Acrylic Liquid and powder brush-ons	15	80 Nails
(B) Nail tips	10	60 Nails
(C) Nail wraps and repairs	5	40 Nails

~~(c) The board recommends that schools provide training in the area of communication skills that includes professional ethics, salesmanship, decorum, record keeping, and client service record cards.~~

~~(d) No credit of any type shall be given for time spent in laundering towels or in washing or scrubbing floors, walls, woodwork, toilets, or windows.~~

(a) The curriculum for students enrolled in a nail care course shall consist of not less than five hundred (500) hours of technical instruction and practical training covering all practices of a manicurist, pursuant to Section 7316 of the Barbering and Cosmetology Act.

(b) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operations shall mean the actual performance by the student of a complete service on another person or on a mannequin. Practical training shall mean the time it takes to perform a practical operation. Technical instruction and practical training shall include the following hours:

(1) 300 Hours of Technical Instruction and Practical Training in Nail Care

The required subjects of instruction in Nail Care shall be completed with the minimum hours of technical instruction and practical operations for each subject matter as follows:

Manicures and Pedicures (60 hours of Technical Instruction, 60 Practical Operations and 180 nails)

The subject of Manicures and Pedicures shall include, but is not limited to, the following techniques and procedures: Water and oil manicures including hand and arm massage, complete pedicure including foot and ankle massage, application of artificial nails including liquid, gel, and powder brush-ons, nail tips, nail wraps and repairs, and nail analysis.

(2) 200 Hours of Technical Instruction and Practical Training in Health and Safety

The required subjects of instruction in Health and Safety shall be completed with the minimum number of hours of technical instruction and practical operations for each subject-matter as follows:

Laws and Regulations (10 hours of Technical Instruction)

The subject of Laws and Regulations shall include, but is not limited to, the following issues: The Barbering and Cosmetology Act and the Board's Rules and Regulations.

Health and Safety Considerations (15 hours of Technical Instruction)

The subject of Health and Safety shall include, but is not limited to, the following techniques and procedures: Chemistry pertaining to the practices of a manicurist including the chemical composition and purpose of nail care preparations. Health and Safety/Hazardous Substances, including training in chemicals and health in establishments, material safety data sheets, protection from hazardous chemicals and preventing chemical injuries, health and safety laws and agencies, ergonomics, and communicable diseases, including HIV/AIDS and Hepatitis B.

Disinfection and Sanitation (10 hours of Technical Instruction and 10 Practical Operations)

The subject of Disinfection and Sanitation shall include, but is not limited to, the following techniques and procedures: Procedures to protect the health and safety of the consumer as well as the technician.

The ten required minimum operations shall entail performing all necessary functions for disinfecting instruments and equipment as specified in Sections 979 and 980. Disinfection shall be emphasized throughout the entire training period and must be performed before use of all instruments and equipment, with special attention given to pedicure foot spa and basin disinfection procedures detailed in Sections 980.1, 980.2 and 980.3.

Bacteriology, Anatomy and Physiology (10 hours of Technical Instruction)

The subjects of Anatomy and Physiology shall include, but is not limited to the following issues: Bacteriology, anatomy, physiology, and nail analysis and conditions.

(c) The Board recommends that schools provide training in the area of communication skills that includes professional ethics, salesmanship, decorum, record keeping, client service record cards, basic tax responsibilities related to independent contractors, booth renters, employees, and employers.

Note: Authority cited: Sections 7312, 7362 and 7365, Business and Professions Code. Reference: Sections 7316(c)(2)), 7326(d)(1), 7362, 7365 and 7389, Business and Professions Code.

The Board hereby amends Section 950.5 of Article 7 to read as follows:

950.5. Curriculum for Electrolysis Course.

~~(a) The curriculum for students enrolled in an electrolysis course shall consist of six hundred (600) clock hours of technical instruction and practical operations covering all practices of an electrologist pursuant to Section 7316 of the Barbering and Cosmetology Act.~~

~~(b) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operation shall mean the actual performance by the student of a complete service on another person. Such technical instruction and practical operations shall include:~~

Electrolysis Course Technical Instruction and Practical Operations

Subject	Minimum Hours of Technical Instruction	Minimum Practical Operations
(1) The Barbering and Cosmetology Act and the Board's Rules and Regulations.	10	

Electrolysis Course Technical Instruction and Practical Operations

Subject	Minimum Hours of Technical Instruction	Minimum Practical Operations
(2) Health and Safety/Hazardous Substances (Shall include training in chemicals and health in establishments, material safety data sheets, protection from hazardous chemicals and preventing chemical injuries, health and safety laws and agencies, ergonomics, and communicable diseases, including HIV/AIDS and Hepatitis B.)	10	-
(3) Sanitation, disinfection and sterilization (Shall include procedures to protect the health and safety of the consumer as well as the technician. The ten required minimum operations shall entail performing all necessary functions for disinfecting instruments and equipment as specified in Sections 979 and 980. Disinfection should be emphasized throughout the entire training period and must be performed before use of all instruments and equipment.)	25	10
(4) Bacteriology, anatomy and physiology.	25	-
(5) Electricity (Shall include the nature of electrical current, principles of operating electrical devices, and the various safety precautions used when operating electrical equipment.)	15	-
(6) Electrolysis (Shall include the use and study of galvanic current.)	25	45
(7) Thermolysis (Shall include the use and study of high frequency current automatic and manual.)	25	60
(8) A combination of high frequency and galvanic currents	25	60

(c) The board recommends that schools provide training in the area of communication skills that includes professional ethics, salesmanship, decorum, record keeping, and client service record cards.

(d) No credit of any type shall be given for time spent in laundering towels or in washing or scrubbing floors, walls, woodwork, toilets, or windows.

(a) The curriculum for students enrolled in an electrology course shall consist of six hundred (600) hours of technical instruction and practical training covering all practices constituting the art of electrology pursuant to section 7316 of the Barbering and Cosmetology Act.

(b) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operations shall mean the actual performance by the student of a complete service on another person. Practical training shall mean the time it takes to perform a practical operation. Technical instruction and practical training shall include the following hours:

(1) 400 Hours of Technical Instruction and Practical training in Electrolysis, Thermolysis, Blend/Dual Modality and Electricity

The required subjects of instruction in electrolysis, thermolysis, blend/dual modality and electricity shall be completed with the minimum hours of technical instruction and practical operations for each subject-matter as follows:

Electrolysis (45 hours of Technical Instruction and 60 Practical Operations)

The subject of Electrolysis shall include the study of epilation using single and multiple-needle insertion techniques, the use of galvanic current, skin reactions and anaphoresis and cataphoresis, and evaluating a client's health history for compatibility with electrolysis treatments.

Thermolysis (45 hours of Technical Instruction and 60 Practical Operations)

The subject of Thermolysis shall include the study of epilation using automatic and manual thermolysis equipment, insertion techniques, the use of high frequency current in both high and low intensities, skin reactions, and evaluating a client's health history for compatibility with thermolysis treatments.

Blend/Dual Modality (45 hours of Technical Instruction and 60 Practical Operations)

The subject of Blend/Dual Modality shall include the study of epilation using a combination of high frequency and galvanic currents, insertion techniques, skin reactions and anaphoresis and cataphoresis, and evaluating a client's health history for compatibility with blend/dual Modality treatments

Electricity (15 hours of Technical Instruction)

The subject of Electricity shall include the nature of electrical current; principles of operating electrical devices; various safety precautions to be applied when operating electrical equipment, and proper maintenance of equipment.

(2) 200 Hours of Technical Instruction in Health and Safety

The required subjects of instruction in Health and Safety shall be completed with the minimum hours of technical instruction for each subject-matter as follows:

Laws and Regulations (20 Hours of Technical Instruction)

The subject of Laws and Regulations shall include, but is not limited to, the following issues: The Barbering and Cosmetology Act and the Board's Rules and Regulations.

Health and Safety Considerations (45 Hours of Technical Instruction)

The subject of Health and Safety shall include, but is not limited to, bacteriology, and HIV/AIDS, hepatitis, herpes, staphylococcal infections and other communicable diseases and their prevention, ergonomics, electrical safety and Material Safety Data Sheets.

Sterilization (20 Hours of Technical Instruction)

The subject of Sterilization shall include, but is not limited to, the study of proper procedures and techniques for protecting the health and safety of the consumer as well as the technician, and sanitizing equipment used in establishments.

Sterilization and sanitation shall be emphasized throughout the entire training period and must be performed on all instruments and equipment before use. Sterilization times and dates should be monitored and be recorded.

Anatomy and Physiology (20 Hours of Technical Instruction)

The subjects of Anatomy and Physiology shall include but is not limited to human anatomy and physiology, dermatology and the analysis of skin and hair, and the study of the circulatory, nervous, and endocrine systems.

(c) The Board recommends that schools provide training in the area of communication skills that includes professional ethics, consultation, pre- and post-treatment care, salesmanship, decorum, record keeping, client service records, business skills, and basic tax information relating to independent contractors, employees and employers.

NOTE: Authority cited: Sections 7312 and 7362, Business and Professions Code. Reference: Sections 7316(d), 7330(d)(1), 7362, 7366, and 7389, Business and Professions Code

The Board hereby deletes Section 962.3 of Article 8.5 as follows:

~~962.3 Externship Curriculum for Cosmetology Students.~~

~~(a) Total clock hour credit toward graduation for a student extern participating in a cosmetology externship program is limited to 160 hours.~~

~~(b) For purposes of this section, technical instruction shall mean instruction by demonstration, lecture, student extern participation or examination; practical operations required shall mean the actual performance by the student extern of a complete service on another person. Technical instruction and practical operations required to be covered in the externship program for cosmetology student externs, as well as the maximum credit to be gained in each area, include:~~

	Maximum Hours of Technical Instruction	Maximum Practical Operations
Disinfection and Sanitation	2	4
Wet Hair Styling	40	20
Thermal Hair Styling	40	40
Press and Curl	0	3

Permanent Waving	10	10
Chemical Straightening	4	5
Haircutting	10	10
Hair coloring and Bleaching	10	8
Scalp and Hair Treatments	0	2
Facials (Manual)	1	1
Facials (Electrical)	1	2
Facials (Chemical)	1	2
Eyebrow Arching and Hair Removal	1	2
Makeup	2	1
Manicuring (Water and Oil)	1	2
Pedicure	1	2
Acrylic Nails	2 nails	5 nails
Artificial Nail Tips	2 nails	5 nails
Nail Wraps and Repair	1 nail	2 nails

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7395.1, Business and Professions Code.

The Board hereby deletes Section 962.4 of Article 8.5 as follows:

~~962.4 Externship Curriculum for Skin Care Students.~~

~~(a) Total clock hour credit toward graduation for a student extern participating in a skin care externship program is limited to 60 hours.~~

(b) For purposes of this section, technical instruction shall mean instruction by demonstration, lecture, student extern participation or examination; practical operations required shall mean the actual performance by the student extern of a complete service on another person. Technical instruction and practical operations required to be covered in the externship program for skin care student externs, as well as the maximum credit to be gained in each area, include:

	Maximum Hours of Technical Instruction	Maximum Practical Operations
Disinfection and Sanitation	2	2
Facials—Manual	8	8
Facials—Electrical	4	6
Facials—Chemical	4	4
Eyebrow Arching & Hair Removal		
(Tweezers)	4	5
(Wax and Depilatories)	8	6
Make-up	8	6

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7395.1, Business and Professions Code.

The Board hereby deletes Section 962.5 of Article 8.5 as follows:

~~962.5 Externship Curriculum for Nail Care Students.~~

~~(a) Total clock hour credit toward graduation for a student extern participating in a nail care externship program is limited to 40 hours.~~

~~(b) For purposes of this section, technical instruction shall mean instruction by demonstration, lecture, student extern participation or examination; practical operations required shall mean the actual performance by the student extern of a complete service on another person. Technical instruction and practical operations required to be covered in the externship program for nail care student externs, as well as the maximum credit to be gained in each area, include:~~

	Maximum Hours of Technical Instruction	Maximum Practical Operations
Disinfection and Sanitation	1	2
Water and Oil Manicures	3	6
Pedicures	3	3
Acrylic Nails	4 nails	8 nails
Artificial Nail Tips	4 nails	6 nails
Nail Wraps and Repair	3 nails	4 nails

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7395.1, Business and Professions Code.

The Board hereby deletes Section 962.6 of Article 8.5 as follows:

~~962.6 Externship Curriculum for Cosmetology Crossover Course for Barber Students.~~

~~(a) Total clock hour credit toward graduation for a student extern participating in a cosmetology crossover course externship program is limited to 40 hours.~~

~~(b) For purposes of this section, technical instruction shall mean instruction by demonstration, lecture, student extern participation or examination; practical operations required shall mean the actual performance by the student extern of a complete service on another person. Technical instruction and practical operations required to be covered in the externship program for nail care student externs, as well as the maximum credit to be gained in each area, include:~~

	Maximum Hours of Technical Instruction	Maximum Practical Operations
Disinfection and Sanitation	2	4
Wet Hair Styling	4	4

Thermal Hair Styling	4	2
Press and Curl	4	3
Permanent Waving	4	2
Chemical Straightening	4	2
Haircutting	0	4
Haircoloring and Bleaching	2	2
Facials (Chemical)	4	2

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7395.1, Business and Professions Code.



State and Consumer Services Agency – Arnold Schwarzenegger, Governor
Board of Barbering and Cosmetology-Department of Consumer Affairs
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MEMORANDUM

TO: Members of the Board
 Board of Barbering and Cosmetology

FROM: Kristy Underwood, Executive Officer
 Board of Barbering and Cosmetology

SUBJECT: National Practical Examination

In July 2009, the Office of Professional Examination Services (OPES) of the Department of Consumer Affairs (formerly the Office of Examination Resources) completed their review of the National Practical Examination (examination). The results of this review are attached. The Board should now determine if they wish to adopt and implement the examination.

In considering the adoption of the examination the Board should take the following items into consideration:

- The cost of the examination is \$15.00 per applicant, therefore, examination fees will have to be increased by \$15.00.
- Regulations will have to be developed and processed to increase the examination fee.
- Additional equipment and training will have to be purchased. Estimated one-time cost is approximately \$25,000.

Fee Increase

Should the Board decide to adopt the National Practical Examination the first step will be to develop regulations to increase fees. Without a fee increase the Board would have to absorb an average of \$450,000.00 annually, which can not be done.

Implementation

If the Board votes to adopt the examination, staff will immediately begin the regulatory process. Regulations take an average of one year to complete. Staff will also work closely with NIC to prepare for implementation once the regulations are approved.

It is anticipated that the process of implementing the examination will take 1 to 1 ½ years.



MEMORANDUM

DATE	July 27, 2009
TO	Kristy Underwood, Executive Officer Board of Barbering and Cosmetology
FROM	Irene L. Wong-Chi, M.A., Personnel Selection Consultant Office of Professional Examination Services
SUBJECT	Focus Group Workshop for the National Practical Examination Audit

Purpose

The California Board of Barbering and Cosmetology (Board) contracted with the Office of Professional Examination Services (OPES) to conduct a focus group workshop for the purpose of evaluating the National-Interstate Council of State Boards of Cosmetology, Inc. (NIC) practical examination administration procedures and practical examination outlines.

Workshop Participants

The workshop was conducted on June 28 – 29, 2009 by an OPES facilitator. The group consisted of three California-licensed Barbers, three California-licensed Cosmetologists, two California-licensed Electrologists, three California-licensed Estheticians, and three California-licensed Manicurists, who served as subject matter experts (SMEs). The Board recruited currently licensed SMEs representing diverse geographic locations and years of experience.

Workshop Process

The workshop began by having the SMEs complete OPES' security agreement, self-certification, secure area agreement, and personal data (demographic) forms. The OPES facilitator explained the importance of and guidelines for security during and outside the workshop. The SMEs were then asked to introduce themselves.

The OPES facilitator then presented a PowerPoint presentation about the purpose and importance of an occupational analysis, validity, content validity, reliability, test administration standards, examination security, the role of SMEs, the purpose of the workshop, and the difference between an empirical vs. rationale content validation strategy process.

The SMEs reviewed the Business and Professions Code (B&P) and California Code of Regulations (CCR) codes relating to the scope of practice, qualifications, and exam requirements for their respective professions. They also reviewed a document about their profession's scope of examination, obtained from the California Board of Barbering and Cosmetology Website. They were told that the purpose of reviewing these documents was to get an understanding of California's examination requirements, and to use this information when assessing the national examination.

The SMEs were provided with the standards for test administration obtained from the *Standards for Educational and Psychological Testing (Standards, 1999)* set forth by the American Educational Research Association, the American Psychological Association, and the National Council on Measurement in Education, as well as candidate information bulletins, verbal instructions, and scoring sheets obtained from the national practical examination. They were asked to evaluate whether the test administration procedures meet the standards for test administration. The most relevant standards to test administration are:

Standard 5.1

Test administrators should follow carefully the standardized procedures for administration and scoring specified by the test developer, unless the situation or a test taker's disability dictates that an exception should be made.

Standard 5.5

Instructions to test takers should clearly indicate how to make responses. Instructions should also be given in the use of any equipment likely to be unfamiliar to test takers. Opportunity to practice responding should be given when equipment is involved, unless use of the equipment is being assessed.

Standard 5.9

When test scoring involves human judgment, scoring rubrics should specify criteria for scoring. Adherence to established scoring criteria should be monitored and checked regularly. Monitoring procedures should be documented.

Finally, the SMEs were provided with national examination outlines and national practical examinations for their respective professions. They were asked to evaluate whether the practical examination outline is supported by the written examination outline, and whether the practical examination is linked to the practical examination outline. The most relevant standards for testing in employment and credentialing are:

Standard 14.8

Evidence of validity based on test content requires a thorough and explicit definition of the content domain of interest. For selection, classification, and promotion, the characterization of the domain should be based on job analysis.

Standard 14.9

When evidence of validity based on test content is a primary source of validity evidence in support of the use of a test in selection or promotion, a close link between test content and job content should be demonstrated.

Standard 14.10

When evidence of validity based on test content is presented, the rationale for defining and describing a specific job content domain in a particular way (e.g., in terms of tasks to be performed or knowledge, skills, abilities, or other personal characteristics) should be stated clearly.

Standard 14.14

The content domain to be covered by a credentialing test should be defined clearly and justified in terms of the importance of the content for credential-worthy performance in an occupation or profession. A rationale should be provided to support a claim that the knowledge or skills being assessed are required for credential-worthy performance in an occupation and are consistent with the purpose for which the licensing or certification program was instituted.

Workshop Results

B&P and CCR Codes. After reviewing their profession's B&P and CCR codes, a few SMEs commented that the B&P codes are not accurate and should be revised. They were informed that such changes are a process for the Board and Legislature, and are not a focus for discussion within this workshop.

Test Administration. After reviewing candidate information bulletins, verbal instructions, and scoring sheets from the national practical examination against Standards 5.1, 5.5, and 5.9, the SMEs concluded that test administration procedures do meet the standards for test administration. However, the Cosmetologist SMEs suggested that, although the recommended general supplies section of the candidate information bulletin states that all supplies must be labeled in English, labels in other languages should be allowed as well. They felt that English-only labels might be a disadvantage for some candidates for whom English is a second language. Therefore, Standard 5.1 may not be entirely met.

Examination Outline. The purpose of a licensing examination is to identify persons who possess the minimum knowledge and experience necessary to perform tasks on the job safely and competently. To ensure that an examination conforms to professional, technical, and legal standards, the items on a written or oral examination and the tasks on a practical examination must be based on the specifications of an examination outline that was developed from a current (within five years) occupational analysis.

By linking the items/tasks to the specifications of an examination outline, the job-relatedness of the examination can be established, and the examination can be legally defended as valid.

After reviewing the national written and practical examination outlines for their respective professions, the SMEs concluded that the practical examination outline for Barbers, Cosmetologists, Electrologists, and Estheticians is supported by the written examination outline. Information provided by Schroeder Measurement Technologies (SMT) prior to the workshop further indicated that the practical examination outlines were based on the most current occupational/job analyses, and were developed by SMEs.

It should be noted, however, that the Manicurist written examination outline did not specify which elements can be observed through a practical examination. As such, the SMEs could not assess whether the practical outline is supported by the written outline. Therefore, the OPES facilitator instructed the SMEs to review the practical exam and determine if it can be linked to the written outline. The SMEs verified that the practical exam does link to the written outline, which indicates that the practical exam is supported by the written outline.

Practical Examination. The attached table documents areas in which the SMEs felt that their profession's practical examination does not link to the practical outline, and areas in which elements noted in the practical outline is not tested for in the practical exam. Despite these few noted areas, however, all SMEs felt that their profession's practical examination is linked to, and supported by, the practical outline.

The following table also documents areas of confusion and recommendations that should be made to the California Scope of Examinations, the NIC's Candidate Information Bulletins, and the NIC's Practical Examinations.

Conclusions

OPES evaluated NIC's most recent job analyses and practitioners sampled, frequency of report updates, test plans and method to link to the job analyses, exam development, method to ensure that standards are set for entry-level practice, pass-point setting methodology, test security methods, and test administration procedures for the practical examinations. The results of OPES' evaluation and the results of the focus group workshop supports Standards 14.8, 14.9, 14.10, and 14.14. However, if California is to adopt the national practical examinations, OPES recommends a comprehensive review of the comments made by the SMEs within the focus group workshop to update and improve the current practical examinations.

If you have any questions, I can be reached at (916) 575-7240.

Attachment

cc: Sonja Merold, OPES Chief
Bob Holmgren, Ph. D., Supervising Personnel Selection Consultant

Attachment
Board of Barbering and Cosmetology National Practical Examination Audit Workshop:
SME Comments and Recommendations

	Barber	Cosmetologist	Electrologist	Esthetician	Manicurist
Is there anything on the practical exam that does not link to the practical exam outline?	n/a	n/a	Question 4 (Model is seated or lying with arm in proper position), Question 6 (Perform analysis of the skin and hair), Question 9 and Question 10 should go under galvanic current, Question 14 (Three hairs are removed and placed on a towel)	n/a	n/a
Is there anything on the practical exam outline that is not tested for on the practical exam?	3C3C (Haircutting methods and procedures with a razor), 1A6 (Federal Regulations and Universal Precautions) - How do you test for it without a blood spill?	1B (Human physiology and anatomy), 1D (Ergonomics), 3C (Hair removal), and 3E (Facial makeup applications)	2A2 (Previous treatments), 2C2B (Eye protection)	2E (Understand exfoliation procedures), 2G5 (Vibration), 2G6 (Dr. Jacquet), 2H (Understand the appropriate uses for masks), and 2I (Understand electricity and the use of electrical devices)	Tasks 107, 108, 109, 110, and 111 (light-cured gels)

	Barber	Cosmetologist	Electrologist	Esthetician	Manicurist
If the national practical exam is adopted, what information needs to be changed to the Scope of Examination that California currently provides to their candidates?	n/a	n/a	n/a	<p>(1) Remove application of artificial eyelashes, facial cleansing scrub, and dermal lights from the scope. Dermal lights are obsolete; the national exam uses LED therapy.</p> <p>(2) The scope states demonstration of proper sanitation techniques. Although the national exam follows proper infection control procedures, the act of demonstrating the process of disinfection of implements are not shown. (3) Update the equipment/supply list requirements. (4) Change scope to allow people with permanent makeup.</p>	<p>Equipment List: (1) Remove cuticle nippers, pedicure tubs, container for disinfection of implements, and disinfectant solution from the list since they are not used on the national exam, (2) Remove the term "odorless" since "odor free" means the same thing and is redundant, (3) Add primer, gloves, safety glasses, base coat, and top coat to the list, (4) Change liquid polish (medium to dark shade) to "red polish". The national candidate bulletin indicates red polish. (5) Note: Some nail wrap material strips come pre-cut.</p>

	Barber	Cosmetologist	Electrologist	Esthetician	Manicurist
<p>What recommendations would you make to the national candidate information bulletin? Is there anything that seems confusing?</p>	n/a	In the "important instructions" section it mentions that candidates may bring a thermos of hot water if desired. The SMEs questioned the purpose of the water.	n/a	The SMEs wondered why the bulletin asks the candidate to bring disinfectants labeled with the manufacturer's label if it is not going to be implemented. The "Wet Disinfection Standard" portion of the bulletin states that all tools and implements must be disinfected, but the exam does not specify this to be performed.	(1) Hand massage should also specify from the wrist down (to distinguish it from the elbows down)

	Barber	Cosmetologist	Electrologist	Esthetician	Manicurist
What recommendations would you make to the national practical examination? Is there anything that seems confusing?	The thermal curling portion of the exam should be performed on a mannequin instead of a live model since it is hard to find a model with hair long enough to curl.	Thermal Curling: (1) The pictures shown are not consistent/accurate. (2) It is not specified if the candidate is going to curl the entire head of hair or how many curls (note: the verbal instructions do indicate this), (3) It does not specify base control. Haircutting: Question 8 and Question 9 refer to the word "uniform" but it could be confusing to the candidate. It should say "even line" or "defined line." Chemical waving: Question 12 should say "Applies protective cream to the hairline and cotton around the section that is wrapped." Hair Lightening/Coloring: Demonstrating the application of virgin hair lightening is different from the California exam.	(1) Compared to the California exam, the national exam tests on three modalities (electrolysis, thermolysis, and blend). (2) In the national exam, the candidates remove three hairs per modality, but it should be a set time rather than a set number of hairs. They also disinfect table surfaces instead of sterilize. (3) California provides "treatments", but the national provides "service". (4) The SMEs want the exam language reviewed for better verbiage and more accurate terminology. (5) The SMEs suggest having presterilized/disposable needles/probes, disposable bag for clean materials, cotton swap, and nail brush with soap. (6) Question 3: How do you test a model's	(1) The SMEs want to keep live models instead of mannequins, prefers the use of the term "sanitation" instead of "disinfection", want to use real wax (i.e., no simulation of wax application), prefer not to have the option of the hard wax, and want the use of eye pads on all hair removal. (2) Setup and client protection section: For Q6 and Q7, the picture they give as an example does not match the verbiage that they are using. (3) Cleansing and steaming the face section: For Q7 (wringing out wet towel), it should be a demonstration of steaming the face with a "towel method" instead of a steamer. (4) The California exam currently has a procedure to establish a	(1) There is no step about removing nail dust before finger immersion or cleaning the nails with a nail brush, (2) Nail tip: Question 10 should be revised to "File on top of nail plate to nail tip," (3) Nail Wrap: Since some wraps have self-adhesive, you wouldn't need glue base. Also, a step should be added about using plastic or paper wrap and pressing the nails to make it stick, (4) Buffing nails should specify with what grip. (5) The picture depicting the mannequin's hand in the water in the manicure section should show only the fingers immersed in the water. One picture looks like the whole hand is in the water.

		<p>Miscellaneous: The SMEs wonder why the demonstration of shampooing and disinfecting implements are not on the practical exam.</p>	<p>skin? You need to set the timing and intensity of the machine on the model's hair. Set the machine instead of "test" the machine. (7) Question 12: It should be "Slide the needle into the follicle to the proper depth". (8) Question 14: It should be placed on cotton, not a towel. (9) Question 11 and Question 13: (Applies current safely and properly). "Tweezed" should be "epilated."</p>	<p>disinfection station where they actually miss their quats, but the national exam does not. (5) Anytime a "no" is used where it says "no cleanser is used," add "or using wrong product" to the statement. (6) For all boxes that says "If immediately picked up - score yes", it should say, "If immediately picked up and disposed of, and hands are resanitized, score yes". (7) Pg. 10 mentions wearing gloves: add a "no" statement to say that if a glove is torn or ripped. (8) On pg. 12 eye protection must be used. (9) Need to identify type of mask for facial masks. (10) The SMEs were not happy with the order of the services.</p>	
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State and Consumer Services Agency – Arnold Schwarzenegger, Governor
BOARD OF BARBERING AND COSMETOLOGY
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2010 Consumer Events*

- February 11: Take Charge with the Alameda County Consumer Affairs Commission & Keith Carson (Berkeley)
- March 13: Department of Consumer Affairs Take Charge Seminar (Sacramento)
- March 31: 7th Annual Senior Conference (Riverside)

2010 Industry Events

- March 21 – 22: Spectrum International Beauty Expo (Los Angeles)

* Department of Consumer Affairs staff will represent the Board.



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MEMORANDUM

DATE: January 24, 2010

TO: Members of the Board
Board of Barbering and Cosmetology

FROM: Kristy Underwood, Executive Officer
Board of Barbering and Cosmetology

SUBJECT: Remedial Education

Background

At its October 2009 meeting, the Board asked staff to gather information concerning the use of remedial education as an alternative to a monetary fine that can result from citations issued during inspections.

Typically, when the boards and bureaus of the Department of Consumer Affairs (DCA) require remedial education from a licensee, it is as a condition of probation. This is especially true of the boards governing the medical and health professions, which frequently require physicians, dentists, nurses, etc ... to correct deficiencies in their skills with remedial training. This is also the case with the Board of Barbering and Cosmetology, whose Disciplinary Guidelines (September 1998) include remedial education as an optional condition of probation in more serious disciplinary cases involving Accusations. Under its immediate suspension regulations (Section 973.3 of the California Code of Regulations), the Board also requires eight (8) hours of remedial education when a licensee is cited for unsanitary footspas. Other boards and bureaus that issue administrative citations, such as the Cemetery and Funeral Bureau, the Bureau of Security and Investigative Services and the Structural Pest Control Board, do not offer remedial education as an alternative to issuing citations and monetary fines.

The same appears to hold true across the nation (see Attachment A). Staff contacted the authorities regulating barbering and cosmetology in 16 states. Eleven of them — Maryland, Alaska, Florida, Wisconsin, Alabama, Montana, Tennessee, North Carolina, Louisiana, New York and North Dakota — have no remedial education requirement at all. Three — Iowa, Maine and Texas — follow the California model and require remedial education only as a condition of probation. One, Iowa, offers remedial education, but not forgiveness of the associated fine.

Only Oregon gives its licensees the option of taking a remedial class for violations that are typically addressed with a citation and fine. The program, created in 2009, allows licensees to take a 1-1/2 hour workshop for a first violation of a health and safety rule. Upon completion of the class, the Oregon Health Licensing Agency (OHLA) will waive the fine and expunge the violation from the licensee's record.

Oregon's class is offered by OHLA, usually at its headquarters in Salem, but sometimes in other areas of the state if inspectors write a significant number of citations in salons in a particular region. Oregon is now considering offering the class through private vendors or even online.

Statutory Authority

Section 7312 of the Business and Professions Code gives the Board the general authority to discipline licensees, but a change in the Code would likely be required to impose remedial education as a disciplinary measure for citations.

Proposed Language

California's Legislature could give the Board of Barbering and Cosmetology the statutory underpinning for a remedial education option by amending Sections 7312 and 7409 of the Business and Profession Code as follows:

7312. The board shall do all of the following:

- (a) Make rules and regulations in aid or furtherance of this chapter in accordance with the Administrative Procedure Act.
- (b) Conduct and administer examinations of applicants for licensure.
- (c) Issue licenses to those applicants that may be entitled thereto.
- (d) Discipline persons who have been determined to be in violation of this chapter or the regulations adopted pursuant to this chapter.
- (e) Adopt rules governing sanitary conditions and precautions to be employed as are reasonably necessary to protect the public health and safety in establishments, schools approved by the board, and in the practice of any profession provided for in this chapter. The rules shall be adopted in accordance with the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Title 2 of the Government Code, and shall be submitted to the State Department of Health Services and approved by that department prior to filing with the Secretary of State. A written copy of all those rules shall be furnished to each licensee.

(f) Establish requirements for additional education, training or supervised experience to achieve compliance with the laws and rules governing professional practice.

7409. Any licensee served with a citation may avoid the payment of the associated administrative fine by:

- (a)** Presentation of written proof satisfactory to the board, or its executive officer, that the violation has been corrected. This provision applies only to a licensee's first violation in any three-year period of any single provision of this chapter or the rules and regulations adopted pursuant to this chapter. Proof of correction shall be presented to the board, through its executive officer, in a time and manner prescribed by the board. The board may, in its discretion, extend for a reasonable period the time within which to

correct the violation upon the showing of good cause. Notices of correction filed after the prescribed date shall not be acceptable and the administrative fine shall be paid.

(b) Completing a remedial education program prescribed by, and in a manner satisfactory to, the board.

The specifics of a remedial education option could then be adopted through the rulemaking process.

Fiscal Impact and Implementation

The costs of implementing a remedial education component would be dependent on whether the Board offered the training or left that responsibility to schools. To minimize costs, staff recommends having approved schools provide such training, which would be similar to the training required for footspa violations under the immediate suspension regulations.

Action Needed

The Board must seek a legislator to sponsor a bill amending the Barbering and Cosmetology Act.

State	How much remedial training required?	What circumstances trigger requirement? (all/some violations? first offense? etc ...)	Single, general class, or several specialized classes?	Benefit to licensee?	In-house or private vendor?	Cost
Oregon	1-1/2 hour workshop	1 st time violators of H&S rules	Single H&S-oriented class	Licensees may take workshop in lieu of fine; violation expunged from record	In-house, but state plans to involve schools in the future	\$25
South Dakota	2 hours (includes test)	Most 1 st time violations of H&S rules	Single H&S-oriented class	Helps licensees avoid new violations; No fine forgiveness	In-house	\$50
Maine	Varies	Depends on the severity of the offense; Often required with disciplinary orders	Licensee submits his or her own remedial plan to Board for approval	Helps licensees avoid new violations; no fine forgiveness	Private vendors	Varies
Texas	2 hours of sanitation-oriented training	Any violation of sanitation rules; Violators facing suspension of their license must take the class to qualify for probation	Depends; it can be taken as more than one class, but the total 2-hour requirement must be met	Helps them avoid future violations.	Private vendors (some offer an online course)	Varies
Iowa	2-4 hour health and safety class	Often required with disciplinary orders	Can be more than one; hours must be completed within 60 days	Probation condition. Helps licensees avoid new violations	Private vendors	Varies

MEMORANDUM

TO: Members of the Board
Board of Barbering and Cosmetology

DATE: January 12, 2010

FROM: Kristy Underwood, Executive Officer
Board of Barbering and Cosmetology

SUBJECT: Establishment Owner Examination

At the October 2009 Board Meeting, members asked staff to develop statutory language that will require an establishment owner to take and pass an examination on the health and safety laws of California. As requested, the language listed below is being provided for the Board to discuss and approve.

Background Information

The National Interstate Council for Cosmetology (NIC) provides a national examination for Salon Manager. However, in reviewing the Candidate Information Bulletin (attached) it does not appear that this examination would meet the needs of an owner examination. The manager examination provided by NIC focuses primarily on the business aspect of running a salon. The concern in California is that establishment owner (that is not an individual licensee) has no knowledge of the health and safety laws of California, laws that they are held accountable for and fined for violating.

Should legislative language be approved and made into law, the Board would implement their own California Health and Safety examination. The exam would be a written examination and administered through the Board's computer based testing vendor.

Proposed Language

7347.1 Any person desiring to obtain an establishment license shall first take and pass an examination on the Health and Safety Laws of California. A corporation or partnership shall designate an individual to take and pass an examination on the Health and Safety Laws of California.

Fiscal Impact

The Board currently has the statutory authority to charge up to \$80 for an establishment license, however, the fee is established in regulation at \$50. A detailed cost analysis study will be required to determine the impact to the Board. The following impact is assumed:

Staffing

Additional staffing will be required. In Fiscal Year 2008/2009 6,060 new establishment applications were received. That would be an increase to the workload of the licensing unit to schedule an examination for each new applicant.

Computer Based Testing Examination Contract

The contract would have to be amended as there would be an additional examination type to be administered.

Database Modifications

The Board utilizes two databases for application and licensing. Both systems will have to be modified in order to accommodate the new examination process.

Outstanding Concerns

The Board currently has approximated 40,000 licensed establishments. Should the Board proceed with the requirement for a salon owner to take an examination, the existing licensees must be considered on how they will come into compliance.

The Board should also consider if an applicant for an establishment license is an individual licensee should they also be required to take and pass the health and safety examination.



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MEMORANDUM

DATE: January 24, 2010
TO: Members of the Board
FROM: Kristy Underwood, Executive Officer
SUBJECT: Administering Practical Examinations in Schools

Background

At its October 2009 meeting, the Board asked staff to gather information concerning the possibility of administering practical examinations in schools. As requested, this memo is being provided to initiate a discussion on its possibility.

Currently, 24 temporary and permanent Board exam proctors supported by three clerical staff, administer practical examinations at two state-operated facilities in Northern (Fairfield) and Southern (Glendale) California. Each exam facility has the necessary staff, space, equipment and supplies to test and provide results to candidates on the same day of testing. Exams are given five days a week, with the exception of furlough weeks, beginning at 6:30 a.m. and ending at 5:00 p.m.

While considering the possibility of offering practical examinations in barbering, cosmetology and electrology schools, the Board must weigh the following:

Pros

By administering practical examinations in school facilities, the Board could shut down both exam sites, resulting in an annual cost savings of approximately \$702,268. Specifically, the savings would be seen in leases, utilities, equipment and maintenance, and security services.

Below are the FY 08/09 approximated costs associated with operating the Board’s examination sites in Fairfield and Glendale, as reported at the June 2009 Board meeting.

Item Description	Expenditure
Fairfield Lease	\$317,460
Glendale Lease	\$339,414
Utilities (Fairfield only)	\$15,000
Office Supplies	\$4,100
Equipment & Maintenance	\$29,554
Staff Salaries and Benefits (33%)	\$1,358,795
Security (Glendale only)	\$840
TOTAL	\$2,065,163

By eliminating the two exam sites, the Board can expect an increase in travel expenses. In FY 08/09, the Board’s actual travel expenditures totaled \$178,005. Based upon 24 exam proctors traveling on a daily basis, the Board’s travel expenditures would increase by at least 60% or \$106,803, which would total \$284,808 annually. However, Board staff estimates that the amount saved in exam site operating expenses would exceed the travel costs of the additional 24 exam proctors.

Cons

The disproportionate number of existing proctors to schools and exam candidates would cause an exam backlog if the Board should pursue this option. In FY 08/09, Board exam staff administered 25,176 practical exams in two centralized facilities. Approximately 300 Board-approved schools exist throughout California. It is impossible for existing staff to give the same or greater number of practical exams within this same time period due to travel time to each school. This would create an exam backlog, delaying a candidate’s ability to be licensed within the industry.

The Board can increase examining staff to meet practical exam demands in schools. However, this would increase costs associated with personnel, including salary and wages, benefits, operating equipment and expenses.

Business and Professions Code Section 7342 states in part, “Licenses...shall be issued by the board to any applicant who satisfactorily passes an examination, who possesses the other qualifications required by law and who has remitted the license fee. The license shall be issued by the board on the same day that the applicant satisfactorily passes the examination.” If the Board chooses to administer practical exams in schools, the Board’s ability to conduct same-day testing and licensing would be obsolete and non-compliant with its mandate.

Currently, exam candidates can successfully complete both the practical and written exams on the same day and walk away with a license. Written exam services are administered by an outside vendor through computer-based testing. This allows for instant scoring upon

completion of the written exam. The vendor offers computer-based testing services at both the Fairfield and Glendale practical exam sites, making same-day testing and licensure possible.

Without computer-based testing services onsite at each school, the process of issuing new licenses will be delayed, subsequently delaying the candidates' ability to work within the industry. Exam proctors would be required to travel to each school, transport all examining material, administer the exam, collect completed exams and exam material, travel back to a location where results can be produced, and finally, mail results to each candidate. Not only is this option extensive and time consuming, it would result in an increase in postage expenditures as well.

Each school would also be required to maintain the necessary equipment in order for Board proctors to administer the practical exam onsite. Currently, both the Fairfield and Glendale exam sites are supplied with styling/facial chairs, manicuring tables and stools, barber chairs, shampoo bowls, hot work areas and heaters. This equipment is necessary for the administration of the practical exam for all license types. Although the Board has adopted regulations that require each cosmetology school to have minimum equipment, Board regulations do not outline minimum equipment requirements for barbering and electrology schools. The Board would have to adopt regulations that further specify minimum equipment requirements for each school.

Finally, in order to maintain the security and integrity of the exam, the Board would have to pursue additional statutory and regulatory changes to require each school to shut down during the administration of exams. This may financially impact schools and the students who are enrolled.

Statutory Authority

Business and Professions Code Section 7344 states, "The board may contract or otherwise arrange for reasonably required physical accommodations and facilities to conduct exams." This authority may be interpreted to allow practical examining in schools.

Other Considerations

The Board may opt to allow students to take practical examinations in schools after a certain percentage of schooling is complete. Upon graduation, students may take the written examination at an existing computer-based testing facility of their choice and earn a license once the candidate successfully passes both portions of the exam.

The Board will be required to pursue statutory changes for this to be possible. Business and Professions Code Sections 7321, 7321.5, 7324, 7326, and 7330 require an individual to complete a barbering, cosmetology, electrology, skin or nail care course at a Board-approved school in order to qualify to take the exam.

Fiscal Impact

Choosing to administer practical exams in schools would financially impact all schools. Each school would have to shut down when exams are given in order to maintain the security of the

exam. This also impacts students who pay for enrollment and are not scheduled to take the exam.

Each school would also have to ensure it has the necessary equipment to properly administer practical exams. Space, equipment purchases and maintenance would be the school's responsibility, which can cost each school more than \$30,000 annually.

On the other hand, administering exams in schools would save the Board money in operating, equipment and expenses as the Board would shut down both Fairfield and Glendale exam sites. The estimated savings would total \$702,268 annually.

Action Needed

The Board will submit a BCP to increase examining personnel and budget so there will be enough proctors to administer an adequate number of exams annually without substantial backlog.

The Board will pursue statutory and regulatory changes that require each school to maintain minimum equipment necessary to administer the practical exam. The changes should also include language that ensures the security of the practical examination is maintained, such as school closure during administration of the exam.

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