

**CALIFORNIA
BOARD OF BARBERING AND COSMETOLOGY**



JULY 30-31, 2012
Board Meeting
Department of Consumer Affairs
1625 North Market Boulevard
1st Floor Hearing Room, S-102
Sacramento, CA 95834



Christie Truc Tran, Industry
Member, President

Joseph Federico, Industry Member,
Vice President

Wen Ling Cheng, Public
Member

Deedee Crossett, Industry Member

Katie Dawson, Public Member

Richard Hedges, Public
Member

Frank Lloyd, Public
Member

Kristy Underwood
Executive Officer

Edmund G. Brown Jr., Governor
State of California

Department of Consumer Affairs
Board of Barbering and Cosmetology

Telephone: (916) 575-7100

Website: www.barbercosmo.ca.gov

2420 Del Paso Road, Suite 100
Sacramento, CA 95834

California State Board of Barbering and Cosmetology

Board Meeting Agenda

Monday, July 30, 2012

10:00 A.M. – 5:00 P.M.

Or until completion of business

Department of Consumer Affairs
1625 North Market Blvd.
Hearing Room S-102, 1st Floor
Sacramento, CA 95834

ALL TIMES ARE APPROXIMATE AND SUBJECT TO CHANGE

OPEN SESSION:

ALL TIMES ARE APPROXIMATE AND SUBJECT TO CHANGE

OPEN SESSION:

1. Call to Order/Roll Call (**Christie Truc Tran**)
2. Public Comment on Items not on the Agenda
Note: the Board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a)]
3. Presentation from Allies Innovation Initiative Representative (**Paul Downs**)
4. Board President's Report (**Christie Truc Tran**)
5. Executive Officer Report (**Kristy Underwood**)
 - Review of Board Statistics
6. Approval of Board Meeting Minutes
 - April 30, 2012
7. Legislation Update (Kristy Underwood)
 - AB 1588 (Atkins) (Coauthors: Cook, Nielsen, Block, Beth Gaines Pan, V. Manuel Perez, Williams and Yamada) Reservist Licensees; fees and continuing education
 - AB 1904 (Block, Butler and Cook) Military spouses; temporary licenses
 - AB 2570 (Hill and Senator Correa) Settlement Agreements
 - AB 2575 (Furutani) Repeal of Section 7303 of the Business and Professions Code
 - SB 977 (Wright) Add section 101.2 to Business and Professions Code

California State Board of Barbering and Cosmetology

8. Regulations Update (Kristy Underwood)
 - a. Scoring Methods in Examinations
 - b. Inspection of Examination Papers/Text and Reference Books for Students
9. Update from the Enforcement Committee
 - Discussion of Recommendations to Update the Health and Safety Regulations (Article 12 of Title 16, Division 9 of the California Code of Regulations) related to all licensees.
 - Discussion on Natural Hair Braiding and How to Enforce Section 7316 (d) (2).
 - Discussion on Licensee in Charge (Section 7348) pertaining to Establishment Owners who do not hold a personal license.
10. Sunset Review
 - First Draft of Background Paper for Review
11. Proposed Board Meeting Dates For 2013
12. Agenda Items for Next Meeting
13. Public Comment

Note: the Board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting.
[Government Code Sections 11125, 11125.7(a)]
14. **Closed Session to Discuss Enforcement Case**
 - Discussion on Reconsideration and Disciplinary Cases (Closed Pursuant to Government Code Section 11126(c) (3)).
 - Adverse Action (Closed Pursuant to Government Code Section 11126(a) (1)).
15. Adjournment

A quorum of the Board will be present. Meetings of the Board of Barbering and Cosmetology are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. The audience will be given appropriate opportunities to comment on any issue before the Board, but the Chair may apportion available time among those who wish to speak.

The meeting is accessible to the physically disabled. A person who needs disability-related accommodation or modification in order to participate in the meeting shall make a request no later than five (5) working days before the meeting to the Board by contacting Tami Guess at (916) 575-7144 or sending a written request to that person at the address noted above.

No Attachment

**Quarterly Barbering and Cosmetology
Licensing Statistics
Fiscal Year 11/12**

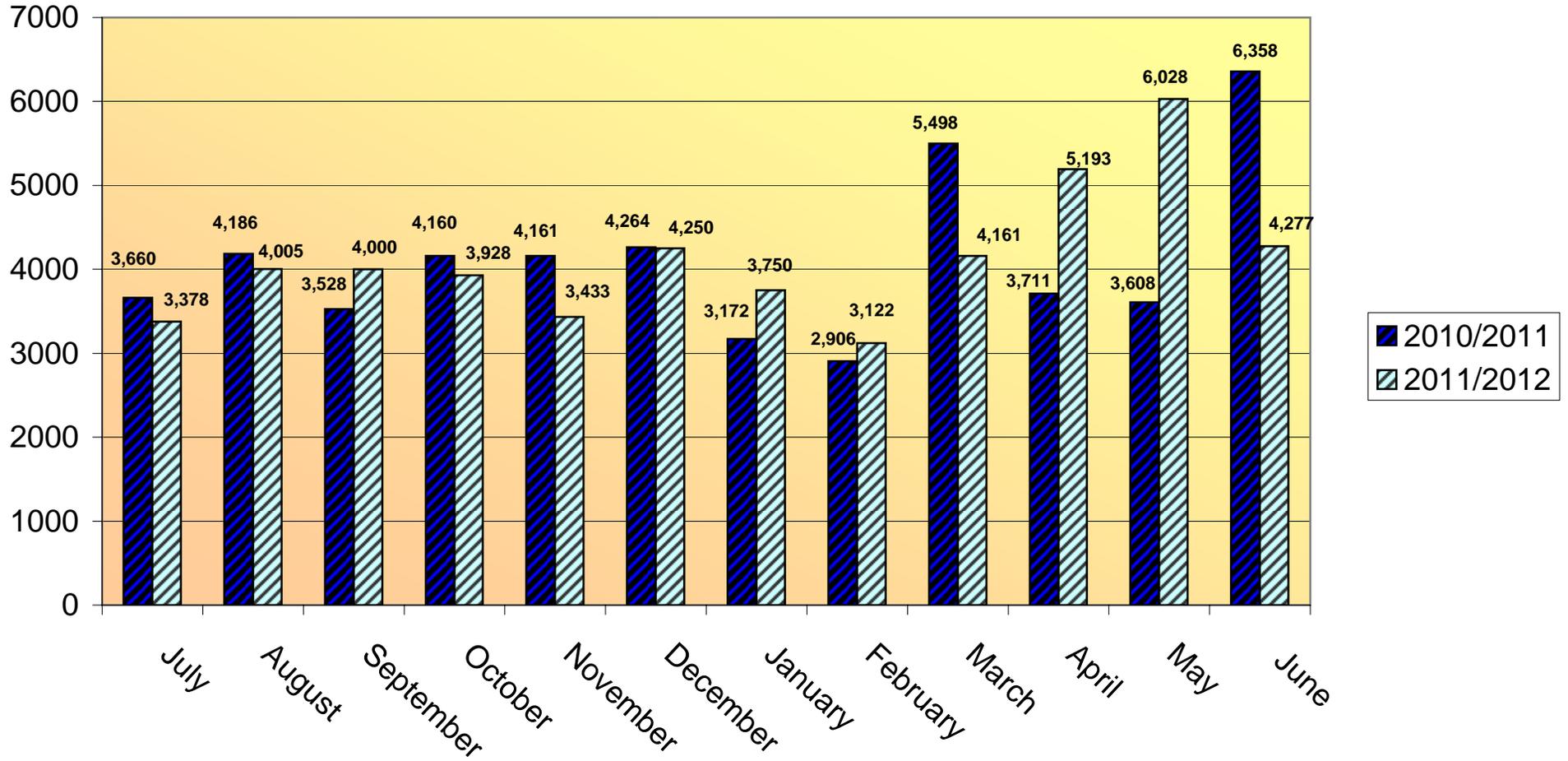
Applications Received

	Jul-Sept	Oct-Dec	Jan- Mar	Apr-June	YTD*
Establishment	1,394	1,658	1,479	2,080	6,611
Barber	476	426	465	671	2,038
Barber Apprentice	61	69	61	100	291
Cosmetology	5,678	5,543	5,628	7,852	24,701
Cosmetology Apprentice	122	142	135	138	537
Electrology	16	10	21	12	59
Manicuring	2,048	2,043	1,602	2,314	8,007
Esthetician	1,588	1,720	1,641	2,331	7,280
Total	11,383	11,611	11,032	15,498	49,524

Licenses Issued

	Jul-Sept	Oct-Dec	Jan- Mar	Apr-June	YTD*
Establishment	2,042	1,213	1,439	1,971	6,665
Mobile Unit	2	0	1	1	4
Barber	333	273	282	275	1,163
Barber Apprentice	57	57	63	86	263
Cosmetology	2,335	2,740	2,975	3,240	11,290
Cosmetology Apprentice	135	126	113	132	506
Electrology	2	5	5	7	19
Electrology Apprentice	0	0	0	1	1
Manicuring	1,366	1,221	972	1,268	4,827
Esthetician	1,050	917	975	1,418	4,360
Total	7,322	6,552	6,825	8,399	29,098

Number of Applications Received



Examination Results

(April 1, 2012- June 30, 2012)

Practical Examinations

Administered	Passed	Failed	Total	Pass Rate	*DNA
Barber	281	75	356	79%	29
Cosmetologist	1,509	193	1,702	89%	223
Esthetician	373	18	391	95%	31
Electrologist	198	15	213	93%	9
Manicurist	506	90	596	85%	64
TOTAL	2,867	391	3,258	88%	356

* Did Not Attend

Written Examinations

Barber	Passed	Failed	Total	Pass Rate
English	262	67	329	80%
Spanish	13	7	20	65%
Vietnamese	6	1	7	86%
TOTAL	281	75	356	79%

Cosmetologist	Passed	Failed	Total	Pass Rate
English	2,916	1,752	4,668	62%
Spanish	95	291	386	25%
Vietnamese	194	211	405	48%
TOTAL	3,205	2,254	5,459	59%

Manicurist	Passed	Failed	Total	Pass Rate
English	273	180	453	60%
Spanish	7	7	14	50%
Vietnamese	900	262	1,162	77%
TOTAL	1,180	449	1,629	72%

Esthetician	Passed	Failed	Total	Pass Rate
English	1,035	236	1,271	81%
Spanish	2	4	6	33%
Vietnamese	357	148	505	71%
TOTAL	1,394	388	1,782	78%

Electrologist	Passed	Failed	Total	Pass Rate
English	6	1	7	86%
Spanish	0	0	0	0%
Vietnamese	0	0	0	0%
TOTAL	6	1	7	86%



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

Fiscal Year 11-12

Report Date: June 30, 2012

	April - June	YTD
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NORTHERN

Heard	161	917
Received	287	1,044
Pending ¹	800	800 ²

SOUTHERN

Heard	604	2,055
Received	767	2,616
Pending ¹	1,750	1,750 ²

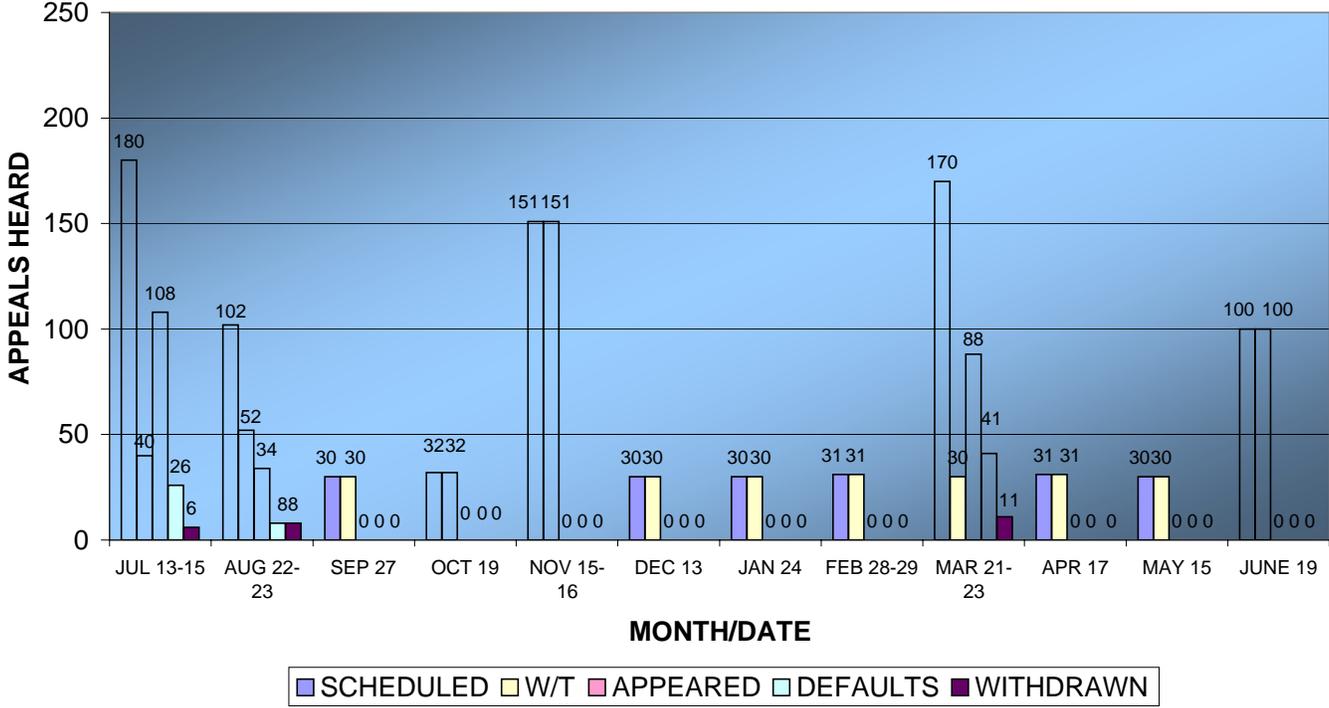
¹ Pending refers to the number of appeals received but not yet heard by DRC.

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

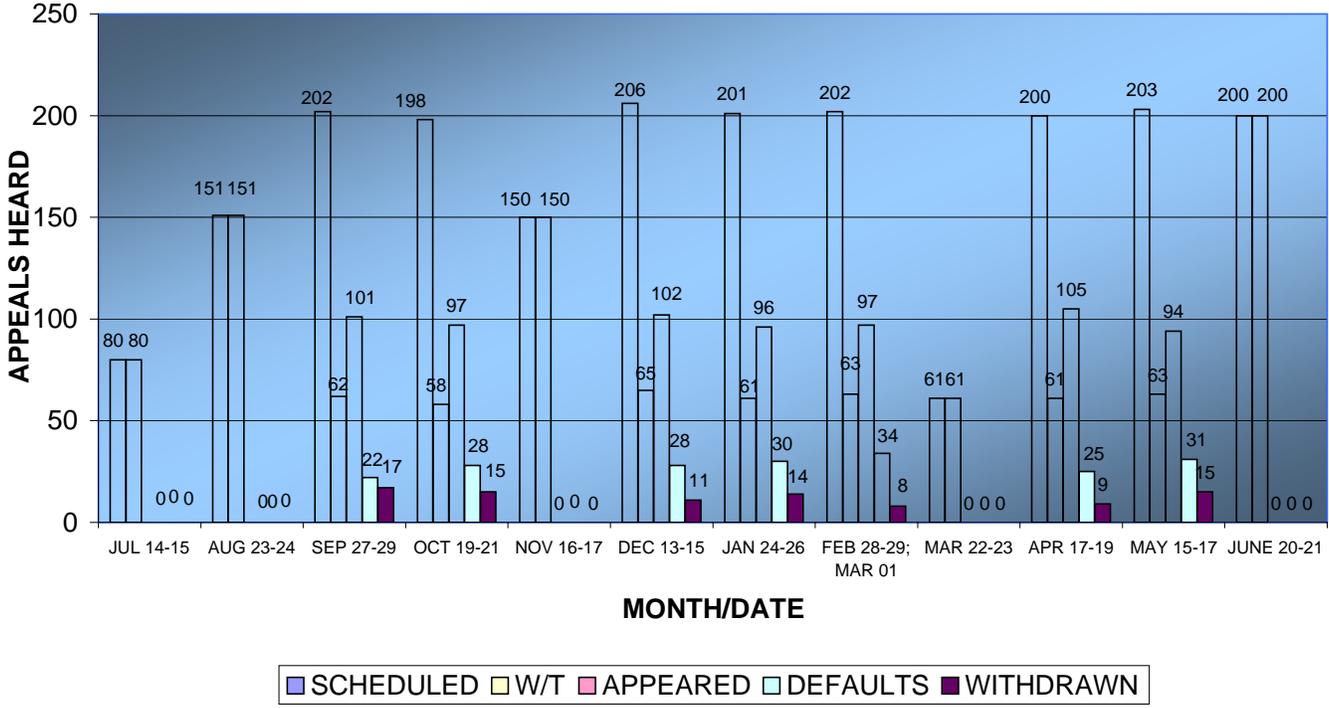
2012 SCHEDULED HEARINGS

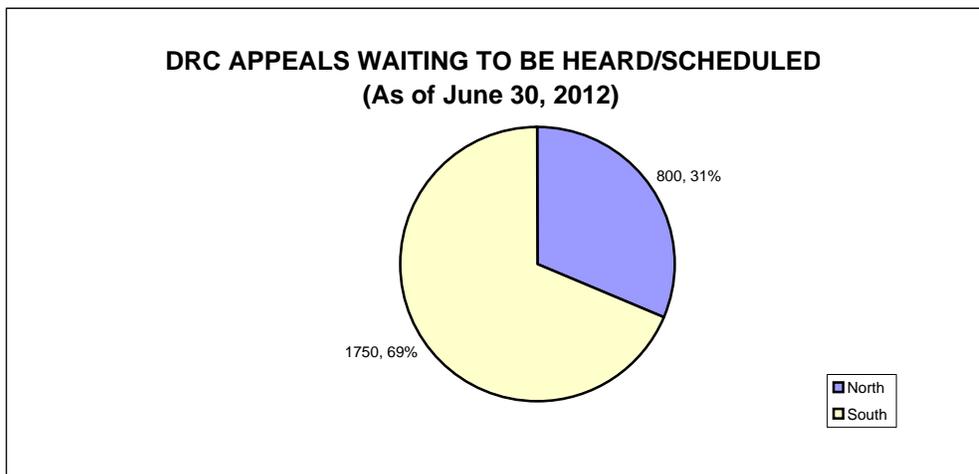
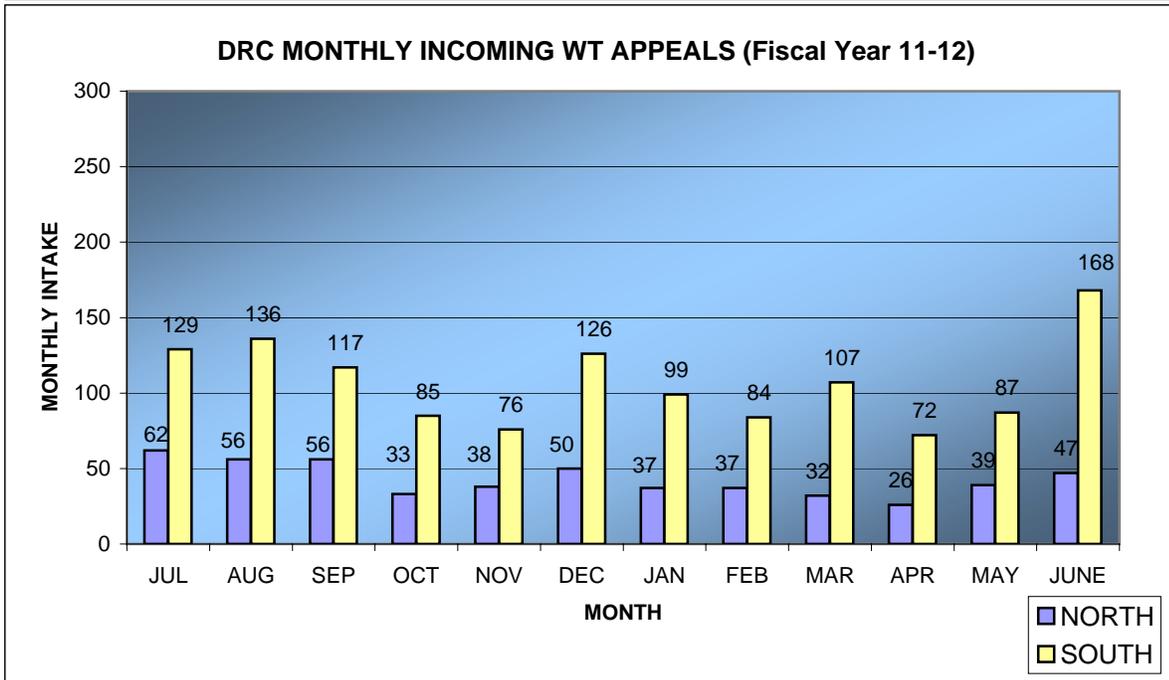
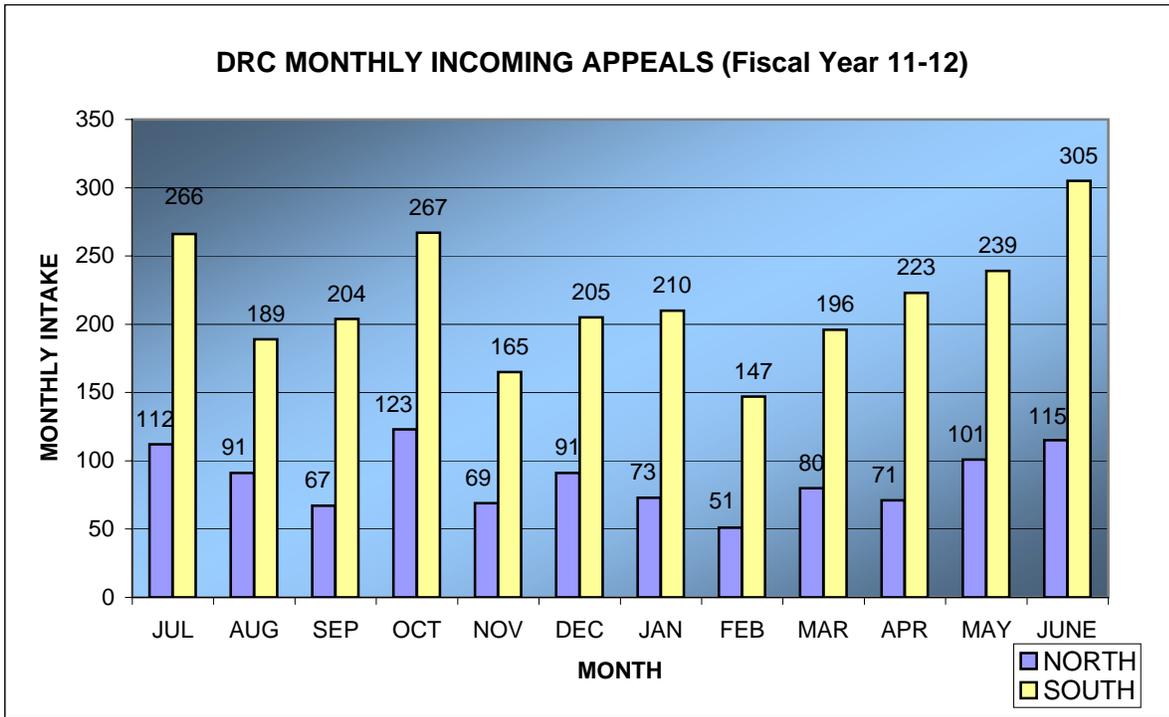
Area	Location	Date
Northern w/t	Sacramento	June 19-21, 2012
Northern w/t	Sacramento	July 23-25, 2012
Northern w/t	Sacramento	August 27-29, 2012
Southern	Norwalk	September 25-27, 2012
Northern	Sacramento	October 22-24, 2012
Northern	Sacramento	November 14-16, 2012
Southern	Norwalk	December 18-20, 2012

NORTHERN DRC HEARINGS (Fiscal Year 11-12)



SOUTHERN DRC HEARINGS (Fiscal Year 11-12)





**QUARTERLY BARBERING AND COSMETOLOGY
ENFORCEMENT STATISTICS Fiscal Year 11-12
Report Date July 11, 2012**

	Jul-Sept	Oct-Dec	Jan- Mar	Apr-Jun	YTD*
COMPLAINTS					
Complaints Received	1017	851	829	879	3576
Referred to DOI	14	21	17	18	70
Complaints Closed	927	972	988	894	3781
Total Complaints Pending	1189	1072	830	866	866
APPLICATION INVESTIGATIONS					
Received	468	393	484	537	1882
Pending	115	85	0	48	48
Closed	455	427	471	587	1940
ATTORNEY GENERAL					
Referred	34	27	23	23	107
Accusations Filed	10	16	10	13	49
Statement of Issues Filed	1	2	0	1	4
Total Pending	91	94	94	94	94
DISCIPLINARY PROCESS					
Proposed Decisions	1	4	1	2	8
Default Decision	7	6	3	9	25
Stipulation	10	11	6	6	33
DISCIPLINARY OUTCOMES					
Revocation	20	11	5	13	49
Revoke, Stay, Probation	0	6	4	1	11
Revoke, Stay, Suspend/Prob	12	7	4	9	32
Revocation, Stay w/ Suspend	0	0	0	0	0
Probation Only	0	0	0	0	0
Suspension Only	0	0	0	0	0
Suspension & Probation	0	0	0	0	0
Suspension, Stay, Probation	15	9	9	10	43
Surrender of License	0	2	1	2	5
Public Reprimands	0	0	0	0	0
License Denied	1	0	2	0	3
Other	2	0	0	0	2
Total	50	35	25	35	145
PROBATION					
Active	202	203	197	174	174
	Jul-Sept	Oct-Dec	Jan- Mar	Apr-Jun	YTD
CITATIONS					
Establishments	2723	2285	2060	1916	8984
Barber	132	151	135	122	540
Barber Apprentice	17	8	20	8	53
Cosmetologist	951	701	807	650	3109
Cosmetologist Apprentice	13	15	15	14	57
Electrologist	2	1	0	1	4
Electrologist Apprentice	0	0	0	0	0
Manicurist	745	574	599	504	2422
Esthetician	75	52	52	51	230
Unlicensed Est.	137	125	155	96	513
Unlicensed Individual	189	174	157	126	646
Total	4984	4086	4000	3488	16558
INSPECTIONS					
Establishments w/ violations	2678	2249	2012	1713	8652
Establishments w/o violations	758	700	630	460	2548
Total	3436	2949	2642	2173	11200
*Citations issued through May 31, 2012					



State and Consumer Services Agency – Governor Edmund G. Brown Jr

BOARD OF BARBERING AND COSMETOLOGY

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Budget Updates

Constraints:

On April 26, 2011, the Governor issued an Executive Order B-06-11 ordering No travel, either in state or out-of-state, is permitted unless it is mission critical or there is no cost to the state. The board prepared a reduction plan for FY 2011-12. The plan included eliminating the attendance to all outreach events and two (2) staff members will be traveling to conduct the scheduled disciplinary review hearings in Southern CA. All travel must be mission critical and pre-approved by the Boards' Executive Officer.

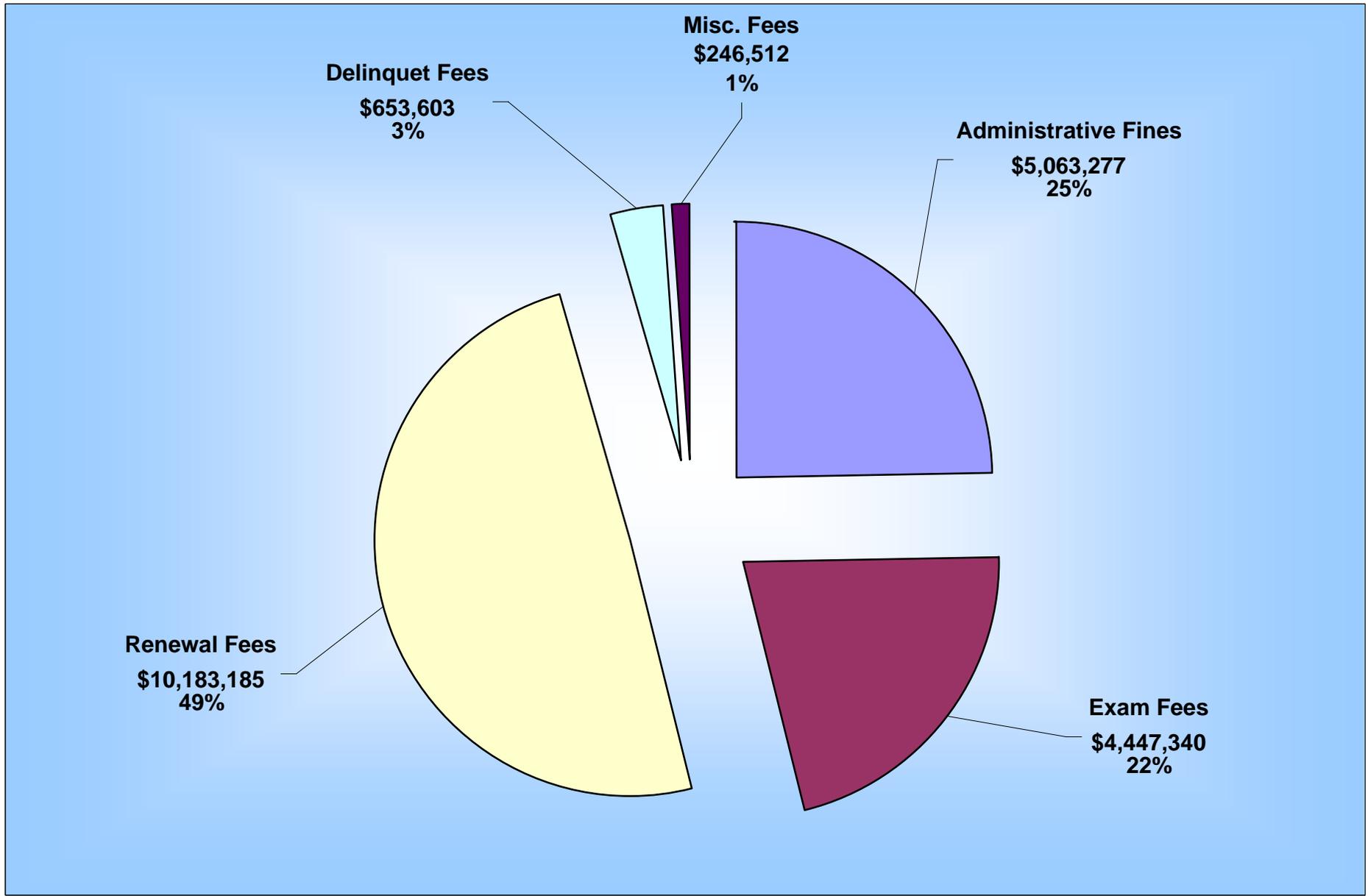
1. Budget 2011/12 Fiscal Year (July 2011 - June 2012):

Chart 1 displays the revenues received as of May 31, 2012.

Chart 2 displays the expenditures as of May 31, 2012.

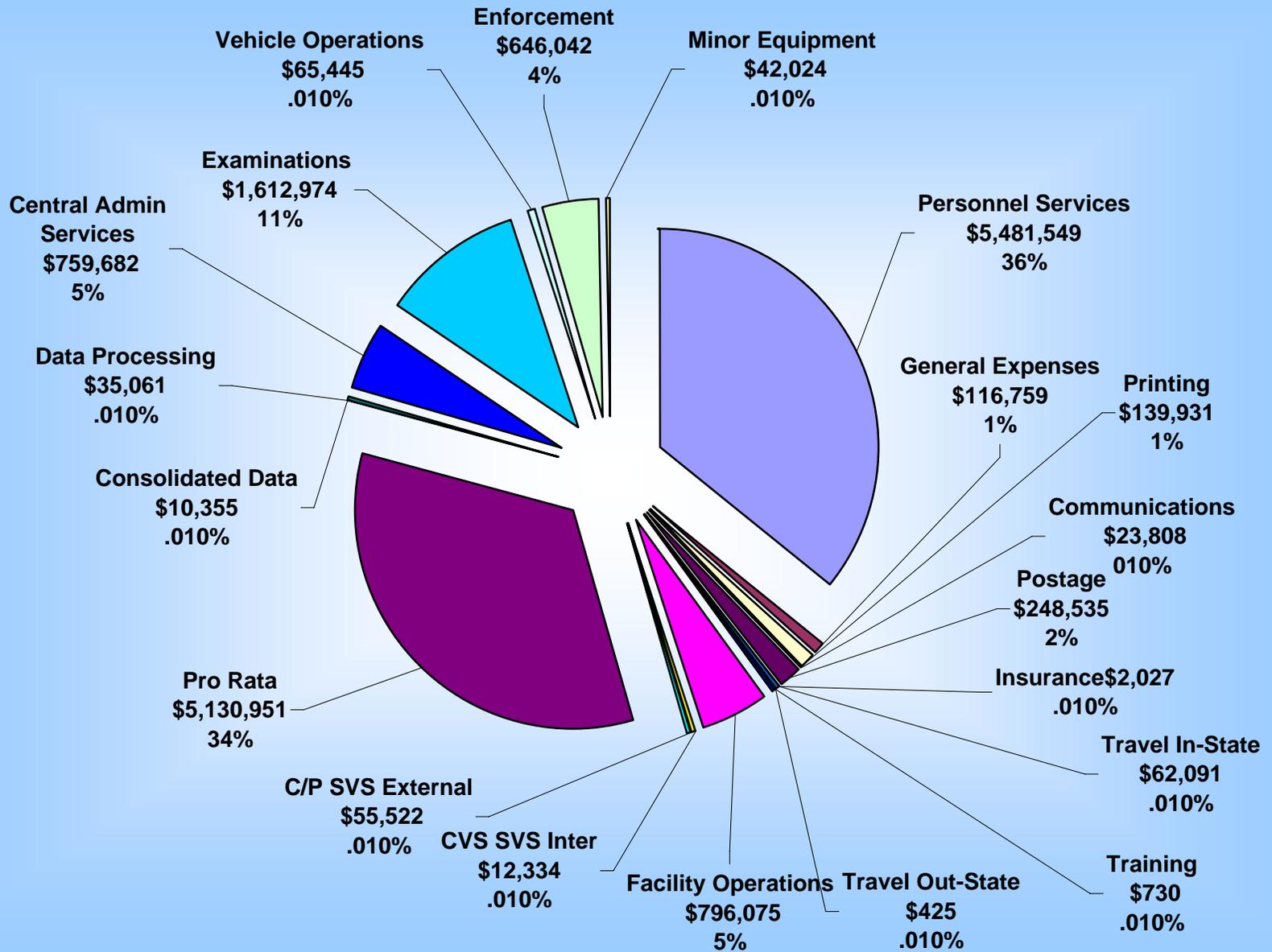
Attachment 3 displays projected expenditures for end of the year.

Monthly Budget Report (11/12 FY)
Revenues
(As of 05/31/12)



Revenues as of 05/31/12
\$20,593,917

**Monthly Budget Report (11/12 FY)
Expenditures
(As of 05/31/12)**



Expenditures as of 04/30/12
\$15,242,318

Board of Barbering and Cosmetology
Fiscal Year 2011/2012
Projected Expenditures
05/31/12

Personnel Services	ALLOTMENT	BBC Projected Expenditures	Projected Year
Permanent	3,988,544	3,557,351	431,193
Expert Examiners	452,554	452,554	0
Temporary	0	144,000	(144,000)
Statutory-Exempt	101,852	102,012	(160)
Board Member Commission	0	10,000	(10,000)
Overtime	0	26,000	(26,000)
Total Salary & Wages	4,542,950	4,291,917	251,033
Salary Savings	(141,697)	0	(141,697)
5% Salaray Savings	(278,460)	0	(278,460)
Net Salary & Wages	4,122,793	4,291,917	(169,124)
Staff Benefits	1,919,501	1,528,261	391,240
Total of Personnel Servies	6,042,294	5,820,178	222,116
Operating Expenses & Equipment (OE&E)	Allotment	BBC Projected Expenditures	Projected Year End Balance
General Expense	182,346	158,400	23,946
Printing	220,413	170,000	50,413
Communication	105,605	10,000	95,605
Postage	389,384	300,000	89,384
Insurance	4,489	2,500	1,989
Travel In State	82,789	99,300	(16,511)
Travel, Out-of-State	0	0	0
Training	24,513	20,000	4,513
Facilities Operations	1,327,231	1,327,231	0
Consultant & Professional Svs. - Interdept.	125,781	100,000	25,781
Consultant & Professional Svs. - External	196,947	196,947	0
Depart. and Central Admin. Services	5,132,165	5,100,000	32,165
Pro Rata	759,682	750,000	9,682
Consolidated Data Center	70,088	70,088	0
Examinations	1,394,277	1,354,034	40,243
Major Equipment	57,000	50,000	7,000
Minor Equipment	41,000	35,000	6,000
Data Processing	38,376	30,000	(2,000)
Other Items of Expense	7,288	70,000	(62,712)
Vehicle Operations	14,772	64,575	(49,803)
Enforcement	1,585,096	1,570,096	15,000
Special Items of Expenses	0	0	0
Required OE&OSavings		171,022	(50,482)
Total Operating Expenses & Equipment	11,759,242	11,649,193	220,213
Scheduled reimbursements	(57,000)		(57,000)
Total	17,744,536	17,469,371	163,213

0069 - Barbering and Cosmetology

Analysis of Fund Condition

Prepared 12/10/11

(Dollars in Thousands)

NOTE: \$10 Million General Fund Repayment Outstanding

2012-13 Governor's Budget

GOVERNOR'S BUDGET

	Actual 2010-11	CY 2011-12	BY 2012-13	BY+1 2013-14	BY+2 2014-15
BEGINNING BALANCE	\$ 10,104	\$ 15,985	\$ 8,174	\$ 10,155	\$ 11,749
Prior Year Adjustment	\$ -55	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 10,049	\$ 15,985	\$ 8,174	\$ 10,155	\$ 11,749
REVENUES AND TRANSFERS					
Revenues:					
125600 Other regulatory fees	\$ 4,939	\$ 4,447	\$ 4,625	\$ 4,625	\$ 4,625
125700 Other regulatory licenses and permits	\$ 4,845	\$ 5,038	\$ 5,240	\$ 5,240	\$ 5,240
125800 Renewal fees	\$ 10,434	\$ 10,851	\$ 11,285	\$ 11,285	\$ 11,285
125900 Delinquent fees	\$ 728	\$ 757	\$ 788	\$ 788	\$ 788
141200 Sales of documents	\$ -	\$ -	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 60	\$ 190	\$ 101	\$ 116	\$ 128
150500 Interest Income from Interfund Loans	\$ -	\$ -	\$ -	\$ -	\$ -
160400 Sale of fixed assets	\$ -	\$ -	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ 19	\$ 19	\$ 19	\$ 19	\$ 19
161400 Miscellaneous revenues	\$ 9	\$ 7	\$ 7	\$ 7	\$ 7
Totals, Revenues	\$ 21,034	\$ 21,309	\$ 22,065	\$ 22,080	\$ 22,092
Transfers from Other Funds					
Proposed GF Loan Repayment					
Transfers to Other Funds					
Proposed GF Loan		\$ -11,000			
Totals, Revenues and Transfers	\$ 21,034	\$ 10,309	\$ 22,065	\$ 22,080	\$ 22,092
Totals, Resources	\$ 31,083	\$ 26,294	\$ 30,239	\$ 32,235	\$ 33,841
EXPENDITURES					
Disbursements:					
0840 State Controller (State Operations)	\$ 27	\$ 19	\$ -	\$ -	\$ -
1110 Program Expenditures (State Operations)	\$ 15,060	\$ 18,023	\$ 20,084	\$ 20,486	\$ 20,895
1111 Program Expenditures (State Operations)					
8880 Financial Information System for California (State Ops)	\$ 11	\$ 78	\$ -	\$ -	\$ -
9670 Equity Claims / Board of Control (State Operations)	\$ -	\$ -	\$ -	\$ -	\$ -
Total Disbursements	\$ 15,098	\$ 18,120	\$ 20,084	\$ 20,486	\$ 20,895
FUND BALANCE					
Reserve for economic uncertainties	\$ 15,985	\$ 8,174	\$ 10,155	\$ 11,749	\$ 12,946
Months in Reserve	12.7	4.9	5.9	6.7	7.3

NOTES:

- ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN FY 2011-12.
- EXPENDITURE GROWTH PROJECTED AT 2% BEGINNING FY 2012-13.



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FY 11-12 Outreach/Industry Events

- None

On April 26, 2011, the Governor issued an Executive Order B-06-11 ordering No travel, either in state or out-of-state, is permitted unless it is a mission critical or there is no cost to the state.



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**CALIFORNIA STATE BOARD OF
BARBERING AND COSMETOLOGY**

MINUTES OF APRIL 30, 2012

**Department of Consumer Affairs
1625 North Market Blvd.
Hearing Room S-102, First Floor
Sacramento, CA 95834**

BOARD MEMBERS PRESENT

Christie Truc Tran, President
Joseph Federico, Vice President
Wen Ling Cheng
Frank Lloyd
Richard Hedges
Deedee Crossett
Katie Dawson

STAFF MEMBERS PRESENT

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

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

Ms. Tran called the meeting to order at 10:00 a.m. She welcomed the attendees to the meeting. Mr. Hedges announced that Ken Williams', a strong member in the industry, mother recently passed away. Ms. Tran then adjourned the meeting to the closed session.

The Board returned from closed session and Ms. Tran again opened the meeting.

2. Agenda Item, #2, Public Comment

Note: The Board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125 (a)]

Bruce Lazams representing Laney College asked if the Board could address item 9 first. He noticed that his students were concerned about fish pedicuring. He also asked if cosmetologists needed to be concerned about hair weaving.

Fred Jones of the Professional Beauty Federation announced that their 12th Annual Welcome to Our World Event is the afternoon of the meeting, from 3:00 p.m. to 7:00 p.m. on the South Steps of the State Capitol. He invited all in attendance.

3. Agenda Item #3, Board President's Report

Ms. Tran had nothing to report. She invited the other Board members for anything to report.

4. Agenda Item #4, Executive Officer Report

Ms. Underwood noted the Board is starting its own Facebook page on May 1, 2012. Tami Guess has been working on it. She also informed the Board that another examination has been scheduled at a State Correctional facility on June 5, 2012. She will report the results at the next Board meeting. Ms. Underwood reported the transition to the national exam since October 2011 has gone extremely well. All reports have been positive.

- **Review of Board Statistics**

Ms. Underwood provided a brief summary of the Board statistics. Mr. Federico asked why more establishment applications were approved as compared to cosmetology licenses. Ms. Underwood noted the establishment application only required an application review. The Cosmetology application required a review to determine eligibility to take the examination. Mr. Hedges asked why there was such a delay for testers who fail their first test. He was told there was a six month wait between tests. He hoped this could be improved and asked if using the doll head models will help. Ms. Underwood noted they have seen less people turned away from the exam because a lot of the disqualifications were due to models. Paul Steiger, from Rent a Kit, confirmed this. They have noticed a decrease in no-shows. The pass rate has also improved from 72-76 to 90 percent. Mr. Steiger acknowledged the switch to doll heads was challenging due to supply and demand. The price for doll heads has increased 25 percent.

Ms. Underwood stated they were six months behind a few months ago due to reduction in staff. They have now hired new staff at both facilities and the delay has reduced to three months. Ms. Crossett hoped this could be reduced even further. Ms. Underwood stated that an additional testing site would be needed. The volume of applications has remained steady for cosmetologists. The two examining facilities test five days per week. Ms. Crossett hoped they could be creative to allow more tests to be done. The wait could have a strong impact on new graduates. Ms. Underwood agreed and mentioned the board has looked into various options. Additional days would affect overtime and expert examiners' allotted hours. In addition, they only have a certain amount of rooms available. They test 48 students a day at the Glendale facility.

Mr. Hedges noted the Disciplinary Review Committee (DRC) hears 240 appeals per month. They receive approximately 300 appeals from the north and south. They fall 60 behind per month. He commended Mr. Lloyd for his innovative ideas. One idea was to have the written appeals sent to them and they could meet centrally to discuss them without a staff member. Staff could be contacted via phone with any questions. Their goal is to take no longer than 60 days.

Mr. Hedges noted the budget was in good standing. He wondered if they would be receiving additional funding in the future to rehire staff. Mr. Federico asked if the DRC was publically noticed. It did not have to be with only two members attending. Ms. Crossett stated the face-to-face meetings provided more opportunity for education. She recommended skypping to encourage this. Mr. Duke stated this would be legal as long as the general public could be included; it may be a technological issue. Ms. Underwood agreed staff should look into it.

- **Sunset Review Update**

Ms. Underwood noted the sunset review is coming and is due to the Legislature November 1, 2012. Staff is preparing the report and the Board will review the drafts. Ms. Crossett recommended discussing schools and Bureau for Private Post Secondary Education (BPPE) in the report. Ms. Underwood assured the Board these issues will be included in detail. She believed the draft will be available at the July meeting.

- **Information on the Board's Vehicles**

Ms. Underwood provided information on the Board's vehicles. The Governor has issued an order to reduce the board's vehicles. This is a big concern for the Board as there are vehicles that are over their mileage limit and need constant repair. The executive order prohibits the purchase of new vehicles. Inspectors need reliable vehicles. They have received cars from other Boards or rent them from Department of General Services (DGS) State garages "trippers". However DGS is closing all their state garages other than in Sacramento. They can rent from Enterprise but the inspectors would be required to pay for their own gas and submit claims for reimbursement. This is not feasible. The Voyager gas cards prohibit gas being purchased for anything other than a state owned vehicle, not a rental. Ms. Underwood has contacted the Deputy Director of the Department to discuss this and was hoping a meeting would be held soon. No cars are available for any future hires. Mr. Hedges agreed buying gas would be a burden on the inspectors. Mr. Duke stated the DGS would be responsible for negotiating a deal with Enterprise.

Ms. Underwood noted two more inspectors were assaulted in the past two months. This is a big concern. They need to have access to their vehicles and they need to be reliable. Cars have been vandalized.

- **Update on Inspector Class Study**

An outside company was contracted with to complete a study to ensure the inspectors were appropriately classified. The report believed they were properly classified but recommended a pay increase be negotiated for the inspectors. Ms. Underwood noted it is a very difficult job for very little money. Mr. Hedges wondered if the Board could use on-call inspectors to go to difficult locations. Ms. Underwood explained they did have a Division of Investigations (DOI) who are sworn police officers. If an inspector has a problem they will let the Board know and they will request security from DOI, which is costly.

The Board took a five minute break at this time.

5. **Agenda Item #5, Approval of Board Meeting Minutes**

- **February 6, 2012**
- **March 19, 2012**

Upon a motion by Mr. Federico, seconded by Ms. Crossett, the minutes were approved by a vote of 7-0.

6. Agenda Item #6, Regulations Update

- **Scoring Methods in Examinations – Approval of Modified Text and Final Statement of Reasons.** The questions by the Office of Administrative Law have been addressed. A 15 day notice was done and no comments were received. There have been no changes in the language. Upon a motion by Ms. Chan, seconded by Mr. Hedges, the Regulations were approved by a vote of 7-0 as written.
- **Unregulated Practices – Decision on Whether to Pursue or Withdraw.** This regulation would require a salon to post a notice of services they provide that are not regulated by the Board. The State and Consumer Services Agency had concerns that they were requiring licensees to post information they may not know and it could not be enforced. Additional signage was also an issue. Mr. Duke agreed the current proposed regulation would require a licensee to make a legal determination on the regulatory agency. Mr. Hedges proposed the regulation be withdrawn as it will likely be rejected. Ms. Dawson recommended the regulated services be posted; Ms. Underwood noted this would change the package as proposed. She clarified unregulated services are listed on the establishment license. Approximately two complaints about permanent makeup are received yearly. Mr. Hedges made the motion to withdraw the regulation and ask staff to bring alternatives before the Board. Mr. Federico seconded this motion and it passed by a 7-0 vote.

Public Comment

Lydia Justice noted that permanent makeup is regulated by the County.

- **Inspection of Examination Papers / Text and Reference Books for Students – Approval of Specific Language and Final Statement of Reasons.** This regulation eliminates the section which allows for the inspection of an examination paper. This is no longer applicable with computer-based testing. In addition, the performance criteria is irrelevant and schools should not be required to maintain that onsite. Written exams cannot be appealed. Mr. Hedges made the motion to remove Section 933 Title 16 of the California Code of Regulations. Ms. Crossett recommended providing diagnostics to show students where they were weak. Ms. Underwood agreed this was a good idea, but stated it would be a computer change and they are in the process of moving to the new computer system and no changes are being allowed. Mr. Federico seconded the motion and it was approved by a 7-0 vote.

7. Agenda Item #7, Legislation Update

- **Assembly Bill 1754 (Make up Artistry License)** The staff has received word that the author of this bill is not pursuing it at this time.

8. Agenda Item #8, Discussion on Natural Hair Braiding

Staff provided background information on braiding. Braiders were exempted from the Board's statute because it is not taught in the curriculum. It is specific that braiders are not to use combs and brushes. Ms. Dawson found it disturbing that hair braiders would be cited for using a brush or

comb. She also expressed concern over the effects on hair if braiding is not done properly. She believed there should be a regulation if they are allowed to practice for the safety of consumers. Ms. Underwood noted the statute reads "The practice of barbering and cosmetology do not include any of the following: ...natural hair braiding is a service that results in tension on hair strands or roots by twisting, wrapping, weaving, extending, locking or braiding by hand or mechanical device." Mechanical device can include a comb or brush. Mr. Hedges stated this language makes it difficult for the inspectors to determine exemptions. Mr. Duke explained the issue has been addressed by the Legislatures and was hotly contested at the time. Any changes would require a statutory change in law. Ms. Dawson felt this was necessary. She wondered if dermatologists testified. Ms. Underwood noted this issue could be added to the Sunset Report. Ms. Crossett expressed her frustration that pain and suffering had to be a precursor to change.

Public Comment:

Fred Jones of the Professional Beauty Federation of California (PBFC) recalled the court case in 1999. The argument was that the curriculums did not include hair threading and hair braiding. Since then, the curriculum has become more flexible. The word needs to get out to the schools to teach these skills. The legal and political argument could then be supported. He noted many other states have a natural hair stylist license.

Mr. Hedges agreed and wanted to pursue the issue further. He asked Ms. Dawson to work with him on the Enforcement Committee regarding this issue and she agreed. He felt Mr. Jones and legal counsel should also be involved. Ms. Crossett noted it is a health and safety perspective and not an ethnic issue. Graduates should be able to work with any hair type/structure. Mr. Hedges noted a lot of licensees go beyond braiding.

9. Agenda Item #9, Discussion on Garra Rufa Fish Pedicures

Ms. Underwood presented the research done by staff on this issue. They contacted the National Interstate Council of State Boards of Cosmetology, Incorporated (NIC) and communicated with other states but could not find another state that allows this procedure. Staff also spoke with the Department of Fish and Game who had concerns with the fish and their effect on the environment. Mr. Duke noted the Center for Disease Control has not investigated this issue or prepared a formal study. However, their website addresses some concerns by various states. A study was done by the National Health Services/Health Protection Agency in the United Kingdom. The report noted fish pedicures are extremely popular in the United Kingdom. The use of the fish for medicinal purposes started in Turkey over 150 years ago. It was introduced in the United States in 2008. It has become very popular in the United Kingdom and they have many fish pedicure establishments, all using the Garra Rufa fish. They are similar to a minnow and range in size from 1 to 4-1/2". The fish does not have teeth and many people think this is a safe process. The British Health Protection Agency provided guidelines how the Garra Rufa fish can be used safely. It entails an extreme amount of attention to ensure the water is clean. The report concluded that the use of the Garra Rufa fish can be done safely. The British were also concerned about the care of the fish. Any salon offering this procedure has to adhere to the requirements for maintaining fish in a decent manner. There is also a concern about the release of the fish into the wild. California Fish and Game expressed the same concerns. Mr. Duke noted clients can get scared when the fish get bigger so they are possibly disposed of at that time. In his research, Mr. Duke found one establishment in Oakland, California that advertised this service. However, he found they no longer

advertised and kept their fish tank in the back room. Mr. Duke read consumer reactions on Yelp. Some were positive, some were negative. An establishment has recently been advertising the service for free because the fish have gotten so big.

Public Comment

Victor Chang noted various breeds of fish can be used; there is a breed that does not grow more than 7 cm and would not need to be disposed of. He corrected that Ohio did approve the practice in 2008. They told him they have not had any issues with consumer safety. No infectious diseases have been reported. He noted 32 states allow this practice. The medical opinion presented stated the procedure does not pose any undue risks. Mr. Chang offered to provide a physician to speak on the process. He did not believe the currently regulations apply. He stated it was no different than a pool or spa where people share water.

Mr. Lloyd asked Mr. Chang about his goals. Mr. Duke stated the practice has been regulated but not specifically. He explained Regulation 981 states “all instruments and supplies which come into direct contact with a patron and cannot be disinfected shall be disposed if in a waste receptacle immediately after use.” This means the fish would have to be disposed of after a single use, which would be impractical. The fish cost \$4 and this would not be cost effective.

Adam Yeganeh stated he has addressed the issue of fish disposal and keeping things sanitary for patrons. One solution was to have a fresh fish for each patron. This would eliminate any health risk and offer a peace of mind. He noted fish are a good fertilizer/compost. Once the fish are used, they could be sent to compost centers to be used for fertilizer. This type of business would provide taxes to the state, and include local fish farmers and hatcheries, and compost centers. Regulations 979, 981 and 980.3 will be met with the use of new fish for each patron and proper disposal. He also noted the receptacles would have continuous filtering.

Mr. Lloyd asked how Mr. Adam Yeganeh would like it to be regulated. Mr. Adam Yeganeh stated the fish should be 2 to 3 cm in length, hungry and young, to eat the dead skin. They are scavengers and would not be starved.

Mr. Duke asked how many fish were required per pedicure. Mr. Adam Yeganeh stated this depended on the establishment. He estimated 10 fish would be needed per hand and 10 per foot. Adam hoped the procedure could be done at a dedicated establishment and not at existing nail salons. However, he was not opposed to including it in a nail salon.

Andrew Yeganeh stated his proposal was for a dedicated Garra Rufa center, similar to a day spa. He believed the United Kingdom also had dedicated centers and were not incorporated into manicure centers.

Ms. Crossett clarified there were 18 states that do not currently allow the procedure. Mr. Duke stated these 18 states have specifically banned the process. Ohio is the only state that has approved it specifically. He noted the guidelines are cumbersome and it would be best to have dedicated centers. Mr. Hedges believed the procedure can be done but not in the licensed salons. He believed it could be done in a separate room but should not be called a pedicure. Adam Yeganeh explained he had a family business and hoped to expand. They did not have

cosmetology licenses and were not scientists. Their parents were pet shop owners. Ms. Crossett did not believe the procedure could be allowed due to the pedicure regulations. She did not believe the fish would survive the procedure. She recently read an article that reported there is still a risk of transmitting HIV and hepatitis with the fish as the fish tank can contain microorganisms. She noted if anything is done in a licensed establishment, the Board's regulations need to be followed. However, if they had a dedicated center and did not call it a pedicure, it would not fall under the Board's authority.

Mr. Duke noted the British report stated the degree of micro bacteria in the water is equivalent to the foot spas. He confirmed there were no incidents of blood borne diseases. The inspectors would have to know the differences between the fish. The Chinese Chin Chin fish look similar and have teeth.

Mr. Hedges asked if the gentlemen would be able to open a foot spa using the fish. Mr. Duke stated they could use different labels such as fish massage, however the purpose is still beautification and cleansing of the feet, which is under the jurisdiction of the Board. The men wondered if their proposed solutions would fall under the regulations. Mr. Duke stated the best way to allow the procedure would be through legislative change. Andrew Yeganeh asked if he could bring a physician to provide the Board with further information. Ms. Crossett believed it was beyond the Board's scope and it would take the approval of many other agencies.

Adam Yeganeh stated he was very familiar with aquariums and fish. He hoped to be able to import the fish to use in his business and sell to fish stores. Andrew Yeganeh clarified he wanted to get the fish from local hatcheries and use the fish in his own spa. This would stimulate the local economy. He noted the state only licenses hatcheries whose fish can be ingested.

Mr. Lloyd reiterated a legislation change would be needed to allow the practice. This could take a couple of years. He recommended they talk to their local assemblyman regarding a bill. Mr. Hedges stated there is a big concern in the United States about non native species and he believed various organizations would file lawsuits against the fish therapy. The Board agreed they cannot give their blessing for Garra Rufa therapy at this time.

10. Agenda Item #10, Recommendations on Hand Hygiene

Washing hands with soap and water versus sanitizer was discussed at the last meeting and staff has researched this issue. They found recommendations from the United States Food and Drug Administration (FDA), the Center for Disease Control (CDC) and the World Health Organization (WHO). Staff recommends putting a link on the website for proper hand hygiene. The CDC has a video and thorough information on proper hand washing. The regulation allows for hand washing and sanitizer. Mr. Hedges hoped the message addressing the need for proper hand washing could be strong on the website.

11. Agenda Item #11, Discussion and Possible Establishment of Ad Hoc Committee on Strategic Planning

The Board needs to come together to do an updated strategic plan prior to finalizing the Sunset Review. Ms. Underwood estimated it would take a half day meeting to do this and asked the Board to decide if they wanted to do it as a full Board or an ad hoc committee. She believed time is of the essence. Mr. Hedges agreed the committee be appointed. He agreed the Board needs to be

prepared for the Sunset Review. Ms. Underwood believed it would be best to meet face-to-face as a representative of Department of Consumer Affairs will be brought in to help.

The committee meeting would be noticed as a full meeting if all members wanted to participate. Ms. Underwood will contact everyone to set up some dates and locations.

Mr. Hedges made the motion to set up the committee and start immediately. Mr. Federico seconded the motion and it was approved 7-0.

12. Agenda Item #12, Discussion on Allies Innovation Initiative

Mr. Hedges stated he is on the Workforce Investment Board. He noted in certain counties, English as a second language has impeded workers' move up the corporate ladder. He asked fellow Board members to come to a meeting to find out more about the initiative. The idea of providing common sense ways to help students learn English could be implemented in schools. It could also help licensees become more efficient in English. The Board agreed to move forward.

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

Presentation by the Allies Innovation Initiative, discussion on establishment owners not being qualified to serve as a licensee in charge, when a Cosmetologist or other licensee is not present in the salon. Discussion of hair clipper care and sanitation procedures. (use of clipper spray)

14. Agenda Item #14, Public Comment

Note: The Board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125 (a)]

The public present did not wish to address the Board.

The meeting was adjourned to the closed session.

15. Agenda Item #15, Closed Session to Discuss Enforcement Cases

- **Discussion on Reconsideration and Disciplinary Cases (Closed Pursuant to Government Code Section 11126(c) (3).**
- **Report on Potential Litigation (Closed Pursuant to Government Code Section 11126(e) (2) (B).**

16. Agenda Item #16, ADJOURNMENT

The board returned to open session. With no further business, the meeting was adjourned.

**2012 Legislation
Board of Barbering and Cosmetology
Activity / Status**

Agenda Item

Legislation	Requirements	Status
<p>AB 1588 (Atkins) (Principal coauthors: Cook and Nielsen; Coauthors: Block, Beth Gaines, Pan, V. Manuel Perez, Williams and Yamada) Professions and vocations; reservist licensees; fees and continuing education</p>	<p>Existing Law: Addition to Government Code</p> <p>This bill would:</p> <ul style="list-style-type: none"> • Require the boards, commissions, or bureaus described under Department of Consumer Affairs to waive the renewal fees and continuing education requirements, if either is applicable, of any licensee or registrant who is a reservist called to active duty as a member of the United States Military Reserve or the California National Guard if certain requirements are met. 	<p>HOUSE LOCATION: Senate LAST AMENDED DATE: 6/25/2012 LAST HISTORICAL ACTION DATE: 7/3/2012 LAST HISTORICAL ACTON: From committee: Do pass and re-refer to committee on Appropriations COMMITTEE LOCATION: Senate Appropriations HEARING DATE: August 6, 2012</p>
<p>AB 1904 (Block, Butler and Cook) – Professions and vocations; military spouses; temporary licenses. Add section 115.5 to the Business and Professions Code</p>	<p>Existing Law: Addition to Government Code</p> <p>This bill would:</p> <ul style="list-style-type: none"> • Authorize a board under the Department of Consumer Affairs to issue a temporary license (valid for 180 days) to the spouse or domestic partner of a military member on active duty, if the applicant submits the required application, fees, and fingerprints to the board. • Require a board to expedite the issuance of a temporary license to an applicant that complies with the requirements for temporary licensure. • Authorize a board to adopt regulations necessary to administer the provisions of this bill. 	<p>HOUSE LOCATION: Senate LAST AMENDED DATE: 6/12/2012 LAST HISTORICAL ACTION DATE: 7/3/2012 LAST HISTORICAL ACTON: From committee do pass and re-refer to committee on appropriations. COMMITTEE LOCATION: Senate Appropriations HEARING DATE: August 6, 2012</p>

2012 Legislation
Board of Barbering and Cosmetology
Activity / Status

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Agenda Item

<p>AB 2570 (Hill) (Coauthor: Senator Correa) Licensees: Settlement agreements</p>	<p>Existing Law: Addition of Section 143.5 to the Business and Professions Code.</p> <p>This bill would:</p> <ul style="list-style-type: none"> • Prohibit a licensee who is regulated by the Department of Consumer Affairs or various boards, bureaus, or programs, or an entity or person acting as an authorized agent of a licensee, from including or permitting to be included a provision in an agreement to settle a civil dispute that prohibits the other party in that dispute from contacting, filing a complaint with, or cooperating with the department, board, bureau, or program, or that requires the other party to withdraw a complaint from the department, board, bureau, or program. A licensee in violation of these provisions would be subject to disciplinary action by the board, bureau, or program. • Prohibit a board, bureau, or program from requiring its licensees in a disciplinary action that is based on a complaint or report that has been settled in a civil action to pay additional moneys to the benefit of any plaintiff in the civil action. 	<p>HOUSE LOCATION: Senate LAST AMENDED DATE: No amendment LAST HISTORICAL ACTION DATE: 7/5/2012 LAST HISTORICAL ACTON: From committee, Do pass and re-refer to committee on Appropriations COMMITTEE LOCATION: Senate Appropriations HEARING DATE: August 6, 2012</p>
<p>AB 2575 (Furutani) – Repeal section 7303.2 of B&P code relating to Barbering and Cosmetology</p>	<p>Existing Law: Existing law establishes the State Board of Barbering and Cosmetology in the Department of Consumer Affairs. Law requires the board conduct various studies, some in conjunction with OER and some in coordination with the department of Industrial Relations, and to report the results to the department and to the Joint Committee on Boards, Commissions and Consumer Protection in the Legislature.</p>	<p>HOUSE LOCATION: Assembly LAST AMENDED DATE: 3/29/2012 LAST HISTORICAL ACTION DATE: 4/24/2012 LAST HISTORICAL ACTON: In committee; Set, first hearing. Hearing cancelled at the request of author. COMMITTEE LOCATION: Assembly Business and Professions and Consumer Protection Committee</p>

**2012 Legislation
Board of Barbering and Cosmetology
Activity / Status**

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Agenda Item

	<p>This bill would:</p> <ul style="list-style-type: none"> • Repeal the provisions regarding these reporting requirements. 	
<p>SB 977 (Yee) - Sherman Food, Drug and Cosmetic Law; Nail Polish An act to amend Section 111825 of the Health and Safety code, relating to the Sherman Food, Drug and Cosmetic Law, and declaring the urgency thereof, to take effect immediately.</p>	<p>Existing Law:</p> <ul style="list-style-type: none"> • Prohibits misbranding of a cosmetic, as specified. • Requires the Department of Public Health (DPH), under the Sherman Law, to regulate the manufacture, sale, labeling, and advertising activities related to food, drugs, devices, and cosmetics in conformity with the federal Food, Drug, and Cosmetic Act. • Makes any person who violates any provision of the Sherman Law or any regulation adopted pursuant to it, if convicted, subject to imprisonment for up to one year in the county jail or a fine of up to \$1,000, or both. <p>This bill would:</p> <ul style="list-style-type: none"> • Makes a manufacturer of nail polish that violates provisions of the Sherman Law related to misbranded cosmetics or any regulation adopted pursuant to those provisions, if convicted, subject to a fine of up to 15,000. • Contains an urgency clause that will make this bill effective upon enactment. 	<p>HOUSE LOCATION: Senate LAST AMENDED DATE: 6/4/2012 LAST HIST. ACT. DATE: 6/19/2012 LAST HIST. ACTON: Set for hearing July 3rd. COMM. LOCATION: Senate Public Safety</p> <p>Scheduled Hearing July 3rd – No update on hearing.</p>



BOARD OF BARBERING & COSMETOLOGY BILL ANALYSIS

Author: Atkins (co-authors: Cook, Nielson, Block, Beth Gaines, Pan, V. Manuel Perez)

Subject: Professions and vocations:
Reservist licensees – fees,
education

Bill Number: AB 1588

Version: As amended on June 25, 2012

Existing Law:

- Authorizes any licensee whose licensed expired while he or she was on active duty as a member of the California National Guard of the United States Armed Forces to reinstate his or her license without examination or penalty if the following requirements are met: (Business and Professions Code (BPC) 114.3)
 - a) The licensee was in good standing with the board at the time the reservist was called to active duty;
 - b) The renewal fees or continuing education requirements are waived only for the period during which the reservist is on active duty service and;
 - c) The active duty reservist, or the active duty reservist's spouse or registered domestic partner, provides written notice satisfactory to the board that substantiates the reservist's active duty service.

This Bill:

- Adds committees, departments, divisions, examining committees, programs and agencies (as included in BPC § 22) to the list of entities under DCA that can waive fees and requirements.
- Requires the boards, commissions, bureaus, committees, departments, divisions, examining committees, programs and agencies within DCA to waive the applicable renewal requirements of any licensee or registrant who is called to active duty as a member of the United States Military Reserve or the California National Guard.
- Requires that written documentation substantiating the licensee or registrant's active duty service be provided to the board which regulates the licensee or registrant's profession.
- Requires that licensees and registrants not engage in activities that would require a license during the period that the waivers are in effect.

- Requires the licensee or registrant to meet all renewal requirements within one year from the reservist's date of discharge from active duty service.

Comment:

Existing law authorizes members of the California National Guard or the U.S. Armed Forces to reinstate his or her professional license or registration without examination or penalty if their license expired while the licensee or registrant was on active duty. SB 1588 only applies to military reservists called to active duty, and would exempt them from applicable renewal requirements or fulfilling continuing education requirements during military service. The Board recognizes that this bill will allow members of the Military Reserve of National Guard to maintain a professional license set to expire while servicing on active duty. The Board also understands military professionals would not be expected to pay to renewal fees for professional license they cannot use during their service period, and should not be penalized for their military service by allowing their license to become delinquent during their service period.

The Board of Barbering and Cosmetology (BBC) does not require continuing education.

The bill does not provide a subsection for the board to establish regulations to interpret the law. Including a subsection would help to ensure that the provisions of AB 1588 will work with existing provisions of the BBC.

Organizations in favor:

American Federation of State, County and Municipal Employees
American Legion-Department of California
American Nurses Association of California
AMVETS-Department of California
Blood Centers of California
California Association of County Veterans Service Officers
California State Commanders Veterans Council
California State Commanders Veterans Council
Department of Defense State Liaison Office
Hearing HealthCare Providers
Los Angeles County Democratic Party
Respiratory Care Board of California
Veterans of Foreign Wars of the United States Department of California
Vietnam Veterans of America-California State Council

Fiscal Impact:

Unknown.

AMENDED IN SENATE JUNE 25, 2012

AMENDED IN ASSEMBLY MARCH 5, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1588

Introduced by Assembly Member Atkins
(Principal coauthors: Assembly Members Cook and Nielsen)
(Coauthors: Assembly Members *Allen, Bill Berryhill, Block, Butler,*
***Beth Gaines, Pan, V. Manuel Pérez, Williams, and Yamada*)**

February 6, 2012

An act to add Section 114.3 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1588, as amended, Atkins. Professions and vocations: reservist licensees: fees and continuing education.

Existing law provides for the regulation of various professions and vocations by boards, ~~commissions, or bureaus~~ within the Department of Consumer Affairs and for the licensure or registration of individuals in that regard. Existing law authorizes any licensee whose license expired while he or she was on active duty as a member of the California National Guard or the United States Armed Forces to reinstate his or her license without examination or penalty if certain requirements are met.

This bill would require the boards, ~~commissions, or bureaus~~ described above to waive the renewal fees ~~and~~, continuing education requirements, ~~if either is applicable~~ *and other renewal requirements as determined by the board, if any are applicable*, of any licensee or registrant who is a reservist called to active duty as a member of the United States

Military Reserve or the California National Guard if certain requirements are met. *The bill would require a licensee or registrant to meet certain renewal requirements within a specified time period after being discharged from active duty service prior to engaging in any activity requiring a license.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 114.3 is added to the Business and
2 Professions Code, to read:
3 114.3. (a) Notwithstanding any other provision of law, every
4 board, ~~commission, or bureau~~ *as defined in Section 22*, within the
5 department shall waive the renewal fees ~~and~~, continuing education
6 requirements, ~~if either is applicable and other renewal requirements~~
7 *as determined by the board, if any are applicable*, for any licensee
8 or registrant who is a reservist called to active duty as a member
9 of the United States Military Reserve or the California National
10 Guard if all of the following requirements are met:
11 (a)
12 (1) The licensee or registrant ~~was in good standing possessed~~
13 *a current and valid license* with the board, ~~commission, or bureau~~
14 at the time ~~the reservist~~ *he or she* was called to active duty.
15 (b)
16 (2) The renewal fees ~~or continuing education~~ requirements are
17 waived only for the period during which the ~~reservist~~ *licensee or*
18 *registrant* is on active duty service.
19 (c) ~~The active duty reservist, or the active duty reservist's spouse~~
20 ~~or registered domestic partner, provides written notice satisfactory~~
21 ~~to the board, commission, or bureau that substantiates the~~
22 ~~reservist's active duty service.~~
23 (3) *Written documentation that substantiates the licensee or*
24 *registrant's active duty service is provided to the board.*
25 (b) *The licensee or registrant shall not engage in any activities*
26 *requiring a license during the period that the waivers provided by*
27 *this section are in effect. In order to engage in any activities for*
28 *which he or she is licensed, the licensee or registrant shall meet*
29 *all necessary renewal requirements as determined by the board*

- 1 *within one year from the reservist's date of discharge from active*
- 2 *duty service.*
- 3 *(c) A board may adopt regulations to carry out the provisions*
- 4 *of this section.*

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BOARD OF BARBERING & COSMETOLOGY BILL ANALYSIS

Author: Block, Butler and Cook

**Subject: Temporary Licenses for Spouses/
Domestic Partners of Military Members**

Bill Number: AB 1904

Version: Bill as Amended June 12, 2012

Existing Law:

- Provides for the licensing and regulation of various professions and businesses by 26 boards, eight bureaus, and one commission within DCA under various licensing acts within the Business and Professions Code (B&P Code).
- Authorizes members of the California National Guard or the U.S. Armed Forces to reinstate their professional license without examination or penalty if their license expired while the licensee was on active duty.
- Defines "board" to mean a board, bureau, commission, committee, department, division, examining committee, program, or agency.
- Defines "license" to mean a license, certificate, registration, or other means to engage in a business or profession regulated by the B&P Code.
- Authorizes a licensee to reinstate an expired license without examination or penalty if, among other requirements, the license expired while the licensee was on active duty as a member of the California National Guard or the United States Armed Forces.

This Bill:

- Requires a board within the Department of Consumer Affairs to expedite the licensure process for an applicant who holds a license in the same profession or vocation in another jurisdiction and is married to, in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders.
- Specifies that the licensee must meet specific requirements in order to have their licensure process expedited including:
 - (a) Supplying evidence of marriage, domestic partnership or other legal union.

(b) Possessing a current license in another state, district or territory of the United States in the profession or vocation for which he or she seeks a license from the board.

- Authorizes a board to adopt regulations necessary to expedite the licensure process.

Comment:

This bill does have some verbiage concerns, such as this bill does not define the term ‘current license’.

The Board does realize and appreciate President Barack Obama’s January 24, 2011 directive entitled, Strengthening Our Military Families: Meeting America’s Commitment, a document urging agencies to support and improve the lives of military families.

Fiscal Impact:

According to the Assembly Committee on Appropriations analysis dated April 18, 2012, this bill will incur one-time costs would likely exceed \$150,000 (various special funds) due to workload associated with automation systems changes and the modification and creation of new application forms.

AMENDED IN SENATE JUNE 12, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1904

Introduced by Assembly Members Block, Butler, and Cook

February 22, 2012

An act to add Section 115.5 to the Business and Professions Code, relating to professions and vocations, ~~and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1904, as amended, Block. Professions and vocations: military spouses: ~~temporary licenses:~~ *expedited licensure.*

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law provides for the issuance of reciprocal licenses in certain fields where the applicant, among other requirements, has a license to practice within that field in another jurisdiction, as specified. ~~Under existing law, licensing fees imposed by certain boards within the department are deposited in funds that are continuously appropriated. Existing law authorizes a licensee to reinstate an expired license without examination or penalty if, among other requirements, the license expired while the licensee was on active duty as a member of the California National Guard or the United States Armed Forces.~~

This bill would ~~authorize~~ *require* a board within the department to ~~issue a temporary license to expedite the licensure process for~~ an applicant who, ~~among other requirements,~~ holds ~~an equivalent~~ *a* license ~~in the same profession or vocation~~ in another jurisdiction, ~~as specified,~~ and is married to, or in a legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station

in California under official active duty military orders. ~~The bill would require a board to expedite the process for issuing these temporary licenses. The bill would require the applicant to pay any fees required by the board and would require that those fees be deposited in the fund used by the board to administer its licensing program. To the extent that the bill would increase the amount of money deposited into a continuously appropriated fund, the bill would make an appropriation.~~

Vote: majority. Appropriation: ~~yes-no~~. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 115.5 is added to the Business and
 2 Professions Code, to read:
 3 115.5. (a) A board within the department ~~may issue a~~
 4 ~~temporary license to~~ *shall expedite the licensure process for an*
 5 *applicant who meets all both of the following requirements:*
 6 (1) ~~Submits an application in the manner prescribed by the~~
 7 ~~board.~~
 8 (2)
 9 (1) Supplies evidence satisfactory to the board that the applicant
 10 is married to, or in a domestic partnership or other legal union
 11 with, an active duty member of the Armed Forces of the United
 12 States who is assigned to a duty station in this state under official
 13 active duty military orders.
 14 (3)
 15 (2) Holds a current license in another state, district, or territory
 16 of the United States ~~with the requirements that the board determines~~
 17 ~~are substantially equivalent to those established under this code~~
 18 ~~for that occupation in the profession or vocation for which he or~~
 19 ~~she seeks a license from the board.~~
 20 (4) ~~Has not committed an act in any jurisdiction that would have~~
 21 ~~constituted grounds for denial, suspension, or revocation of the~~
 22 ~~license under this code at the time the act was committed.~~
 23 (5) ~~Has not been disciplined by a licensing entity in another~~
 24 ~~jurisdiction and is not the subject of an unresolved complaint,~~
 25 ~~review procedure, or disciplinary proceeding conducted by a~~
 26 ~~licensing entity in another jurisdiction.~~

- 1 ~~(6) Pays any fees required by the board. Those fees shall be~~
2 ~~deposited in the applicable fund or account used by the board to~~
3 ~~administer its licensing program.~~
4 ~~(7) Submits fingerprints and any applicable fingerprinting fee~~
5 ~~in the manner required of an applicant for a regular license.~~
6 ~~(b) A board shall expedite the procedure for issuing a temporary~~
7 ~~license pursuant to this section.~~
8 ~~(c) A temporary license issued under this section shall be valid~~
9 ~~for 180 days, except that the license may, at the discretion of the~~
10 ~~board, be extended for an additional 180-day period on application~~
11 ~~of the license holder.~~
12 ~~(d)~~
13 ~~(b) A board may adopt regulations necessary to administer this~~
14 ~~section.~~

Opposition:

American Council of Engineering Companies, California (unless amended)
Board of Pharmacy (unless amended);
California Board of Accountancy
California Chamber of Commerce (unless amended)
Civil Justice Association of California (unless amended)

Support:

Board of Behavioral Services
CALPIRG
Center for Public Interest Law
Consumer Federation of California
Consumers for Auto Reliability and Safety
Medical Board of California

ASSEMBLY BILL

No. 2570

Introduced by Assembly Member Hill
(Coauthor: Senator Correa)

February 24, 2012

An act to add Section 143.5 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 2570, as introduced, Hill. Licensees: settlement agreements.

Existing law provides that it is a cause for suspension, disbarment, or other discipline for an attorney to agree or seek agreement that the professional misconduct or the terms of a settlement of a claim for professional misconduct are not to be reported to the disciplinary agency, or to agree or seek agreement that the plaintiff shall withdraw a disciplinary complaint or not cooperate with an investigation or prosecution conducted by the disciplinary agency.

This bill would prohibit a licensee who is regulated by the Department of Consumer Affairs or various boards, bureaus, or programs, or an entity or person acting as an authorized agent of a licensee, from including or permitting to be included a provision in an agreement to settle a civil dispute that prohibits the other party in that dispute from contacting, filing a complaint with, or cooperating with the department, board, bureau, or program, or that requires the other party to withdraw a complaint from the department, board, bureau, or program. A licensee in violation of these provisions would be subject to disciplinary action by the board, bureau, or program. The bill would also prohibit a board, bureau, or program from requiring its licensees in a disciplinary action that is based on a complaint or report that has been settled in a civil

action to pay additional moneys to the benefit of any plaintiff in the civil action.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 143.5 is added to the Business and
2 Professions Code, to read:

3 143.5. (a) No licensee who is regulated by a board, bureau, or
4 program within the Department of Consumer Affairs, nor an entity
5 or person acting as an authorized agent of a licensee, shall include
6 or permit to be included a provision in an agreement to settle a
7 civil dispute, whether the agreement is made before or after the
8 commencement of a civil action, that prohibits the other party in
9 that dispute from contacting, filing a complaint with, or cooperating
10 with the department, board, bureau, or program or that requires
11 the other party to withdraw a complaint from the department,
12 board, bureau, or program. A provision of that nature is void as
13 against public policy, and any licensee who includes or permits to
14 be included a provision of that nature in a settlement agreement
15 is subject to disciplinary action by the board, bureau, or program.

16 (b) Any board, bureau, or program within the Department of
17 Consumer Affairs that takes disciplinary action against a licensee
18 or licensees based on a complaint or report that has also been the
19 subject of a civil action and that has been settled for monetary
20 damages providing for full and final satisfaction of the parties may
21 not require its licensee or licensees to pay any additional sums to
22 the benefit of any plaintiff in the civil action.

23 (c) As used in this section, "board" shall have the same meaning
24 as defined in Section 22, and "licensee" means a person who has
25 been granted a license, as that term is defined in Section 23.7.



BOARD OF BARBERING & COSMETOLOGY BILL ANALYSIS

Author: Furutani

Subject: Repeal Section 7303.2 of B&P Code

Bill Number: AB 2575

Version: First Amendment

This Bill:

- Annuls the provisions regarding these *reporting* requirements.
- No longer need to report findings on listed studies to DCA and Joint Committee on Boards, Commissions and Consumer Protection on the following:

Review of 1600 hour requirement for Cosmetologists,

Evaluation of the equivalency of the National Exam,

Cost and benefit study associated with requiring all applicants to submit to fingerprinting,

Review the components of the Apprenticeship program including:

Curriculum requirements
Eliminating duplicative regulations
Standards for all involved

Review of components of the Externship program (structural changes)

Elimination of program
Availability of program
Payment of students

Cost and benefit study on same day licensing.

Comment:

The current law should be repealed. The law was set with a due date of September 1, 2005. This is a clean up bill and should be endorsed.

Fiscal Impact:

None

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2575

Introduced by Assembly Member Furutani

February 24, 2012

An act to ~~amend~~ *repeal* Section ~~326~~ 7303.2 of the Business and Professions Code, relating to ~~consumer complaints~~ *barbering and cosmetology*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2575, as amended, Furutani. ~~Consumer complaints. Barbering and Cosmetology Act: reporting requirements.~~

Existing law, the Barbering and Cosmetology Act, establishes the State Board of Barbering and Cosmetology in the Department of Consumer Affairs. Existing law requires that, not later than September 1, 2005, the board conduct various studies, some in conjunction with the Office of Examination Resources and some in coordination with the Department of Industrial Relations, and to report the results to the department and to the Joint Committee on Boards, Commissions, and Consumer Protection in the Legislature.

This bill would repeal the provisions regarding these reporting requirements.

Existing law creates the Department of Consumer Affairs to protect the interests of consumers regarding the purchase of goods or services. The director of the department, upon receipt of a customer complaint indicating probable violations, as specified, is required to forward it to the appropriate regulatory or law enforcement agency.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 7303.2 of the Business and Professions
2 Code is repealed.
- 3 ~~7303.2. The board shall conduct the following studies and~~
4 ~~reviews, and shall report its findings and recommendations to the~~
5 ~~department and the Joint Committee on Boards, Commissions,~~
6 ~~and Consumer Protection no later than September 1, 2005:~~
- 7 ~~(a) The board, pursuant to Section 139 and in conjunction with~~
8 ~~the Office of Professional Examination Services of the department,~~
9 ~~shall review the 1600 hour training requirement for cosmetologists.~~
- 10 ~~(b) The board, in conjunction with the Office of Professional~~
11 ~~Examination Services of the department, shall evaluate the~~
12 ~~equivalency of the national exam.~~
- 13 ~~(c) The board shall conduct a study to assess the costs and~~
14 ~~benefits associated with requiring all applicants to submit~~
15 ~~fingerprint cards for background investigations.~~
- 16 ~~(d) The board, in coordination with the Department of Industrial~~
17 ~~Relations, shall review all components of the apprenticeship~~
18 ~~program, including, but not limited to, the following:~~
- 19 ~~(1) Apprenticeship curriculum requirements.~~
- 20 ~~(2) The standards for the preapprentice trainers, program~~
21 ~~sponsors, trainers, and placement establishments. The board shall~~
22 ~~pay particular attention to ways to eliminate duplicative regulations.~~
- 23 ~~(e) The board shall review all components of the externship~~
24 ~~program. In addition to structural changes, the board shall address~~
25 ~~the following:~~
- 26 ~~(1) Whether the program should be eliminated.~~
- 27 ~~(2) Whether the program should be available to all students, not~~
28 ~~just cosmetology students attending private schools.~~
- 29 ~~(3) Whether the students should be paid.~~
- 30 ~~(f) The board shall assess the costs and benefits associated with~~
31 ~~same day licensing. If the board determines that the benefits of~~
32 ~~same day licensing outweigh the costs, the board shall immediately~~
33 ~~plan and implement safety measures to protect site staff and~~
34 ~~undispersed licenses.~~

1 ~~(g) The board, in conjunction with the Office of Professional~~
2 ~~Examination Services of the department, shall assess the validity~~
3 ~~of aggregate scoring for board applicants.~~

4 SECTION 1. Section 326 of the Business and Professions Code
5 is amended to read:

6 326. ~~(a) Upon receipt of any complaint pursuant to Section~~
7 ~~325, the director may notify the person against whom the complaint~~
8 ~~is made of the nature of the complaint and may request appropriate~~
9 ~~relief for the consumer.~~

10 ~~(b) The director shall also transmit any valid complaint to the~~
11 ~~local, state or federal agency whose authority provides the most~~
12 ~~effective means to secure the relief.~~

13 ~~The director shall, if appropriate, advise the consumer of the~~
14 ~~action taken on the complaint and of any other means which may~~
15 ~~be available to the consumer to secure relief.~~

16 ~~(c) If the director receives a complaint or receives information~~
17 ~~from any source indicating a probable violation of any law, rule,~~
18 ~~or order of any regulatory agency of the state, or if a pattern of~~
19 ~~complaints from consumers develops, the director shall transmit~~
20 ~~a complaint he or she considers to be valid to an appropriate law~~
21 ~~enforcement or regulatory agency and any evidence or information~~
22 ~~he or she may have concerning the probable violation or pattern~~
23 ~~of complaints or request the Attorney General to undertake~~
24 ~~appropriate legal action. It shall be the continuing duty of the~~
25 ~~director to discern patterns of complaints and to ascertain the nature~~
26 ~~and extent of action taken with respect to the probable violations~~
27 ~~or pattern of complaints.~~



BOARD OF BARBERING & COSMETOLOGY

BILL ANALYSIS

Author: Yee

Subject: Sherman Food, Drug and Cosmetic Law:
Nail Polish

Bill Number: SB 977

Version: As amended on June 4, 2012

Existing Law:

- Prohibits misbranding of a cosmetic, as specified.
- Requires the Department of Public Health (DPH), under the Sherman Law, to regulate the manufacture, sale, labeling, and advertising activities related to food, drugs, devices, and cosmetics in conformity with the federal Food, Drug, and Cosmetic Act.
- Makes any person who violates any provision of the Sherman Law or any regulation adopted pursuant to it, if convicted, subject to imprisonment for up to one year in the county jail or a fine of up to \$1,000, or both.

This Bill:

- Makes a manufacturer of nail polish that violates provisions of the Sherman Law related to misbranded cosmetics or any regulation adopted pursuant to those provisions, if convicted, subject to a fine of up to \$15,000.
- Contains an urgency clause that will make this bill effective upon enactment.

Comment:

Consumers and nail salon workers deserve to be informed of what is in the products they use. There are no excuses for manufactures to mislabel their products or to misrepresent the substances used in their products. In May of 2011 the Department of Toxic Substance Control (DTSC)

conducted a limited-scale sampling of nail products in the San Francisco Bay area. DTSC's objective in sampling the products was to verify the removal of the toxic-trio (Dibutyl phthalate, toluene and formaldehyde) in nail polish. A small number of manufacturers have claimed to have removed some or all of the toxic-trio chemicals from their goods. This was not found to be the case. The findings of this report have been the cause of much dissention within the nail community. While none are denying the reports quantitative results, there has been much discussion on the report's lack of perspective and balance. This bill has come into effect in the wake of this much publicized, controversial report. This bill will have little to no affect upon the Board of Barbering and Cosmetology. The issue at hand is to determine if the punishment fits the crime. The increase from fining someone a maximum of \$1,000 to fining them \$15,000 is substantial.

Organizations in favor: Personal Care Products Council (formally called: The Cosmetic, Toiletry and Fragrance Association)

Fiscal Impact: None

AMENDED IN SENATE JUNE 4, 2012

AMENDED IN SENATE MAY 7, 2012

SENATE BILL

No. 977

Introduced by Senator Yee

January 23, 2012

An act to amend Section 111825 of the Health and Safety Code, relating to the Sherman Food, Drug, and Cosmetic Law, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 977, as amended, Yee. Sherman Food, Drug, and Cosmetic Law: nail polish.

Existing law, the Sherman Food, Drug, and Cosmetic Law (Sherman Law), requires the State Department of Public Health to regulate the manufacture, sale, labeling, and advertising activities related to food, drugs, devices, and cosmetics in conformity with the federal Food, Drug, and Cosmetic Act. *The Sherman Law prohibits the misbranding of a cosmetic.* A violation of these provisions is a crime. ~~Existing law, the California Safe Cosmetics Act of 2005, which is within the Sherman Law, requires certain manufacturers of cosmetic products subject to regulation by the federal Food and Drug Administration that are sold in the state to provide the department with a complete and accurate list of their cosmetic products that contain any chemical identified as causing cancer or reproductive toxicity, as specified.~~

This bill would increase the criminal penalty for specified violations by a nail polish manufacturer of the ~~California Safe Cosmetics Act of 2005 misbranding prohibitions of the Sherman Law~~ to a maximum of ~~\$5,000~~ \$15,000.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 111825 of the Health and Safety Code
2 is amended to read:

3 111825. (a) Any person who violates any provision of this
4 part or any regulation adopted pursuant to this part shall, if
5 convicted, be subject to imprisonment for not more than one year
6 in the county jail or a fine of not more than one thousand dollars
7 (\$1,000), or both the imprisonment and fine.

8 (b) Notwithstanding subdivision (a), any person who violates
9 Section 111865 by removing, selling, or disposing of an embargoed
10 food, drug, device, or cosmetic without the permission of an
11 authorized agent of the department or court shall, if convicted, be
12 subject to imprisonment for not more than one year in the county
13 jail or a fine of not more than ten thousand dollars (\$10,000), or
14 both the fine and imprisonment.

15 (c) Notwithstanding subdivision (a), a manufacturer, as defined
16 in Section 111791.5, of nail polish that violates Article ~~3.5~~
17 ~~(commencing with Section 111791)~~ 3 *(commencing with Section*
18 *111730) of Chapter 7* or any regulation adopted pursuant to this
19 article shall, if convicted, be subject to a fine of not more than ~~five~~
20 ~~fifteen~~ thousand dollars ~~(\$5,000)~~ (\$15,000).

21 (d) If the violation is committed after a previous conviction
22 under this section that has become final, or if the violation is
23 committed with intent to defraud or mislead, or if the person
24 committed a violation of Section 110625 or 111300 that was
25 intentional or that was intended to cause injury, the person shall
26 be subject to imprisonment for not more than one year in the county
27 jail, imprisonment in state prison, or a fine of not more than ten
28 thousand dollars (\$10,000), or both the imprisonment and fine.

29 SEC. 2. This act is an urgency statute necessary for the
30 immediate preservation of the public peace, health, or safety within
31 the meaning of Article IV of the Constitution and shall go into
32 immediate effect. The facts constituting the necessity are:

1 In order to protect the health and safety of *consumers and nail*
2 ~~salon workers and consumers of~~ *from misleading claims and*
3 ~~advertisements concerning~~ *nail polish from the harmful effects of*
4 ~~some of the ingredients of nail polish and proper use,~~ it is
5 necessary that this act take effect immediately as an urgency statute.

O



State and Consumer Services Agency – Governor Edmund G. Brown Jr.
Board of Barbering and Cosmetology-Department of Consumer Affairs
PO Box 944226, Sacramento, CA 94244
P (800) 952-5210 F (916) 574-7574 | www.barbercosmo.ca.gov



MEMORANDUM

DATE: July 30, 2012

TO: Members, Board of Barbering and Cosmetology

FROM: Kristy Underwood
Executive Officer

SUBJECT: Regulations Update

1. **Scoring Methods in Examinations:** This rulemaking was approved by the Office of Administrative Law and became effective June 13, 2012.
2. **Inspection of Examination Papers / Text and Reference Books for Students:** This proposed rulemaking action is still under review by the Department of Consumer Affairs, but should be signed by the director very soon. Following approval by the Director, the file will be forwarded to the State and Consumer Services Agency and ultimately OAL.



Regulation Change Recommendations

- 979 (a) Before use upon a patron, all non-electrical instruments, **that can be disinfected**, shall be disinfected in the following manner:
- 979(b) (2) Be changed **in accordance to the manufacturers instructions** or whenever visibly cloudy or contaminated.
- 979(c) All instruments that have been used on a patron or soiled in any manner shall be placed in a properly labeled receptacle **container labeled 'soiled' or 'contaminated'**.
- 979(d) All disinfected instruments shall be stored in a clean, covered place which is labeled as such **"disinfected"**.
- 979(d) (1) **Disinfected shears may not be stored for use in any non-disinfectable (for example: leather or fabric) pouches, holsters or containers.**
- 980 (b) - All disinfected electrical instruments, excluding curling irons, and hot combs **hot styling tools** shall be stored in a clean, covered place **that is labeled 'disinfected'**.
- 980 (c) **All soiled electrical instruments, excluding hot styling tools, that have been used on a patron or soiled in any manner shall be placed in a receptacle labeled 'soiled' or 'contaminated'.**
- 980.1 Need regulation developed that states a sign should be posted on an 'Out of Order' footspa. The regulation needs to be clear that the chair must still be kept in a clean state. The log must reflect when the chair went out of service. **(same change recommended for 980.2)**
- 980(8) (e) (1) and (2) should read - undisturbed in the unit for at least 6 hours. **(same change recommended for 980.2)**
Change "6- to 10 hours" to **"at least 6 hours"**.
- 981 (a) All instruments and supplies which come into direct contact with a patron and cannot be disinfected (this includes but is not limited to: cotton pads, sponges, emery boards, **buffers, pumice stones,**

wax sticks and neck strips) shall be disposed of in a waste receptacle immediately after use.

- 983 (b) - Every licensee performing services shall thoroughly wash his or her hands with soap and water or an effective **alcohol – based** cleansing agent before serving each patron.
- 987 (b) Towels shall be laundered either by regular commercial laundering or by a noncommercial laundering process which includes immersion in **hot** water at least 140 degrees F for not less than (15) minutes during the washing or rinsing operation.
- Milady Textbook states – To clean towels, linens or capes; launder according to the directions on the item’s label.
- 987 (c) - All clean towels shall be stored in a **clean**, closed cabinets or **closed container**.
- 988(a) All liquids, creams, **waxes** and other cosmetic preparations shall be kept in clean and closed containers. Powders may be kept in clean, **covered** shakers.
- 989 - No establishment or school shall have on the premises cosmetic products containing hazardous substances which have been banned **or restricted** by the U.S. Food and Drug...
- 990 (c) - Treatment **areas** must be covered with a **clean towel, or a** clean sheet of examination paper for **after** each patron **usage. After a towel and/or sheet has once been used, it shall immediately be removed from the treatment area and be deposited in a closed container and not used until properly laundered and sanitized.**
- 991(a) (1) - **No licensee may perform a medical treatment as defined: the care and management of a patient to combat, ameliorate, or prevent a disease, disorder, or injury.**
- 991(b) (4) - Abrasion **and/or exfoliation** of the skin below the non-living, epidermal layers.
- 992(c) **Only commercially-available products that are not considered medical grade or sold for physician’s use only, which are not over 30% acid content or with a start up pH of 3.0 or higher may be used for the purpose of skin exfoliation.**
- 992(d) **Use of creams, lotions, serums or tonics over a 30% acid content or a pH under 3.0 shall be considered the practice of medicine.**

- 992(e) ***Mixing or combining skin exfoliation products is prohibited except as required by manufacturers instructions.***
- 992(f) ***All skin peeling agents must be applied using manufacturer's guidelines for health and safety.***
- 992(g) ***Application protocols shall be made available upon request by a board representative.***
- 992(h) ***Client Health/History Cards shall be completed by every patron receiving a skin exfoliating service. Client cards shall be made available upon request by a board representative.***

Need to define:

Sanitary
Beautification
Treatment
Practice of Medicine
Living layers
Epidermis
Dermis
Commercially available products
Medical grade
Disinfectable
Non-disinfectable
Protocol
Medical use only
Autoclave
Non-electrical instruments
Cosmetics
Porous
Non porous
Cosmetic preparation
Exfoliating procedure
Dirty
Treatment Area
Contaminated

Mission

(Mission statement to be provided)

The Board protects the interests of California consumers by:

- Serving as a guardian of their health and safety;
- Enhancing public and industry participation in decision-making;
- Promoting ethical and professional standards; and creating policies that are contemporary, relevant and responsive.

History

In 1927, the Board of Barber Examiners and the Board of Cosmetology were established. The Board of Barber Examiners governed the barbering profession, and the Board of Cosmetology governed the cosmetology profession. The Board of Barber Examiners consisted of 5 members, 2 of which were public members. The Board of Cosmetology consisted of 7 members, 2 of which were public members.

Throughout the years there were minor changes to the laws of each profession. For example, the requirement of apprenticeship prior to master barber licensing for barbers and revision to the cosmetology laws to include a separate manicurist license, electrology license, and esthetician license. In 1939 the manicurist license and the electrology license were added, and in 1978 the esthetician license was added.

In 1992, the Board of Barber Examiners and the Board of Cosmetology were merged to create the Board of Barbering and Cosmetology. Chapter 10, Division 3 of the Business and Professions Code (known and cited as the Barbering and Cosmetology Act) was enacted by AB 3008 (Eastin, Chapter 1672, Statutes of 1990) and became effective July 1, 1992.

In July 1997, the Board of Barbering and Cosmetology was eliminated by the California Legislature and the duties, powers, and functions of the Board were transferred directly to the Department of Consumer Affairs and were administered by the Bureau of Barbering and Cosmetology.

On January 1, 2003, SB 1482 (Polanco, Chapter 1148, Statutes of 2002) reinstated the Board of Barbering and Cosmetology (BBC).

On June 23, 2008, SB 797 (Ridley-Thomas, Chapter 33, Statutes of 2008) was chaptered by the Secretary of State which required the board to become a bureau from July 1, 2008 until December 31, 2008.

Concurrently, on June 23, 2008 AB 1545 (Eng) (Coauthors: Emmerson, Senators Perata and Ridley-Thomas, Chapter 35, Statutes of 2008) was chaptered which allowed the Bureau of Barbering and Cosmetology to become a board once again, commencing on January 1, 2009. The board has remained as such since this date.

Please see page XX for a current listing of Board members and their term expiration dates.

Description

The Board is responsible for licensing and regulating barbers, cosmetologists, estheticians, electrologists, manicurists, apprentices and establishments. Title protection is provided for the use of the term *cosmetologist and barber*.

The Board ensures that applicants for licensure have completed the necessary training and passed the written and practical (skill application) components of the examination. The examination requires that the individual demonstrate that they possess the knowledge and skills required to perform within the scope of their discipline while protecting the public's health and safety. After successfully passing the examination, the individuals are issued a license on the same day of the exam.

Annually, the Board receives and processes an average of 40,656 applications for licensure as an apprentice, barber, cosmetologist, manicurist, esthetician, and electrologist. On an average, an additional 6,198 applications are received for establishment licenses annually. The Board administers an average of 27,592 practical examinations and 32,111 written examinations and issues approximately 26,153 licenses to brand new licensees.

The Board is committed to ensuring that consumers are protected when they receive services from apprentices, barbers, cosmetologists, manicurists, electrologists, estheticians and the establishments in which they perform their services. This protection is provided through the following program areas:

Licensing and Examination

The Board ensures that individuals possess at least minimal competency to practice barbering, cosmetology, manicuring, esthetics, and electrology independently and safely pursuant to Business and Professions Code section 7301. After successful completion of the required courses for each training area from an approved school, each licensee must pass both a written and practical (skill application) examination.

Enforcement

One of the Board's mandates is to protect the health and safety of consumers who seek services from its licensee's and licensed establishments. To accomplish this, the Enforcement Program receives and investigates complaints from the public and various entities to determine whether or not there has been a violation of the Act and its regulations, and if so, whether disciplinary action is warranted.

Complaints involving allegations of health and safety violations are researched using a combination of desk investigations and field inspections.

However, the more egregious cases, including allegations of consumer harm, may result in formal disciplinary action (including probation, suspension, or revocation) against the licensee.

The Board also has the authority to deny licensure if an applicant has prior criminal convictions, which are substantially related to the practice of barbering and cosmetology.

Inspections

An important and essential arm of the Board's enforcement activities is the Inspection Program whose primary role is enforcing the Board's health and safety regulations. This is accomplished through directed, random, initial and/or targeted inspections of many of the 47,626 establishments and 291 schools of barbering and cosmetology.

Types of Inspections

- Directed – When the Board receives a complaint regarding consumer harm or alleged violations of the health and safety regulations, enforcement staff will request a directed inspection of the establishment.
- Random (Routine) – Board inspectors strive to inspect each establishment on a regular basis to ensure that the establishment continues to be in compliance with the Board's health and safety regulations.
- Initial - Business and Professions Code section 7353 requires an initial inspection be conducted within 90 days of licensure to ensure that the establishment is in compliance with the Board's health and safety regulations.
- Targeted – Should an outbreak of infection occur or knowledge becomes available that there are a number of unlicensed

salons/individuals; the Board will do targeted inspections in a specific geographical area.

Education and Outreach

The Board ensures that information is available for consumers, licensees, applicants, students and other interested parties through the Board's website, the Consumer Information Center, and by direct consumer contact. Information is also provided through media outlets such as television, radio, FaceBook, Twitter and trade magazine publications. The Board has recently established its own newsletter, "Smock Talk", which is made available on the Board's website.

The Board's website contains information regarding:

- fact sheets designed to educate the public on health and safety topics
- the licensing requirements in California,
- licensee status,
- forms and publications,
- consumer complaint form to allow consumers to file a complaint online,
- average processing times for initial applications, renewal applications, and examination scheduling,
- general information about the Board such as meeting notices and meeting minutes.

Board Members

The Board is comprised of nine members: five public and four professional members. The Senate Rules Committee and the Speaker of the Assembly each appoint one public member. The other 7 members (4 public members and 3 professional members) are appointed by the Governor.

The Board elects a president and vice-president, who each serve a one-year term and can serve for a total of two years. The Board meets quarterly and rotates meeting locations between northern and southern California. These meetings are webcasted and open to the public. The meetings provide an opportunity for the Board to educate licensees and the public about the various topics relating to the practice of barbering and cosmetology. The Board receives extensive public comments at committee and Board meetings. All comments are taken into consideration and are often incorporated into recommendations.

Additionally, Board members educate the profession by speaking at various educational institutions. The Board has taken a proactive approach to educating students and the institutions where they attend.

Business and Professions Code section 453 requires every new Board member to complete Board member orientation provided by the Department within one year of assuming office. In addition to the Board member training that encompasses open meeting laws, ethics, conflicts of interest, legislative and regulatory process, reimbursement of expenses and executive officer's responsibilities, the members also receive on-the-job training in budgets, licensing, examinations, enforcement and the disciplinary process.

The following is a list of the current membership of the Board:

Member Name (Includes Vacancies)	Date First Appointed	Date Reappointed	Date Term Ends	Appointing Authority	Type (public or professional)
Wen Ling Cheng	5/2/2011	-	1/1/2015	Speaker of the Assembly	Public
Deedee Crossett	1/12/2010	1/13/2011	1/1/2013	Governor	Professional
Katie Dawson	12/22/2011	-	1/1/2013	Governor	Public
Joseph Federico	2/29/2011	-	1/1/2015	Governor	Professional
Richard Hedges	1/1/2003	1/1/2007, 1/14/2009	1/1/2013	Senate President Pro Tempore	Public
Frank Lloyd	1/1/2010	1/12/2011	1/1/2013	Governor	Public
Christie Truc Tran	1/4/2010	1/2/2011	1/1/2015	Governor	Professional
Vacant	-	-	-	Governor	Professional
Vacant	-	-	-	Governor	Public

All board members actively participate in board activities. The Board encourages input from all segments of the industry. To do this, advisory committees, working groups and other forums have been established for various topics.

Appendices 1 and 2 contain tables documenting board member appointments, terms, committee assignments and attendance. (Table 1a – Board Member Attendance and Table 1b – Board and Committee Roster).

Board Committees and Their Functions

The board functions very cohesively which allows most of their tasks to be performed at the board level. The board additionally has five standing

committees and utilizes task force ad hoc committees and advisory committees that are formed to examine specific topics, and then disbanded following completion of the task. These committees recommend policies that advance mission-related goals.

The five standing committees (described below) are utilized to assist the board in establishing its goals and aids in organizing its activities in pursuit of ensuring the health, safety and welfare of the public. The board manages, plans, and tracks its operations through its strategic plan, which is periodically reassessed (about every 5 years). In XXXX 2012 the board finalized its plan for the next 5 years.

Legislation and Budget Committee

The purpose of the Legislation and Budget Committee is to review and track legislation that affects the Board and recommends positions on legislation. The committee provides information and recommendations to the Board of potential policy matters relating to the budget.

Current members are: Joseph Federico, Katie Dawson and Richard Hedges

Examination and Licensing Committee

The purpose of the Licensing and Examination Committee is to advise the Board on policy matters relating to the examining and licensing of individuals who want to practice barbering, cosmetology and electrology in California. The committee may also provide information and recommendations to the Board on issues related to curriculum and school approval, exam appeals, laws and regulations.

Current members are: Deedee Crossett, Wen Ling Cheng, and Christie Truc Tran

Education and Outreach Committee

The purpose of the Education and Outreach Committee is to provide recommendations to the board on the development of informational brochures and other publications, planning of outreach events for consumers and licensees, preparing articles for submission in trade magazines, attending trade shows.

Current members are: Deedee Crossett, Wen Ling Cheng

Enforcement and Inspections Committee

The purpose of the Enforcement and Inspections Committee is to advise the board on policy matters that relate to protecting the health and safety of consumers. This includes recommendations on how inspections are conducted, the types of violations issued, maintenance of disciplinary guidelines, and other recommendations on the enforcement of the board's statutes and regulations.

Current members are: Deedee Crossett, Katie Dawson, Richard Hedges, and Frank Lloyd

Disciplinary Review Committee

The purpose of the Disciplinary Review Committee (DRC) is to conduct informal administrative citation review hearings and renders decisions regarding disputed citations. The committee has authority to affirm, modify or dismiss the citations including any fine. The Board President shall annually appoint members of the committee. The appointments will be made concurrently with the annual election of officers. Do to the high volume of appeals all members of the board are designated as members of the DRC.

Current members are: Deedee Crossett, Christie Truc Tran, Joseph Federico, Katie Dawson, Richard Hedges, Frank Lloyd and Wen Ling Cheng

Technical Advisory Committees

Occasionally, the need will present its self for a special committee designed to enlist the aid of experts in the industry. This committee will offer the board input on specific technology, processes or elements within the beauty industry. The technical advisory committee is usually comprised of between 3-10 specialized professionals. They offer opinions, research and tactical information used by the board to address revision of regulations or clarification on processes related to health and safety. Use of this committee allows the board real hands - on practical information by professionals working in the beauty industry. The board uses the information gleaned from these committees to set policy or make regulation updates.

Recent uses of this committee include:

- Nail Advisory Committee – the committee offered input on the use of liners in footspa basins, the health and safety of using disinfectable nail files, the FDA's view of the health and safety of the use of methyl methacrylate monomer. Suggestions were made on clarifying regulation 989 - Prohibited Hazardous Substances/Use of Products of the California Code of Regulations, Title 16, Division 9.
- Skin Care Advisory Committee – the committee enhanced the knowledge of the board by explaining the use of Alpha Hydroxy acids, safe ph readings, proper acid percentage amounts, safe procedure dissemination, and esthetic machinery. Experts gave input in defining the demarcation between the esthetic field and the medical field. Future trends in esthetics were also discussed.
- Electrolysis Advisory Committee – the committee aided the board in reviewing out-of-date regulations. They offered practical suggestions in adapting verbiage for new board regulation. Assisted in educating the board on proper electrolysis techniques and offered practical suggestions in regard to procedures related to health and safety.

Achieving a Quorum

Article 1 section 7315 of Barbering and Cosmetology Act specifies that five members of the board must be present to take action. To minimize scheduling conflicts and secure meeting space, the board schedules meetings for the coming year typically during the July or August board meeting. Sometimes, the board needs to reschedule a meeting or schedule an additional meeting to meet emergent issues. Members are polled for their availability to attend a meeting, and based on the information given, the meeting date is set. This method has been especially effective for the board. Since our last sunset review, no meetings have been cancelled due to a lack of quorum.

MAJOR CHANGES AND CHALLENGES SINCE THE LAST SUNSET REVIEW

Budget Restrictions

Several budget reduction measures have been imposed on state agencies – general fund and special funds alike. As an agency within the executive branch of the government, the board understands the need to reduce spending and achieve savings. However, some of the restrictions have impeded the applicants' ability to obtain a license and slowed enforcement processes. These issues are discussed in length in section 3 of this report.

Strategic Planning

In XXXX 2012 the board developed its current strategic plan which incorporated the Joint Commission's recommendations, findings of the departmental performance audit, legislative mandates and operational issues. The board's strategic plan covers all program areas including policy, licensing, enforcement, and inspections. Board staff has worked closely with Board members and made recommendations to the full board on objectives identified in the plan.

Legislation that Impacted the Board

Since the last Sunset Review, the board has been impacted by a number of Legislative changes. Provided below is a brief synopsis of the impact bill and when the respective bill became law.

AB 1793 (Bermudez)

This bill would revise the definition of threading to include the incidental trimming of eyebrow hair. The bill would extend the operation of those provisions until July 1, 2008. This bill would declare that it is to take effect immediately as an urgency statute. The board took an opposed stand.

8/23/06 – CHAPTERED (Chapter 149, Statutes 2006)

SB 1474 (Figueroa)

This bill:

- 1) Requires the board to annually elect officers from among its members.
- 2) Sets the term of an office for one year and limits an officer from serving in a particular position for more than two terms.
- 3) Makes it a misdemeanor for licensees of the Board to use a laser in the treatment of any human being

Added Language:

- This bill would repeal the provisions creating the board and would create a new State Board of Barbering and Cosmetology. The provisions establishing the new board would become inoperative on July 1, 2009 and would be repealed on January 1, 2010
- Existing law allows the board to grant a license to practice to a person holding a license in another state with proof that the applicant has not been subject to disciplinary action in that state or upon review of the disciplinary action taken. This bill would direct the board to issue licenses for out-of-state license holders.

7331. The board shall grant a license to practice to an applicant if the applicant submits all of the following to the board: (a) A completed application form and all fees required by the board. (b) Proof of a current license issued by another state to practice that meets all of the following requirements: (1) It is not revoked, suspended, or otherwise restricted. (2) It is in good standing. (3) It has been active for three of the last five years, during which time the applicant has not been subject to disciplinary action or a criminal conviction.

9/14/2006 CHAPTERED (Chapter 253, Statutes 2006)

AB 409 (Yee)

Authorizes the board's executive officer, or his or her designee, to:

- Suspend without a hearing a license issued by the board if required to protect the public's health and safety.
- Would immediately stay the suspension and place the license on probation for one year, subject to specified terms and conditions.
- Provide the licensee with appeal rights to the DRC established by the board and
- Require the board to reinstate the license upon the licensee's completion of all probationary terms and conditions.
- Declares urgency.

9/22/06 – CHAPTERED (Chapter 381, Statutes 2006)

AB 861 (Bass)

Authorizes the Board of Barbering and Cosmetology (Board) to issue probationary licenses and requires the Board to report specified findings regarding various trends of licensing to the Legislature.

9/22/06 – CHAPTERED (Chapter 411, Statutes 2006)

AB 265 (Mendoza)

This bill:

- Delete the July 1, 2008, inoperative date for that provision, thereby excluding threading, as defined, from the practice of barbering and cosmetology indefinitely. Would delete certain obsolete language. The board took an opposed stand.

7/12/2007 CHAPTERED (Chapter 50 Statutes 2007)

AB 105 (Lieu / Emmerson)

This bill:

Makes changes to the Filante Tanning Facility Act, which is currently part of BBC statutes (B&PC, 7414.4). In short, this bill further restricts minors from using tanning salons by prohibiting teens less than 14 from using “Tanning” device, and teens under 18 from using “Ultraviolet Tanning” device.

Changes are:

- Requires specified additional warnings to be posted.
- Require the warning signs to be posted conspicuously and would require that a warning sign also be posted in an area where an ultra violet device is used.
- Prohibits a tanning facility from claiming that indoor tanning has any known health benefits.
- Requires a tanning facility timer to be remotely located so customers could not set their own exposure time.
- Changes prohibited age from 14 to age 18 for using a tanning device.

10/13/2007 CHAPTERED (Chapter 590, Statutes 2007)

SB 45 (Perata / Co-authors: Portantino and Cook)

This bill:

- Require that all matters pending before BPPVE remain so until the extended date of July 1, 2008.
- Authorize DCA to enter into voluntary agreements with institutions that agree to comply with applicable state statutes, rules and regulations as of June 30, 2007 (with a repeal date of July 1, 2008).
- Authorize accredited institutions to make specified modifications to their programs with the approval of their accrediting agencies.
- Authorize BBC to approve schools (with a repeal date of July 1, 2008).
- Establish a Bureau for Private Postsecondary Education in DCA, specify its duties and allow DCA to also delegate its duties.

10/13/2007 CHAPTERED (Chapter 635, Statutes 2007)

SB 797 (Ridley-Thomas)

- Created a “bridge” provision for the Board of Barbering and Cosmetology to:
 - (a) authorized the Department of Consumer Affairs to create advisory committees make up of the prior board members
 - (b) Keeps continuity in place between July 1, 2008 and January 1, 2009.
- Until January 1, 2009, provided that if the Board of Barbering and Cosmetology becomes inoperative or is repealed, the Governor shall succeed to the authority of the Board to appoint an executive officer
- Extend the executive officer of the Board of Barbering and Cosmetology until January 1, 2012, allowing the executive officer to have the same administrative duties with regard to replacing the board
- Add an urgency clause so this bill is effective once signed by the Governor and chaptered.

6/23/2008 CHAPTERED (Chapter 33 Statutes 2008)

AB 1545 (Eng)

This bill:

- Establish certain boards a new Board of Barbering and Cosmetology with the same powers as the previous board of the same name and authorizing the board to appoint an executive officer.
- The bill would repeal the authority for certain boards and their executive officer on January 1, 2012. Authorizing the executive officer of a previous board to serve as interim of a board until the appointment of a

permanent executive officer and would provide that members of a previous board would serve temporarily as interim board members until the appointment of members to the board.

6/23/2008 CHAPTERED (Chapter 35 Statute 2008)

AB 518 (Mendoza)

This bill:

Delete the July 1, 2009, inoperative date for the threading provision, thereby excluding threading from the practice of barbering and cosmetology indefinitely.

7/28/2008 CHAPTERED (Chapter 187 Statutes 2008)

SB 963 (Ridley-Thomas)

This bill:

- Abolish the Joint Committee on Boards, Commissions, and Consumer Protection and authorize the appropriate standing committees of the Legislature to carry out its duties. Making the boards and their executive officers inoperative on specified dates, and would instead terminate the terms of office of each board member or bureau chief within the department.
- Require each board within the department to post annually on its Internet Web site the aggregate number of reports in specified categories that it received that years for its licensees, and to post an analysis and report
- Require the department to report to the Legislature and Governor if a board was unable to meet because of a lack of quorum or vacancy.
- Authorize boards to promulgate regulations providing requirements for reporting ex parte communication and sanctions for noncompliance and authorize the department to develop guidelines for drafting and making board minutes available to the public.

9/27/2008 CHAPTERED (Chapter 385 Statute 2008)

AB 2423 (Bass)

This bill:

- Authorize certain boards, bureaus, and the Director of DCA to issue a probationary license or registration to an applicant subject to specified terms and conditions.
- Request that an applicant with a dismissed conviction provide proof of that dismissal and would require that consideration be given to whether the applicant's criminal conviction has been dismissed, there have been no subsequent criminal convictions, and either at least 3 years have passed since the dismissal of the criminal conviction or at least 5 years have passed since the completion of sentence.
- Require those certain boards, bureaus and the Director to conduct a study and report to the Legislature on or before 09//01/10, denials of licensure to applicants with criminal records that may create a barrier to employing people with criminal records.

9/30/2008 CHAPTERED (Chapter 675 Statute 2008)

SB 1491 (Negrete McLeod (Chair), Aanestad, Calderon, Correa, Florez, Oropeza, Walters, Wyland, and Yee)

This bill:

- Explicitly allowing the incidental massaging of the hand from the fingertips to the elbow or the foot from the toes to the knee during manicures and pedicures, and allowing the use of metal smoothers on the foot;
- Clarifying that unlicensed activity is an administrative violation that may be treated as a misdemeanor;
- Allows the use of air hand dryers in salon hand-washing facilities;
- Clarifies the Board's authority to accept written appeals to the Disciplinary Review Committee.

9/28/2010 CHAPTERED (Chapter 415 Statute 2010)

SB 294 (Negrete McLeod)

This bill:

- Changes the sunset date on DCA regulatory Board as follows:

Board of Barbering and Cosmetology, from 2012 to 2014.

- Requires review of the following chapters related to:
 - a. Certified Common Interest Development Managers, from 2012 to 2015
 - b. Tax Preparers, from 2012 to 2015.

9/30/2010 CHAPTERED (Chaptered 695 Statute 2010)

Regulations Initiated

Since the last Sunset Review, the board has adopted a number of regulation changes. Provided below are the highlights of some of the major regulation changes. A full listing of the regulation changes initiated is provided in Appendix X.

2007

California Code of Regulations **973 -973.6**

On September 17, 2007 regulation went into effect to establish grounds for immediately suspending the establishment's license and placing the licensee on probation for serious health and safety violations. It also established the terms and conditions of probation and the appeals process.

2008

California Code of Regulations **974**

On April 23, 2008 regulation went into effect that established administrative fines for violations of cleaning and disinfecting procedures for pipeless footspas and non-whirlpool pedicure tubs or basins.

2009

California Code of Regulations **950.2**

On February 27, 2009 regulation went into effect that established revisions to the Board-approved school curriculum for cosmetology students to give Schools more discretion in how and what they teach and strengthen health and safety training.

California Code of Regulations **950.3**

On March 3, 2009 regulation went into effect that revised the Board-approved school curriculum for esthetic students to provide the schools more discretion in how and what they teach their esthetic students.

2011

California Code of Regulations **974**

On September 16, 2011 regulation went into effect that revised the Board's Administrative fine schedule. The revisions included lowering some of the fines and restoring a three-tiered progressive discipline system in which fines increase according to the number of previous offenses.

California Code of Regulations 972

On November 3, 2011 regulation went into effect that revised the Board's Disciplinary Guidelines handbook that administrative law judges use as a Guide for imposing penalties on Board licensees.

California Code of Regulations 950.1, 950.4, 950.5 and 962.3-962.6

On December 16, 2011 regulation went into effect that revised the school Curriculums for barber, manicurist and electrology students to give Schools more discretion in how and what they teach and strengthen health and safety.

2012

California Code of Regulations 932

On June 13, 2012 regulation went into effect that revised the Board's standard for establishing a passing grade to reflect a criterion-referenced methodology.

Major Studies Conducted by the Board

List of Reports

Report to the California Legislature on Unnecessary Barriers to Employment

This report was compiled September 2007. Assembly Bill 861 (Statutes of 2006, Chapter 411) required the Board to conduct a study on the effects of laws, regulations and policy that may create unnecessary barriers to employing people with criminal records.*

A Comprehensive Audit of the National-Interstate Council of State Boards of Cosmetology Written Examinations

This report was compiled in December 2007. The report is a comprehensive audit of the National-Interstate Council of State Boards of Cosmetology, Incorporated national written examinations.*

Board of Barbering and Cosmetology, CA Department of Consumer Affairs Inspector I, II & III, DCA

This report was compiled in February 2012. The report is a classification study to determine if the qualifications, duties and responsibilities of inspectors at the Board of Barbering and Cosmetology are consistent with the series specification for the Inspector, Department of Consumer Affairs. It includes classification recommendations from CPS HR Consulting in the event of misallocation or inappropriate use of an existing class. *

* Reports in their entirety may be found in Section 12, Attachment C

National Association Memberships

The board is considered a partial member of the National Interstate Council of State Boards of Cosmetology (NIC). Partial membership does not allow for voting privileges. Upon relief of travel restrictions the board would like to pay for full membership. As a full member, the board has 1 vote in matters before the association. In order to exercise the right to vote on by-laws, officer assignments or general policy, a representative of the board must be present at the annual conference. Payment of full membership allows entry into the annual conference. There are no provisions set up for a vote by proxy. All memberships must be paid and current in order to exercise voting privileges.

NIC was established in 1956 in a merger of the Interstate Council of State Boards of Cosmetology with the National Council of Boards of Beauty Culture.

In 1969, the NIC testing program was established. The testing program was established to create a national standard, to ensure consistency in the profession, and enhance reciprocity among the states.

Since May 2009 the board has been using the NIC national written examination and since October 2011 the board has been using the NIC national examination for the practical portion of the examination. The contract between BBC and NIC requires NIC to provide valid, reliable and legally defensible national examinations that comply with generally accepted psychometric standards applicable to professional licensing examinations.

Further, BBC under its contract with NIC requires NIC to provide BBC or its designated representative test content to review to ensure that successful candidates have the knowledge and skills necessary to perform as competent licensees. California subject matter experts (SME's) and/or examination staff are used for an occupational analysis and/or exam development. The SME's and/or examination staff is scheduled to participate in workshops with other SME's from other states along with the National Examination Committee to analyze or develop the proposed examination. For each test development workshop, NIC strives to assemble a group of SME's that is diverse and representative of the population of practitioners for the discipline. NIC considers demographic data such as years of experience, geographic region, gender, and practice setting. NIC does not limit SME recruitment to only licensees for states that have adopted NIC examinations. NIC administrative staff continually searches for qualified SME's by way of referral from other SME's or practitioners, during the annual conference.

From December 2011 through May 2012, NIC held test development workshops. During this timeframe, SME's from California participated in three of the workshops.

The table below shows the completion years for the current NIC job analysis studies and the target years for the next.

Test Title	Current Job Analysis Completed	Next Job Analysis Target Date
Barber	2006	2011 (Effective 2013)
Cosmetology	2009	2014
Electrology	2011	2016
Esthetics	2007	2012 (In progress)
Nail Technology	2008	2013

BBC staff has reviewed and approved the NIC job analyses and development process as well as reviewed and approved test specification for each NIC examination title used in the State of California. BBC staff administers and 'rates' the candidates for the practical portion of the exam. The staff of Psychological Services, Incorporated (PSI) administers the computer portion of the examination.

Meetings of National Associations Attended:

- National Interstate Council of Boards of Cosmetology – **“NIC Synergy Creates Building Blocks for Tomorrow.”** August 25-27, 2007 Rapid City, South Dakota. (attended by Board Member Jerry Tyler)



DCA Performance Measure Report

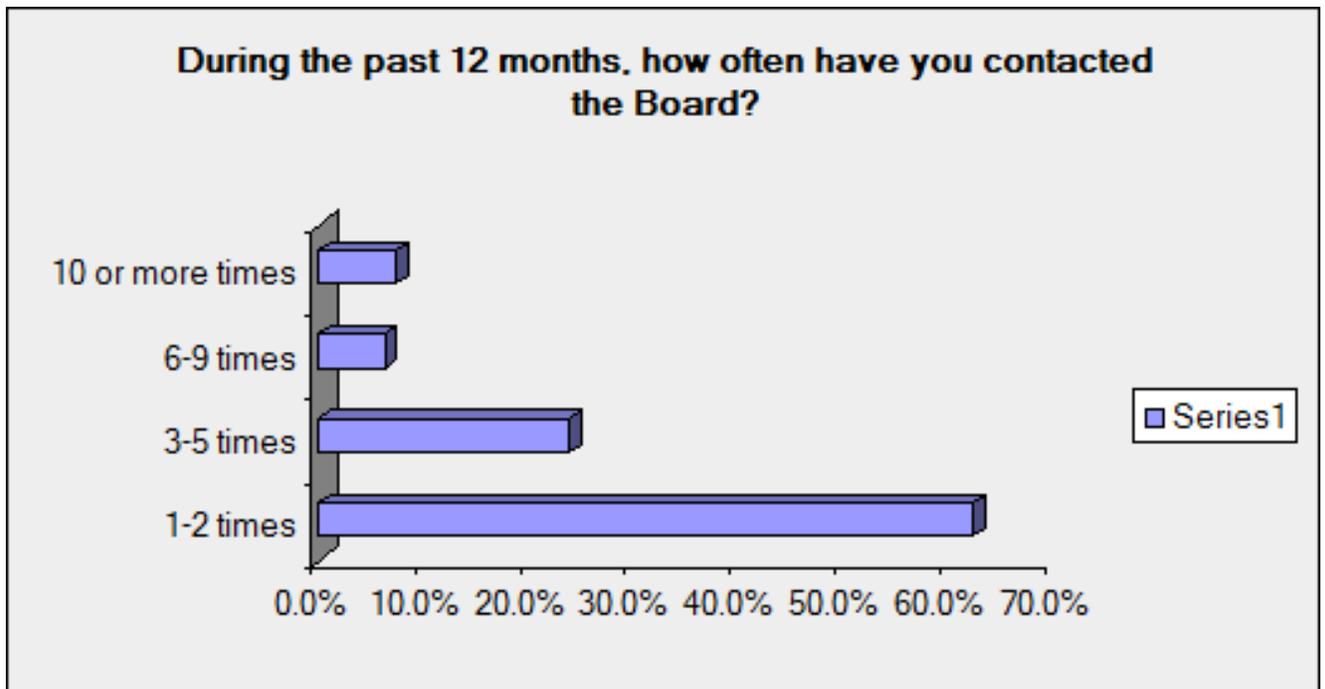
To ensure that the Department of Consumer Affairs (DCA) and its stakeholders can review DCA's progress in meeting its enforcement goals and targets, DCA has developed an easy- to-understand, transparent system of accountability – performance measures. The performance measures are critical, particularly during the current climate of budget constraint and economic downturn, for demonstrating that DCA is making and will continue to make the most efficient and effective use possible of its resources. Provided below are the annual performance measures for 2011/2012. The quarterly performance measure reports are provided in Appendix XX.

Consumer Satisfaction Online Survey Results

To obtain information on consumer satisfaction, the board attempts to reach licensees through online surveys. Since April 27, 2009, the board has posted on the website a direct link utilizing Survey Monkey to track consumer satisfaction. The board results are provided below from the 988 respondents.

Customer Satisfaction Survey

1. During the past 12 months, how often have you contacted the Board?

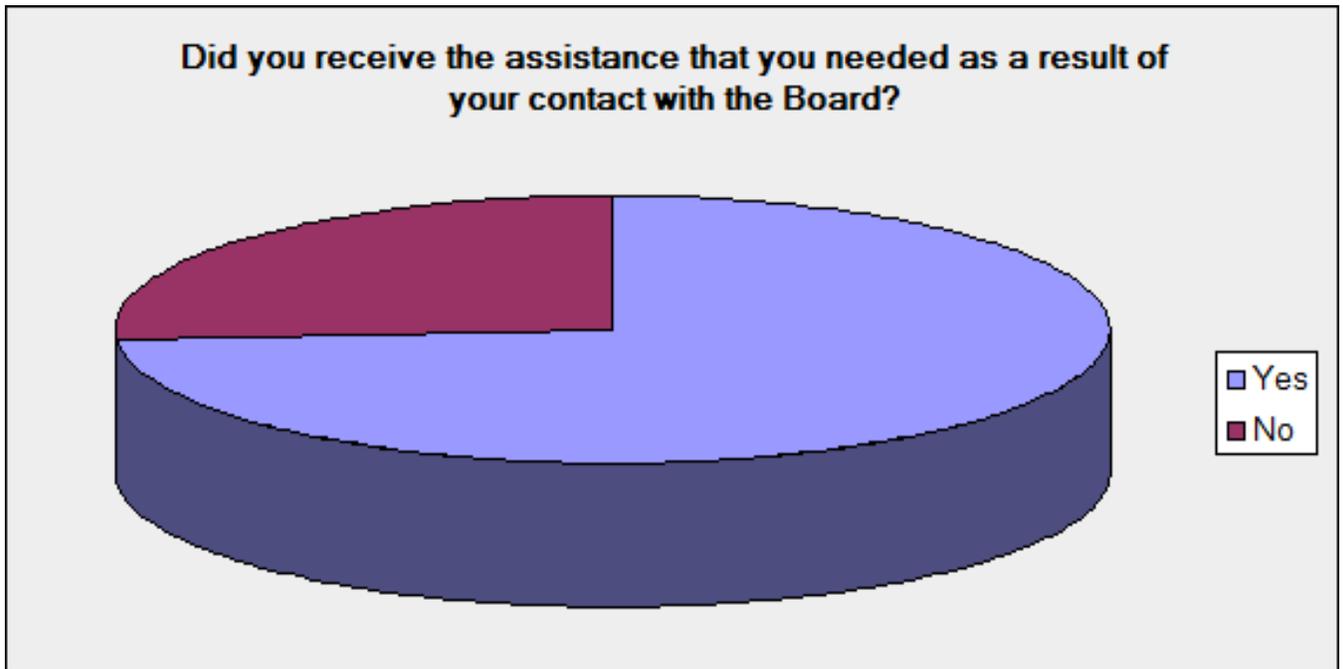


2. Please rate the following categories and your overall experience with Board staff:

Answer Options	Excellent	Good	Fair	Poor	Unacceptable	N/A	Rating Average	Response Count	
Staff Courtesy	157	142	62	30	17	55	77.00	463	
Staff Accessibility	38	79	106	70	46	47	64.00	385	
Overall Satisfaction	251	208	119	94	85	36	132.00	793	
								<i>answered question</i>	988
								<i>skipped question</i>	0

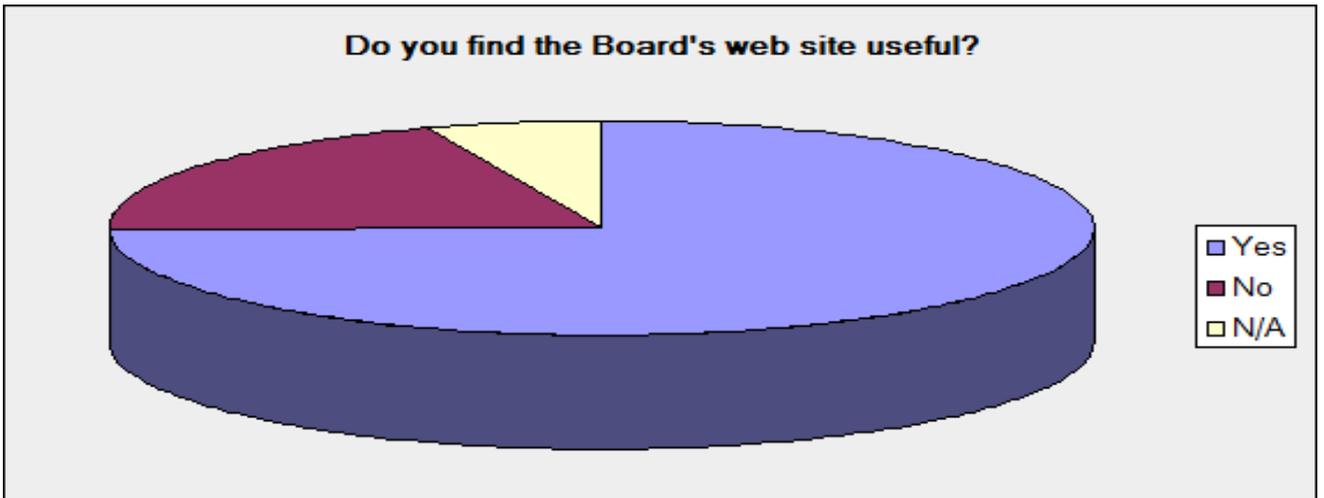
3. Did you receive the assistance that you needed as a result of your contact with the Board?

Answer Options	Response Percent	Response Count
Yes	73.9%	730
No	26.1%	258
<i>answered question</i>		988
<i>skipped question</i>		0



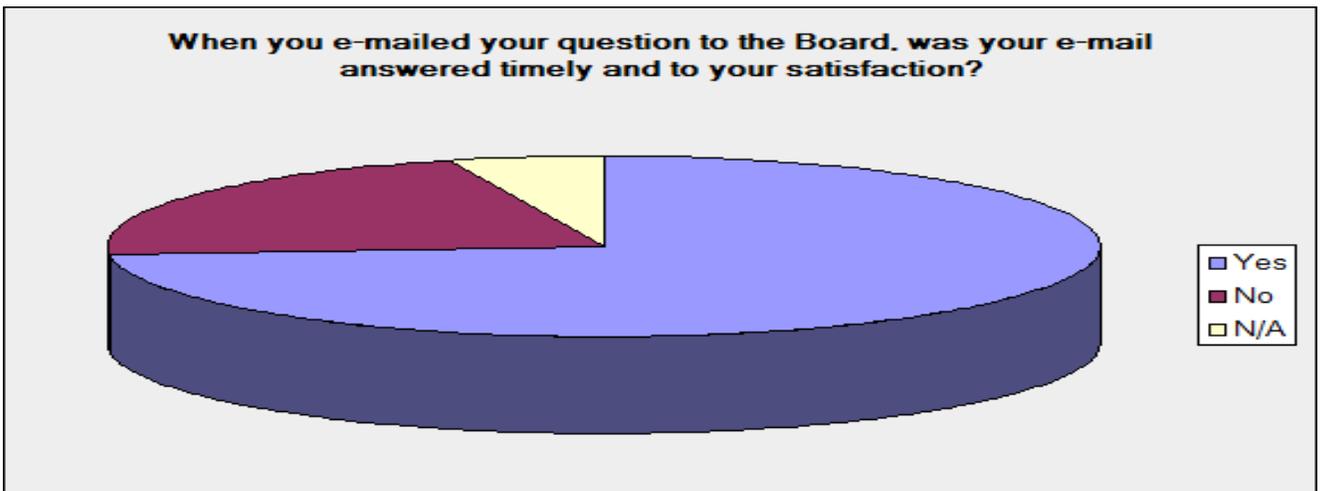
4. Do you find the Board's web site useful?

Answer Options	Response Percent	Response Count
Yes	74.8%	733
No	19.3%	189
N/A	5.9%	58
Comments/Suggestions About Web Site		319
<i>answered question</i>		980
<i>skipped question</i>		8



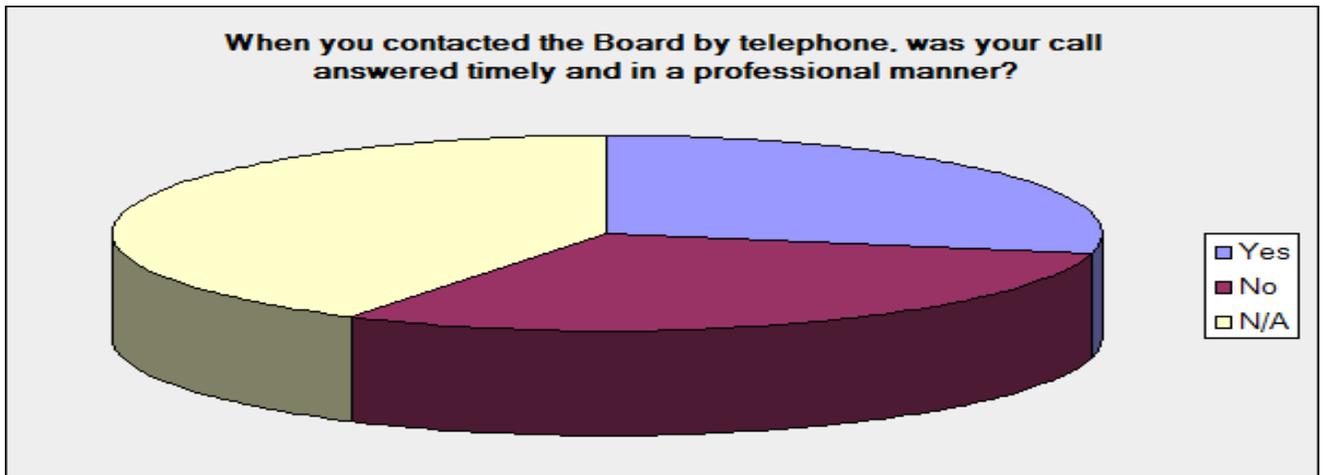
5. When you e-mailed your question to the Board, was your e-mail answered timely and to your satisfaction?

Answer Options	Response Percent	Response Count
Yes	73.6%	721
No	21.4%	210
N/A	5.0%	49
<i>answered question</i>		980
<i>skipped question</i>		8



6. When you contacted the Board by telephone, was your call answered timely and in a professional manner?

Answer Options	Response Percent	Response Count
Yes	28.3%	273
No	30.2%	291
N/A	41.4%	399
<i>answered question</i>		963
<i>skipped question</i>		25



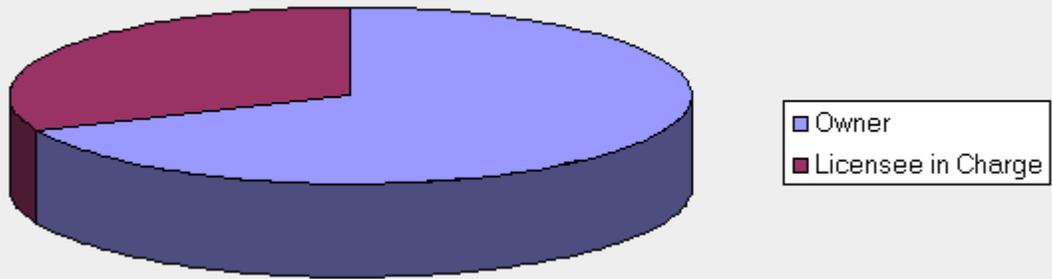
Inspection Satisfaction Online Survey Results

In the spirit of transparency, the board has developed an anonymous survey that is posted on the board’s website that encourages licensee’s to evaluate the board’s inspection and the inspector’s conduct during an inspection. Additionally, with all citations issued, the board includes a postage paid postcard with the Inspection Satisfaction Survey. The report is compiled quarterly and distributed internally to the executive staff, the inspections manager, the inspector supervisors and lastly, it is shared with the inspectors themselves. Below are the results of report since its inception on May 9, 2009:

Are you the Owner or Licensee in Charge?

Answer Options	Response Percent	Response Count
Owner	68.5%	3257
Licensee in Charge	31.5%	1498
<i>answered question</i>		4755
<i>skipped question</i>		481

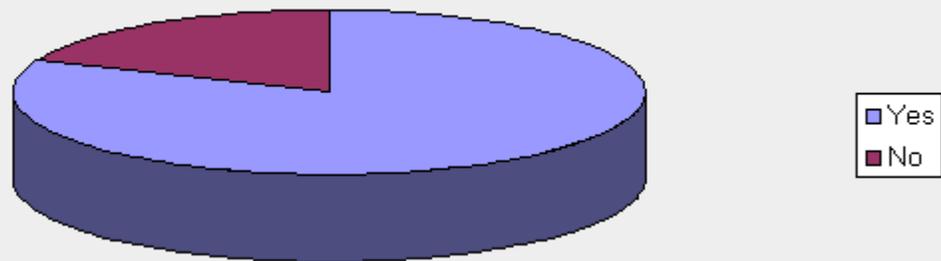
Are you the Owner or Licensee in Charge?



Were you present during the inspection?

Answer Options	Response Percent	Response Count
Yes	81.3%	4079
No	18.7%	939
<i>answered question</i>		5018
<i>skipped question</i>		218

Were you present during the inspection?





A comment section is also designated in the survey for specific input from the licensee regarding the inspection. Additionally, the survey contains a question regarding zip code assignment. This question is utilized to identify which inspector conducted the inspection.



FUND RESERVE REQUIREMENTS

At the beginning of fiscal year 2011/12, the Board's current reserve level is 12.7* months. Expenditures for the fiscal 2011/12 year topped at 15 million*.

*Actual amounts will not be realized until Fiscal Month 13 is released.

Table 2. Fund Condition						
(Dollars in Thousands)	FY 2008/09	FY 2009/10	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14
Beginning Balance	11,590	6,066	10,104	15,985	8,174	10,155
Revenues and Transfers	19,475	19,248	21,034	21,309	22,065	22,080
Total Revenue	\$19,475	\$19,248	\$21,034	\$10,309	\$22,065	\$22,080
Budget Authority	18,413	17,095	17,433	18,080	20,141	0
Expenditures	15,562	15,389	15,098	18,120	20,084	20,486
Loans to General Fund				11,000		
Accrued Interest, Loans to General Fund						
Loans Repaid From General Fund	N/A	N/A	N/A	N/A	N/A	N/A
Fund Balance	\$6,066	\$10,104	\$15,985	\$8,174	\$10,155	\$11,749
Months in Reserve	4.8	8.0	12.7	4.9	5.9	6.7

BUDGET CHANGE PROPOSALS

The board continually evaluates its programs to redirect its resources and redesign its processes to achieve efficiency and to identify changes that will benefit the board's consumer protection mandate. This has been especially necessary during recent years to respond to budget reductions and restrictions. Sometimes improvements identified may require augmentation to the board's spending authority via a budget change proposal. Over the past several years, the board has balanced the need for additional resources against the fiscal crisis affecting all of California and the U.S. To that end, the board has only submitted a few Budget Change Proposals (BCP's).

Table 5. Budget Change Proposals (BCPs)								
BCP ID #	Fiscal Year	Description of Purpose of BCP	Personnel Services				OE&E	
			# Staff Requested (include classification)	# Staff Approved (include classification)	\$ Requested	\$ Approved	\$ Requested	\$ Approved
111-05	08/09	Request 9.0 positions to conduct statutorily mandated inspections of Boards licensee population	7.0 – Inspector I 1.0 OT(T) 1.0 – AGPA	7.0 – Inspector I 1.0 OT(T) 1.0 – AGPA	\$516	\$516	\$146	\$146
1110-04	10-11	Request 4.0 positions (2-year limited term) to inspect new BBC establishments	4.0 – (LT) 24 month Inspector I	4.0 – (LT) 24 month Inspector I	\$218	\$218	\$85	\$85

RENEWAL CYCLES AND FEE HISTORY

The board has a continuous renewal cycle for all of its license categories with one exception, the apprenticeship license, which is not renewable. The renewal cycle is biennial and expires at midnight on the last day of the month of issuance. A license that has expired may renew within five years following expiration upon payment of all accrued renewal fees and delinquency fees. If a licensee fails to renew within the five years, the license is cancelled and is no longer renewable.

The board rarely amends its fee statues. The board does not anticipate any fee increases in the near future. There have only been two amendments to the Board's fee structure in the last decade.

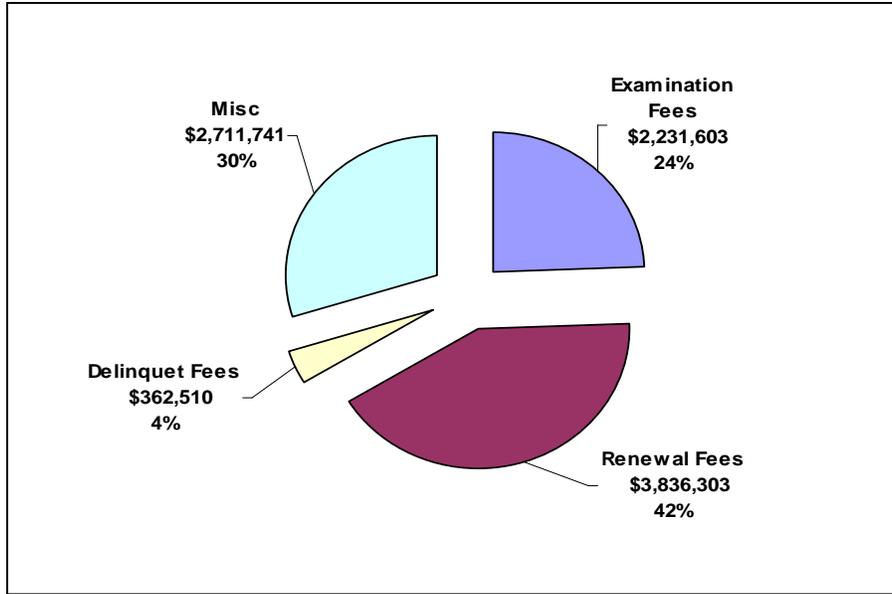
- In 2007, the Board set the application and examination fee at \$75, and established a separate initial license fee of \$35-\$50, depending on the license type. The Board also increase the license renewal fee by \$10 (§998, California Code of Regulations). These changes were sought to bring the board's fee in line with the actual cost of providing the services. Without them, the board might have faced a negative fund balance in 2008-09. The board made these changes under § 7337.5, 7421, 7423, 7424 and 7425 of the Business and Professions Code
- In 2011, the board increased its dishonored check fee (§ 999, California Code of Regulations) to reflect the amount charged by

the Department of Consumer Affairs, which handles cashiering for the board. Currently, that fee is \$25. The increase reflects the actual cost of processing a dishonored check and was made in accordance with §1719 of the Civil Code. and § 6157 of the Government Code.

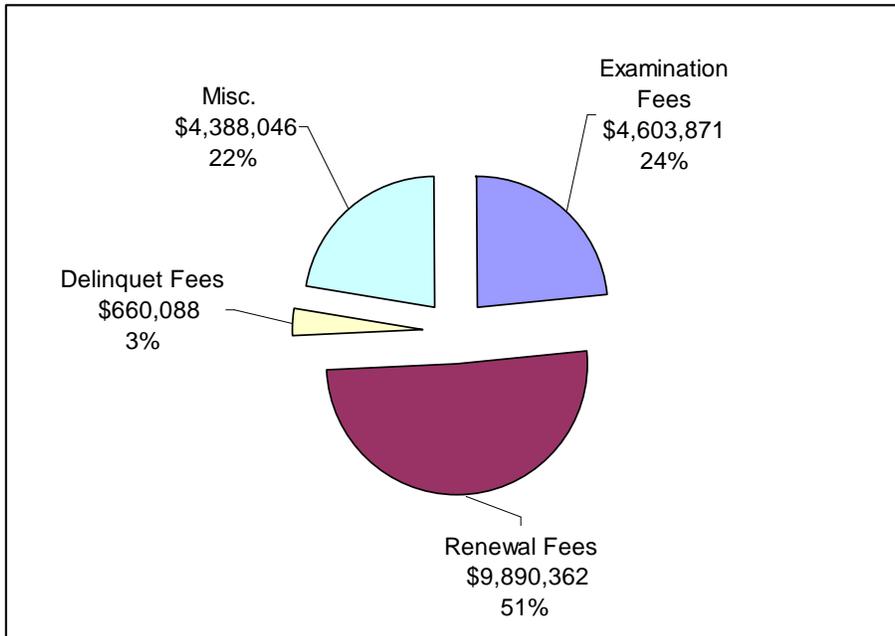
Table 4. Fee Schedule and Revenue							
Fee	Current Fee Amount	Statutory Limit	FY 2008/09 Revenue	FY 2009/10 Revenue	FY 2010/11 Revenue	FY 2011/12 Revenue	% of Total Revenue
Cosmetologist Exam and License Fee	\$125.00	Yes	See Chart	See Chart	See Chart	See Chart	
Cosmetology License Fee	\$50.00	Yes					
Cosmetology Exam Fee	\$75.00	Yes					
Barber Exam and License Fee	\$125.00	Yes					
Barber License Fee	\$50.00	Yes					
Barber Exam Fee	\$75.00	Yes					
Electrologist Exam and License Fee	\$125.00	Yes					
Electrologist Exam Fee	\$75.00	Yes					
Electrologist License Fee	\$50.00	Yes					
Manicurist Exam and License Fee	\$125.00	Yes					
Manicurist License Fee	\$35.00	Yes					
Manicurist Exam Fee	\$75.00	Yes					
Esthetician License Fee	\$50.00	Yes					
Esthetician Exam Fee	\$40.00	Yes					
Esthetician Exam Fee	\$75.00	Yes					
Duplication Fee	\$10.00	Yes					
Certification Fee	\$10.00						
Pre-Application Fee	\$9.00	Yes					
Re-examination Fee	\$75.00	Yes					
Apprenticeship Fee	\$25.00	Yes					
Bounce Check Fee	\$25.00	Yes					
Reciprocity Fee	\$50.00	Yes					
Establishment License Fee	\$50.00	Yes					
Mobile Fee	\$50.00	Yes					
Cosmetology Renewal	\$50.00	Yes					
Barber Renewal	\$50.00	Yes					
Electrologist Renewal	\$50.00	Yes					

Manicurist Renewal	\$50.00	Yes					
Esthetician Renewal	\$50.00	Yes					
Establishment Renewal	\$40.00	Yes					
Mobile Unit Renewal	\$40.00	Yes					

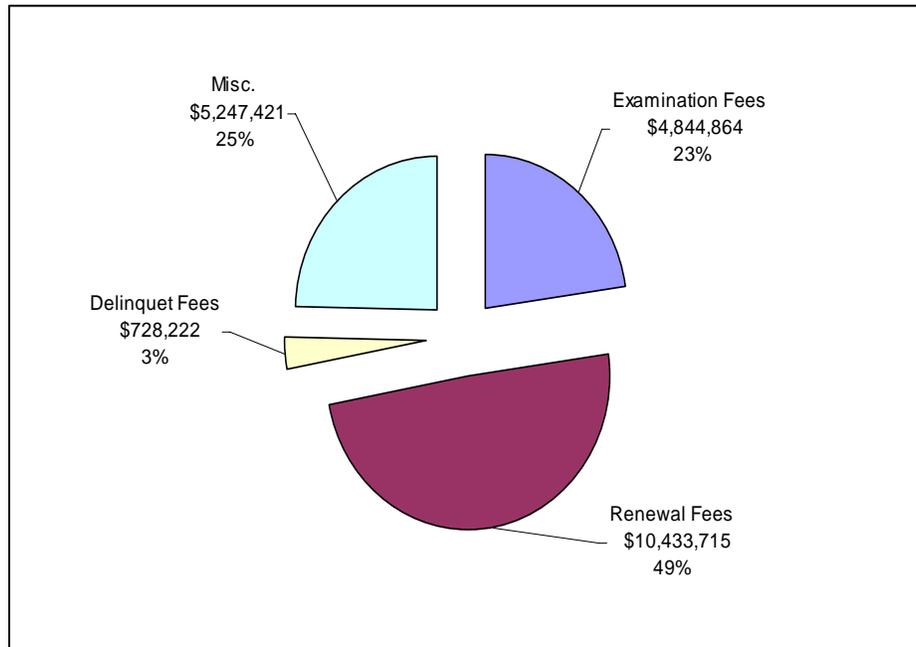
FY 08/09 Revenues



FY 09/10 Revenues



FY 10/11 Revenues



***FY 11/12 Chart will not be realized until Fiscal Month 13 is released**

GENERAL FUND LOANS

During the fiscal year 2002/03, the board provided the general fund with a loan of \$9 million. In the fiscal year of 2008/09, the board provided the general fund with a loan of \$10 million and in the fiscal year of 2011/12 a loan of \$11 million. The total of loans provided to the general fund was \$30 million. The board has received repayment of these loans in two installments one in the fiscal year of 2005/06 for \$5.5 million and the other in the fiscal year of 2006/07 in the amount of \$3.5 million. This leaves an outstanding loan balance of \$21 million.

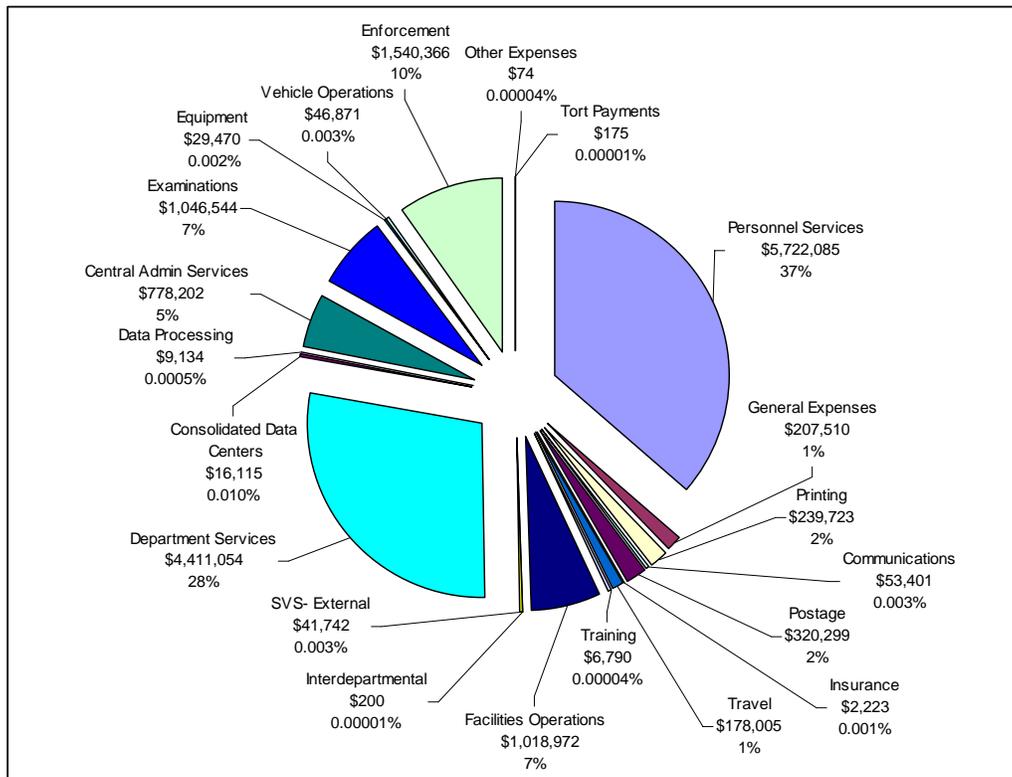
PROGRAM EXPENDITURES

The following charts detail the board's program expenditures.

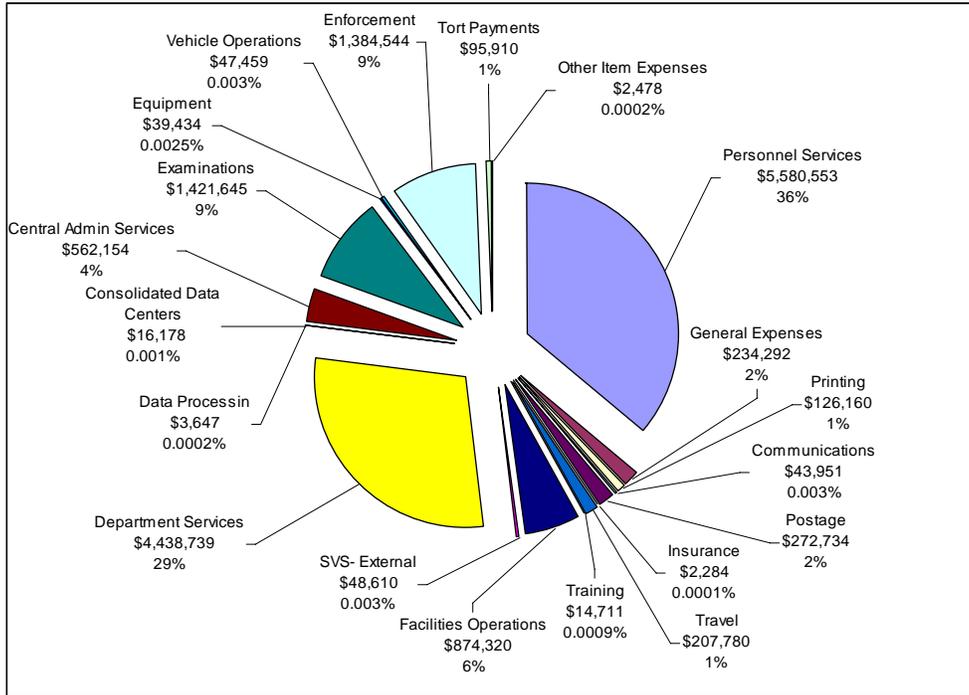
Table 3. Expenditures by Program Component								
	FY 2008/09		FY 2009/10		FY 2010/11		FY 2011/12	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Enforcement	N/A	1,540,366	N/A	1,384,544	N/A	898,490		
Examination	N/A	1,284,765	N/A	1,571,630	N/A	1,767,985		
Licensing	N/A	N/A	N/A	N/A	N/A	N/A		
Administration	5,722,085		5,580,553		5,950,947			
DCA Pro Rata		4,411,054		4,438,739		4,137,400		
Diversion (if applicable)								
TOTALS	5,722,085	7,236,185	5,580,553	7,394,913	5,950,947	6,803,875	\$	\$

*Administration includes costs for executive staff, board, administrative support, and fiscal services.

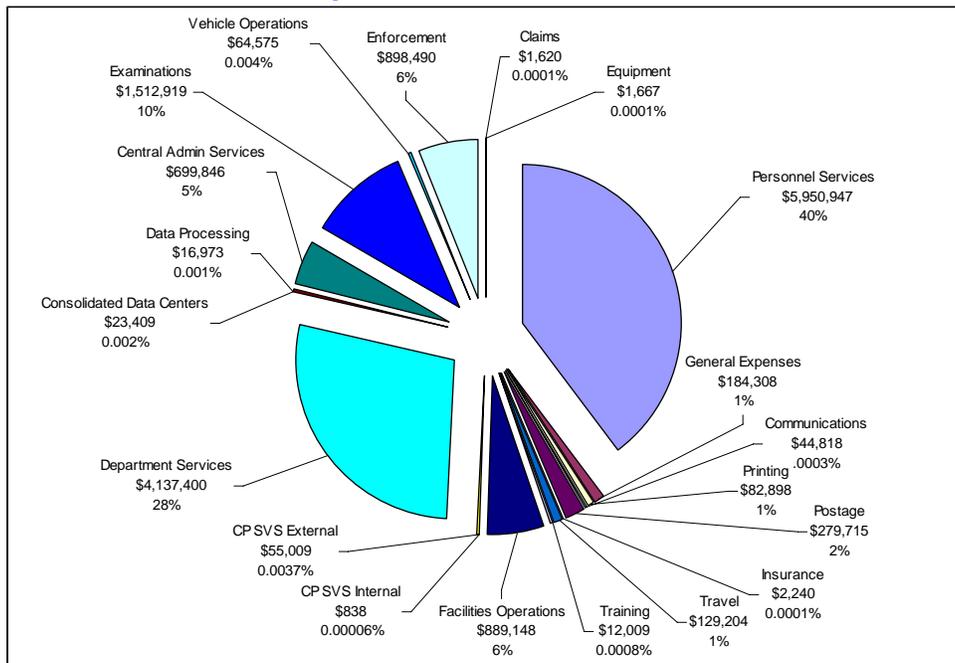
Expenditures for FY 08/09



Expenditures for FY 09/10



Expenditures for FY 10/11



*FY 11/12 Chart will not be realized until Fiscal Month 13 is released.

BOARD STAFFING

Part of managing a complex, dynamic organization is the need to adjust the workforce to respond with maximum efficiency to the emerging and changing needs of the organization. In the recent past the board has faced several challenges to this end.

The board remains cognizant of the financial crisis affecting California and the need to fill only the most critical positions. That being said, the Board of Barbering and Cosmetology's (BBC) historical rate of vacancies is a direct result of executive orders that instituted hiring freezes and eliminated retired annuitants, students, etc. Additionally, the BBC was unable to fill 3.5 of our positions, which were depleted due to the directives of Executive Order S-01-10 (Workforce Cap Plan).

From July 29, 2010 to December 31, 2011, two Inspectors, a Cosmetology Examiner and a Supervisor Cosmetology Examiner retired from the board. These positions were impacted directly by Executive Order B-3-11, which enforced a hiring freeze. This prohibited all state agencies and departments from filling vacant positions, regardless of the funding source. This order included reinstatements, limited term appointments, temporary help, increases in time-base, and transfers to/from other departments.

From July 1, 2010 to July 1, 2012, vacancies were a result of the BBC's inability to fill two year limited term Inspector I positions. These positions were never filled because they require a candidate who must possess very specific qualifications to effectively perform the job functions, and therefore are classified as hard-to-fill positions. These Inspectors positions are also subject to geographical limitations. Many positions are located in specific regions (Bay Area/Southern California) where the high cost of living hinders BBC's ability to receive qualified candidates, and makes filling their positions difficult.

Delays in the overall recruitment processes have affected the Board's vacancy rate each year and the Board experienced a high turnover rate due to employees separating and going to departments that were not participating in the furlough program. Generally, the recruitment process can take up to three months to fill a new position. This process includes the time it takes to post an announcement, conduct interviews, perform eligibility verifications, and obtain the necessary approvals to extend an offer.

STAFF DEVELOPMENT

The board's most important resource is its staff. Without a well trained staff, the board is unable to meet its mandate efficiently and effectively. To that end, the board supports and encourages training opportunities to improve or enhance performance as well as training that will encourage learning and development for future career growth-ideally within the board. During employee performance reviews managers and staff work together to identify training opportunities that will promote desired goals. Each staff member is encouraged to develop an Individual Development Plan (IDP). The IDP is then used as a road map for success, outlining areas of accomplishment as well as areas for improvement. The IDP is updated annually. Additionally, over the past several years, the department has developed a very robust training program that is offered at no cost to board staff. The courses include training for upward mobility; assist in developing better analytical skills, improving in writing skills and general customer service. Additionally, four employees of the Enforcement staff completed the DCA Enforcement Academy. Several staff attended and completed the CLEAR Training Course. Staff is encouraged to take advantage of such training.

Due to Executive order B-06-11 no travel is permitted unless mission critical and there is no cost to the state. Therefore training is limited for staff to attend and must have pre-approval prior to traveling for training. This directive has not hampered the board's desire for its employees to be well trained. The executive staff and management encourage the staff to take advantage of the free web-base training, provided to the board via the department and have found this it to be efficient and effective.

The board relies upon training opportunities outside of the department that serve as a complement to the internal training opportunities. For example, the Boards Executive Officer and management attended and completed the State Supervisory Training Program required for new managers.

Below are the board's expenditures related to training:

2008/09: \$6,790
2009/10: \$14,711
2010/11: \$12,009
2011/12: \$XXXX

ORGANIZATIONAL CHARTS

Organizational charts for the last four years are provided in Appendix XX.





APPLICATION PROCESSING

The board's licensing program is responsible for reviewing and processing all individual and establishment licensing applications received by the board. As part of the review process, each application and corresponding documentation is evaluated to determine if the applicant has the minimum qualifications as specified in statute and regulation for the license.

The Board has internal goals to have applications for examination reviewed and scheduled for an examination within six to eight weeks. The Board also schedules examinations 30 days in advance. Unfortunately, this is not always possible. An application and fee is received at the DCA and processed through the central cashiering unit. Over the years, if cashiering is backlogged there is an impact to all licensing processes. The furloughs of state employees also impacted the processing times of the Board and the Board is still recovering from this impact, however, the Board has recently made progress in reducing its timeframe to _____.

Due to staffing limitations and budget restrictions the board has at times been unable to meet the above expectations. To combat the accumulation of applications the board has at times, instituted overtime for staff members and rerouted staff to assist with the backlog.

Education, Experience, and Examination Requirements	
License Class	Requirements
Barber	<p>Education: Has completed 1500 hours in a board approved school or completed a 3200 hour apprentice program in California.</p> <p>Experience: At least 17 years of age; has completed the 10th grade in a public school or its equivalent.</p> <p>Examination Requirements: take and pass the National Interstate Council of Cosmetologist (NIC) computer-based written exam and pass a practical examination, which is administered by board staff.</p>
Cosmetologist	<p>Education: Has completed 1600 hours in a board approved school or completed a 3200 hour apprentice program in California.</p> <p>Experience: At least 17 years of age; has completed the 10th grade in a public school or its equivalent.</p> <p>Examination Requirements: take and pass the National Interstate Council of Cosmetologist (NIC) computer-based written exam and pass a practical examination, which is administered by board staff.</p>

Manicurist	<p>Education: Has completed 400 hours in a board approved school.</p> <p>Experience: At least 17 years of age; has completed the 10th grade in a public school or its equivalent.</p> <p>Examination Requirements: take and pass the National Interstate Council of Cosmetologist (NIC) computer-based written exam and pass a practical examination, which is administered by board staff.</p>
Esthetician	<p>Education: Has completed 600 hours in a board approved school.</p> <p>Experience: At least 17 years of age; has completed the 10th grade in a public school or its equivalent.</p> <p>Examination Requirements: take and pass the National Interstate Council of Cosmetologist (NIC) computer-based written exam and pass a practical examination, which is administered by board staff.</p>
Electrologist	<p>Education: Has completed 600 hours in a board approved school or completed a 3200 hour apprentice program in California.</p> <p>Experience: At least 17 years of age; has completed the 12th grade in a public school or its equivalent.</p> <p>Examination Requirements: take and pass the National Interstate Council of Cosmetologist (NIC) computer-based written exam and pass a practical examination, which is administered by board staff.</p>

* Applicants (except for apprentices) may be admitted to the examination based upon practice outside of this state and/or prior education and training (3 months = 100 hours of training.)

** Apprentices are required to take the appropriate licensing examination at the completion of their apprenticeship hours (3200) in order to become licensed as a barber, cosmetologist or electrologist.

Out of State Licensee's

Pursuant to Business and Professions code 7331. The board shall grant a license to practice to an applicant if the applicant submits all of the following to the board:

- A completed application form and all fees required by the board.
- Proof of a current license issued by another state to practice, that meets all of the following requirements:
 - (a) It is not revoked, suspended, or otherwise restricted.
 - (b) It is in good standing

(c) It has been active for three of the last five years, during which time the applicant has not been subject to disciplinary action or a criminal conviction.

- An applicant who desires to establish eligibility for examination for a license in this state upon the basis of practice, study or training outside this state, or supplementary training in a licensed school in this state, or any combination thereof, shall furnish proof of his or her qualifications to the board as follows:
 - (a) An applicant who desires credit for practices in another state or country shall file with the board, on the form prescribed by it (Form #03E-145, Affidavit of Experience-Form C, Rev 1/91), an affidavit from a disinterested person verifying such practice, together with an authenticated statement from the licensing agency in the state or country where such practice took place showing that the applicant was licensed to engage in such practice, if a license was required therefore.
 - (b) An applicant who has completed any number of hours of study and training in a school in another state or country, and who desires credit for such hours toward study and training in this state, shall file with the board, on the form prescribed by it (Form #03B-144, Out-of-State Beauty School Training Record-Form B, Rev 8/94), an authenticated statement from the school or the training took place showing the number of hours of study and training completed in each subject and when such study and training occurred.
- An applicant who desires credit for supplementary training completed in a licensed school in this State shall file with the board an authenticated statement from such school showing the number of hours of such training successfully completed in each subject.
- An applicant for examination who is employed on a military reservation to practice any profession licensed under Chapter 10 of Division 3 of the Business and Professions Code must present an authenticated statement from the military reservation verifying the employment and may use the practice obtained to qualify for examination.

Verification of Applicant Information

Barbering and Cosmetology regulation establishes the requirements for licensure. The board provides applicants with detailed instructions on the application process and requirements to obtain licensure. Below are the licensing requirements for individual licenses.

The board requires all applicants to sign under penalty of perjury that all statements that are provided in the application are true and correct. Applicants are required to disclose all misdemeanor and felony convictions and if they have ever had a professional or vocational license or registration denied, suspended, revoked, placed on probation or any other disciplinary action taken. For applicants who have received training in this state from a board approved school, the board provides the schools a proof of training document that is completed by the school administration. The proof of training document verifies how many hours of training were completed. In order to verify submitted proof of training documents, a representative from the school is required to sign under the penalty of perjury that the information is true and correct.

At this time, the board must rely on the applicants to honestly disclose prior convictions on their applications for licensure, as the board does not have the ability to utilize fingerprinting for background checks. Once a prior conviction is disclosed, the application is forwarded to the Enforcement Unit for further review. The applicant is required to submit court documents regarding their convictions along with any mitigation and/or rehabilitation information they may have.

In____, the Board established a process that allows an applicant who has past convictions to submit an application prior to enrolling in school. This allows the Board to review the convictions and determine if the convictions are substantially related to the practice prior to a student paying tuition and completing schooling only to later be denied licensure.

The Board also returned to conducting examinations in state correctional facilities. The Board works closely with the California Department of Corrections and Rehabilitation to schedule and administer these examinations in the correctional facilities. Listed below are the statistics for these examinations:

CHART

PERFORMANCE MEASURES

The board's strategic plan specifies the licensing program's performance expectations. This plan is divided into XXXX separate tasks with respective targets for each task, as identified below.

Task 1:	
Task 2:	
Task 3:	

PASS RATES

COMPUTER BASED TESTING

The board does utilize computer based testing for its written exams. The test has been developed and is administered by the National-Interstate Council of State Boards (NIC). Additionally, the practical exam that the board staff administers has also been developed by NIC.

The testing procedure is really quite simple. Once an application for exam has been received by the board and evaluated for accuracy, the board staff schedules a written and a practical exam for the applicant. Both tests are generally scheduled to be taken in the same day. The written test may be administered in the morning and the practical examination in the afternoon, or vice versa. Once the applicant has passed both the written and practical portions of the exam, the license is issued, often on the same day. If an applicant fails either part of the exam (written or practical) they must pay another testing fee to schedule a re-examination. The new application and fee must be paid to the board within one year, as the testing scores are only valid for a one year period. Written examination test facilities are located throughout all of California. The practical exam must be administered either at our Fairfield (Northern) location or at our Glendale (Southern) testing facility. The tests are administered Monday through Friday.

SCHOOL APPROVALS

KEEPING LICENSING INFORMATION CURRENT

Once a license is issued, it is incumbent upon the licensee, individual or establishment, to advise the board of changes in information associated with the license. For an individual licensee, such changes are generally related to a change of name and/or address.

RENEWAL PROCESSING

To maintain licensure in California, a license must be renewed. Personal and Establishment licenses renew every two years. Apprentice licensure is valid for two years and cannot be renewed.

As the board's licensee population has grown, so has the number of renewals processed by the board each year. In 2010/2011, over XXX licensee's renewed their license, an increase of about XX percent since 2008/2009.

Licensing Data			
	FY 2009/10	FY 2010/11	FY 2011/12
Total Licenses Issued	26,500	29,297	30,191
Total Licenses Renewed	200,477	209,285	210,107

Table 6. Licensee Population					
		FY 2008/09	FY 2009/10	FY 2010/11	FY 2011/12
Establishments	Active	40,176	40,978	42,090	44,555
	Delinquent	4,892	5,340	5,389	5,548
Mobile Unit	Active	14	14	15	19
	Delinquent	4	4	5	5
Barber	Active	17,925	18,241	18,939	19,519
	Delinquent	3,727	3,658	3,620	3,578
Barber Apprentice	Active	443	566	647	676
	Delinquent	2	5	5	7
Cosmotology	Active	232,584	237,411	243,683	249,865
	Delinquent	34,712	35,960	36,350	37,060
Cosmetology Apprentice	Active	986	1,044	1,018	1,056
	Delinquent	6	6	12	16
Electrology	Active	1,828	1,767	1,692	1,642
	Delinquent	576	544	530	514
Electrology Apprentice	Active	1	0	1	2
	Delinquent	0	0	0	0
Manicurist	Active	97,451	97,318	97,798	99,011
	Delinquent	18,862	20,674	21,660	22,215
Esthetician	Active	45,454	48,979	52,409	55,770
	Delinquent	4,946	5,853	6,796	7,408
Totals		503,151	516,285	532,647	548,466

Table 7a. Licensing Data by Type

		Received	Closed	Issued	Average Days to Issue License
Application Type					
FY 2009/10	Establishments	6,300	U/A	5,864	36
	Mobile Units	3	U/A	1	61
	Barber	1,639	U/A	909	157
	Barber Apprentice	284	U/A	235	88
	Cosmetology	22,248	U/A	10,415	177
	Cosmetology Apprentice	553	U/A	475	98
	Electrology	41	U/A	29	86
	Electrology Apprentice	0	U/A	0	NA
	Manicurist	7,353	U/A	3,982	117
	Esthetician	8,511	U/A	4,590	119
FY 2010/11	Establishments	6,286	U/A	5,950	35
	Mobile Units	6	U/A	7	26
	Barber	1,874	U/A	1,275	109
	Barber Apprentice	301	U/A	287	24
	Cosmetology	23,761	U/A	11,878	147
	Cosmetology Apprentice	548	U/A	517	26
	Electrology	29	U/A	22	82
	Electrology Apprentice	1	U/A	1	13
	Manicurist	8,400	U/A	4,552	91
	Esthetician	7,744	U/A	4,815	88
FY 2011/12	Establishments	6,567	U/A	6,706	29
	Mobile Units	6	U/A	4	46
	Barber	2,016	U/A	1,209	85
	Barber Apprentice	291	U/A	265	20
	Cosmetology	24,676	U/A	11,970	102
	Cosmetology Apprentice	537	U/A	508	17
	Electrology	37	U/A	22	63
	Electrology Apprentice	1	U/A	1	23
	Manicurist	8,008	U/A	4,939	68
	Esthetician	7,286	U/A	4,567	64

Table 7b. Total Licensing Data			
	FY 2009/10	FY 2010/11	FY 2011/12
Initial Licensing Data:			
*Initial License/Initial Exam Applications Received	46,932	48,948	49,425
*Initial License/Initial Exam Applications Approved	29,602	44,998	U/A
*Initial License/Initial Exam Applications Closed	U/A	1,974	U/A
License Issued	26,500	29,297	30,147
Initial License/Initial Exam Pending Application Data:			
Pending Applications (total at close of FY)	U/A	4,777	U/A
Pending Applications (outside of board control)*	U/A	1,267	U/A
Pending Applications (within the board control)*	U/A	3,510	U/A
Initial License/Initial Exam Cycle Time Data (WEIGHTED AVERAGE):			
Average Days to Application Approval (All - Complete/Incomplete)	104	64	52
Average Days to Application Approval (incomplete applications)*	U/A	99	U/A
Average Days to Application Approval (complete applications)*	U/A	29	U/A
License Renewal Data:			
License Renewed	200,477	209,285	210,107

* Optional. List if tracked by the board.

* Only exam applications are approved. All other applications result in licensure. The exam applications will also include any retake exam applications.

Table 8. Examination Data																
Exam Title		California Written Examination														
License Type		Barber			Cosmetology			Esthetician			Electrology			Manicurist		
FY 2008/09	# of Candidates	1,031			15,699			7,296			27			6,904		
	Pass %	80%			68%			62%			78%			70%		
Exam Title		National-Interstate Council of State Boards of Cosmetology- Written														
Language		E	Sp	Viet	E	Sp	Viet	E	Sp	Viet	E	Sp	Viet	E	Sp	Viet
FY 2009/10	# of Candidates	1,007	47	53	6,953	870	381	2,270	17	484	17	0	0	710	26	1,027
	Pass %	75%	89%	66%	72%	32%	26%	74%	24%	53%	71%	0%	0%	66%	42%	95%
FY 2010/11	# of Candidates	1,344	75	66	14,907	1,702	968	4,367	20	2,354	23	0	0	1,670	62	4,992
	Pass %	80%	83%	92%	73%	33%	37%	76%	40%	55%	91%	0%	0%	69%	52%	64%
FY 2011/12	# of Candidates	1,321	84	47	16,316	1,494	1,260	4,176	20	1,787	23	0	0	1,695	60	4,832
	Pass %	81%	77%	94%	62%	24%	41%	78%	40%	64%	91%	0%	0%	67%	45%	74%
Date of Last OA		2006			2009			2007			2011			2008		
Name of OA Developer		National-Interstate Council of State Boards of Cosmetology (NIC).														
Target OA Date		2011			2014			2012			2016			2013		

Exam Title		National-Interstate Council of State Boards of Cosmetology- Practical				
License Type		Barber	Cosmetology	Esthetician	Electrology	Manicurist
FY 2008/09	# of Candidates	1,031	14,623	5,991	22	6,069
	Pass %	80%	76%	89%	95%	84%
FY 2009/10	# of Candidates	1,145	14,559	5,382	29	5,089
	Pass %	75%	72%	86%	93%	81%
FY 2010/11	# of Candidates	1,470	16,466	5,635	24	5,544
	Pass %	81%	72%	86%	96%	78%
FY 2011/12	# of Candidates	1,447	16,292	5,317	25	29,804
	Pass %	81%	86%	90%	88%	86%
Date of Last OA		2006	2009	2007	2011	2008
Name of OA Developer		National-Interstate Council of State Boards of Cosmetology (NIC).				
Target OA Date		2011	2014	2012	2016	2013

Note: National written examination administered effective May 1, 2009 and National practical examination administered effective October 3, 2011.

CONTINUING EDUCATION/COMPETANCY REQUIREMENTS

The board does not require continuing education.

ENFORCEMENT PERFORMANCE MEASURES

In 2010, DCA developed standard performance measures for each board and bureau to assess the effectiveness of its enforcement program. DCA established an overall goal to complete consumer complaints within 12 to 18 months. Each board and bureau is responsible for determining its performance target for each performance measure. The Board's performance targets are noted below.

Performance Measure (PM)	Definition	Performance Target	Actual 11/12
PM 1 Volume	Number of complaints received.	*	
PM 2 Cycle Time	Average number of days to complete complaint intake.	10 days	
PM 3 Cycle Time	Average number of days to complete closed cases not resulting in formal discipline.	120 days	
PM 4 Cycle Time	Average number of days to complete cases resulting in formal discipline.	540 days	
PM 5 Efficiency (cost)	Average cost of intake and investigation for complaints not resulting in formal discipline.	**	
PM 6 Customer Satisfaction	Consumer satisfaction with the service received during the enforcement process.	75% Satisfaction	
PM 7 Cycle Time (probation monitoring)	Average number of days from the date a probation monitor is assigned to a probationer to the date the probation monitor makes first contact.	15 days	
PM 8 Initial Contact Cycle Time (probation monitoring)	Average number of days from the time a violation is reported to the program to the time the assigned probation monitor responds.	5 days	

- Complaint volume is counted and is not considered a performance measure.
- ** Current systems do not capture this data. According to DCA collection of this data will begin after the implementation of BreEZe.
- Currently, the Board is meeting its performance targets with the exception of PM 4 (Cycle Time for cases resulting in formal discipline). DCA set the PM 4 performance target at 540 days (18 months). This performance target is dependent upon the staffing and workload of outside agencies, such as the Attorney General's Office (AG) and the Office of Administrative Hearings. The progress of each case referred for formal discipline is monitored by Board staff. However, any workload and/or staffing issues at the Attorney General's Office and the Office of Administrative Hearings are not within the Board's control.

Board Performance

The Board saw an increase of 63% in complaints received from the last reporting period. The Board was able to redirect staff from other units to the enforcement unit, cases are being processed within the Board performance goals.

The Board's enforcement performance barriers include internal and external entities. Staffing and workload issues affecting the Board's Inspections and Cite and Fine unit, DCA's Division of Investigation, Office of Administrative Hearings, Attorney General's office, and District Attorney's offices increase turn around times and result in an increase in the Board's case age.

An inspection request involves the Board's Inspection and Cite and Fine units. Inspectors run into barriers with inspections that require travel or DOI assistance. The Board has two territories which do not have assigned inspectors and some inspectors cover territories which cover a large geographical area. Requests for inspections in these territories can require the inspector to travel. Travel involves the submission of Request to Travel documents which must go through an approval process delaying the date of inspection. Requests for inspection which include a request for DOI assistance are coordinated according to the DOI investigator's schedule. Joint Board/DOI inspections can take months to schedule.

Up until recently, completed Directed Inspection Reports were submitted by the inspector and processed by the Board's Cite and Fine unit and then distributed to the assigned case analyst. Due to the volume of inspection reports received by Cite and Fine, inspection reports were taking up to 2 months to get from the inspector to the case analyst. The process has been reworked and Directed Inspection Reports are forwarded to the case analyst first and are then forwarded to Cite and Fine for citation issuance. The new process allows the case analyst to review the inspection report and close cases which do not warrant follow-up more efficiently.

The Office of Administrative Hearings, Attorney General's office, and District Attorney's office process are beyond the Board's control. Board analysts provide these offices with as much information as possible when cases are submitted. The submission of complete cases eliminates requests for information and turn around times. Case analysts regularly check case statuses to ensure cases processed as quickly as possible.

Table 9a. Enforcement Statistics

	FY 2009/10	FY 2010/11	FY 2011
COMPLAINT			
Intake (Use CAS Report EM 10)			
Received	2886	3426	
Closed	185	0	
Referred to INV	2689	3430	
Average Time to Close	5	3	
Pending (close of FY)	18	14	
Source of Complaint (Use CAS Report 091)			
Public	2447	2461	
Licensee/Professional Groups	3	0	
Governmental Agencies	0	4	
Other (Internal)	1954	2683	
Conviction / Arrest (Use CAS Report EM 10)			
CONV Received	1518	1722	
CONV Closed	1520	1720	
Average Time to Close	4	5	
CONV Pending (close of FY)	0	2	
LICENSE DENIAL (Use CAS Reports EM 10 and 095)			
License Applications Denied	9	8	
SOIs Filed	27	7	
SOIs Withdrawn	2	0	
SOIs Dismissed	0	0	
SOIs Declined	0	0	
Average Days SOI	310	0	
ACCUSATION (Use CAS Report EM 10)			
Accusations Filed	53	45	
Accusations Withdrawn	5	3	
Accusations Dismissed	0	1	
Accusations Declined	2	2	
Average Days Accusations	1170	919	
Pending (close of FY)	30	29	

Table 9b. Enforcement Statistics (continued)

	FY 2009/10	FY 2010/11	FY 2011/12
DISCIPLINE			
Disciplinary Actions (Use CAS Report EM 10)			
Proposed/Default Decisions	29	25	
Stipulations	29	22	
Average Days to Complete	1170	882	
AG Cases Initiated	108	108	
AG Cases Pending (close of FY)	82	88	
Disciplinary Outcomes (Use CAS Report 096)			
Revocation	37	37	
Voluntary Surrender	5	6	
Suspension	1	0	
Probation with Suspension	44	27	
Probation	46	11	
Probationary License Issued	0	0	
Other	5	1	
PROBATION			
New Probationers			
Probations Successfully Completed			
Probationers (close of FY)			
Petitions to Revoke Probation			
Probations Revoked			
Probations Modified			
Probations Extended			
Probationers Subject to Drug Testing			
Drug Tests Ordered			
Positive Drug Tests			
Petition for Reinstatement Granted			
DIVERSION			
New Participants	N/A	N/A	N/A
Successful Completions	N/A	N/A	N/A
Participants (close of FY)	N/A	N/A	N/A
Terminations	N/A	N/A	N/A
Terminations for Public Threat	N/A	N/A	N/A
Drug Tests Ordered	N/A	N/A	N/A
Positive Drug Tests	N/A	N/A	N/A

Table 9c. Enforcement Statistics (continued)

	FY 2009/10	FY 2010/11	FY 2011/12
INVESTIGATION			
All Investigations (Use CAS Report EM 10)			
First Assigned	4209	5150	
Closed	4514	4986	
Average days to close	108	78	
Pending (close of FY)	930	1094	
Desk Investigations (Use CAS Report EM 10)			
Closed	4455	4680	
Average days to close	100	75	
Pending (close of FY)	927	618	
Non-Sworn Investigation (Use CAS Report EM 10)			
Closed	0	275	
Average days to close	0	77	
Pending (close of FY)	0	452	
Sworn Investigation			
Closed (Use CAS Report EM 10)	59	15	
Average days to close	667	462	
Pending (close of FY)	3	24	
COMPLIANCE ACTION (Use CAS Report 096)			
ISO & TRO Issued	0	0	
PC 23 Orders Requested	0	0	
Other Suspension Orders	0	0	
Public Letter of Reprimand	0	0	
Cease & Desist/Warning	0	0	
Referred for Diversion	0	0	
Compel Examination	0	0	
CITATION AND FINE (Use CAS Report EM 10 and 095)			
Citations Issued			
Average Days to Complete	-		
Amount of Fines Assessed			
Reduced, Withdrawn, Dismissed			
Amount Collected			
CRIMINAL ACTION			
Referred for Criminal Prosecution	0	11	18

Table 10. Enforcement Aging						
	FY 2008/09	FY 2009/10	FY 2010/11	FY 2011/12	Cases Closed	Average %
Attorney General Cases (Average %) (AdHoc)						
Closed Within:						
1 Year	27	22	35			
2 Years	125	38	31			
3 Years	25	16	4			
4 Years	2	3	4			
Over 4 Years	2	3	0			
Total Cases Closed	181	82	74			
Investigations (Average %) (EM 20)						
Closed Within:						
90 Days	2357	2715	3547			
180 Days	795	894	835			
1 Year	527	664	457			
2 Years	232	207	139			
3 Years	56	24	7			
Over 3 Years	5	10	1			
Total Cases Closed	3972	4514	4986			

1. What do overall statistics show as to increases or decreases in disciplinary action since last review.

Need full data to prepare response.

Complaint Prioritization

Complaint cases are prioritized using guidelines similar to those found in the DCA's *Complaint Prioritization Guidelines for Health Care Agencies*. Complaints are prioritized according to the most egregious violation alleged in the complaint. Consumer harm, gross negligence, incompetence, or similar violations are considered highest priority. The highest priority cases are distributed to specified analysts who "specialize" in the type of violation alleged. The processing of similar complaints allows the analyst to identify trends in the industry and identify violations more efficiently. Complaints alleging health and safety or unlicensed activity violations are considered high priority. Cases opened as the result of inspection reports indicating egregious health and safety violations or unlicensed activity are also considered high priority. Complaints which do not allege a violation of the Board's health and safety or licensing rules and regulations are considered routine.

Mandatory Reporting and Statute of Limitations

The Board has no mandatory reporting requirements nor does it operate with a statute of limitations.

Unlicensed Activity

Describe the board's efforts to address unlicensed activity and the underground economy.

Complaints regarding and citations issued for unlicensed activity are increasing. Unlicensed activity violations are considered a high priority by DCA and the Board. As the result of an inspection, owners who are operating unlicensed establishments and owners who employ unlicensed individuals are fined \$1,000.000. Cases involving licensed owners who have been repeatedly cited for employing unlicensed individuals are forwarded to the District Attorney General's office for license discipline. Discipline may include license suspension, probation, and/or revocation. In addition the unlicensed individuals are also cited and fined \$1,000.00.

Comment [b1]: Insert stats

TABLE W/ #of cases to AG and Discipline

The Board has no disciplinary recourse for owners and individuals who are performing services without a BBC issued license. Administrative citations are issued to unlicensed individuals but sixty-five percent (65%) of these citations go unpaid. Collecting the fines for these citations provides a challenge. In order to process a citation for collections Franchise Tax Board requires a social security number. Unlicensed individuals often do not provide their legal name, current address, or any type of valid photographic identification. Without proper identification the Board can not gather identifying information such as a California Identification or Driver's License number, birth date, or social security information.

In an effort to enforce the Board's licensing rules and regulations, as of July 1, 2010 cases which involve unlicensed establishments and unlicensed activity are referred to the DCA's Division of Investigation (DOI) for assistance. The Board requests that during a joint Board inspector/DOI investigator inspection the DOI investigators issue unlicensed owners and unlicensed individuals misdemeanor citations. The Board includes a packet with the DOI Request for Service (RFS) which includes copies of any previously issued citations, correspondence, and License Certifications for the establishment or unlicensed individuals. If the DOI investigator issues a misdemeanor citation the information provided in the RFS packet is used as background information when the case is filed by DOI with the local District Attorney's office (DA). Cases the DAs office prosecutes could result in probation, BBC fine recovery, and/or jail depending on the county. Unfortunately, the DA's office does not always pick up our unlicensed misdemeanor cases. DOI has assisted the Board on approximately 41 unlicensed activity inspections.

ADD DOI Joint Inspection Stats

Board inspectors and DOI investigators are experiencing instances where the workers in establishments are refusing the inspection. The majority of the establishments refusing inspection have previously been cited for unlicensed activity. Even though B&P 7313 authorizes the inspection of an establishment during business hours or at any time Board regulated services are being performed the inspector can not force operators to unlock the doors or allow entry for an inspection. The assistance of DOI investigators does not help in these situations because DOI investigators can not force an inspection either. The Board has no recourse except the issuance of a citation for Inspection Refusal (B&P 7313) which carries a fine of up to \$750.00.

Situations like these make future inspections uncomfortable for inspectors and investigators. Board inspector safety must be taken into account when requesting follow-up inspections at these locations. The Board can not ensure compliance if inspections can not occur and the unlicensed activity the Board is aware of will continue.

Cite and Fine

The Board relies heavily on its citation and fine program to enforce the health and safety laws. Inspectors conduct inspections and reports are provided to the office. Upon receipt the office reviews the inspection report and issues a citation with an administrative fine. The Board does operate slightly different than most boards within DCA as there are several violations that include an administrative fine. Therefore, a citation can easily add up to the \$5,000 maximum limit.

Since the Board's last review several changes have been made to the citation and fine program. Previously, inspectors issued inspection reports and administrative fines at the time of inspection. The Board changed this processes to allow an inspector to only provide a copy of the inspection report and not issue an administrative fine.

The Board has also modified its fine schedule since the last review. In 2007, the Board eliminated escalating fines and increased fine amounts. At that time, the Board believed that this would be a greater deterrent for licensee to commit the violations. While it was a deterrent, it was found that the Board raised the fines so high that it was potentially impacting businesses. The Board has since revised its fine schedule and returned to escalating fines. However, the fines were not reduces to the minimal amounts that existed at the time of the last sunset, and violations that would impact consumer safety remain the highest violation.

The Board does operate with a Disciplinary Review Committee (DRC) that allows a licensee who has received a citation to appeal that citation in front of the DRC. This process is discussed further under section 13.

Common Violations

The Board monitors its top ten violations and has publicized this information on its web site as well as in industry publications. The Board has created sample photos of these top violations and photos that show how to correct the violation. The Board's top violations are:

CCR Section of Violation	Description	Sample
979d	Incorrect storage of disinfected non-electrical instruments	Clean tools (combs, shears, etc.) not stored in a clean covered place and labeled as clean.
979c	Incorrect storage of soiled non-electrical instruments	Dirty tools (combs, shears, etc.) not stored in a covered place and labeled as dirty.
981a	No disposal of non-disinfectable instruments	Buffers, emery boards, pumice stones not being thrown away after use.
988b	Liquids, creams, powders and cosmetics no properly labeled	Products not labeled (nail liquid).
979b	Disinfectant not changed and/or covered	Disinfectant is either uncovered and/or found with debris inside.

Cost Recovery and Restitution

2. Describe the board's efforts to obtain cost recovery. Discuss any changes from the last review.
3. How many and how much is ordered for revocations, surrenders and probationers? How much do you believe is uncollectable? Explain.
4. Are there cases for which the board does not seek cost recovery? Why?
5. Describe the board's use of Franchise Tax Board intercepts to collect cost recovery.
6. Describe the board's efforts to obtain restitution for individual consumers, any formal or informal board restitution policy, and the types of restitution that the board attempts to collect, i.e., monetary, services, etc. Describe the situation in which the board may seek restitution from the licensee to a harmed consumer.

Table 11. Cost Recovery

	FY 2009/10	FY 2010/11	FY 2011/12	FY 2012/13
Total Enforcement Expenditures				
Potential Cases for Recovery * (096)	67	66	69	
Cases Recovery Ordered (098)	42	32	37	
Amount of Cost Recovery Ordered (098)	163,675.62	135,930.47	176,075.25	
Amount Collected (098)	208,352.30	128,695.24	95,613.11	

* "Potential Cases for Recovery" are those cases in which disciplinary action has been taken based on violation of the license practice act.

Table 12. Restitution

	FY 2008/09	FY 2009/10	FY 2010/11	FY 2011/12
Amount Ordered	0	0	0	0
Amount Collected	0	0	0	0

Public Information Policies

The board is a public agency and performs its activities publically. The Board makes every effort to be as transparent as possible and complies with all Code requirements as well as the Bagley Keene Open Meetings Act.

The board uses its website as a primary conduit for communication with the public, applicants and licensees. The website provides general information about the board including how to file a complaint, consumer brochures, informational fact sheets, Barbering and Cosmetology law and licensing and enforcement information. The board's website has grown as a communication method and contains more information than ever before.

Over the past three years, the board has averaged 3.7 million hits per year. The board's website conforms to the design templates established by the Administration. The Administration is in the process of updating the current design of the Barbercosmo website to project a more up-to-date, consumer friendly forum. The board works hard to ensure its website is relevant to the consumers, applicants and licensees alike.

A recently utilized method of communication has been the Board's use of social media by the use of a FaceBook and Twitter account. With 15 percent of Americans on the web using Twitter and close to a billion active users on FaceBook , the board saw this communication avenue as prime. The FaceBook page is a quick and efficient way to disseminate current information and updates quickly. The board does realize this is not a primary method of information dissemination and makes it a practice to refer consumers to the board's website. The board has received numerous compliments for implementing this current, easy to access method of communication, from its consumers.

Board and Committee Meetings

The board posts dates and locations of all meetings in advance to allow the public and others interested in attending meetings to make arrangements.

The board posts agendas for all board, committee and subcommittee meetings on its website. Agendas are posted at least 10 days in advance of any meeting. The agenda includes a specific description of each topic so the public has a general understanding about what will be discussed in advance. Then typically, seven to ten days in advance of any meeting, meeting materials are also added to the website. These are the same

materials provided to board members. This provides the public with more specific information about board activities and permits the public to be fully prepared to participate in discussions before the board. Meeting materials provided by the board are thorough and generally provide background information, a summary or history of the item as well as any recommendations or action items. Board packets also include draft minutes from the previous meeting. Board minutes serve as a helpful resource for those interested in following board activities.

A concerted effort has been made to encourage public input. In lieu of this, the board begins each board meeting and ends each board meeting with an invitation for public comments that are not specifically addressed on the agenda.

The board maintains information for each meeting for a minimum of 20 years, consistent with the board's records retention policy.

Webcasting of Meetings

In addition to posting all materials, the board also supports the use of webcasting, and has leveraged the Department's capabilities to do so at board meetings held in recent years. This includes meetings being held in southern California locations. For example, the October 17, 2011 board meeting held in Santa Ana was webcast. Copies of all webcasts are posted for viewing on the board's website.

Public Disclosure

The board's complaint disclosure policy is similar to that of the Department's and was most recently revised in 2006. The board follows the DCA's Recommended Minimum Standards for Consumer Complaint Disclosure.

The board posts a significant amount of information about licensees on its website. From the website's license verification feature, a consumer can find:

- Licensee's name
- License number
- County of residence
- Issue date
- Expiration date
- Current status, including a notation if the individual is currently on probation, has an accusation pending final decision or if the individual was previously disciplined. In addition, the board provides a link to the accusations and decisions on individual and establishment licenses.

The availability of this information ensures that consumers have ready access to information about the beauty care providers, and allows employers, other governmental agencies and other licensees to quickly access license status information about any licensee. The licensure verification feature is a valuable tool to reduce unlicensed activity and provides consumers with status information about their community beauty care provider.

To supplement the information available on the website, the board also responds to requests in writing. Such public information includes what is available on our website, but also includes some information that is not posted on the website.

Disciplinary action information remains public for 20 years. The board does not provide additional personal information about licensees regarding their education, degree, etc.

Consumer Outreach

The board has a strong outreach and education program. The board has separated the outreach program into two facets, industry outreach and consumer outreach. The board has had tremendous success in both avenues of outreach. Listed below are a few highlights of the outreach program. For a disclosure of the outreach events the board has participated in, please see appendix XX.

- In 2009 the board in association with Federico's Beauty College developed a Powerpoint presentation that outlined the proper way to clean footspas. The board conducted a town hall meeting where a practical demonstration was given on how to properly disinfect foot basins. Public participation was encouraged by sending postcard invitations to targeted consumers. The town hall meeting provided board staff the opportunity to discuss how establishment owners and licensees could stay in compliance with the board's rules and regulations.
- In 2009 the Executive Officer conducted the very first live webcast Question and Answer session. A brief summary of what the board provides and how to stay compliant was followed by an invitation for licensee's to call or email in to ask the Executive Officer board related questions.
- The board routinely participates in the California State Fair, wellness fairs, town hall meetings, workshops and seminars to assist with educating the public on health and safety issues.

- The board customarily has a booth at trade shows, up and down the State of California.
- The board visits beauty colleges within the state to assist the students of such entities to become familiar with board regulations and to help establish student solidarity within their new career.

On April 26, 2011 Executive order B-06-11 was imposed upon the board. This has limited the travel of the Board to outreach events. In addition budget restrictions have been imposed which regrettably have suspended the board's presence at the above mentioned events. The board however, has not been deterred in its outreach pursuit. In response to these limitations the board has made it a practice to mail out materials to trade shows and consumer fairs to encourage interest in the board and promote health and safety. The board has also used this time to explore use of FaceBook and Twitter to reach their public.

In the summer of 2011 the board produced the first "Smock Talk" newsletter and had it posted to the boards website.

Over the years the board has developed a series of consumer materials covering a wide range of topics. These materials have been developed by board staff to educate the public on health and safety topics. In recent years an innovative approach to develop consumer education materials involved development of a series of topical fact sheets.

Below is a listing of the fact sheets the board currently produces, disseminates to the public and posts on its website. Several of these items are also available in Spanish and Vietnamese and can be downloaded from the board's website.

[Fact Sheet: Barbering](#)

[Fact Sheet: Chemical Hair Services](#)

[Fact Sheet: Electrology](#)

[Fact Sheet: Esthetics](#)

[Fact Sheet: Manicure & Nail Salon Services](#)

[Fact Sheet: Whirlpool Footspa Safety](#)

[Fact Sheet: Complaints](#)

[Fact Sheet: Summary Suspension](#)

[Fact Sheet: Hair Extensions](#)

[Fact Sheet: Cosmetology](#)

[Fact Sheet: Mole removal](#)

[Disciplinary Review Committee Hearing \(Spanish\) \(Vietnamese\)](#)

[Self Inspection Worksheet \(Spanish\) \(Vietnamese\)](#)

[Illegal Instrument Flyer](#)

[Disinfection](#)

[Fish Pedicures](#)

[Medical Pedicure](#)

[10 Most Common Violations Cited During Inspections](#)

[To Open a New School of Barbering/Cosmetology/Electrology](#)

[Q&A Helpful Hints About the Examination](#)

[Establishment Owner FAQ](#)

[In Home Services](#)

The board has a number of additional training materials developed for licensees on its website. For example, the board provides a video entitled, "Footspa Cleaning and Disinfecting". This video was produced by department staff and demonstrates how to properly clean a footspa and the proper way to log the cleaning procedure.

The board has posted the Center of Disease Controls (CDC) video, "Put Your Hands Together" onto their website. This video provides information on proper hand hygiene.

The board has posted publications, brochures and photo galleries on their website such as the following to encourage safety and promote healthful working environments.

[Protecting the Health of Nail Salon Workers](#)

[Top Ten Violations Photo Display](#)

[FDA Fact Sheet – Hair Dye and Hair Relaxers](#)

[FDA Fact Sheet - Cosmetics](#)

Industry bulletins that provide the board's official position are posted to the website. Some of the recent bulletins have covered information on:

Disinfecting Nail Files

Detox Foot Spas

Callus Removal

Needles Are Prohibited

Monthly, the board submits articles of interest to “The Stylist”, a newspaper distributed within the beauty industry. Topics include subjects on everything from, “Meet the Board President”, to “BBC’s Top Ten Violations.”

In the future, it is hoped that there will be development of a licensing lookup application that could be downloaded onto a smart phone or tablet. This would ensure consumers could readily have access to the public information listed on our website, even doing so at the establishment where services are being offered.



On Line Practice Issues

The Barbering and Cosmetology profession cannot be practiced on line.



WORKFORCE DEVELOPMENT AND JOB CREATION

Hairdressing made the front page of the respected national business newspaper, *The Wall Street Journal*, July 5th, 2012 in an article that pointed to the security of personal-service professions in an uncertain economy. David Autor, an economist from the Massachusetts Institute of Technology, noted a 36% increase in personal-service jobs between the years 1989 and 2007. He points out that between 2007 and 2010, as the total number of jobs in the U.S fell by nearly 6%, the number of personal-service jobs actually increased by 2%. The board is thrilled to be a part of this dynamic industry. The board's work focuses on ensuring that individuals entering the beauty industry possess the requisite skills and knowledge to provide services to the diverse population of Californians who seek hair, skin and nail services.

The board has published and distributed a tri-fold brochure that describes the activities and general information of the board. It can be found on-line and on the boards FaceBook page.

Ever the pioneer, the board continues its on-going discussions regarding the use of the National Examinations for various types of licensure in California, which will increase license portability.

IMPACT OF LICENSING DELAYS ON JOB CREATION

The board has a recognized role in job creation via the licensure of individuals and establishments.

The board has a sacred trust to ensure that those it licenses meet minimum standards. It also has an obligation under its public protection mandate to perform this review accurately, timely and consistently.

The board has been impacted in its ability to issue licenses within the board's established performance standards. Additional information about this is provided in Section 4 of this report.

The board's failure to license an entity prevents that individual or business from working. In cases where the board delays making a licensing decision, for example, while investigating a criminal background of an applicant, the job intended for an applicant may be given to another individual. As a result, the board's delay in licensing, although necessary, has a direct impact on the individual.

The board works with applications from establishments that must be licensed by the board, and strives to ensure that they can open on the date they desire, even when they turn in applications in very close to the desired opening date. Many times this can be accomplished. However, there are a number of components that must be complete before an applicant can receive a new hair salon or barber shop and the board's license is but one of the first requirements needed by the establishment. The board asks for 60-90 days to review an establishment application, but few applicants submit applications this far in advance of when they plan on opening.

IMPACT OF REGULATORY ACTIONS ON BUSINESS

The board regulates the businesses and professions that offer hair, nail and skin care to the general public. To ensure the public health, this is a regulated area by both the state and federal governments and ensures the public retains trust in their hair and skin professionals.

Before proposing a new requirement or regulation, the board determines if a problem does in fact exist and whether a solution warrants a regulation or statutory change. It then works with interested parties to develop a solution, balancing the needs of the industry against consumer protection. But the board ensures the balance always tips in favor of the consumer consistent with the board's statutory mandate.

After adoption of a regulation or statutory change, the board works with the industry to implement the requirements, usually using enforcement discretion to permit learning while compliance is being secured. As part of the regulation process, the board is required to identify economic impacts to its licensees, including establishments. Additionally, after enactment or adoption of a new regulation, the board routinely re-evaluates program changes to ensure that the goal of pursuing the change was realized.

SHARING OF WORKFORCE DATA WITH OTHER AGENCIES

The board assists other agencies in performing their calculations of the number of various professionals in practice. Very recently, the board compiled statistical information regarding the number of licensee's that was provided to a national organization to be shared at an annual conference for Beauty professionals. The board has also utilized the National Interstate Council of State Boards as a vehicle to reach and disseminate information between the State Boards of North America. This vehicle has proved invaluable in comparing health and safety standards and protocols within the greater United States.

The board has initiated meetings with the Nursing Board and Medical Board in the past to discuss scope of practice issues and to get valuable feedback on procedures and current esthetic trends.

OUTREACH TO SCHOOLS

Currently schools are regulated by two Department of Consumer Affairs (DCA) entities, the Board of Barbering and Cosmetology, as well as the Bureau for Private Postsecondary Education (BPPE). Due to this dual oversight and state mandated travel restrictions the board has been limited in its outreach to schools. That being said the board has attempted to look for ways to positively influence its future professionals. One such avenue has been the utilization of a FaceBook/Twitter accounts to reach out to students with up-to-date information that students will find helpful in the pursuit of their new careers.

In addition, the board is periodically asked to provide lectures at California Cosmetology and Barbering schools, on the role of the board, its licensing program, enforcement program, duties of the licensee in charge and other topics. These presentations are intended to ensure that new licensees understand the board's role and activities. For example, during presentations about the board's enforcement program, the board highlights the top ten violations commonly cited for during an inspection. This discussion was designed to help students better understand how to avoid getting cited for a violation while working in a salon. Thus protecting the consumer while saving the new professional fine incurred expenses.

The board has provided an official website that is available for student use. The website contains fact sheets, videos, industry bulletins, safety manuals and just about every form the board distributes. The website is user-friendly and is designed for easy access.



2005 RECOMMENDATIONS FOR THE BOARD OF BARBERING AND COSMETOLOGY

ISSUE #1. IMPLEMENT RECOMMENDATIONS OF THE FOOT SPA WORKING GROUP?

Background:

Multiple outbreaks of infections and other health concerns relating to pedicures and the use of foot spas resulted in the Department of Consumer Affairs being directed to form a task force to look at the safety of foot spas. Prior to 2005, the Board had not taken significant steps to address this issue.

Staff Comments:

At the sunset review hearings in December 2005, the Board was directed to implement regulations to address this critical issue. The Board, however, did not do this. Instead, the Board waited for the Department to take the lead and put together a work group.

Actions Taken by the Board:

In 2006, the Board implemented emergency regulations that provided for specific cleaning and disinfecting requirements for foot spas. These specific steps were recommended by the foot spa task force. The Board provided these regulations in English, Spanish and Vietnamese to all licensed establishments, manicurists and cosmetologists.

In September 2007 the Board implemented regulations clarifying AB 409 which allowed the Board to, if an immediate threat to consumers was found, immediately suspend a license, implement a stay of the suspension and place the licensee on immediate probation. This legislation also required the licensee to take 8 hours of remedial education.

During an inspection, if a Board inspector observes that a foot spa is not clean and poses an immediate consumer threat, a photograph is taken and transmitted immediately to the Executive Officer, or designee, for a decision on if to issue the immediate suspension notice.

To date, we have placed 172 licensees on "immediate suspension". Again, the suspension is stayed and the licensee is placed on probation. A follow up inspection is conducted to ensure the issue has been addressed and then regular inspections are conducted.

This has been extremely successful in ensuring the foot spas that are of most threat to a consumer are addressed. Follow up inspections have shown that foot spas have improved dramatically in their cleanliness.

The Board has also developed a video on how to properly clean foot spas as well as held town hall meetings to discuss these regulations. During the town hall meetings presentations are provided on the steps to properly clean foot spas.

Recommendations for the Future:

The Board continues to make foot spa safety one of its top issues. Under the guidelines of AB 409, the Board will continue to take a strong stand on foot spas that are not cleaned properly.

ISSUE #2: SHOULD RECIPROCITY BE PUT INTO STATUTE?

Recommendation #2: *The Joint Committee and the Department recommend that the statute be amended to allow for reciprocity with other states.*

Staff Comments: Another major example of the lack of action on the part of the Board. The Board has dragged its feet on the implementation of reciprocity. Now reciprocity has to be provided for in statute even though the Board should have done so through regulation.

Actions Taken by the Board:

The Board implemented reciprocity in July 2007. Since that time 8,142 licenses have been issued under the guidelines of business and professions code section 7331.

ISSUE #3: REESTABLISH THE VOLUNTARILY “INSTRUCTOR” LICENSE?

Recommendation #3: *The Department recommends that the voluntarily license for barbering instructors and cosmetology instructors and the corresponding continuing education requirements should not be reestablished.*

Staff Comments: This issue is one more prime example of where the Board has either ignored or acted contrary to the will and intent of the Legislature. The Board has wasted enough time on this issue.

Board Action Taken:

The Board has not pursued the re-establishment of the instructor license. This issue continues to be brought up to the Board at public meetings and the Board encourages schools to set their own standards for hiring qualified individuals to be instructors.

ADDITIONAL JOINT COMMITTEE STAFF RECOMMENDATIONS

ISSUE #4: RESOLVE ISSUES WITH TRAINING REQUIREMENTS? Should the Board be required to work with the Department’s Office of Examination Resources (OER) to resolve issues with training requirements?

Recommendation #4: *The Board should be required to work with OER to resolve issues with training requirements. The Board should provide OER all necessary resources and assistance to set up another task force with subject matter experts to more fully review the 1,600 hour training requirement. The requirements should be changed to reflect the information in*

OER's most recent occupational analysis.

Staff Comments: The Board currently requires that cosmetologists have 1,600 hours of training for licensure. Although a recent Occupational Analysis performed by the Department shows that most licensed cosmetologists only perform hair styling tasks, individuals are required to be trained in a wide variety of skills to receive licensure. This issue has been presented to the Board several times during the sunset review process, beginning in 1999. In the 2003 sunset review, the Board was instructed to complete a review of this licensure requirement because it was seen as an artificial barrier to entry. The Board established a task force comprised of private and public beauty schools, industry representatives, and Board members. The task force met for one day in April 2005 to review the existing curriculum.

The task force recommended to the Board that it maintain the current requirement of 1,600 hours. According to the Board's report, the recommendation, in part, was based on the cosmetology license being considered a "master" license. This license allows a person not only to perform hair services, but also manicuring and esthetic services. The task force stated that a person who wishes to perform only hair styling tasks has the option of obtaining a barber license, which is focused more on hair techniques as opposed to the manicuring and esthetics, and requires 1,500 hours of training.

The OER should be involved to insure articulation of an appropriate methodology for linking the results of recent occupational analyses, subject matter expert input, and curriculum changes.

The Board was given direction to handle this issue and has not effectively done so.

Action Taken by the Board:

The Board believes that the 1600-hour training requirement is valid and is consistent with other states. However, in February 2009, the Board updated its curriculum regulations to provide emphasis on health and safety and to allow schools to better manage their own curriculum based on the guidelines set by the Board. Previous curriculum was specific to the number of tasks that must be completed. The revised curriculums continue to state a minimum however allows schools establish their own method of ensuring students gain skills to be successful in the industry.

ISSUE #5: INCREASE ENFORCEMENT ON ILLEGAL LASER PROCEDURES?

Recommendation #5: *The statute should be amended and clarified to give the Board additional tools and authority to address the illegal use of lasers.*

Staff Comments: There have been instances where cosmetologists are using lasers and have injured consumers. The use of lasers is not within a cosmetologist's scope of practice. Right now, the Board can only cite a person if he or she is actually seen using the laser. Even then, it is only a \$100 fine for a violation of Business and Professions Code Section 7320 which confers no authority to practice medicine or surgery.

The Board believes that it would be helpful if laser equipment was prohibited from being in a

salon (unless of course they have a medical license), or at least language that is more specific so that it is easier to enforce and understand by licensees.

Actions taken by the Board:

Business and Professions code section 7320.5 was implemented in 2007. The board has only cited this section 5 times since 2005.

ISSUE #6: REDUCE MEETING FREQUENCY? Should the Board be meeting bi-monthly?

Recommendation #6: *The Board should adjust its meeting schedule so that it meets on a quarterly basis.*

Staff Comments: It is unclear why it is necessary for the Board to meet so often. The Joint Committee is not aware of any other Department board that meets six times a year. It is standard for boards to meet quarterly. Reducing the number of meetings should not negatively impact the work of the Board. Staff can be directed to work on the various issues between board meetings, and in fact will be able to devote more time to the many issues that need to be addressed if they do not have to prepare for as many board meetings.

Actions Taken by the Board:

The Board meets on a quarterly basis.

ISSUE #7: ADDRESS DEFICIENCIES IN AUDIT? A performance audit conducted in 2002 by the Department's Internal Audit Office revealed some program deficiencies – the enforcement program in particular.

Recommendation #7: *The Board should be actively addressing the deficiencies found in its programs. Further, the Board should take the necessary steps to implement changes recommended in the DCA audit due to be completed in the near future.*

Staff Comments: The Department's Internal Audit Office conducted a performance audit of the then-Bureau in 2002. The audit found that the program lacked important elements that could assist management in measuring the success of its licensing and enforcement operations. The audit stated that the effectiveness of complaint activities could be improved. Specifically, the following areas were concerns that were recommended to be addressed:

- Untimely acknowledgment letters;
- Untimely delays in completing case files;
- Inaccurate determination of processing times for cases opened from inspection reports;
- Missing case files;
- Incomplete file documentation; and
- Inaccurate reporting of processing time for internal complaints opened for establishment inspections.

Deficiencies in the inspection unit were also cited. Specifically, the audit states that inspection operations are inadequate to ensure compliance with regulatory and internal policies and

procedures. The audit recommended the monitoring and reporting of performance to ensure the Board's inspection function is in compliance with such policies and procedures, and that it is effective and efficient. Additionally, alternatives to current inspection procedures should be considered, such as decreasing the number of "Closed for the Day" stops and/or conduct specific, targeted violation sweeps in areas identified as having the greatest risk of harming consumers.

The Department's Internal Audit Office has recently begun another performance audit of the Board. The results and findings of the audit are expected in the Spring of 2006.

Action taken by the Board:

In August 2008, a 360-Day follow up was performed by the Department's Internal Audit Office and the results of this were presented to the department's Executive Office. This report followed up on six issues previously identified. Of these issues the Board had taken action on three of the issues and had taken partial action on the remaining three. Listed below is a brief summary of each issue and the action taken:

Issue 1: Fully integrating a strategic plan.

Action: The Board implemented a strategic plan and in July 2012 has worked with the department to update their plan as well as objectives.

Issue 2: Substantial backlogs

Action: The Board continues to deal with a high volume of workload. Since the Board's last review, processing times in have significantly decreased in all units. However, the furlough programs did have an impact on the Board's operations. The Board is currently addressing processing times and exploring ways to reduce those times.

Issue 3: Address deficiencies in the inspections program

Action taken by the Board: Specific items addressed in the audit have been resolved. For example: updating the fine schedule, the Board now follows up on fines that have not been paid, conduct follow-up inspections when serious violations are found and all information is entered into the database.

The inspection program continues to not be able to meet its statutory mandate of inspecting new salons within 90 days of licensure. Inspections that are a result of a consumer complaint are given top priority.

Issue 4: Improve its licensing operations to issue licenses in a timely manner

Action taken by the Board: The Board has streamlined its processes, however, we believe with the implementation of the new Breeze database there will be a greater reduction in processing times. As the Board is in phase 1 of the Breeze roll-out (October 2012) we will be reviewing all business processes to determine what new improvements can be made.

Issue 5: Continued Problems in Enforcement

Action Taken by the Board: The audit identified several areas that the Board has resolved.

Specifically:

The Board has performance measures for enforcement cases.

All complaints are acknowledged within 10 days.

Internal processes are in place to ensure inspections conducted based on a complaint are forwarded immediately to the case worker.

The Board discloses its disciplinary actions on its website.

Procedures are in place for quality control, for example; closed complaint cases are signed off by a manager and reviewed for accurate processing.

Issue 6: Internal Controls for Cash Receipts

Action Taken by the Board: The audit indicated that the board should limit access to the safe where cash is stored overnight. The Board has limited its staff having access to the safe.

ISSUE #8: MODIFY ADMINISTRATIVE FINE SCHEDULE? Although the Board has the authority and capability to increase fine amounts, it has not done so.

Recommendation #8: The Board should modify its fine schedule without delay to ensure that fines serve as a sufficient deterrent.

Staff Comments: The Board's Cite and Fine program was initiated in December 1994.

Administrative citations are issued for violation of the Board's rules and regulations, primarily related to health and safety issues. Violations range from improper disinfection to unlicensed activity, with fines ranging from \$25 to \$500 for first violations. Most fines are waivable on the first offense, provided the offense is corrected within 30 days. A first offense may only have a \$25 fine assessment. Often, this fine does not serve as a deterrent and inspectors usually have to conduct multiple inspections before compliance is achieved. The fine amounts increase for second and third offenses.

SB 362 (Figueroa), Chapter 783, Statutes of 2003, provided for the revision of the Board's fine structure by increasing the maximum amount that could be imposed for administrative fines from \$2500 to \$5000. However, to date, no changes have been made by the Board.

Action Taken by the Board:

In February 2007 the Board took a strong stand by revising its administrative fine schedule. Progressive fines were eliminated and fines were increased. Over the following years the Board believed that the fines were too high for the types of violations. For example, a violation of mislabeling a clean container could have resulted in a fine of \$600.00. After discussions at Board meetings as well as input during DRC hearings, the Board believes that the high fine amounts were hurting businesses from continuing. As a result, the Board re-visited the fine schedule through its Enforcement Committee and a decision was reached to modify the fine schedule. In September 2011, the Board returned to a progressive fine schedule, however, fines were not reduced to the low levels that existed at the time of the last review. Instead the Board took a hard look at the violations that posed consumer harm and set those at a higher amount to serve as a greater deterrent.

ISSUE #9: ASSESS ACTUAL COSTS FOR EXAMS? The Board continues to spend more on its examination program than it makes.

Recommendation #9: The Board should assess actual costs for its examinations.

Staff Comments: Business and Professions Code Section 7423 establishes the license fees for individual practice. The initial license fee for cosmetologists, barbers, and electrologists is \$50; the initial esthetician license fee is \$40; and the initial manicurist license fee is \$35. These fees are all at their statutory maximum and have not been increased since 1993.

Business and Professions Code Section 7423 also states that the fee shall be the actual cost to the board for developing, purchasing, grading, and administering the examination. Further, Business and Professions Code Section 7421 requires that the fees collected by the Board shall be in amounts necessary to cover the expenses of the Board in performing its duties.

To determine where the licensing fees should be set, Board staff conducted a review of all expenditures that the Board incurs and found that the Board expends approximately \$94.00 on processing, examining, and license issuance.

Action Taken by Board:

On December 1, 2007 the Board implemented a new fee schedule that established an application and examination fee of \$75.00 for each license type.

ISSUE #10. CONTINUE WITH COMPUTER-BASED TESTING? Should the Board continue to administer examinations on computer?

Recommendation #10: *The Joint Committee recommends that the Board continue indefinitely with computer-based testing.*

Staff Comments: There have been discussions in past board meetings regarding the return to paper and pencil testing. This should not occur. It is clear that computer-based testing has been successful. Additionally, it would only exacerbate the backlogs that the Board is experiencing.

Action Taken by the Board:

Computer based testing continues to be successful and there has been no discussion of returning to a paper/pencil process.

ISSUE #11. SET ELECTIONS AND TERMS FOR OFFICERS OF THE BOARD? Should the Board have a specific process for the election of officers?

Recommendation #11: *The Joint Committee recommends that election cycles and the terms of officers be specified in statute.*

Staff Comments: Most consumer boards have a process by which the officers are elected. This Board, however, does not. Even though the Chair of the Joint Committee was assured that the new officers would be elected after the December 2005 sunset hearing, the Board re-elected the president and vice president. The president has served two and a half years already, and will have served four years by the end of the current term.

Business and Professions Codes Section 5004 provides that the Board of Accountancy's president, vice president, and secretary-treasurer be elected by the board for a term of one year from among its members at the time of the annual meeting.

Action Taken by the Board:

The Board holds annual elections in January. Each term is set for one year and a member is only allowed to serve two terms.

ISSUE #12. CONTINUE WITH THE BOARD? Should the Board be continued, reconstituted, or become a bureau within DCA?

Recommendation #12: *The Joint Committee recommends that the current membership of the Board should be sunset, and the Board should be immediately reconstituted.*

The new Board should utilize these recommendations as well as previous sunset recommendations in their strategic plan. Adherence to all recommendations should be made a top priority.

Staff Comments: A number of issues identified in the previous reviews of the Barbering and Cosmetology Board are still ongoing issues. The Board continues to ignore the intent of the Legislature, as well as the recommendations of the Joint Committee and the Department of Consumer Affairs, in a number of areas. Almost three years has passed since the Joint Committee last voted on recommendations and yet the following key issues remain unresolved:

- The Board has delayed adoption of regulations that are necessary to implement recommendations of the Joint Committee with regard to reciprocity. Additionally, the proposed regulations would have increased requirements for out-of-state licensees instead of facilitating reciprocity. Because of the excessive delay, the timeframe to pass regulations has expired, and the Board now has to start its regulatory process over.
- Although the Board meets every other month, consumer protection does not appear to be high on the agenda. One example is the outbreak of infections at foot spas. The Board did not use its authority to temporarily shut down the offending establishments in San Jose, nor has it used its regulatory authority to promulgate regulations to establish additional standards and requirements for foot spas.
- The law that established a process whereby barbering instructors and cosmetology instructors could voluntarily obtain a license from the Board was repealed pursuant to the recommendations of the Joint Committee. However, the Board is proposing that the voluntary instructor's license be put back in place.
- The Board continues to spend more on its examination program than it makes. The Board has been told – and is required by law – to assess actual costs and requires that the fees collected by the Board shall be in amounts necessary to cover the expenses of the Board in performing its duties. The Board has not yet adjusted examination fees to reflect the true cost of the examination. The Board must link the fees for its examinations with their actual

costs and should look for other ways of reducing examination costs as well.

- A number of studies required of the Board were barely examined – leaving the same questions unanswered.
- The Board has not promulgated regulations to revise its existing fine structure although it has had the authority and capability to do so and was directed to do so by the Legislature.
- The Board continually brings up the issue of returning to a paper and pencil examination even though they have been directed to use computer-based testing.
- Even though the Board received additional staffing to address backlogs, applicants still have to wait three months to be examined. Further, the average days to receive a license for applications not requiring examination has increased from 55 days in 2001/02 to 161 days in 2004/05. The problem of a backlog in the application process has been around for many years. This was first addressed in the 1999 sunset review. Because of a long waiting time for the examination, applicants experience significant delays in obtaining licensure.

Action Taken by the Board: The Board has made significant progress since its last review. It is clear that during the last review the Board was not taking action on outstanding issues.

However, there have been significant improvements in that area. Specifically:

- Reciprocity has been implemented.
- Board meetings are held quarterly.
- Foot spa issues have been addressed and are continually being monitored.
- The Board has not pursued re-establishing an instructor license.
- The Board established an application and license fee to cover its expenses.
- The Board has updated its fine schedule.
- The Board does not discuss nor does it believe returning to a paper and pencil examination should be considered.

Issue #1:**Oversight of Barbering, Cosmetology and Electrology Schools**

The Board recommends it be granted sole oversight over barbering, cosmetology and electrology schools as opposed to dual oversight by the Board and the Bureau for Private Postsecondary Education (BPPE), two entities under the Department of Consumer Affairs.

Background

The Board believes it is the appropriate entity to regulate barbering, cosmetology and electrology schools. Currently beauty schools are regulated by two DCA entities, the Board as well as the BPPE. The problems incurred from dual oversight of schools have been an on-going issue for multiple years and have been discussed in prior sunset reviews. Not only is this not a cost-effective method, it is confusing to students and the lack of oversight by the Board in schools is allowing potentially harmful practices to be carried into the industry.

To differentiate between the two regulatory entities, listed below are the areas of oversight that each entity is responsible for:

Board Oversight of Beauty Schools

- Curriculum
- Minimum Equipment
- Minimum Enrollment
- Minimum Floor Space
- Textbooks
- Health and Safety on Clinic Floor
- Licensing Examination
- School Approval

BPPE Oversight

- Student protection concerns -- tuition issues, catalog, student contracts, etc.
- School Licensure

Section 7362 of the Business and Professions Code states a school must be both licensed by BPPE and approved by the Board. A new school must first go through the initial application process with the BPPE and upon receiving the license, the school will then apply to the Board to secure a school code. Once the Board receives an application, a review is conducted of the requirements stated above and an initial inspection is completed. An approved school is issued a school code from the Board that must be noted on the proof of training (POT) document that is provided to a student that completes their course of instruction (a completed POT is required to qualify for the licensing examination).

Problems

1. To approve a school the Board reviews the application, curriculum, and conducts an inspection, however, the Board does not have the authority to require an application and/or approval fee.
2. Students invariably contact the Board to file complaints against schools and must be referred to another DCA entity (all students are familiar with the "State Board", very few-if any-know about the BPPE).
3. Lack of communication between the Board and the BPPE is causing student harm and potentially increases unlicensed activity in the industry.
4. Lack of complete oversight by the Board creates an environment in far too many schools that would not be acceptable in the industry. Therefore, students entering the profession are more likely to cause harm because of the inadequate education and inappropriate habits developed while attending these institutions.
5. Selling of hours continues to take place. The Board investigates this based on fraudulent POT's being issued, however, the lack of oversight prevents the Board from conducting internal investigations and requires the Board to utilize costly options for investigating.
6. The Board does not have specific authority to take disciplinary action against a school (removal of approval).
7. The Board has no authority for renewal of the school approval.

Discussion

The Board has been attempting to work with the BPPE since it was reconstituted in January 2010, however, the Board does not receive the information it needs to ensure applicants (students) are attending approved schools. For example, the Board is not made aware of schools that are out of compliance with the BPPE. Schools that are no longer approved (expired) should not be providing services to consumers nor should they be teaching students. The Board must go online and monitor schools on a regular basis to determine if schools are in compliance with the BPPE (rather than have BPPE report this information to the Board when developments warrant). When a school is out of compliance with BPPE, the Board must notify the school that we will no longer admit their students into the examination. Students often are the last to know and are usually informed by being denied admittance to the exam from the Board.

In July 2012, the Board found 8 schools that were approved by the Board but were not in compliance with the BPPE. Had the Board not reviewed the public website of the BPPE, these schools would have continued to operate.

In ____ the Board found an unapproved school operating and utilizing a school code from another location to admit their students into the examination. The Board notified the BPPE multiple times that this school continued to be enrolling students. Students completed 1500 hours in this school and were denied admittance to the examination. Students contacted the Board to complain and were referred to the BPPE, which understandably frustrated these students even more. The Board issued cease and desist letters and denied students from taking the examination. In July 2010, the BPPE approved the school to operate as a satellite (the Board does not have statutory authority to approve satellite locations). It is the opinion of the Board that this school violated the law by falsifying POT's, the school continued to enroll students when they were not approved, and despite these serious errors, this institution now has been granted approval by the BPPE.

As another example, The Board recently conducted an investigation of a school that allegedly is selling hours to individuals (students pay for completed POT's despite not having sat for any instructional time). This investigation cost the Board _____. This is an example of the Board taking an active role in the oversight of schools; however, with limited authority it is costly and time consuming for the Board. Board inspectors do not have the authority to review student records (like the BPPE) while inspecting a school, therefore, the Board was required to obtain the services of the DCA's Division of Investigation to complete the investigation.

Prior to ____ schools were regulated solely by the Barbering and Cosmetology Boards. As part of that oversight, schools were required to register each student with the Board at the time of enrollment. Therefore, the Board would be able to monitor if a student had indeed completed the full course of instruction. The above-outlined infraction would have been detected immediately without any costly investigation if the Board had sole oversight authority.

The Board attempts to conduct annual inspections of schools. In addition, the Board receives complaints from students and consumers on the cleanliness of schools and therefore the enforcement staff will request a directed inspection of schools. The Board often finds various health and safety violations. A citation without fine is issued to the school owner, with current law only allowing the Board to forward such violations to BPPE for further actions (which are rarely followed-up on by the BPPE). It is unclear if this information is ever relayed to students. As a result, bad practices being conducted in school are then carried out into the industry.

As stated above, the Board is responsible for approving schools, approving text books, setting curriculum, approving minimum space and adequate equipment, and providing the licensing examination. However, there is no specific authority on how to discipline schools that have violated the Board's laws and regulations. There is no provision on revocation of approval and there is no provision for the renewal of the approval. In addition, the dual oversight of schools is convoluted in that BPPE allows for branch locations and satellite locations while the statutes governing the Board do not, among other inconsistencies in law and in practice with two DCA agencies regulating the same institutions.

Statistics

FY	Schools Opened	Complaints Received	Cases Opened	Cases Closed	Inspections Requested
2007/2008	14	5	3	50	0
2008/2009	26	1	0	0	0
2009/2010	16	169	51	156	29
2010/2011	8	134	69	127	36
2011/2012	10	178	90	177	43
Total	74	487	213	510	108

Types of Complaints Received

FY	Health and Safety	Non-Jurisdictional	Instructor	Financial	Hours	Consumer Harm	Unlicensed
2007/2008	3	2	0	0	0	0	0
2008/2009	0	1	0	0	0	0	0
2009/2010	47	120	19	17	23	0	0
2010/2011	56	73	8	5	8	2	3
2011/2012	84	90	6	2	17	2	2
Total	190	286	33	24	48	4	5

Recommendation

The Board believes that they are the regulatory entity that should have sole oversight of schools. Dual oversight is not cost effective and it is redundant to have two DCA entities regulating the same businesses. The Board cannot be

removed from the school oversight because schools offer services to consumers. In addition, the Board recommends the schools be required to register their students with the Board upon enrollment, and that the Board be given authority to charge licensing fees to cover the expense of initial, annual, directed and random inspections and necessary oversight. Finally, with regard to tuition recovery assurances, there are three options: (a) cosmetology, barbering and electrology schools can be required to post bonds (as was required before STRF); (b) BPPE will continue to handle this for barbering, cosmetology and electrology schools (as they do with all other private postsecondary's); or (c) this function be transferred to the Board.

**Issue #1:
Regulating the Practice of Braiding**

The Board recommends it that braiding of the hair be considered the practice of cosmetology.

Background

Section 7316(d)(2) states that the practice of barbering and cosmetology does not include natural hair braiding. Natural hair braiding is a service that results in tension on hair strands or roots by twisting, wrapping, weaving, extending, locking or braiding by hand or mechanical device, provided that the service does not include hair cutting or the application of dyes, reactive chemicals or other preparations to alter the color of the hair or to straighten, curl, or alter the structure of the hair.

In ____ a ruling by the Office of the Attorney General stated, in part, that natural hair braiding was not as part of the cosmetology curriculum and was a practice that was passed down in family generations. The Board recognizes that there are types of braiding that is a cultural practice, however, the industry has changed since this ruling and braiding is not a cultural specific practice.

Braiding done incorrectly can cause scarring to occur on the scalp and result in hair loss. In addition, there is a serious risk of cross contamination if an individual has broken skin. Because of the exemption, there are no health and safety regulations that braiders and braiding salons must follow.

National Regulation

____ states have some form of regulation of natural hair braiding. The National Interstate Council of Cosmetologists have an examination for natural hair braiding that consists of the following areas:

30% Scientific Concepts

- Infection control
- Diseases
- Human Physiology

30% Physical Concepts

- Types of Hair Related to Natural Hair Styling
- Physical Movement
- Proper Care for Locks
- Proper Care for Braids and Extensions
- Natural Hair Styling Supplies

40% Physical Services

- Professional Consultation
- Definition of Services
- Draping

- Techniques
- Preparation of the Salon Environment

Current Law

Business and Professions Code section 7316(b)(1) defines the scope of cosmetology as arranging, dressing, curling, waving, machineless permanent waving, permanent waving, cleansing, cutting, shampooing, relaxing, singeing, bleaching, tinting, coloring, straightening, dyeing, applying hair tonics to, beautifying, or otherwise treating by any means, the hair of any person.

Recommendation

The Board recommends that is an establishment is offering services to a consumer that involve braiding, they be required to be licensed as a cosmetologist.

Disciplinary Review Committee

The purpose of the Disciplinary Review Committee (DRC) is to conduct informal administrative citation review hearings and render decisions regarding disputed citations. Business and Professions Code section 7410 establishes the board's right to maintain a DRC. At a DRC hearing provision is made for an individual who has been found in violation of Barbering law and cited, to appeal the violation by submitting evidence relating to the facts and/or circumstances of the citation. As outlined in CCR section 974.2 (d) the cited individual can contest or appeal any of the following aspects of the citation:

- the occurrence of the violation
- the period of time for correction
- the amount of the fine

The appeal can be made in person at the hearing or by submission of a written statement submitted to the board. An appeal can be made on any one of the violations listed on the Inspection Report with the exception of the violation of Business and Professions Code section 7403.

Composition

Due to the large volume of appeals submitted to the Board, all seven of its current Board members are participants in this committee. The committee consists of three regular participants, and the other four board members serve as alternates. The Board President annually appoints members of the committee; usually the appointments are made concurrently with the annual election of the board officers.

Meetings

The board's DRC maintains full compliance with the Open Meetings Act. The meeting dates, locations and agendas are posted onto the board's website. The meetings are open and accessible to the public with the exception of closed sessions, in which the members of the committee are in deliberation over the cases heard. DRC hearings are held on a monthly basis. To simplify scheduling issues and noting budget/travel restrictions the DRC usually meets for three days consecutively at a time. Within the last three years the DRC has conducted 107 of such meetings. An average of 80 cases is generally heard at each hearing, resulting in approximately 240 cases being heard per month.

Fiscal Year	Number of Meetings
2009 / 2010	36
2010 / 2011	35
2011 / 2012	36

The board currently has 2,603 cases pending. The board has sought to address the current backlog issue by scheduling more cases to be heard per month. For example, in June, July and August of 2012, the board heard a total of 900 cases an average of 60 cases heard more per month.

In July and August 2009, July through October 2010 and July and August 2011 the board experienced difficulties with scheduling in-person DRC meetings. Due to California's budget impasse, the DRC staff was unable to travel to the Southern region of California to conduct hearings. Therefore, during the above mentioned months, all hearings were scheduled in Sacramento. Fifty-three percent of the scheduled cases consisted of written testimony for appellants residing in the Southern region, who chose to provide a written statement instead of appearing in person before the Board members. Even though DRC staff was unable to travel to conduct hearings in the Southern region, the option of submitting a written testimony allowed DRC to manage Southern California cases.

Statistics

Disciplinary Review Committee Statistics As of June 30, 2012			
	FY 2009/10	FY 2010/11	FY 2011/12
Total Appeals Received	2,222	3,434	3,407*
Appeals Pending at FY End	1,040	1,910	2,603*
Hearings			
Scheduled	2,242	2,536	2,971
Appeared	837	941	922
Defaulted	256	301	273
Written Testimony	1,021	1,138	1,662
Withdrawals	128	156	114

*As of June 10, 2012. Must be updated at the end of the Fiscal Year 2011/12.

Satisfaction Survey

As of January 2009 whenever a case was closed, the Enforcement Program forwarded a *Customer Satisfaction Survey* (Survey) card with each closing letter. The survey was also available for completion on line

as it was posted to the board's website. At the request of the Department of Consumer Affairs, the survey process was discontinued in June 2011. The Department of Consumer Affairs has established a departmental wide survey process for the determination of customer satisfaction. Results of that survey process can be found in Section 2 of this report. The following is the data compiled with the final results of the *BBC Customer Satisfaction Survey*.

Please rate your satisfaction level for the following:							
Answer Options	1 - Very Dissatisfied	2 - Mostly Dissatisfied	3 - No Opinion	4 - Mostly Satisfied	5 - Very Satisfied	Rating Average	Response Count
The information you received about where to file a complaint and whom to contact	26 (19.1%)	7	13	23	67 (49.3%)	3.72	136
The initial contact you had with the Board including the way you were treated and how your complaint was handled	22 (16.4%)	12	14	22	64 (47.8%)	3.70	134
The information and advice you received regarding your complaint and any further action the Board would take	31 (23.0%)	6	18	15	65 (48.1%)	3.57	135
The way the Board kept you informed about the status of your complaint	26 (19.4%)	11	21	19	57 (42.5%)	3.52	134
The time it took to process your complaint and to investigate, settle or prosecute your case	32 (24.1%)	10	19	25	47 (35.3%)	3.34	133
The final outcome of your case	37 (27.4%)	6	17	16	59 (43.7%)	3.40	135
The overall service provided by the Board	35 (25.7%)	4	16	19	62 (45.6%)	3.51	136
<i>answered question</i>							138
<i>skipped question</i>							3

*The survey was initiated on January 1, 2009. The board received 141 responses. The last response was entered June 28, 2011.





Agenda Item 11

MEMORANDUM

DATE	May 30, 2012
TO	Board Members Board of Barbering and Cosmetology
FROM	Kristy Underwood Board of Barbering and Cosmetology
SUBJECT	2013 Proposed Board Meeting Dates

The below dates are recommended for the 2013 Board Meeting Schedule:

January 14, 2013 Sacramento, CA

April 8-9, 2013 San Jose, CA

July 15, 2013 Sacramento, CA

October 21, 2013 San Diego, CA



Christie Truc Tran, Industry
Member, President

Joseph Federico, Industry Member,
Vice President

Wen Ling Cheng, Public
Member

Deedee Crossett, Industry Member

Katie Dawson, Public Member

Richard Hedges, Public
Member

Frank Lloyd, Public
Member

Kristy Underwood
Executive Officer

Edmund G. Brown Jr., Governor
State of California

Department of Consumer Affairs
Board of Barbering and Cosmetology

Telephone: (916) 575-7100

Website: www.barbercosmo.ca.gov

2420 Del Paso Road, Suite 100
Sacramento, CA 95834

California State Board of Barbering and Cosmetology

Board Meeting Agenda

Tuesday, July 31, 2012

9:00 A.M. – 2:00 P.M.

Or until completion of business

Department of Consumer Affairs
1625 North Market Blvd.
Hearing Room S-102, 1st Floor
Sacramento, CA 95834

ALL TIMES ARE APPROXIMATE AND SUBJECT TO CHANGE

OPEN SESSION:

1. Call to Order/Roll Call
2. Strategic Planning Session
3. Public Comment
Note: the Board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a)]
4. **Closed Session to Discuss Enforcement Case**
 - Discussion on Reconsideration and Disciplinary Cases (Closed Pursuant to Government Code Section 11126(c) (3)).
5. Adjournment

A quorum of the Board will be present. Meetings of the Board of Barbering and Cosmetology are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. The audience will be given appropriate opportunities to comment on any issue before the Board, but the Chair may apportion available time among those who wish to speak.

The meeting is accessible to the physically disabled. A person who needs disability-related accommodation or modification in order to participate in the meeting shall make a request no later than five (5) working days before the meeting to the Board by contacting Tami Guess at (916) 575-7144 or sending a written request to that person at the address noted above.

State of California

**Department of Consumer Affairs
California State Board of Barbering and Cosmetology**

"To ensure the health and safety of California Consumers by promoting ethical standards and by enforcing the laws of the beauty industry"

**STRATEGIC PLAN
2006**



Arnold Schwarzenegger, Governor
State of California

Rosario Marin, Secretary
State and Consumer Services Agency

Charlene Zettel, Director
Department of Consumer Affairs

Board Members and Functions

Jerry R. Tyler, President, Professional Member

Richard Hedges, Vice President, Public Member

Dr. Della M. Condon, Professional Member

Marlene Gadinis, Professional Member

Joe Gonzalez, Professional Member

Bonnie G. LaChappa, Public Member

Frank Lloyd, Public Member

Angela Reddock, Public Member

Jerri Ann Walters, Public Member

Kristy Underwood, Executive Officer

Denise Johnson, Assistant Executive Officer

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CALIFORNIA STATE BOARD OF BARBERING AND COSMETOLOGY

VISION STATEMENT

California will set and enforce the highest level of health and safety standards and provide an environment where consumers will obtain barbering and cosmetology services with the confidence and security that their health and safety will be protected.

MISSION STATEMENT

To ensure the health and safety of California consumers by promoting ethical standards and by enforcing the laws of the beauty industry.

SHARED VALUES/CORE PRINCIPLES

The Board of Barbering and Cosmetology will exhibit:

- Vision
- Integrity
- Flexibility
- Commitment
- Loyalty to its mission
- Relevance to important issues
- Compassion and
- Open mindedness

These values will be exhibited when considering all matters before the Board affecting the consumers of California and the profession of barbering and cosmetology.

About the California State Board of Barbering and Cosmetology

In 1927, the Board of Barber Examiners and the Board of Cosmetology was established. The Board of Barber Examiners governed the barbering profession, and the Board of Cosmetology governed the cosmetology profession. The Board of Barber Examiners consisted of 5 members, 2 of which were public members. The Board of Cosmetology consisted of 7 members, 2 of which were public members.

Throughout the years there were minor changes to the laws of each profession. For example, the requirement of apprenticeship prior to master barber licensing for barbers and revision to the cosmetology laws to include a separate manicurist license, electrology license, and esthetician license. In 1939, the manicurist license and the electrology license were added, and in 1978, the cosmetician (esthetician) license was added.

In 1992, the Board of Barber Examiners and the Board of Cosmetology were merged to create the Board of Barbering and Cosmetology. Chapter 10, Division 3 of the Business and Professions Code (known and cited as the Barbering and Cosmetology Act) was enacted by AB 3008 (Eastin, Chapter 1672, Statutes of 1990) and became effective July 1, 1992. In July 1997, the Board of Barbering and Cosmetology was eliminated by the California Legislature and the duties, powers, and functions of the Board were transferred directly to the Department of Consumer Affairs and were administered by the Bureau of Barbering and Cosmetology. On January 1, 2003, SB 1482 (Polanco), Chapter 1148, Statutes of 2002, reinstated the Board of Barbering and Cosmetology (BBC).

Today, the Board consists of nine members, seven are appointed by the Governor, one by the Senate Pro Tem, and one by the Assembly Speaker. Of the nine appointments, four members are licensees and five are public members. The Board appoints the Executive Officer. The Executive Officer oversees a staff of 85. The major areas of responsibility in the daily operations of the Board are testing and licensing applicants as cosmetologists, manicurists, estheticians, electrologists and barbers as well as inspecting salons for health and safety violations; and investigating consumer complaints.

METHODOLOGY

In developing its strategic plan, the Board relied upon the full participation of its staff, its Board members and its stakeholders. The Board identified strategic issues to be addressed during the July 2006, meeting. Additionally, the Board developed a new mission and vision statement, shared values and refocused the objectives of its committees into an outcome-oriented strategic plan, with refined objectives and tasks.

At the July 2006, Board meeting, as part of the annual strategic plan update, the Board prioritized goals and modified the plan's objectives and tasks.

Board staff, Board members and stakeholders have provided valuable input to produce this strategic plan. The participation of each group has provided important information necessary for a dynamic strategic plan, capable of guiding the Board in fulfilling its mission for several years.

SUMMARY OF GOALS

Goal One

Increase the Board's enforcement activity to ensure safety of consumers.

Goal Two

Enhance the Board's Inspection unit to improve effectiveness and ensure consumer safety.

Goal Three

Improve the Board's licensing and examination efficiency.

Goal Four

Fully educate consumers and industry on health and safety of barbering and cosmetology services.

Goal Five

Establish an excellent organization through proper Board governance and effective leadership.

Goals, Outcomes, Objectives and Measures

Goal 1: Increase the Board's enforcement activity to ensure the safety of consumers.

Outcome: Improved consumer protection.

Objective 1.1: Implement the recommendations by the Foot Spa Work Group Task Force by June 30, 2007.

Measure: Improved foot spa sanitation conditions at licensed establishments.

Objective 1.2 Review of health and safety laws and regulations.

Measure: Improve the health and safety of licensed establishments.

Tasks:

1. Annually identify health and safety laws that need to be strengthened, changed, or deleted.
2. Propose and pursue identified changes through the legislative and/or regulatory process.
3. Actively monitor proposed legislation that will impact the health and safety of consumers in a licensed establishment.
4. Develop an educational brochure addressing health and safety regulations to distribute to all licensees upon initial licensure, renewal, and inspection.
5. Update the Board web site to reflect any changes to health and safety laws and regulations.

Objective 1.3 Review and revise the Board's license denial criteria by July 1, 2007.

Measure: Completed document submitted to the Executive Officer.

Tasks:

1. Identify and review existing and proposed legislation that affects the Board's denial process/policy.
2. Identify and evaluate emerging licensing issues, which will affect denial criteria, process, or policy.
3. Revise current denial criteria to ensure consistency with current law and provide the highest level of consumer protection.

Objective 1.4	Ensure fiscal allocation is sufficient to fully adjudicate all enforcement cases by July 1, 2008.
Measure:	Sufficient funds exist to complete all administrative cases referred to the Attorney General's office.
Tasks:	<ol style="list-style-type: none"> 1. Eliminate the current backlog of cases by aggressively working with the Attorney General's (AG) office to pursue and offer settlement terms to settle the older cases. 2. Review and revise current case procedures to ensure that only the most egregious cases are referred to the AG for administrative action. 3. Monthly, monitor AG billing and case costs and report findings to Board management. 4. Analyze prior fiscal years enforcement expenditures relating to the prosecution of administrative case. 5. Determine if a budgetary increase for enforcement costs associated with prosecuting administrative cases is necessary.

Objective 1.5	Develop a system to ensure full cost recovery by December 1, 2007.
Measure:	Increased collection of cost recovery.
Tasks:	<ol style="list-style-type: none"> 1. Evaluate current processes to identify strengths and areas for improvement including current staffing levels. 2. Research use of other methods/options available to utilize in cost recovery efforts. Determine costs, if any involved to implement. 3. Aggressively monitor those licensees currently required to pay cost recovery. Increase frequency of contact and send notification following first missed scheduled payment. 4. Seek revocation of probation and/or further administrative against those licensees who fail to pay cost recovery. 5. Seek legislation to strengthen cost recovery program.

Goal 2: Enhance the Board's Inspection unit to improve effectiveness and ensure consumer safety.

Outcome: Improved consumer protection.

Objectives 2.1	Reduce the time between an inspection request to the inspection being conducted by 25%.
Measure:	Efficient inspections.
Tasks:	<ol style="list-style-type: none">1. Review and flowchart current processes.2. Identify strength and weaknesses in processes.3. Establish internal timelines.4. Develop new procedures.5. Train staff on new processes and procedures.6. Monitor improved processes and alter as necessary.

Objective 2.2	Evaluate staffing resources and prepare a 3-year phase to plan and acquire additional staff by July 1, 2011.
Measure:	No backlog for Inspections.
Tasks	<ol style="list-style-type: none">1. Prepare workload analysis to ensure staffing needs address workload demands.2. Review organizational structure to address any potential weakness within the Board.3. Develop action plan to prepare Budget Change Proposals (BCP) for future fiscal years.

Objective 2.3	Determine what type of increased authority can be granted to Inspectors by 2008.
Measure:	Legally sound inspections.
Tasks	<ol style="list-style-type: none">1. Review regulations to determine current authority.2. Survey Inspectors to gather information on specific areas that need to be address within the industry.3. Review Inspector's bargaining unit contract and other personnel related areas to avoid any possible conflict regarding scope of work.4. Prepare legislation to increase authority.5. Revise Inspector duty statements to include increased authority.

Objective 2.4	Determine the actual cost of inspections and promulgate regulations to collect fee for inspections by January 1, 2007.
Measure:	Improved cite and fine process.
Tasks	<ol style="list-style-type: none"> 1. Prepare a cost analysis to determine the actual cost for inspection. 2. Promulgate regulation to begin collecting fee for inspections. 3. Assess if additional Inspection staff is needed to administer new regulations. 4. Prepare BCP for additional staff. 5. Notify industry of fee for inspections.

Goal 3: Improve the Boards licensing and examination efficiency.

Outcome: Reduction in processing times.

Objectives 3:1	Review the curriculum for all license types and promulgate regulations to implement any revisions by September 1, 2007.
Measures:	<ul style="list-style-type: none"> • Review Manicurist curriculum by September 2006. • Review Cosmetologist curriculum by November 2006. • Review Esthetician curriculum by January 2007. • Review Electrologist curriculum by March 2007. • Review Barber curriculum by May 2007.
Tasks:	<ol style="list-style-type: none"> 1. Recruit subject matter experts. 2. Gather data on occupational analysis and current curriculum. 3. Conduct workshops with subject matter experts. 4. Prepare progress reports on workshops. 5. Board staff will review recommendations and meet with license and examination committee members to report findings and obtain input. 6. Propose new related regulations to Board for approval. 7. Submit new regulations for implementation.

Objective 3.2	Implement reciprocity by January 1, 2007.
Measure:	Create a fair marketplace for out of state licensees.
Tasks:	<ol style="list-style-type: none"> 1. Establish fee for the reciprocity application, via regulations. 2. Develop an application with instructions. 3. Develop application approval process and procedures and implement. 4. Train staff on new processes and procedures. 5. Post new application on BBC webpage.

Objective 3.3	Conduct a cost benefit analysis of the national examination (NIC) and determine if feasible for implementation in California by March 2007.
Measure:	Improved examination process.
Tasks:	<ol style="list-style-type: none"> 1. Gather data from NIC and other states currently using the NIC. 2. Gather data on how much the Board spent over the past 5 years with OER examination services. 3. Determine any programming changes would be required to implement the national examination. 4. Determine start up and examination costs per applicant and annual cost for the Board. 5. Prepare a draft on findings and recommendations for Board staff to review. 6. Prepare final report and present to the License and Examination Committee and obtain input. 7. Prepare issue paper to the Board with committee's input.

Objective 3.4	Assess the validity of aggregate scoring by June 2007.
Measure:	Improved examination process.
Tasks:	<ol style="list-style-type: none"> 1. Review the report submitted FY 2004/05. 2. Gather additional data if needed. 3. Prepare a draft on findings and recommendations. 4. BBC staff review recommendations. 5. Prepare final report and present to License and Examination Committee and obtain input. 6. Prepare issue paper to the Board with committee's input.

Objective 3.5	Reduce processing time for each license type.
Measure:	Improved issuing of license.
Tasks:	<ol style="list-style-type: none"> 1. Meet with licensing staff to flowchart current processes for each license type. 2. Determine how long it takes to process each license type. 3. Review current procedures in evaluating each license type. 4. With staff input begin making necessary changes to reduce processing times for each license type. 5. Create flowchart with new processes. 6. Develop new procedures for processing each license types. 7. Train staff on new procedures for each license type.

Goal 4: Fully educate consumers and industry on health and safety for barbering and cosmetology services.

Outcome: Educated consumers.

Objective 4.1	Develop a consumer outreach campaign.
Measure:	Number of consumer awareness forums addressed.
Tasks:	<ol style="list-style-type: none"> 1. Develop consumer fact sheets. 2. Establish list of consumer fairs to attend. 3. Enhance website to provide an easy to find consumer safety link. 4. Contact women's national magazines to partner on consumer warnings.

Objective 4.2	Develop industry outreach campaign.
Measure:	Number of industry communication venues created.
Tasks:	<ol style="list-style-type: none"> 1. Establish a list of industry trade shows to attend. 2. Revise fact sheets for each license category. 3. Partner with industry trade publications to produce monthly industry tips. 4. Develop a partnership with schools to hold question and answer sessions with students and Board representatives.

Objective 4.3	Establish a consumer health monitoring system.
Measure:	Knowledge of health issues as they arise.
Tasks:	<ol style="list-style-type: none"> 1. Contact all county health and state departments to develop relationships. 2. Initiate e-mail alert system with health departments to allow the Board to be immediately notified when a health concern is reported. 3. Establish internal alert system to notify Board staff of health alert. 4. Develop response plan for alerting consumers and industry on health alert.

Goal 5: Establish an excellent organization through proper Board governance and effective leadership.

Outcome: An excellent organization.

Objective 5.1	Meet 80% of training goals identified in IDPs by June 30, 2008
Measure:	Foster growth potential within Board staff.
Tasks:	<ol style="list-style-type: none"> 1. Prepare IDPs for all related employees. 2. Assess staff training needs. 3. Develop a training plan for each employee. 4. Increase budget line item to facilitate increase for training needs. 5. Develop training action plan to determine cost for each employee.

Objective 5.2	Each manger attend related training courses by June 30, 2008.
Measure:	Better trained management team to support the organization.
Tasks:	<ol style="list-style-type: none"> 1. Prepare IDPs for all managers. 2. Assess training needs. 3. Develop training action plan to determine cost for each manager.

Objective 5.3	Joint participation by executive staff and board members in 10 external events (non-board meeting) by June 30, 2010.
Measure:	Improved outreach and perception within industry.
Tasks:	<ol style="list-style-type: none"> 1. Determine outreach events for current year. 2. Develop an event calendar and send to all Board members at the beginning of each year. 3. Survey Board members to see who would be interested in participating in external events.

Objective 5.4	Develop a legislative outreach plan for Board members.
Measure:	Improved communication and partnership with state legislators.
Tasks:	<ol style="list-style-type: none"> 1. Develop a list of key legislators. 2. Plan outreach event for Board members to attend capitol meetings with key legislators.

Objective 5.5	Maintain up to date and efficient Board member policies and procedures.
Measure:	Educated Board members.
Tasks:	<ol style="list-style-type: none"> 1. Provide all Board members with current policies and procedures. 2. Review policies and procedures on an annual basis to determine if updates are needed.

Objective 5.6	Annually identify and respond to proposed legislation.
Measure:	User friendly legislation.
Tasks:	<ol style="list-style-type: none"> 1. Advocate the Board's role and position regarding barbering and cosmetology services. 2. Sponsor clean-up language to the Barber and Cosmetology Act. 3. Sponsor legislation to ensure consumer safety. 4. Sponsor public quarterly meetings to solicit comments on areas needing legislative changes.