

**CALIFORNIA
BOARD OF BARBERING AND COSMETOLOGY**



MAY 6, 2013

California Board of Barbering and Cosmetology
2420 Del Paso Road
1st floor Sequoia Room, Room 109
Sacramento, CA 95834



California State Board of Barbering and Cosmetology

Board Meeting Agenda

Monday, May 6, 2013

10:00 A.M. – 12:00 P.M.

Or until completion of business

California Board of Barbering and Cosmetology
2420 Del Paso Road
Sequoia Room, 1st Floor
Sacramento, CA 95834

An additional meeting location has been established at:

Constituent Service Center
8475 South Vermont Avenue
Los Angeles, CA 90044

Joseph Federico, Industry Member,
President

Wen Ling Cheng, Public Member,
Vice President

Mary Lou Amaro, Industry Member

Bobbie Anderson, Public Member

Andrew Drabkin, Public Member

Richard Hedges, Public Member

April Moreno, Public Member

Christie Truc Tran, Industry Member

Dr. Kari Williams, Industry 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

ALL TIMES ARE APPROXIMATE AND SUBJECT TO CHANGE

OPEN SESSION:

1. Call to Order/Roll Call (**Joseph Federico**)
2. Proposed Legislation - Discussion and Vote on Board Position:
 - AB 1153 – Advanced Esthetician Curriculum Bill
 - SB 308 – Sunset Review Bill
3. Appointment of Committee Members
4. 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



Board of Barbering and Cosmetology
PO Box 944226, Sacramento, CA 94244
P (800) 952-7574 F (916) 574-7574 | www.barbercosmo.ca.gov

MEMORANDUM

TO: Members, Board of Barbering and Cosmetology **Date:** April 29, 2013

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

SUBJECT: Proposed Legislation

Attached are two bills that the Board may wish to take a position on, AB 1153 (Advanced Esthetics) and SB 308 (Sunset). Possible positions that the Board may take are as follows:

- Support
- Support if Amended
- Oppose
- Oppose Unless Amended
- Watch



BOARD OF BARBERING & COSMETOLOGY

BILL ANALYSIS

Author: Assembly Member Eggman
(Co-Author: Senator Wyland)

Subject: Master Esthetician License

Bill Number: AB 1153

Version: Amended April 16, 2013

Existing Law:

The Barbering and Cosmetology Act provides for licensure and regulation of cosmetologists, barbers and electrologists. In addition, the Act establishes that skin care and manicuring are both branches of cosmetology and licenses each of those area as manicurists and estheticians.

The esthetician scope of practice is defined in section 7316 (c)(1), which states:
Within the practice of cosmetology there exists the specialty branches of skin care and nail care.

(1) Skin care is any one or more of the following practices:

- (A) Giving facials, applying make-up, giving skin care, removing superfluous hair from the body of any person by use of depilatories, tweezers or waxing, or applying eyelashes to any person.
- (B) Beautifying the face, neck, arms, or upper part of the human body, by use of cosmetic preparations, antiseptics, tonics, lotions or creams.
- (C) Massaging, cleansing, or stimulating the face, neck, arms or upper part of the human body by means of the hands, devices, apparatus, or appliances, with the use of cosmetic preparations, antiseptics, tonics, lotions or creams.

Business and Professions Code section 7324 states the qualifications for admittance to the esthetician examination are:

- Is not less than 17 years of age,
- Has completed the 10th grade in a public school of this state or its equivalent,
- Is not subject to denial pursuant to section 480,
- Has done any of the following:

- (1) Completed a course in skin care from a school approved by the Board.
- (2) Practiced skin care, as defined in this chapter, outside of this state for a period of time equivalent to the study and training of a qualified person who has completed a course in skin care from a school the curriculum of which complied with the requirements adopted by the Board. Each three months of practice shall be deemed equivalent of 100 hours of training for qualification under paragraph (1).

California Code of Regulations, section 950.3, states the curriculum for a skin care course shall consist of 600 hours of technical instruction and practical training covering all practices of an esthetician pursuant to section 7316. See Attachment A for the existing esthetician curriculum.

This Bill:

This bill provides for the following:

- Establishes title protection for master esthetician.
- Removes the requirement that a 10th grade education must be complete in this state for the esthetician license type and the proposed master esthetician.
- Adds section 7324.5 allowing for the Board to admit to an examination for a license as a master esthetician to practice advanced skin care person who meets the following qualifications:
 1. Is not less than 17 years old
 2. Has completed the 10 grade or its equivalent
 3. Is not subject to denial pursuant to section 480
 4. Has done at least one of the following:
 - Completed a course in advance skin care that is approved by the Board
 - Earned a national or international diploma or certification in advanced or master esthetics that is recognized by the Board.
 - Holds a current esthetician's license pursuant to Section 7324 and either:
 - (A) Provides satisfactory evidence that he or she has worked as an esthetician for a minimum of 2,000 client contact hours, at least 500 hours of which consisted of supervised, advanced skin care treatments.
 - (B) Has completed continuing education coursework in advanced skin care that complies with requirements established by the board and demonstrated that he or she has worked as a master esthetician for a period of time established by the board prior to the effective date of the act that added this section.
- Establishes that the advanced skin care course is not less than 1200 hours.
- Establishes an application and examination fee be the actual cost to the Board.
- Establishes a license fee for a master esthetician to be not more than \$40.

Analysis:

Scope

The most significant concern in the bill is that it does not address Business and Professions Codes section 7316(b) or 7316(c), which addresses scope of practice of cosmetology and skin care. Currently, a cosmetologist can perform all functions within the scope of practice for an esthetician. The cosmetologist attends a program of 1600 hours and the esthetician attends 600 hours. The bill as written would continue to allow a cosmetologist to perform all skin care

functions by completing the existing 1600 hour course. In addition, without the scope being clarified it is unclear where the Board will make the distinction between the existing esthetician and the proposed master esthetician.

Examination

Due to the fact that "advanced skin care" is not defined, it is unclear how the Board will examine individuals. Currently, there are two States that license and examine for an advanced esthetician license. Both States utilize the NIC (national) examination. However, their scope is clearly defined. The Candidate Information Bulletin for the national practical advanced esthetician examination indicates that the core domain services of the advanced esthetician are as follows:

- Cleansing the face
- Manual Lymphatic Drainage
- Ultrasonic Exfoliation Treatment
- Jessner's or 20% BHA Chemical Peel
- Particle Microdermabrasion
- Advanced Facial Treatment-LED
- Electricity and Electrical Equipment-Microcurrent
- Advanced Body Treatment-Dry Exfoliation and Mud or Seaweed Mask

The Candidate Information Bulletin for the national written examination for advanced esthetician indicates the following domain services:

- Skin Analysis
- Exfoliation Methods
- Electricity and Use of Various Electrical Equipment
- Advanced Methods of Hair Removal-Including Laser and Light
- Advanced Facial Treatments
- Advanced Body treatments
- Lymphatic Drainage
- Pre/Post Operative Treatments

Based on this information, the Board would not be able to adopt the national examination as it currently exists. Business and Professions Code section 7320.5 states that any licensee of the Board who uses a laser is guilty of a misdemeanor. In addition, section 7320 specifies that the chapter confers no authority to practice medicine or surgery.

The information contained in the national examination may present a situation where a licensee crosses into the medical profession and because it specifically tests on the use of lasers as well as LED advanced facials which we believe are medical procedures. The examination could not be adopted as it currently exists.

Qualifications

The bill establishes three methods in which an individual would qualify to sit for an examination.

1. Completion of a 1200 hour course in advanced esthetics.

Comments

The Board would be required to establish a curriculum based on the exact same scope that is currently the basis for the existing esthetician license.

2. Earned a national or international diploma or certification in advanced or master esthetics that is recognized by the Board.

Comments

It is unclear what national or international diplomas exist. The Board does not currently have this authority for any of its license types.

3. Holds a current esthetician license and shows proof of either working as an esthetician for a minimum of 2,000 client contact hours (of which 500 hours are supervised advanced skin care treatments) or completion of continuing education in advanced skin care and proof that he or she has worked as a master esthetician for a period of time.

Comments

There has been no definition of "advanced skin care". Currently, an esthetician can perform skills that may be referred to as advanced. Because a current esthetician can already perform advanced skills, there is no requirement for an esthetician to be supervised. It is unclear how the Board would verify the 2,000 hours as well as why an esthetician would be supervised for 500 hours. Any evidence or proof to be provided to the Board to indicate that a licensed esthetician is performing advanced skin care would require advanced skin care to be defined.

PROs

- ✓ The ever changing skin care industry raises the risk of consumer harm if adequate training is not provided.
- ✓ A 1200 hours course could be beneficial to provide the additional training.
- ✓ Maintaining a two-tier license allows individuals to go to school for the minimum of 600-hours and be able to choose a career in basic facials and waxing only, while allowing an individual to go to school for a longer period of time to focus on advance skin exfoliation, etc.

CONs

- ✓ No scope of practice is identified to separate the current esthetician from the proposed master esthetician.
- ✓ The national examination cannot be utilized because it contains the use of lasers and may contain other medical practices.
- ✓ Estheticians can take advanced training on their own and make themselves more marketable to high-end or medi-spas.
- ✓ By not addressing the cosmetology license and the fact that skin care is a branch of cosmetology, it is allowing cosmetologists to perform services that they have never been trained in.

Fiscal Impact:

Programming costs would be involved to add a new license type to the Board's database, however, because of the current status of the Breeze implementation this cost is unknown. In addition, the Board may have to develop its own examination or work with the NIC to modify the examination and those costs are not known. The Board is potentially looking at a minimum cost of \$100,000.

AMENDED IN ASSEMBLY APRIL 16, 2013

CALIFORNIA LEGISLATURE—2013—14 REGULAR SESSION

ASSEMBLY BILL

No. 1153

Introduced by Assembly Member Eggman
(Coauthor: Senator Wyland)

February 22, 2013

An act to amend Sections ~~7324 and 7364~~ of 7324, 7364, and 7423 of, and to add Sections 7320.6 and 7324.5 to, the Business and Professions Code, relating to barbering and cosmetology.

LEGISLATIVE COUNSEL'S DIGEST

AB 1153, as amended, Eggman. ~~Esthetician: advanced skin care course. Master esthetician: license.~~

Existing law requires an applicant for an esthetician license to meet certain educational requirements and authorizes the State Board of Barbering and Cosmetology to approve schools that are licensed by the Bureau for Private Postsecondary and Vocational Education, or a public school in this state, and that provide a course of instruction approved by the board. A skin care course established by a school consists of not less than 600 hours of practical training and technical instruction in accordance with a curriculum established by board regulation. *law, the Barbering and Cosmetology Act, provides for the licensure and regulation of barbers and cosmetologists, including the practice of skin care by licensed estheticians, by the State Board of Barbering and Cosmetology in the Department of Consumer Affairs. The act requires an applicant for an esthetician license to complete an application, pay an application and examination fee, pass the examination, and meet other educational and practice qualifications such as the completion of an approved skin care course of instruction that includes no less than*

600 hours of practical training and technical instruction that accords with the curriculum established by the board. A violation of the act is a crime, unless otherwise provided.

This bill would provide for the licensure and regulation of master estheticians. The bill would require an applicant for a master esthetician license to complete an application, pay an application and examination fee, pass the examination, and meet other educational and practice qualifications, such as the completion of a 1,200-hour advanced skin care course approved by the board. The bill would ~~allow a school to establish~~ provide that an advanced skin care course shall consist of not less than ~~600~~ 1,200 hours of practical training and technical instruction in accordance with a curriculum established by board regulation. ~~The advanced skin care course would not be a requirement of obtaining an esthetician license.~~ This bill would also prohibit a person who is not licensed as a master esthetician from representing himself or herself as a master esthetician. Because a violation of these provisions would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

- 1 SECTION 1. Section 7320.6 is added to the Business and
- 2 Professions Code, to read:
- 3 7320.6. Persons who are not licensed as master estheticians
- 4 in this state shall not represent themselves as a master esthetician.
- 5 ~~SECTION 1.~~
- 6 SEC. 2. Section 7324 of the Business and Professions Code is
- 7 amended to read:
- 8 7324. The board shall admit to examination for a license as an
- 9 esthetician to practice skin-care, care any person who has made
- 10 application to the board in proper-form, form and paid the
- 11 application and examination fee required by this chapter, and who
- 12 is qualified as follows:

- 1 (a) Is not less than 17 years of age.
- 2 (b) Has completed the 10th grade ~~in the public schools of this~~
3 state or its equivalent.
- 4 (c) Is not subject to denial pursuant to Section 480.
- 5 (d) Has done any of the following:
 - 6 (1) Completed a course in skin care, as described in subdivision
7 (a) of Section 7364, from a school approved by the board.
 - 8 (2) Practiced skin care, as defined in this chapter, outside of this
9 state for a period of time equivalent to the study and training of a
10 qualified person who has completed a course in skin care from a
11 school the curriculum of which complied with requirements
12 adopted by the board. Each three months of practice shall be
13 deemed the equivalent of 100 hours of training for qualification
14 under paragraph (1).
 - 15 (3) Completed the apprenticeship program in skin care specified
16 in Article 4 (commencing with Section 7332).

17 *SEC. 3. Section 7324.5 is added to the Business and Professions*
18 *Code, to read:*

19 *7324.5. The board shall admit to examination for a license as*
20 *a master esthetician to practice advanced skin care any person*
21 *who has made application to the board in proper form and paid*
22 *the application and examination fee required by this chapter, and*
23 *who is qualified as follows:*

- 24 (a) *Is not less than 17 years of age.*
- 25 (b) *Has completed the 10th grade or its equivalent.*
- 26 (c) *Is not subject to denial pursuant to Section 480.*
- 27 (d) *Has done at least one of the following:*
 - 28 (1) *Completed a course in advanced skin care as described in*
29 *subdivision (b) of Section 7364, from a school approved by the*
30 *board.*
 - 31 (2) *Earned a national or international diploma or certification*
32 *in advanced or master esthetics that is recognized by the board.*
 - 33 (3) *Holds a current esthetician's license pursuant to Section*
34 *7324 and either:*
 - 35 (A) *Provides satisfactory evidence that he or she has worked*
36 *as an esthetician for a minimum of 2,000 client contact hours, at*
37 *least 500 hours of which consisted of supervised, advanced skin*
38 *care treatments.*
 - 39 (B) *Has completed continuing education coursework in*
40 *advanced skin care that complies with requirements established*

1 *by the board and demonstrated that he or she has worked as a*
2 *master esthetician for a period of time established by the board*
3 *prior to the effective date of the act that added this section.*

4 ~~SEC. 2.~~

5 *SEC. 4.* Section 7364 of the Business and Professions Code is
6 amended to read:

7 7364. (a) A skin care course established by a school shall
8 consist of not less than 600 hours of practical training and technical
9 instruction in accordance with a curriculum established by board
10 regulation.

11 (b) An advanced skin care course established by a school shall
12 consist of not less than ~~600~~ *additional 1,200* hours of practical
13 training and technical instruction in accordance with a curriculum
14 established by board regulation. The advanced skin care course is
15 not a requirement of obtaining an esthetician license.

16 *SEC. 5.* Section 7423 of the Business and Professions Code is
17 amended to read:

18 7423. The amounts of the fees required by this chapter relating
19 to licenses for individual practitioners are as follows:

20 (a) (1) Cosmetologist application and examination fee shall be
21 the actual cost to the board for developing, purchasing, grading,
22 and administering the examination.

23 (2) A cosmetologist initial license fee shall not be more than
24 fifty dollars (\$50).

25 (b) (1) An esthetician *or master esthetician* application and
26 examination fee shall be the actual cost to the board for developing,
27 purchasing, grading, and administering the examination.

28 (2) An esthetician *or master esthetician* initial license fee shall
29 not be more than forty dollars (\$40).

30 (c) (1) A manicurist application and examination fee shall be
31 the actual cost to the board for developing, purchasing, grading,
32 and administering the examination.

33 (2) A manicurist initial license fee shall not be more than
34 thirty-five dollars (\$35).

35 (d) (1) A barber application and examination fee shall be the
36 actual cost to the board for developing, purchasing, grading, and
37 administering the examination.

38 (2) A barber initial license fee shall be not more than fifty dollars
39 (\$50).

1 (e) (1) An electrologist application and examination fee shall
2 be the actual cost to the board for developing, purchasing, grading,
3 and administering the examination.

4 (2) An electrologist initial license fee shall be not more than
5 fifty dollars (\$50).

6 (f) An apprentice application and license fee shall be not more
7 than twenty-five dollars (\$25).

8 (g) The license renewal fee for individual practitioner licenses
9 that are subject to renewal shall be not more than fifty dollars
10 (\$50).

11 (h) Notwithstanding Section 163.5 the license renewal
12 delinquency fee shall be 50 percent of the renewal fee in effect on
13 the date of renewal.

14 (i) Any preapplication fee shall be established by the board in
15 an amount sufficient to cover the costs of processing and
16 administration of the preapplication.

17 *SEC. 6. No reimbursement is required by this act pursuant to*
18 *Section 6 of Article XIII B of the California Constitution because*
19 *the only costs that may be incurred by a local agency or school*
20 *district will be incurred because this act creates a new crime or*
21 *infraction, eliminates a crime or infraction, or changes the penalty*
22 *for a crime or infraction, within the meaning of Section 17556 of*
23 *the Government Code, or changes the definition of a crime within*
24 *the meaning of Section 6 of Article XIII B of the California*
25 *Constitution.*

(B) Repeated similar negligent acts.

(C) Conviction of any crime substantially related to the qualifications, functions, or duties of the owner of an approved school, in which case, the records of conviction or a certified copy thereof shall be conclusive evidence of the conviction.

(D) Advertising by means of knowingly false or deceptive statements.

(2) Failure to comply with the requirements of this chapter.

(3) Failure to comply with the rules governing health and safety adopted by the board and approved by the State Department of Public Health, for the regulation of board-approved schools.

(4) Failure to comply with the rules adopted by the board for the regulation of establishments, or any practice licensed and regulated under this chapter.

(5) Continued practice by a person knowingly having an infectious or contagious disease.

(6) Habitual drunkenness, or habitual use of or addiction to the use of any controlled substance.

(7) Obtaining or attempting to obtain practice in any occupation licensed and regulated under this chapter, or money, or compensation in any form, by fraudulent misrepresentation.

(8) Failure to display the license or health and safety rules and regulations in a conspicuous place.

(9) Refusal to permit or interference with an inspection authorized under this chapter.

(10) Any action or conduct that would have warranted the denial of a school approval.

Analysis:

SB 308 is the sunset bill established for the Board. This bill will extend the sunset date of the Board from January 1, 2014 to January 1, 2018.

This bill also addresses the issue that the Board grants approval to schools but does not have the authority to remove that approval. As noted in the background paper for the sunset review hearing, this bill formalizes those recommendations to allow the Board to remove its approval. This bill utilizes the existing disciplinary grounds specified in Business and Professions Code section 7403 that are already in place for establishments and licensed individuals.

Fiscal Impact:

No significant impact.

AMENDED IN SENATE APRIL 18, 2013

SENATE BILL

No. 308

Introduced by Senator Price
(Principal coauthor: Assembly Member Gordon)

February 15, 2013

An act to amend Sections 5800, 5810, 5812, 7200, ~~and 7303~~ 7215.6, 7303, and 7362 of, and to add Sections 5806, 5807, and 5811.1 to, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 308, as amended, Price. Professions and vocations.

~~Existing~~

(1) ~~Existing~~ law authorizes a certified interior designer, as defined, to obtain a stamp *from an interior design organization, as defined*, that uniquely identifies the designer and certifies that he or she meets certain qualifications and requires the use of that stamp on all drawings and documents submitted to any governmental agency by the designer. ~~Existing law makes it an unfair business practice for any certified interior designer or any other person to represent that he or she is state certified to practice interior design.~~ Existing law provides that these provisions are repealed on January 1, 2014, and shall be subject to review by the Joint Committee on Boards, Commissions, and Consumer Protection, which has been abolished.

This bill would instead repeal those provisions on January 1, 2018, and would make them subject to review by the appropriate policy committees of the Legislature. *The bill would include in the definition of a certified interior designer that a certified interior designer provides plans and documents that illustrate specified things and engages in*

coordination and collaboration with other design professionals, as specified.

The bill would require a certified interior designer to use a written contract that includes specified information when contracting to provide interior design services to a client pursuant to these provisions and require that nothing in these provisions prohibit interior design or interior decorator services by any person or retail activity.

The bill would require all meetings of an interior design organization to be subject to the open meeting requirements applicable to state agencies.

Existing

(2) Existing law provides for the licensure and regulation of various businesses and professions by boards within the Department of Consumer Affairs, including the State Board of Guide Dogs for the Blind. Existing law requires that the board consist of certain members. Existing law establishes a pilot project to provide an arbitration procedure for the purpose of resolving disputes between a guide dog user and a licensed guide dog school, as specified. Existing law repeals these provisions on January 1, 2014.

This bill would extend the operation of these provisions until January 1, 2018.

Existing

(3) Existing law provides for the licensure and regulation of barbering and cosmetology by the State Board of Barbering and Cosmetology and authorizes the board to appoint an executive officer. Under existing law, these provisions are repealed on January 1, 2014.

This bill would instead repeal these provisions on January 1, 2018, and specify that the board would be subject to review by the appropriate policy committees of the Legislature upon repeal.

Existing law provides that a board-approved school of barbering and cosmetology is one that is licensed by the Bureau for Private Postsecondary Education or a public school in the state, and offers a course of instruction approved by the board.

This bill would require a school to be approved by the board before it is approved by the Bureau for Private Postsecondary Education and authorize both entities to simultaneously process a school's application for approval. The bill would also authorize the board to revoke, suspend, or deny its approval of a school on specified grounds.

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 5800 of the Business and Professions*
2 *Code is amended to read:*

3 5800. As used in this chapter:

4 (a) “Certified interior designer” means a person who ~~prepares~~
5 *meets all of the following requirements:*

6 (1) *Prepares and submits nonstructural or nonseismic plans*
7 *and documents consistent with Sections 5805 and 5538 to local*
8 *building departments that are of sufficient complexity so as to*
9 *require the skills of a licensed contractor to implement them, and*
10 ~~who engages them.~~

11 (2) *Engages in programming, planning, designing, and*
12 *documenting the construction and installation of nonstructural or*
13 *nonseismic elements, finishes, veneers, and furnishings within the*
14 *interior spaces of a building, and has building.*

15 (3) *Provides plans and documents that illustrate partition*
16 *layouts, horizontal exiting, rated corridors, reflected ceiling plans*
17 *and lighting orientation, location of power and communication*
18 *outlets, materials, finishes, furniture, interior alterations, fixtures,*
19 *millwork, appliances, and equipment.*

20 (4) *Engages in coordination and collaboration with other design*
21 *professionals who may be retained to provide consulting services,*
22 *including, but not limited to, architects, engineers, and other*
23 *specialty consultants.*

24 (5) *Has demonstrated by means of education, experience and*
25 *examination, the competency to protect and enhance the health,*
26 *safety, and welfare of the public.*

27 (b) An “interior design organization” means a nonprofit
28 organization, exempt from taxation under Section 501(c)(3) of
29 Title 26 of the United States Code, of certified interior designers
30 whose governing board shall include representatives of the public,
31 except that an organization that is not currently exempt under that
32 section that submits an application to the Internal Revenue Service
33 requesting an exemption under that section shall be eligible to be
34 an interior design organization if it meets the requirements under
35 that section within a reasonable period of time.

36 *SEC. 2. Section 5806 is added to the Business and Professions*
37 *Code, to read:*

1 5806. *Nothing in this chapter shall prohibit interior design or*
2 *interior decorator services by any person or retail activity.*

3 *SEC. 3. Section 5807 is added to the Business and Professions*
4 *Code, to read:*

5 5807. (a) *A certified interior designer shall use a written*
6 *contract when contracting to provide interior design services to*
7 *a client pursuant to this chapter. The written contract shall be*
8 *executed by the certified interior designer and the client, or his or*
9 *her representative, prior to the certified interior designer*
10 *commencing work. The written contract shall include, but not be*
11 *limited to, all of the following:*

12 (1) *A description of the services to be provided to the client by*
13 *the certified interior designer.*

14 (2) *A description of any basis of compensation applicable to*
15 *the contract and the method of payment agreed upon by the parties.*

16 (3) *The name, address, and certification number of the certified*
17 *interior designer and the name and address of the client.*

18 (4) *A description of the procedure that the certified interior*
19 *designer and the client will use to accommodate additional*
20 *services.*

21 (5) *A description of the procedure to be used by any party to*
22 *terminate the contract.*

23 (6) *A three-day rescission clause in accordance with Chapter*
24 *2 (commencing with Section 1688) of Title 5 of Part 2 of Division*
25 *3 of the Civil Code.*

26 (7) *A written disclosure stating whether the certified interior*
27 *designer carries errors and omissions insurance.*

28 (b) *Subdivision (a) shall not apply to any of the following:*

29 (1) *Interior design services rendered by a certified interior*
30 *designer for which the client will not pay compensation.*

31 (2) *Interior design services rendered by a certified interior*
32 *designer to any of the following:*

33 (A) *An architect licensed under Chapter 3 (commencing with*
34 *Section 5500).*

35 (B) *A landscape architect licensed under Chapter 3.5*
36 *(commencing with Section 5615).*

37 (C) *An engineer licensed under Chapter 7 (commencing with*
38 *Section 6700).*

39 (c) *As used in this section, "written contract" includes a*
40 *contract in electronic form.*

1 SECTION 1.

2 SEC. 4. Section 5810 of the Business and Professions Code is
3 amended to read:

4 5810. (a) This chapter shall be subject to review by the
5 appropriate policy committees of the Legislature.

6 (b) This chapter shall remain in effect only until January 1,
7 2018, and as of that date is repealed, unless a later enacted statute,
8 that is enacted before January 1, 2018, deletes or extends that date.

9 SEC. 5. Section 5811.1 is added to the Business and Professions
10 Code, to read:

11 5811.1. *The meetings of an interior design organization issuing*
12 *stamps under Section 5801 shall be subject to the rules of the*
13 *Bagley-Keene Open Meeting Act (Article 9 (commencing with*
14 *Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of*
15 *the Government Code).*

16 SEC. 6. Section 5812 of the Business and Professions Code is
17 amended to read:

18 5812. It is an unfair business practice for any person to
19 represent themselves as a or hold himself or herself out as, or to
20 use the title "certified interior designer" ~~unless they comply with~~
21 ~~the requirements of this chapter.~~ or any other term, such as
22 "licensed," "registered," or "CID," that implies or suggests that
23 the person is certified as an interior designer when he or she does
24 not hold a valid certification as provided in Sections 5800 and
25 5801.

26 ~~SEC. 2.~~

27 SEC. 7. Section 7200 of the Business and Professions Code is
28 amended to read:

29 7200. (a) There is in the Department of Consumer Affairs a
30 State Board of Guide Dogs for the Blind in whom enforcement of
31 this chapter is vested. The board shall consist of seven members
32 appointed by the Governor. One member shall be the Director of
33 Rehabilitation or his or her designated representative. The
34 remaining members shall be persons who have shown a particular
35 interest in dealing with the problems of the blind, and at least two
36 of them shall be blind persons who use guide dogs.

37 (b) This section shall remain in effect only until January 1, 2018,
38 and as of that date is repealed, unless a later enacted statute, that
39 is enacted before January 1, 2018, deletes or extends that date.
40 Notwithstanding any other law, the repeal of this section renders

1 the board subject to review by the appropriate policy committees
2 of the Legislature.

3 *SEC. 8. Section 7215.6 of the Business and Professions Code*
4 *is amended to read:*

5 7215.6. (a) In order to provide a procedure for the resolution
6 of disputes between guide dog users and guide dog schools relating
7 to the continued physical custody and use of a guide dog, in all
8 cases except those in which the dog user is the unconditional legal
9 owner of the dog, the following arbitration procedure shall be
10 established as a pilot project.

11 (b) This procedure establishes an arbitration panel for the
12 settlement of disputes between a guide dog user and a licensed
13 guide dog school regarding the continued use of a guide dog by
14 the user in all cases except those in which the dog user is the
15 unconditional legal owner of the dog. The disputes that may be
16 subject to this procedure concern differences between the user and
17 school over whether or not a guide dog should continue to be used,
18 differences between the user and school regarding the treatment
19 of a dog by the user, and differences over whether or not a user
20 should continue to have custody of a dog pending investigation of
21 charges of abuse. It specifically does not address issues such as
22 admissions to schools, training practices, or other issues relating
23 to school standards. The board and its representative are not parties
24 to any dispute described in this section.

25 (c) The licensed guide dog schools in California and the board
26 shall provide to guide dog users graduating from guide dog
27 programs in these schools a new avenue for the resolution of
28 disputes that involve continued use of a guide dog, or the actual
29 physical custody of a guide dog. Guide dog users who are
30 dissatisfied with decisions of schools regarding continued use of
31 guide dogs may appeal to the board to convene an arbitration panel
32 composed of all of the following:

- 33 (1) One person designated by the guide dog user.
- 34 (2) One person designated by the licensed guide dog school.
- 35 (3) A representative of the board who shall coordinate the
36 activities of the panel and serve as chair.

37 (d) If the guide dog user or guide dog school wishes to utilize
38 the arbitration panel, this must be stated in writing to the board.
39 The findings and decision of the arbitration panel shall be final
40 and binding. By voluntarily agreeing to having a dispute resolved

1 by the arbitration panel and subject to its procedures, each party
2 to the dispute shall waive any right for subsequent judicial review.

3 (e) (1) A licensed guide dog school that fails to comply with
4 any provision of this section shall automatically be subject to a
5 penalty of two hundred fifty dollars (\$250) per day for each day
6 in which a violation occurs. The penalty shall be paid to the board.
7 The license of a guide dog school shall not be renewed until all
8 penalties have been paid.

9 ~~The fine~~

10 (2) ~~The penalty~~ shall be assessed without advance hearing, but
11 the licensee may apply to the board for a hearing on the issue of
12 whether the ~~fine penalty~~ should be modified or set aside. This
13 application shall be in writing and shall be received by the board
14 within 30 days after service of notice of the ~~fine penalty~~. Upon
15 receipt of this written request, the board shall set the matter for
16 hearing within 60 days.

17 (f) As a general rule, custody of the guide dog shall remain with
18 the guide dog user pending a resolution by the arbitration panel.
19 In circumstances where the immediate health and safety of the
20 guide dog user or guide dog is threatened, the licensed school may
21 take custody of the dog at once. However, if the dog is removed
22 from the user's custody without the user's concurrence, the school
23 shall provide to the board the evidence that caused this action to
24 be taken at once and without fail; and within five calendar days a
25 special committee of two members of the board shall make a
26 determination regarding custody of the dog pending hearing by
27 the arbitration panel.

28 (g) (1) The arbitration panel shall decide the best means to
29 determine final resolution in each case. This shall include, but is
30 not limited to, a hearing of the matter before the arbitration panel
31 at the request of either party to the dispute, an opportunity for each
32 party in the dispute to make presentations before the arbitration
33 panel, examination of the written record, or any other inquiry as
34 will best reveal the facts of the disputes. In any case, the panel
35 shall make its findings and complete its examination within 45
36 calendar days of the date of filing the request for arbitration, and
37 a decision shall be rendered within 10 calendar days of the
38 examination.

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1 (2) All hearings shall be held at sites convenient to the parties
2 and with a view to minimizing costs. Each party to the arbitration
3 shall bear its own costs, except that the arbitration panel, by
4 unanimous agreement, may modify this arrangement.

5 (h) The board may study the effectiveness of the arbitration
6 panel pilot project in expediting resolution and reducing conflict
7 in disputes between guide dog users and guide dog schools and
8 may share its findings with the Legislature upon request.

9 (i) This section shall remain in effect only until January 1, ~~2014,~~
10 2018, and as of that date is repealed, unless a later enacted statute,
11 that is enacted before January 1, ~~2014,~~ 2018, deletes or extends
12 that date.

13 ~~SEC. 3.~~

14 *SEC. 9.* Section 7303 of the Business and Professions Code is
15 amended to read:

16 7303. (a) Notwithstanding Article 8 (commencing with Section
17 9148) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the
18 Government Code, there is in the Department of Consumer Affairs
19 the State Board of Barbering and Cosmetology in which the
20 administration of this chapter is vested.

21 (b) The board shall consist of nine members. Five members
22 shall be public members, and four members shall represent the
23 professions. The Governor shall appoint three of the public
24 members and the four professional members. The Senate
25 Committee on Rules and the Speaker of the Assembly shall each
26 appoint one public member. Members of the board shall be
27 appointed for a term of four years, except that of the members
28 appointed by the Governor, two of the public members and two
29 of the professions members shall be appointed for an initial term
30 of two years. No board member may serve longer than two
31 consecutive terms.

32 (c) The board may appoint an executive officer who is exempt
33 from civil service. The executive officer shall exercise the powers
34 and perform the duties delegated by the board and vested in him
35 or her by this chapter. The appointment of the executive officer is
36 subject to the approval of the director. In the event that a newly
37 authorized board replaces an existing or previous bureau, the
38 director may appoint an interim executive officer for the board
39 who shall serve temporarily until the new board appoints a
40 permanent executive officer.

1 (d) The executive officer shall provide examiners, inspectors,
2 and other personnel necessary to carry out the provisions of this
3 chapter.

4 (e) This section shall remain in effect only until January 1, 2018,
5 and as of that date is repealed, unless a later enacted statute, that
6 is enacted before January 1, 2018, deletes or extends that date.
7 Notwithstanding any other law, the repeal of this section renders
8 the board subject to review by the appropriate policy committees
9 of the Legislature.

10 *SEC. 10. Section 7362 of the Business and Professions Code*
11 *is amended to read:*

12 7362. (a) A school approved by the board is one ~~which that~~
13 ~~is licensed~~ *first approved by the board and subsequently approved*
14 *by the Bureau for Private Postsecondary and Vocational Education,*
15 *Education or is a public school in this state, and provides a course*
16 *of instruction approved by the board. However, notwithstanding*
17 *any other law, both the board and the Bureau for Private*
18 *Postsecondary Education may simultaneously process a school's*
19 *application for approval.*

20 (b) The board shall determine by regulation the required subjects
21 of instruction to be completed in all approved courses, including
22 the minimum hours of technical instruction and minimum number
23 of practical operations for each subject, and shall determine how
24 much training is required before a student may begin performing
25 services on paying patrons.

26 (c) *Notwithstanding any other law, the board may revoke,*
27 *suspend, or deny at any time approval of a school on any of the*
28 *following grounds:*

29 (1) *Unprofessional conduct which includes, but is not limited*
30 *to, any of the following:*

31 (A) *Incompetence or gross negligence, including failure to*
32 *comply with generally accepted standards for the practice of*
33 *barbering, cosmetology, or electrology, or disregard for the health*
34 *and safety of patrons.*

35 (B) *Repeated similar negligent acts.*

36 (C) *Conviction of any crime substantially related to the*
37 *qualifications, functions, or duties of the owner of an approved*
38 *school, in which case, the records of conviction or a certified copy*
39 *thereof shall be conclusive evidence of the conviction.*

- 1 (D) Advertising by means of knowingly false or deceptive
2 statements.
- 3 (2) Failure to comply with the requirements of this chapter.
- 4 (3) Failure to comply with the rules governing health and safety
5 adopted by the board and approved by the State Department of
6 Public Health, for the regulation of board-approved schools.
- 7 (4) Failure to comply with the rules adopted by the board for
8 the regulation of establishments, or any practice licensed and
9 regulated under this chapter.
- 10 (5) Continued practice by a person knowingly having an
11 infectious or contagious disease.
- 12 (6) Habitual drunkenness, or habitual use of or addiction to the
13 use of any controlled substance.
- 14 (7) Obtaining or attempting to obtain practice in any occupation
15 licensed and regulated under this chapter, or money, or
16 compensation in any form, by fraudulent misrepresentation.
- 17 (8) Failure to display the license or health and safety rules and
18 regulations in a conspicuous place.
- 19 (9) Refusal to permit or interference with an inspection
20 authorized under this chapter.
- 21 (10) Any action or conduct that would have warranted the denial
22 of a school approval.



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BOARD COMMITTEES

LICENSING AND EXAMINATION 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 and cosmetology in California. The committee may also provide information and recommendations to the Board on issues relating to curriculum and school approval, exam appeals, laws and regulations.

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.

LEGISLATIVE AND BUDGET COMMITTEE

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

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.

DISCIPLINARY REVIEW COMMITTEE

The purpose of the Disciplinary Review Committee 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. The Board President shall select the dates and locations of the informal citation review hearings held before the disciplinary review committee. The Board may find a need to have an alternate member for the convenience of those members who cannot attend.

Closed Session