CALIFORNIA
BOARD OF BARBERING AND COSMETOLOGY

JULY 16, 2013

Licensing and Examination Committee Meeting

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

Joseph Federico, Industry Member, President

Mary Lou Amaro, Industry Member

Andrew Drabkin, Public Member

Richard Hedges, 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

Licensing and Examination Committee Meeting Agenda

Tuesday, July 16, 2013
9:00 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

1. Welcome and Introductions
2. Election of Committee Chairperson
3. Approval of Licensing Committee Meeting Minutes
   - August 13, 2012
4. Review of Licensing Requirements for Establishment Owners.
5. Discussion and Recommendations for Continuing Education Requirements for Licensees.
6. Discussion and Recommendations on Booth Rental Licensure
7. Discussion on Freelance Authorization
8. 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)]

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

No Attachment

BarberCosmo
Board of Barbering & Cosmetology

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

CALIFORNIA STATE BOARD OF BARBERING AND COSMETOLOGY LICENSING COMMITTEE MINUTES OF AUGUST 13, 2012

2420 Del Paso Road
1st Floor Sequoia Room, Room 109
Sacramento, CA 95834

Additional Location:
1299 Old Bayshore Highway, #118
Burlingame, CA 94010

COMMITTEE MEMBERS PRESENT	STAFF MEMBERS PRESENT
Deedee Crossett	Kristy Underwood, Executive Officer
Richard Hedges	Heather Berg, Enforcement Manager
Wen Ling Cheng (via telephone)	Tami Guess, Executive Analyst

1. **Agenda Item #1, Welcome and Introductions**

Ms. Crossett called the meeting to order at 9:00 a.m.

2. **Agenda Item, #2, Review of Licensing Requirements for Establishments**

Ms. Underwood provided a background of the issue of the establishment license. It is an issue at Disciplinary Review Committee (DRC) with owners not knowing the laws.

Heather Berg, Enforcement Manager, has reviewed other states' practices in regards to establishment licenses. She looked at the Board of Barbering and Cosmetology (BBC) being notified when the licensee-in-charge changes but with 56,000 establishments determined this will not be feasible. Other states require an establishment to have a form filled out on the premises of who the licensee-in-charge is and all individual licensed operators currently working in the shop.

Ms. Crossett stated in theory any licensed operator should be able to be in charge. An owner may not be in charge if they do have a license. Ms. Crossett agreed providing updates to BBC would be impractical as it may change daily. Ms. Berg noted when an inspector arrives the unlicensed operators most likely will leave the premises of the salon very quickly. Ms. Crossett believed keeping an updated employee list on the premises would be a better idea but wondered how this would be helpful to an inspector if an unlicensed person left. Ms. Berg noted if a non-licensed person was working but not on the list, they could be cited.

Ms. Underwood noted there is a big issue with no one wanting to be the licensee-in-charge. No one wants to take the responsibility and risk being cited. Ms. Underwood stated the Board does have the authority to cite the licensee-in-charge but never does.

Mr. Hedges believed more education for owners should be required. Ms. Crossett agreed and asked what needed to be done to do this. It would take legislation to require this. The education could be provided online or in a classroom. Ms. Crossett believed a four to eight hour class could provide an overview of the basic rules and regulations to where they could take a written test to obtain their establishment license. She wondered if an owner would educate themselves on their own if it was not required. Ms. Crossett and Mr. Hedges agreed the unlicensed owner should be required to take the test and have a license, even if they had a licensee-in-charge. Mr. Hedges did not believe the licensee-in-charge always had accurate information. Ms. Berg asked if corporations and partnerships should be required to have an owner license. The Committee agreed only sole proprietors and LLCs should be included. Mr. Hedges recommended a sales threshold be established and only establishments making less than a certain amount of sales be required to get the license but Ms. Crossett did not agree that a small business should get penalized. Mr. Hedges noted that large chains seldom gets cited for not having a licensee-in-charge.

Ms. Underwood believed the law is vague about who could be in charge, it states as long as they had a license.

Ms. Crossett wondered if the Board could strongly suggest that establishment owners take more education. This would not require legislation. She stated she has received calls from owners asking how to learn more. Most operators do not learn how to manage a salon in school.

Ms. Crossett asked about the possibility to move forward with the idea that if you are a licensed establishment owner that will count as a licensee, with the ability to be in charge. Ms. Berg noted enforcement already uses this definition. Mr. Hedges agreed but believed they needed more education to run the salon. He wanted to see a good faith effort from owners that they are learning and up-to-date. He believed legislation was the only answer. Ms. Crossett stated the establishment owners are being held accountable for their employees.

Mr. Hedges stated an establishment license is tied to the owner via their social security number. They can be can be tracked. However, the owner may then have a relative apply for a new license and have that owner run the business.

The Committee agreed things need to be consistent and legal interpretation needs to be clarified.

Public Comment:

Gary Federico provided his perspective on the establishment license. He believed the regulations were created many years ago and things have changed. The number of independent contractors/booth renters has greatly increased. Many people have opened their own salons without management experience. He questioned whether the salon owner should be held liable for its contractors' mistakes.

Fred Jones of the Professional Beauty Federation of California (PBFC) agreed some establishment owners are ignorant of the law and have inaccurate information. He believed the road to education should be done in steps. He believed only a full licensee can understand all the necessary laws which is in line with the licensee-in-charge. He did not feel an establishment license would be sufficient. He believed establishment owners should be held accountable for citations in their salon. He agreed booth renting will be a different aspect but needs to be addressed. Mr. Jones discussed the prospective of a curriculum and exam for an establishment owner. This will take time and money that the Board and its staff

do not have. It will take legislation. He believed there are other issues that need legislation that should take priority. Mr. Jones stated the PBFC would oppose a curriculum and test for someone to invest in a salon. They need to be encouraging small business ownership and not requiring more red tape.

Ms. Crossett believed the Board needs to take a proactive approach to further education. This may result in less DRC cases which would be less taxing on staff. She believed business owners should be set up for success. Mr. Hedges noted the only people who come to DRC are the ones who are caught. The good owners will educate themselves.

Mr. Jones offered solutions. He agreed with the proposal of the list of licensees to be available ready for the inspectors. It should be explained the licensee-in-charge needs to be ensuring the laws and regulations are being enforced, but they will not be held liable for citations. He recommended an optional course posted on the Board's website and an optional test if someone wants to be the licensee-in-charge. He did not feel an investor should be in charge.

Ms. Crossett asked for a recommendation for protecting the consumer in a salon with multiple booth renters.

Mr. Jones believed three-fourths of booth renters could be considered employees and controlled by the salon owner. He believed the independent contractors/booth renters should have their own establishment licenses. His organization is working on a model for a booth rental contract to make the distinction clear.

Ms. Crossett was aware certain states do require a booth renter to license their own station.

Mr. Hedges agreed proof of liability insurance by booth renters should be required. This would also take legislation.

Gary Federico believed the booth renter status needs to be clarified. He cited SOLA as an example. He believed each booth should be considered a separate address. Ms. Crossett believed the consumer gets confused about who is in charge. Mr. Hedges noted separate walls are needed for a separate address. He hoped to find a solution that would not create a lot of extra work for the Board.

Ms. Crossett agreed the education should be encouraged.

Mr. Hedges believed all the information should be collected and reported back to the Board.

Jamie Schrabeck of Precision Nails stated she agreed individuals should be licensed separately. She stated she would like to see other requirements built in to the establishment license if legislation was going to be pursued. She believed the establishment must advertise under the name it's licensed under with the Board. She also believed advertisements must include the license number. She noted Washington State requires proof of a $100,000 minimum liability policy as part of their establishment license. Ms. Schrabeck believed mobile operators should be addressed. Ms. Underwood noted she and Ms. Berg had been recently talking about this and will be talked about at the next Enforcement Committee Meeting. Ms. Schrabeck believed the Board should make it easier for consumers to do their due diligence. She recommended building a checklist regarding knowledge about the ten 10 violations into the application.

Ms. Berg stated things can be added to the establishment license application without legislation. To prevent license transfer, a copy of the bill of sale, lease agreement, City license, fictitious name

statement or other document could be required. This would make an immediate impact without legislation. Ms. Berg agreed with adding the checklist that would require initialing by the applicant.

Mr. Federico asked if the Board could require a class be taken if an owner if cited. Ms. Underwood believed legislation would be needed for violations other than manicuring and pedicuring.

Ms. Crossett offered to email her notes and recommendations to staff. It will be placed on the next committee meeting agenda.

Mr. Hedges asked staff what things could be done now. Ms. Underwood stated only the application review could be done. Staff has been cut by 5%. Ms. Crossett also asked for the definition of the establishment licensee; this can also be done. Formal recommendations cannot be done until 2013. Ms. Underwood agreed the schools issue should take priority in looking for a sponsor.

Mr. Hedges believed there should be a way to determine that a licensee should be in charge if the owner has not had any education. Ms. Crossett agreed but believed it should be clarified. Ms. Underwood stated the legal rules now state the licensee-in-charge needs one of the five individual licenses. She believed this language is broad and can be adjusted. She could ask for a formal legal opinion, which can then be discussed by the Board.

Ms. Underwood stated the staff has always believed the establishment license is too easy. They agree that advertisement requirements should be reviewed. Ms. Crossett noted she teaches her student how to investigate a salon. Having a matching license would be very helpful.

3. Agenda Item #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 (a)]

The public present did not wish to comment to the Board any further.

4. Agenda Item #4, ADJOURNMENT

With no further business, the meeting was adjourned.

BarberCosmo
State and Consumer Services Agency – Governor Edmund G. Brown Jr.
BOARD OF BARBERING AND COSMETOLOGY
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ESTABLISHMENT APPLICATION RESPONSIBLITIES /REQUIREMENTS

Establishment Application Requirements :

Please call or email the Board barbercosmo@dca.ca.gov if you have any questions about the requirements.

- ☐ A signed completed establishment application along with a check or money order made payable to the Board of Barbering and Cosmetology (Board) for $50.00.
- ☐ Affidavits completed and attached for all owners of the establishment.
- ☐ Include with each affidavit a copy of a current valid government issued photographic identification. Acceptable forms of identification are as follows: a driver's license, a state ID card, passport or military ID card.
- ☐ Attach a request for cancellation of an establishment license form (if applicable.)
- ☐ Attach proof that you are the person/company that either owns or leases the property. Examples of proof: copies of the property tax bills that are in your or your companies name or copy of the lease agreement.
- ☐ If the applicant is a corporation or a partnership include a copy of your EIN certificate from the IRS.
- ☐ A copy of your City Business License or a copy of your Fictitious Business Name Filing.

Prior to receiving an establishment license all outstanding fines must be paid by all owners.

Owner Responsibilities:

- ☐ The owners(s) of an establishment license as well as all operators shall be responsible for implementing and maintaining the Board's laws and regulations.
- ☐ All establishments that provide barbering, cosmetology (including manicurist and estheticians) or electrology services are subject to inspections by the Board. If violations are found, both the owner(s) and all operators may be issued a citation and assessed an administrative fine ranging from $25 to $1,000 per violation.
- ☐ All operators performing barbering, cosmetology or electrology services shall have a valid license that is displayed at their primary work station. **Note:** The Board recommends that owners verify the license of each individual prior to employment online at www.barbercosmo.ca.gov.
- ☐ An establishment shall at all times be in the charge of a person licensed, except an apprentice.
- ☐ The Board's Health and Safety poster and the establishment license shall be conspicuously posted in the reception area. **Note:** The establishment license is only valid to the specific location listed on the license and to the individual(s) issued the license. If you move to a different location or add/ delete a partner, or there was a change in ownership you must obtain a new establishment license.

Rules and Regulations and Establishment Self Inspection Flyer:

- ☐ Please review the Board's rules and regulations and the Board's Self-Inspection Flyer to ensure that your establishment is in compliance with the law. The Board rules and regulations and self-inspection flyer can be found on the Board web site under publications.

Does Your State Require Continuing Education?

State	Yes	No	Comments
Alabama	X		Licensee's who hold a Master license or an Instructor license are required to have CE. (16 hours every 2 years, Master license - 8 hours every 2 years.)
Alaska		X	
Arizona		X	Does not regulate Barbers
Arkansas		X	
California		X	
Colorado		X	
Connecticut	X		**Electrologist only** - licensee applying for license renewal shall complete a minimum of 10 contact hours of qualifying continuing education during the preceding registration period, at least 2 of which shall be in infection control, blood borne diseases, universal precautions, sanitation and sterilization, or any combination thereof. 1 contact hour is a minimum of 50 minutes of continuing education activity.
Delaware		X	
District of Columbia	X		6 Hours are required (all licensee's) total (2-hours health, safety and welfare subjects and 4-hours in general electives). Licensee has to attest to the training and mail in the training certificate.
Florida	X		16 hours every 2 years for Barbers, Cosmo's, Nail Specialists, Facial Specialists and Full Specialists. Electrologists are licensed by Dept of Health. 2 hours of instruction on HIV/AIDS and other communicable diseases, 3 hours on sanitation and sterilization, 1 hour of instruction on worker's compensation issues as the pertain to Florida Law, 2 hours of instruction on State and Federal Laws pertaining to Cosmetology, 2 hours of instruction regarding chemical makeup, 1 hour of instruction on environmental issues and 4 hours general credit.

State	Yes	No	Comments
Georgia	X		You must complete five (5) hours of continuing education every two (2) years in order to renew your license for master cosmetologist, esthetician, nail technician or hair designer. Three (3) hours of the required five (5) hours must be obtained in health and safety courses developed by the Georgia Department of Technical and Adult Education. The remaining two (2) hours may be completed by attending a trade/product show or by completing other courses in health and safety, industry trends, computer skills, business management or related areas of practice. Any shows that you use for your continuing education must be registered with the Georgia State Board of Cosmetology in order for you to receive continuing education credit. Three (3) hours of the required five (5) hours must be obtained in health and safety courses developed by the Georgia Department of Technical and Adult Education. The remaining two (2) hours may be completed by attending a trade/product show or by completing other courses in health and safety, industry trends, computer skills, business management or related areas of practice. Any shows that you use for your continuing education must be registered with the Georgia State Board of Cosmetology in order for you to receive continuing education credit. A Licensee who has held a license for 25 years or longer is eligible for a waiver of the continuing education requirement; or A licensee who can prove to the Board that he or she has a hardship may request a waiver.
Hawaii		X	
Idaho	X		Barber Instructors must complete12 credits. No other licensee must complete CE.
Illinois	X		Non-responsive to phone calls and/or email requests. Information on-line stated continuing education could be required. http://www.ilga.gov/commission/jcar/admincode/068/06801175sections.html
Indiana		X	
Iowa	X		8 hours required for Cosmos, Nail Tech's, Esti's and Electrologists. (6-hours classroom instruction and 2-hours in Iowa Law. 4 of the 8 hours must be sepecific to the Iowa licensee's profession. At the time of renewal a licensee must attest on the renewal application that they have met the requirements to renew their Iowa license. The Cosmetology Board does random audits 6 months after a renewal period.
Kansas		X	Does not regulate Barbers
Kentucky		X	
Louisiana	X		Continuing Education is required for Instructors only. 16 hours every two years. Must complete Lacs training seminar which is provided by the Louisana Schools Association. (Spoke to Debra at 225-756-3404 x-206)
Maine	X		CE for Instructor's only.
Maryland		X	

State	Yes	No	Comments
Massachusetts		X	Phone recording stated no continuing education requirements 617-727-9940
Michigan		X	
Minnesota	X		Instructors are required to take 45 hours in a 3 year cycle. (15 hours - teaching related course, 15 hours - clinical/professional product course and 15- additional hour from either catergory.
Mississippi		X	Would like a copy of our report when completed.
Montana	X		Instructors are required to have CE. 30 hours instruction each renewal cycle. The courses are approved by the Board and must be germane to the profession. Upon completion, the provider must verify the licensee's attendance by certificate. Upon an annual CE audit instructors must submit the require CE certificates verfiying 30 hours. Instructors are the only licensee's required to submit to CE.
Nebraska	X		Cosmetologist, Nail Techonologists, Estheticians and Electrologists - Licenses are renewed every two years. Licensees whose initial license was issued within 24 months immediately preceding the expiration date are exempt for the first renewal. 8 hours are required. Four must be earned at programs approved by the Board and the other four hours may be also at programs approved by the Board or at additional topics such as CPR/First Aid, product knowledge or marketing. Instructors are required to obtain at least 4 hours of teaching methodology. The other four hours may be on teching methodology or programs approved for the license catergory, or within the additonal topics. Homestudy, self-study or online classes are considered in the additional topics catergory, however only 2 hours may be earned in this manner.
Nevada	X		4 CEU's in Infection Control sponsered by their office on-line. Required every 2 years at renewal. Certificate of completeion must be submitted showing how many hours were earned. (30 CEU' s for Instructors)
New Hampshire	X		Instructors must complete 28 hours of continued education. Continuing education shall be related to the profession and its purpose shall be to enhance the instructor's ability to teach.
New Jersey		X	Would not respond by email. Phone verification 973-504-6400 (Ms. Ingram)
New Mexico		X	Would like a summary of our findings.
New York		X	
North Carolina	X		Cosmotologists - 24 hours every 3 years; Manicurists and Estheticians - 8 hours every year; Instructors - 16 hours every 2 years.
North Dakota		X	

State	Yes	No	Comments
Ohio	X		Cosmotologists, Natural Hair Stylists, Estheticians, Manicurists and Hair Designers are required 8 hours every 2 years. (Barbers and Electrologist regulated by different boards)
Oklahoma		X	
Oregon		X	
Pennsylvania		X	
Rhode Island		X	
South Carolina	X		To maintain professional competency, cosmetologists, nail technicians and estheticians must obtain twelve (12) hours of continuing education biennially. Instructors must obtain a minimum of twelve (12) hours of continuing education biennially.
South Dakota		X	Does not regulate Barbers
Tennessee	X		Instructors - Sixteen (16) hours of continuing education is required every two years.
Texas	X		4 hours are required. 1 hour in the instruction of sanitation, 3 hours in law, rules or general curriculum. Instructors need 1 hour in sanitation and 3 hours in methods of teaching. The CE provider must log onto the Board's website and post the completion. It is then displayed on the Board's website for the licensee to check. An email is sent to the licensee to tell them the hours were posted.
Utah	X		Instructors at licensed schools must have CE for accreditation of the schools
Vermont		X	Would not respond by email. Phone verification 802-828-2191 (Terry)
Virginia		X	
Washington		X	
West Virginia	X		4 hours per calendar year. The exception is Barbers with 20+ years experience.
Wisconsin	X		Continuing Education is required for licensee's providing the following delegated medical procedures for each renewal period: Laser Hair Removal - At least 6 hours in programs specific to laser hair removal. Microdermabrasion - At least 6 hours in programs specific to Microdermabrasion. Chemical Exfoilation - At least 6 hours in programs specific to chemical exfoliation. Licensee's who received their license prior to 4/1/2009 must complete 2 continuing education hours in laws governing licensees and establishments and 4 hours in safety, sanitation and infection control.
Wyoming		X	

TOTALS	23	27

*Compiled February 2013

No Attachment

State and Consumer Services Agency – Governor Edmund G. Brown Jr.
Board of Barbering and Cosmetology-Department of Consumer Affairs
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MEMORANDUM

DATE	June 4, 2013
TO	Licensing and Examinations Committee Members Board of Barbering and Cosmetology
FROM	Tami Guess Board Policy Analyst
SUBJECT	Freelance Authorization

To prepare the Licensing and Examinations Committee to begin discussion on the possibility of offering a Freelance Authorization to our licensees, staff has defined the meaning of a Freelance Authorization and conducted the following research of what other State Boards have to offer.

Freelance Authorization: A means for a Board licensee to perform Board scope of practice operations outside of a licensed establishment. This would include venues such as a person's home, a wedding location or a client's office.

Washington

The Board of Washington offers a Personal Service License. This license allows licensed professionals to do work out side of a licensed salon. They may perform their services at a client's home, office or other location that is convenient for the client. They are required to:

- Submit and pay for the Personal Service application.
- Provide company contact information.
- Provide current insurance information. (must maintain a certificate of insurance not less than $100,000 for public liability insurance for combined bodily injury and property damage)
- Answer specific questions related to background information. (criminal and civil)
- Renewable yearly for $110.00.

Washington has 220 active Personal Service Licenses. Currently, they have 60,000 cosmetologist and 12,000 licensed establishments. The cost of the application is $110.00. Implementation of this program was complaint driven.

Oregon

The Board of Oregon offers a Freelance Authorization Application. This authorization allows practitioners to provide services outside of a licensed establishment. They may perform their services at a client's home, office or other location that is convenient for the client. They are required to:

- Submit and pay for the Freelance Authorization Application.
- List current, valid Oregon Cosmetology practitioners' certifications.
- Submit examination fee of $35.00 and pass the Oregon laws and rules examination. (Completion of the examination is not required if the applicant passed the Oregon Laws & Rules Examination within two years before the date of the application for Freelance Authorization.)
- Provide a current copy of the Assumed Business Name (ABN).
- Submit a current registration as required by the Secretary of the State, Corporations Divisions.
- Answer specific questions related to background information (criminal and civil).
- Renewable yearly for $100.00.

The cost of the application is $125.00. (application fee and authorization fee)

No Attachment