CALIFORNIA
BOARD OF BARBERING AND COSMETOLOGY

JANUARY 12, 2015

Board Meeting
Department of Consumer Affairs
Handlery Hotel
950 Hotel Circle North
San Diego, CA 92108

Richard Hedges, Public Member, President

Dr. Kari Williams, Industry Member, Vice President

Mary Lou Amaro, Industry Member

Bobbie Anderson, Public Member

Wen Ling Cheng, Public Member

Andrew Drabkin, Public Member

Joseph Federico, Industry Member

Christie Truc Tran, 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

California State Board of Barbering and Cosmetology

Board Meeting Agenda

Monday, January 12, 2015
10:00 A.M.
Until completion of business

Handlery Hotel
950 Hotel Circle North
San Diego, CA 92108

Additional meeting locations, via teleconference, have been established at:

2405 Kalanianaole Avenue PH – 11
Hilo, HI 96720

1515 Sports Drive
Conference Room
Sacramento, CA 95834

ALL TIMES ARE APPROXIMATE AND SUBJECT TO CHANGE

OPEN SESSION:

1. Call to Order/Roll Call **(Richard Hedges)**

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. Board President's Report **(Richard Hedges)**

4. Executive Officer Report **(Kristy Underwood)**

5. Annual Election of Officers

6. Appointment of Committee Members and Approval of Proposed 2015 Meeting Dates

7. Annual Review and Approval of Board Member Guidelines and Procedures Manual

8. Approval of Board Meeting Minutes

   - October 20, 2014

9. Update from the Enforcement Committee Meeting on December 11, 2014. **(Richard Hedges)**

   - Discussion on Unregulated Services being Offered in Establishments and Medical Offices.

   - Discussion on the Implementation and Enforcement of SB 1159. Relating to Section 30 of the Business and Professions Code.

California State Board of Barbering and Cosmetology

10. Proposed Regulations – Discussion/Review and Approval of Proposed Changes:

    Updates:
    - Relating to Health and Safety Title 16, Division 9, Article 12 of the California Code of Regulations Sections: 977, 978, 979, 980.1, 980.2, 980.3, 981, 982, 983, 987, 991, and 992. Updating health and safety regulations to reflect terms more commonly used in the barbering and cosmetology industry and to make the terms clearer or more detailed.
    - Relating to the Apprenticeship Program Title 16, Division 9, Article 3 of the California Code of Regulations Sections: 914, 918, 921, 921.1 and 921.2
    - Relating to the Removal of Lash/Brow Tinting form the Cosmetology Curriculum Title 16, Division 9, Article 7 of the California Code of Regulations Sections: 950.2, 950.9
    - Relating to the Cross Over and Transfer of Credit of Barbering and Cosmetology Title 16, Division 9, Article 7 of the California Code of Regulations Sections: 950.8, 950.9 and 950.1
    - Relating to Text book Approval Title 16, Division 9, Article 12 of the California Code of Regulations Section: 961

11. Update on Upcoming Sunset Review Hearing

12. Discussion on Proposed Regulatory Changes Regarding Military Applicants.

13. Agenda Items for Next Meeting

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, 11125.7(a)]

15. **CLOSED SESSION:**

    Discussion on Reconsideration and Disciplinary Cases (Closed Pursuant to Government Code Section 11126(c) (3))

OPEN SESSION:

16. 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 Marcene Melliza at (916) 575-7121 or sending a written request to that person at the address noted above.

No Attachment

Quarterly Barbering and Cosmetology Licensing Statistics
Fiscal Year 14/15

Applications Received

	Jul-Sept	Oct-Dec*	Jan- Mar	Apr-June	YTD
Establishment	1,772	986			2,758
Mobile Unit	2	2			2
Barber					
Pre-App	278	156			434
Initial Application	294	171			465
Re-Exam	191	149			340
Sub-Total	***763***	***476***			***1,239***
Reciprocity	62	17			79
Apprentice	135	50			185
Cosmetology					
Pre-App	2,162	1,358			3,520
Initial Application	1,030	704			1,734
Re-Exam	2,601	1,181			3,782
Sub-Total	***5,793***	***3,243***			***9,036***
Reciprocity	540	232			772
Apprentice	179	82			261
Electrology					
Pre-App	11	3			14
Initial Application	1	4			5
Re-Exam	4	2			6
Sub-Total	***16***	***9***			***25***
Reciprocity	3	1			4
Manicuring					
Pre-App	744	432			1,176
Initial Application	1,038	610			1,648
Re-Exam	1,128	693			1,821
Sub-Total	***2,910***	***1,735***			***4,645***
Reciprocity	164	110			274
Esthetician					
Pre-App	697	434			1,131
Initial Application	507	351			858
Re-Exam	501	272			773
Sub-Total	***1,705***	***1,057***			***2,762***
Reciprocity	144	85			229
Total	**14,188**	**14,605**	**0**	**0**	**39,978**

* Stats for October and November only

Examination Results
(October 1, 2014-November 30, 2014)

Practical Examinations

Administered	Passed	Failed	Total	Pass Rate	*DNA
Barber	344	53	397	**87%**	93
Cosmetologist	1,874	377	2,251	**83%**	388
Esthetician	640	146	786	**81%**	78
Electrologist	13	0	13	**100%**	0
Manicurist	911	481	1,392	**65%**	125
TOTAL	**3,782**	**1,057**	**4,839**	**78%**	**684**

*** Did Not Attend**

Written Examinations

Barber	Passed	Failed	Total	Pass Rate
English	244	133	377	**65%**
Spanish	8	5	13	**62%**
Vietnamese	11	1	12	**92%**
Korean	0	0	0	**0%**
TOTAL	**263**	**139**	**402**	**65%**

Cosmetologist	Passed	Failed	Total	Pass Rate
English	2,241	266	2,507	**89%**
Spanish	71	120	191	**37%**
Vietnamese	233	34	267	**87%**
Korean	16	5	21	**76%**
TOTAL	**2,545**	**420**	**2,965**	**86%**

Manicurist	Passed	Failed	Total	Pass Rate
English	315	60	375	**84%**
Spanish	7	2	9	**78%**
Vietnamese	1,048	164	1,212	**86%**
Korean	9	0	9	**100%**
TOTAL	**1,370**	**226**	**1,596**	**86%**

Esthetician	Passed	Failed	Total	Pass Rate
English	567	56	623	**91%**
Spanish	3	0	3	**100%**
Vietnamese	176	23	199	**88%**
Korean	11	0	11	**100%**
TOTAL	**757**	**79**	**825**	**92%**

Electrologist	Passed	Failed	Total	Pass Rate
English	5	3	8	**63%**
Spanish	0	0	0	**0%**
Vietnamese	0	0	0	**0%**
Korean	0	0	0	**0%**
TOTAL	**5**	**3**	**8**	**63%**

Licenses Issued

	Jul-Sept	Oct-Dec*	Jan- Mar	Apr-June	YTD
Establishment	1,614	1,103			2,717
Mobile Unit	2	2			4
Barber	497	297			794
Barber Apprentice	116	36			152
Cosmetology	3,014	2,609			5,623
Cosmetology Apprentice	142	68			210
Electrology	6	6			12
Electrology Apprentice	0	0			0
Manicuring	1,451	1,173			2,624
Esthetician	1,345	746			2,091
Total	**8,187**	**6,040**	**0**	**0**	**14,227**

* Stats for October and November only

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

QUARTERLY BARBERING AND COSMETOLOGY DISCIPLINARY REVIEW COMMITTEE STATISTICS

Fiscal Year 14-15

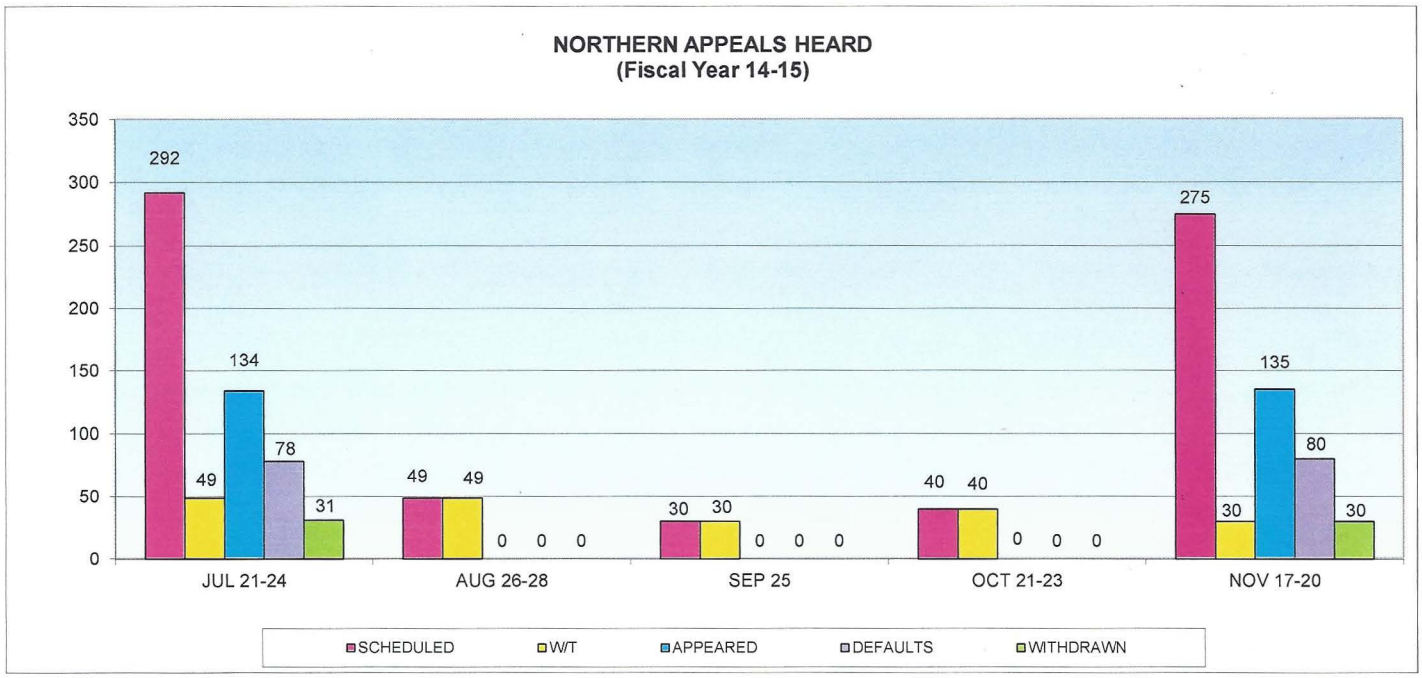
Report Date: November 30, 2014

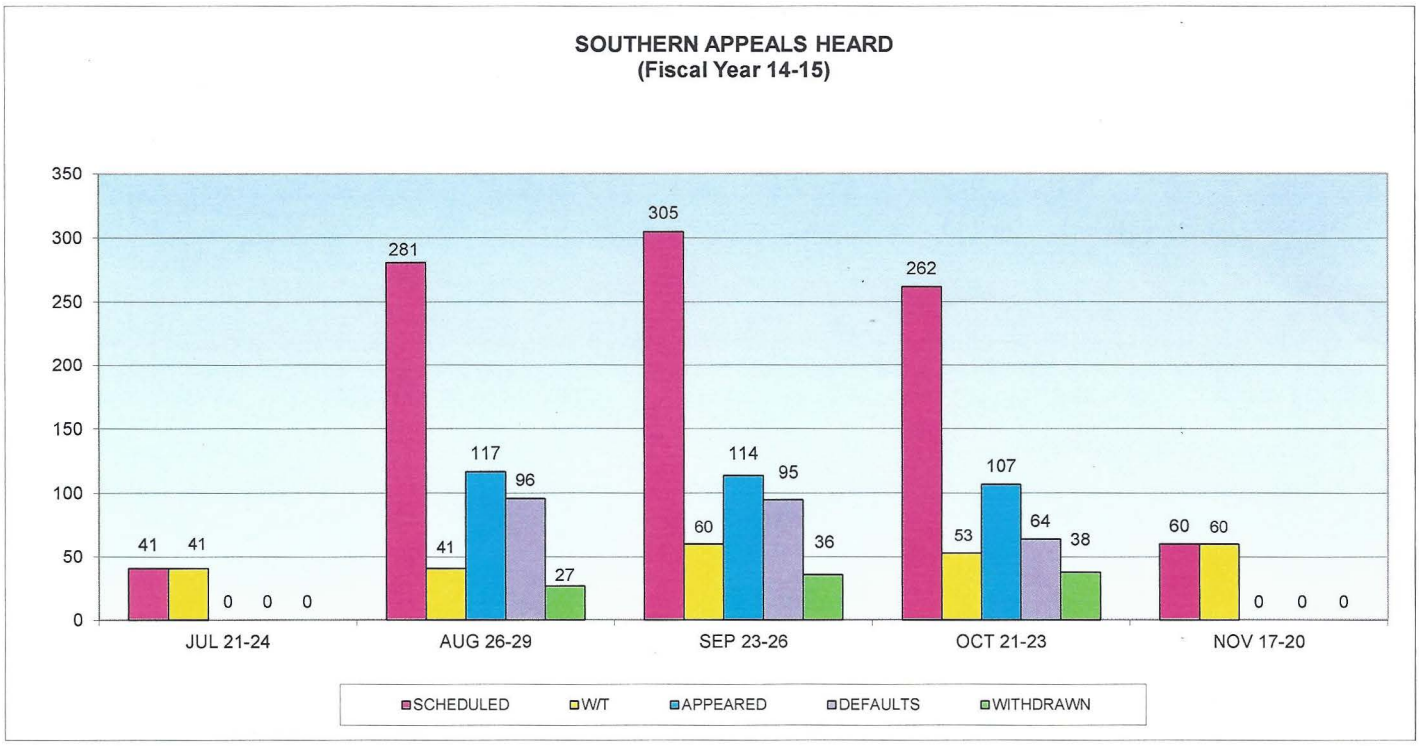
	October - November	YTD
NORTHERN		
Heard	315	686
Received	184	482
Pending[1]	477	477[2]
SOUTHERN		
Heard	322	949
Received	285	687
Pending[1]	680	680[2]

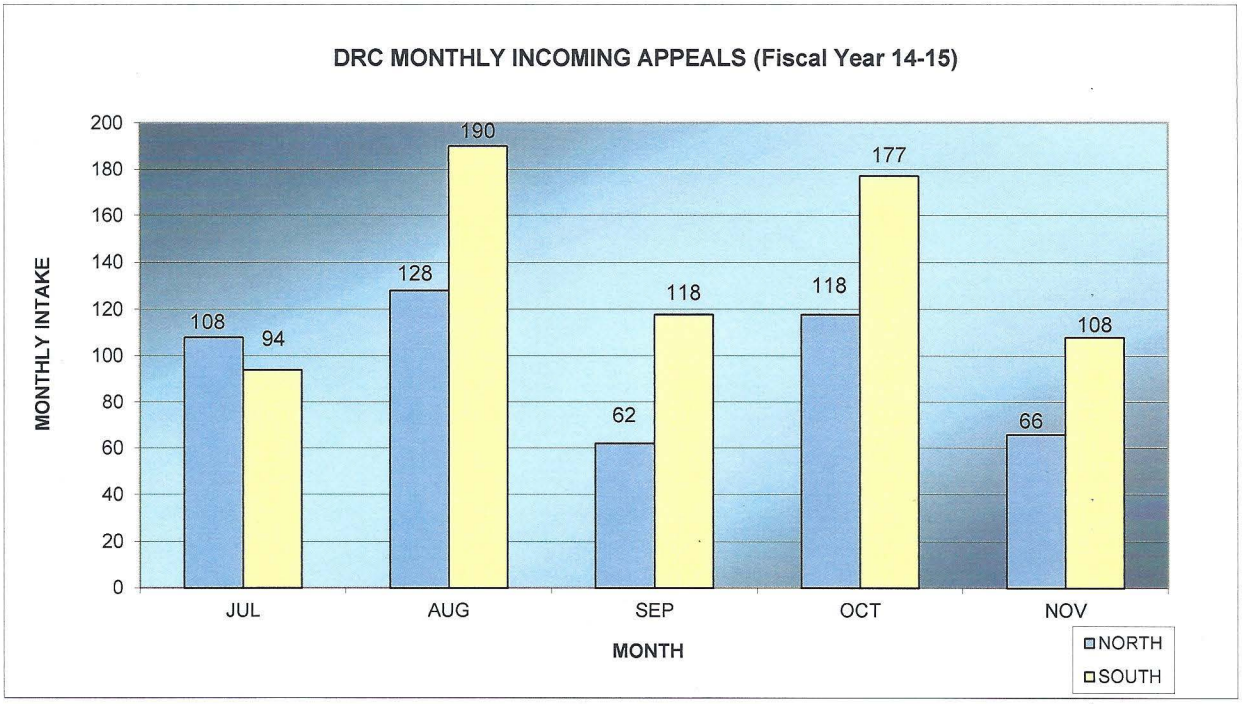
[1] Pending refers to the number of appeals received but not yet heard by DRC.
[2]Figure represents number of pending requests as of report date.

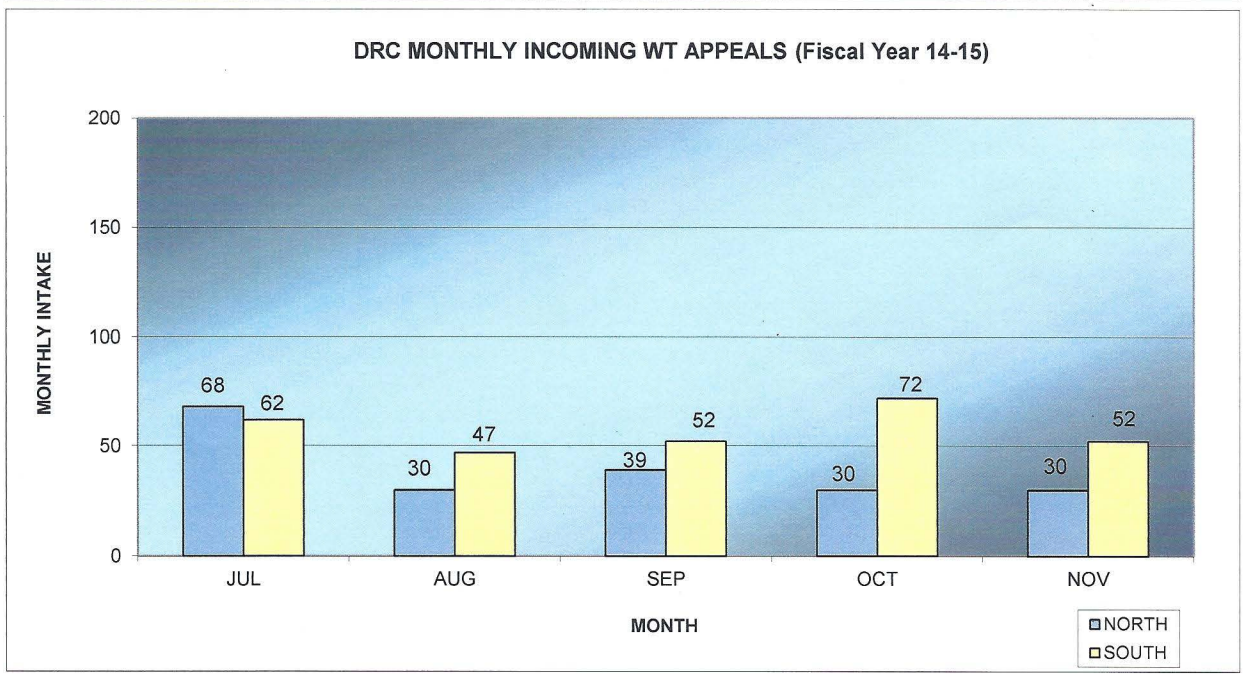
2015 SCHEDULED HEARINGS

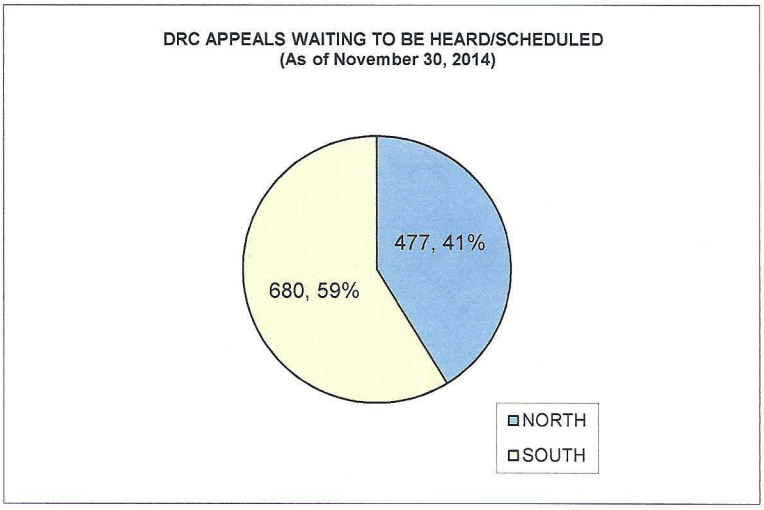
Area	Location	Date
Southern	San Diego	January 14-16, 2015
Northern	Sacramento	February 23-26, 2015
Southern	Norwalk	March 24-27, 2015
Northern	Sacramento	April 21-24, 2015
Southern	Los Angeles	May 18-21, 2015
Northern	Sacramento	June 22-25, 2015


NORTHERN APPEALS HEARD
(Fiscal Year 14-15)
350
300
250
200
150
100
50
0
292
49
134
78
31
49
49
0
0
0
30
30
0
0
0
40
40
0
0
0
275
30
135
80
30
JUL 21-24
AUG 26-28
SEP 25
OCT 21-23
NOV 17-20
SCHEDULED
W/T
APPEARED
DEFAULTS
WITHDRAWN


SOUTHERN APPEALS HEARD
(Fiscal Year 14-15)
350
300
250
200
150
100
50
0
41
41
0
0
0
281
41
117
96
27
305
60
114
95
36
262
53
107
64
38
60
60
0
0
0
JUL 21-24
AUG 26-29
SEP 23-26
OCT 21-23
NOV 17-20
SCHEDULED
W/T
APPEARED
DEFAULTS
WITHDRAWN


DRC MONTHLY INCOMING APPEALS (Fiscal Year 14-15)
MONTHLY INTAKE
200
180
160
140
120
100
80
60
40
20
0
108
94
128
190
62
118
118
177
66
108
JUL
AUG
SEP
OCT
NOV
MONTH
NORTH
SOUTH


DRC MONTHLY INCOMING WT APPEALS (Fiscal Year 14-15)
MONTHLY INTAKE
200
150
100
50
0
68
62
30
47
39
52
30
72
30
52
JUL
AUG
SEP
OCT
NOV
MONTH
NORTH
SOUTH


DRC APPEALS WAITING TO BE HEARD/SCHEDULED
(As of November 30, 2014)
477, 41%
680, 59%
NORTH
SOUTH

QUARTERLY BARBERING AND COSMETOLOGY
ENFORCEMENT STATISTICS Fiscal Year 14-15

Agenda Item #4

	Jul-Sept	Oct-Dec	Jan- Mar	Apr-Jun*	YTD*
COMPLAINTS					
Complaints Received	984	405	0	0	1389
Referred to DOI	0	0	0	0	0
Complaints Closed	1146	362	0	0	1508
Total Complaints Pending	1092	1042			1092
APPLICATION INVESTIGATIONS					
Received	349	139	0	0	488
Pending	0	23			9
Closed	496	142	0	0	638
ATTORNEY GENERAL					
Referred	7	3	0	0	10
Accusations Filed	15	6	0	0	21
Statement of Issues Filed	0	0	0	0	0
Total Pending	101	90			90
DISCIPLINARY PROCESS					
Proposed Decisions	0	0			0
Default Decision	5	3			8
Stipulation	5	2			7
DISCIPLINARY OUTCOMES					
Revocation	6	6	0	0	12
Revoke, Stay, Probation	2	0	0	0	2
Revoke, Stay, Suspend/Prob	2	2	0	0	4
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	5	2	0	0	7
Surrender of License	2	0	0	0	2
Public Reprimands	0	0	0	0	0
License Denied	0	0	0	0	0
Other	0	0	0	0	0
Total	17	10	0	0	27
PROBATION					
Active	164	157			
	Jul-Sept	**Oct-Dec**	**Jan- Mar**	**Apr-Jun**	**YTD**
CITATIONS					
Establishments	2805	1306			4111
Barber	225	93			318
Barber Apprentice	22	6			28
Cosmetologist	1173	531			1704
Cosmetologist Apprentice	18	4			22
Electrologist	0	0			0
Electrologist Apprentice	0	0			0
Manicurist	793	332			1125
Esthetician	68	50			118
Unlicensed Est.	126	48			174
Unlicensed Individual	115	77			192
Total	5345	2447			7792
INSPECTIONS					
Establishments w/ violations	3339	1582			4921
Establishments w/o violations	713	524			1237
Total	4052	2106			6158

Citations and Inspections quarterly stats for Oct-Dec do not include December

BarberCosmo
Board of Barbering & Cosmetology

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR
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

Budget Updates

Constraints:

On April 26, 2011, the Governor issued Executive Order B-06-11 prohibiting in state or out-of-state travel unless it is mission critical or there is no cost to the state. The Board prepared a reduction plan for FY 2014-15. The plan included reducing the amount of staff who travel to Southern California to conduct disciplinary review hearings from three (3) staff to two (2) staff. All travel must be mission critical and pre-approved by the Boards' Executive Officer.

1. Budget 2014/15 Fiscal Year (July 2014 - June 2015):

Attachment 1 displays projected expenditures for end of the year.

Board of Barbering and Cosmetology
Fiscal Year 2014/2015
Projected Expenditures 11/30/14

Personnel Services	ALLOTMENT	BBC Projected Expenditures	Projected Year
Permanent	4,013,845	3,908,036	105,809
Expert Examiners	452,554	452,554	0
Temporary	134,000	191,138	(57,138)
BL 12-03 Blanket	0	147,924	147,924
Statutory-Exempt	103,608	108,852	(5,244)
Board Member Commission	0	16,000	(16,000)
Overtime	0	45,000	(45,000)
Total Salary & Wages	**4,704,007**	**4,869,504**	**130,351**
Net Salary & Wages	**4,704,007**	**4,869,504**	**(165,497)**
Staff Benefits	2,099,320	2,024,281	75,039
Total of Personnel Services	**6,803,327**	**6,893,785**	**(90,458)**

Operating Expenses & Equipment (OE&E)	Allotment	BBC Projected Expenditures	Projected Year End Balance
General Expense	191,511	159,000	32,511
Printing	168,413	201,011	(32,598)
Communication	40,605	39,000	1,605
Postage	40,605	211,000	(170,395)
Insurance	4,489	3,268	1,221
Travel In State	82,789	147,000	(64,211)
Travel, Out-of-State	0	0	0
Training	10,513	25	10,488
Facilities Operations	1,288,599	1,105,582	183,017
Consultant & Professional Svs. - Interdept.	125,781	1,500	124,281
Consultant & Professional Svs. - External	486,506	322,995	163,511
Depart. and Central Admin. Services	6,896,230	7,277,863	(381,633)
Consolidated Data Center	68,468	16,000	52,468
DP Maintenance	38,376	70,000	(31,624)
Central Admin Pro Rata	1,068,771	765,459	303,312
Examinations	1,394,177	2,196,703	(802,526)
Major Equipment	72,200	5,579	66,621
Minor Equipment	44,850	16,471	28,379
Other Items of Expense	7,288	1,000	6,288
Vehicle Operations	37,784	69,549	(31,765)
Enforcement	1,938,365	885,938	1,052,427
Special Items of Expenses	0	0	0
Required OE&E Savings		0	0
Total Operating Expenses & Equipment	14,006,320	13,494,943	511,377
Total Personal Services Expenses	21,352,273	21,165,726	(36,113)
Total reimbursements	(57,000)		
Total	**20,752,647**	**21,165,726**	**475,264**

0069 - Barbering and Cosmetology
Analysis of Fund Condition

Prepared 12/19/14

(Dollars in Thousands)

NOTE: $21 Million General Fund Repayment Outstanding

		ACTUAL 2013-14	CY 2014-15	BY 2015-16
BEGINNING BALANCE		$ 13,833	$ 15,919	$ 16,644
Prior Year Adjustment		$ 893	$ -	$ -
Adjusted Beginning Balance		$ 14,726	$ 15,919	$ 16,644
REVENUES AND TRANSFERS				
Revenues:				
125600	Other regulatory fees	$ 4,953	$ 5,101	$ 5,254
125700	Other regulatory licenses and permits	$ 4,990	$ 4,982	$ 5,219
125800	Renewal fees	$ 10,796	$ 11,084	$ 11,449
125900	Delinquent fees	$ 846	$ 871	$ 897
141200	Sales of documents	$ -	$ -	$ -
142500	Miscellaneous services to the public	$ -	$ -	$ -
150300	Income from surplus money investments	$ 32	$ 51	$ 55
150500	Interest Income from Interfund Loans	$ -	$ -	$ -
160400	Sale of fixed assets	$ -	$ -	$ -
161000	Escheat of unclaimed checks and warrants	$ 8	$ -	$ -
161400	Miscellaneous revenues	$ 9	$ -	$ -
Totals, Revenues		$ 21,634	$ 22,089	$ 22,874
Transfers from Other Funds				
Proposed GF Loan Repayment				
Transfers to Other Funds				
GF Loan per item 1110-011-0069, Budget Act of 2011				
Totals, Revenues and Transfers		$ 21,634	$ 22,089	$ 22,874
Totals, Resources		$ 36,360	$ 38,008	$ 39,518
EXPENDITURES				
Disbursements:				
0840 State Controller (State Operations)			$ -	$ -
1110 Program Expenditures (State Operations)		$ 20,348	$ 21,347	$ 19,170
1111 Program Expenditures (State Operations)				
8880 Financial Information System for California (State Ops)		$ 93	$ 17	$ 38
9670 Equity Claims / Board of Control (State Operations)		$ -	$ -	$ -
Total Disbursements		$ 20,441	$ 21,364	$ 19,208
FUND BALANCE				
Reserve for economic uncertainties		$ 15,919	$ 16,644	$ 20,310
Months in Reserve		8.9	10.4	12.5

NOTES:

A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ON-GOING.

B. ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR BEGINNING IN BY+1.

C. ASSUMES INTEREST RATE AT 0.3%.

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.
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

BarberCosmo
Board of Barbering & Cosmetology

FY 14-15 Outreach/Industry Events

Participated:

- August 23, 2014 — San Jose Face & Body (San Jose)
  Speakers: Kristy Underwood, Tami Guess and Marcene Melliza
- August 29, 2014 — Telemundo 52 Interview (La Habra)
  Topic: Safe Sandal Season
  Speaker: Julie Espinosa
- September 8, 2014 — Vietnamese Town Hall Meeting (Westminster)
  Attendees: Kristy Underwood, Tami Guess, Marcene Melliza and Patricia Garcia
- September 21, 2014 — Nail Pro Show (Sacramento)
  Attendees: Marcene Melliza and Patricia Garcia
- December 12, 2014 — Parlier High School Career/College Faire (Parlier)
  Attendees: MaryLou Amaro

Tentatively Scheduled:

- January 24 – 26, 2015 — ISSE – Long Beach Convention Center
  Attendees: Marcene Melliza, Tami Guess and Patricia Garcia

No Attachment

BUSINESS, CONSUMER SERVICES, AND HOUSING 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

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.

Proposed Meeting Date: March 23, 2015
June 26, 2015

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.

Proposed Meeting Date: March 23, 2015
June 26, 2015

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.

Proposed Meeting Date: March 23, 2015
June 26, 2015

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.

Proposed Meeting Date: March 23, 2015
June 26, 2015

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.

Proposed Meeting Dates:

January 14-16, 2015
February 23-26, 2015
March 24-27, 2015
April 21-24, 2015
May 18-21, 2015
June 22-25, 2015
July 22-24, 2015
August 24-27, 2015
September 21-24, 2015
October 21-23, 2015
November 16-18, 2015
December 14-16, 2015

January 2015

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
				1 HOLIDAY	2	3
4	5	6	7	8	9	10
11	12 BOARD MEETING SAN DIEGO	13 BOARD MEETING SAN DIEGO	14 DRC SAN DIEGO	15 DRC SAN DIEGO	16 DRC SAN DIEGO	17
18	19 HOLIDAY	20	21	22	23	24
25	26	27	28	29	30	31

February 2015

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16 HOLIDAY	17	18	19	20	21
22	23 DRC SACRAMENTO	24 DRC SACRAMENTO	25 DRC SACRAMENTO	26 DRC SACRAMENTO	27	28

March 2015

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23 Legislative Committee Outreach Committee Legislative Committee Outreach Committee	24 DRC NORWALK	25 DRC NORWALK	26 DRC NORWALK	27 DRC NORWALK	28
29	30	31 HOLIDAY				

April 2015

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1	2	3	4
5	6 NIC Webcast	7	8	9	10	11
12	13	14	15	16	17	18
19	20 BOARD MEETING SACRAMENTO	21 DRC SACRAMENTO	22 DRC SACRAMENTO	23 DRC SACRAMENTO	24 DRC SACRAMENTO	25
26	27	28	29	30		

May 2015

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18 DRC LOS ANGELES	19 DRC LOS ANGELES	20 DRC LOS ANGELES	21 DRC LOS ANGELES	22	23
24	25 HOLIDAY	26	27	28	29	30
31						

June 2015

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22 DRC SACRAMENTO	23 DRC SACRAMENTO	24 DRC SACRAMENTO	25 DRC SACRAMENTO	26 Legislative Committee Outreach Committee Legislative Committee Outreach Committee	27
28	29	30				

July 2015

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1	2	3	4 HOLIDAY
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20 BOARD MEETING COSTA MESA	21 BOARD MEETING COSTA MESA	22 DRC COSTA MESA	23 DRC COSTA MESA	24 DRC COSTA MESA	25
26	27	28	29	30	31	

August 2015

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24 DRC SACRAMENTO	25 DRC SACRAMENTO	26 DRC SACRAMENTO	27 DRC SACRAMENTO	28	29
30	31					

September 2015

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		1	2	3	4	5
6	7 HOLIDAY	8	9	10	11	12
13	14	15	16	17	18	19
20	21 DRC SAN DIEGO	22 DRC SAN DIEGO	23 DRC SAN DIEGO	24 DRC SAN DIEGO	25	26
27	28	29	30			

October 2015

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15 NIC Webcast	16	17
18	19 BOARD MEETING SAN MATEO	20 BOARD MEETING SAN MATEO	21 DRC SAN MATEO	22 DRC SAN MATEO	23 DRC SAN MATEO	24
25	26	27	28	29	30	31

November 2015

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1	2	3	4	5	6	7
8	9	10	11 HOLIDAY	12	13	14
15	16 DRC NORWALK	17 DRC NORWALK	18 DRC NORWALK	19	20	21
22	23	24	25 HOLIDAY	26 HOLIDAY	27	28
29	30					

December 2015

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		1	2	3	4	5
6	7	8	9	10	11	12
13	14 DRC SACRAMENTO	15 DRC SACRAMENTO	16 DRC SACRAMENTO	17	18	19
20	21	22	23	24	25 HOLIDAY	26
27	28	29	30	31		

No Attachment

BusinessCosmo
Board of Barbering & Cosmetology

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR
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

MINUTES OF OCTOBER 20, 2014 BOARD MEETING

Four Points by Sheraton
11960 Foothill Boulevard
Rancho Cucamonga, CA 917339

Additional meeting location via teleconference:
1515 Sports Drive
Sacramento, CA 95834

BOARD MEMBERS PRESENT
Richard Hedges, President
Dr. Kari Williams, Vice President
Mary Lou Amaro
Bobbie Anderson
Christie Truc Tran

TELECONFERENCED MEMBERS
Joseph Federico
Andrew Drabkin

STAFF MEMBERS PRESENT
Kristy Underwood, Executive Officer
Gary Duke, Legal Counsel
Tami Guess, Board Policy Analyst

BOARD MEMBERS ABSENT
Wen Ling Cheng

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

Mr. Hedges called the meeting to order at 10:00 a.m. The Board members and staff introduced themselves.

2. Agenda Item #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)]

Public Comment

Rich Hines of Covered California, gave a brief overview of the Covered California Insurance plan. In the year 2014, Covered California enrolled 3.3 million new members, 1.4 through Covered California on the individual exchange and 1.9 million on Medi-Cal. Primarily, Covered California goes through insurance agents and brokers. The website is: www.CoveredCA.com. The new open enrollment period is November 15th, 2014 through February 15th, 2015.

Ken Williams stated for many years the Board has looked at natural hair and braiding as a subject of concern. There was indication that there were no textbooks that really governed braiding. He presented the New Milady's Text on Natural Hair Styling. He thinks braiders have earned a right to have some type of certification in California and he believes braiders should be included, instead of excluded, in some kind of certification or licensing. Braiders should be well educated in health and safety. His school offers formal training for braiding and natural hair. In addition, he would like the Board to entertain the possibility of having the written exam given prior to the completion of Board mandated training hours.

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

It was noted that since Board meetings are regularly webcasted, the public attendance at the meetings have declined. Mr. Hedges encouraged the public to attend the Board meetings and offer public comments. Mr. Hedges expressed appreciation for the comments made by Rich Hines, the Covered California representative.

Mr. Hedges noted the Board needs to hire more inspectors. Board inspectors write an inspection report, summarizing what they have observed during an inspection. A copy of this report is given to the practitioner. In addition, the Cite and Fine unit also receives a copy. The unit reviews the report and decides whether or not to cite, based on the content of the report and submitted photographs. The practitioner may decide to appeal the citation issued by the Cite and Fine unit.

Currently, appeals heard in the Disciplinary Review Committee (DRC) forum can take up to 90 days to schedule. There are approximately 500,000 practitioners in the industry. The DRC receives 40 to 60 appeal requests a week. The DRC has been meeting four days a month, in an effort to reduce current backlog.

The Enforcement Committee met on October 16th, 2014.

4. Agenda Item #4, Executive Officer Report

Ms. Underwood directed the Board's attention to the attached Board statistics contained in the meeting materials. The BreEZe database now has the capability to produce quarterly statistics. Staff can now pull data on what type of applications are received. Staff can compile the number of pre-applications, initial applications and/or re-exam applications received by the Board.

The Board went live with new Barber exam scoring method on October 1st, 2014.

Staff has received approval to travel to the ISSE show in January 2015, Long Beach, California. The Board will have an informational booth.

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

A motion was made by Dr. Kari Williams and seconded by Ms. Bobbie Anderson, to approve the Minutes from the July 28, 2014, Board meeting. The motion was approved by a 7-0 vote.

A motion was made by Dr. Kari Williams and seconded by Ms. Mary Lou Amaro, to approve the Minutes from the September 4, 2014, Board meeting. The motion was approved by a 7-0 vote.

6. Agenda Item #6, Proposed Regulations -- Discussion/Review and Approval of Proposed Changes

- Health and Safety Regulations: At the last meeting, the Board approved language which included technical changes from the Department of Public Health. A 15-day notice was sent out to the public. Public comments were received and are included in the meeting materials

packet. Staff does not feel the comments warrant any changes. The final language is in today's packet. Upon the Board's approval today, the proposed regulation changes will be forwarded to the Department of Consumer Affairs (DCA) and Office of Administrative Law (OAL). A motion was made by Ms. Bobbie Anderson and seconded by Dr. Kari Williams, to approve the final language. The motion was approved by a 7-0 vote.

- Apprenticeship Program: The Apprenticeship Program regulation changes are being review by the OAL.

- Lash and Brow Tinting: The proposed regulation changes are being reviewed by the OAL.

- Cross Over and Transfer of Credit of Barbering and Cosmetology: The proposed cross-over course regulations are with the DCA. Once approved, they will be forwarded to the OAL.

- Text and Reference Books: The final statement of reasons is before the Board today. Staff would like a motion to approve the language as listed in the meeting materials. A motion was made by Dr. Kari Williams and seconded by Ms. Bobbie Anderson, to approve the final language on the text and reference books. The motion was approved by a 7-0 vote.

7. Agenda Item #7, Update and Discussion of Proposed Bills That Could Impact BBC

- Senate Bill 1159 - Federal Tax Identification Number

  Senate Bill 1159 was signed by the Governor. The bill allows the Board to use an Individual Tax Identification number (ITIN) instead of a Social Security number (SSN), to schedule Board examinations and issue licenses. The Board has until January 2016 to effect regulations to implement this bill. Many people who come to the United States are working and are not paying taxes and they are not being tested in order to have minimum competency. With the changes brought forth in SB 1159, they will be able to work legally and pay taxes and the public will be reasonably secure that these individuals have been educated in Health and Safety.

8. Agenda Item #8, Approval of the 2014 Sunset Review Report

The final Sunset Review Report is included in the packets. The last review was in 2012. A large portion of the report is background data.

Section 11 presents the new issues the Board would like the Legislature to consider during the Sunset Review. The report is due to the Legislature on November 1st, 2014. The hearing will be held in March of 2015. The date of the hearing will be posted on the Board's website.

During the Board's Sunset Review, the Legislature will be asked for statutory authority to designate booth rental licensure. Staff is recommending that the Board adopt legislative language to allow for booth rental.

Public Comment

Jerry Tyler: In California alone, probably between 70 and 90 percent of all individuals working in salons are independent contractors. He indicated that freelance individuals are the real leaders within the industry. Licensees are experiencing a challenge due to the fact that most work in multiple locations at different salons. He would like the Board to investigate a way for individuals to obtain a mobile license. Licensees could be fingerprinted and carry a small card that identifies they are licensed by the Board. He feels that if the Board pursues a freelance authorization, the authorization should be tied to the State's

independent contractors license. He suggested the Board reach out to the Industry unions and gather their input on the practicality of mobile licensure.

Fred Jones, Professional Beauty Federation of California, stated the PBFC is in support of the Board enacting a booth renter's license. Mr. Jones concurs with Mr. Tyler's comments. As he envisions this process, the Legislature will grant authority to establish a booth rental license and it will be incumbent upon the Board to develop the details/regulations of that process. PBFC looks forward to providing an incentive in the regulations to encourage booth renters to supply liability coverage, thereby protecting their clientele. It is PBFC's position to encourage liability insurance coverage, not to mandate insurance coverage.

Andre Nizetich supports the licensure of booth renters.

The issue of early written testing is being recommended within the Sunset Review report. This is in the Sunset Review because it would take extensive legislative changes to the Act due to defined statutes that state the exam is only to be administered to students upon the completion of school required theory hours and practical training applications. Staff is purposing to the Legislature, that the written exam be allowed to be taken prior to the completion of theory/practical instruction. Staff has not been specific, at this time, on the completed hours required prior to taking the early examination.

Public Comment

Ken Williams: Is in support of early written testing. He hopes that in the future, the BBC will govern all things pertaining to cosmetology, including sole oversight of the barber, cosmetology and electrology schools.

Ms. Lynelle Lynch, Bellus Academy: Applauds the Board for taking on the issue of early written testing.

Jerry Tyler: Stated the longer a future professional is away from the educational culture the harder it is for them to retain what they have learned. He felt that if a student were allowed to test at 1200 hours, even if they failed the exam, they would still have the opportunity to get educational support from the school prior to leaving the school.

Ms. Underwood indicated that the BreEZe online database is up and working. The Board is receiving re-exam applications which are being processed within a one week period. This means anyone who fails the written examination, is able to reapply and is able to re-test within a week from the date of the prior failed written examination.

Included in the Sunset Report is a recommendation for enacting a freelance authorization. This would require a statute change.

Public Comment

Jerry Tyler: Felt this kind of authorization could be a slippery slope. There are so many areas of freelance activities. He wants to make sure that freelancers do not get put in a box. If the Board tries to make the regulation too particular, it will have to re-regulate it and re-legislate it constantly. He would like to see any proposed freelance authorization tied to an independent contractor's license.

Jamie Schrabeck, Precision Nails: This topic is something she has repeatedly encouraged the Board to address. She wants to be sure that the Board does not confuse the terminology. Using the term freelance could be confusing. The term freelance has more to do with the employment status of the person as opposed to where the services are being

performed. She prefers the term mobile license. These services are being performed ir places that are not licensed establishments.

The next item considered in the Sunset Report is industry certification. The Board supported this concept in Assembly Bill 1153. However, AB 1153 did not make it through the Legislative process This item is asking for a Statute to be added that recognizes industry certification of advancec practices. The certification is confirmed by the industry, not necessarily by the Board but witl Board's approved standards for that certification. Dr. Kari Williams stated that as a licensee, she is very excited about this concept. She has always wanted something tangible that expresses the educational investment. Ms. Amaro is in full support of industry certification. She stressed the necessity of education in order to stay current with trends and health and safety. Mr. Hedges wants to make sure the Board has full control over which associations are approved to issue industry certifications.

Public Comment

Fred Jones is in strong support of this effort. The PBFC supported the previous bill (AE 1153). The vision the Board has, and that the PBFC supports, is a non-mandatory opportunity to provide State Board recognition of quality continuing advanced education. I a licensee chooses to go to a vendor that measures up to the minimum standards set by the Board, then the Board will provide official recognition of that continuing education.

Andre Nizetich, American Board of Certified Hair colorists: The American Board of Certifiec Hair colorist is an institution that was formed to raise the standard of the professional hai colorist. His organization has managed to stay clear of any manufacturer sponsorship anc yet they have managed to have a thousand members nationwide that have passed a very stringent examination. He suggests providing graduates, for a very low fee, the opportunity to take tests online and start learning haircolor generically as opposed tc manufacturer-sponsored education. The website is www.haircolorists.com.

Thelma Price, past President of the California Cosmetology Association: She is in suppor of continuing education. She would like to see Instructors pursue continuing education She would like the Board to consider bringing back the Instructors license.

Peter Westbrook, Riverside Community College: He supports certification recognition. He stated, going through the chancellor's office to be certified and going through the publi sector is a daunting task. He hopes that the Board will consider that the programs that are certified through the chancellors should have automatic recognition with the Board as bein a certificate program or class approved by the Board.

Jerry Tyler: He complimented the Board on its efforts in the certification project. He felt the Board could use continuing education as an ongoing way to reach out to licensees with nev standards in healthcare. He suggested a continuing education requirement be attached tc the renewal of a license as a way of reaching licensees and ensuring that they are keepin up with industry standards.

Julie Perez, licensed cosmetologist. She is currently going through the teacher/instructo training program at Riverside Community College. She is hearing two different subject being discussed. She is hearing discussion on a certification program and a licensing witl higher education plan. Mr. Hedges stated that it is industry certification, not licensing. Sh stated that when she gets her renewal license in the State of Nevada, she is required to g online and find out all the new State Board requirements and receive health and safet training prior to renewing her license. She thinks California should have continuin education so that licensees know what is going on as far as health and safety.

Included as a new issue of the Sunset Report is the Board's Report on Natural Hair Care and Braiding.

Dr. Kari Williams stated that one of the issues discussed in the last Board meeting is the Board's difficulty in producing actual cases of consumer harm done by Natural Hair Care/Braiding practitioners. There is difficulty in citing a practitioner, as oftentimes, the consumer feels shame and embarrassment and feels possibly that they have done something to contribute to the harm. In addition, there really is no place for consumers to go to report harm. The Board does realize that oftentimes this practice is done by unlicensed individuals, working out of their home, so there is no formal way to report consumer harm within the industry. The Board is working hard to try to document this form of harm, knowing that there is a necessity to have some form of oversight and licensure for this particular haircare practice. The art of braiding, locking, and twisting is extends beyond the African-American community to other ethnic groups.

Public Comment

Ken Williams, Universal College of Beauty: This is a subject he feels very close to because he operates a beauty college and most of the clientele, as well as, his students are African-American. This is an issue as to whether or not someone should receive training for a very extensive type of service. African-American braids can take up to 10, 15 hours of time. The reverse process also takes a long time. He feels encouraged that the Board is moving in the right direction and doing it speedily. He urged the Board to stay motivated in the pursuit of this licensure. He would like to see every Board member support Natural Hair Care/Braiding licensure. He suggested the Board try to poll as many Braiders as possible to see how the industry feels on the issue.

Jerry Tyler: Previously when the State was looking at licensing braiders, there was no real strong evidence of consumer harm. In addition, there was nothing in textbooks to support the training of braiders. At that time, the Board could not demonstrate a real need for control or regulation. So, braiding was deregulated. Now, things have changed. Milady's currently offers a textbook that addresses training in Natural Hair Care/Braiding. He fully supports the Board's decision to pursue Natural Hair Care/Braiding licensure.

Cynthia King, Universal College of Beauty (UCB), is a braider and has seen cases where there is too much tension applied to the braids, resulting in traction alopecia. She is in support of a Natural Hair Care/Braiding license.

Ms. Jaclyn Glover, cosmetologist, hair stylist: Supports braiding certification as opposed to licensure. She feels that many times licensed cosmetologists are receiving blame for hair loss issues that originated by a previous unlicensed braiders work. She feels braiders should be held accountable for their work.

Mr. Andre Nizetich summarized the Cornwall vs. the State Board case. He suggested the Board exercise caution in this pursuit as the Legislature has previously already moved to remove braiding from the cosmetology curriculum. He does not think the Board should ask for licensure without adding training in braiding to the cosmetology curriculum. Mr. Hedges clarified that the Board was asking for legislation that would allow the Board to include it in the cosmetology curriculum.

Sharon, student at UCB, as a braider herself, thinks that braiders do need education. She showed the Board her hair, as an example of traction alopecia, due to hair loss as a result of undue tension on her hair. She has received formal education on how to properly loosen braids and combat traction alopecia. She feels all braiders could benefit from this kind of training.

The next issue included in the Sunset report is sole oversight of the barbering, cosmetology and electrology schools. This has been an ongoing issue. Currently, the Board shares oversight with the Bureau for Private Post-Secondary Education (BPPE). Staff feels that it is still important to continue to move forward and address this with the Legislature. The Board does feel it is the appropriate entity to regulate barbering, cosmetology, and electrology schools.

Public Comment

Ms. Lynelle Lynch, Belles Academy, commented that there are federal regulations on how you need to be stated (or named), as an educational entity for higher education, so that schools still will qualify for Title 4 provisions. There are programs that schools, like hers, have that don't fall under the cosmetology act. (i.e. massage) She thinks that if the Board does receive sole oversight over the schools, it should be mindful of these programs.

Fred Jones: PBFC is in strong support of the Board receiving sole oversight of the barbering, cosmetology and electrology schools.

Jerry Tyler: Dual oversight has long been the Achilles heel of our industry in California. Dual oversight has long been a huge barrier because at no time have these two entities ever worked in concert. He believes this Board has more than proven that it deserves the sole oversight.

The Board has noted several cases of schools selling hours. The Board continues to investigate closed schools that sell hours. The Board struggles with this type of investigation due to the fact that it does not have the authority to look at student records. These types of investigations have been at a huge cost to the Board. Staff still believes there are numerous schools existing today that are selling hours to students. Any cases involving active/open schools selling hours have been referred to the BPPE due to such cases falling within their jurisdiction.

Ken Williams: Stated he has firsthand knowledge of the difficulty students are experiencing in dealing with the BPPE, as he is a school owner and has attempted to accept students from schools that have suddenly closed. He stated that many times he has been unsuccessful in obtaining student record of hours from the BPPE. He felt that if the BPPE collected data from the closed schools, students would not have difficulty transferring to open schools. He encouraged the Board to take a strong stance with the Legislature in gaining sole oversight of the schools.

The last issue that the Board is taking forward in the Sunset Report is title protection for all license types. Right now, the Statutes only allow for title protection of cosmetologists and barbers. You cannot call yourself a cosmetologist/barber unless you have a license issued by the BBC. The BBC does not have that same provision for manicurists, estheticians, or electrologists. BBC would like to have title protection for all of its license types.

A motion was made by Dr. Kari Williams and seconded by Ms. Bobbie Anderson to approve the Sunset report with minor grammatical changes. The motion passed with a vote of 7-0.

9. Agenda Item #9, Overview of the Disciplinary Process

Ms. Underwood put together a chart that makes it very clear how the disciplinary process works. The Board will receive a complaint that goes to the enforcement unit. The enforcement staff decides if that complaint is within the jurisdiction of the BBC. Usually the first thing staff will do is request an inspection. Multiple inspections may be done. The complaint goes through the citation and fine process. A citation may or may not be issued. If it is an egregious complaint and staff finds facts that are egregious during the inspection, staff may go straight to the Attorney General's office for actual discipline.

If a citation is issued, an individual has an opportunity to appeal that citation to the DRC. Once a decision is made by the DRC, if the individual still does not agree, the individual has the opportunity to appeal to an Administrative Law Judge (ALJ). Cases going to an ALJ come from two different directions. They can come from consumer harm where staff feels it is warranted or it can be an appeal from the DRC. Once a decision is made in DRC, the individual still has the opportunity for one more hearing in front of an ALJ.

Once an individual is heard by the ALJ, the case can be settled. All proposed settlements must be agreed upon by the office staff. Board members vote on any proposed decisions that come from the ALJ. It is the Board members' decision to accept or not to accept the ALJ decisions. The Board can accept, reject, or discuss. These discussions are held during closed session. The proposed decisions need to be thoroughly looked at. Most of the cases that bypass the DRC, straight to the ALJ are from consumer harm cases.

Public Comment

Fred Jones, PBFC, thanked the Board for the days and hours they spend on the DRC.

10. Agenda Item #10, Update from the Enforcement Committee Meeting on October 16, 2014

The Enforcement Committee met on October 16th.

The first item discussed at the Enforcement Committee meeting was the practice of teeth whitening. It has been the BBC's practice in the past to cite practice of medicine for teeth whitening, which carries a hefty fine. In working with the legal office, it was found that teeth whitening is not considered practice of medicine. Teeth whitening is a growing trend within the industry. The Dental Board of California helped staff understand the difference between the practice of dentistry as opposed to an unregulated service. No Board licensee should be putting their hands in another person's mouth. Use of chemicals is also a concern.

The issue of washers and dryers being stored in the establishment's public restroom was discussed. It was agreed that placing a washer and dryer in a restroom is basically extending the work space, and, therefore, washers and dryers should not be placed in an establishment's public restroom. The BBC will continue to cite for this.

Revisions to the fine schedule were discussed. The BBC has health and safety regulations that are going to be going through the OAL process. The following violations need established fine amounts. Staff needs a motion from the Board.

- 980(c), incorrect storage of electrical tools. Committee recommends that fine be $50 for first offense; $100 for second offense; and $150 for third offense.
- 980.1 (g) and 980.2 (f), new requirement that if foot spa chair is out of service, you need to have a sign on the chair stating that it is out of service. Committee recommends a fine of $50 for first offense; $100 for the second; and $150 for the third.
- 980.3 (e), improper storage of basins/tubs used for pedicures (stand-alone tubs) and how they are to be stored when not in use. The Committee recommends that fine be $50, $100, $150.
- 980.4, incorrect disinfection of the foot basin or tub after the use of a disposable liner. New regulations allow for liners if specifically made to be a liner. There is a procedure for cleaning the tub after using the liner. The Committee recommends $500 for first, second, or third offense.
- 980.4(a) (2), incorrect or missing log. The Committee recommends $50, $100, $150.
- 980.4 (a) (4), failure to maintain a supply of five disposable liners. The Committee recommends $250 for first offense; $300 for second offense; and $500 for third offense.

- 981 (b), improper storage of new supplies and disposable tools. The Committee recommends $50 for the first offense; $100 for the second offense; $150 for the third offense.
- 981 (c), carrying instruments and supplies on garments, fines already set, $50, $100, $150. Clarification is that this also includes the leather pouches, holsters, etc.

Fine for failure to maintain a supply of five disposable liners is parallel to the fines for not having enough liquid disinfectant present in the establishment.

Public Comment

Peter Westbrook, Riverside Community College (RCC): Asked the Board, when it could cite for the practice of medicine. The Board cites practice of medicine when it finds people doing things like Botox, mole removal and skin tag removal. When the Board cites for the practice of medicine, it refers the case to the Medical Board.

A motion was made by Ms. Bobbie Anderson and seconded by Dr. Kari Williams to move forward with changes to the fine schedule. The motion passed with a vote of 7-0.

There is a growing issue the BBC is having with product demonstrators. Demonstrators are exempt from BBC licensure. If you are demonstrating a product and you are performing a service for the sole reason of trying to sell that product, you do not need to be licensed. It is increasingly popular now for people to say they are just demonstrating a product as a way to get out of being licensed. One of the most common services where the Board sees this conduct is with the application of lash extensions. The BBC will continue to cite for unlicensed activity for these practices. The BBC is on top of the demonstrating loophole and will be looking closely at it.

Public Comment

Trisha Gonzales, RCC Cosmetology Instructor: With the eyelash extension situation, she has noticed that a lot of makeup counters are now offering those services and the practitioners are unlicensed. These practitioners should be licensed.

Jamie Schrabeck, Precision Nails: Stated that not only do these people need to be licensed but the establishments where they are providing services must be licensed.

Erica Valles, teacher trainee student at RCC Community College, definitely thinks this issue is something that needs to be looked at closely. She mentioned she has seen kiosks in the mall, selling curling irons and stating that consumers who buy the curling iron may come back through the year and have the employees style the consumer's hair.

11. Agenda Item #11, Agenda Items for Next Meeting

The next meeting is in January in San Diego.

12. Agenda Item #12, 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 for a future meeting. [Government Code Sections 11125, 11125.7(a)]

Public Comment

Ms. Courtenay Jackson presented a scenario. A friend just went to State Board. She was taking her test. She passed her written. In order for a nail to be polished perfectly, it needs

to be perfectly structured. How can you get a perfect score for polishing nails if the nails are not perfect?

Mr. Richard Hedges: The Board has new guidelines for scoring Barber examinations. A passing grade is 75 percent for the written as compared to 70 percent before.

Practical re-exams are being administered within 30 days now. The new Breeze database is working out well for the Board.

Mr. Hedges encouraged all present to check out the Board Web Site, www.barbercosmo.ca.gov.

13. Agenda Item #13, Closed Session

14. Agenda Item #14, Adjournment

No Attachment

Senate Bill No. 1159

CHAPTER 752

An act to amend Sections 30, 2103, 2111, 2112, 2113, 2115, 3624, and 6533 of, and to add Section 135.5 to, the Business and Professions Code, to amend Section 17520 of the Family Code, and to amend Section 19528 of the Revenue and Taxation Code, relating to professions and vocations.

[Approved by Governor September 28, 2014. Filed with Secretary of State September 28, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1159, Lara. Professions and vocations: license applicants: individual tax identification number.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs, among other licensing bodies. Existing law requires those licensing bodies to require a licensee, at the time of issuance of the license, to provide its federal employer identification number if the licensee is a partnership, or his or her social security number for all other licensees. Existing law requires those licensing bodies to report to the Franchise Tax Board any licensee who fails to provide the federal employer identification number or social security number, and subjects the licensee to a penalty for failing to provide the information after notification, as specified.

This bill, no later than January 1, 2016, would require those licensing bodies to require an applicant to provide either an individual tax identification number or social security number if the applicant is an individual. The bill would require the licensing bodies to report to the Franchise Tax Board, and subject a licensee to a penalty, for failure to provide that information, as described above. The bill would prohibit, except as specified, any entity within the department from denying licensure to an applicant based on his or her citizenship status or immigration status. The bill would require every board within the department to implement regulatory and procedural changes necessary to implement these provisions no later than January 1, 2016, and would authorize implementation at any time prior to that date. The bill would make other conforming changes.

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

SECTION 1. Section 30 of the Business and Professions Code is amended to read:

30. (a) (1) Notwithstanding any other law, any board, as defined in Section 22, and the State Bar and the Bureau of Real Estate shall, at the

time of issuance of the license, require that the applicant provide its federal employer identification number, if the applicant is a partnership, or the applicant's social security number for all other applicants.

(2) No later than January 1, 2016, in accordance with Section 135.5, a board, as defined in Section 22, and the State Bar and the Bureau of Real Estate shall require either the individual taxpayer identification number or social security number if the applicant is an individual for purposes of this subdivision.

(b) A licensee failing to provide the federal employer identification number, or the individual taxpayer identification number or social security number shall be reported by the licensing board to the Franchise Tax Board. If the licensee fails to provide that information after notification pursuant to paragraph (1) of subdivision (b) of Section 19528 of the Revenue and Taxation Code, the licensee shall be subject to the penalty provided in paragraph (2) of subdivision (b) of Section 19528 of the Revenue and Taxation Code.

(c) In addition to the penalty specified in subdivision (b), a licensing board may not process an application for an initial license unless the applicant provides its federal employer identification number, or individual taxpayer identification number or social security number where requested on the application.

(d) A licensing board shall, upon request of the Franchise Tax Board, furnish to the Franchise Tax Board the following information with respect to every licensee:

(1) Name.

(2) Address or addresses of record.

(3) Federal employer identification number if the licensee is a partnership, or the licensee's individual taxpayer identification number or social security number for all other licensees.

(4) Type of license.

(5) Effective date of license or a renewal.

(6) Expiration date of license.

(7) Whether license is active or inactive, if known.

(8) Whether license is new or a renewal.

(e) For the purposes of this section:

(1) "Licensee" means a person or entity, other than a corporation, authorized by a license, certificate, registration, or other means to engage in a business or profession regulated by this code or referred to in Section 1000 or 3600.

(2) "License" includes a certificate, registration, or any other authorization needed to engage in a business or profession regulated by this code or referred to in Section 1000 or 3600.

(3) "Licensing board" means any board, as defined in Section 22, the State Bar, and the Bureau of Real Estate.

(f) The reports required under this section shall be filed on magnetic media or in other machine-readable form, according to standards furnished by the Franchise Tax Board.

(g) Licensing boards shall provide to the Franchise Tax Board the information required by this section at a time that the Franchise Tax Board may require.

(h) Notwithstanding Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code, a federal employer identification number, individual taxpayer identification number, or social security number furnished pursuant to this section shall not be deemed to be a public record and shall not be open to the public for inspection.

(i) A deputy, agent, clerk, officer, or employee of a licensing board described in subdivision (a), or any former officer or employee or other individual who, in the course of his or her employment or duty, has or has had access to the information required to be furnished under this section, may not disclose or make known in any manner that information, except as provided in this section to the Franchise Tax Board or as provided in subdivision (k).

(j) It is the intent of the Legislature in enacting this section to utilize the federal employer identification number, individual taxpayer identification number, or social security number for the purpose of establishing the identification of persons affected by state tax laws and for purposes of compliance with Section 17520 of the Family Code and, to that end, the information furnished pursuant to this section shall be used exclusively for those purposes.

(k) If the board utilizes a national examination to issue a license, and if a reciprocity agreement or comity exists between the State of California and the state requesting release of the individual taxpayer identification number or social security number, any deputy, agent, clerk, officer, or employee of any licensing board described in subdivision (a) may release an individual taxpayer identification number or social security number to an examination or licensing entity, only for the purpose of verification of licensure or examination status.

(*l*) For the purposes of enforcement of Section 17520 of the Family Code, and notwithstanding any other law, a board, as defined in Section 22, and the State Bar and the Bureau of Real Estate shall at the time of issuance of the license require that each licensee provide the individual taxpayer identification number or social security number of each individual listed on the license and any person who qualifies for the license. For the purposes of this subdivision, "licensee" means an entity that is issued a license by any board, as defined in Section 22, the State Bar, the Bureau of Real Estate, and the Department of Motor Vehicles.

SEC. 2. Section 135.5 is added to the Business and Professions Code, to read:

135.5. (a) The Legislature finds and declares that it is in the best interests of the State of California to provide persons who are not lawfully present in the United States with the state benefits provided by all licensing acts of entities within the department, and therefore enacts this section pursuant to subsection (d) of Section 1621 of Title 8 of the United States Code.

(b) Notwithstanding subdivision (a) of Section 30, and except as required by subdivision (e) of Section 7583.23, no entity within the department shall deny licensure to an applicant based on his or her citizenship status or immigration status.

(c) Every board within the department shall implement all required regulatory or procedural changes necessary to implement this section no later than January 1, 2016. A board may implement the provisions of this section at any time prior to January 1, 2016.

SEC. 3. Section 2103 of the Business and Professions Code is amended to read:

2103. An applicant shall be eligible for a physician's and surgeon's certificate if he or she has completed the following requirements:

(a) Submitted official evidence satisfactory to the board of completion of a resident course or professional instruction equivalent to that required in Section 2089 in a medical school located outside the United States or Canada. However, nothing in this section shall be construed to require the board to evaluate for equivalency any coursework obtained at a medical school disapproved by the board pursuant to Article 4 (commencing with Section 2080).

(b) Submitted official evidence satisfactory to the board of completion of all formal requirements of the medical school for graduation, except the applicant shall not be required to have completed an internship or social service or be admitted or licensed to practice medicine in the country in which the professional instruction was completed.

(c) Attained a score satisfactory to an approved medical school on a qualifying examination acceptable to the board.

(d) Successfully completed one academic year of supervised clinical training in a program approved by the board pursuant to Section 2104. The board shall also recognize as compliance with this subdivision the successful completion of a one-year supervised clinical medical internship operated by a medical school pursuant to Chapter 85 of the Statutes of 1972 and as amended by Chapter 888 of the Statutes of 1973 as the equivalent of the year of supervised clinical training required by this section.

(1) Training received in the academic year of supervised clinical training approved pursuant to Section 2104 shall be considered as part of the total academic curriculum for purposes of meeting the requirements of Sections 2089 and 2089.5.

(2) An applicant who has passed the basic science and English language examinations required for certification by the Educational Commission for Foreign Medical Graduates may present evidence of those passing scores along with a certificate of completion of one academic year of supervised clinical training in a program approved by the board pursuant to Section 2104 in satisfaction of the formal certification requirements of subdivision (b) of Section 2102.

(e) Satisfactorily completed the postgraduate training required under Section 2096.

(f) Passed the written examination required for certification as a physician and surgeon under this chapter.

SEC. 4. Section 2111 of the Business and Professions Code is amended to read:

2111. (a) Physicians who are not citizens but who meet the requirements of subdivision (b) and who seek postgraduate study in an approved medical school may, after receipt of an appointment from the dean of the California medical school and application to and approval by the Division of Licensing, be permitted to participate in the professional activities of the department or division in the medical school to which they are appointed. The physician shall be under the direction of the head of the department to which he or she is appointed, supervised by the staff of the medical school's medical center, and known for these purposes as a "visiting fellow." The visiting fellow shall wear a visible name tag containing the title "visiting fellow" when he or she provides clinical services.

(b) (1) Application for approval shall be made on a form prescribed by the division and shall be accompanied by a fee fixed by the division in an amount necessary to recover the actual application processing costs of the program. The application shall show that the person does not immediately qualify for a physician's and surgeon's certificate under this chapter and that the person has completed at least three years of postgraduate basic residency requirements. The application shall include a written statement of the recruitment procedures followed by the medical school before offering the appointment to the applicant.

(2) Approval shall be granted only for appointment to one medical school, and no physician shall be granted more than one approval for the same period of time.

(3) Approval may be granted for a maximum of three years and shall be renewed annually. The medical school shall submit a request for renewal on a form prescribed by the division, which shall be accompanied by a renewal fee fixed by the division in a amount necessary to recover the actual application processing costs of the program.

(c) Except to the extent authorized by this section, the visiting fellow may not engage in the practice of medicine. Neither the visiting fellow nor the medical school may assess any charge for the medical services provided by the visiting fellow, and the visiting fellow may not receive any other compensation therefor.

(d) The time spent under appointment in a medical school pursuant to this section may not be used to meet the requirements for licensure under Section 2102.

(e) The division shall notify both the visiting fellow and the dean of the appointing medical school of any complaint made about the visiting fellow.

The division may terminate its approval of an appointment for any act that would be grounds for discipline if done by a licensee. The division shall provide both the visiting fellow and the dean of the medical school with a written notice of termination including the basis for that termination. The visiting fellow may, within 30 days after the date of the notice of termination,

file a written appeal to the division. The appeal shall include any documentation the visiting fellow wishes to present to the division.

(f) Nothing in this section shall preclude any United States citizen who has received his or her medical degree from a medical school located in a foreign country and recognized by the division from participating in any program established pursuant to this section.

SEC. 5. Section 2112 of the Business and Professions Code is amended to read:

2112. (a) Physicians who are not citizens and who seek postgraduate study, may, after application to and approval by the Division of Licensing, be permitted to participate in a fellowship program in a specialty or subspecialty field, providing the fellowship program is given in a hospital in this state which is approved by the Joint Committee on Accreditation of Hospitals and providing the service is satisfactory to the division. Such physicians shall at all times be under the direction and supervision of a licensed, board-certified physician and surgeon who is recognized as a clearly outstanding specialist in the field in which the foreign fellow is to be trained. The supervisor, as part of the application process, shall submit his or her curriculum vitae and a protocol of the fellowship program to be completed by the foreign fellow. Approval of the program and supervisor is for a period of one year, but may be renewed annually upon application to and approval by the division. The approval may not be renewed more than four times. The division may determine a fee, based on the cost of operating this program, which shall be paid by the applicant at the time the application is filed.

(b) Except to the extent authorized by this section, no such visiting physician may engage in the practice of medicine or receive compensation therefor. The time spent under appointment in a medical school pursuant to this section may not be used to meet the requirements for licensure under Section 2101 or 2102.

(c) Nothing in this section shall preclude any United States citizen who has received his or her medical degree from a medical school located in a foreign country from participating in any program established pursuant to this section.

SEC. 6. Section 2113 of the Business and Professions Code is amended to read:

2113. (a) Any person who does not immediately qualify for a physician's and surgeon's certificate under this chapter and who is offered by the dean of an approved medical school in this state a full-time faculty position may, after application to and approval by the Division of Licensing, be granted a certificate of registration to engage in the practice of medicine only to the extent that the practice is incident to and a necessary part of his or her duties as approved by the division in connection with the faculty position. A certificate of registration does not authorize a registrant to admit patients to a nursing or a skilled or assisted living facility unless that facility is formally affiliated with the sponsoring medical school. A clinical fellowship shall not be submitted as a faculty service appointment.

(b) Application for a certificate of registration shall be made on a form prescribed by the division and shall be accompanied by a registration fee fixed by the division in a amount necessary to recover the actual application processing costs of the program. To qualify for the certificate, an applicant shall submit all of the following:

(1) If the applicant is a graduate of a medical school other than in the United States or Canada, documentary evidence satisfactory to the division that he or she has been licensed to practice medicine and surgery for not less than four years in another state or country whose requirements for licensure are satisfactory to the division, or has been engaged in the practice of medicine in the United States for at least four years in approved facilities, or has completed a combination of that licensure and training.

(2) If the applicant is a graduate of an approved medical school in the United States or Canada, documentary evidence that he or she has completed a resident course of professional instruction as required in Section 2089.

(3) Written certification by the head of the department in which the applicant is to be appointed of all of the following:

(A) The applicant will be under his or her direction.

(B) The applicant will not be permitted to practice medicine unless incident to and a necessary part of his or her duties as approved by the division in subdivision (a).

(C) The applicant will be accountable to the medical school's department chair or division chief for the specialty in which the applicant will practice.

(D) The applicant will be proctored in the same manner as other new faculty members, including, as appropriate, review by the medical staff of the school's medical center.

(E) The applicant will not be appointed to a supervisory position at the level of a medical school department chair or division chief.

(4) Demonstration by the dean of the medical school that the applicant has the requisite qualifications to assume the position to which he or she is to be appointed and that shall include a written statement of the recruitment procedures followed by the medical school before offering the faculty position to the applicant.

(c) A certificate of registration shall be issued only for a faculty position at one approved medical school, and no person shall be issued more than one certificate of registration for the same period of time.

(d) (1) A certificate of registration is valid for one year from its date of issuance and may be renewed twice.

A request for renewal shall be submitted on a form prescribed by the division and shall be accompanied by a renewal fee fixed by the division in an amount necessary to recover the actual application processing costs of the program.

(2) The dean of the medical school may request renewal of the registration by submitting a plan at the beginning of the third year of the registrant's appointment demonstrating the registrant's continued progress toward licensure and, if the registrant is a graduate of a medical school other than in the United States or Canada, that the registrant has been issued a certificate

by the Educational Commission for Foreign Medical Graduates. The division may, in its discretion, extend the registration for a two-year period to facilitate the registrant's completion of the licensure process.

(e) If the registrant is a graduate of a medical school other than in the United States or Canada, he or she shall meet the requirements of Section 2102 or 2135, as appropriate, in order to obtain a physician's and surgeon's certificate. Notwithstanding any other provision of law, the division may accept clinical practice in an appointment pursuant to this section as qualifying time to meet the postgraduate training requirements in Section 2102, and may, in its discretion, waive the examination and the Educational Commission for Foreign Medical Graduates certification requirements specified in Section 2102 in the event the registrant applies for a physician's and surgeon's certificate. As a condition to waiving any examination or the Educational Commission for Foreign Medical Graduates certification requirement, the division in its discretion, may require an applicant to pass the clinical competency examination referred to in subdivision (d) of Section 2135. The division shall not waive any examination for an applicant who has not completed at least one year in the faculty position.

(f) Except to the extent authorized by this section, the registrant shall not engage in the practice of medicine, bill individually for medical services provided by the registrant, or receive compensation therefor, unless he or she is issued a physician's and surgeon's certificate.

(g) When providing clinical services, the registrant shall wear a visible name tag containing the title "visiting professor" or "visiting faculty member," as appropriate, and the institution at which the services are provided shall obtain a signed statement from each patient to whom the registrant provides services acknowledging that the patient understands that the services are provided by a person who does not hold a physician's and surgeon's certificate but who is qualified to participate in a special program as a visiting professor or faculty member.

(h) The division shall notify both the registrant and the dean of the medical school of a complaint made about the registrant. The division may terminate a registration for any act that would be grounds for discipline if done by a licensee. The division shall provide both the registrant and the dean of the medical school with written notice of the termination and the basis for that termination. The registrant may, within 30 days after the date of the notice of termination, file a written appeal to the division. The appeal shall include any documentation the registrant wishes to present to the division.

SEC. 7. Section 2115 of the Business and Professions Code is amended to read:

2115. (a) Physicians who are not citizens and who seek postgraduate study may, after application to and approval by the Division of Licensing, be permitted to participate in a fellowship program in a specialty or subspecialty field, providing the fellowship program is given in a clinic or hospital in a medically underserved area of this state that is licensed by the State Department of Health Services or is exempt from licensure pursuant

to subdivision (b) or (c) of Section 1206 of the Health and Safety Code, and providing service is satisfactory to the division. These physicians shall at all times be under the direction and supervision of a licensed, board certified physician and surgeon who has an appointment with a medical school in California and is a specialist in the field in which the fellow is to be trained. The supervisor, as part of the application process, shall submit his or her curriculum vitae and a protocol of the fellowship program to be completed by the foreign fellow. Approval of the program and supervisor is for a period of one year, but may be renewed annually upon application to and approval by the division. The approval may not be renewed more than four times. The division may determine a fee, based on the cost of operating this program, which shall be paid by the applicant at the time the application is filed.

(b) Except to the extent authorized by this section, no visiting physician may engage in the practice of medicine or receive compensation therefor. The time spent under appointment in a clinic pursuant to this section may not be used to meet the requirements for licensure under Section 2102.

(c) Nothing in this section shall preclude any United States citizen who has received his or her medical degree from a medical school located in a foreign country from participating in any program established pursuant to this section.

(d) For purposes of this section, a medically underserved area means a federally designated Medically Underserved Area, a federally designated Health Professional Shortage Area, and any other clinic or hospital determined by the board to be medically underserved. Clinics or hospitals determined by the board pursuant to this subdivision shall be reported to the Office of Statewide Health Planning and Development.

SEC. 8. Section 3624 of the Business and Professions Code is amended to read:

3624. (a) The committee may grant a certificate of registration to practice naturopathic medicine to a person who does not hold a naturopathic doctor's license under this chapter and is offered a faculty position by the dean of a naturopathic medical education program approved by the committee, if all of the following requirements are met to the satisfaction of the committee:

(1) The applicant submits an application on a form prescribed by the committee.

(2) The dean of the naturopathic medical education program demonstrates that the applicant has the requisite qualifications to assume the position to which he or she is to be appointed.

(3) The dean of the naturopathic medical education program certifies in writing to the committee that the applicant will be under his or her direction and will not be permitted to practice naturopathic medicine unless incident to and a necessary part of the applicant's duties as approved by the committee.

(b) The holder of a certificate of registration issued under this section shall not receive compensation for or practice naturopathic medicine unless

it is incidental to and a necessary part of the applicant's duties in connection with the holder's faculty position.

(c) A certificate of registration issued under this section is valid for two years.

SEC. 9. Section 6533 of the Business and Professions Code is amended to read:

6533. In order to meet the qualifications for licensure as a professional fiduciary a person shall meet all of the following requirements:

(a) Be at least 21 years of age.

(b) Have not committed any acts that are grounds for denial of a license under Section 480 or 6536.

(c) Submit fingerprint images as specified in Section 6533.5 in order to obtain criminal offender record information.

(d) Have completed the required prelicensing education described in Section 6538.

(e) Have passed the licensing examination administered by the bureau pursuant to Section 6539.

(f) Have at least one of the following:

(1) A baccalaureate degree of arts or sciences from a college or university accredited by a nationally recognized accrediting body of colleges and universities or a higher level of education.

(2) An associate of arts or sciences degree from a college or university accredited by a nationally recognized accrediting body of colleges and universities, and at least three years of experience working as a professional fiduciary or working with substantive fiduciary responsibilities for a professional fiduciary, public agency, or financial institution acting as a conservator, guardian, trustee, personal representative, or agent under a power of attorney.

(3) Experience of not less than five years, prior to July 1, 2012, working as a professional fiduciary or working with substantive fiduciary responsibilities for a professional fiduciary, public agency, or financial institution acting as a conservator, guardian, trustee, personal representative, or agent under a power of attorney.

(g) Agree to adhere to the Professional Fiduciaries Code of Ethics and to all statutes and regulations.

(h) Consent to the bureau conducting a credit check on the applicant.

(i) File a completed application for licensure with the bureau on a form provided by the bureau and signed by the applicant under penalty of perjury.

(j) Submit with the license application a nonrefundable application fee, as specified in this chapter.

SEC. 10. Section 17520 of the Family Code is amended to read:

17520. (a) As used in this section:

(1) "Applicant" means a person applying for issuance or renewal of a license.

(2) "Board" means an entity specified in Section 101 of the Business and Professions Code, the entities referred to in Sections 1000 and 3600 of the Business and Professions Code, the State Bar, the Bureau of Real Estate,

the Department of Motor Vehicles, the Secretary of State, the Department of Fish and Wildlife, and any other state commission, department, committee, examiner, or agency that issues a license, certificate, credential, permit, registration, or any other authorization to engage in a business, occupation, or profession, or to the extent required by federal law or regulations, for recreational purposes. This term includes all boards, commissions, departments, committees, examiners, entities, and agencies that issue a license, certificate, credential, permit, registration, or any other authorization to engage in a business, occupation, or profession. The failure to specifically name a particular board, commission, department, committee, examiner, entity, or agency that issues a license, certificate, credential, permit, registration, or any other authorization to engage in a business, occupation, or profession does not exclude that board, commission, department, committee, examiner, entity, or agency from this term.

(3) "Certified list" means a list provided by the local child support agency to the Department of Child Support Services in which the local child support agency verifies, under penalty of perjury, that the names contained therein are support obligors found to be out of compliance with a judgment or order for support in a case being enforced under Title IV-D of the federal Social Security Act.

(4) "Compliance with a judgment or order for support" means that, as set forth in a judgment or order for child or family support, the obligor is no more than 30 calendar days in arrears in making payments in full for current support, in making periodic payments in full, whether court ordered or by agreement with the local child support agency, on a support arrearage, or in making periodic payments in full, whether court ordered or by agreement with the local child support agency, on a judgment for reimbursement for public assistance, or has obtained a judicial finding that equitable estoppel as provided in statute or case law precludes enforcement of the order. The local child support agency is authorized to use this section to enforce orders for spousal support only when the local child support agency is also enforcing a related child support obligation owed to the obligee parent by the same obligor, pursuant to Sections 17400 and 17604.

(5) "License" includes membership in the State Bar, and a certificate, credential, permit, registration, or any other authorization issued by a board that allows a person to engage in a business, occupation, or profession, or to operate a commercial motor vehicle, including appointment and commission by the Secretary of State as a notary public. "License" also includes any driver's license issued by the Department of Motor Vehicles, any commercial fishing license issued by the Department of Fish and Wildlife, and to the extent required by federal law or regulations, any license used for recreational purposes. This term includes all licenses, certificates, credentials, permits, registrations, or any other authorization issued by a board that allows a person to engage in a business, occupation, or profession. The failure to specifically name a particular type of license, certificate, credential, permit, registration, or other authorization issued by a board that allows a person to engage in a business, occupation, or profession, does not

exclude that license, certificate, credential, permit, registration, or other authorization from this term.

(6) "Licensee" means a person holding a license, certificate, credential, permit, registration, or other authorization issued by a board, to engage in a business, occupation, or profession, or a commercial driver's license as defined in Section 15210 of the Vehicle Code, including an appointment and commission by the Secretary of State as a notary public. "Licensee" also means a person holding a driver's license issued by the Department of Motor Vehicles, a person holding a commercial fishing license issued by the Department of Fish and Game, and to the extent required by federal law or regulations, a person holding a license used for recreational purposes. This term includes all persons holding a license, certificate, credential, permit, registration, or any other authorization to engage in a business, occupation, or profession, and the failure to specifically name a particular type of license, certificate, credential, permit, registration, or other authorization issued by a board does not exclude that person from this term. For licenses issued to an entity that is not an individual person, "licensee" includes an individual who is either listed on the license or who qualifies for the license.

(b) The local child support agency shall maintain a list of those persons included in a case being enforced under Title IV-D of the federal Social Security Act against whom a support order or judgment has been rendered by, or registered in, a court of this state, and who are not in compliance with that order or judgment. The local child support agency shall submit a certified list with the names, social security numbers, and last known addresses of these persons and the name, address, and telephone number of the local child support agency who certified the list to the department. The local child support agency shall verify, under penalty of perjury, that the persons listed are subject to an order or judgment for the payment of support and that these persons are not in compliance with the order or judgment. The local child support agency shall submit to the department an updated certified list on a monthly basis.

(c) The department shall consolidate the certified lists received from the local child support agencies and, within 30 calendar days of receipt, shall provide a copy of the consolidated list to each board that is responsible for the regulation of licenses, as specified in this section.

(d) On or before November 1, 1992, or as soon thereafter as economically feasible, as determined by the department, all boards subject to this section shall implement procedures to accept and process the list provided by the department, in accordance with this section. Notwithstanding any other law, all boards shall collect social security numbers or individual taxpayer identification numbers from all applicants for the purposes of matching the names of the certified list provided by the department to applicants and licensees and of responding to requests for this information made by child support agencies.

(e) (1) Promptly after receiving the certified consolidated list from the department, and prior to the issuance or renewal of a license, each board

shall determine whether the applicant is on the most recent certified consolidated list provided by the department. The board shall have the authority to withhold issuance or renewal of the license of an applicant on the list.

(2) If an applicant is on the list, the board shall immediately serve notice as specified in subdivision (f) on the applicant of the board's intent to withhold issuance or renewal of the license. The notice shall be made personally or by mail to the applicant's last known mailing address on file with the board. Service by mail shall be complete in accordance with Section 1013 of the Code of Civil Procedure.

(A) The board shall issue a temporary license valid for a period of 150 days to any applicant whose name is on the certified list if the applicant is otherwise eligible for a license.

(B) Except as provided in subparagraph (D), the 150-day time period for a temporary license shall not be extended. Except as provided in subparagraph (D), only one temporary license shall be issued during a regular license term and it shall coincide with the first 150 days of that license term. As this paragraph applies to commercial driver's licenses, "license term" shall be deemed to be 12 months from the date the application fee is received by the Department of Motor Vehicles. A license for the full or remainder of the license term shall be issued or renewed only upon compliance with this section.

(C) In the event that a license or application for a license or the renewal of a license is denied pursuant to this section, any funds paid by the applicant or licensee shall not be refunded by the board.

(D) This paragraph shall apply only in the case of a driver's license, other than a commercial driver's license. Upon the request of the local child support agency or by order of the court upon a showing of good cause, the board shall extend a 150-day temporary license for a period not to exceed 150 extra days.

(3) (A) The department may, when it is economically feasible for the department and the boards to do so as determined by the department, in cases where the department is aware that certain child support obligors listed on the certified lists have been out of compliance with a judgment or order for support for more than four months, provide a supplemental list of these obligors to each board with which the department has an interagency agreement to implement this paragraph. Upon request by the department, the licenses of these obligors shall be subject to suspension, provided that the licenses would not otherwise be eligible for renewal within six months from the date of the request by the department. The board shall have the authority to suspend the license of any licensee on this supplemental list.

(B) If a licensee is on a supplemental list, the board shall immediately serve notice as specified in subdivision (f) on the licensee that his or her license will be automatically suspended 150 days after notice is served, unless compliance with this section is achieved. The notice shall be made personally or by mail to the licensee's last known mailing address on file

with the board. Service by mail shall be complete in accordance with Section 1013 of the Code of Civil Procedure.

(C) The 150-day notice period shall not be extended.

(D) In the event that any license is suspended pursuant to this section, any funds paid by the licensee shall not be refunded by the board.

(E) This paragraph shall not apply to licenses subject to annual renewal or annual fee.

(f) Notices shall be developed by each board in accordance with guidelines provided by the department and subject to approval by the department. The notice shall include the address and telephone number of the local child support agency that submitted the name on the certified list, and shall emphasize the necessity of obtaining a release from that local child support agency as a condition for the issuance, renewal, or continued valid status of a license or licenses.

(1) In the case of applicants not subject to paragraph (3) of subdivision (e), the notice shall inform the applicant that the board shall issue a temporary license, as provided in subparagraph (A) of paragraph (2) of subdivision (e), for 150 calendar days if the applicant is otherwise eligible and that upon expiration of that time period the license will be denied unless the board has received a release from the local child support agency that submitted the name on the certified list.

(2) In the case of licensees named on a supplemental list, the notice shall inform the licensee that his or her license will continue in its existing status for no more than 150 calendar days from the date of mailing or service of the notice and thereafter will be suspended indefinitely unless, during the 150-day notice period, the board has received a release from the local child support agency that submitted the name on the certified list. Additionally, the notice shall inform the licensee that any license suspended under this section will remain so until the expiration of the remaining license term, unless the board receives a release along with applications and fees, if applicable, to reinstate the license during the license term.

(3) The notice shall also inform the applicant or licensee that if an application is denied or a license is suspended pursuant to this section, any funds paid by the applicant or licensee shall not be refunded by the board. The Department of Child Support Services shall also develop a form that the applicant shall use to request a review by the local child support agency. A copy of this form shall be included with every notice sent pursuant to this subdivision.

(g) (1) Each local child support agency shall maintain review procedures consistent with this section to allow an applicant to have the underlying arrearage and any relevant defenses investigated, to provide an applicant information on the process of obtaining a modification of a support order, or to provide an applicant assistance in the establishment of a payment schedule on arrearages if the circumstances so warrant.

(2) It is the intent of the Legislature that a court or local child support agency, when determining an appropriate payment schedule for arrearages, base its decision on the facts of the particular case and the priority of

payment of child support over other debts. The payment schedule shall also recognize that certain expenses may be essential to enable an obligor to be employed. Therefore, in reaching its decision, the court or the local child support agency shall consider both of these goals in setting a payment schedule for arrearages.

(h) If the applicant wishes to challenge the submission of his or her name on the certified list, the applicant shall make a timely written request for review to the local child support agency who certified the applicant's name. A request for review pursuant to this section shall be resolved in the same manner and timeframe provided for resolution of a complaint pursuant to Section 17800. The local child support agency shall immediately send a release to the appropriate board and the applicant, if any of the following conditions are met:

(1) The applicant is found to be in compliance or negotiates an agreement with the local child support agency for a payment schedule on arrearages or reimbursement.

(2) The applicant has submitted a request for review, but the local child support agency will be unable to complete the review and send notice of its findings to the applicant within the time specified in Section 17800.

(3) The applicant has filed and served a request for judicial review pursuant to this section, but a resolution of that review will not be made within 150 days of the date of service of notice pursuant to subdivision (f). This paragraph applies only if the delay in completing the judicial review process is not the result of the applicant's failure to act in a reasonable, timely, and diligent manner upon receiving the local child support agency's notice of findings.

(4) The applicant has obtained a judicial finding of compliance as defined in this section.

(i) An applicant is required to act with diligence in responding to notices from the board and the local child support agency with the recognition that the temporary license will lapse or the license suspension will go into effect after 150 days and that the local child support agency and, where appropriate, the court must have time to act within that period. An applicant's delay in acting, without good cause, which directly results in the inability of the local child support agency to complete a review of the applicant's request or the court to hear the request for judicial review within the 150-day period shall not constitute the diligence required under this section which would justify the issuance of a release.

(j) Except as otherwise provided in this section, the local child support agency shall not issue a release if the applicant is not in compliance with the judgment or order for support. The local child support agency shall notify the applicant in writing that the applicant may, by filing an order to show cause or notice of motion, request any or all of the following:

(1) Judicial review of the local child support agency's decision not to issue a release.

(2) A judicial determination of compliance.

(3) A modification of the support judgment or order.

The notice shall also contain the name and address of the court in which the applicant shall file the order to show cause or notice of motion and inform the applicant that his or her name shall remain on the certified list if the applicant does not timely request judicial review. The applicant shall comply with all statutes and rules of court regarding orders to show cause and notices of motion.

This section shall not be deemed to limit an applicant from filing an order to show cause or notice of motion to modify a support judgment or order or to fix a payment schedule on arrearages accruing under a support judgment or order or to obtain a court finding of compliance with a judgment or order for support.

(k) The request for judicial review of the local child support agency's decision shall state the grounds for which review is requested and judicial review shall be limited to those stated grounds. The court shall hold an evidentiary hearing within 20 calendar days of the filing of the request for review. Judicial review of the local child support agency's decision shall be limited to a determination of each of the following issues:

(1) Whether there is a support judgment, order, or payment schedule on arrearages or reimbursement.

(2) Whether the petitioner is the obligor covered by the support judgment or order.

(3) Whether the support obligor is or is not in compliance with the judgment or order of support.

(4) (A) The extent to which the needs of the obligor, taking into account the obligor's payment history and the current circumstances of both the obligor and the obligee, warrant a conditional release as described in this subdivision.

(B) The request for judicial review shall be served by the applicant upon the local child support agency that submitted the applicant's name on the certified list within seven calendar days of the filing of the petition. The court has the authority to uphold the action, unconditionally release the license, or conditionally release the license.

(C) If the judicial review results in a finding by the court that the obligor is in compliance with the judgment or order for support, the local child support agency shall immediately send a release in accordance with subdivision (*l*) to the appropriate board and the applicant. If the judicial review results in a finding by the court that the needs of the obligor warrant a conditional release, the court shall make findings of fact stating the basis for the release and the payment necessary to satisfy the unrestricted issuance or renewal of the license without prejudice to a later judicial determination of the amount of support arrearages, including interest, and shall specify payment terms, compliance with which are necessary to allow the release to remain in effect.

(*l*) The department shall prescribe release forms for use by local child support agencies. When the obligor is in compliance, the local child support agency shall mail to the applicant and the appropriate board a release stating that the applicant is in compliance. The receipt of a release shall serve to

notify the applicant and the board that, for the purposes of this section, the applicant is in compliance with the judgment or order for support. Any board that has received a release from the local child support agency pursuant to this subdivision shall process the release within five business days of its receipt.

If the local child support agency determines subsequent to the issuance of a release that the applicant is once again not in compliance with a judgment or order for support, or with the terms of repayment as described in this subdivision, the local child support agency may notify the board, the obligor, and the department in a format prescribed by the department that the obligor is not in compliance.

The department may, when it is economically feasible for the department and the boards to develop an automated process for complying with this subdivision, notify the boards in a manner prescribed by the department, that the obligor is once again not in compliance. Upon receipt of this notice, the board shall immediately notify the obligor on a form prescribed by the department that the obligor's license will be suspended on a specific date, and this date shall be no longer than 30 days from the date the form is mailed. The obligor shall be further notified that the license will remain suspended until a new release is issued in accordance with subdivision (h). Nothing in this section shall be deemed to limit the obligor from seeking judicial review of suspension pursuant to the procedures described in subdivision (k).

(m) The department may enter into interagency agreements with the state agencies that have responsibility for the administration of boards necessary to implement this section, to the extent that it is cost effective to implement this section. These agreements shall provide for the receipt by the other state agencies and boards of federal funds to cover that portion of costs allowable in federal law and regulation and incurred by the state agencies and boards in implementing this section. Notwithstanding any other provision of law, revenue generated by a board or state agency shall be used to fund the nonfederal share of costs incurred pursuant to this section. These agreements shall provide that boards shall reimburse the department for the nonfederal share of costs incurred by the department in implementing this section. The boards shall reimburse the department for the nonfederal share of costs incurred pursuant to this section from moneys collected from applicants and licensees.

(n) Notwithstanding any other law, in order for the boards subject to this section to be reimbursed for the costs incurred in administering its provisions, the boards may, with the approval of the appropriate department director, levy on all licensees and applicants a surcharge on any fee or fees collected pursuant to law, or, alternatively, with the approval of the appropriate department director, levy on the applicants or licensees named on a certified list or supplemental list, a special fee.

(o) The process described in subdivision (h) shall constitute the sole administrative remedy for contesting the issuance of a temporary license or the denial or suspension of a license under this section. The procedures specified in the administrative adjudication provisions of the Administrative

Procedure Act (Chapter 4.5 (commencing with Section 11400) and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code) shall not apply to the denial, suspension, or failure to issue or renew a license or the issuance of a temporary license pursuant to this section.

(p) In furtherance of the public policy of increasing child support enforcement and collections, on or before November 1, 1995, the State Department of Social Services shall make a report to the Legislature and the Governor based on data collected by the boards and the district attorneys in a format prescribed by the State Department of Social Services. The report shall contain all of the following:

(1) The number of delinquent obligors certified by district attorneys under this section.

(2) The number of support obligors who also were applicants or licensees subject to this section.

(3) The number of new licenses and renewals that were delayed, temporary licenses issued, and licenses suspended subject to this section and the number of new licenses and renewals granted and licenses reinstated following board receipt of releases as provided by subdivision (h) by May 1, 1995.

(4) The costs incurred in the implementation and enforcement of this section.

(q) Any board receiving an inquiry as to the licensed status of an applicant or licensee who has had a license denied or suspended under this section or has been granted a temporary license under this section shall respond only that the license was denied or suspended or the temporary license was issued pursuant to this section. Information collected pursuant to this section by any state agency, board, or department shall be subject to the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code).

(r) Any rules and regulations issued pursuant to this section by any state agency, board, or department may be adopted as emergency regulations in accordance with the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The adoption of these regulations shall be deemed an emergency and necessary for the immediate preservation of the public peace, health, and safety, or general welfare. The regulations shall become effective immediately upon filing with the Secretary of State.

(s) The department and boards, as appropriate, shall adopt regulations necessary to implement this section.

(t) The Judicial Council shall develop the forms necessary to implement this section, except as provided in subdivisions (f) and (*l*).

(u) The release or other use of information received by a board pursuant to this section, except as authorized by this section, is punishable as a misdemeanor.

(v) The State Board of Equalization shall enter into interagency agreements with the department and the Franchise Tax Board that will

require the department and the Franchise Tax Board to maximize the use of information collected by the State Board of Equalization, for child support enforcement purposes, to the extent it is cost effective and permitted by the Revenue and Taxation Code.

(w) (1) The suspension or revocation of any driver's license, including a commercial driver's license, under this section shall not subject the licensee to vehicle impoundment pursuant to Section 14602.6 of the Vehicle Code.

(2) Notwithstanding any other law, the suspension or revocation of any driver's license, including a commercial driver's license, under this section shall not subject the licensee to increased costs for vehicle liability insurance.

(x) If any provision of this section or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

(y) All rights to administrative and judicial review afforded by this section to an applicant shall also be afforded to a licensee.

SEC. 11. Section 19528 of the Revenue and Taxation Code is amended to read:

19528. (a) Notwithstanding any other law, the Franchise Tax Board may require any board, as defined in Section 22 of the Business and Professions Code, and the State Bar, the Bureau of Real Estate, and the Insurance Commissioner (hereinafter referred to as licensing board) to provide to the Franchise Tax Board the following information with respect to every licensee:

(1) Name.

(2) Address or addresses of record.

(3) Federal employer identification number, if the licensee is a partnership, or the licensee's individual taxpayer identification number or social security number of all other licensees.

(4) Type of license.

(5) Effective date of license or renewal.

(6) Expiration date of license.

(7) Whether license is active or inactive, if known.

(8) Whether license is new or renewal.

(b) The Franchise Tax Board may do the following:

(1) Send a notice to any licensee failing to provide the federal employer identification number, individual taxpayer identification number, or social security number as required by subdivision (a) of Section 30 of the Business and Professions Code and subdivision (a) of Section 1666.5 of the Insurance Code, describing the information that was missing, the penalty associated with not providing it, and that failure to provide the information within 30 days will result in the assessment of the penalty.

(2) After 30 days following the issuance of the notice described in paragraph (1), assess a one-hundred-dollar ($100) penalty, due and payable upon notice and demand, for any licensee failing to provide either its federal employer identification number (if the licensee is a partnership) or his or

her individual taxpayer identification number or social security number (for all others) as required in Section 30 of the Business and Professions Code and Section 1666.5 of the Insurance Code.

(c) Notwithstanding Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code, the information furnished to the Franchise Tax Board pursuant to Section 30 of the Business and Professions Code or Section 1666.5 of the Insurance Code shall not be deemed to be a public record and shall not be open to the public for inspection.

O

BUSINESS, CONSUMER SERVICES, AND HOUSING 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	January 12, 2015
TO	Members, Board of Barbering and Cosmetology
FROM	Kristy Underwood, Executive Officer
SUBJECT	**Regulations Update**

Health & Safety: The final rulemaking has been submitted to the Department of Consumer Affairs (DCA) for review. Once approved by the Director, the file will go to the Business, Consumer Services, and Housing Agency for review and approval. It will then go to the Office of Administrative Law (OAL).

Apprenticeships: The final rulemaking is still under review by the Department of Consumer Affairs (DCA). Once approved by the Director, the file will go to the Business, Consumer Services, and Housing Agency for review and approval. It will then go to the Office of Administrative Law (OAL).

Lash/Brow Tinting: The Office of Administrative Law has approved this rulemaking. It will go into effect on January 1, 2015.

Crossover Courses: The final rulemaking is still under review by the Department of Consumer Affairs (DCA). Once approved by the Director, the file will go to the Business, Consumer Services, and Housing Agency for review and approval. It will then go to the Office of Administrative Law (OAL).

Text and Reference Books for Students: The final rulemaking has been submitted to the Department of Consumer Affairs (DCA) for review. Once approved by the Director, the file will go to the Business, Consumer Services, and Housing Agency for review and approval. It will then go to the Office of Administrative Law (OAL).

No Attachment

BarberCosmo
Board of Barbering & Cosmetology

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: January 12, 2015

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

SUBJECT: Accepting Training from Armed Services

Background

Section 35 of the Business and Professions Code requires that training obtained in the armed services be accepted as training towards a license. The Board already accepts training learned in the field of barbering, however it does not accept training for any other license types. Board staff is proposing a regulatory change that would allow all training applicable to barbering, cosmetology and electrology services learned in the armed services be accepted as part of the required training to sit for the examinations.

Section 35 of the Business and Professions Code

It is the policy of this state that, consistent with the provision of high-quality services, persons with skills, knowledge, and experience obtained in the armed services of the United States should be permitted to apply this learning and contribute to the employment needs of the state at the maximum level of responsibility and skill for which they are qualified. To this end, rules and regulations of boards provided for in this code shall provide for methods of evaluating education, training, and experience obtained in the armed services, if applicable to the requirements of the business, occupation, or profession regulated. These rules and regulations shall also specify how this education, training, and experience may be used to meet the licensure requirements for the particular business, occupation, or profession regulated. Each board shall consult with the Department of Veterans Affairs and the Military Department before adopting these rules and regulations. Each board shall perform the duties required by this section within existing budgetary resources of the agency within which the Board operates.

Proposed New Regulation

909.1
Applicants applying for the examination with comparable training learned while on duty in the United States armed services shall submit the Verification of Military Experience and Training (V-Met) records.