CALIFORNIA
BOARD OF BARBERING AND COSMETOLOGY

OCTOBER 19, 2015

Enforcement Committee Meeting

DEPARTMENT OF CONSUMER AFFAIRS
1747 NORTH MARKET BLVD.
HQ 2 HEARING ROOM 186, 1ST FLOOR
SACRAMENTO, CA 95834

California State Board of Barbering and Cosmetology

Enforcement Committee Meeting Agenda

Monday, October 19, 2015
9:30 A.M. - Until completion of business

Department of Consumer Affairs
1747 North Market Blvd.
HQ 2 Hearing Room 186, 1st Floor
Sacramento, CA 95834

ALL TIMES ARE APPROXIMATE AND SUBJECT TO CHANGE

1. Establishment of a Quorum; Welcome and Introductions

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. Approval of Enforcement Committee Meeting Minutes

   - April 20, 2015

4. Update on the Medical Services Task Force

   - Discussion and Approval of Recommended Regulatory Language Regarding False/Misleading Advertising.

5. Discussion and Recommendations of Remedial Training for Immediate Suspensions

   - Recommendation to Amend Sections 973.3 (d), 973.4 and 973.5 of the California Code of Regulations.

6. Agenda Items for Next Committee Meeting.

7. Public Comment
   Note: the Board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a)]

A quorum of the Committee is expected to 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.

BarberCosmo
Board of Barbering & Cosmetology

Richard Hedges, Public Member, Vice President

Polly Codorniz, Industry Member

Andrew Drabkin, Public Member

Joseph Federico, Industry Member

Kristy Underwood
Executive Officer

Edmund G. Brown Jr., Governor
State of California

Department of Consumer Affairs
Board of Barbering and Cosmetology

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No Attachment

BarberCosmo
Board of Barbering & Cosmetology

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.
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CALIFORNIA STATE BOARD OF BARBERING AND COSMETOLOGY

ENFORCEMENT COMMITTEE MEETING

MINUTES OF APRIL 20, 2015

Department of Consumer Affairs
1747 North Market Blvd
HQ2 Hearing Room 186, 1st Floor
Sacramento, CA 95834

COMMITTEE MEMBERS PRESENT
Richard Hedges
Andrew Drabkin
Joseph Federico
Dr. Kari Williams

STAFF MEMBERS PRESENT
Kristy Underwood, Executive Officer
Tandra Guess, Board Analyst
Marcene Melliza, Board Analyst

1. Agenda Item #1, WELCOME AND INTRODUCTIONS

Mr. Hedges called the meeting to order at 10:00 a.m.

2. Agenda Item #2, PUBLIC COMMENT

Don Chaudoin asked if Cosmetologist were now able to shave. Mr. Hedges explained that if a Cosmetologist has completed the Barber crossover course, they would be issued a Barber license and that would then allow them to shave.

Mirela Marinescu, International School of Beauty, addressed the committee about shaving, lash and brow tinting, and dermaplaning. She said her Barber students would like to be able to shave client's backs and they don't understand why they cannot. They are licensed to shave superfluous hair from the face and they should be allowed to shave the hair on client's backs.

The second subject Ms. Marinescu discussed was why Cosmetologist are allowed to tint the lash and brows, but Estheticians and Barbers cannot perform this service. Mr. Hedges did inform Ms. Marinescu that currently there is not an Food and Drug Administration (FDA) approved tint that can be used safely around the eye area and this service should not be performed at all.

Lastly, Ms. Marinescu wanted to discuss dermaplaning. She feels it should be called micro-dermaplaning and Estheticians should be able to perform this, as it's nothing more than a glorified shave. She shared with the Board that she has started a petition on Facebook and already has over 1000 signatures from Estheticians. She feels that this is the most gentle and most needed procedure in esthetics. In her opinion it is less dangerous than waxing, and less dangerous than any other method hair removal.

Mr. Federico, Industry board member, responded to Ms. Marinescu by stating that the majority of her issues breakdown into what is in the legislation of the scope of practice itself. The scope of practice of an esthetician does not include hair coloring, nor does it include shaving. This is why an esthetician cannot perform the tinting of the lash and brows, nor is allowed to perform dermaplaning. By performing these services the esthetician would be falling out of their scope of practice. In regards to lash and brow tinting, Mr. Federico explained that the Board decided to be in concurrence with the FDA, which stated that there is currently no product that is safe to use near the eyes.

3. Agenda Item #3 APPROVAL OF ENFORCEMENT COMMITTEE MEETING MINUTES

Upon motion by Mr. Drabkin, seconded by Dr. Williams, the minutes from the December 11, 2014 Enforcement Committee meeting were approved by a 4-0 vote.

4. Agenda Item # 4 UPDATE ON THE PROGRESS OF THE IMPLEMENTATION SB 1159.

Mr. Hedges began with an overview of SB 1159. The bill was carried by Senator Lara, to allow the use of a Individual Tax Identification Numbers (ITIN) be used in lieu of a Social Security Number when applying for licensure. It has now been fully implemented by the Board. Informational flyers have been created to advise people about the new option. Ms. Underwood shared that the Board is promoting the information on their social media outlets Facebook and Twitter, as well as posting the information on the Board's website in multiple languages. The Board's inspectors will be promoting the information in the field and all Board approved schools have been advised.

5. Agenda Item # 5 UPDATE ON THE PROGRESS OF COMPILING THE MEDICAL SERVICES TASK FORCE TO ADDRESS SERVICES THAT CAN BE PERFORMED BY BOARD LICENSEES.

The Medical Services Task Force Committee has been assembled and the first meeting is Scheduled for May 4, 2015.

6. Agenda Item # 6 DISCUSSION OF PROPOSED REGULATORY LANGUAGE TO DEFINE "DEMONSTRATING" FOR PURPOSES OF BPC §7319(E) EXEMPTIONS

Dr. Williams said that during Discplinary Review Committee (DRC) Hearings they often hear from persons that have been cited for unlicensed activity that "they are merely demonstrating a product, therefore they do not need a license". When the DRC committee continues to ask questions, it is often discovered that these services are being performed on repeat customers and demonstrating the same product. Dr. Williams continues by saying the Board needs to make it clear in regulations what we define as "demonstrate" and to make sure this practice of unlicensed activity can stop.

Staff is proposing to the committee some recommended language to define the word "demonstrate" as the following; "a one-time service, without compensation, to show or prove the value or efficiency of a product to a consumer with the intent that the person could perform the service or administer the product, on their own/at home with out a licensee/product instructor present."

If the committee decides they like this language or would like to add to it or modify it, Ms. Underwood then asked the committee if they chose, to make a motion to move this to the full Board later that afternoon. If the Board approves it, then the regulatory process would begin.

Dr. Williams made a motion to adopt the recommended language to define "demonstrate". Mr. Federico seconded the motion.

Public Comment

Fred Jones, Professional Beauty Federation of California, recommended some grammar/verbiage changes to the proposed definition of "demonstrate"

Jaime Schrabeck, Precision Nails, questioned where these demonstrations are happening; such as at home parties, within a salon, or promotional events at stores or a county fair. These last two locations bother her the most, because these people are demonstrating for free on the public, with or without a license and are being compensated by the organizers of the events for being there for the day.

John Moreno, Bakersfield Barber College, said there are unlicensed individuals going out on their own outside of schools or salons performing services and seeking compensation at these types of events and elsewhere. This has to be regulated and organized by the persons/company that is promoting the event or the person selling the product or a licensed establishment.

Ms. Underwood said there have been valid points made today, and the Board is in the beginning stages of the process, so the language may change multiple times. She did want to clarify that there are a couple issues being talked about during the discussion; unlicensed activity and demonstrating, and today the goal is to get the definition of "demonstrate" into regulation.

Mr. Hedges asked for a vote on the motion, and the motion passed with a vote of 4-0.

Ms. Underwood wanted to share with the public that if they have an interest in this regulatory change, they should join the Board's interested parties list. They will then be notified of any actions taking place during the process, and it will allow the public to make comments during the appropriate time.

Mr. Duke pointed out that this is only a recommendation to the Board from this committee and in the very early stages of the regulatory change process.

7. Agenda Item # 7 DISCUSSION AND RECOMMENDATIONS ON HOW TO PREVENT FALSE AND MISLEADING ADVERTISING WITH REGARD TO BEAUTY SERVICES

Ms. Underwood said the Board is seeing licensees or unlicensed persons advertising services that they should not be advertising. An example of this would be mole removal. This service is not included in any of the Board's licensees scope of practice, but licensees are advertising that they can perform this service. There is a statue in the Business and Professions Code section 7404 (a) (4) that states that unprofessional conduct which includes "Advertising by means of knowingly false or deceptive statements" is grounds for disciplinary action. Staff recommended the committee begin discussions on how the Board can strengthen in regulation false and misleading advertising.

Mr. Hedges said that he has seen situations where consumers had been physically scarred by services that were performed by individuals that were not licensed to perform those services. He thinks this is a good start to defining regulations to help with this problem.

Mr. Drabkin asked if someone is merely advertising a service that they are not licensed to perform, nor do they perform, would this then allow us to cite them. How would the Board be able to enforce this? Would the Board have staff to review advertising online, or would this be something we find during an inspection and it would be added to the list of violations found.

Mr. Hedges said that in DRC they see a lot of establishment owners stating that they had purchased the salon, and had not changed the advertising from the previous owner, but that the new business does not perform those unlicensed services. So, if we create regulations to prohibit false and misleading advertising, then these owners would be cited.

Mr. Federico added another example often found in establishments is third party advertising for a service or equipment without the specific salon's name on it. When a customer inquires about the service, the establishment will likely say they do perform the services.

Mr. Hedges said the Board had a case where there was a doctor's license hanging in a salon, but the doctor was never there. He said this is one of the reasons to meet with the medical board and Medical Services Task Force to make sure we are all on the same page.

Ms. Underwood said the Board has a lot of licensees that do hold multiple licenses. The Board has nurses that are also licensed estheticians, and doctors that own establishments. So there are people who do this perfectly legitimately, but almost everyday board inspectors go into establishments and find items and/or services being performed such as injectable Botox without a doctor present. The inspector will make a note of this, take a copy of the menu or a picture of the advertisement on the wall and include it with the inspection report. We will also check to make sure there is not a doctor affiliated with the establishment. What we want to address is the people that are doing these services, which are not licensed to do so. We do have a section that we can cite for Practice of Medicine, but unfortunately, we have to see the person performing the service for it to be upheld and an inspector will not enter a skincare room while a service is being performed on a client. There is a lot of advertising done by our licensees that is beyond their scope of practice, but there is more to it than just a blanket citation for somebody that is doing misleading advertising. There are many salons doing it legitimately so we do not want to hinder them in anyway, we just want to make sure they are not misleading the consumer.

PUBLIC COMMENT

Fred Jones, PBFC, believes this trips over First Amendment Rights and understands this is a work in progress, but believes what the committee is discussing here can be dangerous. He would like to know if this is limited only to advertising and he provided verbiage changes to the initial draft regulatory language provided to the committee.

8. Agenda Item # 8 AGENDA ITEMS FOR NEXT COMMITTEE MEETING.

Mr. Federico would like to discuss Pedi throne disinfecting regulations possibly needing updating.

9. Agenda Item # 9 PUBLIC COMMENT

Jaime Schrabeck, Precision Nails, recommended that businesses and individuals be required to use their legal name and license numbers on all of their advertisements.

10. ADJOURNMENT

With no further business, the meeting was adjourned.

Board of Barbering and Cosmetology
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MEMORANDUM

TO: Enforcement Committee Members, Board of Barbering and Cosmetology

Date: September 1, 2015

FROM: Tami Guess, Board Policy Analyst
Board of Barbering and Cosmetology

SUBJECT: Medical Services Task Force

On May 4, 2015, and August 3, 2015, a task force met comprised of two Board members, Board staff, a dermatologist, a representative from the California Medical Board, estheticians, analysts from the Department of Public Health and representation from various legal and industry associations.

INTENT

The focus of the task force was to discuss regulatory changes that could clarify services that can be performed by Board licensees.

SUMMARY

Items that were discussed included:

- Discussion on how to define the terms "Med Spa" and "Practice of medicine".
- Discussion on the clarification of skin care services, specifically, which skin care services could be considered practice of medicine.
- Discussion of terms to identify in-scope services commonly used in the cosmetic industry.
- Discussion on how to prevent false and/or misleading advertising with regard to beauty services.
- Discussion on adding regulatory language to the California Code of Regulations regarding the advertising of practice of medicine.

Results

The Medical Services task force approved the Industry Bulletin – Skin Care Machines/Devices, which is currently posted on the Board's website.

The Task Force has approved regulatory language pertaining to the prevention of false and misleading advertising with regard to Beauty services. It is submitted for Committee discussion and approval.

The Task Force is submitting an Equipment Evaluation form for the Committee's review and approval. This form could be used when licensees are considering the purchase of a skin care machine. Upon approval, this form will be made accessible on the Board's website under the CASafeSalon tab.

Further meetings of this task force are at the discretion of the Board.

Equipment Evaluation Form

Equipment Identification

Name of Equipment:
Type of Equipment:
Model Number:

Intended Use

What is the manufacturer's intended use?

What is your intended use?

Distributor's/Manufacturer's Contact Information

Name:
Address:
City: State: Zip:
Tel:
Fax:
Email:
Website:

Registrations / Certifications

Is the manufacturer registered with the FDA? If yes, what is the registration number?

Is the equipment registered with the FDA? If yes, what is the registration number and class?

Insert a copy of the Safety Data Sheet.

Safety Considerations

What safety certifications does this equipment have (i.e. UL, CSA, CE)?

Does the manufacturer carry liability insurance on this equipment? Is so, how much?

Did you obtain a certificate of liability insurance from your own insurance provider? Is the certificate of insurance available? (Insert a copy if available)

Does the manufacturer provide cleaning/disinfection protocols for the equipment? (If so, insert a copy of the protocol)

Are there any reasons that make it inadvisable to use this equipment on a person (contraindications)?

Article 11. Administrative Fines and Citations

The Board considers a person practicing medicine if the person does, advertises or offers to do, one or more of the following:

1. Advertise, offers, holds out to the public or represents in a manner that the person is authorized to practice medicine in this State.

    a. Append the letters M.D. or D. O. to the name of the person or use the words, Doctor, Physician, Surgeon, or an abbreviation or combination thereof, or letters or words of similar import in connection with the name of the person, or a trade name in which the person is interested, in the conduct of an occupation or profession pertaining to the diagnosis or treatment of human diseases or conditions. (i.e. Medical Esthetician (Aesthetician), Oncology Esthetician (Aesthetician, Medical Manicurist)

2. Advertises, offers, holds themselves out to the public or represents themselves as practicing, a system or mode of treating the sick or afflicted or who diagnose, treats, operates for, or prescribes for an ailment, blemish, deformity, disease, disfigurement, disorder, injury, or other physical or mental condition of a person, including, but not limited to, the treating of spider veins, lesions, growths or rashes.

3. Advertises, offers, holds out to the public or represents in a manner that the person is authorized to perform a procedures that by a means, method, device or tool that can damage the living skin (dermis) and subcutaneous tissues, including but not limited to, the use of scalpels, syringes, lasers, microwave energy, radio frequencies (with the exception of Electrologists), electrical impulses; and other energy emitting devices, thermal destruction (with the exception of Electrologists), needles (with the exception of Electrology needles or probes), chemical application, particle sanding, and other foreign or natural substances by injection or insertion.

4. Advertises, offers, holds out to the public or represents in a manner that the person is authorized to undertake to perform a surgical operation upon a person, or puncture or pierce the skin in a manner, including but not limited to, mole removal, skin tag removal and/or spot removal.

5. Advertises, offers, holds out to the public, or represents in a manner that the person is authorized to undertake to prescribe, give or administer a drug or medicine for the use of another person.

Industry Bulletin – 8/4/15 – Skin Care Machines/Devices

The Board of Barbering and Cosmetology (Board) does not approve or regulate equipment or products used in the barbering and beauty industry. Consequently, the Board provides no opinion on the contemplated use of any machine a licensee is considering purchasing.

The Barbering and Cosmetology Act (Act) defines the scope of practice of cosmetology and its specialty branch of skin care. (California Business and Professions Code, section 7316 (b) and (c).) A person licensed as a cosmetologist or esthetician is required to limit their practice and services rendered to the public to only those areas for which they are licensed. (California Business and Professions Code, section 7317.) The Act confers no authority to practice medicine or surgery. (California Business and Professions Code, section 7320.) The Board's regulations specifically prohibit invasive procedures which results in the removal, destruction, incision, or piercing of a client's skin beyond the epidermis or the application of electricity which visibly contracts the muscle (Title 16, California Code of Regulations, section 991.) Licensed cosmetologists and estheticians are cautioned not to engage in any invasive procedures.

The use of electrical stimulation in providing skin care services falls within the practice of an esthetician under certain conditions. So long as the machines providing the electrical stimulation do not deliver an electrical current that will visibly contract the muscle of the body or face and/or result in the destruction or removal of the skin below the client's epidermis. The machines perimeters must be set to stimulate the muscle not to contract the muscle.

The Board understands that the following machines/devices while used in a proper current range may not constitute an invasive procedure:

- Galvanic Current
- Microcurrent
- High Frequency Current
- Ultrasonic (Low frequency, low powered, topical devices intended for skin cleansing, exfoliation and product application)
- LED devices (410 nm – 945 nm. (nm = nanometers))

The following services may be ***considered invasive*** or practice of medicine:

- Radio Frequency (except electrolysis licensees)
- Electrical Muscle Stimulators (EMS) - Faradic type devices
- Intense Pulsed Light (IPL) therapies (photo facials)
- X-rays
- Ultrasound (Facial Lifting)
- Photo Light Therapy
- Endermology/Endermologie

- Injections of any sort
- Derma rolling or derma planing
- Removal of moles, age spots, skin tags and/or freckles

If the machine produces any of the following, you are working out of your scope of practice:

- Bleeding
- Bruising
- Edema
- Inflammation
- Oozing
- Excoriation
- Scabbing
- Removal of skin below the epidermis
- Piercing of skin
- Heating or burning the skin

Questions to consider in determining if you are working within your scope of practice:

Is my intent of service to beautify the skin?
Am I treating a disease or illness?

Intended Use

Intended use can be established in a number of ways. For example:

How is the product being advertised? Is the product being marketed as a cosmetic for beautification or does the advertising claim to treat or cure an ailment?

A skin cream can advertise that it smooth's and beautifies your skin (cosmetic use), however, if it advertises that it will cure or treat acne it could be considered practice of medicine.

What is the consumer's perception of the product/machine? Why is the consumer purchasing the service and what does the consumer expect out of the service?

A machine could advertise that it assists in the penetration of hydrating moisturizers for the beautification of your skin (cosmetic use) however, if it claims to reduce cellulite or manage pain, it could be considered practice of medicine.

Do the ingredients cause the product to be considering practice of medicine?

A skin peeling agent could advertise that its use will remove unwanted dead skin cells and promote vibrant, glowing skin, (cosmetic use) however, if the skin peeling agent claimed to remove brown spots or scarring, it could be considered practice of medicine.

For additional consideration of how to establish a product's or machine's intended use, please see the U.S. Food and Drug Administration (FDA) publication, "Is It a Cosmetic, a Drug, or Both? (Or is It Soap?)"
http://www.fda.gov/cosmetics/guidanceregulation/lawsregulations/ucm074201.htm#Intended_use

Consumer Notice

The Board does not approve or regulate the sale of skin care machinery. Every year thousands of skin care machines are manufactured and brought into the United States. These machines may or may not have gone through proper testing and/or FDA approvals. Be diligent - make sure you know what you are buying. The Board does not have regulatory authority over the manufacturing and/or selling of machinery. It is the licensee's responsibility to know if they can use the purchased machine within their respective scope of practice.

Items to consider before purchasing skin care equipment

- Is the machine registered with the FDA and compliant with FDA requirements?
- Make sure you know the machines intent of use, claims of the machine, and FDA classification (select FDA class 2 devices and all Class 3 devices are out of scope for our licensees)
- Does the machine have any safety certifications? Does it carry the UL, CSA or CE listed mark on the device and power cord?
- Is the manufacturer ISO 13485 certified?
- Does the manufacturer maintain liability insurance on the machine?
- Have you been provided with instructions on how to properly clean/disinfect the machine?
- Are there any associated contraindications associated with the use of the machine?

If you are unsure of the answers to these questions, ask the manufacturer prior to purchasing the machine.

NOTE: The Board recommends licensees maintain an Equipment Evaluation Binder on site for questions that may arise regarding the machine during a Board inspection. For information on how assemble an Equipment Evaluation Binder, see the Board's website www.barbercosmo.ca.gov under CA Safe Salon.

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MEMORANDUM

TO: Members, Board of Barbering and Cosmetology Date: October 19, 2015

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

SUBJECT: Remedial Training for Manicuring and Pedicuring Violations

Background

Section 7403.2 of the Business and Professions Code allows the Board to immediately suspend a license and place that license on probation, relating to manicure and pedicure equipment violations. As part of this probation, the licensee is required to complete an 8 hour remedial education course. Section 7303.2(b)(1) states:

The licensee shall undertake board-approved remedial training related to the health and safety laws and regulations applicable to the establishment.

The Board developed regulations that defined this statute in the California Code of Regulations sections 973.3, 973.4 and 973.5 (see attached). In summary, these regulations provide for the following:

- The course must be 8 hours.
- The course must be approved by the Board.
- The course must focus on disinfection and sanitation of pedicure and manicure equipment.
- The course must specifically address the health and safety regulations.
- Requirements for course approval.

Issue

Board staff is finding that licensees are having a difficult time finding an approved course. In addition, the course does not need to be provided by a Board approved school. This means anyone can put together a course outline and the board would not have the authority to deny the request, even if a provider has no knowledge of the manicuring and pedicuring industry. Also, staff believes that 8 hours may be too high of a requirement when the focus should be on manicuring and pedicuring and specifically the cleaning and disinfection of footspas.

Recommendation

Staff recommends that the Board consider the following recommendations:

Allow Board staff to develop its own remedial education course that can be provided as a web based program. Board staff will present the course to the Board's Education and Outreach Committee and if approved submit to the full Board.

In developing the course, staff may make a recommendation for a shorter more precise course that truly focuses on the required subjects.

Should the Board approve the new course, regulations would need to be amended to allow for the new process.

973.3 Terms and Conditions of Probation

A licensee that has been subject to immediate suspension and placed on probation pursuant to Business and Professions Code section 7403.2 and regulation section 973, shall comply with the following terms and conditions:

(a) A licensee on probation must submit to the board on a monthly basis a report that indicates the following, and is signed under penalty of perjury:

(1) A copy of all pedicure cleaning logs; and

(2) Proof, if any, of completion of board approved remedial training as defined by regulation section 973.4.

(b) An establishment of a licensee that has been placed on probation shall be inspected on a quarterly basis and may be inspected more frequently. The owner of the establishment is responsible for paying all fees required to cover the costs for inspection. The fee for inspection shall be $42 for each workstation at the establishment. A workstation is a pedicure station or a manicure station.

(c) A licensee on probation shall pay all administrative fines. In a case of economic hardship, the licensee may request to have a payment plan established by the board.

(d) A licensee who has been subject to suspension and placed on probation in accordance with section 7403.2 of the Business and Professions Code shall complete an 8-hour board approved remedial training course.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7403.2, Business and Professions Code.

973.4 Remedial Training Defined

Remedial training shall be a course of instruction approved by the board that focuses on the disinfection and sanitation of pedicure and manicure equipment. The remedial training course shall specifically address the board's health and safety laws and regulations.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7403.2, Business and Professions Code.

973.5 Approval of Remedial Training Courses

(a) In order for a remedial training course to be approved by the board, a provider shall complete an application for course approval that provides the following information to the board:

(1) Description of course contents. The course content shall be pertinent to the health and safety laws and regulations of the board. The course shall focus on the safety and sanitation of pedicure and manicure equipment.

(2) Method of instruction of course offered. Teaching methods for each course shall be described, e.g. lecture, seminar, audiovisual, etc.

(3) Proof that instructors are qualified to teach the specified course content by virtue of their prior education, training, and experience. A resume of each instructor shall be forwarded with the application for approval.

(4) The application for course approval shall state the name of the provider and location where instruction will be given.

(b) Any modifications or subsequent changes to an approved remedial training course shall meet the requirements provided in this section and are subject to approval of the board.

(c) The board shall withdraw the approval of any course for failure to comply with any provisions of this section. The withdrawal for approval shall continue until such time as the training course provider meets the requirements of this section and obtains written approval from the board.

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7403.2, Business and Professions Code.