



BOARD OF BARBERING AND COSMETOLOGY
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Board of Barbering and Cosmetology
Department of consumer Affairs, Hearing Room 1030
400 R Street
Sacramento, CA 95814

BOARD OF BARBERING AND COSMETOLOGY
LICENSING AND EXAMINATION COMMITTEE MEETING

MINUTES OF APRIL 24, 2005

BOARD MEMBERS PRESENT:

Dr. Della M. Condon, President
Joe Gonzalez, Vice President
Richard Hedges
Frank Lloyd

STAFF MEMBERS PRESENT:

Terresa A. Ciau, Executive Officer
Albert Balingit, Staff counsel
Kristy Underwood, Administrative Analyst
Kelly Schmidt, Staff

1. Agenda Item #1, CALL TO ORDER/ROLL CALL

Dr. Condon called the meeting to order at 9:00 a.m. Dr. Condon welcomed everyone to the meeting. Board members introduced themselves and provided a brief background.

2. Agenda Item #2, APPROVAL OF COMMITTEE MEETING MINUTES

Upon a motion by Mr. Lloyd, seconded by Mr. Gonzalez it was voted 4-0 to approve the minutes of the February meeting of the Licensing and Examination Committee.

3. Agenda Item #3, PROPOSED LANGUAGE FOR INSTRUCTOR QUALIFICATIONS

The sunset review report indicated that the instructors license will sunset in January 2005. The committee requested a postponement for time to fully discuss the issue with the industry and respected members of the public. This was denied, the license did sunset in January. Currently the only requirement to teach cosmetology is governed by the Private Post Secondary CERT Process, which are minimal. Task force meetings have been conducted to gain input from the public. It was clear there is a strong need for instructor licensing. Teacher preparation needs to be strengthened. At the last board meeting, the committee asked staff to develop language for a bill for instructor licensing. Dr. Condon read the new language as developed by staff and a discussion ensued. It was agreed the need to take the 600 hours and the state exam needs to be more clarified. The CERT program stays in effect and the

individual has up to three years to take and pass the state board exam. Mr. Hedges noted the 10 months of practical experience is important as long as it is verifiable. Mr. Gonzalez believed it would be important to identify states with training equivalent to California. Dr. Condon noted staff looks at the number of hours required by a certain state, etc. Mr. Lloyd questioned if it was the instructors fault if the students did not pass: aggregate scoring, curriculum and textbooks may also play a part. He was concerned that requiring instructors to go back to school and complete 600 hours might result in good instructors leaving the field. Dr. Condon noted the students progress is directly related to the teacher, and teachers need to be high quality. Mr. Hedges agreed and noted one of the goals of the board is to protect the students as consumers, the new language provides that protection. An agreement was reached to include: current owners of CERTS will be grandfathered to be qualified as licensed instructors.

A motion was made by Mr. Gonzalez to grandfather all individuals who currently hold a certification as a licensed instructor, and that language be added to the proposed language for instructor qualification. Mr. Lloyd seconded the motion. The motion was voted 2-2 and did not carry.

Public input was obtained:

Fred Jones, Professional Beauty Federation of California, discussed passing rates. Private schools are slightly lower than public schools. He noted the Bureau of Private Post Secondary Education (BPPVE) certification requires three years of industry experience before one can apply to become an instructor by the BPPVE). The board's proposed language requires 10 months. He was concerned about dual regulations.

Stan Montoya, Elite Academies, noted the continuing training needs to be clarified.

Patsy Kirby, Electrology Association of California, is concerned that electrology has not been included in the instructor licensing language. She agreed with the grandfathering issue.

Juana Hernandez, Santa Barbara City College, suggested in addition to practicing cosmetology for a year in a licensed establishment, individuals should also go through the curriculum.

Jim Edwards, CASC, noted schools are concerned that they will have to revamp their training programs. He explained the process in Illinois, which has a 900 hour requirement plus a certification program. He noted his programs are certified by BPPVE, and would like to have a voluntary self-certification program. He believed the lower quality schools are quickly identified. He felt the grandfather issue would be difficult to assess.

Sydney Thomas, Lahey College, noted before the license was removed, a cosmetologist had a choice, with a certain number of years of experience they could take the exam without the 600 hours of training. She disagreed with the grandfathering.

The question was called, and the motion did not carry due to a 2-2 vote.

In further discussion on the entire document, the board agreed each section under Item 4 would include 600 hours of instruction and taking the state board examination.

Public comment was opened.

Jerry Tyler, Carlton Hair and a long time instructor, identified items he believes are missing from the proposal: 1) industry experience should be a requirement, not an option; 2) provide a provisional instructors permit or certification to allow instructors to teach; 3) create a vocational educational instructors certification course; 4) issue a credential upon completing the certification course.

Fred Jones, PBFC: 1) The BPPVE certification is very minimal; 2) pass-fail rate is proof of the need to increase the bar for instructors in private schools (lack of aggregate scoring overall); 3) poor instructors are not serving the students (they are still able to obtain certification by BPPVE). He believed the proposed regulation is "an unneeded, overreaching, and duplicative requirement on instructors in private schools."

Quinton Carter asked if something isn't broke, why is the board trying to fix it.

A student from Skyline noted it is important to have qualified teachers.

Dr. Condon recommended adding a fourth requirement under Item 3 (page 1): "has worked in the industry for at least three within the last five years." Under Item 4 (page 1), she recommended adding "has worked in the industry for at least three years within the last five." Under item C (page 2) she recommended replacing the one year requirement with "three years within the last five." The Board agreed.

Upon a motion by Mr. Gonzalez, seconded by Mr. Hedges, it was voted 3-1 (Lloyd) to forward the document with the corrected changes onto the full board for review and approval.

4. Agenda Item #4, NEW TEXTBOOK REVIEW AND APPROVAL

A list of textbooks was presented. The textbooks have been reviewed by ten subject matter experts. Mr. Hedges questioned the reviews of Esthetic Standards of 2004; two reviewers stated the procedures in the text would be in conflict with California standards. Staff will research this issue and report back to the committee at the Board meeting. Mr. Gonzalez also noted numerous omissions. Mr. Lloyd recommended sending the comments to the publishers. Upon a motion by Mr. Gonzalez, seconded by Mr. Lloyd, it was voted 3-0-1 (Condon) to forward the review and the committee's comments to the board for a full discussion. Dr. Condon abstained from the motion due to a possible conflict of interest.

5. Agenda Item #5, ESTHETICIAN AND ELECTROLOGY TASK FORCE

Patsy Kirby, Executive Director of the American Electrology Association, addressed the board. She presented a packet and slide presentation on continuing education, invasive procedures; apprenticeship program, instructor licensing and continuing education. She also discussed

licensed electrologist versus registered electrologist. A notebook was provided and reviewed thoroughly. Issues discussed included: need to belong to a professional organization; continuing education requirements for license (10 hours in a two year period); certified written exam (75 hours of continuing education in five years); review of invasive procedures and supplies (protect public; proper infection control) – new definitions and clarifications needed; freely available topical creams not allowed by regulations; fees;

Ms. Kirby requested a letter from the board concerning whether an electrologist is licensed or registered.

Dr. Condon thanked Ms. Kirby and her organization for their proactive approach to the issues. She acknowledged there were many issues and requested Ms. Kirby prioritize the issues for the committee's review. She recommended stating the issue, the resolution, and potential dates; have the list reviewed by Dr. Condon, and then brought back to the committee for full review.

Mr. Hedges noted there have been many cases with electrologists performing invasive procedures in medical offices. The committee commended Ms. Kirby on her thorough presentation.

(Ten minute break)

6. Agenda Item #6, APPRENTICE PROGRAM REPORT

A task force was formed to look into the apprenticeship program. Mr. Lloyd reported on the task force's activities. They last met on March 28, 2005. The task force met with representatives of the board, the industry, and the Division of Apprentice Standards. Issues discussed at the meeting included ratio of apprentices to trainers (recommendation: one to one); multi location of apprentices licenses (recommendation: apprentices may work in more locations; only if under common ownership); no changes or recommendations on curriculum (3200 hours); immediate employment (recommendation: apprentice allowed to begin employment upon receipt of proof of 39 hour training, and not have to wait for license; application must be submitted within 30 days of training); continued employment (may work if applied for exam).

The committee discussed the above issues. Mr. Gonzalez recommended placing a limit on the number of apprentices per salon and stating the specific number allowed. A percentage was recommended. However, it was agreed small shops might suffer. Mr. Hedges questioned the continuity of training; any licensee could supervise an apprentice at any time. Mr. Lloyd explained this allows the shop more flexibility. The board agreed the one-on-one requirement is very important. Dr. Condon opened the meeting to public comment.

Jerry Tyler, of Carlton Hair International, supported the one-to-one ratio.

Josie Glenn, retired from Skyline College, noted in addition to salon experience, her students were taught separately one day a week so they could ask more questions, etc. She supported the one-on-one ratio.

Quinton Carter felt the one-on-one ratio would hurt the smaller shops. He noted prior regulations were no more than two apprentices per shop unless there was a licensed instructor present.

Fred Jones noted the average ratio throughout other trades is five-to-one.

Glen Foreman, Department of Industrial Relations, Division of Apprenticeship Standards, addressed the board. He noted booths cannot be rented to an apprentice. Current standards require an apprentice to be supervised by at least one journeyman.

Shirley McNeely, Northern California Barbering and Cosmetology Apprentice Program, noted her program offers a three day per week high level of training at her learning center, a pre-apprentice training program. She believed that her trainers could handle more than one apprentice. She believed her trainers could oversee four to five apprentices at one time in the salon.

Dr. Condon expressed her concerns. One issue was regarding the submitting of applications within 30 days of completion of training. Dr. Condon recommended the application be submitted prior to starting pre-apprenticeship training. It was agreed to strike "within 30 days" and add "upon entering the pre-apprenticeship training" to the proposal. Another issue concerned the three attempts at the examination. She recommended adding if the applicant has failed three times, "the apprentice must stop work and obtain additional training." Mr. Gonzalez was concerned that language should be added after an applicant failed the first time. He recommended if an applicant fails a first time, they should be required to complete more education before they are allowed to continue to work on the consumer.

Jerry Tyler, Carlton Hair, indicated a person is considered an apprentice until they receive their license, and will be under the supervision of a trainer. However, he felt after three times of failing the test, they should not be allowed to continue working.

Mr. Carter noted the apprenticeship license could be used as a crutch if an applicant could not pass the test. He supported Mr. Gonzalez's recommendation. He also suggested the current exam was unfair and needs to be revamped.

The board consensus was an applicant has two opportunities to pass the test, and if they do not, they must stop working and obtain more training.

Mr. Gonzalez questioned why an apprentice should be allowed to go to different locations.

Jerry Tyler noted the salons have a certain amount of apprentice hours they can offer, so an apprentice may be sent to another location. Also, a trainer may move to another location. This would ensure the ratio would be met.

Mr. Hedges noted the recommendation is acceptable if the apprentice is not forced to move to different locations. Dr. Condon recommended adding "only to locations of common ownership."

Juana Hernandez noted at Santa Barbara City College she found the moving around of apprentices was at the convenience of the franchise owners "to get an underpaid workforce."

Quinton Carter noted a spirit of cooperation and negotiation will be required to assist the larger and smaller shop.

Mr. Hedges made the motion to approve the report as originally written with the changes regarding continued employment after two failed tests; page 4, recommendation #4, strike "within 30 days" and replace with "upon entering pre-apprenticeship process." Mr. Gonzalez suggested adding the apprentice may request authorization from the department to work in multiple locations. The motion was seconded by Mr. Gonzalez. It was approved by a 4-0 vote and will be forwarded to the full board for discussion at tomorrow's meeting.

7. Agenda Item #7, PROGRESS UPDATE ON EXTERNSHIP PROGRAM

The externship program allows a student to work in a salon under the supervision of licensed operator. Dr. Condon reviewed the recommendations of the working group. Issues discussed: include electrologists in the externship program; schools to administer sanitation safety mock examinations prior to participation in the program; trainer provide progress reports to management; trainer must have no outstanding violations; changes in the name of the program; maintain current ratio of 4:1, with a primary trainer; additional hours to 200. A ratio of one-to-one was discussed.

Jerry Tyler, of Carlton Hair, supported the recommendations of the working group. He noted some of the concerns of the working group are already a part of the regulations. The externship program is very important. He suggested requiring 240 hours, in two blocks of 120 hours each. He recommended starting the externship at 800 hours, not 1200. The curriculum should be addressed.

Alex Irving of Esche and Alexander, representing Supercuts, believed the program is over regulated. As a member of the externship task force, he had some concerns including extensive paperwork, the ratio needs to be lowered, program needs to be simplified; the 200 hour requirement should be done in increments. Dr. Condon agreed the program needs to be as simple as possible to allow for optimum participation.

Upon a motion and a second, it was voted 4-0 to approve the report and forward it on to the full board for discussion and approval at tomorrow's meeting.

8. Agenda Item #8, PROGRESS UPDATE ON THE 1600-HOUR CURRICULUM

Dr. Condon reported on the progress of the working group. The working group discussed the following: the exam's responsiveness to the occupational analysis; adding scalp treatment be included with the wet hair stylist and hours of the scalp treatment be transferred to the

disinfecting and sanitation section; the difference between heated curling irons and other heated materials; creation of single hairstylist license-the majority of the group agreed to keep the license styling categories as they are; required operations and hours should be in line with the current occupational analysis; the group agreed the curriculum requirement will remain at 1600 hours, but modifications within those may be made in the future, in relation to what the occupational analysis shows.

Mr. Gonzalez made the motion to accept the report and forward it to the full board for review. Mr. Hedges seconded the motion and it was approved by a 4-0 vote.

Jerry Tyler of Carlton Hair, noted hairdressers need both educational and competency skills. He suggested an individual modular approach to the curriculum.

9. Agenda Item #12, ADJOURNMENT

The meeting was adjourned at approximately 5:00 p.m.