



CALIFORNIA STATE BOARD OF BARBERING AND COSMETOLOGY

MINUTES OF JULY 28, 2010

**Department of Consumer Affairs
2005 Evergreen Street
Hearing Room, 1st Floor
Sacramento, CA 95815**

BOARD MEMBERS PRESENT

Richard Hedges
Frank Lloyd
Ken Williams
Christie Tran
Deedee Crossett
Marie Lemelle
Dr. David Rabago
Ted Nelson

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Officer
Hilda Youngblood, Assist. Executive Officer
Diann Dobbs, Staff Counsel
Theresa Rister, Board Analyst

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

President Richard Hedges called the meeting to order. The board members and staff introduced themselves.

2. Agenda Item #2, PUBLIC COMMENT

A male audience member stated he attended the meeting to discuss the Board's opinion of online training in cosmetology. He saw it being integrated into the current school system and not as a replacement. Ms. Underwood noted current regulations outlined what can and can't be done online. He was advised on what steps to take to become more aware.

3. Agenda Item, #3, BOARD PRESIDENT'S REPORT

Mr. Hedges reported that he and Ms. Crossett attended a meeting with the Agency Secretary regarding manicuring curriculum hours. He believes it went very well and we should be able to move forward with increasing the manicuring hours by 100. He also reported that DRC is working very hard with moving forward with their cases, especially with not being able to travel due to the budget. He also stated he as well as other board members attended a meeting at DCA that discussed Board Member practices.

4. **Agenda Item #4, EXECUTIVE OFFICER'S REPORT**

- **Staffing Update:** Ms. Underwood introduced Hilda Youngblood, the new assistant executive officer to the board. She announced Liz Constancio was now the manager over the administration staff. Debra Brown was the new manager over the inspections division and will begin in August.
- **Update on Current Projects:** An important project currently underway is improvements in the Enforcement Division. The focus is to streamline the process and reduce the timeframes. Staff is working on developing a new program with the Division of Investigations. The Board is looking to use an outside collection agency to follow up on past due fines. The Department of Consumer Affairs has been supportive in helping the Board obtain new vehicles for the new inspector positions. Staff is researching options to optimize every inspector including partnering up. A meeting was held with all the inspectors on June 28-29 in Sacramento. Topics included customer service, professionalism, and foot spas. Staff has been researching options to be able to increase the inspectors' pay. An outside entity will be brought in to perform a job analysis. A new establishment renewal license has been created to include the ownership names and will be the same size as the initial license (8x10). No overtime has been authorized. The next meeting will be in October in San Diego if the budget permits. All will be kept apprised.

Mr. Williams asked about the vehicles for inspectors and if they could use their own vehicles. Ms. Underwood stated that the inspectors would need to carry their own insurance and this is not feasible with the distance they travel.

It was agreed it was important to get information to the licensees and clarify the role of the Board. Mr. Lloyd noted a lot of licensees come to the DRC very angry because of their citations. He agreed they need to be made aware that the citations are there to protect the public, their consumers.

PUBLIC COMMENT:

Fred Jones, PBFC, stated he was inappropriately quoted in a recent news article. He further stated that he was never interviewed and believes the quote was taken from an email that was forwarded by someone else. It was agreed it was not factual and inappropriate.

Mr. Hedges commented on the Inspectors salaries, he believes they are underpaid. He would like to see them receive a salary increase.

- **Update on Litigation Regarding ACLU vs. City of Moreno Valley and Other Agencies:** This case has been settled.

5. **Agenda Item #5, DCA DIRECTOR'S REPORT**

Brian Stiger, Acting Director for the DCA comments on several items. He spoke how the department is implementing a new Consumer Protection Enforcement Initiative to overhaul the enforcement and disciplinary processes of our healing arts Boards. The

goal of this initiative is to reduce the average enforcement completion timeline for our healing arts boards from 36 months to between 12 and 18 month.

Another project the department is working on is BreEZe, which will provide all DCA organizations with an enterprise system that supports all applicant tracking, licensing, renewal, enforcement, monitoring, cashiering, and data management capabilities. BreEZe will be web-enabled to allow application, renewal, and payment processing via the Internet for applicants and licensees.

Ms. Crossett addresses a few concerns to Mr. Stiger. She indicated she would like to see students licensed quicker, her concern was with students who had convictions and stated it takes longer for them to get approved. She also indicated that she would like to see the same scoring for all license types.

Members of the Board thanked Mr. Stiger for attending the meeting and stated they support him and have a positive outlook on his expectations.

6. Agenda Item #6, APPROVAL OF BOARD MEETING MINUTES

- **April 18, 2010**
- **April 19, 2010**

The following changes/corrections were noted: Pages 4 and 6, need correction. Upon a motion by Mr. Williams, seconded by Mr. Lloyd, the above minutes as amended were approved by a 8-0 vote.

7. Agenda Item #7, REVIEW OF BOARD STATISTICS

- **Licensing:** The number of applications increased in 2010 over 2009 and were processed with less staff and time due to furloughs.
- **Examinations:** Summary reviewed. The number of no-shows has remained consistent. Staff overbooks with caution. Using stand-by was discussed. 48 hours is needed to transmit data from the office to the test site. It would be difficult to keep the exam personnel at the test site apprised of who was on stand-by and could cause a delay. Mr. Hedges directed staff to research the possibly of the stand-by status. Some Board members requested the opportunity to visit the exam site. Ms. Underwood noted the security was very tight and to give her advance notice so she could let the examiners know to expect them, she also indicated under no circumstances could you go into the testing room. Ms. Underwood noted the Department uses various computer systems that are not connected and this impacts the ability to do a standby.
- **Disciplinary Review:** Mr. Lloyd reported more cases were heard than received for the quarter. He invited all Board members to attend the hearings.
- **Enforcement:** No discussion.
- **Inspections:** No discussion.

8. Agenda Item #8, BUDGET UPDATE

Ms. Underwood provided an overview of the latest budget projections. Mr. Hedges noted the Board has over 9 months in reserves so they may be asked to contribute to the state budget. The budget reflects the Governor's order of a 5% reduction in salaries. A monthly report is submitted to the state to show how this 5% reduction is met. This is being met by holding a couple of positions vacant. Background information was also provided. Fund conditions were noted which were used to build the budget for the Board by the Governor. In 2008/09, \$10 million was given to the State's general fund. Several pie charts were provided to reflect revenues and expenditures. A Board member noted the revenues increased in 2007/08. The various categories were explained. Mr. Hedges requested a motion to request Ms. Underwood to put together a comprehensive plan to provide the budget projections for the coming years. It was requested Ms. Underwood prepare a report of daily operating funds per month. Ms. Underwood requested clarification between a business plan and a comprehensive plan. She stated she would be able to prepare a report of the budget in regards to licensing and enforcement. Ms. Crossett questioned if this was the best use of Ms. Underwood's time. Mr. Williams believed the available data needed to be put together differently. It was motioned by Mr. Nelson and seconded by Ms. Lemelle to have Ms. Underwood come up with a comprehensive plan to the Board Members on how she will operate the business of the Board. The motion was approved by an 8-0 vote.

9. Agenda Item #9, INDUSTRY/CONSUMER OUTREACH UPDATE

Mr. Hedges noted he sent Ms. Underwood a video regarding sanitation. Ms. Underwood noted outreach has been limited because of the budget. Staff will be attending a show on October 10th in Sacramento. Mr. Williams attended the meeting of the CCA, California Cosmetology Association in Hawthorne, CA. It was well attended and he participated in panel discussions to provide general information about the board. He also welcomed the internet audience via the webcam.

10. Agenda Item #10, LEGISLATIVE UPDATE

a. Review of Proposed Legislation: Essential bills were discussed.

- **AB 978 State Chief Information Officer Duties:**
- **AB 1659 Joint Sunset Review Committee**
- **AB 1787 Administrative Procedure: Regulations: Narrative Description**
- **AB 1889 Private Postsecondary Education: CA Private Postsecondary Act of 2009**
- **AB 1899 State Agencies: Information on Web Site**
- **AB 1957 Administrative Procedure Act: Notice of Proposed Actions: Local Government**
- **AB 1993 State Government Reports: Declarations**
- **AB 2091 Public Records: Information Security**
- **AB 2130 Professions and Vocations: Sunset Review**
- **AB 2393 Private Postsecondary Education: Fair Business Practices:**

- **AB 2466 Regulations: Legislation Validation**
- **AB 2738 Regulations: Statement of Reasons**
- **SB 942 State Auditor: Analysis of Regulations**
- **SB 1171 Sunset Review**
- **SB 1491 Department of Consumer Affairs Omnibus:**

11. Agenda Item #11, REGULATIONS UPDATE:

- **Review and Approval of Curriculum Regulations – Final Regulation Package:**
Upon a motion by Mr. Williams, seconded by Mr. Lloyd it was voted 8-0 to approval the final regular package.

Public Comment:

Fred Jones of the PBFC recommended changing curriculum to curricula.

The fine schedule with the changes was approved by an 8-0 vote. A 15 day notice will now be done.

- **Administrative Fine Schedule:**
The administrative fine regulations are moving through the process.

12. Agenda Item #12, DISCUSSION ON ADVANCED ESTHETICIAN LICENSE:

A representative of the National Coalition of Estheticians addressed the Board regarding the advanced Esthetician license.

Sherry Davis is an instructor and licensee for over 25 years. She stated it was very difficult to get the 600 hours but provided a base of understanding. She provided the background of other states' programs; most have a 1200 hour program for advanced. She believed it would be advantageous to provide options to move up the industrial ladder and be more professional.

Mr. Williams stated we tried to increase the hours before and we were declined, he believes a two tier system would work better.

Mr. Hedges believes that some items may fall within the Medical Board.

Public Comment

Patsy Kirby, Electrologist Association of California, stated laser is not legal in California.

Fred Jones with the PBFC, stated his Board would be concerned with a new license that would increase the backlog (be mindful of limited resources), and is

it up the Board to go to the next level. Is it a minimum standard for public safety? The change would require a statute and should it be a priority? He advised the board to be wary when dealing with the medical board.

Peter Westford from Riverside Community College, noted this issue has been discussed for years. He stated it was a growing trend and 600 will not cover the training needed. Numerous complaints have been received regarding scars and injuries from Estheticians. Advanced license would identify that extra training was received and protect the consumer.

Ms. Crossett believed the Board should be proactive to protect the consumer and not wait.

13. Agenda Item #13, OVERVIEW OF DISCIPLINARY PROCESS:

Staff counsel provided a brief overview of the disciplinary process.

14. Agenda Item #14, OVERVIEW OF RULEMAKING/REGULATORY PROCESS:

Staff counsel presented a flow chart and provided an overview of the rulemaking process.

15. Agenda Item #15, DISCUSSION ON UN-REGULATED SERVICES OFFERED IN LICENSED ESTABLISHMENTS:

Mr. Hedges requested a full discussion was needed for this item. Ms. Underwood who has been working with legal counsel, Gary Duke, was going to provide information to the Board, however Mr. Duke was not able to attend this meeting. It was agreed to keep on the agenda for the next Board Meeting.

Public Comment:

Jaime Schrabek of Precision Nails suggested when discussing we need to expand our concept to include all aspects of services.

16. Agenda Item #16, DISCUSSION ON SCHOOL OVERSIGHT (APPROVALS AND ENFORCEMENT):

Ms. Underwood reported an examiner reported odd smells while at a school site. Numerous cleaners were found upon inspection. It was found disciplinary action was not an option as the Board did not oversee the licensing, only curriculum. They were not able to act on complaints of health and safety other than issue citations. There are limited resources and jurisdiction over schools. The Board is providing this oversight for "free". Citations can be issued but if the fees are not paid, disciplinary action cannot be enforced. This problem is getting worse and authority needs to be established. Ms. Underwood believed there needs to be one regulatory program for the schools. The Board will always be involved in the schools. Dual oversight is not working and needs to

be corrected. As a school owner, Mr. Williams agreed the Board needs to have full oversight.

Public Comment:

Fred Jones of PBFC, believed the Board should prepare to confront the legislature/Governor about this issue by December. He believed this is the time to send a message to the Director of DCA and Senator Pro Tem, possibly a consultant could be hired by the Board to replace the functions of the BPPE.

The Board took a break at this point. The meeting was re-adjourned.

17. Agenda Item #17, DISCUSSION ON STRENGTHENING ESTABLISHMENT REGULATIONS:

A staff report was presented. It was noted the requirements are minimal to obtain an establishment license. Ms. Underwood researched the requirements in other states and it was found most were very extensive. Very preliminary language was presented. Extensive discussion ensued about what should and should not be included. Questionable items included certification of equipment. It was agreed the floor plan should be included for safety reasons. Mr. Nelson believed the requirements were an overkill. Mr. Hedges noted this was a very serious problem. Mr. Hedges suggested a working group be set up for further discussion.

Public Comment

Jaime Schrabek of Precision Nails believes legitimate businesses are doing the correct way. The board should increase the application fee and renewal fees. She also suggested forwarding a new salon to Franchise Tax Board letting them know that a new business has opened, profits are always hidden. She would also like to see salon's advertise with their license number.

Fred Jones, PBFC, he also agreed with Mr. Hedges and would like to see a working group established. Decent law abiding citizens will have different opinions which may create more red tape, he suggested to include stakeholders and the Board can tailor to those specifics.

18. Agenda Item #18, STRATEGIC PLANNING – ESTABLISH DATE FOR PLANNING MEETING:

The Board agreed to hold until the next board meeting.

19. Agenda Item #19, PUBLIC COMMENT:

None

20. Agenda Item #20, AGENDA ITEMS FOR NEXT MEETING:

- Review the Board Business Plan
- Continuing Education
- Author a Bill to Govern Schools
- Most Common Esthetician Violations for Advanced Esthetician License

21. Agenda Item #21, CLOSED SESSION TO DISCUSS ENFORCEMENT CASE

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

22. Agenda Item #22, ADJOURNMENT

The meeting was reopened to public session.

With no further business, the meeting was adjourned.