



**CALIFORNIA STATE BOARD OF  
BARBERING AND COSMETOLOGY  
LEGISLATIVE AND BUDGET COMMITTEE MEETING**

**MINUTES OF JUNE 3, 2013**

**California Board of Barbering  
and Cosmetology  
2420 Del Paso Road  
1st Floor Sequoia Room, Room 109  
Sacramento, CA 95834**

**COMMITTEE MEMBERS PRESENT**

Joseph Federico  
Richard Hedges

**STAFF MEMBERS PRESENT**

Kristy Underwood, Executive Officer  
Gary Duke, Legal Counsel  
Tandra Guess, Board Policy Analyst

**1. Agenda Item #1, WELCOME AND INTRODUCTIONS**

Mr. Federico, Board President, called the meeting to order at 1:00 p.m.

**2. Agenda Item #2, ELECTION OF A COMMITTEE CHAIRPERSON**

Upon motion by Mr. Hedges, seconded by Mr. Federico, Mr. Federico was elected by a 2-0 vote as Chair of the Legislative and Budget Committee.

**3. Agenda Item #3, APPRENTICESHIP PROGRAM REVIEW UPDATE - FINAL RECOMMENDATION**

Ms. Underwood presented to the committee some regulation language that would prevent an individual from being issued an apprentice license if the individual has been approved to sit for the exam. This would prevent individuals from “recycling” through the apprentice program. An individual would be required to inform the Board of the reason for stopping the apprenticeship program before they would be allowed to return to the program. Ms. Underwood also suggested that a regulation be made that limits the number of apprentices under one licensed trainer to two at any given time. Ms. Underwood will bring to the next Board meeting recommended revisions for the barbering, electrolysis, and cosmetology curricula.

Mr. Hedges stated that the Disciplinary Review Committee (DRC) is seeing large scale abuses in the apprenticeship program. Mr. Hedges motioned and Mr. Federico seconded to present findings and new regulations at the next Board meeting for Board approval.

### **Public Comment**

Mr. Fred Jones, Professional Beauty Federation of California (PBFC), confirmed that the intent behind the recommendations is to prevent people from continuing to apply for the apprenticeship program and never actually take the exam. Ms. Underwood added that it would prevent people who do not pass the exam from returning to the apprenticeship program. The apprentice program should be viewed as a pathway to get licensed as opposed to going to school. Someone who has actually taken the exam and failed cannot be an apprentice.

Upon motion by Mr. Hedges, seconded by Mr. Federico, the motion to present findings and new regulations, if available, at the next Board meeting for Board approval was approved by a 2-0 vote.

#### **4. Agenda Item #4, DISCUSSION AND RECOMMENDATIONS FOR LEGISLATIVE REPORT ON THE STUDY OF APPROPRIATE LICENSING SUB-CATEGORIES**

The Sunset Review Committee recommended that the Board should work with industry groups to look at the different licensing categories. Background has been provided on various areas, including what the current practice involves for both cosmetologists and estheticians. It is recommended that the committee should discuss the following points:

- should the current scopes of practices be broken up, because that essentially would happen by granting licensing to specific sub-licensing categories; or
- should the scopes of practice remain the same

Mr. Hedges commented that we are actually talking about three different issues here. He is concerned that some of these sub licensing recommendations or legislative issues are creating silos where people have these very limited scopes of practice. He is concerned that the Board is making available work for folks that is limiting them to a level where they do not have room to move if they decide to chose a different avenue of work within the beauty industry. Mr. Federico's comments echo Mr. Hedges' comments.

Mr. Hedges raised the issue of staffing. The Board certainly is not going to be allowed any extra money or expanded budget to do this. The Board is not even allowed to hire at this point. He has some issues with the current proposal not requiring an examination for minimal competency. He wants to know what these folks are going to be capable of doing in their minimum competency. The law requires us to protect the consumer.

### **Public Comment**

Ms. Sherry Davis stated she knows other states that have sub-licensing caterogories. She thinks that future liceses should be able to turn in the paperwork from the school, saying okay, they did it, so obviously they received the training. Sub-licensing caterogories give them a bigger scope. As far as the silos on the sub-licensing caterogories, they would be the stepping stone for people who just need to get something to get to work and then those hours can transfer and they can receive some credit. If students want to go further then they could.

Mr. Hedges proposed the idea of making certificates available through the industry and having the Board set guidelines as to the requirements of the certification.

### **Public Comment**

Mr. Manhal Mansour echoes the Board's concern. The majority of the people doing photo shoots and weddings and are doing it illegally. Makeup is a branch of cosmetology. The practice of makeup artistry in the State of California for any paid work is only allowed for estheticians and cosmetologists. Mr. Mansour suggested allowing the schools to certify the training and the Board, based on that certification, a certificate would be issued by the school for those who are properly trained and then they could go out and perform the job in a health and safely mandated way.

Mr. Federico commented that the majority of these people either freelance out of their houses or do photo shoots and weddings. There isn't a way for the Board to enforce the unlicensed activity.

Ms. Underwood stated that the Board needed to decide, aside from even the specific categories, if it wants to have specific categories, whether it's waxing or eyelash extensions, makeup artists, advanced esthetics. The Board is required to make a recommendation as to whether we think that's feasible, if we think it's necessary, if there are concerns with breaking up our scope of practice. Mr. Hedges would like to see certificates issued by the industry with the Board's guidelines.

### **Public Comment**

Mr. Jones of PBFC, stated they have been struggling about what to do about nonlicensed categories. Our industry is always evolving and we want our licensees to continue to evolve and perfect the craft and trade. The intent behind continuing education is always good. When you mandate it, there are unintended consequences. PBFC has been trying to figure out how to incentivize licensees to perfect their craft and to continue to learn without turning to the Board for a costly, cumbersome, red-tape, mandatory process and without further eroding the current scopes of practice of existing licenses. If you create some sort of ability for people who work on the public for money without having one of the five licenses and yet that work is within the scope of practice of one or two or all of those five license categories, you are by definition eroding the scope of practice of the licensee.

When you take someone with very little experience, education, and training and allow them to do work within a broader licensed scope of practice, they may not be aware of some of the unknowns. So there's a reason to have a codified, very predictable system of licensure especially when you're dealing with the consumer. Unlicensed activity erodes the efficacy of licensure. It allows people to uncompetitively compete. We do not want to do anything that inflates unlicensed activity. Unlicensed activity is also the most difficult thing for the BBC inspectors to find. We believe it is incumbent upon our industry to exercise some leadership, to incentivize licensees to go beyond their schooling, and to provide them some formal recognition of their advanced training and skills that they could actually advertise to the consumers that there is something different about this salon or this particular licensee.

The Board's role is to protect consumers and the way you do that is by setting minimum general standards across the scopes of the five license categories. We would like, in the future as an industry, to go and recognize educational experiences of licensees that take their craft to the next level and really hone in on the curriculum, the equipment and the facilities.

Mr. Hedges believes the Board needs to look into crediting hours based on things that are basic towards a certificate. Ms. Underwood mentioned that the Board would be discussing cross-over courses at the next Board meeting in July.

**Public Comment**

Mr. Mansour stated as an industry person for 23 years, one of the several things that he could tell the Board is that while the idea of advancing currently licensed people and giving them the incentive to go into more advanced training is wonderful, it is really unreasonable to push people to go take an esthetician course or a cosmetology course and then advance their training by doing makeup. They don't want to do it and there is enough of them to recognize that fact. Let the schools certify them with some guidelines from the Board. There have been some developments on the Spot Bill since last seen by the Board.

Mr. Federico feels these are more specializations rather than standalone programs.

**Public Comment**

Mr. Jones mentioned that these are very similar arguments that were had during the natural hair braiding and hair threading discussions in the past. He stated, if you want an exemption or a means of working on consumers without one of the five State Board licenses, then you must get a statutory exemption or an additional license. Until the Legislature makes that rule, he does not think there is a lot this Board can do. The job of the Board is to protect consumers that receive beauty services under the licensed scope of practice.

Mr. Mansour would like the Board to make the industry an even playing field for the artists, for the cosmetologists, for the estheticians and allow them to work and practice what they do.

Ms. Underwood stated there are makeup schools that are approved by the Bureau of Private Post Secondary but not approved by the BBC. The Board only approves cosmetology, barbering, and electrology schools. Right now, the Board does not have any oversight over any other schools. Makeup artistry is considered part of the scope of practice for cosmetologist and esthetician.

Mr. Hedges moved the committee to bring this discussion to the entire Board in July. He would like to see certification outside of the Board by industry groups. He is asking staff to look further into that avenue. The motion was seconded by Mr. Federico.

**Public Comment**

Ms. Jean Ogren stated the Electrologist Association does have a certification program. Providers have to take the test and then have continuing education each year that, in turn, continues their certification.

Mr. Jones emphasized if the Board is going to recognize any industry certification, the Board has to be completely comfortable that it is within the statutorily defined scope of practice of the five licenses.

Mr. Federico called for the vote. The motion carried with a vote of 2-0.

**5. Agenda Item #5, UPDATE AND DISCUSSION OF THE STATUS OF THE BBC BUDGET CHANGE PROPOSAL TO INCREASE INSPECTOR POSITIONS**

Ms. Underwood stated this is just an update to this committee since it is the Legislative and Budget Committee. The Board did submit a concept paper to the Department to increase our inspector staffing. It also came up in Sunset Review that the Board is not meeting our mandate. The Board is required to inspect salons from the time they open within 90 days which is absolutely impossible with the number of inspectors currently employed. This is just to inform you that we will be moving forward with trying to get 20 additional inspector positions.

**6. Agenda Item #6, PROPOSED LEGISLATION - UPDATE AND DISCUSSION OF PROPOSED BILLS THAT COULD IMPACT BBC:**

- **AB 1153 - Advanced Esthetician Curriculum Bill**
- **SB 308 - Sunset Review Bill**
- **SB 689 - Spot Bill**

AB 1153 has been changed to a two-year bill. The Board has a watch position on that bill. That has not changed and there is no recommendation to change.

SB 308 is the Sunset bill and it is moving through the legislative process. This bill extends the Board's sunset date. There is language that gives the Board some authority over schools.

SB 689 is the Spot Bill which has not moved at this time.

**Public Comment**

Mr. Mansour commented on the SB 689. There have been quite a few meetings with stakeholders and they are currently moving away from the 480-hour course requirement and essentially contemplating a path where they would let the Board, should this bill come to fruition, dictate what those minimum competencies might be. The bill currently has a clause wherein there is certification. If a student receives training in a bureau-approved makeup school, they ought to be given credit towards identical training in a cosmetology or esthetician program. Mr. Hedges added the word "verifiable."

Ms. Sherry Davis stated that just because certain things are okay in certain states and national certification allows these things does not mean that we have to take it all into the California scope of practice. She felt industry certification is good idea.

Ms. Underwood stated that the Board has not seen a defined scope of practice for the advanced esthetics bill. (AB 1153)

**7. Agenda Item #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 (a)].*

The public present did not wish to address the committee.

**8. Agenda Item #8, ADJOURNMENT**

With no further business, the meeting was adjourned.