



# CALIFORNIA BOARD OF BARBERING AND COSMETOLOGY



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## MEMBERS OF THE COMMITTEE

Danielle Munoz, Chair  
Tonya Fairley  
Kellie Funk  
Jacob Rostovsky  
Steve Weeks

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## ENFORCEMENT AND INSPECTIONS COMMITTEE MEETING NOTICE AND AGENDA

October 14, 2024  
Department of Consumer Affairs  
El Dorado Room, #220  
1625 North Market Blvd  
Sacramento, CA 95834

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*Action may be taken on  
any item listed on the  
agenda.*

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**10:30 a.m. or upon Adjournment of  
the Diversity, Equity, and Inclusion  
Committee Meeting – Until  
Completion of Business**

The Committee will meet by teleconference in accordance with Government Code section 11123.5. Committee members will participate remotely from private, non-public sites. The public may participate in-person or remotely. To participate in the WebEx Events meeting, please log on to this website the day of the meeting:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=med9028bcb1dd156383e23492268cc755>

Webinar number: 2482 790 3318  
Webinar password: BBC1014

**Instructions to connect to the meeting can be found at:**

[https://www.barbercosmo.ca.gov/about\\_us/meetings/how\\_to\\_join\\_webex\\_event.pdf](https://www.barbercosmo.ca.gov/about_us/meetings/how_to_join_webex_event.pdf)

Members of the public may but are not obligated to provide their names or personal information as a condition of observing or participating in the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will be required to provide a unique identifier such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make public comment; participants who choose not to provide their email address may utilize a fictitious email address in the following sample format: XXXXX@mailinator.com.

In order to ensure all public members have an opportunity to speak and in the interest of time, public comments will be limited to two minutes unless, in the discretion of the committee, circumstances require a shorter period or longer period; members of the public will not be permitted to “yield” their allotted time to other members of the public to make comments.

As an alternative, members of the public who wish to observe the meeting without making public comment can do so (provided no unforeseen technical difficulties) at <https://thedcapage.wordpress.com/webcasts/>.

## AGENDA

1. Call to Order/ Roll Call/ Establishment of Quorum
2. Discussion and Possible Approval of the January 22, 2024, Committee Meeting Minutes
3. Discussion and Possible Recommendation Regarding Proposed Administrative Fines That Directly Impact Consumer Safety (California Code of Regulations, Title 16, section 974)
4. Public Comment on Items Not on the Agenda  
*Note: The Committee may not discuss or take any action on any item 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))*
5. Suggestions for Future Agenda Items
6. Adjournment

The time and order of agenda items are subject to change at the discretion of the Committee Chair and may be taken out of order. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Committee are open to the public.

\*Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Committee prior to the Committee taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Committee, but the Committee Chair may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Committee to discuss items not on the agenda; however, the Committee can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125, 11125.7(a)).

The meeting is being held via WebEx Events. The meeting is accessible to the physically disabled. A person who needs disability-related accommodation or modification in order to participate in the meeting may make a request by contacting: Monica Burris at (916) 417-4637, email: [Monica.Burris@dca.ca.gov](mailto:Monica.Burris@dca.ca.gov), or send a written request to the Board of Barbering and Cosmetology, PO Box 944226, Sacramento, CA 94244. Providing your request is a least five (5) business days before the meeting will help to ensure availability of the requested accommodations. TDD Line: (916) 322-1700.

*Agenda Item*  
*No. 1*  
*No Attachments*

**CALIFORNIA STATE BOARD  
OF  
BARBERING AND COSMETOLOGY**

**ENFORCEMENT AND INSPECTIONS COMMITTEE MEETING**

**MINUTES OF JANUARY 22, 2024**

**BOARD MEMBERS PRESENT**

Danielle Munoz, Chair  
Tonya Fairley  
Kellie Funk  
Jacob Rostovsky  
Steve Weeks

**STAFF MEMBERS PRESENT**

Kristy Underwood, Executive Officer  
Carrie Harris, Deputy Executive Officer  
Sabina Knight, Board Legal Representative  
Natalie Mitchell, Board Analyst

**1. AGENDA ITEM #1: CALL TO ORDER / ROLL CALL / ESTABLISHMENT OF QUORUM**

Danielle Munoz, Committee Chair, called the meeting to order at approximately 10:00 a.m. and confirmed the presence of a quorum.

**2. AGENDA ITEM #2: DISCUSSION AND POSSIBLE APPROVAL OF THE SEPTEMBER 13, 2023, COMMITTEE MEETING MINUTES**

**Motion:** Kellie Funk moved to approve the September 13, 2023 Committee Meeting Minutes. Steve Weeks seconded the motion.

**Public Comment:** There were no public comments received.

Motion to approve the September 13, 2023 Committee Meeting Minutes carried: 5 yes, 0 no, and 0 abstain, per the following roll call vote:

Committee Members voted "Yes": Danielle Munoz, Tonya Fairley, Kellie Funk, Jacob Rostovsky, and Steve Weeks

**3. AGENDA ITEM #3: DISCUSSION AND POSSIBLE RECOMMENDATION REGARDING CRITERIA FOR CITING PRACTICE OF MEDICINE**

Kristy Underwood shared an update with the committee, noting that there have been several discussions with executive officers from different boards within the Department of Consumer Affairs, including the medical and nursing boards. These meetings centered on evaluating the types of services that are increasingly being offered in the industry.

Ms. Underwood noted that there was no specific documentation in the meeting packet for this item because, after thorough discussions, it was concluded that their current method of issuing citations was accurate. The criteria for what constitutes the practice of medicine include treating a condition, performing incisions, or any type of injection, which are actions beyond the scope of barbering and cosmetology.

She stated that there was no recommendation for changes in the current practices of issuing inspections or citations. However, Ms. Underwood emphasized the ongoing efforts to educate

licensees, acknowledging the miscommunication and misinformation prevalent among them about what services they can legally provide.

Tonya Fairley posed a question about the Board's communication efforts, specifically addressing how they are informing manufacturers and distributors that certain products or services are not permitted in California. She pointed out that while licensees are responsible for doing their research, they often encounter vendors at California trade shows selling items like cavitation and slimming machines. These vendors imply that the presence of their products in California indicates they are approved for purchase and use.

Kristy Underwood clarified that there is no regulatory oversight of manufacturers in the industry. These manufacturers can freely advertise their products, and the Board has no authority over their marketing practices. She noted that shows are open to various professionals, including licensees, physicians, and nurses. The Board's presence at these events is crucial for providing accurate information, as vendors often misinform licensees about the legality of using certain equipment in California. Ms. Underwood emphasized the importance of licensees independently verifying the compliance of these products, as the board cannot regulate manufacturer marketing.

Kellie Funk asked whether it would be possible to attach a document to booths at California trade shows, indicating that certain products are not legal to use in the state. Ms. Underwood responded that this would not be feasible as the Board lacks the authority and legal backing to implement such measures. However, she mentioned that they do display a sign at trade shows stating that items for sale might not be within the licensee's scope of practice. She also noted that due to California's budget crisis, their travel to shows would be limited in 2024, necessitating increased outreach to licensees about this issue.

Steve Weeks then proposed enhancing the Board's website to provide more information on this topic, considering the significant fines and public health risks associated with licensees practicing medicine without authorization. He suggested a dedicated section on the website for this information, which could be accessible 24/7, helping licensees to stay informed and avoid potential violations. Kristy Underwood agreed with the suggestion to enhance the Board's website with more information. She noted that they could start doing so immediately, especially in light of a major trade show occurring the following month.

Danielle Munoz inquired about the extent to which the limits of a licensee's scope of practice, specifically regarding the practice of medicine, are covered in the curriculum of schools. Ms. Underwood responded that such items are not included in the curriculum mandated by the Board. Schools might cover this on their own, but there is no specific requirement in the laws and regulations to train on what is not allowed. Ms. Munoz noted the parallel with the Board of Behavioral Services, where clinicians are taught the limits of their scope and are required to take law and ethics exams. Ms. Underwood replied that California does not have a state-specific exam and currently uses a national exam, so this could be a consideration for the future.

Tonya Fairley added that California lacks continuing education requirements, meaning licensees may not be up-to-date with changes unless they actively seek information. Kellie Funk suggested including a reminder of the scope of practice with license renewal notices, an

idea all members supported. Ms. Fairley noted that the Board already has printed scope cards that summarize this information that could be included with renewal notifications.

Jacob Rostovsky expressed concern as a public member about the general lack of awareness regarding who can perform medical procedures. He suggested creating posters or visible signs in shops to inform customers about what services are permissible. This idea aimed to help the public understand the limitations of services they should expect in these establishments.

Danielle Munoz agreed, acknowledging that the average consumer might not be aware of these boundaries. She praised the Board's current outreach efforts, such as their Instagram presence, and proposed using social media as a short-term solution to educate the public. She also suggested adding the idea of educational cards to the agenda for future discussions, considering long-term solutions for consumer outreach.

Mr. Rostovsky emphasized the importance of reaching consumers directly in establishments, as many might not follow the Board's online platforms. Ms. Munoz agreed, noting the need to continue supporting licensees, who are the primary followers of the Board's communications, while also adding layers of outreach to educate consumers. She also acknowledged Ms. Underwood's affirmation that the current approach to citations was correct, suggesting that they should maintain these practices while enhancing consumer and licensee education.

Kristy Underwood concluded the discussion by highlighting that there is no specific license for medical spas, meaning many establishments might unknowingly operate out of their scope or perfectly within it. She pointed out the complexity of this issue, given the lack of a single entity licensing medical spas, and the challenge in determining how many establishments are actually engaging in such services.

**Public Comment:**

There were no public comments received.

**4. AGENDA ITEM #4: PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA**

A public comment was received from Yan Nina. She initially expressed concern about the insufficient time allocated for public comments, making it difficult for participants to type and submit their questions promptly. She also supported Jacob Rostovsky's idea of creating visible materials in shops to inform consumers about the scope of services, emphasizing the need to prioritize consumer awareness as licensees might not always adhere to the rules.

Ms. Nina then inquired about discussing the enforcement of illegal activities in cosmetology schools. She further asked about reporting schools that received approval from the Board despite not following the guidelines, and the procedure for filing such complaints if there is a potential conflict of interest with Board members.

Sabina Knight, legal counsel, and Kristy Underwood clarified that the committee could only discuss items on the agenda. They advised Ms. Nina to email her complaint to the Board's general email for proper handling.

## **5. AGENDA ITEM #5, SUGGESTIONS FOR FUTURE AGENDA ITEMS**

The committee moved on to discussing future agenda items. Kellie Funk proposed developing communication materials specific to license categories, provided in the licensee's language, to clearly communicate their scope of practice. Jacob Rostovsky suggested a discussion on informing consumers about ethical issues, particularly helping them understand the medical scope of practice.

Steve Weeks raised a question related to budget implications of future agenda items. He inquired if there were any current issues that could negatively impact the Board's budget. Kristy Underwood responded that there were no such issues at the time.

Kellie Funk took a moment to acknowledge the inspections department, specifically mentioning the positive contributions of inspector Henry Brown and the department's leadership under Tiffany. She noted a change in the industry's tone regarding inspections, highlighting their role as helpful liaisons from the government and their effectiveness in dealing with violations while also providing explanations for minor offenses.

## **6. AGENDA ITEM #6: ADJOURNMENT**

There being no further business to discuss, the meeting adjourned at approximately 10:31 a.m.



## MEMORANDUM

DATE October 14, 2024

TO: Members, Enforcement and Inspections Committee

FROM: Kristy Underwood, Executive Officer

SUBJECT: Item 3 - Discussion and Possible Recommendation Regarding Proposed Administrative Fines That Directly Impact Consumer Safety (California Code of Regulations, Title 16, section 974)

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Senate Bill 803 (Stats. 2023, Ch. 648, Sec. 28) amended Business and Professions Code Section 7407 to state the following:

7407.

The board shall establish by regulation a schedule of administrative fines for violations of this chapter that directly impact consumer safety. All moneys collected under this section shall be deposited in the board's contingent fund.

The schedule shall indicate for each type of violation whether, in the board's discretion, the violation can be corrected. The board shall ensure that it and the Bureau for Private Postsecondary Education do not issue citations for the same violation.

On March 14, June 6, and September 26, 2022, the Health and Safety Advisory Committee had lengthy discussions regarding analysis of the Board's laws and regulations and recommendations for the establishment of a schedule of administrative fines pursuant to the requirements of Business and Professions Code Section 7407.

Upon staff review, it appears that the Health and Safety Advisory Committee primarily focused on increasing fines and implementing the same gradual increase from a first offense to a second and third offense. The updated law, however, requires the Board to establish a fine schedule for violations that directly impact consumer safety.

The charts below list the violations, current fine schedule, the Health and Safety Advisory Committee's proposed fine schedule, the risk level, and risk level explanation.

**Action Needed:** The Enforcement and Inspections Committee shall review the Health and Safety Advisory Committee's recommendations and determine whether the fines for violations directly impact consumer safety. The Committee may then make a motion to provide their recommendations to the full Board as a regulatory proposal.



### 7313 Access to Establishment for Inspection

**Examples of When and Why this is Cited:**


An individual physically prevents an inspector from conducting an inspection.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Violation	3 <sup>rd</sup> Violation
Current Fine Amount	\$250	\$500	\$750
Proposed Fine Amount	\$250	\$500	\$750

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** The Board protects consumers by enforcing the health and safety rules via the inspections program. Denying access to an inspector leads the Board to believe that there is something in the establishment that is purposely being hidden (illegal or dirty tools, working out of scope, unlicensed activity, etc.). While it is unknown, the potential for high risk must be considered.

### 7317a Unlicensed Establishment

**Examples of When and Why this is Cited:**


An establishment has no establishment license, or the establishment changed ownership or moved and has not applied for and received a new establishment license.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$500	\$1000	\$1000
Proposed Fine Amount	\$1000	\$2000	\$3000

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** An unlicensed establishment has no record with the Board, so it will not be inspected unless an inspector is in the area and notices the establishment or a complaint is received. If a business is not obtaining an establishment license, the risk is high for consumers as it would appear to the business intentionally wants to hide from the board. There are also cases where the owner of the establishment was not aware of the license and immediately applies once they are informed. These situations do not usually end in a citation and fine being issued.

### 7317 b. Unlicensed Individual

**Examples of When and Why this is Cited:**


An inspector observes an individual performing services and verifies that the individual does not have a personal license. This violation can also be cited if an inspector observes an apprentice performing service without their trainer’s supervision.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$1000	\$1000	\$1000
Proposed Fine Amount	\$1000	\$2000	\$3000

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** This could be one of the highest risks to consumers. An individual performing services who is not licensed likely means they have not attended school and received proper training. This individual has not been deemed minimally competent and has not learned the basic minimum health and safety skills.

### 7317c Expired Establishment License

**Examples of When and Why this is Cited:**


An inspection is conducted, and the inspector verifies the establishment license is expired.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$250	\$300	\$500
Proposed Fine Amount	\$100	\$200	\$300

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** This violation often occurs when the business forgets to renew their license timely. When the license is renewed immediately after an inspection, a citation is not issued.

### 7317d Expired Individual License

**Examples of When and Why this is Cited:**

An inspection is conducted, and the inspector verifies an individual has not renewed their license.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$250	\$300	\$500
Proposed Fine Amount	\$250	\$500	\$750

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** This violation often occurs when the individual forgets to renew their license. When the license is renewed immediately after an inspection, a citation is not issued. However, if the license is not renewed, this poses a risk to consumers when an individual is performing services and choosing not to renew.

### 7317e Individual Working in an Expired Establishment

**Examples of When and Why this is Cited:**

An inspector finds an individual working in an establishment with an expired license.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$25	\$50	\$100
Proposed Fine Amount	\$25	\$50	\$75

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** This violation often occurs without the individual licensee being aware. While an individual licensee should verify that they are working in a licensed establishment, it is the owner who may have forgotten to renew the license.

## 7317f Individual Working in an Unlicensed Establishment

**Examples of When and Why this is Cited:**

An inspector finds an individual providing services in an unlicensed establishment.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
<b>Current Fine Amount</b>	\$250	\$300	\$500
<b>Proposed Fine Amount</b>	\$250	\$500	\$750

**Recommended Risk Level**



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** Individuals should work in licensed establishments, so the Board knows to inspect the establishment and verify they are following all health and safety regulations for consumer protection. If establishments are not obtaining an establishment license, they are likely not following other requirements, which puts consumer safety at risk. Establishment owners may be unaware of licensing requirements if they are not personally licensed, which is why the Board also requires licensees to work in unlicensed establishments as they were taught about this in school.

## 7320 Practice of Medicine

**Examples of When and Why this is Cited:**

An inspector finds evidence that the practice of medicine is occurring in a licensed establishment. The services vary but have been deemed by the Board to cross into the medical field. Examples include but are not limited to providing injections, laser treatments, mole removal, and use of prescription products.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
<b>Current Fine Amount</b>	\$1000	\$1000	\$1000
<b>Proposed Fine Amount</b>	\$1000	\$2000	\$3000

**Risk Level**



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** The level of risk is extremely high as a licensee performing medical services does not have the appropriate education and training to safely perform such services.

## 7320.2 Illegal Treatment Methods

**Examples of When and Why this is Cited:**


An inspector finds a licensee using an x-ray device, a solution of phenol greater than 10%, or corrosive sublimate to a solution greater than one in five hundred.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$500	\$500	\$500
Proposed Fine Amount	\$500	\$1000	\$1500

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** A violation of this section would be a significant risk to a consumer; however, this violation has not been found in the last 6 years.

## 7336 No Supervision of Apprentice

**Examples of When and Why this is Cited:**


An inspector finds an apprentice providing service and their approved trainer is not directly supervising the apprentice.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$100	\$150	\$200
Proposed Fine Amount	\$100	\$200	\$300

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** An apprentice has not yet passed the minimal competency exam and therefore is a high risk to a consumer if not supervised.

## 7348 No Licensee in Charge of Establishment

### Examples of When and Why this is Cited:

This section ensures that someone who is licensed by the Board is present when services are being offered. This violation is often cited because a person (who is licensed) will not take responsibility for being “in charge” and as a result, the establishment is issued a citation.

### Fine Schedule:

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$100	\$150	\$200
Proposed Fine Amount	\$100	\$200	\$300

### Recommended Risk Level



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** The risk associated with this violation can vary because it is often just a misunderstanding as the licensee is afraid that they are accepting responsibility of the fines.

## 7349 Employing Unlicensed Persons

### Examples of When and Why this is Cited:

An Inspector finds an individual performing services without any license or when an apprentice is found performing services without their trainer’s supervision.

### Fine Schedule:

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$1000	\$1000	\$1000
Proposed Fine Amount	\$1000	\$2000	\$3000

### Recommended Risk Level



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** This poses one of the highest risks to consumers as someone who is not licensed has not received the required training or been deemed minimally competent.

**7349 Employing Unlicensed Persons - Expired License**

**Examples of When and Why this is Cited:**

An inspector finds an individual working and their personal license is expired.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$250	\$300	\$500
Proposed Fine Amount	\$250	\$300	\$500

**Recommended Risk Level**



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** The risk level is generally low as the individual was initially licensed, however, there are factors to take into consideration. If an individual simply forgot to renew their license, that could be a low risk. If an individual is working with a license that has been expired for several years, they may not receive updates to laws and regulations, therefore increasing the consumer risk. Also, a licensee could have an expired license because they owe outstanding fines from other citation(s), in which case they may have a history of not complying with health and safety regulations.

**7350 Establishment Residential Use/Entrance/Prohibited Use**

**Examples of When and Why this is Cited:**

Inspector finds evidence of persons living in the establishment or an establishment does not have a direct entrance separate from an entrance in connection with private quarters.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$50	\$100	\$150
Proposed Fine Amount	\$50	\$100	\$150

**Recommended Risk Level**



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** There is a risk of the establishment being unsanitary or unsafe if persons are living in the establishment. For instance, licensees could hide violations or illegal tools in the residential-use space.

### 7351 Restroom Requirement (Clean, Storage, Floor, Vented)

**Examples of When and Why this is Cited:**

An inspector finds items stored inside the public restroom and consumers have access to the items. This often involves cleaning supplies or products.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$50	\$100	\$150
Proposed Fine Amount	\$100	\$200	\$300

**Recommended Risk Level**



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** Large items such as ladders or unsecured shelving could fall on consumers. Buckets, mops, and vacuums could be tripping hazards. In addition, open products or chemicals should not be accessible to a consumer (specifically a child) that may use the restroom.

### 7352 No Soap/Towels or Air Hand Dryer in Hand Washing Facilities

**Examples of When and Why this is Cited:**

An inspector finds there is no way for consumers to properly wash or dry their hands.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$50	\$100	\$150
Proposed Fine Amount	\$100	\$200	\$300

**Recommended Risk Level**



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** Our licensees are hands-on with consumers and therefore the importance of having all the supplies needed to wash their hands is vital.



### 7353.4 Labor Rights Notice Not Posted

**Examples of When and Why this is Cited:**

An inspector does not observe the labor information posted.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$50	\$100	\$150
Proposed Fine Amount	\$50	\$100	\$150

**Recommended Risk Level**



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** This violation became effective in 2017 and to date has not been cited, however, it is very important information that should be posted. The Board provides the posting with every new and renewed establishment license with instructions. While the risk to consumers is low, it is vital information to protect licensees working in establishments.

### 7358 No Licensee in Charge of Mobile Unit

**Examples of When and Why this is Cited:**

An inspector inspects a mobile unit which does not have a licensee in charge.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$100	\$150	\$200
Proposed Fine Amount	\$100	\$200	\$300

**Recommended Risk Level**



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** The risk could be high if a licensee in charge is not present. This has never been cited as most individuals that own a mobile unit are both the owner and the working licensee.

### 7359 Employing Unlicensed Person in Mobile Unit

**Examples of When and Why this is Cited:**


An Inspector finds an individual performing services without any license in a mobile unit.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$1000	\$1000	\$1000
Proposed Fine Amount	\$1000	\$2000	\$3000

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** The risk would be extremely high if an unlicensed person is working in a mobile unit. This violation has never been cited as most individuals that own a mobile unit are both the owner and the working licensee, however it should be identified as a significant risk to consumers.

### 7360 Mobile Unit - Residential/Prohibited Use

**Examples of When and Why this is Cited:**


An inspector finds an individual living inside a mobile unit.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$50	\$100	\$150
Proposed Fine Amount	\$50	\$100	\$150

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** While this violation has never been found, there is a risk of the mobile unit being unsanitary or unsafe if persons are living in the mobile unit.

### 7400 No Change of Address Notice Filed

**Examples of When and Why this is Cited:**

An inspector determines that an individual has moved their residence and not provided the Board with a current address.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$50	\$100	\$150
Proposed Fine Amount	\$25	\$50	\$75

**Recommended Risk Level**



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** While it is important for the Board to have the licensee’s current address so renewal licenses and other mailings can be received, the risk of harm to a consumer is minimal.

### 7404I Refusal or Interference with Inspection

**Examples of When and Why this is Cited:**

When an individual within the establishment creates an interference that prevents the inspector from completing the inspection or places the inspector in an unwanted position. This is also cited when individuals working inside an establishment flee the location and/or hide illegal/dirty tools.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$1000	\$1000	\$1000
Proposed Fine Amount	\$1000	\$2000	\$3000

**Recommended Risk Level**



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** There are many times this violation is cited because an individual has become hostile with an inspector. An individual willing to become hostile with an inspector should be of high concern on how they would treat a consumer. This is also common when individuals flee or hide dirty items, which is one of the highest threats to consumer safety.

### 904(d) No Photographic Identification Available

**Examples of When and Why this is Cited:**


An individual has no driver’s license, identification card or other form of identification.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$50	\$100	\$150
Proposed Fine Amount	\$100	\$200	\$300

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** Licensees are required to identify themselves when asked. This allows the Board to verify that someone is not using another person’s license to provide services, which could be a very high risk to a consumer.

### 905 Consumer Information Not Posted

**Examples of When and Why this is Cited:**


An inspector does not see the consumer information posted conspicuously in the reception area.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$50	\$100	\$150
Proposed Fine Amount	\$100	\$200	\$300

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** The consumer notice provides consumers with information on how to file a complaint and contact the Board. Without this poster, many consumers may not know to contact the board if they have been injured or observe health and safety concerns.

## 920 Apprentice Training Records Not Available or Incomplete


**Examples of When and Why this is Cited:**

An inspector finds an apprentice present and they are unable to provide their training records.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$100	\$150	\$200
Proposed Fine Amount	\$100	\$200	\$300

**Recommended Risk Level**



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** Maintaining the apprentice training records is vital to prove that the individual is receiving the on-the-job training required for the apprenticeship program. This can also help prevent an establishment from having an apprentice working but not receiving the required training. An apprentice working on a consumer is not fully licensed, and therefore poses a higher risk to consumer if not being properly trained.

## 965 Display of Licenses


**Examples of When and Why this is Cited:**

An inspector does not see a license clearly displayed at a licensee’s work station.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$50	\$100	\$150
Proposed Fine Amount	\$50	\$100	\$150

**Recommended Risk Level**



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** The posting of the license is the most obvious indication to a consumer that the person providing the service is licensed. This allows a consumer to verify the license is valid and allows the consumer to see the individuals name and license number if they need to file a complaint. The Board often received complaints of harm where we are unable to identify the licensee because there was no license posted.

**978(a)(1),(a)(2),(a)(3),(a)(4) Receptacles, Cabinets and Containers**

**Examples of When and Why this is Cited:**

An inspector finds that an establishment does not have minimum equipment such as a covered waste container for hair, closed containers for soiled linens, closed containers to store clean tools and linens, proper containers for disinfectant solution, and mixed disinfectant.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$50	\$100	\$150
Proposed Fine Amount	\$50	\$100	\$150

**Recommended Risk Level**



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** There is a low chance for consumer harm if hair and items are not stored in closed containers. Disinfectant solution is vital, however disinfection is covered in other sections, such as CCR 979.

**978(a)(5) Insufficient Disinfectant for Total Immersions**

**Examples of When and Why this is Cited:**

An inspector observes that a non-electrical tool is in disinfectant solution but is not fully immersed.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$100	\$150	\$200
Proposed Fine Amount	\$100	\$200	\$300

**Recommended Risk Level**



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** An item that is not fully immersed is not being disinfected properly. This would pose a significant risk to a consumer as that contaminated tool could spread bacteria, fungi, and/or viruses to another consumer.

**978(a)(6) No Steam/Dry Heat Sterilizer for Electrology Tools**

**Examples of When and Why this is Cited:**


An inspector does not find an autoclave or a dry heat sterilizer where electrology services are being provided.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$500	\$1000	\$1500
Proposed Fine Amount	\$500	\$1000	\$1500

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** Electrology is an invasive procedure and therefore requires sterilization as opposed to disinfection. Using non-sterilized tools is a significant risk to consumers.

**978(b) No Disinfectant Solution Available for Use**

**Examples of When and Why this is Cited:**


An inspector does not find disinfection solution available in the establishment.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$250	\$300	\$500
Proposed Fine Amount	\$500	\$1000	\$1500

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** The absence of disinfection solution being readily available increases the likelihood that tools are not being disinfected at all. This would create a significant risk for consumers who would be exposed to bacteria, fungi, and/or viruses.

### 978(c) No Manufacturer-Labeled Container for Disinfectant

**Examples of When and Why this is Cited:**


An inspector does not find a manufactured labeled container in the establishment.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$250	\$300	\$500
Proposed Fine Amount	\$500	\$1000	\$1500

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** The requirement to have the container on site is very important to consumer safety as it contains the label from the EPA indicating it is a proper disinfectant and contains the directions for use. When directions are not followed, the consumer is at risk of receiving services with tools not properly disinfected and thus being exposed to bacteria, fungi, and/or viruses.

### 979 Disinfecting Non-Electrical Tools

**Examples of When and Why this is Cited:**

An inspector observes a dirty tool not being disinfected properly, disinfectant solution not covered or containing debris, a tool not stored in a labeled container, or a container labeled clean may be dirty.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$100	\$250	\$500
Proposed Fine Amount	\$100	\$200	\$300

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** This section includes the proper ways to disinfect non-electrical tools. If the disinfection procedures and storage of items are not done properly, the consumer’s safety is at high risk.



### 980(a) Incorrect Disinfection of Electrical Tools

**Examples of When and Why this is Cited:**

An inspector observes a licensee using a dirty electrical tool (most commonly hair clippers) or if the proper disinfection spray is not used.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$50	\$100	\$150
Proposed Fine Amount	\$100	\$200	\$300

**Recommended Risk Level**



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** If a tool is not disinfected properly and used on multiple consumers, the risk of spreading bacteria, fungi, and viruses is high.

### 980.1 Incorrect Disinfection of Pedicure Spas (Per Chair)

**Examples of When and Why this is Cited:**

An inspector observes a whirlpool foot spa not being disinfected properly or the inspector finds the foot spa to be in a condition that poses an immediate threat to a consumer’s health and safety.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$500	\$500	\$500
Proposed Fine Amount	\$250	\$500	\$750

**Recommended Risk Level**



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** This is the highest risk to consumers as there have been documented deaths and significant injuries to consumers from dirty foot spas.

## 980.4 Incorrect Disinfection of Foot Basin/Tub After Use of Disposable Liner

**Examples of When and Why this is Cited:**

An inspector observes foot basins or tubs not being cleaned after a disposable liner was used.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$500	\$500	\$500
Proposed Fine Amount	\$250	\$500	\$750

**Recommended Risk Level**



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** The use of the liner prevents a consumer’s skin from coming into direct contact with a foot basin or tub. The Board has not seen any consumer harm cases stem from a basin not being cleaned properly after use of a liner.

## 980.4(a)(2) Incorrect/Missing Log

**Examples of When and Why this is Cited:**

An inspector verifies that the foot spa cleaning log is not being maintained or is missing.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$50	\$100	\$150
Proposed Fine Amount	\$250	\$500	\$750

**Recommended Risk Level**



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** The log is an important tracking tool for a licensee to make sure they are following the cleaning regulations for foot spas. While the missing log or incomplete log may not directly cause harm, it is a valuable requirement for the Board to ensure the proper steps are taking place.

**980.4(a)(4) Failure to Maintain Supply of Liners (5 Per Tub)**

**Examples of When and Why this is Cited:**


An inspector observes that an establishment does not have a supply of 5 liners per basin.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$250	\$300	\$500
Proposed Fine Amount	\$250	\$500	\$750

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** If a supply of liners is not present, this could mean that licensees are reusing liners, which could increase the risk to consumers.

**981(a) No Disposal of Non-Disinfectable Items**

**Examples of When and Why this is Cited:**


An inspector finds used disposable items that have not been thrown away immediately. Most common items cited are nail buffers, emery boards and wax sticks.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$100	\$150	\$200
Proposed Fine Amount	\$200	\$400	\$600

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** Usually items are not thrown away because the licensee will reuse the tools on multiple consumers – such as with emery boards. Using an item that cannot be cleaned or disinfected on more than one consumer puts the consumer at high risk for cross contamination.

### 981(b) Improper Storage of New Supplies and Disposable Tools

**Examples of When and Why this is Cited:**

An inspector finds a new tool not labeled “New.”

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$50	\$100	\$150
Proposed Fine Amount	\$50	\$100	\$150

**Recommended Risk Level**



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** Items are commonly stored in their original containers and it does not increase consumer safety to add a label of “new” to a package.

### 981(c) Carry Tools or Supplies in or on Garments

**Examples of When and Why this is Cited:**

An inspector sees a tool being carried in or on a licensee’s garments, pouch, or holster. Examples include hair clips on an apron or licensees wearing brush belts to hold makeup brushes.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$50	\$100	\$150
Proposed Fine Amount	\$50	\$100	\$150

**Recommended Risk Level**



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** The Board has no evidence of a consumer ever being harmed from an item that was clipped on a licensee’s clothing. Pouches and holsters should not be used since they are typically made of leather or other porous material and cannot be disinfected, so there is a risk of tools being contaminated and spreading bacteria, fungi, or viruses to consumers.

## 982 Incorrect Sterilization of Electrology Tools

**Examples of When and Why this is Cited:**


An inspector finds that electrolysis tools are not being sterilized properly.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$100	\$150	\$200
Proposed Fine Amount	\$250	\$500	\$750

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** Electrology is an invasive procedure and therefore requires sterilization as opposed to disinfection. Using non-sterilized tools is a significant risk to consumers.

## 983 Personal Cleanliness

**Examples of When and Why this is Cited:**


An inspector observes a licensee’s attire not being clean or observes a licensee not washing their hands before a service.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$50	\$100	\$150
Proposed Fine Amount	\$250	\$500	\$750

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** There is no risk to a consumer’s safety if a licensee’s clothes are not clean, however, hand washing is vital. There is a high risk to a consumer’s safety if the licensee does not properly wash their hands before providing services.

**984(a) Allow Licensee with Infectious/Communicable Disease to Work on Person**

**Examples of When and Why this is Cited:**


An inspector observes a licensee providing a service and the licensee has an infection or parasitic infestation capable of being transmitted.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$100	\$250	\$500
Proposed Fine Amount	\$250	\$500	\$750

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** The risk would be significant; however, it is almost impossible for the Board to determine or prove that this violation occurred.

**984(b) Allow or Require Licensee to Work on a Person with Infectious/Communicable Disease**

**Examples of When and Why this is Cited:**


An inspector observes a licensee providing a service on a consumer that has an infection or parasitic infestation capable of being transmitted.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$100	\$250	\$500
Proposed Fine Amount	\$250	\$500	\$750

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** The risk would be significant; however, it is almost impossible for the Board to determine or prove that this violation occurred.

**984(e) Performing Services on Inflamed, Broken or Infected or Erupted Skin or Scalp/Working Without Gloves When Skin on Hands is Inflamed, Broken, Infected or Erupted.**

**Examples of When and Why this is Cited:**


An inspector observes a licensee providing a service to a consumer who has inflamed, broken, or an infection on their skin or scalp or the licensee has the skin issue and is not wearing gloves during the service.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$100	\$250	\$500
Proposed Fine Amount	\$250	\$500	\$750

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** The risk would be significant; however, it is almost impossible for the Board to determine or prove that this violation occurred.

**985 No Use of Neck Strip or Towel**

**Examples of When and Why this is Cited:**

An inspector observes a service being performed and there is no neck strip or towel between the consumer’s neck and the cape.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$50	\$100	\$150
Proposed Fine Amount	\$250	\$500	\$750

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** There is no evidence to suggest that a neck strip or towel increases consumer safety. The Board has no record of harm resulting from the absence of a neck strip or towel.

## 986 Neck Dusters/Brushes Not Clean or Sanitary

**Examples of When and Why this is Cited:**


An inspector finds a brush that is visibly dirty and/or not stored properly. This is most commonly found in neck dusters.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
<b>Current Fine Amount</b>	\$50	\$100	\$150
<b>Proposed Fine Amount</b>	\$50	\$100	\$150

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** Neck dusters are a hassle to clean and dry between clients. Many states have prohibited neck dusters as there is no viable method to ensure their cleanliness. While brushes can also be a significant risk, staff are developing a new and clear regulation for brushes.

## 987 Towels

**Examples of When and Why this is Cited:**


An inspector observes towels not being stored properly. Often clean towels are often left uncovered or in an open cabinet.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
<b>Current Fine Amount</b>	\$50	\$100	\$150
<b>Proposed Fine Amount</b>	\$50	\$100	\$150

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** There is no evidence to suggest that there is a risk to consumer safety from a towel not being stored in a closed container or cabinet.



## 988 Liquids, Creams, Powders and Cosmetics

**Examples of When and Why this is Cited:**


An inspector finds dirty, open, and/or not labeled product containers. Wax pots are most commonly cited. This violation also covers the “double-dipping” of products.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$50	\$100	\$150
Proposed Fine Amount	\$250	\$500	\$750

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** Leaving product containers open and double-dipping allows for cross-contamination between consumers, which is a significant risk to consumer health and safety.

## 989 Prohibited Hazardous Substance/Use of Product

**Examples of When and Why this is Cited:**


An inspector finds a hazardous product, most commonly methyl methacrylate monomer.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$500	\$500	\$500
Proposed Fine Amount	\$500	\$1000	\$1500

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** Products are considered hazardous by the FDA, EPA, or OSHA for reasons. Use of a prohibited product poses significant risk to consumers. Methyl Methacrylate Monomer is poisonous and deleterious – it causes artificial nails to adhere to the natural nail bed so strongly that the nail bed can be removed under pressure. It also causes severe allergic reactions and can cause nail infections resulting from breaks in the natural nails.

## 990 Headrests, Shampoo Bowls, and Treatment Tables

### Examples of When and Why this is Cited:

An inspector finds a dirty shampoo bowl or treatment table.

### Fine Schedule:

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$50	\$100	\$150
Proposed Fine Amount	\$250	\$500	\$750

### Recommended Risk Level



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** The treatment table and shampoo bowl should always be properly cleaned; however, the Board has no evidence of consumer harm from either of these situations.

## 991 Performing Invasive Procedures

### Examples of When and Why this is Cited:

An inspector finds licensees using products/devices that are invasive. Microneedling tools and surgical blades are most commonly cited.

### Fine Schedule:

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$500	\$500	\$500
Proposed Fine Amount	\$500	\$1000	\$1500

### Recommended Risk Level



Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** Any licensee that performs an invasive procedure puts a consumer's safety at significant risk. Licensees are not properly trained or tested on how to safely provide invasive procedures.

## 992 Performing Invasive Skin Exfoliation

**Examples of When and Why this is Cited:**


An inspector finds products that removes deeper than the epidermal layer of the skin. Medium and deep chemical peels are most commonly cited.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$500	\$500	\$500
Proposed Fine Amount	\$500	\$1000	\$1500

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** Any licensee that performs an invasive procedure puts a consumer’s safety at significant risk. Licensees are not properly trained or tested on how to safely provide invasive skin exfoliation.

## 993 Prohibited Tools

**Examples of When and Why this is Cited:**


An inspector finds a razor-edged tool used to remove calluses (blade or rasp) or a needle-like tool used for extractions.

**Fine Schedule:**

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$300	\$400	\$500
Proposed Fine Amount	\$300	\$600	\$900

**Recommended Risk Level**

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5



**Risks Level Explanation:** There is a significant consumer safety risk as licensees are not properly trained or tested on how to safely provide services that remove skin or puncture the skin.

## 994 Cleanliness and Repair

### Examples of When and Why this is Cited:

An inspector finds an excess of hair clippings/garbage present or broken furniture. This section is most commonly cited when there is hair from multiple consumers found in drawers or swept into a pile on the floor, or the garbage can is overflowing.

### Fine Schedule:

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$50	\$100	\$150
Proposed Fine Amount	\$100	\$200	\$300



### Recommended Risk Level

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** While the Board has no evidence that an accumulation of hair clippings or garbage directly impacts consumer safety, if an establishment is in a condition that allows this, then other regulations may be ignored as well.

## 995 Plumbing Standards

### Examples of When and Why this is Cited:

An inspector finds an establishment does not have adequate ventilation, running water, or public toilets available.

### Fine Schedule:

	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Current Fine Amount	\$50	\$100	\$150
Proposed Fine Amount	\$250	\$500	\$750



### Recommended Risk Level

Low	Low-Med	Medium	Medium-High	High
1	2	3	4	5

**Risks Level Explanation:** Ventilation is necessary, so consumers can easily breathe and not inhale hazardous fumes. Running water is necessary to wash hands and flush eyes in case of an emergency.

*Agenda Items*

*No. 4-6*

*No Attachments*