



**CALIFORNIA STATE BOARD
OF
BARBERING AND COSMETOLOGY**

BOARD MEETING

MINUTES OF MAY 20, 2018

Doubletree Club by Hilton
Orange County Airport
California Ballroom
7 Hutton Centre Drive
Santa Ana, CA 92707

BOARD MEMBERS PRESENT

Lisa Thong, Vice President
Bobbie Jean Anderson
Polly Codorniz
Jacquelyn Crabtree
Andrew Drabkin
Coco LaChine
Steve Weeks

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Officer
Michael Santiago, Board Legal Representative
Tami Guess, Board Project Manager
Marcene Melliza, Board Analyst

BOARD MEMBERS ABSENT

Dr. Kari Williams, President
Joseph Federico

1. Agenda Item #1, CALL TO ORDER/ ROLL CALL/ ESTABLISHMENT OF A QUORUM

Lisa Thong, Board Vice President, called the meeting to order at 10:01 a.m. and confirmed the presence of a quorum.

2. Agenda Item #2, BOARD PRESIDENT'S OPENING REMARKS

Ms. Thong welcomed everyone and reminded everyone that the Board is a consumer protection board and that everything reviewed and discussed is through that lens.

3. Agenda Item #3, BOARD MEMBER REMARKS – INFORMATIONAL ONLY

Ms. Codorniz welcomed Ms. Anderson back.

4. Agenda Item #4, PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Fred Jones, Legal Counsel for the Professional Beauty Federation of California (PBFC), stated the PBFC held its 18th Annual Welcome to Our World event on May 1st. Approximately 12 legislators and 120 to 135 staffers attended. He stated it was a successful event with good conversations with policy makers about the industry.

Wendy Cochran, Founder, California Aesthetic Alliance (CAA), stated licensees are getting no help from public agencies such as the Department of Industrial Relations (DIR) in regard to wage claims and retaliation claims. Many other licensees are being forced to work out of scope and have nowhere to go. Licensees are being told by the DIR that it is okay because the companies that they are filing complaints against are LLCs and that they can be independent contractors and work for commission only. She stated she reached out several times and the information is being ignored and not being placed in the right direction. Estheticians are getting no answers on where to go to find the right place to not be taken advantage of in employment situations where they are being fired, pushed out of jobs, and being forced to work out of scope. Estheticians are being advised to hire their own personal attorneys to defend themselves but cannot afford this. Many licensees are pushed out of their jobs because salon owners are not being held accountable for their blatant violations of labor law.

5. Agenda Item #5, EXECUTIVE OFFICER’S REPORT

- a. Licensing Statistics**
- b. Examination Statistics**
- c. Disciplinary Review Committee Statistics**
- d. Enforcement Statistics**
- e. Budget Updates**
- f. Outreach Updates**
- g. Practice Status Survey Results**

Ms. Underwood reviewed the statistics and update reports, which were included in the meeting packet.

Mr. Weeks asked how many licensees listed on the Current License Population chart are currently practicing. Ms. Underwood stated there is a questionnaire that asks licensees if they are practicing full- or part-time or if they are no longer working in the industry. She stated approximately 33 percent of the questionnaires collected to date indicate licensees are no longer working but choose to keep their licenses current.

Mr. LaChine stated it seems that this year will not reach the same numbers compared to past years as listed on the Licenses Issued Last Five Years chart. Ms. Underwood stated the numbers are lower possibly due to the Board’s findings about schools selling hours – those applications are being returned.

Ms. Thong referred to the Licenses Issued chart and stated approximately 50 percent of the applications received have licenses issued except for establishment licenses, which are at approximately 99 percent. Ms. Underwood stated those figures will shift by the next Board meeting. She stated she has done several joint inspections with the California Bureau for Private Postsecondary Education (BPPE), which have been informative. She stated she found that schools that the Board had concerns about are

doing the best they can and the Board will help them get even better. There are many issues in the schools besides the selling of hours, such as not teaching the curriculum but teaching to pass the licensing exam. Students are going into the industry without any instruction on health and safety regulations. Staff is working on regulation change proposals for the next Board meeting to address these issues.

Ms. Thong asked to measure the impact results now that the Board is visiting schools to see how violation or compliance numbers change.

Ms. Crabtree stated the Supreme Court adopted a new California law for independent contractors and that individuals have to fall within three criteria to be independent contractors, which will make a huge difference in the industry. She stated it is good for employee-based salon owners but may affect the statistics. Ms. Guess stated she reached out to the DIR to learn options and told them that a portion of the law would create a significant difficulty for licensees. She is investigating other portions of labor law that may exempt licensees while she waits for a response from the DIR.

Mr. Weeks asked if staff has considered the use of tablets in the field. Ms. Underwood stated tablets are not used because of a programming difficulty of the tablets with the Board's system. It may be compatible with the Breeze System. An individual from another state is scheduled to meet with staff next month to share a possible programming solution to this issue.

Mr. LaChine asked if more inspectors are required now that an inspector was hired for the Los Angeles area. Ms. Underwood stated there are more vacancies that need to be filled. Staff continues to work on issues such as low wage and over-strict requirements for a state civil service classification. 60 inspector positions can be justified but the Department of Finance cannot approve that increase when current vacancies continue to be unfilled.

Ms. Crabtree asked what non-jurisdictional complaints received entail. Ms. Underwood stated they are usually school-related. Students are referred to the BPPE. Complaints received that are out of the Board's jurisdiction, such as complaints that are DIR-related, are also referred to the BPPE.

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

February 12, 2018

MOTION: Mr. Weeks moved to approve the February 12, 2018, California State Board of Barbering and Cosmetology Meeting Minutes as presented. Ms. Crabtree seconded. Motion carried 6 yes, 0 no, and 1 abstain, per roll call vote as follows:

The following Board Members voted "Yes": Anderson, Codorniz, Crabtree, LaChine, Thong, and Weeks.

The following Board Member abstained: Drabkin.

7. Agenda Item #7, DISCUSSION AND POSSIBLE ACTION APPROVING BOARD'S EXECUTIVE OFFICER TO TRAVEL ANNUALLY TO THE NATIONAL-INTERSTATE COUNCIL (NIC) ANNUAL CONFERENCE

Ms. Underwood stated she attended the NIC annual conference on cosmetology boards for the first time last year. It was informative to hear what the executive officers had to say, especially about the nationwide issue of the selling of hours. The upcoming conference will be held in Seattle. Out-of-state travel is much reviewed within state agencies. She asked the Board if they feel it is important that she attend these conferences.

Mr. Weeks stated it is unconscionable that the Executive Officer of the California Board of Cosmetology, the largest in the nation, has been unable to attend these conferences. The specific and subtle information received in so many areas more than offsets any small cost it would take to attend these conferences.

MOTION: Mr. Weeks moved to approve the Executive Officer's annual travel and participation in the National-Interstate Council Annual Conference. Ms. Crabtree seconded. Motion carried 7 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted "Yes": Anderson, Codorniz, Crabtree, Drabkin, LaChine, Thong, and Weeks.

8. Agenda Item #8, DISCUSSION AND POSSIBLE ACTION APPROVING THE PROPOSED REVISIONS TO THE INSPECTOR PROTOCOL FOR LIMITED-ENGLISH-SPEAKING ESTABLISHMENTS

Ms. Underwood reviewed the 2018 Inspector Language Access Protocol document, staff memo, and recommendations of the Working Group, which were included in the meeting packet.

Ms. Guess stated this is a tool that inspectors can use when establishment owners are resistant to contacting an interpreter over the telephone during inspections. The inspectors can use these flip cards to help bridge the language barrier.

Ms. Thong asked who the interpreters are. Ms. Underwood stated they are supplied by a vendor. The inspectors note on their Inspection Reports when the translation line was used.

Mr. Drabkin moved to adopt the text revisions made to the Inspector Language Access Protocol and delegates the authority and the ability to make all non-substantive changes that may arise during the editing process to the Executive Officer. Ms. Codoniz seconded.

Mr. LaChine asked if the motion covers what staff required. Michael Santiago, Board Legal Representative, stated a motion is not required for that section. He asked if the reference to the sheets or cards was included in the protocol.

Ms. Underwood stated it was not. Mr. Santiago stated it does not need to be in the protocol but, if it is something all inspectors will be required to do, it should be added to

the protocol. The Board would approve and adopt the protocol after it is added to the protocol language.

Ms. Underwood stated, if the Board agrees, staff could do a pilot test and then bring the protocol back to the Board with the results of the pilot for Board approval to update the protocol. Board Members agreed.

9. Agenda Item #9, DISCUSSION AND POSSIBLE ACTION APPROVING THE PROPOSED RECOMMENDATIONS FROM THE 1600 HOUR COSMETOLOGY CURRICULUM REVIEW COMMITTEE

Ms. Underwood stated a task force met for two days in Sacramento. She summarized the Report to the Assembly Committee on Business and Professions and the Senate Committee on Business, Professions and Economic Development on the review of the 1600-Hour Cosmetology Curriculum, which came out of the task force meeting and was included in the meeting packet. She stated approval of the report does not necessarily mean approval of all recommendations but approves staff to begin working on them. Some of the recommendations, especially recommendations to change the curriculum, require regulatory changes. This report will be included in the Sunset Review Report, which is due at the end of the year.

Ms. Crabtree stated she was a member of the task force and she felt they did a good job of ensuring that every aspect was put into the report.

Mr. Weeks stated his concern that public recognition of the disease process that licensees go through is not emphasized. Licensees refuse to take a client because of a suspicious sore or they find sores while styling that are suspicious. The public should get a better understanding of the lives that can be and have been saved over the years by licensees in the industry sending clients to physicians. There is value in that that legislators and the public should understand.

Ms. Thong stated the finding that the cleaning of foot spas is not expected to be demonstrated during the NIC exam was eye-opening. That might explain a lot about the number of citations in this area.

Public Comment

Mr. Jones stated he was a member of the task force and that the task force included a recommendation for the creation of a hair stylist license, which would have fewer hours than the cosmetology license. He stated over 90 percent of cosmetologists only style hair. One of the means of lowering the barrier to entry concern would be to adopt a hair stylist license. This presents a proactive opportunity for the Board.

Mr. Jones stated the non-industry member, Mr. Weeks, appropriately brought up Senate Bill 999 that says that everyone shampoos their hair today and everyone does their own hair styles, so exempt them from licensure. But it is that initial client consultation and the shampooing process that reveals the skin and scalp the most. The procedures that are part of the curriculum and part of the practical demonstration portion of the licensing exam require candidates to go through

those procedures and, as a result, consumer safety implications are directly involved.

Mr. Jones stated there is concern that the 1600-hour level is too high of a barrier. There are two solutions besides the new hair stylist license: reduce the health and safety and other curriculum requirements or dramatically increase externships and those opportunities for students to work sooner in salons. He suggested reducing the 60 percent requirement of their education before students can begin working in a salon setting as an expert. He suggested that students be allowed to begin an externship in a salon setting after they complete the theory portion of the curriculum, which is at 300 to 320 hours. He suggested dramatically increasing the number of hours students can work per week and the percentage of overall clock-hour credit for externships. He suggested at least 25 percent of students' clock-hour credit be for externships.

Mr. Jones stated the single largest problem the PBFC has with the current externship program is students are not allowed to be paid according to state law. He encouraged the Board to embrace an expansion of externship and to allow students to earn while they learn. Then these perceptions of an arbitrarily high barrier to entry would be somewhat ameliorated. Externship presents another proactive opportunity for the Board to respond to this very real and growing concern of barrier to entry.

Mr. Weeks asked what impact a separate hair stylist only license would have on inspections. Ms. Underwood stated it would have no impact.

Ms. Thong asked if a separate hair stylist only license would reduce the number of citations. Ms. Underwood stated it could. There is a large population who just want to do hair. It would also impact reciprocity because a number of other states have hair-only licenses.

Ms. Crabtree agreed and stated a separate hair stylist only license would help.

MOTION: Ms. Anderson moved to approve the Report to the Assembly Committee on Business and Professions and the Senate Committee on Business, Professions and Economic Development on the review of the 1600-Hour Cosmetology Curriculum to be included in the Sunset Review Report. Mr. Drabkin seconded. Motion carried 7 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted "Yes": Anderson, Codorniz, Crabtree, Drabkin, LaChine, Thong, and Weeks.

10. Agenda Item #10, DISCUSSION AND POSSIBLE ACTION APPROVING THE BOARD'S LEGISLATIVE REPORT REGARDING THE COSMETOLOGY WRITTEN EXAMINATION (SPANISH LANGUAGE)

Ms. Underwood summarized the Review of the Low Pass Rate of Spanish Written Examinations staff report, which was included in the meeting packet. This is the final report that will be included in the Sunset Review Report, which is due at the end of the year. She highlighted the changes and additions to the data. She stated the NIC created

a vocabulary list, which is posted online. The vocabulary list will now be a requirement for schools to provide to students.

Mr. LaChine stated the information about the Ability to Benefit (ATB) examination stood out because the Board does not know if schools follow through on that. He questioned the high rate of students who answered one of the Candidate Survey Questions that they would consider taking the exam in English.

Mr. Weeks stated he is still frustrated by the Spanish written pass rate because these are numbers that change a person's life – loss of a career and increase in personal debt due to student loans, which circles back to unlicensed activity. The report is good, there are some good suggestions in it, but it will not solve the problem. He suggested thinking out of the box on how to solve this problem.

Mr. Weeks stated the Office of Professional Examination Services (OPES) should come to the table and discuss this specific issue in plain language. There are several parts to this: the student portion, the school portion, and the Board portion. Schools need to get involved in this too because some of this will spill over onto them. He asked if points can be carried over between the two exams. He asked staff to report on reexamination numbers on the written examination and the pass rate and on the test scores of the failed examinees to see by what amount they failed. New Mexico uses the written exam and has a good Spanish pass rate. He asked staff to delve deeper into that to see what is happening in their system that apparently is working there. Ms. Underwood stated New Mexico uses their own exam.

Mr. Weeks suggested directly enforcing the link between the Board and school oversight. He suggested a bilingual proctor. He suggested establishing a Board working group focused on this problem where members from the school community and state resources can be called in to help with this issue and come up with conclusions that might help solve the problem.

Ms. Thong stated it is interesting that both Texas and New Mexico have good pass rates but neither of them uses the NIC version. She asked what the differences are. She noted an interesting comment from the survey about using 6th grade reading language. She asked about the grade level of the translation of the NIC exam. That may have an impact.

Ms. Thong stated the survey responses received from the schools versus the test takers were also interesting. Students indicated they wanted to continue using the Spanish language exam yet many comments from the schools mention that students had a hard time with the terms and feeling that the terminology was different from what they were studying. She asked why there is such a large discrepancy if, in the school setting, students are telling their instructors that they are having a tough time, but in the Board survey, they want to continue taking the test in Spanish. There is something there that the working group can work on.

Mr. Drabkin shared his experience of sending material out to be translated into Spanish, then sending the translation to someone who speaks Spanish and being told the translation was accurate but did not mean what Mr. Drabkin intended to say. He asked if there may be a difference there. Ms. Underwood stated there is an independent

contractor separate from the NIC who does their translations. They also do working group meetings. Board examiners have been on the working group to review the translation. The NIC double-checks the translations to ensure that what they are translating is accurately done.

Ms. Thong stated there is a term in translation called transadaptation, which is slightly different than direct translation. Direct translation translates by specific definition of the wording but does not take context into account. She asked about the type of translation the NIC uses. She stated responses to the survey indicate that there is difficulty with the technical physiology items. She stated, if the NIC vendor could provide a report to the Board on how they are transadapting and not directly translating, it may be helpful as the Board examines why non-NIC exams produce high pass rates and the NIC exam does not.

Mr. LaChine stated the written cosmetology exam statistics are much lower than any other exam. He stated learning the problem areas on the written exam would be helpful, for example the physiology part or the chemical terms part.

Public Comment

Patti Glover, Instructor, Citrus Community College, commented on the financial burden. Community colleges and other public institutions that have industry classes such as ROPs, adult education, and community college offer low-cost, financial aid, grants, and work studies for students. There are other options than private schools, which are more expensive. Public schools would like to be included on any committees.

Ms. Glover suggested looking at the exact questions that the students are missing on the Spanish written exam. When tests are given on a Scantron or computer, it will tell her the percentage of the students that missed each question. She stated in her experience it is the wording that is the problem.

Mr. Jones agreed with Mr. Weeks's comments and the comments from the other Board members. He stated the PBFC's single biggest concern used to be unlicensed activity but, in the policy-setting arena, it is delicensing and deregulating. This is a serious threat to the industry. SB 999 has passed the Senate Business and Professions Committee. That is the primary committee that will be conducting the Board's Sunset Review. It is a clear signal that the committee was not happy. It is disappointing because this Board is one of the best-run Boards in the Department of Consumer Affairs (DCA).

Mr. Jones stated one of the perceptions is that there are two licensing exams. The computer-based exam streamlines the process and assists in retesting students. This led to the ability to split the two portions of the exam so that, if they get a passing score on one but fail on the other, students can only retake the other. One of the unintended consequences of expediting and improving the testing process is the impression that there are two licensing exams. That is what the delicensing entities are using against the Board.

Mr. Jones stated the Board is a regulatory body, not a policy-setting body. The policy is what matters because that is what is laid out in code that the Board has

to follow. Decades ago, policy makers acknowledged that this industry is a hands-on, primarily right-brained, artistic industry, yet license issuance requires assurance that employees are practically competent to prove they will be safe. Policy makers, to make it abundantly clear that they wanted the practical skills to be the important skills tested, put in the Business and Professions Code Section 7338, "in the conduct and grading of examinations, practical demonstrations shall prevail over written tests."

Mr. Jones agreed with the recommendation to give the Spanish and English versions of the test side by side.

Mr. Jones stated Spanish test-takers historically have a lower written performance and they will continue to do so in the future. Among Spanish cultures, literacy is not highly valued. In the aggregate scoring days, the total points were 400, of which 300 were practical and 100 points were written. He stated the need to track Spanish licensees to determine if there is a disproportionate unsafe record. He speculated that there is not. The Spanish test-takers' practical examination pass rate is 82 percent, which indicates that they know how to safely go through the protocols. Licensees are not academic bookworms but are part of a hands-on, dexterous, practical industry. The solution to the low Spanish pass rate is to go back to aggregate scoring.

Margaretha Wells, Dream International Beauty Academy, asked that her apprenticeship beauty academy be included in the survey. Her beauty academy is nontraditional, affordable, and offers students commission work after completing the program. To date, the school has a 100 percent pass rate. She asked that her academy and other apprenticeships be included in committees. She recommended, in regards to the hair styling license, that the hair styling license apprenticeship be involved in that decision as well.

Peter Westbrook, Assistant Professor, Riverside City College, agreed with Mr. Weeks about the average result rates. One of the first things that professors want to see is the average score, along with the number of students who passed and how many failed. He stated his institution teaches in English and has a large percentage of Hispanic students. Hispanic students tend to pass the English examination at approximately 88 percent for the past 20 years that he has been there. He asked if the low pass rates come from specific schools or if it is general. He cautioned against taking too much away from the cognitive assessment without seeing if there are specific test questions that are the problem.

MOTION: Mr. Drabkin moved to approve the report on the Spanish written examinations for inclusion in the Sunset Review, as well as the formation of a working group to focus on Spanish written examinations and to include school representatives, NIC representatives, and language access experts, with the delegation of the appointment of the working group to the Executive Officer with a timeframe for the working group to complete their findings by the end of 2019. Ms. Crabtree seconded. Motion carried 7 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted “Yes”: Anderson, Codorniz, Crabtree, Drabkin, LaChine, Thong, and Weeks.

11. Agenda Item #11, DISCUSSION AND POSSIBLE ACTION APPROVING THE PROPOSED REVISIONS TO THE “HEALTH AND SAFETY TRAINING COURSE”

- **Discussion and Possible Action Approving the Course Instructional Implementation Plan and Pilot Testing**

Ms. Underwood summarized the changes to the 2018 Health and Safety Course and reviewed the new Instructor Guide and Student Handbook, which were included in the meeting packet.

Ms. Thong referred to page 157 of the Health and Safety Course under the new Section 10, Physical and Sexual Abuse Awareness. She asked to add something that makes it clear for students about their personal liability of hearing from their customers and reporting or not reporting. It is a barrier for people to report what they see and hear.

Public Comment

Mr. Jones referred to the independent contractor section and strongly encouraged the Board to look at the California Supreme Court decision made three weeks ago, which makes it much simpler but is devastating to booth renters. Booth rental is now illegal.

Don Chaudoin, former salon owner, stated he went from commission to booth rentals and the IRS audited him three years in a row. They told him he could not tell his renters when to come in, he could not answer the telephone for them or furnish them with towels, and his renters had to have a key to the establishment. He stated salon owners cannot rent stations and be in compliance with the IRS.

John Moreno, Vice President, Bakersfield Barber College, asked the Board to sell the material as books because it is difficult to print out these large packets for his students and, when students lose them, he has to reprint them. Ms. Guess stated the Board cannot charge for publications. The form that is on the website is for printing costs. The textbooks cost \$68 to print. A PDF is included on the website that students or schools can either take to a print shop to print out themselves or order.

Mr. Westbrook stated Riverside Community College supports the motion.

MOTION: Mr. Weeks moved to approve the proposed pilot testing and instructor training proposal and that all technical decisions regarding the pilot testing process, procedures, and implementation may be made by the Executive Officer, including the selection of the schools and instructors used for the pilot testing. Ms. Crabtree seconded. Motion carried 7 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted “Yes”: Anderson, Codorniz, Crabtree, Drabkin, LaChine, Thong, and Weeks.

12. Agenda Item #12, LEGISLATIVE UPDATE

Discussion and Possible Action on Proposed Bills

Ms. Underwood summarized the Bill Analysis for the following bills, which were provided in the meeting packet.

a. AB 767 (Quirk-Silva) – Master Business License Act

The Board took a watch position on this bill.

b. AB 2134 (Rubio) – Cosmetology Students – Externships

Mr. Drabkin moved to support AB 2134. Ms. Codorniz seconded.

Public Comment

Mr. Jones referred to Assembly Bill (AB) 2134 and asked the Board to consider his past comments about externships being one of the tools to release some of the delicensing pressure. The PBFC is encouraging policy makers to dramatically expand externship opportunities across all licensing categories. He suggested decreasing the percentage of school required before students qualify, increasing the amount of clock-hour credit students can get, removing the limit in law that students can only work in a salon ten hours per week, and allowing students to be paid.

Ms. Cochran stated estheticians are not included in AB 2134 on its own. Externships can be performed legally if students are going for a cosmetology license, but not if students are going for an esthetician license.

Ms. Glover stated estheticians were not included in this particular version of AB 2134 because they were not in the original version of the bill. It has gone so far now that someone would need to talk to Assembly Member Rubio's office to see what can be done to add estheticians. She suggested also adding electrology and apprenticeship programs.

Mr. Westbrook stated the RCC supports AB 2134.

Ms. Wells echoed Ms. Glover's comments on AB 2134.

Ms. Thong made a friendly amendment to support with the suggestion of changing the language to include all licenses within the Board of Barbering and Cosmetology.

Mr. Drabkin and Ms. Codorniz agreed.

Mr. Drabkin stated externships provide free labor. If salon owners are asked to pay them a wage some time in the future, they may not support the externship programs. He stated his concern that some salon owners may take advantage of externships. It is a slippery slope.

Ms. Crabtree stated she has externships in her salons, but what they can do is limited. Often, they shadow a service provider.

Public Comment

Ms. Glover stated the externships are unpaid. The number of hours per week is limited to eight. They can do services in a salon but are not allowed to take the place of a paid employee. It is not free labor, it is an opportunity to give students hands-on learning in a professional environment.

Mr. Westbrook stated some funding mechanisms do not allow students to be paid while in school.

Carolyn Barboza, Barboza Barber Academy, spoke in support of externship programs.

Mr. Jones stated the PBFC's position is not that externships should be paid but that salon owners should have that option.

Ms. Glover reminded the Board that the externship program is controlled by the school and the number of hours the students can work is limited. Externships are voluntary and students get clock hours and operation hours to be part of an externship program.

Mr. Westbrook stated he heard Mr. Drabkin's concern and agreed that students may be taken advantage of. He suggested that guidelines might be appropriate to guard against that.

Mr. LaChine asked about the Board's jurisdiction over this issue. Ms. Underwood stated it is minimal in registering the externs and externs would be treated as any other person on enforcement issues.

Mr. Weeks stated the bill includes everyone under the Board's licensing.

MOTION: Mr. Drabkin moved to support AB 2134 if amended to include all licenses under the Board of Barbering and Cosmetology's control.

Ms. Codorniz seconded. Motion carried 7 yes, 0 no, and 0 abstain per roll call vote as follows:

The following Board Members voted "Yes": Anderson, Codorniz, Crabtree, Drabkin, LaChine, Thong, and Weeks.

c. AB 2138 (Chiu and Low) Denial of Application, Revocation or Suspension of License: Criminal Conviction

Ms. Underwood stated AB 2138 will create barriers to licensing. She and Ms. Guess attended an information hearing on this bill recently and voiced concerns that the bill will do the opposite of what the authors are intending to create and will create work for the Board beyond current staff capacity – it would require 20 extra staff to handle the extra workload to implement this bill. Ms. Guess has also attended meetings with the DCA and other boards, all of which do not support this bill. Ms. Underwood recommended an oppose position.

Public Comment

Mr. Jones stated the co-author of this bill will be the co-chairman of next year's Sunset Review. This is a politically-sensitive effort and to flatly oppose may not be well-received.

Ms. Wells stated she supports barbering and cosmetology and she supports second chances.

Ms. Crabtree suggested opposing the bill since the Board is already educating the licensing in jails and prisons.

Ms. Thong stated the right thing to do to protect licensees is to oppose this bill. The fingerprinting requirement is a concern because many individuals come through this industry as a second chance.

MOTION: Ms. Thong moved to oppose AB 2138. Mr. Drabkin seconded. Motion carried 7 yes, 0 no, and 0 abstain per roll call vote as follows:

The following Board Members voted “Yes”: Anderson, Codorniz, Crabtree, Drabkin, LaChine, Thong, and Weeks.

d. AB 2775 (Kalra) – Professional Cosmetics: Labeling Requirements

Public Comment

Mr. Jones stated the PBFC does not have a position on this bill but he had two concerns with the Board taking a position. One is it is beyond the scope of the Board. The other is the potential costs to the manufacturers. Professionals get safety data sheets (SDS) with their products. Furthermore, the bill requires manufacturers to do extra labeling just for California licensees.

Ms. Cochran stated she does not receive SDS. If manufacturers will try to charge estheticians for increasing the labeling requirements on products used on California consumers, then they are in the wrong and should consult CalOSHA.

MOTION: Ms. Crabtree moved to support AB 2775 if amended to include all licenses under the Board of Barbering and Cosmetology’s control.

Ms. Codorniz seconded. Motion carried 7 yes, 0 no, and 0 abstain per roll call vote as follows:

The following Board Members voted “Yes”: Anderson, Codorniz, Crabtree, Drabkin, LaChine, Thong, and Weeks.

e. SB 715 (Newman) – Removal of Board Member from Office (applies to all state boards)

The Board did not take a position on this bill.

f. SB 984 (Skinner) – Board Representation: Women

The Board did not take a position on this bill.

g. SB 999 (Morrell) – Cosmetology and Barbering Scope of Practice Revisions

Ms. Thong stated SB 999 will create problems and may do the opposite of what the author intended. This bill may also impact wages.

Public Comment

Mr. Jones stated this bill is a serious threat to the industry. The Chair of the Senate Business and Professions Committee will also chair the Sunset Review committee next year. He stated the need to look at all regulations and barriers to entry to see what can be done collectively, as an industry and as a Board, to decrease artificial barriers and look for creative, proactive ways to remove some of the steam that is being built up. SB 999 is a back doorway to deregulate the industry. Dramatically increasing externships is one potential solution.

Ms. Cochran stated estheticians do not shampoo hair but they strongly oppose SB 999. She stated she spoke at the hearing on this bill because her membership was so concerned that this is openly an attack on deregulating licenses. She stated the author's justification for why this should be allowed was the example of a freelance hairstylist who goes to individuals' homes and styles hair. Ms. Cochran stated the person in the example was practicing out of scope because she was not registering those appointments that she made in a brick-and-mortar salon. The lawmakers do not understand the number of individuals that are out there working out of compliance with the scope of practice of the Board of Barbering and Cosmetology. They have no exposure to how much illegal activity is in the marketplace. She stated the need to educate lawmakers about that and that the Board is serious about public safety. This is not a safe bill.

Ms. Thong stated the elected officials need to hear from many licensees about how they feel. It is one thing for that message to come from the Board; it is an entirely different matter to hear from constituents within the district and across the state.

MOTION: Mr. Weeks moved that the Board of Barbering and Cosmetology strongly oppose Senate Bill 999 on the basis of significant health and safety risk to consumers, licensing and examination concerns, national implications on the recognition of California licensing and the elimination of national reciprocity, making public safety inspections ineffective, the negative effect on the California economy, and the detrimental effect on licensee wages and business income. Ms. Thong seconded. Motion carried 7 yes, 0 no, and 0 abstain per roll call vote as follows:

The following Board Members voted "Yes": Anderson, Codorniz, Crabtree, Drabkin, LaChine, Thong, and Weeks.

h. SB 1492 – (Hill) (SBP) Examination Failure Notification

MOTION: Mr. Drabkin made a motion that the Board supports Senate Bill 1492. Ms. Codorniz seconded. Motion carried 7 yes, 0 no, and 0 abstain per roll call vote as follows:

The following Board Members voted "Yes": Anderson, Codorniz, Crabtree, Drabkin, LaChine, Thong, and Weeks.

13. Agenda Item #13, PROPOSED REGULATIONS

Discussion and Possible Action on Proposed Bills

Ms. Underwood summarized the proposed changes to the regulations, which were provided in the meeting packet.

Ms. Underwood stated the Board previously approved language for the proposed regulation packages for Sections 950.10, 961, and 904; however, after further review by the DCA, additional changes were made. The previously-approved changes and new recommended language for the three regulation packages were provided for Board review and approval. Each regulation package required a separate vote as follows:

a. Title 16, CCR Section 950.10 (Transfer of Credit or Training)

MOTION: Mr. Drabkin made a motion that the Board approves the proposed changes to the regulations. Ms. Codorniz seconded. Motion carried 7 yes, 0 no, and 0 abstain per roll call vote as follows:

The following Board Members voted “Yes”: Anderson, Codorniz, Crabtree, Drabkin, LaChine, Thong, and Weeks.

b. Title 16, CCR Section 961 (National Interstate Council (NIC) Translation Guides)

MOTION: Mr. Drabkin made a motion that the Board approves the proposed changes to the regulations. Ms. Codorniz seconded. Motion carried 7 yes, 0 no, and 0 abstain per roll call vote as follows:

The following Board Members voted “Yes”: Anderson, Codorniz, Crabtree, Drabkin, LaChine, Thong, and Weeks.

e. Title 16, CCR Section 904 (Definition of Access)

MOTION: Mr. Drabkin made a motion that the Board approves the proposed changes to the regulations. Ms. Crabtree seconded. Motion carried 7 yes, 0 no, and 0 abstain per roll call vote as follows:

The following Board Members voted “Yes”: Anderson, Codorniz, Crabtree, Drabkin, LaChine, Thong, and Weeks.

Ms. Underwood stated the following proposed regulations in Sections 974, 974.3, and 974.4 have been combined into one rulemaking package and require only one vote as follows:

c. Title 16, CCR Section 974 (Administrative Fine Schedule)

g. Title 16, CCR Section 974.3 (Citation of Establishments, Individuals for Same Violation)

h. Title 16, CCR Section 974.4 (Installment Payment Plan for Fines)

MOTION: Ms. Thong made a motion that the Board approves the proposed changes to the regulations. Ms. Crabtree seconded. Motion carried 7 yes, 0 no, and 0 abstain per roll call vote as follows:

The following Board Members voted “Yes”: Anderson, Codorniz, Crabtree, Drabkin, LaChine, Thong, and Weeks.

Ms. Underwood stated staff is currently working on the following proposed regulations in Sections 978, 979, 980, 980.4, 981, 982, 984, and 989; 974.1; and 972 and will present proposed changes at the next meeting for Board review:

i. Title 16, CCR Sections 978, 979, 980, 980.4, 981, 982, 984, and 989 (Health and Safety Regulations)

d. Title 16, CCR Section 974.1 (Disciplinary Review Committee)

f. Title 16, CCR Section 972 (Disciplinary Guidelines)

14. Agenda Item #14, AGENDA ITEMS FOR THE NEXT MEETING

Ms. Underwood stated the next Board meeting is scheduled for late August, where the Board will begin discussion on the upcoming Sunset Review. There will possibly be a teleconference meeting prior to the next Board meeting to discuss new topics to bring forward at the Sunset Review hearing.

Public Comment

Mr. Jones suggested restarting a student registration process that this Board enforced decades ago as a simple means to stop the selling of hours. He applauded staff for their work with the schools. He also suggested the topic of externships as an answer to the growing concerns of artificial barriers to entry.

Ms. Underwood stated a full report will be presented to the Board at the next meeting on the work staff has done with the schools. The Bureau Chief from the BPPE plans to be in attendance.

15. Agenda Item #15, CLOSED SESSION

The Board adjourned into closed session.

16. Agenda Item #16, ADJOURNMENT

There being no further business, the meeting was adjourned at 1:39 p.m.