

**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.