

**CALIFORNIA BOARD
OF
BARBERING AND COSMETOLOGY**

BOARD MEETING

MINUTES OF MAY 6, 2024

BOARD MEMBERS PRESENT

Calimay Pham, President
Megan Ellis
Kellie Funk
Reese Isbell
Yolanda Jimenez
Colette Kavanaugh
Tamika Miller
Steve Weeks

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Officer
Carrie Harris, Deputy Executive Officer
Allison Lee, Board Project Manager
Sabina Knight, Legal Counsel

BOARD MEMBERS ABSENT

Tonya Fairley, Vice President
Danielle Munoz
Jacob Rostovsky

1. AGENDA ITEM #1: Call to Order/ Roll Call/ Establishment of Quorum

Calimay Pham, Board President, called the meeting to order at approximately 9:00 a.m. and confirmed the presence of a quorum.

2. AGENDA ITEM #2: Petition for Reinstatement Hearing

- a. Kaying Elmer, Petition for Reinstatement of License, Cosmetologist License #KK161680
- b. Beatriz Castillo, Petition for Reinstatement of License, Cosmetologist License #KK371315

CLOSED SESSION: Pursuant to Government Code section 11126 (c) (3), the Board met in closed session to deliberate on the above petitions.

3. AGENDA ITEM #3: Board President's Welcome (Calimay Pham)

President Pham adjourned closed session and reconvened the meeting at approximately 10:50am. Ms. Pham welcomed everyone and acknowledged Asian American, Native Hawaiian, and Pacific Islander Heritage Month. She encouraged participation in the celebrations and highlighted the contributions of these communities to the state's history and diversity, including their impact in the industry.

4. AGENDA ITEM #4: Board Member Updates – Informational only

Yolanda Jimenez informed shared that she would be defending her dissertation on the 15th of the month, receiving congratulations in response.

5. AGENDA ITEM #5: Department of Consumer Affairs (DCA) Update Which May Include Updates on DCA’s Administrative Services, Human Resources, Enforcement, Information Technology, Communications and Outreach, and Legislative, Regulatory, or Policy Matters

Yvonne Dorantes, the Assistant Deputy Director, greeted everyone and expressed her gratitude for the opportunity to provide updates. She began by acknowledging Public Service Recognition Week, expressing appreciation for the dedication of over 3,000 DCA employees in safeguarding California consumers. She mentioned a recent meet and greet with Secretary Tomiquia Moss, where DCA leaders discussed priorities for the business, consumer services, and housing agency.

Transitioning to Federal Title 9 Financial Aid Funding, Ms. Dorantes detailed a new regulation affecting non-degree school programs approved by boards and bureaus, starting July 1st, 2024. She explained that non-compliant programs would lose eligibility for Federal Title 9 Funding after this date but noted the exercise of enforcement discretion until January 1st, 2025. She also cautioned about an increase in scams targeting licensees, cautioning against false claims of investigations and urging vigilance.

She then provided an update on Diversity, Equity, and Inclusion (DEI) efforts, mentioning the quarterly meeting of the DEI Steering Committee and upcoming meeting on July 26th. Ms. Dorantes emphasized the availability of free courses on the learning management system to enhance DEI knowledge. Additionally, she detailed recent outreach initiatives with the Consulate of Mexico, aimed at sharing consumer licensing information and fostering partnerships.

Further, Ms. Dorantes reminded board members about the submission deadline for travel expense claims and upcoming virtual board member orientation training sessions scheduled for June 18th and October 22nd. She concluded her presentation by expressing appreciation for the nearly 100% compliance rate in submitting Form 700.

6. AGENDA ITEM #6: Discussion and Possible Approval of the February 26, 2024, Board Meeting Minutes

Motion: Reese Isbell motioned to approve the February 26, 2024, Board Meeting Minutes. Yolanda Jimenez seconded the motion.

Public Comment: There were no public comments.

Roll Call Vote: Motion carried: 8 yes, 0 no, and 0 abstain, per the following roll call vote:

- Committee Members voted “Yes”: Calimay Pham, Megan Ellis, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Tamika Miller, Steve Weeks

7. AGENDA ITEM #7: Executive Management Reports

a. Administration and Operations:

Kristy Underwood began her report by addressing administrative and operational matters. She noted progress in filling vacancies, reporting only one vacancy. She also highlighted the successful relocation of their office to the DCA main headquarters building, expressing satisfaction with the new facility's location. Moving on to budget updates, Ms. Underwood mentioned the expenditure freeze and noted the exemption process for necessary purchases. She then touched upon the fund condition, stating no significant changes.

b. Licensing, Examinations, and Disciplinary Review Appeals

Transitioning to the Licensing Exams and Disciplinary Review Committee, Ms. Underwood mentioned a decrease in vacant positions and highlighted efforts to address the high volume of emails. She reported progress in reducing pending emails and discussed challenges in filling limited-term positions. Regarding deficiency letters sent via email, Ms. Underwood confirmed that licensees could reply directly via email, streamlining the process. She then provided updates on quarterly application numbers, noting an increase, and shared improvements in written exam results, particularly for first-time test takers.

Ms. Underwood highlighted the importance of analyzing pass/fail rates, especially for first-time test takers, and discussed plans to provide a comprehensive report on apprentice programs at the next meeting. She also mentioned efforts to address low pass rates among Spanish-speaking candidates and collaboration with accrediting agencies and the Bureau for Private Postsecondary Education.

Kristy Underwood proceeded to discuss license issuance, noting 8,925 licenses issued in the last quarter, bringing the total number of current licensees to 640,034. She then introduced survey results conducted at renewal time, explaining its purpose and the impact of the COVID-19 pandemic on survey responses. The survey aimed to gather information on establishment ownership, employment status, and working frequency. Ms. Underwood noted the significance of identifying licensees who are not actively working in the industry, as many retain their licenses indefinitely. She elaborated on the survey responses, indicating that approximately 50% of establishment owners reported having independent contractors, while the employment status survey revealed insights into the proportion of full-time and part-time employees, salon owners, and individuals not working in the industry. She concluded the survey discussion by noting additional

questions regarding licensees' employment identification, providing a comprehensive overview of the workforce landscape within the industry.

The subsequent update covered disciplinary reviews. Currently, Los Angeles has 33 appeals, San Diego has 44, and the North has 29. The Board plans to wait for more cases before scheduling the next Disciplinary Review Committee hearing to ensure cost-effectiveness.

c. Enforcement, Inspections, and Cite and Fine

The enforcement report shows one vacant position that is in the process of being filled. It highlighted 25 cases referred to the attorney general in the last quarter. Additionally, the Board received an average monthly intake of 1300 to 1400 complaints. Detailed breakdowns of complaint categories and enforcement statistics were provided within the report.

Kirsty Underwood continued with an update on the schools, inspections, and cite and fine report. The inspections unit has one vacancy in San Bernardino, and the cite and fine unit has three vacancies, with two already filled. There are 265 approved schools with nine open cases under investigation. The Board received 34 cases in the third quarter. Inspection and citation statistics were discussed, highlighting the impact of staffing levels on inspection numbers. The report also covered requests for payment notices and the handling of violations with no fines assessed. Questions were raised regarding the process of payment notice issuance and the handling of school cases, which are typically referred to the Bureau for Private Postsecondary Education.

d. Outreach

Kristy Underwood proceeded with the outreach update, acknowledging limitations on travel but emphasizing continued efforts to spread awareness. Meet the Employer events have been ongoing, including recent virtual meetings with the Stockton Unified School District. These events serve both the Board and the department by facilitating understanding of state job processes. Additionally, the department's email communication and social media postings remain active. Despite personnel changes, outreach efforts continue successfully.

e. Strategic Plan Update

Ms. Underwood completed her presentation with an update on the Strategic Plan, highlighting ongoing initiatives. She discussed efforts to promote vacant positions through events like Meet the Employer, aiming to increase awareness. The completion of the SB 803 cleanup regulatory package was noted, along with progress on the pre-apprentice training course, pending final regulations. Additionally, a simplified Chinese web page was developed to accommodate the increasing number of Chinese-speaking licensees, with plans to expand translation services further. President Pham suggested

involving licensees in translation reviews to ensure clarity and suitability, proposing the establishment of a database or working group for this purpose.

Ms. Underwood elaborated on Task 4.3.3, which involved a mobile inspection initiative funded by a grant, slated to launch in September. The project aims to streamline inspection processes, with inspectors using iPads or tablets to conduct inspections and immediately email reports. Steve Weeks expressed excitement about the long-overdue initiative, and Ms. Underwood acknowledged the Board's enthusiasm. The discussion concluded with mentions of ongoing publications and outreach efforts as part of the strategic plan, extending until 2027.

Public Comment on the Executive Management Reports:

Ken Williams, a former Board member, salon and school owner, emphasized his advocacy for the Board and highlighted the challenges facing the industry. Mr. Williams voiced concerns raised by his students regarding the reduction of course hours, attributing it to declining pass rates and inadequate training. He underscored the importance of maintaining high standards and urged the Board to consider the implications of recent changes. Despite his concerns, he expressed appreciation for the Board's efforts and hoped for continued collaboration to ensure the industry's success.

Mary Ruiz, an educator, echoed Ken Williams' concerns about the impact of reduced course hours on students and educators. She emphasized the limitations they face in providing comprehensive training and preparing students adequately for the industry. Ms. Ruiz highlighted the potential risks to clients' safety and emphasized the importance of considering the broader implications of such changes. She urged the Board to prioritize consumer protection and ensure that stylists are adequately trained to meet client needs.

Seth Caplan from Crew Institute of Cosmetology and Barbering suggested that the Board consider showcasing the outcomes of licensure for apprentices on social media. It was clarified that such information is available online but not specifically on social media platforms. Furthermore, he raised concerns about the potential impact of reduced course hours on State Board passing rates. He stated that his institute currently teaches 1,200 hours exclusively dedicated to barbering, maintaining a consistently high passing rate. However, he stressed the importance of the additional 200 hours for comprehensive preparation for the State Board exam.

Robbie Barry raised concerns about the reduction of course hours from 1,600 to 1,000, questioning whether it aimed to ease oversight by the Board or encourage students to pursue continual education. Ms. Underwood clarified that the reduction in licensing hours was mandated by the legislature during the Sunset Bill process.

Fred Jones from the Professional Beauty Federation emphasized that the legislature's decision to reduce educational hours has created market pressures for schools to follow suit or risk losing students. He highlighted challenges arising from SB 803, which

reduced licensing hours for cosmetology and barbering. This reduction may lead to cuts in essential areas like State Board exam preparation. Additionally, he expressed concerns about new legislative mandates, such as teaching textured hair within the reduced hours, urging the Board to provide an industry perspective on future policy decisions.

8. AGENDA ITEM #8: Report on the April 22, 2024, Licensing and Examination Committee Meeting (Steve Weeks, Chairperson)

Chairperson Steve Weeks provided an update on the Licensing and Examination Committee's meeting held on April 22nd. The committee focused on addressing cleanup language to close potential loopholes that could allow previously disciplined establishment owners to reenter the system unnoticed. This could involve changes in regulations to identify such individuals shielded through corporations or other entities. The committee, along with staff and legal counsel, will review this issue further and present their findings. Currently, there are no specific recommendations to the Board, but updates are expected soon.

9. AGENDA ITEM #9: Report on the March 25, 2024, and April 22, 2024, Legislative and Budget Committee Meetings, Consideration of Committee Recommendations and Possible Action on Proposed Bills (Reese Isbell, Chairperson)

Chairperson Reese Isbell provided an update on the Legislative and Budget Committee's recent meetings held on March 25th and April 22nd. The committee deliberated on follow-ups from the prior board meeting, decisions taken at that time, and any new developments. They also recommended positions on active legislation. Mr. Isbell then deferred to Kristy Underwood to provide an overview of the bills discussed during these meetings.

a) AB 1328 (Gipson) Cosmetology Licensure Compact

Kristy Underwood proceeded to outline AB 1328, concerning the cosmetology licensure compact. This bill, initially a 2-year measure, is pending a hearing. However, the date for the hearing has not yet been set, so the Board will await further developments.

b) AB 2166 (Weber) Barbering and cosmetology: hair types and textures

Ms. Underwood then addressed AB 2166, also known as the hair types and texture bill. She informed the Board that this bill has progressed from the Assembly to the Senate. The Board had previously supported this bill during a meeting in February, and there have been no amendments to its content since then.

c) AB 2412 (Reyes) Healing arts: California Body Contouring Council: practitioners

AB 2412, also known as the California Body Contouring Bill, has been withdrawn by the sponsor and author. Kristy Underwood had a brief conversation with the author, who indicated that the bill's intended amendments were not aligned with its original purpose. As a result, they decided to pull the bill to further refine its content. She anticipates future discussions on the bill's direction, considering its potential impact on industry licensees involved in body contouring. Chairperson Isbell then mentioned the motion from the previous meeting to draft a letter expressing the Board's views on the bill, but Ms. Underwood clarified that it was unnecessary due to the bill's withdrawal.

d) AB 2444 (Lee) Barbering and cosmetology: licensees: manicurists

Ms. Underwood discussed AB 2444, which concerns updating information sent to licensees regarding labor information. Originally, the bill proposed requiring a video, but it has since been amended to embed certain labor information into the actual license applications. The Board previously opposed the bill but discussed its significance at the committee meeting, particularly considering upcoming changes in labor laws affecting manicurists. It is unclear what specific language the bill intends to include in the Board's applications, potentially leading to a significant increase in the length of the application. The Board faces a considerable expense, projected to be no less than \$617,171, to fulfill these requirements.

Ms. Underwood had informal discussions with the Department of Industrial Relations (DIR) regarding the bill's implications, including concerns about increased paperwork and the complexity of labor law information. The DIR expressed similar concerns, particularly regarding the costs involved and the potential burden on licensees. Concerns also arise regarding the feasibility of applicants reading extensive information provided on paper forms. Additionally, placing laws specific to the DIR within the board's laws raises concerns about responsibility and workload distribution. Staff also anticipates challenges in managing an influx of inquiries without appropriate expertise.

Reese Isbell expressed gratitude for the information shared, highlighting extensive discussions held in committee meetings regarding the bill. He inquired about any recent communication with the author's office. Ms. Underwood mentioned meetings with the sponsors, but not with the author's office directly. Chair Isbell reiterated concerns about the fiscal implications of the bill, emphasizing that it introduces a new mandate outside the Board's purview and could be more efficiently handled by other entities like the DIR. He questioned why the bill is not originating from labor groups and suggested exploring alternative approaches, such as targeted outreach to specific communities, rather than a statewide mandate. He noted that while the intent behind the legislation is understood, the committee still recommends an opposed position. Kristy Underwood confirmed the need for a motion due to recent amendments to the bill.

President Pham highlighted ongoing discussions about the bill within the committee. She noted concerns about the language of the bill, particularly regarding the ongoing obligation it would impose on the Board compared to the one-time responsibility of the DIR. Ms. Pham emphasized the need to consider the significant cost and paperwork demands associated with the bill, as well as its lack of targeting toward the intended audience. While acknowledging the importance of the bill's message, she advocated for exploring alternative solutions and expressed a stance of opposition to the bill in its current form.

Kellie Funk expressed the need for clarification regarding the recipients of the labor law information, confirming if it is intended for establishment owners or individual licensees. Kristy Underwood clarified that the information would be disseminated to all license holders. Ms. Funk then expressed openness to hearing public input on the matter and suggested collaboration to address concerns about the logistical challenges posed by the bill's implementation, particularly its indefinite time frame.

President Pham suggested addressing any questions from the board members regarding the bill before proceeding. Kristy Underwood clarified that manicurists are undergoing a legal change related to the ABC test, necessitating the provision of specific labor law information. The DIR would develop this language; however, the bill mandates its continuous inclusion in the Board's applications. This requirement poses a challenge due to the substantial number of licensees, amounting to over 630,000. After ensuring there were no further clarifications needed, President Pham opened the floor to public comment.

Public Comment on AB 2444:

Catherine Porter, Senior Policy Consultant for the California Healthy Nail Salon Collaborative, expressed concerns and suggestions regarding the bill. While acknowledging the idea of direct outreach to licensees, she emphasized the cost efficiency of mail dissemination compared to other methods like town halls. While email or text distribution would be preferable, contact information is voluntary, making it impossible to reach all licensees electronically. Ms. Porter proposed reducing the labor law language to just 2 or 3 pages, aiming to cut costs to around \$75,000. Finally, she underscored the importance of workplace safety and well-being, urging the Board to reconsider and expressing readiness to collaborate further.

Joanne Nguyen, speaking through a Vietnamese interpreter, identified herself as a nail salon worker from Los Angeles with over eight years of experience. As a W-2 employee with health benefits and paid sick time, she underscored the importance of proper classification. She noted that many nail technicians are misclassified, resulting in a lack of benefits. She expressed support for AB 2444, emphasizing its aim to provide training and resources in her native language to help workers understand labor laws. She urged the Board to vote in favor of the bill, citing its potential to benefit both workers and customers.

Trish Nguyen, speaking through a Vietnamese interpreter, introduced herself as a manicurist from Orange County with seven years of experience, including five years as a nail salon owner. She shared her personal experience of falling ill due to chemical exposure and later being diagnosed with cancer. During her treatment, she discovered that she was incorrectly classified as an independent contractor, which deprived her of health benefits and paid sick leave. Despite her proficiency in English for work, understanding labor laws proved challenging. Ms. Nguyen emphasized the importance of AB 2444 in providing labor law resources and updated information in multiple languages for both salon owners and workers. She urged the BBC to fully support the bill, emphasizing its potential to enhance industry safety and awareness.

Kieu Anh Do, speaking through an interpreter, shared her nine-year experience as a manicurist. She highlighted her initial attraction to the profession due to its flexibility and basic English proficiency standards. Drawing a comparison to her previous job in an electronics factory where she enjoyed employee benefits, she described the stark difference in worker rights in the manicurist industry. Her limited English skills compounded her challenges in understanding labor laws, leaving her unaware of her entitlements. She expressed her support for AB 2444, emphasizing its importance in informing and safeguarding workers in the nail salon industry. Ms. Do urged the Board's support for the bill, thanking them for their attention.

Fred Jones, representing the Professional Beauty Federation, discussed the history of AB 5 and its impact on the beauty industry. He highlighted his involvement in drafting language to provide exemptions for salons from the ABC test, which posed challenges for businesses utilizing independent contractors. Mr. Jones emphasized the additional requirements imposed on the beauty industry to legitimize independent contractor salons. He noted a sunset provision specific to the manicuring sector, attributed to prior negative publicity. Mr. Jones advocated for equitable treatment, proposing an extension or removal of the sunset provision for manicurists.

Kellie Funk expressed optimism about reducing the labor law language to two or three pages as a promising option. Steve Weeks acknowledged the bill's good intentions but emphasized the potential burden on the Board. The Board discussed concerns about the clarity of the bill's language and the ongoing costs associated with it. Kristy Underwood emphasized the need to vote based on the current written version of the bill. Megan Ellis and Reese Isbell expressed gratitude to the public for their input and Mr. Isbell reiterated concerns about the bill's logistical challenges.

Motion: Steve Weeks moved to oppose Assembly Bill 2444, and Reese Isbell seconded.

Public Comment: Fred Jones elaborated on the nuances between different motions. He referenced a recent instance with the Weber bill where a "support if amended" motion led to minimal debate and quick passage through various committees. He expressed regret for supporting that motion and indicated his agreement with the Board's current opposed position regarding AB 2444.

Roll Call Vote: Motion carried: 8 yes, 0 no, and 0 abstain, per the following roll call vote:

- Committee Members voted “Yes”: Calimay Pham, Megan Ellis, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Tamika Miller, Steve Weeks

e) AB 2862 (Gipson) Licenses: African American applicants

Kristy Underwood introduced AB 2862, a bill that aims to prioritize African American applicants, particularly those descended from enslaved individuals, within the department. The bill presents logistical challenges as it could slow down the processing times for other applicants and lacks clarity on how the information would be obtained. The committee recommended a watch position, considering the fiscal impact and uncertainty surrounding the bill's implementation. Reese Isbell emphasized that while the intentions behind the legislation are commendable, the logistics pose significant concerns. President Pham expressed agreement with these concerns, pointing out the lack of clarity in the bill's language. Given the uncertainties, Megan Ellis suggested maintaining a watch position, considering the bill's potential revisions in the Judiciary Committee. However, with the bill moving swiftly to the Appropriations Committee and the substantial fiscal impact, a watch position might not be prudent. Megan Ellis suggested an "oppose unless amended" position, but President Pham highlighted the need for clarity on the specific amendments to be proposed. Given the lack of transparency, the Board discussed taking an oppose position.

Motion: President Pham made a motion to oppose Assembly Bill 2862. Colette Kavanaugh seconded the motion.

Public Comment:

Fred Jones from the Professional Beauty Federation shared some historical context, reflecting on his extensive career in policymaking. He emphasized the importance of considering unintended consequences and the reality of good intentions leading to undesirable outcomes. He highlighted the significant improvements in exam waiting times under Kristy Underwood's leadership, suggesting that there is no longer a need for the proposed bill. He advocated for an opposition position, considering the current efficiency in the industry.

Seth Caplan from the Crew Institute of Cosmetology and Barbering echoed Mr. Jones's sentiments, noting the efficiency of the current State Board exam process. He noted the rapid turnaround times for exams, especially for Veterans, suggesting that a little more time between graduation and exam scheduling could benefit students. He emphasized the importance of adequate preparation time for students to ensure they are fully ready for the exam.

Reese Isbell raised a question regarding the stance of other boards under the Department of Consumer Affairs (DCA) regarding the bill. Sabina Knight stated that according to the most recent analysis in mid-April, only the Respiratory Care Board had

adopted a position of opposition unless amended, while two organizations supported the bill and one opposed it. Kristy Underwood added that not all boards may have voted or had their positions included in the analysis document. Mr. Isbell expressed concerns about opposing the bill due to its concept but understood the reasoning behind the opposition. Ultimately, he stated his intention to abstain from voting.

Roll Call Vote: Motion carried: 7 yes, 0 no, and 1 abstain, per the following roll call vote:

- Committee Members voted “Yes”: Calimay Pham, Megan Ellis, Kellie Funk, Yolanda Jimenez, Colette Kavanaugh, Tamika Miller, Steve Weeks
- Committee Member abstained: Reese Isbell

f) SB 817 (Roth) Barbering and cosmetology: application, examination, and licensing fees

Kristy Underwood provided an update on SB 817, a two-year bill aimed at refining the application process for hair stylists. The bill stalled in the Appropriations committee and is unlikely to progress further. However, she noted that the clean-up language would be included under SB 1451. Therefore, no action was taken on the bill.

g) SB 1084 (Nguyen) Barbering and cosmetology: Hairstyling License

SB 1084, introduced by Senator Nguyen, aimed to deregulate the hair stylist license. However, the author has withdrawn the bill, indicating that it will not proceed further.

h) SB 1451 (Ashby) Professions and vocations

SB 1451, sponsored by Senator Ashby, who chairs the Business and Professions Committee, is an Omnibus Bill that incorporates language regarding the hair stylist fee. This bill aims to align the fee structure for hair stylist licenses with other licensing fees, separating the licensing fee from the application and exam fee, which reflects the actual cost to the Board. The committee recommends supporting this bill.

Motion: Kellie Funk made a motion to support Senate Bill 1451. Megan Ellis seconded.

Public Comment: There was no public comment.

Roll Call Vote: Motion carried: 8 yes, 0 no, and 0 abstain, per the following roll call vote:

- Committee Members voted “Yes”: Calimay Pham, Megan Ellis, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Tamika Miller, Steve Weeks

10. AGENDA ITEM #10: Discussion and Possible Action Regarding Rulemaking Proposals:

- a) Update Regarding Rulemaking to Amend Title 16, California Code of Regulations (CCR) sections 904, 909, 931, 932, 937, 962, and 998, and Repeal sections 928, 934, 950.1, 950.2, 950.3, and 950.4 (SB 803 Clean Up)
- b) Update Regarding Rulemaking Proposal to Amend Title 16, CCR sections 913, 913.1, 914.1, 914.2, 915, 917, 918, 918.1, 919, 919.1, 920, 921, 921.1, 921.2, 922, 924, 924.1, 925, 926, 927 (Apprenticeship);
- c) Update Regarding Rulemaking to Amend Title 16, CCR section 917 (Pre-Apprenticeship Training);
- d) Update Regarding Rulemaking Proposal to Amend Title 16, CCR sections 940, 941, 950.10, 950.12, 962, 962.1, 962.2 (Schools and Externs);
- e) Update Regarding Rulemaking Proposal to Amend Title 16, CCR section 977 et seq. (Health and Safety);
- f) Update Regarding Pending Rulemaking Proposal to Amend Title 16, CCR section 911 (Out of State License Certifications);
- g) Update Regarding Pending Rulemaking Proposal to Amend Title 16, CCR section 931 (Interpreters)
- h) Update Regarding Pending Rulemaking Proposal to Amend Title 16, CCR Section 974.2 (Disciplinary Review Committee Clean Up);
- i) Discussion and Possible Action to Initiate a Rulemaking and Amend Title 16, CCR section 972 (Disciplinary Guidelines)
- j) Discussion and Possible Action to Initiate a Rulemaking and Adopt Title 16, CCR section 974.4 (SB 384: Remedial Education Program)

Kristy Underwood stated that the SB 803 cleanup regulations were submitted to the Office of Administrative Law, with feedback expected by June 3, 2024. Board staff are currently working on the Pre-Apprentice Training, Out of State License Certifications, and Interpreters regulation packages, but there are no significant updates to report at this time. The Apprenticeship, Schools and Externs, Health and Safety, and Disciplinary Review Committee Clean Up packages are pending further development.

Kristy Underwood then moved on to discussing the disciplinary guidelines. These guidelines have not been updated since 2010. She clarified an error on page two of the document where "Dental Practice Act" should have read "Board of Barbering and Cosmetology Act." Ms. Underwood explained that the changes listed on page three of the memo reflect updates incorporated by reference into the regulations. While the regulatory language itself is brief, the full disciplinary guidelines document is submitted to the Office of Administrative Law as part of the regulations. She summarized the key changes made in collaboration with legal counsel and enforcement staff, noting the detailed updates.

Motion: Kellie Funk made a motion to approve the proposed regulatory text for Title 16, CCR Section 972 as set forth in Attachments 1 and 2, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review. If the Board does not receive any objections

or adverse recommendations specifically directed at the proposed action or to the procedures followed by the Board in proposing or adopting this action, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no objections or adverse recommendations are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Section 972 as noticed. Megan Ellis seconded the motion.

Public Comment: There was no public comment received.

Roll Call Vote: Motion carried: 8 yes, 0 no, and 0 abstain, per the following roll call vote:

Committee Members voted “Yes”: Calimay Pham, Megan Ellis, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Tamika Miller, Steve Weeks

The last regulation package pertains to the remedial education program established by SB 384, effective January 1, 2024. Ms. Underwood highlighted that the proposed regulations include several key components. First, they outline the process for notifying licensees about the remedial education option and set the eligibility criteria for the program. Additionally, the regulations specify the subject matter content for the remedial education and detail the conditions for accepting the Board's offer. This includes enrolling in and completing an online remedial education program administered by the Board for a non-refundable fee of \$55, which is based on the cost of similar pre-apprentice training programs. The regulations also describe how licensees should provide proof of completion and the conditions for complying with any final citation order.

Motion: Colette Kavanaugh moved to approve the proposed regulatory text for Title 16, CCR Section 974.4 as set forth in Attachment 3, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business Consumer Services, and Housing Agency for review. If the Board does not receive any objections or adverse recommendations specifically directed at the proposed action or to the procedures followed by the Board in proposing or adopting this action, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no objections or adverse recommendations are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations at Section 974.4 as noticed. Kellie Funk seconded the motion.

Steve Weeks inquired whether the online course would be generic or tailored to individual license types. Kristy Underwood responded that the course would be largely generic to cover all essential areas. However, she acknowledged that certain elements, like foot spa training, would not be relevant for all license types, such as barbers. The

primary focus will be on health and safety laws applicable to all. She also mentioned that the course could be beneficial for future reinstatement hearings.

Public Comment: There was no public comment submitted.

Roll Call Vote: Motion carried: 8 yes, 0 no, and 0 abstain, per the following roll call vote:

- Committee Members voted “Yes”: Calimay Pham, Megan Ellis, Kellie Funk, Reese Isbell, Yolanda Jimenez, Colette Kavanaugh, Tamika Miller, Steve Weeks

11. AGENDA ITEM #11: Establishment of Committee to Hear Withdrawal of Approval of Apprenticeship Program Sponsor pursuant to California Code of Regulations Title 16 Section 913.1(d)

Kristy Underwood introduced the next agenda item, focusing on the apprenticeship program, which has faced ongoing issues. She explained that the Board is exploring its role in maintaining the program's standards. Currently, there is a provision allowing the Board to withdraw a program sponsor's approval, though it has never been exercised. After consulting with their Deputy Attorney General liaison, they determined the need to establish a committee like the DRC but focused on program sponsors. This committee would handle cases where program sponsors fail to meet required standards, such as lacking a Local Education Authority (LEA).

President Pham inquired whether this committee would have a rotating membership like the DRC or be composed of a set group. Ms. Underwood recommended a fixed membership, noting that the committee would not need to meet frequently once initial issues are addressed. Ms. Pham also asked if meetings would be in-person, to which Ms. Underwood confirmed they would be held in-person in Sacramento.

Steve Weeks asked if specific causes for disciplinary action would be outlined. Ms. Underwood clarified that causes, such as not having an LEA, would be specified in the Notice to Show Cause. Other issues identified include operating without a corporation's valid status and illegal activities at training facilities. These sponsors would receive detailed notices outlining their deficiencies and given 30 days to correct them. Sabina Knight compared the process to receiving a citation, where violations are clearly listed. Mr. Weeks further questioned if pass rates could be grounds for citation, but Ms. Underwood noted that regulations would need to explicitly require specific pass rates for that to be enforceable.

The discussion concluded with Kellie Funk volunteering to be part of the new committee, joined by Colette Kavanaugh, Tamika Miller, Megan Ellis, and Yolanda Jimenez.

Public Comment: Seth Caplan from the Crew Institute of Cosmetology and Barbering expressed his approval of the Board's efforts to address issues with the apprenticeship program. He shared his experiences as a school representative, noting that he is often

approached by so-called apprenticeship trainers who misrepresent themselves as schools. These trainers request that he provide the 230 hours of required education to their students, which he refuses, knowing it's not appropriate. Mr. Caplan also mentioned that he frequently encounters apprentices who run into problems with their training and eventually seek to enroll in his school. These apprentices often inquire if their apprenticeship hours can be transferred, which they cannot, and he revealed that some have paid exorbitant fees ranging from \$7,500 to \$10,000 for their training. He believes such practices are likely illegal and are detrimental to many individuals. He commended the Board for taking steps to address these issues and reiterating the importance of these measures in protecting people from harmful practices in the apprenticeship system.

12. AGENDA ITEM #12: Public Comment on Items Not on the Agenda

There were no public comments made for items not on the agenda.

13. AGENDA ITEM #13: Suggestions for Future Agenda Items

There were no recommendations for future agenda items.

14. AGENDA ITEM #14: Adjournment

There being no further business to discuss, the meeting adjourned at approximately 1:30 p.m.