

**CALIFORNIA BOARD
OF
BARBERING AND COSMETOLOGY**

BOARD MEETING

MINUTES OF NOVEMBER 4, 2024

BOARD MEMBERS PRESENT

Calimay Pham, President
Tonya Fairley, Vice President
Megan Ellis
Kellie Funk
Reese Isbell
Dr. Yolanda Jimenez
Tamika Miller
Danielle Munoz
Steve Weeks

STAFF MEMBERS PRESENT

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

BOARD MEMBERS ABSENT

Colette Kavanaugh

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

Board President Calimay Pham convened the meeting at approximately 10:00 a.m. Roll call was conducted, confirming the presence of a quorum.

2. AGENDA ITEM #2: Board President's Welcome (Calimay Pham)

Calimay Pham welcomed all attendees and noted that this is the final Board meeting of 2024.

3. AGENDA ITEM #3: Board Member Updates – Informational only

The board members did not have any updates to share.

4. AGENDA ITEM #4: 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, Assistant Deputy Director, began with an update on Diversity, Equity, and Inclusion (DEI) initiatives, sharing that the DCA's DEI Steering Committee recently elected new leadership. Reji Varghese, Executive Director of the Medical Board of California, will serve as Chair, while Marlon McManus, Assistant Executive Officer of the Board of Behavioral Sciences, will be Vice Chair.

Ms. Dorantes continued with an update on new unconscious bias training specifically designed for board members, emphasizing its importance in supporting unbiased decision-making. This

mandatory, self-paced training will be available on DCA's learning management system starting in early 2025. She also noted that while DCA offers over 20 optional DEI courses, they are highly recommended.

She continued by highlighting DCA's upcoming military licensing resources webinar, scheduled for November 21. This live session aims to enhance outreach to the military community by providing information on licensing resources available to military members, spouses, and domestic partners. It will include a demonstration of DCA's federal professional license portal and state registration process, introduced last fall, followed by a Q&A session. Webinar details can be found at dca.ca.gov/military.

Ms. Dorantes introduced updates to the travel expense reimbursement program, following CalHR's recent policy alignment with federal standards from the U.S. General Services Administration. Effective October 1, DCA now applies federal rates for meals, incidental expenses, and both standard and nonstandard lodging for in-state and out-of-state travel. This information was previously shared with board members in late September, and Ms. Dorantes encouraged members to review the new guidelines.

DCA is participating in annual charitable campaigns this November, including the agency's Turkey Drive and the statewide Our Promise Campaign. Donations will go to Joey's Food Locker, a local food bank in Sacramento.

Ms. Dorantes concluded by highlighting the launch of the Our Promise Campaign, the state employees' workplace giving initiative. Through this campaign, state employees, including board members, can support a nonprofit of their choice, contributing to causes they are passionate about. These donations help make a positive impact on local communities and demonstrate the state's commitment to California. The campaign will run from November 18 through December 31.

5. AGENDA ITEM #5: Discussion and Possible Approval of the August 12, 2024 Board Meeting Minutes

Motion: Tonya Fairley made a motion to approve the August 12, 2024 Board Meeting Minutes. Dr. Yolanda Jimenez seconded the motion.

Public Comment: There were no public comments received.

Roll Call Vote: Motion to approve the August 12, 2024 Board Meeting Minutes carried: 8 yes, 0 no, and 1 abstain, per the following roll call vote:

- Committee Members voted "Yes": Calimay Pham, Tonya Fairley, Danielle Munoz, Megan Ellis, Kellie Funk, Reese Isbell, Dr. Yolanda Jimenez, Tamika Miller.
- Committee Members voted "Abstain": Steve Weeks

6. AGENDA ITEM #6: Proposed Board Meeting Dates and Locations for 2025

Members discussed the proposed board meeting dates and locations for 2025. Tonya Fairley inquired about the lack of committee meeting dates. Kristy Underwood explained that committee meetings are scheduled as needed. Ms. Fairley suggested aligning committee meetings with board meetings. Legal Counsel Sabina Knight confirmed that committee recommendations could be presented to the Board the same day, as long as they are included in the agenda in advance. Steve Weeks inquired about the locations of the Southern California meetings, and Ms. Underwood noted the intention to hold one in Los Angeles and the other in San Diego.

7. AGENDA ITEM #7: Executive Management Reports

a. Administration and Operations

Kristy Underwood presented the Administration Operations Report, noting that the unit has five positions, with one previously vacant position now filled. James Zimmerman was promoted to Licensing and Operations Chief, after serving as one of the licensing managers. A new hire has been brought in to fill the vacancy left by his promotion. She also highlighted staff training efforts, including de-escalation tactics for difficult situations and the importance of using inclusive language, with training sessions held quarterly in collaboration with DCA's SOLID training unit.

An update on the budget was provided, highlighting its continued strength. Steve Weeks inquired if the budget included the \$106,000 cost for a mailer, and Ms. Underwood confirmed it did not. He also asked how many boards operate with a surplus, noting the Board's high surplus. Ms. Underwood explained that, unlike smaller boards, their Board is financially stable. Mr. Weeks pointed out that the surplus is likely due to reasonable licensing fees and the large number of licensees. He further inquired about a \$25,000 transfer in fiscal year 2024-2025, which Ms. Underwood confirmed was part of a \$25 million loan repayment to the general fund.

b. Licensing, Examinations, and Disciplinary Review Appeals

Kristy Underwood provided an update on the Licensing Division, noting that all 19 positions are now filled, marking the first time the division has been fully staffed. She highlighted that the team is now able to process emails more quickly, typically within 24 hours, and paper applications are being processed in about four weeks. Ms. Underwood also discussed the licensing statistics, with a focus on the comparison between first-time test takers and re-exam candidates. She noted that taking the exam soon after graduation tends to lead to higher pass rates.

Ms. Underwood addressed questions regarding the Spanish-language exam translations, explaining that the vendor is working on improving translations to better serve Spanish-speaking applicants. Regarding the disproportionately high number of Chinese-language applicants from out-of-country schools, staff clarified that the number was accurate and consistent with past reports.

Moving on to licensing data, Ms. Underwood noted that over 11,000 licenses were issued this quarter, bringing the total licensed population to 647,465. Additional statistics were provided on employment status, including the percentage of licensees working part-time or full-time, as well as those working outside California.

The Disciplinary Review Committee (DRC) currently has no vacancies. There are 114 pending cases in the South and 56 in the North. A two-day DRC is planned for February to address the Southern California cases, with a future session likely scheduled for Sacramento.

c. Enforcement, Inspections, and Cite and Fine

In the Enforcement Division, there are two vacant positions, but a vacancy sweep may result in the loss of four positions. There was a notable increase in cases referred to the Attorney General's office, with 55 cases submitted this quarter, up 44% from the previous quarter.

Steve Weeks inquired about the number of inspections relative to the total number of establishments, noting that only 1.3% of the licensee population is inspected. Ms. Underwood explained that, with inspector positions now fully staffed for the first time in years, the department is in a position to request additional inspectors through a budget change proposal. She emphasized that inspections prioritize consumer harm and complaints but also aim to address routine inspections for salons that have not been inspected in a while.

Ms. Underwood provided updates on efforts to address systemic issues within the Apprenticeship Program, noting that staff have invested significant time in investigations. She highlighted productive meetings with three Local Education Authorities (LEAs)—San Joaquin County, Hacienda La Puente, and Marysville—to address low exam pass rates tied to inadequate classroom training hours. The LEAs have responded positively, and Ms. Underwood hopes these partnerships will strengthen program outcomes.

Additionally, the Board has collaborated with the Division of Apprenticeship Standards (DAS) to address suspected fraud. Nearly 30 unauthorized "training facilities" were notified to cease operating as independent program sponsors using another sponsor's approval. These facilities charge students high fees without proper oversight, often marketing themselves on social media as legitimate programs. Ms. Underwood expects that these actions will protect students and improve program integrity, with more updates anticipated as the work progresses.

Ms. Underwood reviewed recent complaint intake and enforcement statistics. In the first quarter, 1,512 complaints were received, with 42% related to unlicensed activity and 32% focused on health and safety issues. The cite and fine unit currently has two vacancies. There are 271 approved schools with 18 cases under review.

Recent enforcement efforts addressed misuse in the extern program, particularly cosmetology externs working solely in nail-only shops. Additionally, in September 2024, 779 inspections were conducted, with numbers expected to increase now that the unit is fully staffed. Ms. Underwood explained that "closed on call" visits—where inspectors find businesses temporarily closed—remain high, a trend attributed to many businesses adopting irregular hours post-pandemic.

Additional updates included statistics on citation processing, with 1,411 payment requests issued to those with unpaid citations, and details on payment plan requests and completion.

d. Outreach

Kristy Underwood acknowledged recent events including the Face and Body Skincare Tradeshow and Nail Pro in September, the Jazz Z Beauty and Barber Show in Pomona in October, and the Electrology Association Convention in San Diego. She also shared the department's ongoing communication initiatives via listservs (mass emails) and social media. Licensees can update their contact information in their Breeze accounts to ensure they receive all communications.

e. Strategic Plan Update

The strategic plan update recognized the mobile inspection application project led by Carrie Harris. The initiative involves equipping inspectors with iPads to conduct inspections both online and offline, with data syncing to Breeze once a connection is made. This system aims to streamline inspection processing, reducing turnaround time from months to just a couple of days. The roll-out will begin slowly with a few inspectors, ensuring any issues are addressed before full deployment in spring 2025.

Carrie Harris explained that inspectors will no longer provide a hard-copy inspection report on-site but will email a digital report that includes violation details and photos. The citation process itself will remain the same, with fines processed in the office.

The project has been funded through a grant from the California Department of Technology's Technology Modernization Fund, which has covered the costs thus far, though future expenses will be handled through yearly licensing fees and equipment updates.

The next topic discussed was booking platforms. The department has reached out to 10 different platforms to ensure they require service providers to be licensed in California. This project is in its early stages, and further updates will follow as it progresses. Tonya Fairley asked for clarification, and Kristy Underwood explained that these platforms allow customers to book appointments with service providers, and the goal is to ensure that only licensed professionals are listed.

Additionally, a new Vietnamese-language Facebook page has been launched, featuring the same content as the agency's main page but fully translated into Vietnamese. This initiative has been successful, with translations and community engagement efforts supported by Vietnamese-speaking staff who are licensed in the industry.

Regarding the strategic plan timeline, Ms. Underwood confirmed that most areas are on track. The five-year plan, set to conclude in 2027, is progressing as planned.

In conclusion, Kristy Underwood highlighted the continued success of the agency's quarterly newsletter, which is designed in collaboration with DCA to ensure a polished, professional look. The newsletter remains an ongoing initiative.

Public Comment: Seth Caplan, CRU Institute of Cosmetology and Barbering, thanked the Board for addressing apprenticeship issues and stressed the importance of preventing apprentices from paying excessive fees for unauthorized apprenticeship programs. He also shared concerns about unverified booking platforms and commended the Board's efforts to tackle this issue. Mr. Caplan inquired about the decline in apprenticeship licenses, asking if the number of applications had also decreased. Ms. Underwood confirmed that enforcement actions with some apprenticeship programs are likely contributing to the decline in new apprentices.

8. AGENDA ITEM #8: Discussion and Possible Action on Manicurists Worker Classification

Kristy Underwood provided an update on the impact of AB 5 and the upcoming expiration of the independent contractor exemption for manicurists on January 1, 2025. She explained the Board's previous support for legislation that would have extended the exemption, which ultimately failed. Efforts to provide outreach included sharing labor law information online and via email without additional costs.

Ms. Underwood highlighted the challenges manicurists face compared to other licensees, noting inconsistencies such as cosmetologists being able to operate as independent contractors while performing similar services. She discussed potential confusion and misclassification issues within the industry and clarified the strict zoning and licensing requirements for businesses attempting to establish "suites" to bypass the law.

She emphasized that this is a labor law issue beyond the Board's enforcement scope. Additionally, she raised concerns about the substantial \$106,000 estimated cost of mailing labor-related information to licensees. She invited the Board to deliberate on whether to allocate resources for this purpose and to consider a policy statement advocating equal treatment of all licensees.

Steve Weeks raised concerns about the implications of the sunset date for manicurists, emphasizing that it exclusively impacts this license type. He noted the potential burden on the Board, highlighting that a mailing to approximately 188,000 recipients—covering establishments and manicurists—would provide no direct benefit to the Board while incurring significant costs. Instead, he pointed out that the state stands to gain substantial revenue from payroll taxes and other associated fees.

Tonya Fairley also voiced concerns about assuming the financial burden of the high mailing costs. She suggested using video content, such as Facebook Live or reels, as a more effective and relatable alternative. She emphasized that video communication resonates better with the nail industry audience and could effectively explain the upcoming changes. While acknowledging that labor law enforcement is not within the Board's jurisdiction, she stressed the need for clear outreach due to the law's impact on licensed professionals.

Ms. Underwood expressed enthusiasm for video outreach but raised concerns about answering questions in real-time. Ms. Fairley clarified that the goal was not live interaction but pre-recorded videos to deliver concise, engaging information. She reiterated the need to communicate proactively without burdening the Board's budget.

Kristy Underwood detailed prior outreach efforts, including a town hall with Senator Nguyen and the Labor Relations Office, panels at industry events, podcasts, and an upcoming event in December with the Vietnamese Chamber of Commerce aimed at reaching Vietnamese speaking manicurists. Both agreed that videos on platforms like Facebook and Instagram would be an effective way to engage the audience, particularly non-English speakers, while avoiding the substantial costs of mailing.

Dr. Yolanda Jimenez supported Ms. Fairley's suggestion, emphasizing the importance of interactivity for effective social media outreach. She noted that for posts or videos to gain traction, users must be able to leave comments and share content widely. This approach would leverage social media algorithms, ensuring the information reaches a broader audience, including those in the nail industry who may not otherwise see the content.

Kellie Funk added that any communication should also provide context about the origins of the labor law changes, explaining that they stemmed from efforts to address labor abuse. She highlighted that many manicurists may not be familiar with the issue's history, and offering this background could enhance understanding of the changes.

Tamika Miller inquired if the information had been distributed via email. Ms. Underwood confirmed it had been, but clarified that emails are only sent to individuals with email addresses on file.

Danielle Munoz suggested that the Department of Industrial Relations (DIR) should take responsibility for funding and implementing changes related to the new labor law. She proposed collaborating with them to create a FAQ list, linking to their page, while ensuring that the board does not bear the financial burden. Ms. Underwood stated that the Board had offered to provide mailing addresses and recommended posting relevant information on DIR's website, but the department has not been very responsive.

Ms. Fairley expressed concern that, aside from the high mailing cost, this issue is diverting staff from other priorities, noting this is the second board meeting spent on the matter. Ms. Munoz clarified that the FAQ should direct people to resources and contacts for further information. She emphasized that the Board's resources should remain focused on its core responsibilities.

Public Comment: Jaime Schrabek of Precision Nails noted concerns about the loss of the manicurists' exemption, stating that the issue has been ongoing since 2019. While agreeing with the Board's decision not to bear the cost of the mailings, she suggested issuing a policy statement to support future legislative efforts. She warned of potential fraudulent practices as businesses try to circumvent new regulations and anticipated an increase in new establishment applications. Ms. Schrabek concluded by highlighting the need for continued attention to the issue.

Fred Jones of the Professional Beauty Federation commended the Board for their efforts on the issue, acknowledging its impact even though it's outside the Board's usual scope. He likened the situation to a "twister," predicting that the consequences of the new laws will hit unexpectedly, particularly affecting Vietnamese communities. He urged the Board to provide early warning and suggested adjusting the mailing list to focus on those without email

addresses to reduce costs. He supported issuing a policy statement and advocated for equity, arguing that the new laws unfairly target a specific community within the industry.

Motion: Kelly Funk moved that the Board adopt a policy statement affirming the right of all license types to choose their worker classification. Tonya Fairley seconded the motion.

Public Comment: Jaime Schrabek of Precision Nails remarked that while license renewal data is not broken down by type, she would be interested in knowing how many manicurists renewing their licenses are classified as independent contractors.

Fred Jones of the Professional Beauty Federation expressed support for the motion, explaining the stringent criteria for independent contractor exemptions under AB 5. He noted that the bill codified the Supreme Court's Dynamex ruling and imposed additional requirements on exempt industries, including beauty professionals. To qualify, individuals must meet seven criteria, such as setting their own rates, hours, and advertising. He endorsed the motion's call for equitable treatment across all license categories, emphasizing the importance of fairness in labor standards.

Roll Call Vote: Motion to approve that the board adopt a policy statement affirming the right of all license types to choose their worker classification carried: 9 yes, 0 no, and 0 abstain, per the following roll call vote:

- Committee Members voted "Yes": Calimay Pham, Tonya Fairley, Danielle Munoz, Megan Ellis, Kellie Funk, Reese Isbell, Dr. Yolanda Jimenez, Tamika Miller, Steve Weeks.

9. AGENDA ITEM #9: Report on the October 14, 2024, Licensing and Examination Committee Meeting

This information was shared as part of the discussion on Agenda Item 8.

10. AGENDA ITEM #10: Report on the October 14, 2024, Enforcement and Inspections Committee Meeting

Kristy Underwood explained that the committee is currently reviewing the administrative fine schedule. The review focuses on aligning fines with the level of risk posed to consumers. The committee has completed about half of the review and will address the remaining fines at its next meeting, which has yet to be scheduled. Once the review is finalized, the committee will present its recommendations to the full Board.

Public Comment: No public comments were made on this item.

11. AGENDA ITEM #11: Report on the October 14, 2024, Diversity, Equity, and Inclusion Committee Meeting

Ms. Underwood provided an update from the DEI Committee, noting their review of the Crown Act and its connection to recently signed legislation requiring training on textured hair. The committee also considered new DEI initiatives, including revisiting an earlier survey to expand their efforts. Chair Munoz suggested using the survey as a foundation for gathering more DEI-related insights. Staff will work on these developments and present additional updates at the next committee meeting.

Public Comment: There were no comments from the public on this agenda item.

12. Report on the October 14, 2024, Health and Safety Advisory Committee Meeting and Possible Action Regarding the Approval of The Health and Safety Course

Ms. Underwood provided an update on the revisions to the Health and Safety Course curriculum, a critical component of licensee education taught in all schools. The committee, comprising experts such as a scientist, infection control specialist, representatives from Cal OSHA, and the Department of Public Health, contributed feedback alongside board members. Key updates to the curriculum included:

- Incorporating gender-neutral language.
- Adding the hairstylist license category.
- Replacing outdated case studies with new scenarios.
- Updating review questions and fixing outdated or irrelevant information and links.
- Including content on manicurist worker classification, domestic abuse (a statutory requirement), dependent adult abuse, and updated information on HIV/AIDS.
- Improving formatting for readability and addressing minor grammar and spelling issues.

The finalized draft, distributed electronically to save resources, is also available on the Board's website. If the board approves the changes, the updated curriculum will be sent to DCA for final formatting and publication.

Motion: Tonya Fairley made a motion to approve the updated health and safety course and authorize the Executive Officer to make any additional non-substantive changes. Danielle Munoz seconded.

Public Comment: There were no public comments received.

Roll Call Vote: Motion to approve that the Board adopt a policy statement affirming the right of all license types to choose their worker classification carried: 9 yes, 0 no, and 0 abstain, per the following roll call vote:

- Committee Members voted "Yes": Calimay Pham, Tonya Fairley, Danielle Munoz, Megan Ellis, Kellie Funk, Reese Isbell, Dr. Yolanda Jimenez, Tamika Miller, Steve Weeks.

13. AGENDA ITEM #13: Update on Chaptered Legislation:

- a. AB 2166 (Weber) Barbering and cosmetology: hair types and textures**
- b. SB 1451 (Ashby) Professions and vocations**

Ms. Underwood discussed AB 2166, which requires barbers, cosmetologists, and hairstylists to receive training and testing on how to provide services for all hair types and textures. This includes knowledge of various curl patterns, strand thicknesses, and hair volumes. The Board notified all schools, and many schools already meet the requirements. Additionally, the licensing exam already includes textured hair-related content, so the board has fulfilled its obligations ahead of the bill's January 1 implementation date.

SB 1451 includes cleanup language regarding the hairstylist license. The statute previously only allowed the Board to charge a license fee but did not authorize application or exam fees. As a result, hairstylist licenses were issued for \$50, even though the actual cost to the Board is approximately \$125. The bill addresses this issue and provides the necessary authority for the Board to implement the required regulations.

Public Comment: There were no comments from the public.

14. AGENDA ITEM #14: 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 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 to Amend Title 16, CCR sections 940, 941, 950.10, 950.12, 962, 962.1, 962.2 (Schools and Externs)**
- e) Update Regarding Rulemaking to Amend Title 16, CCR section 977 et seq. (Health and Safety)**
- f) Update Regarding Rulemaking to Amend Title 16, CCR section 931 (Interpreters)**
- g) Update Regarding Rulemaking to Adopt Title 16, CCR section 974.4 (SB 384: Remedial Education Program)**

Kristy Underwood gave several regulatory updates. She highlighted the final approval of the SB 803 cleanup regulations on July 19, 2024, noting the extensive work involved. She also discussed the pre-apprenticeship training mandated by SB 803, which now must be offered by the Board instead of program sponsors. The Board has developed an online course, similar to other mandatory Board training, which will be available for apprentices. A demo of the course will be presented at the next Board meeting once the regulations are finalized and after the comment period.

The discussion continued with an update on the development of the remedial education program under SB 384, which will offer individuals the option to complete remedial education instead of paying a fine. The regulations and course content are still being developed.

Individuals cited will be given the choice to pay the fine, appeal it, or complete the remedial education to have the fine waived. Ms. Underwood clarified that this option would be available at the citation stage, not through the DRC.

Additionally, Ms. Underwood discussed the interpreter regulation package, noting that the board previously discussed this issue. Currently, the Board requires an interpreter to wait two years before interpreting again, while other Boards and exam vendors have a one-year requirement. The Board is working to align with those standards by reducing the duration to one year.

Staff is still working on the apprenticeship regulations, which have been in development for some time. As Ms. Underwood's involvement in the apprenticeship program continues to grow, the regulations are evolving into a more comprehensive and effective package. She expressed confidence that it will ultimately result in a strong set of regulations. Finally, staff is actively working on regulations concerning schools, externships, and health and safety.

Public Comment: There were no public comments related to these items.

15. AGENDA ITEM #15: Discussion and Possible Action to Reconsider Previously Approved Text, and to Consider Initiation of a Rulemaking to Amend Title 16, California Code of Regulations (CCR) Section 972 (Disciplinary Guidelines).

Ms. Underwood provided an update on the disciplinary guidelines regulation package. The guidelines, utilized during reinstatement hearings and by the Attorney General's office for cases, had not been updated in quite some time. In May 2024, the Board approved the proposed regulatory language. However, after further review by staff and the regulations council, additional changes were identified. The changes in the regulation language itself are minimal, but the updated disciplinary guidelines document has undergone significant revisions. A recommended motion for approval was included in the package.

Motion: Danielle Munoz moved to approve the proposed regulatory text for Title 16 CCR Section 972 as set forth in Attachments 1 and 2, and 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. Tonya Fairley seconded the motion.

Public Comment: There were no public comments.

Roll Call Vote: Motion carried: 9 yes, 0 no, and 0 abstain, per the following roll call vote:

- Committee Members voted “Yes”: Calimay Pham, Tonya Fairley, Danielle Munoz, Megan Ellis, Kellie Funk, Reese Isbell, Dr. Yolanda Jimenez, Tamika Miller, Steve Weeks.

16. AGENDA ITEM #16: Discussion and Possible Action to Reconsider Previously Approved Text, and Consider Initiation of a Rulemaking to Amend Title 16, CCR section 911 (License by Endorsement (Reciprocity), Application and Out of State License Certifications)

Kristy Underwood explained that the regulation package addresses out-of-state license certifications. Currently, certifications can sit in the office for months before the application is submitted, which can create issues if there is disciplinary action during that time. To resolve this, the Board previously decided to limit the certification holding period to three months. Working with the regulations council, staff updated and clarified the language, including changes to reciprocity applications, which are now part of the regulatory package. The goal is to improve the overall regulations, and a recommended motion is provided.

Motion: Kellie Funk moved to resend the Board's prior motion approving text for this proposal on February 26th, 2024, and instead approve the proposed regulatory text for Title 16 CCR Section 911 as set forth in Attachment 1 and 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 rule-making 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 rule-making and adopt the proposed regulations at Section 911 as noticed. Tonya Fairley seconded the motion.

Public Comment: There were no public comments.

Roll Call Vote: Motion carried: 9 yes, 0 no, and 0 abstain, per the following roll call vote:

- Committee Members voted “Yes”: Calimay Pham, Tonya Fairley, Danielle Munoz, Megan Ellis, Kellie Funk, Reese Isbell, Dr. Yolanda Jimenez, Tamika Miller, Steve Weeks.

17. AGENDA ITEM #17: Discussion and Possible Action to Initiate a Rulemaking to Amend Title 16, California Code of Regulations (CCR) Section 998 (Hairstylist Licensing Fee).

The final regulation package discussed relates to hairstylist licensing fees. SB 803 created the hairstylist license but only authorized a license fee. This new regulation will establish additional fees: application and exam fees, initial license fee, renewal fee, and delinquent renewal fee.

Tonya Fairley asked for clarification on the fees. Ms. Underwood explained that the licensee pays \$75 in addition to the \$50 application fee for the initial license.

Steve Weeks asked if the resolution could be easily amended in the future, referencing concerns from February 2024. He asked whether the fees or the general resolution could be modified. Ms. Underwood responded that any modifications would require coming back to the board, as they are regulations.

Motion: Tonya Fairley made a motion to approve the proposed regulatory text for Title 16 CCR Section 998 as set forth in Attachment 1 and 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 998 as noticed. Danielle Munoz seconded the motion.

Public Comment: There were no public comments.

Roll Call Vote: Motion carried: 9 yes, 0 no, and 0 abstain, per the following roll call vote:

- Committee Members voted “Yes”: Calimay Pham, Tonya Fairley, Danielle Munoz, Megan Ellis, Kellie Funk, Reese Isbell, Dr. Yolanda Jimenez, Tamika Miller, Steve Weeks.

18. AGENDA ITEM #18: Public Comment on Items Not on the Agenda

No public comments were made on items not on the agenda.

19. AGENDA ITEM #19: Suggestions for Future Agenda Items

Kristy Underwood mentioned the upcoming sunset review process, which is set to begin in 2025. Staff has already started preparing the report, with a formal request expected in June 2025. The preliminary report will be presented to the Board in August 2025, and the final report will be submitted for approval later that year. The report is due to the committees in January 2026, followed by a hearing in early spring 2026, during which testimony will be provided before the Sunset Review Committee. She also noted that the sunset review is an opportunity to assess past actions and propose legislative changes, including a potential look at the aesthetician scope of practice, based on practices in other states.

The next board meeting will be held on February 10th, 2025, in Sacramento. Elections will also take place at that meeting.

20. AGENDA ITEM #20: Adjournment

There being no further business to discuss, the meeting adjourned at approximately 12:10 p.m.