

**CALIFORNIA
BOARD OF BARBERING AND COSMETOLOGY**



JULY 25, 2022

**BOARD MEETING
AND
REINSTATEMENT HEARING**

**1747 North Market Blvd
HQ2 Hearing Room 186, 1st Floor
Sacramento CA 95834**

**CALIFORNIA BOARD OF
BARBERING AND
COSMETOLOGY**
**BOARD MEETING NOTICE AND
AGENDA**

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

BOARD MEMBERS:

**Steve Weeks,
President
Calimay Pham,
Vice-President
Megan Ellis
Tonya Fairley
Reese Isbell
Yolanda Jimenez
Derick Matos
Danielle Munoz**

July 25, 2022
Department of Consumer Affairs
1747 North Market Blvd
HQ2 Hearing Room 186, 1st Floor
Sacramento CA 95834

**10:00am - Until Completion of
Business**

AGENDA

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

OPEN SESSION:

1. Call to Order/ Roll Call/ Establishment of Quorum (**Steve Weeks**)
2. Petition for Reinstatement Hearing
 - Robert Sumler, Petition for Reinstatement of License, Barber License #B68079

CLOSED SESSION: Pursuant to Government Code section 11126 (c) (3), the Board will meet in Closed Session to Deliberate on Disciplinary Matters, including the above petition.

RECONVENE OPEN SESSION:

3. Board President's Opening Remarks (**Steve Weeks**)
4. Board Member Remarks – Informational only
5. Discussion and Possible Approval of the April 25, 2022, Board Meeting Minutes
6. Executive Management Reports (**Kristy Underwood**)
 - Administration and Operations
 - Licensing, Examinations, and Disciplinary Review Appeals
 - Enforcement, Inspections, and Cite and Fine
 - Outreach
 - SB 803 (Roth) Implementation Plan
7. Appointment of Committee Members to Standing Committees for 2022 for Newly Appointed Board Member
8. Report on the June 6, 2022, Health and Safety Advisory Committee Meeting (**Kristy Underwood**)

9. Report on the June 13, 2022, Legislative and Budget Committee Meeting and Legislation Update (**Reese Isbell, Chairperson**)

- a) AB 646 (Low) Department of Consumer Affairs: Board: Expunged Convictions
- b) AB 1604 (Holden) The Upward Mobility Act of 2022: Boards and Commissions: Civil Service: Examinations: Classifications
- c) AB 1661 (Davies) Human Trafficking: Notice
- d) AB 1733 (Quirk) State Bodies: Open Meetings
- e) AB 2196 (Maienschein) Barbering and Cosmetology: Instructional Hours

10. Report on the June 13, 2022, Licensing and Examination Committee Meeting (**Derick Matos, Chairperson**)

11. Report on the June 13, 2022, Education and Outreach Committee Meeting (**Tonya Fairley, Chairperson**)

12. Discussion On How Future Board Meetings Will Be Held Due to the Passage of Senate Bill 189.

13. Discussion and Possible Action Regarding Rulemaking Proposals:

- a. Rulemaking Proposal to Amend Title 16, California Code of Regulations (CCR) sections 904, 909, 917, 928, 931, 932, 934, 937, 950.1, 950.2, 950.3, 950.4, 962 (SB 803 Clean Up)
- b. 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. Discussion and Possible Action to Consider Changes to Previously Proposed Text and Reauthorization of a Regular Rulemaking Proposal to Amend Title 16, CCR section 950.10 (Transfer of Credit)
- d. Discussion and Possible Action to Consider Adoption of Proposed Clarifying Amendments Identified by the Office of Administrative Law Regarding the Board's Rulemaking Proposal to Amend Title 16, CCR section 961 (Instructional Materials)
- e. Rulemaking Proposal to Amend Title 16, CCR sections 962, 962.1 and 962.2 (Externs)
- f. Rulemaking Proposal to Amend Title 16, CCR section 972 (Disciplinary Guidelines)
- g. Rulemaking Proposal to Amend Title 16, CCR section 974.1 (Disciplinary Review Committee)

14. Public Comment on Items Not on the Agenda

Note: The Board may not discuss or take any action on any item raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting (Government Code Sections 11125, 1125.7(a))

15. Suggestions for Future Agenda Items

16. Adjournment

Note: This meeting will be Webcast, provided there are no unforeseen technical difficulties or limitations. To view the Webcast, please visit <https://thedcapage.wordpress.com/webcasts/>. If you wish to participate or to have

a guaranteed opportunity to observe, please plan to attend at a physical location. Adjournment, if it is the only item that occurs after a closed session, may not be webcast.

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

The meeting is accessible to the physically disabled. A person who needs disability-related accommodation or modification in order to participate in the meeting may make a request by contacting: Marcene Melliza at (916) 575-7121, email: Marcene.melliza@dca.ca.gov, or send a written request to the Board of Barbering and Cosmetology, PO Box 944226, Sacramento, CA 94244. Providing your request is a least five (5) business days before the meeting will help to ensure availability of the requested accommodations. TDD Line: (916) 322-1700.

Agenda Items

No. 1-4

No Attachments

DRAFT
CALIFORNIA STATE BOARD
OF
BARBERING AND COSMETOLOGY

BOARD MEETING

MINUTES OF APRIL 25, 2022

BOARD MEMBERS PRESENT

Steve Weeks, President
Calimay Pham, Vice President
Jacquelyn Crabtree
Megan Ellis
Tonya Fairley
Reese Isbell
Yolanda Jimenez
Derick Matos

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Officer
Carrie Harris, Deputy Executive Officer
Sabina Knight, Board Legal Representative
Alex Torkelson, Licensing and Administration Chief
Nicole Quinn, Enforcement Chief
Allison Lee, Board Project Manager
Marcene Melliza, Board Analyst

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

Steve Weeks, Board President, called the meeting to order at approximately 10:00 a.m. and confirmed the presence of a quorum.

2. AGENDA ITEM #2, PETITION FOR REINSTATEMENT HEARING

- Francisco Lemus, Petition for Reinstatement of License, Barber License #B85000

CLOSED SESSION

a. Pursuant to Government Code Section 11126(c) (3), the Board will meet in Closed Session to Deliberate on Disciplinary Matters.

The Board met in closed session as permitted by law to deliberate on disciplinary matters.

b. Adjourn Closed Session and Reconvene Open Session.

Mr. Weeks reconvened the meeting at approximately 12:15 p.m. and confirmed the presence of a quorum.

3. AGENDA ITEM #3, BOARD PRESIDENT'S OPENING REMARKS (STEVE WEEKS)

Mr. Weeks welcomed the Board members to the meeting, noting that it had been two years since the Board last met in person due to the pandemic. He stated that there is a lot of value in in-person meetings as they drive participation and interaction. Mr. Weeks also noted that the virtual meeting period had proven to be the most productive Board period in the history of the Board. Some of the major accomplishments of the Board during that period included:

- The Sunset Review
- Implementation of Senate Bill (SB) 803
- Implementation of the Personal Service Permit (PSP)
- Reduction of school hours
- Elimination of the practical exam
- The creation of the new haircutting license type
- Reinvigoration of the Board's standing committees
- Reviewing apprenticeship standards
- Updating mobile unit licensing requirements

Mr. Weeks welcomed the new Board members and mentioned that each item on the agenda would be open for public comment.

4. AGENDA ITEM #4, BOARD MEMBER REMARKS (INFORMATIONAL)

Ms. Crabtree wished everyone a happy stylist appreciation day and Mr. Weeks congratulated Ms. Yolanda Jimenez on her appointment.

5. AGENDA ITEM #5, DISCUSSION AND POSSIBLE APPROVAL OF THE JANUARY 24, 2022, BOARD MEETING MINUTES

MOTION: Ms. Crabtree moved to approve the minutes. Mr. Isbell seconded. Motion carried 8 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted "Yes": Steve Weeks, Calimay Pham, Jacquelyn Crabtree, Megan Ellis, Tonya Fairley, Reese Isbell, Derick Matos, Yolanda Jimenez. No public comments were made.

6. AGENDA ITEM #6, EXECUTIVE MANAGEMENT REPORTS (KRISTY UNDERWOOD)

- **Administration and Operations (Alex Torkelson)**
- **Licensing, Examinations, and Disciplinary Review Appeals (Alex Torkelson)**
- **Enforcement, Inspections, and Cite and Fine (Nicole Quinn)**
- **Outreach (Kristy Underwood)**
- **SB 803 (Roth) Implementation Plan (Carrie Harris)**

Mr. Weeks thanked board staff, noting that they had accomplished a lot in the last six months.

Administration and Operations

Kristy Underwood kicked off her report by thanking and recognizing the presence of some of the staff members, including Deputy Executive Officer, Carrie Harris, Chief of Enforcement, Nicole Quinn, Chief of Licensing and Administration, Alex Torkelson, Board Staff, Marcene Melliza, and Board Project Manager, Allison Lee. Ms. Underwood stated that staff decided to change the format of the report after reviewing how other boards present their meeting materials.

On the Administrations and Operations report, Ms. Underwood reported that a new Administrations Manager was hired. She came from another Board within the Department of Consumer Affairs (DCA). She also stated that there were still three vacancies, noting some challenges with hiring experienced staff. Staff are looking to post the positions on Indeed to increase the number of applications received.

Ms. Underwood stated that staff is struggling to keep up with the high volume of emails received at the general BarberCosmo email address. She explained that public inquiry calls go to the Department of Consumer Affairs call center. The Department's staff are not trained to go into the BreEZe records and fix Board-specific issues, so they instruct the public to email the Board. Staff, therefore, receive an average of 242 emails daily, which is too much workload for the available staff that also process applications. Plans are underway to get additional staff to handle the emails. Mr. Weeks indicated that that might be a prelude to having a call center format. Ms. Underwood agreed, adding that now, an automatic response had been included to the emails telling individuals that they might not get a response for a few days. She further stated that in the past, emails were responded to within 24 hours, but currently, there were over 700 emails that were still unanswered. Mr. Weeks asked whether other Boards have their own call centers. Ms. Underwood stated several, including Registered Nursing Board, Medical Board, et cetera. She added that the Barbering and Cosmetology Board, one of the biggest boards, received more emails due to the high number of licensees.

Ms. Underwood stated that she met with the strategic plan team last week regarding the strategic plan. The team was working hard on the plan and looked forward to developing it for the next few years.

Ms. Underwood further reported that the budget projections and the fund condition had been included in the report. She stated that staff was working with the budget office to determine what will happen with eliminating the practical exam and its facilities. The budget office was also looking at increasing staff, so there is a lot of fluctuation seen in the budget. Mr. Weeks asked if a surplus budget was anticipated. Ms. Underwood responded "Yes," adding that the budget was healthy and solid. She mentioned that the DCA handles the budget, but they were also experiencing the same staffing challenges.

Licensing, Examinations, and Disciplinary Review Appeals

Ms. Underwood reported that some new staff had been hired. She stated that the licensing process was mostly automated now, and paper processes were being eliminated. Some staff was still partially working from home, doing either two or three days in the office.

There are three vacant positions in the licensing unit. Ms. Underwood reported that staff requested permission to hire four limited-term positions. These are two-year positions. They had already been posted, and interviews will begin once the application period ends. Ms. Fairley asked about the frequency of updating the job requirements when the positions were being posted. Ms. Underwood stated that the positions were all standard across the Board, and most departments used a common statewide classification. Only the inspector's position was different. Ms. Fairley pointed out that one of the requirements

for inspectors is a bachelor's degree. Ms. Underwood clarified that an inspector was required to have a certain number of units in criminal justice. Staff was looking to update the requirements. Ms. Fairley indicated that the requirements seem like a barrier that is not in line with what the inspectors do out in the field. She stated that having the positions open for so long means that more establishments and people are not being inspected. Ms. Underwood pointed out that in addition to the requirements, the pay scale also held up the inspector position. She further mentioned that the classification is determined by CalHR, not the DCA. She also stated that there is currently a package for the inspector position.

Ms. Underwood reported that the Personal Service Permit (PSP) had been implemented after about four years of waiting. Only eight permits had been issued so far. The low number might have been due to the ramifications of COVID and people working from home. Ms. Fairley noted that when a stylist passed the State Board, they do not have to be fingerprinted. However, the PSP required fingerprinting, which might lead to background checks. She noted that that could be why few people were getting the PSP. Ms. Underwood stated that past criminal convictions would not lead to a PSP denial because currently, incarcerated people are being tested and licensed. A PSP would only be denied if someone had a conviction related to their scope. She explained that fingerprinting was added as a security measure for people who go into clients' houses. Mr. Weeks asked if the liability insurance could deny coverage due to a felony conviction and asked about the cost of insurance. Ms. Underwood stated it was a few hundred dollars. Mr. Matos explained that there are insurance carriers that specialize in salons and barbershops. He added that the cost could range from as low as \$50 a month, depending on the size of the salon. Mr. Weeks also wondered if there was an excess carrier or in-between carrier for about \$600 a year. He indicated that there must be ways in which the carriers can do terms.

Regarding statistics, Ms. Underwood presented a breakdown of the exam pass rates and expressed concern once again about the Spanish pass rates. She stated that staff are working on the apprentice regulations to try to improve the program because of the many issues with the Spanish pass rates of individuals coming from the apprentice cosmetologist program. Ms. Pham thanked Ms. Underwood for the breakdown of the pass rates by language categories. She noted that the Spanish pass rate of manicuring was at 77% and wondered if this could give insight on what is working well in those programs and whether that could be applied to the other programs. Mr. Matos stated that removing the practical exam had affected the Spanish community since the written exam had been their primary issue. He asked if there had been an increase in the failure rate since the last report. Ms. Underwood stated that the failure rate had remained consistent from month to month. The rate was being monitored continually. Ms. Pham asked if the written exam is being administered frequently with the removal of the practical. She also asked what the rate of administering was in the past and what can be done in the future. Ms. Underwood stated that in the past, written and practical exams were scheduled to be taken on the same day. The exams would be scheduled 30 days out to give the lead time for the facilities. Then it was changed to allow an individual to schedule different times for their written and practical exams. Now that the practical exam had been eliminated, the individual receives a letter right after their application has been processed. The letter informs them that they can go to PSI, the exam vendor, to schedule an exam date. PSI

also sends out notifications, meaning the individual gets two notifications. They can schedule either online or by calling PSI. PSI has facilities all over the State, and they have certain slots open every day that an individual can pick. The applicants are in control of when and where they can take an exam. Because there are many different sites, staff does not know how many people were being examined on a certain day. Mr. Weeks asked if the examination costs covered the costs for PSI. Ms. Underwood replied "Yes." Ms. Underwood also reported an increase in the number of licenses issued in the first quarter of this year. This indicated a return to normal from the COVID period. She also presented a document comparing the licenses issued in the last five years.

Ms. Underwood reported that DRC hearings were recently held. Many people did not show up for the hearings, so letters were sent out to everyone under appeal, asking them if they wanted to maintain their appeals or withdraw them. Another DRC hearing will be scheduled once staff determine how many people still want to appeal.

Enforcement, Inspections, and Cite and Fine

A new enforcement manager, Macy, joined the team. The Sacramento Area also got a new inspector, Monica Williams. Two vacancies remain in the enforcement unit. They are analysts that work the enforcement cases before the cases go out to an inspector. There are seven inspector vacancies. The supervisor positions are also vacant. One supervising inspector is in the Northern California area.

Mr. Weeks asked if the inspector positions had competitive salaries. Ms. Underwood replied "No," but hopes that changes would be made, noting that the inspectors were not being paid enough to live in some of the cities where they are needed. Ms. Underwood mentioned that the current inspection team was one of the best. She stated that the inspection process had changed to ensure that the inspectors partnered with establishments and assisted on how to avoid violations. Ms. Underwood stated that the inspections program received a lot of legislative interest in the past since numerous complaints had been issued against them. Now, there were few complaints, indicating that the changes made had a positive impact. Despite the many vacancies, the inspectors stepped up to cover all directed inspections.

Mr. Weeks asked if the inspection numbers had decreased as compared to 2019. Ms. Underwood stated that the numbers were down, adding that the number of vacancies has always been high. She further stated that besides the required criminal justice units, another issue affecting inspector positions was that applicants must take a test to qualify for an interview. Many send in their applications, but several fail to take the test. Ms. Underwood stated that staff was working on encouraging applicants to take the test. Mr. Weeks asked if the applicants who take the exam can use the results with other boards. Ms. Underwood stated that there might only be two other boards that use the same classification. She added that staff are looking at reclassifying the positions to special investigator, a non-sworn position. A special investigator would handle the extensive investigation of a complainant. More updates will be provided at the next Board meeting.

In response to a question, Ms. Underwood indicated that the aggression cases against the inspectors had reduced, and the change in the inspection culture was a significant contributor. She reiterated that staffing challenges were being felt across the industry. There will, therefore, be fewer individual inspection reports done.

Mr. Weeks requested details of how the inspecting culture had changed. Ms. Underwood stated that the culture had changed in the following ways:

- Inspectors participate in monthly staff meetings
- Inspectors are provided more training, such as customer service training and diversity training
- There is a manager
- There are more one-on-ones with inspectors directly.
- Inspectors are included in more staff communication and virtual meetings.
- Inspectors are trained to look for consumer harm and to work with the licensees.
- Overall, there has been a change of mindset and working to protect consumers.

Ms. Underwood explained that schools also get inspected for health and safety inspections. A complaint lodged against a school is shared with the Bureau. Mr. Matos asked if a school had ever been fined because of a violation that should have been trained in that environment. Ms. Underwood stated that such a case had never occurred. She added that it would probably never happen because the schools are usually only inspected for health and safety regulations. The students are not checked out. Mr. Matos stated that there should be an inspector going out to the schools to inspect the students since externships and apprenticeships had been implemented. The students would be going into professional establishments, and having an inspector check beforehand would help avoid violations.

Ms. Underwood presented charts showing the type of complaints received over time. The charts also included enforcement statistics, inspection statistics, and out-of-business and closed-on-call information. Closed on-call is when an inspector arrives at a salon and finds it closed. The inspector writes an inspection report to say they'd been there. Ms. Underwood indicated that the closed-on-call numbers were being monitored, and they were getting better. In July and August, the closed-on-calls were high because salons were not opening daily due to COVID.

Ms. Underwood also presented the citations and requests for payment notices. She stated that this is new information provided when someone has an outstanding fine. The individual gets three notices before being turned to a franchise tax board for collection of the payments. She also mentioned that legislation had been put together several years ago that allowed people to request a payment plan. The payment plan options had been included in the letters sent out to the people who had pending appeals. The people could opt for the payment plans instead of going to the DRC hearings.

Outreach

Ms. Underwood reported that the Personal Service Permit information was shared on the Board's Facebook page. The Safe Sandal Season 2022 has launched. It is an outreach campaign done every year. The new public information officer working at DCA was

helping with the campaign. Ms. Underwood hopes to get some media attention to reach consumers. The Safe Sandal Season is about making sure people are licensed and tools are disinfected. The PSP aspect will also be included in the outreach campaign to make sure that home injuries are reported.

SB 803 (Roth) Implementation Plan

Ms. Underwood reported that most of the implementation plan of Senate Bill (SB) 803 had been completed. The hairstylist license is progressing forward. The Office of Professional Examination Services is working on the occupational analysis and will have to develop an exam.

The information for estheticians had been updated to the changes in SB 803. With regards to reciprocity, a person with a license in another state can immediately get a license in California. An increase had been seen in the reciprocity applicants. Ms. Underwood stated that there were some concerns with the increase in applicants since most applying for the license are not living in California. The issue will be brought before the Committee to be addressed. Ms. Underwood also reported that there were fraud concerns in the area. She indicated that a meeting with all the executive officers had been scheduled for September to discuss the potential fraud happening in certification letters. Staff wanted to ensure that the licenses were not sold to other people. Data will be compiled and presented to the Licensing Committee to determine what should be done.

She also reported that the pre-apprentice training was being worked on. The removal of the pre-app and the practical exam had been completed. Mobile unit updates had also been completed. The school curriculum was also completed, with 188 schools approved with the new programs. The externship still needed some cleanup language to make it even for barbers and cosmetologists. SB 803 addressed cosmetologists but not barbers. Ms. Underwood noted that there had been an increase in the use of the extern program, including in nail salons. Staff wanted to ensure that the externs are used just for cosmetology, barbers, and electrologists.

Ms. Underwood stated that it is hard to monitor the externs because of the lack of authority. Ms. Fairly asked if staff could hold the schools accountable. Ms. Underwood indicated that the schools were within their rights to do what they were doing. Monitoring will be done to ensure that they are not abusing that right. For instance, a school that sends externs to a nail salon and grants them more hours than is allowed would violate their rights. In such a case, the Board will have the authority to investigate and take action. Mr. Matos asked for some instances where schools might violate regulations. Ms. Underwood stated that the Board could take action against a school that sends externs to a nail salon and grants them more hours than they should. Mr. Matos also asked if a student would be required to go back to school if they completed their externship hours or if their externship hours were unbalanced compared to what they should be learning in school. Ms. Underwood stated in such a case, action would be taken against the student, but the Board had no authority to do that. The Board would take action against the school if there were any concerns about a student not completing their required hours.

Ms. Underwood further reported that the online survey was complete. The survey is a practice status survey where people must identify themselves as either an independent contractor or an employee. She stated that currently, the Governor's two-year wage fee was still in effect, so individuals were not required to renew yet.

Regarding fines, Ms. Underwood stated that the fine schedule was being looked at to determine the impact on consumer safety. The Health and Safety Committee would provide an update on that. Another meeting on that discussion was scheduled for June. Ms. Underwood also reported that all pending miscellaneous items for SB 803 had been completed.

Mr. Weeks inquired about the timing of new appointees to the Board. He also asked about the Board's quorum. Ms. Underwood stated that the quorum for every meeting is currently seven. The Governor's Office and the Department were working on having one or more new board members before the next meeting. Two public members, an esthetician, a manicurist, and an electrologist, needed to be appointed.

The agenda item was opened up for public comment.

- Wendy Cochran, California Aesthetic Alliance, stated that call centers for esthetics were problematic. She indicated that people called the number to ask questions and they were given wrong answers. Regarding the PSP, Ms. Cochran explained that some of the reluctance to get it might be because it only allowed a limited range of services. She indicated that she had talked to some estheticians and students, and most of them had felt that the PSP was not worth all the costs one would have to incur. On insurance, Ms. Cochran stated that her policy covers the PSP through ASEP for about \$259 a year. Ms. Cochran stated that consumers should learn about consumer awareness from the licensees with help from the PR person. She mentioned that most consumers do not know about Safe Sandal Season even though it has been held for several years. She further indicated that her group purposed to educate and inform consumers on what they should be looking out for from licensees. Regarding cleaning up the language in SB 803, she stated that there's a section that says hair stylists could not do skincare. She voiced concern that some schools were doing externships for aesthetics. Some online programs and academies also asked licensees to external mentor people who have never gone to a school. The licensees would do tutorials on Zoom, and the schools would then give out credits to people who watch online.
- Mr. Larry reported that the written exam results were very low for out-of-country applicants. He indicated that the problem might be that other countries did not have the same regulations as the United States or California. Most do not have a Board, so they are not receiving the same level of education outside of the U.S.

7. AGENDA ITEM #7, REPORT ON THE MARCH 7, 2022, LEGISLATIVE AND BUDGET COMMITTEE MEETING

Mr. Isbell stated that the committee made position recommendations at the meeting, but some of the information may have changed since. The next Committee meeting is scheduled for May 20. Ms. Underwood gave an overview of the bills.

Consideration of Committee Recommendations and Possible Action on Proposed Bills

a. AB 646 (Low, Cunningham, and Gipson) – DCA boards; expunged convictions

This is a department-wide bill based on posting of expunged convictions. It would not have any impact on the Board. The Committee recommended a support position.

MOTION: Mr. Isbell moved to support AB 646. Ms. Pham seconded.

Motion carried 8 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted “Yes”: Steve Weeks, Calimay Pham, Jacquelyn Crabtree, Megan Ellis, Tonya Fairley, Reese Isbell, Derick Matos, Yolanda Jimenez. No public comments were received.

b. AB 1604 (Holden) – The Upward Mobility Act of 2022: Boards and Commissions: Civil Service: Examinations: Classifications

This bill requires boards to have an individual from an underrepresented community as defined. The Committee recommended to watch the bill. The Board recommended staff to continue to watch the bill. No public comments were received.

c. AB 1661 (Davies) – Human trafficking: notice

The bill would require the barbering, cosmetology, and electrology establishments to post a notice regarding slavery and human trafficking. The Committee recommended a support position.

MOTION: Mr. Isbell moved to support AB 1661. Mr. Matos seconded.

Motion tied 4 yes, 4 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted “Yes”: Calimay Pham, Jacquelyn Crabtree, Megan Ellis, Reese Isbell.

The following Board Members voted “No”: Steve Weeks, Derick Matos Tonya Fairley Yolanda Jimenez.

MOTION: Ms. Fairley moved to support AB 1661 if amended to reflect the concerns raised. Mr. Weeks seconded.

Motion carried 8 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted “Yes”: Steve Weeks, Calimay Pham, Jacquelyn Crabtree, Megan Ellis, Tonya Fairley, Reese Isbell, Derick Matos, Yolanda Jimenez.

PUBLIC COMMENT:

- Ms. Cochran stated that most estheticians work in a solo environment with numerous notices posted. She felt that not many people would want to post the notice on their walls. She also expressed concern that the notice implicated that the industry is filled with people who are either trafficked or who are trafficking. Ms. Cochran also felt that the bill is not being all-inclusive since tattoo shops are not required to post the notice.

- Mr. Jones echoed Ms. Cochran's concerns that the bill targeted the beauty industry.

d. AB 1733 (Quirk) – State Bodies: Open Meetings

The bill would change the Bagley-Keene Open Meeting Act to allow the Board to hold teleconference meetings in lieu of in-person meetings. The Board could hold emergency meetings virtually without having to post their home addresses. Ms. Underwood pointed out that the teleconference meetings held during COVID had been successful. They had helped save money and time and encouraged public participation. The Committee recommended a support position.

MOTION: Mr. Isbell moved to support AB 1733. Ms. Crabtree seconded.

Motion carried 8 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted “Yes”: Steve Weeks, Calimay Pham, Jacquelyn Crabtree, Megan Ellis, Tonya Fairley, Reese Isbell, Derick Matos, Yolanda Jimenez.

e. AB 2196 (Maienschein) - Barbering and Cosmetology: Instructional hours.

The Committee recommended a watch position, but the bill has changed. When it went to the Committee, the bill increased education hours for cosmetology from 1000 to 1200. This had been removed and clean-up language had been added. Ms. Underwood recommended a support position since the bill contained the Board’s clean-up language.

MOTION: Ms. Crabtree moved to support AB 2196. Mr. Isbell seconded. Ms. Pham recommended that the Board support the bill if amended to include more of the Board's clean-up language.

Ms. Crabtree withdrew her motion and amended it to support if amended to include the list of things that staff identified as missing language. Mr. Isbell seconded.

MOTION: Ms. Crabtree moved to support if amended to include what staff identified as missing language. Mr. Isbell seconded.

Motion carried 8 yes, 0 no, and 0 abstain, per roll call vote as follows:

The following Board Members voted “Yes”: Steve Weeks, Calimay Pham, Jacquelyn Crabtree, Megan Ellis, Tonya Fairley, Reese Isbell, Derick Matos, Yolanda Jimenez.

Mr. Weeks requested that the Board minutes reflect that the Board had not changed its position on the 1000 education hours, given the bill’s original language to increase to 1200 hours.

PUBLIC COMMENT:

- Mr. Jones indicated that with the reduced number of hours and removal of practical exams, there was an incentive to increase fraudulent selling of hours. He felt that one way to stop the fraudulent selling of hours would be for schools to register their students within 30 days of enrollment with the State Board as part of the proof of training process. When they finish, they would also submit the final proof of training. He pointed out that the Board used to have statutory authorization in the past, so he urged the Board to request the Legislature to have it again. Mr. Jones also suggested that the Board consider having a statute to ensure that schools certify the students' hands-on competency since the industry is dexterity-based.

8. AGENDA ITEM #8, REPORT ON THE MARCH 7, 2022, EDUCATION AND OUTREACH COMMITTEE MEETING.

Ms. Underwood reported that the outreach report reviewed by the Committee was included in the Board packet. At the next meeting, the Committee will look at the materials that are sent out with establishment licenses and handed out during inspections and citations so that the Committee can make recommendations.

9. AGENDA ITEM #9, REPORT ON THE MARCH 14, 2022, HEALTH AND SAFETY ADVISORY COMMITTEE MEETING

Ms. Crabtree confirmed that the Committee met and had scheduled another meeting for June 6, 2022. Ms. Underwood reported that the Committee had approved an update to the health and safety regulations. The regulations have to be reviewed by the legal counsel before being presented to the Board. They may be presented in October. Regarding SB 803, the Committee started to look at the fine schedule and how it related directly to consumer harm. The Committee will make a recommendation to the Board once their review is completed.

10. AGENDA ITEM #10, STATUS UPDATES REGARDING RULEMAKING PROPOSALS:

- a. Rulemaking Proposal to Amend Title 16, California Code of Regulations (CCR) sections 904, 909, 917, 928, 931, 932, 934, 937, 950.1, 950.2, 950.3, 950.4, 962 (SB Clean Up).
- b. 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. Rulemaking Proposal to Amend Title 16, CCR section 950.10 (Transfer of credit).
- d. Rulemaking Proposal to Amend Title 16, CCR section 961 (Instructional Materials).
- e. Rulemaking Proposal to Amend Title 16, CCR 962, 962.1, and 962.2 (Externs).
- f. Rulemaking Proposal to Amend Title 16, CCR section 972 (Disciplinary Guidelines).
- g. Rulemaking Proposal to Amend Title 16, CCR section 974.1 (Disciplinary Review Committee).

Ms. Underwood reported that the instructional materials regulation package made it to the Office of Administrative Law (OAL), however, OAL found some concerns, so staff withdrew it and will propose the amended language at the next Board meeting.

The rest of the packages are under review or on hold pending clean-up legislation.

11. AGENDA ITEM #11, PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

No public comments were made.

12. AGENDA ITEM #12, SUGGESTIONS FOR FUTURE AGENDA ITEMS

Ms. Fairley stated the Board should provide more guidance for people who petition for reinstatement or get off probation early. It could entail a frequently asked question document on the website informing petitioners on what to bring during a hearing.

13. AGENDA ITEM #13, ADJOURNMENT

There being no further business to discuss, the meeting adjourned at approximately 1:54 p.m.



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
 DEPARTMENT OF CONSUMER AFFAIRS • BOARD OF BARBERING AND COSMETOLOGY
 P.O. Box 944226, Sacramento, CA 94244-2260
 Phone: (800) 952-5210 Email: barbercosmo@dca.ca.gov
 Website: www.barbercosmo.ca.gov



MEMORANDUM

DATE	July 25, 2022
TO	Board of Barbering and Cosmetology
FROM	Alex Torkelson, Licensing and Operations Chief
SUBJECT	Agenda Item 6 Administration/Operations Report

Staffing Update

On May 19, 2022, the Board hired Paul Harrison as the new School's Analyst. Mr. Harrison came from the Physical Therapy Board.

Vacancies

The Board is recruiting for a Regulations and Contracts Staff Services Analyst/Associate Governmental Analyst, and a Reports Staff Services Analyst.

New Fleet Purchase Orders

The Board received approval from the Department of General Services (DGS) to purchase four new Honda Accord Hybrids, and one Tesla Model 3 vehicle. The expected time of delivery is late 2022 or early 2023. The vehicle purchases will be allocated to the FY 2021/22 budget.

Strategic Plan

The strategic plan planning session is scheduled for July 26th and will be hosted by SOLID. They will lead the meeting and help guide us on creating the new strategic plan. After the details have been worked out, then SOLID will write up the strategic plan.

Budget Projection Reports and Fund Condition

Below is the Budget Report Fiscal Year (FY) 2021-22 Expenditure Projection based on Fiscal Month (FM) 10 (April 2022). Based on these projections, the Board is scheduled to revert \$1,618,560 back into the Board Fund.

Board of Barbering and Cosmetology FM 11 Fiscal Year 2021/22 Projected Expenditures 05/30/2022

Personnel Services	ALLOTMENT	BBC Projected Expenditures	Projected Year
5100 Permanent	5,622,000	4,468,027	1,153,973
5100 Temporary	587,000	476,150	110,850
5105-5108 Per Diem, Overtime & Lump Sum	0	51,526	(51,526)
5150 Staff Benefits	3,222,000	2,655,801	566,199
5170 Salary Savings	0	0	0
Total of Personnel Services	9,431,000	7,651,504	1,779,496
Operating Expenses & Equipment (OE&E)	Allotment	BBC Projected Expenditures	Projected Year End Balance
5301 General Expense	166,000	108,346	57,654
5302 Printing	250,000	527,825	(277,825)
5304 Communication	21,000	62,114	(41,114)
5306 Postage	232,000	28,287	203,713
5308 Insurance	4,000	10,898	(6,898)
53202-204 Travel In State	73,000	34,277	38,723
53206-208 Travel, Out-of-State	0	1,643	(1,643)
5322 Training	11,000	7,500	3,500
5324 Facilities Operations	1,022,000	1,079,333	(57,333)
53402-53404 Attorney General, OAH, C&P Services Interdept	1,672,000	330,230	1,341,770
53404-53405 Consultant & Professional Svs. - External	1,646,000	2,500,832	(854,832)
5342 DCA Pro Rata	6,144,000	6,144,000	0
5342 Interagency Services	1,000	52,658	(51,658)
5344 Consolidated Data Center	68,000	51,000	17,000
5346 Information Technology	38,000	64,821	(26,821)
5362-5368 Equipment	131,000	243,841	(112,841)
5390 Other Items of Expense & Vehicles	43,000	81,382	(38,382)
54 Special Items and Expenses	0	34,846	(34,846)
Total Operating Expenses & Equipment	11,522,000	11,363,833	158,167
Total Expenses	20,178,000	19,015,338	1,937,662
Schedule Reim. Other			
Net Appropriation	20,953,000	19,015,337	1,937,662

The below analysis of the Board's Fund Condition projects to have 15.8 months in reserve for FY 2021-22. This means the Board would be able to continue to operate for 15.8 months without collecting any additional revenue. Due to expenditures naturally increasing, the Board's fund will start to decrease, beginning FY 2022-23, down to 13.2 months of revenue in reserves.

0069 - Barbering and Cosmetology Contingency Fund Analysis of Fund Condition

Prepared 7.11.2022

(Dollars in Thousands)

2022-23 Governor's Budget with 2021-22 FM 11 Projections

	PY 2020-21	CY 2021-22	BY 2022-23	BY +1 2023-24	BY +2 2024-25
BEGINNING BALANCE	\$ 46,274	\$ 23,812	\$ 21,951	\$ 25,267	\$ 22,101
Prior Year Adjustment	\$ 439				
Adjusted Beginning Balance	\$ 46,713	\$ 23,812	\$ 21,951	\$ 25,267	\$ 22,101
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS					
Revenues					
4121200 - Delinquent fees	\$ 1,047	\$ 221	\$ 1,106	\$ 1,106	\$ 1,106
4127400 - Renewal fees	\$ 9,306	\$ 437	\$ 9,838	\$ 9,838	\$ 9,838
4129200 - Other regulatory fees	\$ 1,127	\$ 1,857	\$ 5,289	\$ 5,289	\$ 5,289
4129400 - Other regulatory licenses and permits	\$ 2,974	\$ 3,938	\$ 3,149	\$ 3,149	\$ 3,149
4143500 - Miscellaneous Services to the Public	\$ 20	\$ 14		\$ 0	\$ 0
4163000 - Income from surplus money investments	\$ 184	\$ 77	\$ 542	\$ 327	\$ 270
4171400 - Escheat of unclaimed checks and warrants	\$ 16	\$ 3	\$ 12	\$ 12	\$ 12
4172500 - Miscellaneous revenues	\$ 5	\$ 1	\$ 8	\$ 8	\$ 8
4173500 - Settlements and Judgements - Other	\$ 8			\$ 0	\$ 0
Totals, Revenues	\$ 14,687	\$ 6,548	\$ 19,944	\$ 19,729	\$ 19,672
Loan from the Barbering and Cosmetology Contingent Fund (0069) to the General Fund (0001) per Item 1111-011-0069, Budget Act of 2020	\$ -25,000				
Totals, Transfers and Other Adjustments	\$ -25,000	\$ 0	\$ 0	\$ 0	\$ 0
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	\$ -10,313	\$ 6,548	\$ 19,944	\$ 19,729	\$ 19,672
TOTAL RESOURCES	\$ 36,400	\$ 30,360	\$ 41,895	\$ 44,996	\$ 41,773
Expenditures:					
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 18,313	\$ 18,981	\$ 20,759	\$ 21,382	\$ 22,023
Chapter 16, Statutes of 2020 (AB 84)	\$ 0	\$ 723	\$ 0	\$ 0	\$ 0
9892 Supplemental Pension Payments (State Operations)	\$ 316	\$ 316	\$ 316	\$ 316	\$ 316
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 1,115	\$ 1,189	\$ 1,197	\$ 1,197	\$ 1,197
Less funding provided by the General Fund (State Operations)	\$ -7,156	\$ -12,800	\$ -5,644		
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$ 12,588	\$ 8,409	\$ 16,628	\$ 22,895	\$ 23,536
FUND BALANCE					
Reserve for economic uncertainties	\$ 23,812	\$ 21,951	\$ 25,267	\$ 22,101	\$ 18,237
Months in Reserve	34.0	15.8	13.2	11.3	9.3

NOTES:

Assumes workload and revenue projections are realized in BY +1 and ongoing.
 Expenditure growth projected at 3% beginning BY +1.
 Expenditures General Salary 4.55% increase.



MEMORANDUM

DATE	July 25, 2022
TO	Board of Barbering and Cosmetology
FROM	Alex Torkelson, Licensing and Operations Chief
SUBJECT	Agenda Item 6 Licensing, Exams, and Disciplinary Review Committee Report

Staffing Updates

On June 6, 2022, Judith Lindwall started with the Licensing Unit as a Management Services Technician. She will be processing cashiering and licensing workload.

On June 20, 2022, Angelina Vargas started with the Licensing Unit as a Program Technician II and on July 1, 2022, Dominique Brown started with the Licensing Unit as a limited term Program Technician II. Both will be focusing on examination application processing.

Vacancies

The Licensing Unit is recruiting for three permanent Program Technician II positions and for three limited term Program Technician II positions to handle the increase in emails. The Licensing Unit is also recruiting for an additional Seasonal Clerk position to assist with the scanning of incoming workload.

Telephones and E-Mails

We are continuing to look at staffing to handle the increased volume of telephone calls and e-mails. We will be looking to hire limited term staff in order to address this workload while tracking this workload for a potential request of permanent staffing.

Examinations

The new examination was implemented on July 1, 2022. As with any new examination, we do anticipate a drop of passing scores in the coming months. Board staff are monitoring this closely along with the examination vendor (PSI).

Performance Measures

Applications Received

The amount of applications received increased from 12,557 to 14,164, a 13% increase, from the prior quarter.

Quarterly Applications Received Fiscal Year 21/22

License Type	Jul-Sept	Oct-Dec	Jan-Mar	Apr-June	YTD
Personal Service Permit	--	--	2	27	29
Establishment	1,927	1,551	1,862	1,829	7,169
Mobile Unit	3	2	8	8	21
Barber					-
Pre-App	311	64	1	--	376
Initial Application	362	367	821	1,048	2,598
Re-Exam	532	392	536	627	2,087
<i>Sub-Total</i>	<u>1,205</u>	<u>823</u>	<u>1,358</u>	<u>1,675</u>	<u>5,061</u>
Reciprocity	42	29	70	50	191
Apprentice	346	324	323	419	1,412
Cosmetology					-
Pre-App	615	130	--	--	745
Initial Application	845	861	1,665	1,994	5,365
Re-Exam	1,099	857	1,064	1,199	4,219
<i>Sub-Total</i>	<u>2,559</u>	<u>1,848</u>	<u>2,729</u>	<u>3,193</u>	<u>10,329</u>
Reciprocity	305	247	421	343	1,316
Apprentice	198	229	250	285	962
Electrology					-
Pre-App	13	6	--	--	19
Initial Application	8	6	18	16	48
Re-Exam	6	6	6	--	18
<i>Sub-Total</i>	<u>27</u>	<u>18</u>	<u>24</u>	<u>16</u>	<u>85</u>
Reciprocity	--	--	2	--	2
Apprentice	--	--	--	--	-
Esthetician					-
Pre-App	984	248	1	--	1,233
Initial Application	1,039	1,025	2,249	2,505	6,818
Re-Exam	1,154	1,055	1,038	1,286	4,533
<i>Sub-Total</i>	<u>3,177</u>	<u>2,328</u>	<u>3,288</u>	<u>3,791</u>	<u>12,584</u>
Reciprocity	117	90	245	229	681
Manicurist					-
Pre-App	673	146	--	--	819
Initial Application	658	726	1,111	1,354	3,849
Re-Exam	1,034	606	648	787	3,075
<i>Sub-Total</i>	<u>2,365</u>	<u>1,478</u>	<u>1,759</u>	<u>2,141</u>	<u>7,743</u>
Reciprocity	113	134	218	185	650
Total	12,384	9,101	12,557	14,164	48,206

Written Exam Results

The highest pass rates for the English exam in order of license types are electrology at 85%, cosmetology at 69%, barbering at 66%, esthetician at 65%, and then manicuring at 59%.

The highest pass rates for the Korean exam in order of license types are esthetician at 80%, cosmetology at 79%, barbering at 60%, and then manicuring at 38%. No Korean applicants took an electrology exam.

The highest pass rates for the Spanish exams in order of license types are for manicuring at 63%, esthetician at 38%, barbering at 32%, and cosmetology at 32%. No Spanish applicants took the electrology exam. Overall, the Spanish exam has the lowest average pass rate out of all the exams.

The highest pass rates for the Vietnamese exam in order of license types are for barbering at 81%, cosmetology at 72%, manicuring at 66%, and esthetician at 64%. No Vietnamese applicants took the electrology exam.

Written Exam Results April 1, 2022 - June 30, 2022

Barber	Passed	Failed	Total	Pass Rate
English	1,224	620	1,844	66%
Korean	3	2	5	60%
Spanish	70	150	220	32%
Vietnamese	30	7	37	81%
Total	1,327	779	2,106	63%

Cosmo	Passed	Failed	Total	Pass Rate
English	1,722	782	2,504	69%
Korean	15	4	19	79%
Spanish	224	469	693	32%
Vietnamese	150	57	207	72%
Total	2,111	1,312	3,423	62%

Esthetician	Passed	Failed	Total	Pass Rate
English	2,187	1,203	3,390	65%
Korean	12	3	15	80%
Spanish	19	31	50	38%
Vietnamese	222	125	347	64%
Total	2,440	1,362	3,802	64%

Manicurist	Passed	Failed	Total	Pass Rate
English	627	441	1,068	59%
Korean	3	5	8	38%
Spanish	54	32	86	63%
Vietnamese	577	293	870	66%
Total	1,261	771	2,032	62%

Electrologist	Passed	Failed	Total	Pass Rate
English	17	3	20	85%
Korean	0	0	0	N/A
Spanish	0	0	0	N/A
Vietnamese	0	0	0	N/A
Total	17	3	20	85%

Written Exam Results by Educational Background

Exam passing scores for candidates coming from California school programs are much higher than scores of candidates coming from apprentice programs and out of country school backgrounds. Electrologists have a 85% pass rate, barbers have a 70% pass rate, cosmetologists have a 68% pass rate, estheticians have a 64% pass rate, and manicurists have a 63% pass rate.

Written Exam Results April 1, 2022 - June 30, 2022 Comparison of Schools, Apprentice Programs, and Out of Country

Written Exam Results - Apprentice Program

License Type	Passed	Failed	Total	Pass Rate
Barber	403	344	747	54%
Cosmetologist	227	349	576	39%
Esthetician	0	0	0	NA
Total	630	693	1,323	48%

Written Exam Results - Out of Country

License Type	Passed	Failed	Total	Pass Rate
Barber	17	43	60	28%
Cosmetologist	118	132	250	47%
Electrologist	0	0	0	NA
Esthetician	46	27	73	63%
Manicure	13	26	39	33%
Total	194	228	422	46%

Written Exam Results - School Program

License Type	Passed	Failed	Total	Pass Rate
Barber	907	392	1,299	70%
Cosmetologist	1,766	831	2,597	68%
Electrologist	17	3	20	85%
Esthetician	2,394	1,335	3,729	64%
Manicurist	1,248	745	1,993	63%
Total	6,332	3,306	9,638	66%

Written Exam Results by Language

Candidates that attended a California school had a much better average pass rate overall no matter what language as compared to students from out of the country or from apprentice programs.

Written Exam Results by Language April 1, 2022 - June 30, 2022 Comparison of Schools, Apprentice Programs, and Out of Country

Apprentice Programs

Barber	Passed	Failed	Total	Pass Rate
English	376	251	627	60%
Spanish	27	93	120	23%
Total	403	344	747	54%

Cosmo	Passed	Failed	Total	Pass Rate
English	83	61	144	58%
Korean	2	0	2	100%
Spanish	126	277	403	31%
Vietnamese	16	11	27	59%
Total	227	349	576	39%

Out of Country Schools

Barber	Passed	Failed	Total	Pass Rate
English	8	17	25	32%
Korean	1	2	3	33%
Spanish	8	24	32	25%
Total	17	43	60	28%

Cosmetologist	Passed	Failed	Total	Pass Rate
English	97	66	163	60%
Korean	2	3	5	40%
Spanish	16	59	75	21%
Vietnamese	3	4	7	43%
Total	118	132	250	47%

Electrology	Passed	Failed	Total	Pass Rate
English	0	0	0	NA
Total	0	0	0	NA

Esthetician	Passed	Failed	Total	Pass Rate
English	44	22	66	67%
Spanish	1	5	6	17%
Vietnamese	1	0	1	100%
Total	46	27	73	63%

Manicurist	Passed	Failed	Total	Pass Rate
English	10	21	31	32%
Spanish	0	2	2	0%
Vietnamese	3	3	6	50%
Total	13	26	39	33%

School Programs

Barber	Passed	Failed	Total	Pass Rate
English	840	352	1,192	70%
Korean	2	0	2	100%
Spanish	35	33	68	51%
Vietnamese	30	7	37	81%
Total	907	392	1,299	70%

Cosmo	Passed	Failed	Total	Pass Rate
English	1,542	655	2,197	70%
Korean	11	1	12	92%
Spanish	82	133	215	38%
Vietnamese	131	42	173	76%
Total	1,766	831	2,597	68%

Electrologist	Passed	Failed	Total	Pass Rate
English	17	3	20	85%
Total	17	3	20	85%

Esthetician	Passed	Failed	Total	Pass Rate
English	2,143	1,181	3,324	64%
Korean	11	3	14	79%
Spanish	19	26	45	42%
Vietnamese	221	125	346	64%
Total	2,394	1,335	3,729	64%

Manicurist	Passed	Failed	Total	Pass Rate
English	617	420	1,037	59%
Korean	3	5	8	38%
Spanish	54	30	84	64%
Vietnamese	574	290	864	66%
Total	1,248	745	1,993	63%

Licenses Issued

The total number of licenses issued has increased by 407, a 5% increase, since the last quarter.

Licenses Issued Fiscal Year 21/22

License Type	Jul-Sept	Oct-Dec	Jan-Mar	Apr-June	YTD
Barber	608	550	801	1,077	3,036
Barber Apprentice	442	312	280	388	1,422
Cosmetology	1,711	1,270	1,858	2,062	6,901
Cosmetology Apprentice	259	211	203	290	963
Electrology	12	14	25	15	66
Electrology Apprentice	--	--	--	--	0
Esthetician	1,331	1,458	2,237	2,479	7,505
Manicurist	542	841	1,862	1,336	4,581
Establishment	1,979	1,565	1,517	1,543	6,604
Mobile Unit	2	2	4	4	12
Totals	6,886	6,223	8,787	9,194	31,090

Licenses Issued Last 5 Years

The number of licenses issued in FY 21/22 has surpassed pre-pandemic levels. We should see the number of licenses issued continuing to rise as we come out of the pandemic.

Licenses Issued Last 5 Years

License Type	FY 17/18	FY 18/19	FY 19/20	FY 20/21	FY 21/22
Barber	2,259	1,966	1,691	1,085	3,036
Barber Apprentice	885	854	810	874	1,422
Cosmetology	7,085	6,468	4,810	3,153	6,901
Cosmetology Apprentice	727	842	642	584	963
Electrology	22	31	30	26	66
Electrology Apprentice	1	0	0	0	0
Esthetician	4,007	4,890	3,699	2,887	7,505
Manicurist	3,787	4,414	3,437	2,065	4,581
Establishment	7,609	7,706	6,937	6,302	6,604
Mobile Unit	2	12	5	8	12
Totals	26,384	27,183	22,061	16,976	31,090

License Population

Compared to the previous quarter, the license population has increased by 0.6%.

License Population

Barber	35,030
Barber Apprentice	2,191
Cosmetology	302,413
Cosmetology Apprentice	1,548
Electrology	1,574
Electrology Apprentice	-
Esthetician	96,607
Manicurist	126,606
Establishment	56,008
Mobile Unit	63
Total	622,040

Disciplinary Review Committee Appeals

Compared to the previous quarter, for the North, the amount of appeals received has decreased by 8% and the amount pending has increased by 8%. Compared to the previous quarters for the South, the amount of appeals received has increased by 56% and the amount pending has decreased by 15%. The amount heard for the North remains at 0, and the amount heard for the South was 150 this quarter.

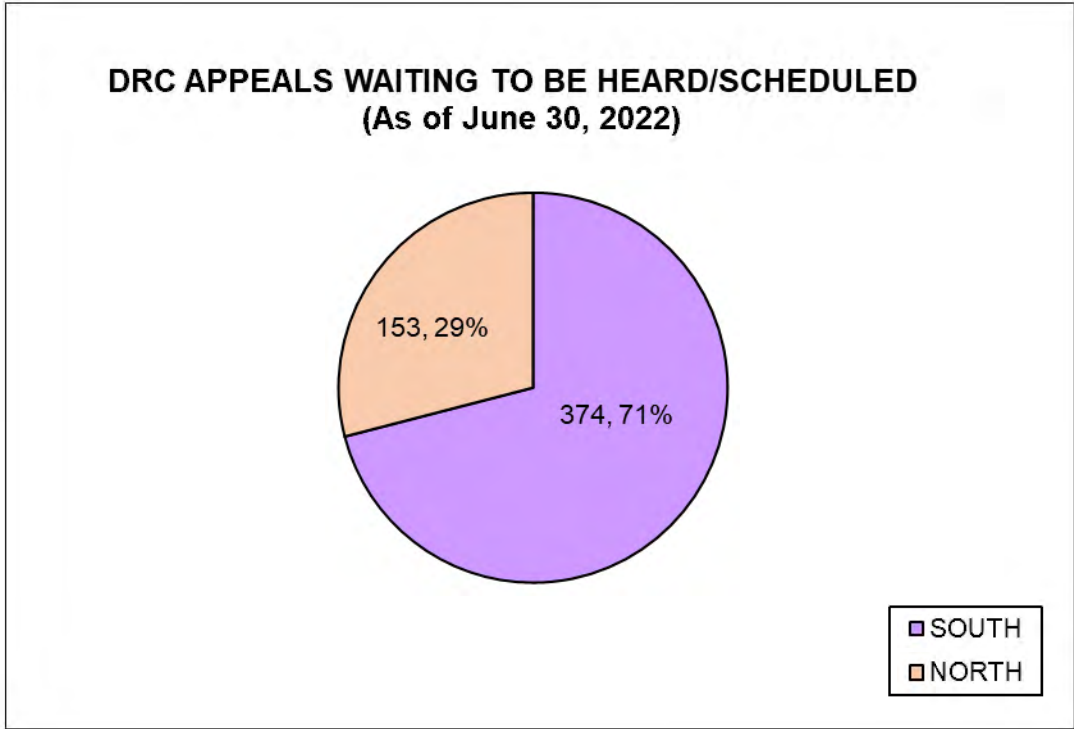
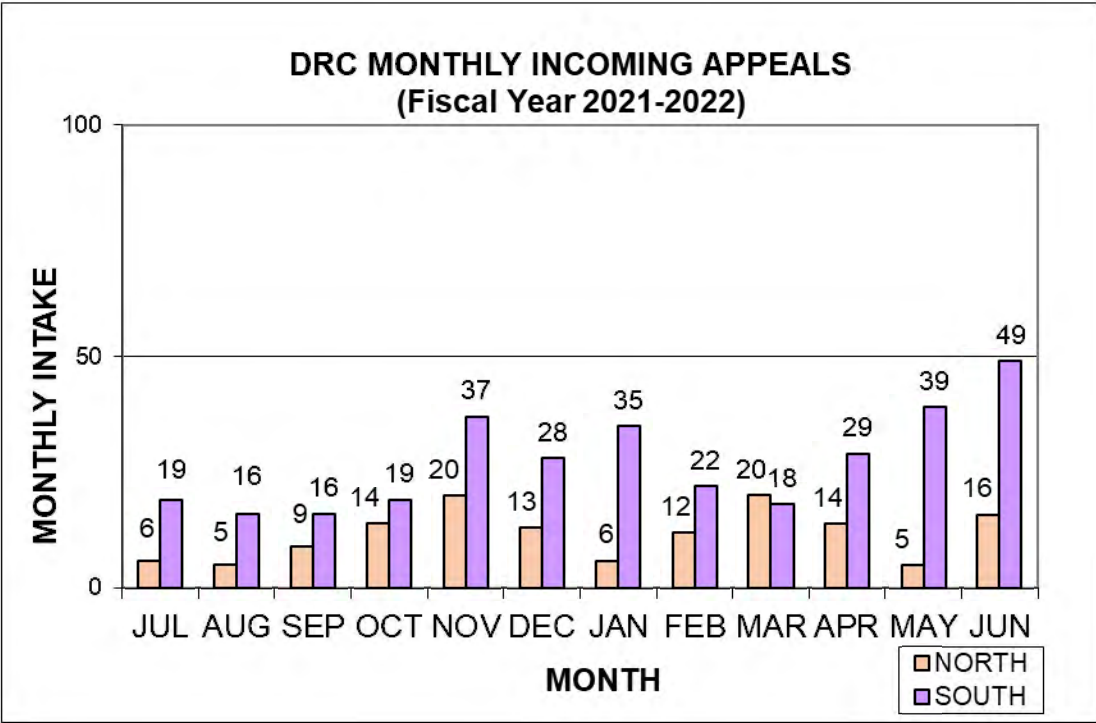
Disciplinary Review Committee Appeals Fiscal Year 21/22

Northern	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun	YTD
Heard	7	0	0	0	7
Received	20	47	38	35	140
Pending ¹	61	107	142	153	153 ²

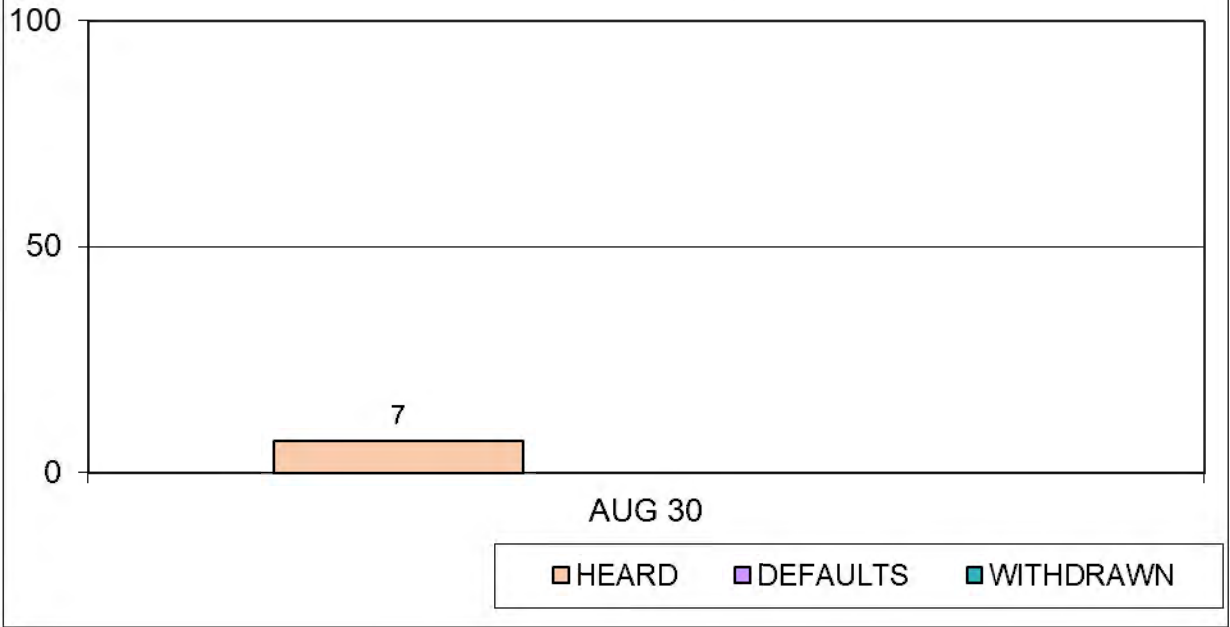
Southern	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun	YTD
Heard	30	0	0	150	180
Received	51	84	75	117	327
Pending ¹	287	367	441	374	374 ²

¹Pending refers to the number of appeals received but not yet heard by DRC.

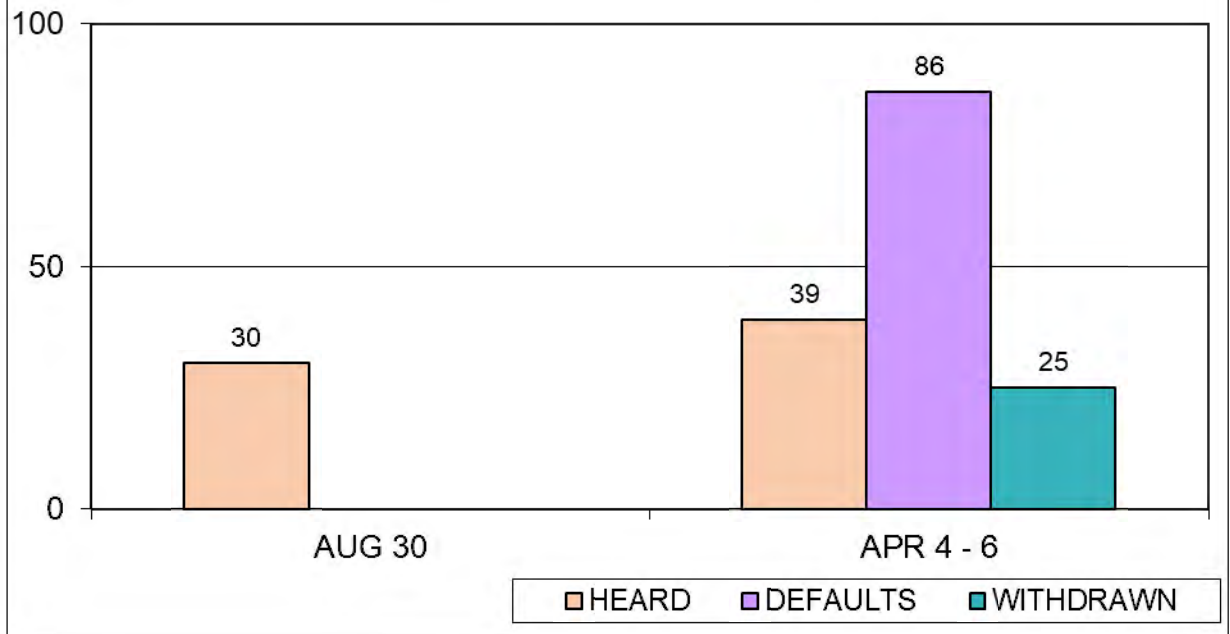
²Figure represents number of pending requests as of report date 06/30/2022.



**NORTHERN APPEALS HEARD
(Fiscal Year 2021-2022)**



**SOUTHERN APPEALS HEARD
(Fiscal Year 2021-2022)**





BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
 DEPARTMENT OF CONSUMER AFFAIRS • BOARD OF BARBERING AND COSMETOLOGY
 P.O. Box 944226, Sacramento, CA 94244-2260
 Phone: (800) 952-5210 Email: barbercosmo@dca.ca.gov
 Website: www.barbercosmo.ca.gov



MEMORANDUM

DATE	July 25, 2022
TO	Board of Barbering and Cosmetology
FROM	Nicole Quinn, Enforcement Chief
SUBJECT	Agenda Item 6 Enforcement, Inspections, and Cite and Fine Report

Staffing Update

Macy Quitoriano's, the Enforcement Manager, last day with the Board was June 20, 2022. Macy has returned to the California Correctional Health Care System and Department of Corrections. We are currently recruiting for the Enforcement Manager Position.

Cindy Tran is the Board's newest Staff Services Analyst in Enforcement. Cindy started with the Board on June 1, 2022.

Vacancies

The Enforcement Unit is currently recruiting for one analyst position to fill the probation desk vacancy.

The Enforcement Unit is also currently recruiting for an Associate Governmental Program Analyst. This position will allow distribution of the workload allowing for smaller case loads for each analyst.

Currently there are nine vacancies for both Northern and Southern California for Inspector positions.

Vacant Inspector Positions	
Classification	Location
Inspector I	Los Angeles County
Inspector I	Santa Clara County
Inspector I / II	Los Angeles County
Inspector I / II	Los Angeles County
Inspector I / II	Orange County
Inspector II	San Bernardino County
Inspector II	Northern Counties
Inspector I / II	Kern County
Inspector III	South

ENFORCEMENT

Probation

Five licensees completed their probation last quarter, leaving 144 total probationers. The probation monitor currently has 116 active cases and 30 cases that are tolled because the licensee is not working. No probationers were referred to the Attorney General’s Office for a Petition to Revoke Probation last quarter. There are currently 2 Immediate Suspension case open.

Attorney General’s Office

As shown in the attached enforcement statistics, the referred DAG cases were decreased from FY 2019/20 to FY 2020/21. This decrease was primarily due to COVID. During the COVID outbreak, cases were being delayed partially due to, inspections not being conducted, and DRC cases not being heard. This fiscal year’s Referred cases has continued to see similar numbers to FY 2020/21.

Schools

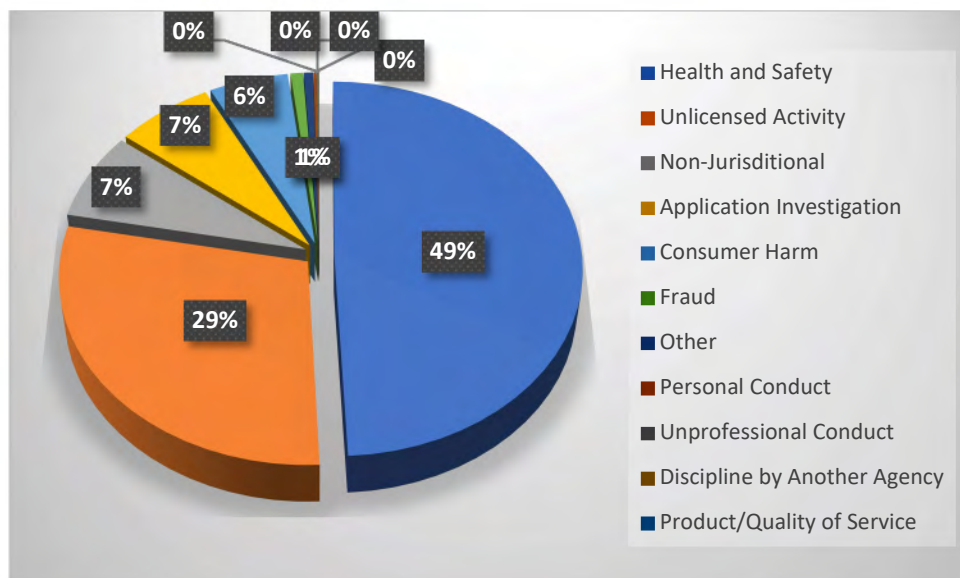
The Board currently has 252 approved schools. The new school application and a list of all Board-approved schools is available online and can be viewed by going to the Schools link on the BBC website. Effective January 1, 2022, the cosmetology and barbering programs minimum requirements reduced from 1,600 hours and 1,500 hours, respectively, to 1,000 hours. Schools may still offer programs that exceed 1,000 hours.

Complaint Intake

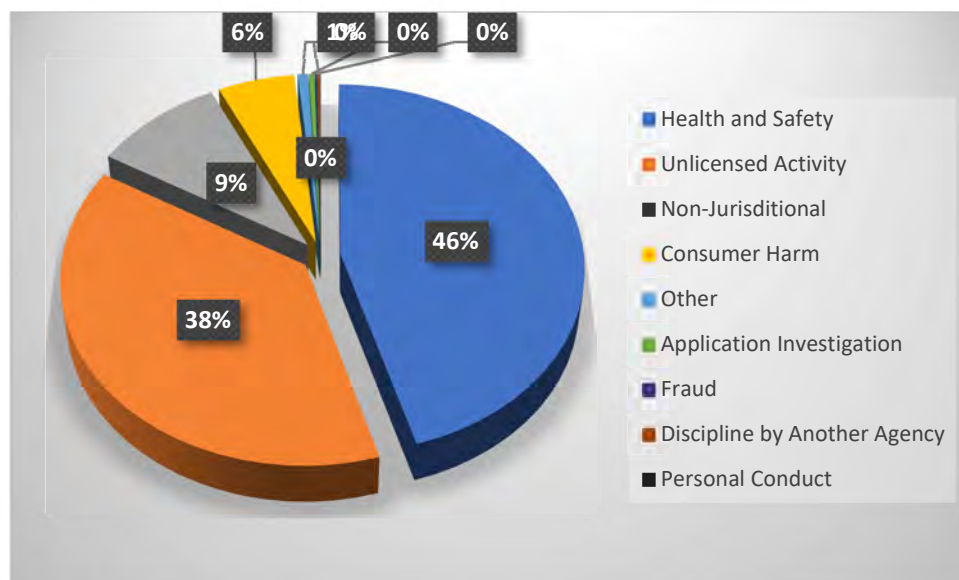
The number of complaints received for FY 21-22 has averaged 1,117 per quarter.

COMPLAINTS					
Complaints Received	FY 2021/22				
	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	YTD
	1,118	1,068	1,075	1,206	4,467

Complaints Received By Complaint Type – July 2017 through June 2022



Complaints Received By Complaint Type – April 2022 through June 2022



Enforcement Statistics

Enforcement Statistics							
COMPLAINTS							
	FY2019/20	FY2020/21	FY 2021/22				
	YTD	YTD	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	YTD
Complaints Received	6,295	6,699	1,118	1,068	1,075	1,206	4,467
Referred to DOI	6	6	5	5	3	4	17
Complaints Closed	5,969	7,278	1,302	1,191	1,097	959	4,542
Total Complaints Pending	1,719	1,335	1,190	1,104	1,100	1,356	1,356
Average Days to Close (Quarterly)	72	169	136	116	105	81	110
APPLICATION INVESTIGATIONS							
	FY2019/20	FY2020/21	FY 2021/22				
	YTD	YTD	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	YTD
Received	9	6	2	3	3	8	16
Pending	3	9	3	4	5	6	6
Closed	9	8	1	3	3	3	10

ATTORNEY GENERAL							
	FY2019/20	FY2020/21	FY 2021/22				
	YTD	YTD	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	YTD
Referred	75	21	6	7	11	5	29
Accusations Filed	69	24	2	5	2	9	18
Statement of Issues Filed	3	2	0	0	1	1	2
Total Pending	78	73	19	21	21	26	26
DISCIPLINARY PROCESS							
	FY2019/20	FY2020/21	FY 2021/22				
	YTD	YTD	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	YTD
Proposed Decisions	6	6	2	1	0	0	3
Default Decision	22	15	0	0	1	1	2
Stipulation	28	17	3	1	1	0	5
DISCIPLINARY OUTCOMES							
	FY2019/20	FY2020/21	FY 2021/22				
	YTD	YTD	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	YTD
Revocation	30	25	7	0	1	1	9
Revoke, Stay, Probation	1	6	3	0	0	0	3
Revoke, Stay, Suspend/Prob	43	16	1	1	0	0	2
Revocation, Stay w/ Suspend	0	0	0	0	0	0	0
Probation Only	0	0	0	0	0	0	0
Suspension Only	1	0	0	0	0	0	0
Suspension & Probation	0	0	0	0	0	0	0
Suspension, Stay, Probation	4	1	0	0	1	1	2
Surrender of License	19	11	1	0	2	0	3
Public Reprimands	0	0	0	0	0	0	0
License Denied	0	0	0	0	0	0	0
Other	0	2	0	0	0	0	0
Total	98	61	13	1	4	2	20
PROBATION							
	FY2019/20	FY2020/21	FY 2021/22				
	YTD	YTD	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	YTD
Active	117	107	103	102	114	112	112

INSPECTIONS AND CITE AND FINE

CITATIONS							
	FY2019/20	FY2020/21	FY 2021/22				
	YTD	YTD	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun*	YTD
Establishments	4,685	529	736	1,025	905	598	3,262
Barber	554	18	57	75	77	67	276
Barber Apprentice	100	17	19	30	20	14	83
Cosmetologist	1,699	69	83	188	162	110	542
Cosmetologist Apprentice	40	4	5	5	6	3	19
Electrologist	1	0	0	0	0	0	0
Electrologist Apprentice	0	0	0	0	0	0	0
Manicurist	1,723	30	65	150	105	80	399
Esthetician	527	16	24	43	35	30	132
Unlicensed Est.	304	169	53	92	103	65	315
Unlicensed Individual	365	72	58	62	75	72	267
Total	9,998	914	1,100	1,670	1,488	1,039	5,295

INSPECTIONS							
	FY2019/20	FY2020/21	FY 2021/22				
	YTD	YTD	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun*	YTD
Establishments w/ violations	4,807	1,544	1,472	1,138	632	842	4,479
Establishments w/o violations	1,561	214	897	594	322	176	2,119
Total	6,368	1,758	2,369	1,732	954	1,018	6,598

*April through June 2022.

Inspections

The BBC's Inspectors continue to focus on follow-up, routine, and complaint related inspections.

ESTABLISHMENT INSPECTIONS REPORTS ISSUED													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FYTD
Establishments w/ violations	452	564	456	456	328	368	346	286	395	403	468		4,522
Establishments w/o violations	327	307	263	220	178	198	182	140	130	91	83		2,119
TOTAL ISSUED	779	871	719	676	506	566	528	426	525	494	551	0	6,641

OUT OF BUSINESS and CLOSED ON CALL													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FYTD
Out of Business	209	213	141	149	71	154	129	96	122	108	127		1,519
Closed on Call	308	358	361	337	223	330	271	195	262	213	268		3,126
TOTAL ISSUED	517	571	502	486	294	484	400	291	384	321	395	0	4,645

Citations

Currently the Cite and Fine unit is at a 30 day turn-around time frame from when an inspection is completed to when the citation is mailed out to the Establishment or licensee.

CITATIONS ISSUED													
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FYTD
Establishment	110	234	392	329	317	381	343	245	315	327	269	245	3507
Individual	49	85	119	158	112	222	160	97	146	151	152	147	1598
Unlicensed Establishments	15	18	20	26	28	36	31	40	34	32	35	38	353
Unlicensed Individuals	18	17	23	19	12	30	23	29	23	46	27	27	294
TOTAL ISSUED	192	354	554	532	469	669	557	411	518	556	483	457	5,752

Request For Payment Notices

BBC is actively sending request for payment notices to establishments and individuals that have outstanding fines. First request for payment notices are sent about 30 days after the fine was due. Second request for payment notices are sent approximately 30 days after the first notice. Third request for payment notices are sent via certified mail approximately 30 days after the second notice. Citations for licensees that have not paid their fine in full after the third request for payment notice are sent to the Franchise Tax Board. Citations for unlicensed individuals that have not paid their fine in full after the third request for payment notice are referred to a collection agency.

REQUEST FOR PAYMENT NOTICES - QUARTER 4 FY 21-22				
	Apr	May	June	Total
Request for Payment Notice 1	326	187	0	513
Request for Payment Notice 2	192	234	0	426
Request for Payment Notice 3	122	130	0	252
Referred to Collections	21	64	0	85
Referred to Franchise Tax Board	24	31	0	55
Grand Total	685	646	0	1,331

Payment Plans

Per B&P 7408.1 and CCR 974.3 the board may enter into a payment plan for citations with administrative fines that exceed five hundred dollar (\$500.00).

Payment Plans – Quarter 4 FY 21-22	
New	16
Paid in Full	3
Total Pending Payment Plans	77
Initial Fine Amount Total:	\$91,200.00
Current Total Balance:	\$60,652.83



MEMORANDUM

DATE	July 25, 2022
TO	Board Members
FROM	Kristy Underwood, Executive Officer
SUBJECT	Agenda Item 6 – Outreach Update

Current Campaigns

Personal Service Permit (PSP)

The Board is currently working with the Department of Consumer Affairs’ Office of Public Affairs on the development of two videos regarding the PSP. One is specific to consumers and the other to licensees. Once completed, staff will post the videos on the website, social media platforms, and send an email blast to the interested parties list.

Safe Sandal Season 2022

Safe Sandal Season is in full swing. The board has been posting safety tips weekly on Facebook, Instagram, and Twitter. DCA’s Office of Public Affairs sent a press release to 36 news outlets on July 8, 2022, announcing the campaign. It included information about the #SafeSandalSeason, and helpful resources for consumers, including top ten tips for consumers, DCA/BBC’s Safe Sandal Season Video and BBC’s Pedicure Safety Tips brochure.

Recent Events

PSI School Exam Overview

On April 26, 2022, the Board announced that effective July 1, 2022, the Board will begin offering the national exam developed by PSI Services for all license types. The Board’s website was updated with additional information, including the new Candidate Information Bulletins. On May 4th and May 23rd, the Board held virtual meetings in collaboration with PSI Services to provide information to school personnel regarding the exam updates. Close to 200 individuals attended these events. Questions regarding the updates were answered by Kristy Underwood as well as the PSI executive team.

SoCal Beauty & Beauty Professionals & Students

Over 900 students and professionals attended the May 22, 2022, event. Ms. Underwood was a guest speaker and held a one-hour Q and A session for instructors, students, school owners, and licensees. The Board also had an outreach table for attendees to visit and receive board information, including the new Candidate Information Bulletins, and Self-Inspection checklist.

Virtual Senior Rally Day

The Board participated in the 2022 Virtual Senior Rally on May 3, 2022. The Rally was hosted by the California Senior Legislature and had over 400 registered attendees. The Rally provided a unique opportunity to network and collaborate with others interested in aging issues from across the state and offer information to seniors. We provided consumer publications and information about the Board and our role in consumer protection in the beauty and barbering industry.

The Hair Game Podcast

On May 31, 2022, Ms. Underwood was the featured guest on The Hair Game, a podcast hosted by Eric Taylor, the founder of Salon Republic. She answered questions regarding the role of the Board in the beauty and barber industry in California, the Personal Service Permit (PSP), and recent changes affecting the board and the industry.

International Salon & Spa Expo (ISSE)

ISSE was held on June 25-26, 2022, in Long Beach. The board had an outreach booth for attendees to come by and receive information regarding board updates, including the July 1st examination updates and the Personal Service Permit (PSP). We had over 500 attendees visit the booth, including students, school owners, salon owners and licensees.

Professional Beauty Association (PBA) California Compliance Session (At ISSE)

On June 26, 2022, the PBA held a three-hour discussion regarding California cosmetology licensing updates, legislative and policy updates, employee compensation plans and IRS tax updates. Carrie Harris, the Board's Assistant Executive Officer, represented the Board and provided an update on recent changes to the Board and the industry.

Upcoming Event

Board staff is preparing for the next outreach event, the Face and Body Skin Care and NailPro Nail Show. This event will be held in San Jose, California on August 21-22, 2022. Kristy Underwood, Carrie Harris, Marcene Melliza and Alexandria Torklelson will be attending and staffing the board's outreach booth. We are looking forward to the opportunity to disseminate valuable information to the attendees regarding recent changes to the Board, distribute publications, and be available for in-person questions.



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
 DEPARTMENT OF CONSUMER AFFAIRS • BOARD OF BARBERING AND COSMETOLOGY
 P.O. Box 944226, Sacramento, CA 94244-2260
 Phone: (800) 952-5210 Email: barbercosmo@dca.ca.gov
 Website: www.barbercosmo.ca.gov



SB 803 Implementation Plan Outline

Below is an updated of the tasks involved with implementation of SB 803.

Business and Professions Code (BPC) Section	Tasks	Status
7303 Board Members	<ul style="list-style-type: none"> Update Board Member manual 	<ul style="list-style-type: none"> Completed
7316 Hairstylist License	<ul style="list-style-type: none"> Conduct occupational analysis Develop examination Prepare regulation package Update and modify BreZE 	<ul style="list-style-type: none"> Occupational analysis and exam development will be approximately 18 months. Occupational analysis workshop was held on June 28, 2022. The next steps are Item Writing and Item Review workshops that will be held later this year.
7316 Estheticians	<ul style="list-style-type: none"> Update website with new scope information 	<ul style="list-style-type: none"> Completed
7331 Reciprocity	<ul style="list-style-type: none"> Modify BreZE ticket to remove 3-year requirement from transaction checklist for new apps Update application forms Update website FAQs and BarberCosmo email signatures 	<ul style="list-style-type: none"> Completed
7334 Pre-Apprentice Training	<ul style="list-style-type: none"> Develop program (project plan, time frame) 	<ul style="list-style-type: none"> Board staff are working with DCA to develop on-line training system for the pre-apprentice training.
7337.5 Removal of Pre-App	<ul style="list-style-type: none"> Coordinate with PSI and OIS for written examination increases Modify BreZE Determine system to receive POTs from candidates that no show for the practical and were supposed to provide POT Update website and BarberCosmo automatic response 	<ul style="list-style-type: none"> Completed

7338 Removal of Practical	<ul style="list-style-type: none"> • Coordinate staffing issues with DCA HR • Determine status of building leases • Determine what to do with PSI sub-leases • Plan for survey of site equipment and inventory • Update Exam and Re-exam applications • Update Exam Information webpage - remove practical information and CIBs • Create outreach plan for candidates without POT • Receive updated PSI Handbook • Create flyer to hand out with exam results stating don't reapply, wait until Jan 1 • Update BarberCosmo email responses and automatic response • Update website FAQs and 'Helpful Hints' flyer 	<ul style="list-style-type: none"> • Completed
7355 Mobile Unit	<ul style="list-style-type: none"> • Update application • Update FAQs and BarberCosmo email signatures 	<ul style="list-style-type: none"> • Completed
7362-7365 School Curriculum	<ul style="list-style-type: none"> • Create Q&A for licensees and schools for homepage of website with BPPE • Amend regs regarding curriculum • Approve new barbering and cosmetology courses with BPPE 	<ul style="list-style-type: none"> • As of July 13, 2022, the Board has received new course applications from 209 schools. 206 have been approved with 3 pending. (There are 251 schools in CA). • Q and A completed. • Regulations are in process
7395.1 Externs	<ul style="list-style-type: none"> • Review Extern package already started • Update website FAQs 	<ul style="list-style-type: none"> • Clean-up language to include barbers is included AB 2196.
7401 Survey	<ul style="list-style-type: none"> • Update practice status survey 	<ul style="list-style-type: none"> • Completed
7407 Fines	<ul style="list-style-type: none"> • Determine definition of "direct impact" • Establish work group to review fine schedule • Prepare regulation package 	<ul style="list-style-type: none"> • Discussed at the March 14, 2022 and June 6, 2022 Health and Safety Committee meetings. • Discussion will continue during September Health and Safety Committee Meeting.
Miscellaneous	<ul style="list-style-type: none"> • Create SB 803 Information page • Prepare recommended clean-up language • Review regs overall for clean up 	<ul style="list-style-type: none"> • Completed



2022 BOARD COMMITTEES

DISCIPLINARY REVIEW COMMITTEE

- Megan Ellis
- Tonya Fairley
- Reese Isbell
- Yolanda Jimenez
- Derick Matos
- Calimay Pham
- Steve Weeks

EDUCATION AND OUTREACH COMMITTEE

- Tonya Fairley, Chairperson
- Megan Ellis
- Reese Isbell
- Yolanda Jimenez
- Derick Matos

ENFORCEMENT AND INSPECTIONS COMMITTEE

- Steve Weeks

HEALTH AND SAFETY ADVISORY COMMITTEE

- Reese Isbell
- Calimay Pham

LEGISLATIVE AND BUDGET COMMITTEE

- Reese Isbell, Chairperson
- Megan Ellis
- Derick Matos
- Calimay Pham

LICENSING AND EXAMINATION COMMITTEE

- Derick Matos, Chairperson
- Tonya Fairley
- Yolanda Jimenez
- Steve Weeks



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
DEPARTMENT OF CONSUMER AFFAIRS • BOARD OF BARBERING AND COSMETOLOGY
P.O. Box 944226, Sacramento, CA 94244-2260
Phone: (800) 952-5210 Email: barbercosmo@dca.ca.gov
Website: www.barbercosmo.ca.gov



MEMORANDUM

DATE July 25, 2022

TO: Members, Board of Barbering and Cosmetology

FROM: Kristy Underwood, Executive Officer

SUBJECT: June 6, 2022 Health and Safety Advisory Committee Meeting Update

The Health and Safety Advisory Committee (Committee) completed their review of the staff's analysis of the Board's laws and regulations and recommendations for the establishment of a schedule of administrative fines pursuant to the requirements of Business and Professions Code section 7407. They discussed the idea of establishing the same violation fine amounts depending on the risk level (e.g., \$50 for low risk, \$100 for medium risk, \$250 for high risk) for consistency.

At the next meeting, the Committee will review a new fine schedule proposal along with the proposed health and safety regulation language.



MEMORANDUM

DATE July 25, 2022

TO: Members, Board of Barbering and Cosmetology

FROM: Reese Isbell, Committee Chairperson

SUBJECT: June 13, 2022 Legislative and Budget Committee Meeting Update

The Legislative and Budget Committee (Committee) discussed the committee’s roles and tasks. The Committee decided they should only review bills that have a direct effect on the Board, budget, and/or licensees.

The Committee also received status updates on the bills below.

Bill	Topic	Board’s Position	Status
AB 646 (Low, Cunningham, and Gipson)	DCA boards: expunged convictions	Support	From committee: Do pass and re-refer to Committee on Appropriations. (Ayes 5. Noes 0.) (June 28). Re-referred to Committee on Appropriations.
AB 1604 (Holden)	The Upward Mobility Act of 2022: boards and commissions: civil service: examinations: classifications	Watch	Read second time and amended. Re-referred to Committee on Appropriations.
AB 1661 (Davies)	Human trafficking: notice	Support if amended to add tattooing	In Assembly. Ordered to Engrossing and Enrolling.
AB 1733 (Quirk)	State bodies: open meetings	Support	Dead. <i>Note: language on virtual meetings was added to SB 189 (Agenda Item 12).</i>
AB 2196 (Maienschein)	Barbering and cosmetology: instructional hours.	Support if amended to include remaining clean up language	From committee: Do pass and re-refer to Committee on Appropriations. (Ayes 14. Noes 0.) (June 27). Re-referred to Committee on Appropriations.

At the next meeting, the Committee will receive an update on the budget.

The Committee did not make any recommendations to the Board, so no action is required.



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
DEPARTMENT OF CONSUMER AFFAIRS • BOARD OF BARBERING AND COSMETOLOGY
P.O. Box 944226, Sacramento, CA 94244-2260
Phone: (800) 952-5210 Email: barbercosmo@dca.ca.gov
Website: www.barbercosmo.ca.gov



MEMORANDUM

DATE July 25, 2022

TO: Members, Board of Barbering and Cosmetology

FROM: Tonya Fairley, Committee Chairperson

SUBJECT: June 13, 2022, Education and Outreach Committee Meeting Update

The Education and Outreach Committee (Committee) reviewed and discussed the current materials the Board distributes during establishment license and renewal issuance, inspections, citation mailing, and enforcement case correspondence. Committee members made recommendations on materials regarding language access. Committee members also suggested board staff to research new technology, such as sending automatic texts, creating a smart phone application (“app”), and creating TikToks targeted to consumers.

The Committee also reviewed recent and upcoming outreach events. The Committee requested to have more outreach on the Personal Service Permit specific to consumers and licensees.

At the next meeting, the Committee will review staff’s future plans for outreach and education.



MEMORANDUM

DATE July 25, 2022

TO: Members, Board of Barbering and Cosmetology

FROM: Derick Matos, Committee Chairperson

SUBJECT: June 13, 2022, Licensing and Examination Committee Meeting Update

The Licensing and Examination Committee (Committee) reviewed and discussed the Spanish language exam pass rates. Executive Officer Kristy Underwood advised that she has been meeting with the Division of Apprenticeship Standards (DAS) and the Bureau for Private Postsecondary Education (BPPE) and sharing data. Board staff are also working on a regulation package to update requirements, but it is difficult as the Board shares oversight and can only do what is within the Board's statutory authority. The Committee discussed that the low pass rates may be due to a literacy issue. With the new PSI exam, the Board will be able to see data on which content areas students are doing poorly in and then provide outreach on instructional strategies and guidance to instructors and students.

The Committee also discussed the oversight of the externship program. The number of schools and establishments utilizing the externship program has increased, however the Board does not require schools to track extern hours and the Board does not know the students' names. More schools are providing externship agreements with nail salons that do not provide hair services.

At the next meeting, the Committee will review staff's recommendations regarding proposed changes to the externship program. The Committee will also continue to discuss the Spanish pass rates.



MEMORANDUM

DATE July 25, 2022

TO: Members, Board of Barbering and Cosmetology

FROM: Kristy Underwood, Executive Officer

SUBJECT: How Future Board Meetings Will Be Held Due to the Passage of Senate Bill 189

On June 30, 2022, Senate Bill (SB) 189 was approved by the Governor and Chaptered by the Secretary of State (Chapter 48, Statutes of 2022). This bill added section 11133 back into the Government Code which reinstates the remote meeting provisions of the Bagley-Keene Open Meeting Act that were previously in place during the pandemic. The changes took effect immediately upon signing by the Governor and are effective through July 1, 2023.

In summary, and as a reminder of what was previously allowed, SB 189 would permit remote meetings under the following conditions:

Waivers Allow For:

- Notices do not need to state where any board member attending by teleconference will be physically located;
- All board members may attend meetings by teleconference, and from private locations not available to the public;
- No board members need to be physically present at a location noticed for public attendance and participation in the meeting, if such a location will be provided;
- No physical location needs to be provided for the public to attend or participate in the meeting if they are allowed to participate by teleconference or other electronic means.

Additional Requirements and Requirements Still in Place:

- All public meetings must still comply with all other notice requirements, including timing requirements (e.g., most meetings must be noticed 10+ days in advance).
- If utilizing teleconference or other electronic means for public participation, the Board must describe those means (i.e., teleconference number, videoconference link, etc.) by which members of the public may observe the meeting and offer public comment in any notice and/or agenda that gets published.

- For upcoming meetings that have already been noticed—or for any meeting where the means of electronic participation changes—The board shall advertise the means (i.e., teleconference number, videoconference link, etc.) using “the most rapid means of communication available at the time.” Posting the teleconference/videoconference information to the Board’s website is sufficient for meeting this requirement.
- A public location may be made available for the public to attend in-person to both observe the meeting (which may just be listening to the teleconference call or WebEx) and give public comment—but this is not required for any meeting. If a public location is to be provided, the location must be disclosed on the notice for the meeting. If the location changes, the meeting must be re-noticed at least 10 days before the meeting will be held. But if the meeting is merely changed to a teleconference/videoconference format, such change may be made less than 10 days before the meeting, so long as the information on how to participate is posted on the Board’s website.
- For any Board meeting where the public is allowed to observe and participate telephonically or by other electronic means, the Board must implement a procedure for receiving and swiftly resolving requests for reasonable modification/accommodation from those with disabilities in compliance with the Americans with Disabilities Act. The procedure must be advertised each time any notice is provided to the public about how they can participate by teleconference/videoconference.
- The physical location—if any will be provided—and opportunities to offer public comment must still be made available in a manner consistent with the Americans with Disabilities Act.

Action Required:

The Board shall determine how to conduct future board meetings and committee meetings (in-person or videoconference).

Senate Bill No. 189

CHAPTER 48

An act to amend Sections 8051 and 19951 of, and to add Section 19440.1 to, the Business and Professions Code, to amend Sections 51.7, 52, 54.3, 4225, and 6606 of the Civil Code, to amend Section 67380 of the Education Code, to amend Sections 3527, 7903, 8310.7, 8310.8, 9112, 9112.5, 11136, 11343, 11512, 11540, 12804, 12901, 12903, 12907, 12925, 12935, 12940, 12940.3, 12944, 12945, 12965, 13957, 14692, 15670, 15676.2, 18720, 18720.2, 18720.3, 18720.4, 19704, 50085.5, and 65040 of, to amend the headings of Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of, and Article 2 (commencing with Section 12935) of Chapter 5 of Part 2.8 of Division 3 of Title 2 of, to add Sections 8286.5, 8310.6, 11540.5, 12482, and 12816.5 to, to add Chapter 1.5 (commencing with Section 16343) to Part 2 of Division 4 of Title 2 of, and Article 5.5 (commencing with Section 65052) to Chapter 1.5 of Division 1 of Title 7 of, and to add and repeal Section 11133 of, and to add and repeal Article 5.10 (commencing with Section 8590.15) of Chapter 7 of Division 1 of Title 2 of, and to repeal Section 15676.5 of, the Government Code, to amend Sections 1262.6 and 17008.5 of, and to add Section 131052.5 to, the Health and Safety Code, to amend Sections 107.5, 1156.3, 1424, 1429, 1429.5, 1430, 1684, 1697.5, 1700.50, 1700.52, 3073, and 3073.9 of the Labor Code, to amend Sections 243.4, 422.92, and 679.10 of the Penal Code, to add Section 95.60 to the Revenue and Taxation Code, to amend Sections 1095 and 14034 of the Unemployment Insurance Code, and to amend Section 11216.2 of the Vehicle Code, relating to state government, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor June 30, 2022. Filed with Secretary of State June 30, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 189, Committee on Budget and Fiscal Review. State Government.

(1) Existing law, the Horse Racing Law, establishes the California Horse Racing Board within the Business, Consumer Services, and Housing Agency. That law vests the board with all powers necessary and proper to enable it to carry out the Horse Racing Law and makes the board responsible for, among other things, adopting rules and regulations for the protection of the public and the control of horse racing and parimutuel wagering and administration and enforcement of all laws, rules, and regulations affecting horse racing and parimutuel wagering.

Existing federal law, the Horseracing Integrity and Safety Act of 2020, requires the Federal Trade Commission, the Horseracing Integrity and Safety Authority, and a specified antidoping and medication control enforcement

mean any authorization to expend during a fiscal year the proceeds of taxes levied by or for that entity and the proceeds of state subventions to that entity, except as specified, exclusive of refunds of taxes.

Existing statutory provisions implementing these constitutional provisions establish the procedure for establishing the appropriations limit of the state and of each local jurisdiction for each fiscal year. Under existing law, revenues and appropriations for a local jurisdiction include subventions and with respect to the state, revenues and appropriations exclude those subventions. Existing law defines, for those purposes, “state subventions” as only including money received by a local agency from the state, the use of which is unrestricted by the statute providing the subvention.

This bill, for fiscal years commencing with the 2020–21 fiscal year, would define “state subventions” to additionally include money provided to a local agency pursuant to certain state programs and would require any money received by a local agency pursuant to that provision to be included within the appropriations limit of the local agency, up to the full appropriations limit of the local agency, as prescribed.

(20) Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act requires at least one member of the state body to be physically present at the location specified in the notice of the meeting.

Existing law authorizes teleconferencing subject to specified criteria, including, among others, that agendas be posted at all teleconference locations and that each teleconference location be identified in the notice and agenda of the meeting or proceeding and be accessible to the public, and that members of the public be able to address the state body directly at each teleconference location.

This bill, until July 1, 2023, would authorize, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body. With respect to a state body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the state body at each teleconference location. Under the bill, a state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the state body allow members of the public to attend the meeting and offer public comment. The bill would require that each state body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge state bodies utilizing these teleconferencing procedures to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to otherwise applicable provisions, as provided.

This bill would repeal those provisions as of July 1, 2023.

(21) The California Constitution provides that the Legislature may make no law except by statute and may enact no statute except by bill. The California Constitution requires the Legislature to pass a budget bill making appropriations for the ensuing fiscal year by midnight on June 15 of each year.

This bill would add a section to the Government Code that identifies the bills that constitute the Budget Act for each fiscal year from 2011–12 through 2020–21.

(22) Existing law establishes the Office of Broadband and Digital Literacy within the Department of Technology. Existing law requires the office to oversee the acquisition and management of contracts for the development and construction of a statewide open-access middle-mile broadband network, as defined.

The bill would make a statement of the Legislature’s goals, as part of the 2022 Budget agreement, to provide for the development, construction, and acquisition of a statewide open-access middle-mile broadband network, and for the maintenance and operation of the resulting infrastructure. The bill would specify, in this regard, appropriations to be made in the future and would prescribe requirements to be satisfied before the funds would be available for encumbrance or expenditure.

(23) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(24) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 8051 of the Business and Professions Code is amended to read:

8051. (a) On and after July 1, 2022, an entity that is not a shorthand reporting corporation may, wherever headquartered in the United States, engage in the conduct described in subdivision (b) of Section 8050 if it is approved for registration by the board after meeting all of the following requirements:

(1) The entity pays an initial annual registration fee to the board. Until January 1, 2025, the fee shall be five hundred dollars (\$500). On and after January 1, 2025, the fee shall not exceed five hundred dollars (\$500) or the board’s cost of administering this section, whichever is less.

(2) The entity has designated a board-certified reporter-in-charge who is a full-time employee of the registered entity and a resident of California, and who holds a currently valid California license at all times as a certified

emergency dispatch center of the Department of the California Highway Patrol

(C) Any rule, regulation, standard, or requirement promulgated or enforced by the Division of the State Architect or the Office of the State Fire Marshal pursuant to the laws described in subparagraphs (A) and (B).

(3) Notwithstanding any other law, for purposes of work performed pursuant to this article involving the Department of General Services, the department may enter into negotiations directly with any firm for the provision of services described in Section 4525.

(e) Prevailing wages shall be paid to all workers employed on a project that is subject to this article, in accordance with Article 2 (commencing with Section 1770) of Chapter 1 of Part 7 of Division 2 of the Labor Code.

SEC. 19. Section 9112.5 of the Government Code is amended to read:

9112.5. It is the intent of the Legislature that available cash sources, including, but not limited to, an allocation of the moneys deposited into the State Project Infrastructure Fund prior to 2018 and moneys appropriated in the Budget Acts of 2018, 2021, and 2022, be used to fund the projects authorized by Section 9112.

SEC. 20. Section 11133 is added to the Government Code, to read:

11133. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a state body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body.

(b) (1) For a state body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the state body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a state body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the state body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the state body be physically present at the location specified in the notice of the meeting.

(c) A state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the state body allow members of the public to attend the meeting and

offer public comment. A state body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a state body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the state body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each state body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a state body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the state body's internet website.

(f) All state bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to state body meetings.

(g) This section shall remain in effect only until July 1, 2023, and as of that date is repealed.

SEC. 21. Section 11136 of the Government Code is amended to read:

11136. Whenever a state agency that administers a program or activity that is funded directly by the state or receives any financial assistance from the state has reasonable cause to believe that a contractor, grantee, or local



MEMORANDUM

DATE July 25, 2022

TO: Members, Board of Barbering and Cosmetology

FROM: Kristy Underwood, Executive Officer

SUBJECT: Discussion and Possible Action Regarding Rulemaking Proposals:

- a. Rulemaking Proposal to Amend Title 16, California Code of Regulations (CCR) sections 904, 909, 917, 928, 931, 932, 934, 937, 950.1, 950.2, 950.3, 950.4, 962 (SB 803 Clean Up)
- b. 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. Discussion and Possible Action to Consider Changes to Previously Proposed Text and Reauthorization of a Regular Rulemaking Proposal to Amend Title 16, CCR section 950.10 (Transfer of Credit)
- d. Discussion and Possible Action to Consider Adoption of Proposed Clarifying Amendments Identified by the Office of Administrative Law Regarding the Board's Rulemaking Proposal to Amend Title 16, CCR section 961 (Instructional Materials)
- e. Rulemaking Proposal to Amend Title 16, CCR sections 962, 962.1 and 962.2 (Externs)
- f. Rulemaking Proposal to Amend Title 16, CCR section 972 (Disciplinary Guidelines)
- g. Rulemaking Proposal to Amend Title 16, CCR section 974.1 (Disciplinary Review Committee)

Transfer of Credit (Title 16, CCR section 950.10)

The Board originally approved proposed amendments and authorized initiation of a rulemaking to amend Title 16, CCR section 950.10 at its January 24, 2022 meeting. Upon further review of the package, the Board's Regulations Counsel has requested additional changes. Please see the attached proposal with changes highlighted for your review and possible approval. These changes include: the title of the regulation section "Transfer of Credit" was added, "shall" replaced "may" in subsections (b)-(e), and "means" replaced "shall include" in subsection (f). These changes are requested due to recent issues with clarity raised by the Office of Administrative Law (OAL) for other boards' rulemaking packages when "may" and "includes" are used in proposed text.

Action Needed:

Staff needs the following motion to approve the changes and reauthorize the initiation of the rulemaking:

Move to rescind the Board's prior January 24, 2022 motion and approve the proposed regulatory text for Section 950.10 as provided in the meeting materials, 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 and if no adverse comments are received, 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 adverse comments 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 process and adopt the proposed regulations at Section 950.10 as noticed.

Instructional Materials (Title 16, CCR Section 961)

This final package was filed OAL on March 3, 2022. The Board withdrew the package on April 14, 2022, because OAL required the Board to modify the text to receive approval. Staff added "Within the first week of instruction" to subdivision (a) to provide when schools are required to provide the instructional materials. Staff deleted "The appropriate" and replaced it with "A current version of any" before "licensing examination guide" and inserted "prepared by the licensing exam vendor to assist exam candidates in the language in which the student intends to take the examination" in subdivision (a)(4) for clarity regarding the licensing examination translation guides. The proposed modified text is included in the materials.

Action Needed:

Staff needs the following motion to approve the modified text, authorize the 15-day comment period, and complete the rulemaking process:

Move to direct staff to take all steps necessary to complete the rulemaking process, including preparing modified text for an additional 15-day comment period, which includes amendments discussed at this meeting. If after the 15-day public comment period, no adverse comments are received, authorize the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt Section 961 of the proposed regulations with the modified text.

The following regulation packages are being updated by staff with DCA's edits:

- Title 16, California Code of Regulations (CCR) sections 904, 909, 917, 928, 931, 932, 934, 937, 950.1, 950.2, 950.3, 950.4, 962 (SB 803 Clean Up)
- 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)

The following regulation packages are on hold pending legislative clean-up language:

- Title 16, CCR Sections 962, 962.1, and 962.2 (Externs)
- Title 16, CCR Section 974.1 (Disciplinary Review Committee)

The following regulation packages are under internal review by DCA/Agency:

- Title 16, CCR Section 972 (Disciplinary Guidelines)

BOARD OF BARBERING AND COSMETOLOGY

Division 9, Title 16, of the California Code of Regulations.

SPECIFIC LANGUAGE

LEGEND

<u>Underlined</u>	Indicates proposed amendments or additions to the existing regulation.
Strikeout	Indicates proposed deletions to the existing regulation.

- **Repeal Section 950.10, Title 16, California Code of Regulations, as follows:**

~~§ 950.10. Credit for Special License and Transfer of Training.~~

~~(a) A student transferring from one course of study to another, or a holder of a special license (e.g., manicurist or esthetician) who enrolls in a general course of study (e.g., cosmetologist), shall receive credit for total clock hours completed and credit for and a balance of the minimum hours of technical instruction and the minimum practical operations required in each applicable subject as follows:~~

~~(1) Total Clock Hours Credit.~~

~~(A) Cosmetologist course to esthetician course. A student transferring from the cosmetologist course to the esthetician course shall receive a credit of 35 percent of the total clock hours earned while enrolled in the cosmetologist course.~~

~~(B) Cosmetologist course to manicurist course. A student transferring from the cosmetologist course to the manicurist course shall receive a credit of 20 percent of the total clock hours earned while enrolled in the cosmetologist course.~~

~~(C) Esthetician course to cosmetologist course. A student transferring from the esthetician course to the cosmetologist course shall receive a credit of 65 percent of the total clock hours earned while enrolled in the esthetician course. A holder of a esthetician license enrolling in the cosmetologist course shall receive a credit of 65 percent of the total clock hours required for the esthetician course.~~

~~(D) Manicurist course to cosmetologist course. A student transferring from the manicurist course to the cosmetologist course shall receive a credit of 70 percent of the total clock hours earned while enrolled in the manicurist course. A holder of a manicurist license enrolling in the cosmetologist course shall receive a credit of 70 percent of the total clock hours required for the manicurist course.~~

~~(2) Credit and balance for the minimum hours of technical instruction and minimum practical operations required. A student transferring from one course of study to another, or a holder of a special license who enrolls in a general course of study, shall receive a credit and balance for the minimum hours of technical instruction and~~

~~minimum practical operations required by subtracting the number of hours and operations earned by the student or licensee while enrolled in the prior course from the minimum hours of technical instruction and minimum practical operations required for the new course in each applicable subject. If the student has earned more hours or operations in the prior course than are required in a specific subject of the new course, then that student's balance of hours and operations required in that subject shall be zero.~~

~~(b) Credit for a special course shall not be given to a student in the cosmetologist course until completion of the number of hours of instruction and training in a school of cosmetology which, when added to the number of hours for which the student is entitled to credit for the special course, will equal the minimum number of hours required for completion of the cosmetologist course.~~

~~(c) Effective until January 1, 2009, training received as an apprentice may be credited toward a course of training in a school. The maximum amount of hours that can be transferred from an apprenticeship program to a course of training in school shall not exceed 800 hours as reasonably determined by the school to which the apprentice is transferring and shall not exceed 50% credit for each hour earned as an apprentice. After January 1, 2009, training received as an apprentice shall not be credited toward a course of training in a school.~~

~~(d) Training received in a school shall not be credited toward training in an apprenticeship program.~~

~~Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7367, Business and Professions Code.~~

- **Adopt Section 950.10, Title 16, California Code of Regulations and title, as follows:**

§ 950.10. Transfer of Credit

(a) A student changing from one program of instruction to another shall receive credit for prior hours of technical and practical instruction earned in another program ("instruction hours") on an hour-for-hour basis if the following requirements are met:

(1) the prior instruction hours earned by the student are identical, which means instruction is of the same duration and covers the same content as that being offered by the new program; and,

(2) credit for the instruction hours of the prior program are granted in accordance with the requirements of this section.

(b) Credit shall be granted to a student who is a cosmetologist licensee or who earned instruction hours as part of a cosmetology program of instruction as follows:

(1) For enrollment in a new barbering program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7362.5(b)(1) of the Business and Professions Code ("Code");

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7362.5(b)(2) of the Code;

(C) 200 instruction hours in chemical hair services course content as defined in section 7362.5(b)(3) of the Code; and

(D) 200 instruction hours in hairstyling services course content as defined in section 7362.5(b)(4) of the Code.

(2) For enrollment in a new skin care program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7364(b)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7364(b)(2) of the Code.

(C) 150 instruction hours in skin care services course content as defined in section 7362.5(c)(5) of the Code.

(D) 50 instruction hours in hair removal and lash and brow beautification course content as defined in section 7362.5(c)(6) of the Code.

(3) For enrollment in a new nail care program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7365(b)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7365(b)(2) of the Code.

(C) 100 instruction hours in manicure and pedicure course content as defined in section 7362.5(c)(7) of the Code.

(c) Credit shall be granted to a student who is a barber licensee or who earned instruction hours as part of a barbering program of instruction as follows:

(1) For enrollment in a new cosmetology program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7362.5(c)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7362.5(c)(2) of the Code.

(C) 200 instruction hours in chemical hair services course content as defined in section 7362.5(c)(3) of the Code.

(D) 200 instruction hours in hairstyling services course content as defined in section 7362.5(c)(4) of the Code.

(2) For enrollment in a new skin care program, up to:

(A) 100 instruction hours in health and safety course content as defined in section and 7364(b)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7364(b)(2) of the Code.

(3) For enrollment in a new nail care program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7365(b)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7365(b)(2) of the Code.

(d) Credit shall be granted to a student who is an esthetician licensee or who earned instruction hours as part of a skin care program of instruction as follows:

(1) For enrollment in a new cosmetology program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7362.5(c)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in sections 7362.5(c)(2) of the Code.

(C) 150 instruction hours in skin care services course content as defined in section 7362.5(c)(5) of the Code.

(D) 50 hours in hair removal and lash and brow beautification course content as defined in section 7362.5(c)(6) of the Code.

(2) For enrollment in a new barbering program, up to:

(A) 100 instruction hours in health and safety course content as defined in sections 7362.5(b)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7362.5(b)(2) of the Code.

(3) For enrollment in a new nail care program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7365(b)(1).

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7365(b)(2).

(e) Credit shall be granted to a student who is a manicurist licensee or who earned instruction hours as part of a nail care program of instruction as follows:

(1) For enrollment in a new cosmetology program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7362.5(c)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7362.5(c)(2) of the Code.

(C) 100 instruction hours in manicure and pedicure course content as defined in section 7362.5(c)(7) of the Code.

(2) For enrollment in a new barbering program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7362.5(b)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7362.5(b)(2) of the Code.

(3) For enrollment in a new skin care program, up to:

(A) 100 instruction hours in health and safety course content as defined in section 7365(b)(1) of the Code.

(B) 100 instruction hours in disinfection and sanitation course content as defined in section 7365(b)(2) of the Code.

(f) For the purposes of this section, the following definitions apply:

(1) “Changing from one program of instruction to another” means: transferring from one program of instruction to another, or a licensee enrolling in a new program of instruction for a different license type issued by the board.

(2) “Earned” means successfully completed the hours or program with a passing grade.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7316, 7362.5, 7364, 7365, and 7367, Business and Professions Code.

BOARD OF BARBERING AND COSMETOLOGY

Division 9, Title 16, of the California Code of Regulations.

MODIFIED TEXT

LEGEND

<u>Underlined</u>	Indicates proposed additions to the existing regulation.
<u>Double Underline</u>	Indicates amendments or additions to the original proposed amendments
Strikeout	Indicates proposed deletions to the existing regulation.
Double Strikeout	Indicates deletions to the originally proposed amendments

- Repeal Section 961, Title 16, California Code of Regulations, as follows:

~~§ 961. Online Training and Text and Reference Books for Students.~~

~~(a) In teaching, approved schools shall use text and reference books approved by the National Interstate Council of State Boards of Cosmetology (NIC). Approved schools may use other teaching material or on-line training programs, in lieu of the text book, under the condition that they have been approved by the NIC.~~

~~(b) Each student shall possess the following:~~

~~(1) At least one (1) of the textbooks approved by the NIC or have access to a NIC-approved online program.~~

~~(2) The Barbering and Cosmetology Act and the Rules and Regulations of the Board of Barbering and Cosmetology.~~

~~(c) There shall be available for the use of students in the school:~~

~~(1) A list of the text and reference books approved by the NIC.~~

~~(2) Any two approved texts other than the one text or online program access, possessed by the student. (Shall not apply to barber schools if there are less than three approved texts.)~~

Note: Authority cited: Sections 7312 and 7362, Business and Professions Code. Reference: Section 7362, Business and Professions Code.

- **Adopt Section 961, Title 16, California Code of Regulations, as follows:**

Section 961. Instructional Materials

(a) An approved school shall provide a printed or electronic copy of the following to each student within the first week of instruction:

- (1) At least one textbook in the course of instruction that the student is enrolled in (e.g. cosmetology, barbering, electrology, esthetics, manicuring).
- (2) A current version of the California Barbering and Cosmetology Act (Chapter 10 of Division 3 of the California Business and Professions Code, commencing with section 7301);
- (3) A current copy of the Barbering and Cosmetology Regulations (Title 16, Division 9 of the California Code of Regulations, commencing with section 904);
- (4) ~~The appropriate~~ A current version of any licensing examination translation guide prepared by the licensing exam vendor to assist exam candidates in the language in which the student intends to take the examination, if the student intends to take the examination in one of the non-English languages offered by the board.

Note: Authority cited: Sections 7312 and 7362, Business and Professions Code.

Reference: Sections 7312 and 7362, Business and Professions Code.

Agenda Items
No. 14-16
No Attachments