



**CALIFORNIA STATE BOARD OF
BARBERING AND COSMETOLOGY
BOARD MEETING**

MINUTES OF JULY 26, 2015

Holiday Inn Orange County Airport
2726 South Grand Ave
Santa Ana, CA 92705

BOARD MEMBERS PRESENT

Dr. Kari Williams, President
Richard Hedges, Vice President
Mary Lou Amaro
Bobbie Anderson
Polly Codorniz
Andrew Drabkin
Joseph Federico

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Officer
Tami Guess, Board Analyst
Marcene Melliza, Board Analyst
Rebecca Bon, Legal Counsel

1. Agenda Item #1, WELCOME AND INTRODUCTIONS

Dr. Kari Williams, Board President, called the meeting to order at 10:17 a.m.

2. Agenda Item #2, PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Mirela Marinescu, International School of Beauty, would like the issue of dermaplaning discussed by the Board in regards to allowing Estheticians to perform this service.

Victor Robbins, Missing Link Innovation, demonstrated the 1703 Clipper Sterilizer. Their company would like to see this product mandatory in establishments to help protect the health of licensees and consumers.

James Petta, Barber, shared his concerns about an unlicensed individual performing services in his area. He was directed to provide Kristy Underwood the information and it would be forwarded to the Board's Enforcement unit.

3. Agenda Item #3, BOARD PRESIDENT'S REPORT

Dr. Williams did not have anything to report. She did however want to thank the Disciplinary Review Committee (DRC) and staff for their hard work and long hours. There is currently no backlog in DRC and they are seeing cases much quicker. Dr. Williams extended an opportunity to other Board members to report on any items.

Mr. Hedges shared a brochure on Madam C.J Walker, a woman who suffered hair loss as a child, and as an adult, she created a hair care product line. He is requesting the Board post this encouraging story on the Board's website.

Mr. Hedges commented on the recent New York Times article called "The Price of Nice Nails". He encourages everyone to read the article.

4. Agenda Item # 4, EXECUTIVE OFFICER REPORT

Ms. Kristy Underwood, Executive Officer, reported. She reviewed the additional documents that were provided to the Board members prior to the start of the Board meeting. These items included updated stats, agenda item #9 meeting materials and the Supplement to the 2013 Board's Rules and Regulations. She shared that the Supplement, as well as an explanation chart have been translated into Korean, Spanish and Vietnamese and all are posted on the website at www.barbercosmo.ca.gov.

Ms. Underwood shared that the Board is including instructions on how to obtain the new regulations with licensee's renewal notices and also the Board's inspectors are distributing information as well.

Ms. Underwood provided an update on the Spanish pass rate. The Board continues to gather data to help better understand where the issues are. There has been a Spanish survey created to distribute at the examination sites to students that have taken the exam in Spanish. She will have more information at the next Board meeting.

Mr. Hedges recommended the Board ask the Legislature for funds or apply for a loan from a nonprofit organization to possibly help fund a pilot program using proctors to read the exam in conversational Spanish.

Ms. Amaro commented that she had spoken to an employee of a Spanish speaking school and it was relayed to her that there could be a loss in the translations during instruction.

Mr. Hedges suggested that the Board watch the amount of appeals being filed and if a backlog occurs that the DRC go back to a four day work week if needed.

5. Agenda Item # 5, APPOINTMENT OF COMMITTEE MEMBERS

Polly Codorniz was appointed as a member of the Education and Outreach Committee and the Enforcement and Inspection Committee.

Dr. Kari Williams stepped down as a member of the Enforcement and Inspection Committee.

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

Upon motion by Mr. Hedges, seconded by Mr. Federico the minutes from the April 20, 2015 Board Meeting were approved by a 7-0 vote.

7 . Agenda Item #7, UPDATE ON MEDICAL SERVICES TASK FORCE

The Board was provided a memorandum about the Medical Services Task Force meeting held on May 4, 2015 and had the opportunity to ask questions. Dr. Williams shared that the meeting was productive and recommendations to the Board may come at the next Board meeting. The Task Force will meet again in August 2015.

8 . Agenda Item # 8, UPDATE AND DISCUSSIONS OF PROPOSED BILLS THAT COULD IMPACT BBC:

- **AB 181 - Sunset Review Bill**

Ms. Underwood provided an update on this bill. The bill extends the Board's Sunset date to January 2020. It does include several new items that were in the Board's Sunset Report:

- Requires the Board to review the 1,600-hour training requirement for cosmetologists; conduct an occupational analysis of the cosmetology profession in California; and conduct a review of the national written examination for cosmetologists and of the California practical examination, in order to evaluate whether the examinations assess critical competencies for California cosmetologists and meet professional testing standards
- Requires the Board to review the Spanish language examination and curriculum requirements if, by January 1, 2016, the pass rate for Spanish speakers does not increase to the average pass rate for all other language examinations during the two-year period prior to January 1, 2016.
- Requires the Board to issue regulations for a personal service permit, as defined, that would allow a licensee to perform services outside of a licensed establishment. The bill may require an applicant for a personal service permit to have proof of liability insurance, and would authorize fees for the issuance and renewal of a personal service permit. The bill would require the board to report to the Legislature, on or before July 1, 2017, as specified, regarding the regulatory process and the issuance of personal service permits.
- Requires the Board to adopt regulations that establish a protocol for inspecting establishments when an inspector has difficulty understanding or communicating with the owner, manager, or employees of the establishment due to language barriers. The protocol would need to be reviewed every two years to ensure it remains current.
- Requires the Board to establish a permanent Health and Safety Advisory Committee to provide the board with advice and recommendations on health and safety issues.
- Make various non-substantive changes to remove obsolete mandates and references in the Barbering and Cosmetology Act.

Mr. Federico commented on the 1600 hours training for cosmetologists. He suggested the Board should look at competency based education, as well as online education as supplemental options to help students prepare for their examinations. He also commented on the personal service permit. He recommended the permit be issued in tandem with a booth renter permit, which would be easier to regulate.

Public Comment

Mr. Andre Nizetich, American Board of Certified Haircolorists, supported the idea of the online education and advised the Board to be sure to review the online training videos prior to approving.

Sharlyn Ada, Marinello Schools, agreed there is a place for some online training, but the hands-on training is essential for the practical examination. She also shared that Nevada has reduced their required hours to 1600 hours effective October 1st.

Mr. Hedges motioned to maintain a support position of AB181. This was seconded by Ms. Anderson. The motion was approved with a 7-0 vote.

- **AB 1322 - Allowing Alcohol in Establishments**

Ms. Underwood provided an update on this bill and shared that the bill is currently being held in the Senate Committee on Governmental Organization. The bill would allow the Board's licensees to service alcoholic beverages to clients ages 21 and over without a license or a permit, provided there is no extra fee charged for those beverages. The bill has since been amended to add the following provisions:

- The salon or barbershop's establishment license must be in good standing with the Board of Barbering and Cosmetology;
- No more than 12 ounces of beer or 6 ounces of wine may be served to any one client;
- Beer or wine can be provided only during the establishment's business hours and in no case later than 10 p.m.

Several of the Board members shared their concerns on whose responsibility it would be to enforce that underage and excessive drinking was taking place. They commented that it should not be the Board's inspector's responsibility to monitor these practices.

Ms. Underwood stated that the bill does not clearly define what government entity would be responsible for enforcing the law.

Public Comment

Sharlyn Ada commented that the Board's job is to protect consumers for the practice of Cosmetology, not for monitoring the drinking of alcohol.

Jaime Schrabek, Precision Nails, strongly opposes this bill.

Mr. Andre Nizetich commented that serving alcohol in an establishment, is not much different than serving alcohol in one's home. The person serving the alcohol who should be held responsible.

Mr. Hedges motioned that the Board oppose AB 1322 as it is written. This was seconded by Dr. Williams. The motion passed with a 5-2 vote.

- **AB 750 - Retiree licenses**

Ms. Underwood provided an update on this bill. As of July 1, 2015, the bill was been held under submission in the Assembly Appropriations Committee. The bill would authorize any of the boards, bureaus, commissions, or programs within DCA to establish by regulation a system for a retire category of license for persons who are not actively engaged in the practice of their profession or vocation, and would prohibit the holder of a retired license from engaging in any activity for which a license is required, unless regulation specifies the criteria for a retired licensee to practice his or her profession. The bill would authorize a board upon its own determination, and would require a board upon receipt of a complaint from any person, to investigate the actions of any licensee, including, among others, a person with a license that is retired or inactive.

Public Comment

Mirela Marinescu, asked if the Board would consider a discount on renewals for seniors and also those licensees who have many years of experience, that they would not be required to take the exam.

Mr. Hedges motioned that the Board support AB 750 if it is amended to reflect that after 5 years, the retiree would have to retest. This was seconded by Dr. Williams. The motion passed with a 7-0 vote.

- **AB 888 - Microbeads in Cosmetics**

Ms. Underwood provided an update on this bill. Beginning January 1, 2020, this bill prohibits a person from selling or offering for promotional purposes a personal care product containing plastic microbeads that is used to exfoliate or cleanse in a rinse-off product. It also specifies that this provision does not apply to products that contain plastic microbeads in an amount less than one part per million or products containing natural exfoliants. The bill also establishes enforcement provisions, including civil penalties not to exceed \$2,500 per day for each violation, as specified. It also authorizes the Attorney General, a district attorney, a city attorney, or a city prosecutor to enforce the requirements of this bill and specifies that penalties collected be retained by the office that brought the action. As of July 1, 2015, this bill was referred to the Senate Judiciary Committee.

Mr. Drabkin motioned that the Board watch AB 888. This was seconded by Mr. Federico. The motion passed with a 6-0 vote. (Mr. Hedges abstained)

- **AB 85 - Open Meetings**

Ms. Underwood provided an updated on this bill. This bill is an urgency measure. It is intended to clarify that, under the Bagley-Keene Open Meeting Act, a two-member advisory committee of a state body is a "state body" if a member of that state body sits on the advisory committee and the committee receives funds from the state body. As of July 1, 2015 this bill has been referred to the Senate Committee on Governmental Organization

Mr. Hedges motioned that the Board opposed AB 85. This was seconded by Mr. Drabkin. The motion passed with a 7-0 vote.

9. Agenda Item #9, DISCUSSION AND RECOMMENDATIONS TO AMEND SECTION 904 AND 905 OF THE CALIFORNIA CODE OF REGULATIONS RELATING TO THE CONSUMER INFORMATION POSTING.

Ms. Underwood reviewed the staff recommendation to change regulations to require establishments to only post the Notice to Consumers. This would eliminate the current Health and Safety Poster requirement. A motion would be needed to start the regulatory process. The revised notice would be 8 ½ x 11 in size, and would include the Board's website and contact information. It would be available on the Board's website, the Board's social media pages, mailed with new establishment licenses and also distributed by the inspectors.

Mr. Hedges motioned that the Board approve the new posting with the caveat that there will be a direct link to the regulations on the poster. This was seconded by Ms. Anderson. The motion passed with a 7-0 vote.

Public Comment

Jaime Schrabecck applauds the Board's decision to make this change.

Sharlyn Ada commented that this will greatly reduce the Board's, as well as her schools costs.

Kim Adams, Paul Mitchell the School, suggested the Board add a QR code to the Notice.

Several Board members suggested that specific requirements regarding the Notice's size, font type and size be written into regulations. Ms. Underwood agreed and staff will be providing recommended wording to the Board at a future Board meeting.

10. Agenda Item #10, PROPOSED REGULATIONS UPDATES:

Dr. Williams deferred to Ms. Underwood to provide updates on the follow items:

• **Text book Approval - Title 16, Section 961 of the California Code of Regulations**

Ms. Underwood stated this rulemaking has been approved by the Office of Administrative Law and will go into effect on October 1.

Ms. Underwood provided updates on the following three rulemaking documents which required approval by the Board:

• **Military Training - Title 16, Section 910 of the California Code of Regulations**

Ms. Underwood reported that the Board held a public hearing on this rulemaking on June 17, 2015. The final language and the final statement of reasons are being presented to the Board for approval. The file will then go to the Department of Consumer Affairs for review.

• **Administrative Fine Schedule -Title 16, Section 974 of the California Code of Regulations**

Ms. Underwood reported that the Board held a public hearing on this rulemaking on June 17, 2015. The final language and the final statement of reasons are being presented to the Board for approval. The file will then go to the Department of Consumer Affairs for review.

- **Proposed Regulatory Language to Define “Demonstrating” for Purposes of BPC 7319(e) Exemptions.**

Ms. Underwood reported that staff had to make some changes to the language of this proposed rulemaking and is resubmitting it for Board approval.

Mr. Hedges motioned to approve all three rulemaking documents. This was seconded by Mr. Drabkin. The motion passed with a 7-0 vote.

11. Agenda Item #11, DISCUSSION ON CURRENT MARKET TRENDS REGARDING THE DISINFECTION OF FOOT SPAS

Mr. Federico discussed the advances the Pedi throne market is making and wants to make sure the Board’s regulations are staying updated with current trends. He shared that he is seeing more disposable products, as well as sink-like chairs being used in the pedicure industry.

Mr. Hedges suggested the Board invite members of the pedicure industry to demonstrate some of those products, so the Board has a better understanding of the newer technology.

Public Comment

Jaime Schrabec commented that inviting manufacturers to demonstrate their products is a good idea, as long as the manufacturers provide proof, that what they have come up with does protect the equipment and consumers from the bacteria and other items that are concerning to the Board.

Andre Nizetich, provided the Board members with a copy of the American Board of Certified Hair Colorists Study Portfolio. He was advised by staff that the responsibility to approve education materials, including textbooks and reference books has been transferred to the National Institute of State Boards of Cosmetology.

12. Agenda Item # 12, PROPOSED BOARD MEETING DATES FOR 2016

Ms. Underwood reminded the Board the dates are tentative and if any board member has a conflict with a meeting date, to email her with their concerns. Mr. Drabkin asked if the October date could be moved to November after the elections.

Mr. Hedges motioned to approve the tentative dates, with the provision that the dates may change. This was seconded by Dr. Williams. The motion passed with a 7-0 vote.

13. Agenda Item # 13, AGENDA ITEMS FOR NEXT MEETING

Public Comment

Jaime Schrabec would like the Board to create two new Task Forces. One with the Department of Labor and the other CAL/OSHA. They can address the labor issues, as well as health and safety of the Board’s licensees.

Mr. Hedges agreed with Ms. Schragebeck and commented that it is the Board's obligation to make sure the conditions in establishments are healthy for the licensees, as well as the consumers.

14. Agenda Item # 14, PUBLIC COMMENT

Mirela Marinescu suggested that the Board consider not turning away students on their test date if there is something wrong with their ID, address, Proof of Training or a similar issue. The students cannot afford to reapply and travel again to the site. She suggested the Board allow them to take the test, and retain the student's new license until the correct information is provided.

Ms. Underwood commented that the Board has recently made improvements at the examination sites to assist students with similar circumstances.

Adrienne Jackson Wright, Educator, asked when the September NIC handbooks would be available. Her contact information was provided to staff.

15. Agenda Item # 15, CLOSED SESSION

16. Agenda Item # 16, ADJOURNMENT

With no further business, the meeting was adjourned.