

**CALIFORNIA
BOARD OF BARBERING AND COSMETOLOGY**



JANUARY 13, 2014
Board Meeting
Department of Consumer Affairs
1625 North Market Street
Hearing Room S-102, 1st Floor
Sacramento, CA 95834



Joseph Federico, Industry Member,
President

Wen Ling Cheng, Public Member,
Vice President

Mary Lou Amaro, Industry Member

Bobbie Anderson, Public Member

Andrew Drabkin, Public Member

Richard Hedges, Public Member

Christie Truc Tran, Industry Member

Dr. Kari Williams, Industry Member

Kristy Underwood
Executive Officer

Edmund G. Brown Jr., Governor
State of California

Department of Consumer Affairs
Board of Barbering and Cosmetology

Telephone: (916) 575-7100

Website: www.barbercosmo.ca.gov

2420 Del Paso Road, Suite 100
Sacramento, CA 95834

California State Board of Barbering and Cosmetology

Board Meeting Agenda

Monday, January 13, 2014

10:00 A.M.

Until completion of business

Department of Consumer Affairs

1625 North Market Blvd.

Hearing Room S-102, 1st Floor

Sacramento, CA 95834

An additional meeting location, via teleconference, has been established at:

2405 Kalaniana'ole Avenue PH – 11

Hilo, HI 96720

ALL TIMES ARE APPROXIMATE AND SUBJECT TO CHANGE

OPEN SESSION:

1. Call to Order/Roll Call (**Joseph Federico**)
2. Public Comment on Items not on the Agenda
Note: the Board may not discuss or take action on any matter 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, 11125.7(a)]
3. Board President's Report (**Joseph Federico**)
4. Annual Election of Officers
5. Appointment of Committee Members
6. Executive Officer Report (**Kristy Underwood**)
7. Presentation by the California Healthy Salon Collaborative Regarding Vietnamese Language Access
8. Approval of Board Meeting Minutes
 - October 21, 2013
9. Annual Review and Approval of Board Member Guidelines and Procedures Manual
10. Report on Inspector Program
 - Inspector Pay
 - Inspector Workload
 - Inspector Complaints and Process for Complaints

California State Board of Barbering and Cosmetology

11. Proposed Regulations – Discussion/Review and Approval of Proposed Changes:

- Relating to Health and Safety Title 16, Division 9, Article 12 of the California Code of Regulations Sections: 977, 978, 979, 980.1, 980.2, 980.3, 981, 982, 983, 987, 991, and 992
- Relating to Minimum Equipment for Schools Title 16, Division 9, Article 6, Section 940 of the California Code of Regulations
- Relating to the Apprenticeship Program Title 16, Division 9, Article 3 of the California Code of Regulations Sections: 914, 918, 921, 921.1 and 921.2
- Relating to the Removal of Lash/Brow Tinting from the Cosmetology Curriculum Title 16, Division 9, Article 7 of the California Code of Regulations Sections: 950.2, 950.9

12. Update and Discussion of Proposed Bills that Could Impact BBC:

- AB 1153 – Advanced Esthetician Curriculum Bill

13. Agenda Items for Next Meeting

14. Public Comment

*Note: the Board may not discuss or take action on any matter 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, 11125.7(a)]*

15. CLOSED SESSION:

Discussion on Reconsideration and Disciplinary Cases (Closed Pursuant to Government Code Section 11126(c) (3))

OPEN SESSION:

16. Adjournment

A quorum of the Board will be present. Meetings of the Board of Barbering and Cosmetology are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. The audience will be given appropriate opportunities to comment on any issue before the Board, but the Chair may apportion available time among those who wish to speak.

The meeting is accessible to the physically disabled. A person who needs disability-related accommodation or modification in order to participate in the meeting shall make a request no later than five (5) working days before the meeting to the Board by contacting Tami Guess at (916) 575-7144 or sending a written request to that person at the address noted above.

No Attachment



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.
Board of Barbering and Cosmetology-Department of Consumer Affairs
PO Box 944226, Sacramento, CA 94244
P (800) 952-5210 F (916) 574-7574 | www.barbercosmo.ca.gov



BOARD COMMITTEES

LICENSING AND EXAMINATION COMMITTEE

The purpose of the Licensing and Examination Committee is to advise the Board on policy matters relating to the examining and licensing of individuals who want to practice barbering and cosmetology in California. The committee may also provide information and recommendations to the Board on issues relating to curriculum and school approval, exam appeals, laws and regulations.

ENFORCEMENT AND INSPECTIONS COMMITTEE

The purpose of the Enforcement and Inspections Committee is to advise the Board on policy matters that relate to protecting the health and safety of consumers. This includes recommendations on how inspections are conducted, the types of violations issued, maintenance of disciplinary guidelines, and other recommendations on the enforcement of the Board's statutes and regulations.

LEGISLATIVE AND BUDGET COMMITTEE

The purpose of the Legislative and Budget Committee is to review and track legislation that affects the Board and recommends positions on legislation. Provides information and recommendations to the Board on potential policy matters relating to the budget.

EDUCATION AND OUTREACH COMMITTEE

The purpose of the Education and Outreach Committee is to provide recommendations to the Board on the development of informational brochures and other publications, planning of outreach events for consumers and licensees, preparing articles for submission in trade magazines, attending trade shows.

DISCIPLINARY REVIEW COMMITTEE

The purpose of the Disciplinary Review Committee is to conduct informal administrative citation review hearings and renders decisions regarding disputed citations. The committee has authority to affirm, modify or dismiss the citations including any fine. The Board President shall annually appoint members of the committee, the appointments will be made concurrently with the annual election of officers. The Board President shall select the dates and locations of the informal citation review hearings held before the disciplinary review committee. The Board may find a need to have an alternate member for the convenience of those members who cannot attend.



Business, Consumer Services, and Housing Agency – Governor Edmund G. Brown Jr.
 BOARD OF BARBERING AND COSMETOLOGY
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**QUARTERLY BARBERING AND COSMETOLOGY
 DISCIPLINARY REVIEW COMMITTEE STATISTICS**

Fiscal Year 13-14

Report Date: November 30, 2013

| | October - November | YTD |
|----------------------|--------------------|--------------------|
| NORTHERN | | |
| Heard | 180 | 477 |
| Received | 93 | 292 |
| Pending ¹ | 575 | 575 ² |
| SOUTHERN | | |
| Heard | 201 | 963 |
| Received | 240 | 667 |
| Pending ¹ | 1,420 | 1,420 ² |

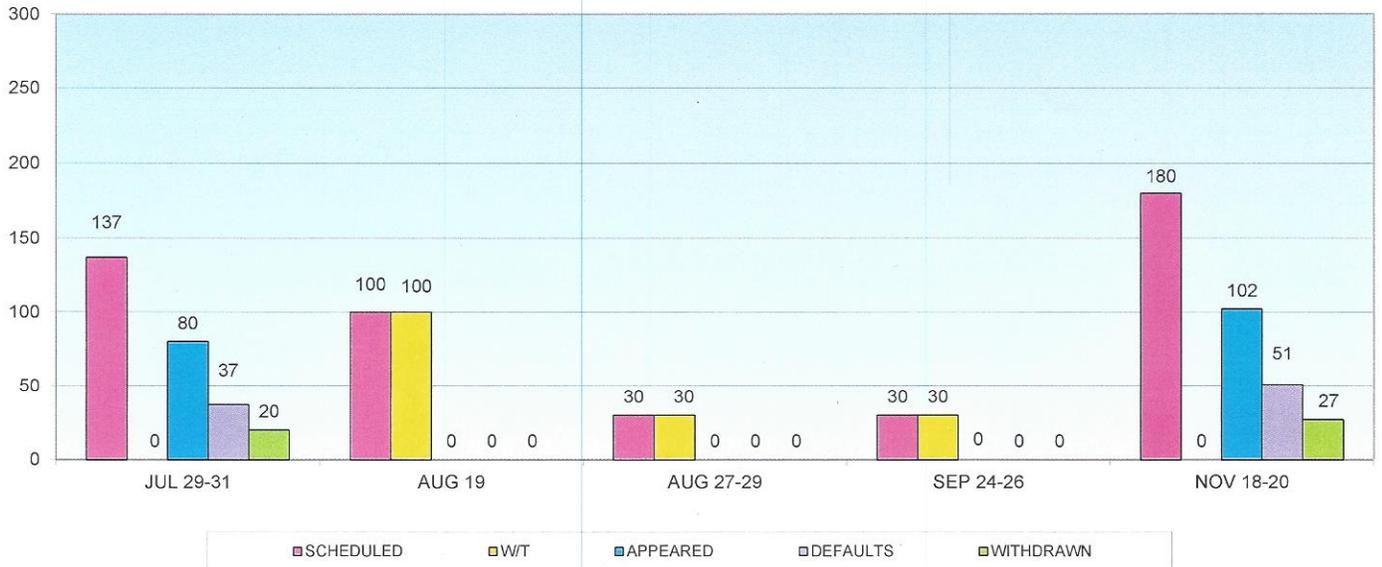
¹ Pending refers to the number of appeals received but not yet heard by DRC.

² Figure represents number of pending requests as of report date.

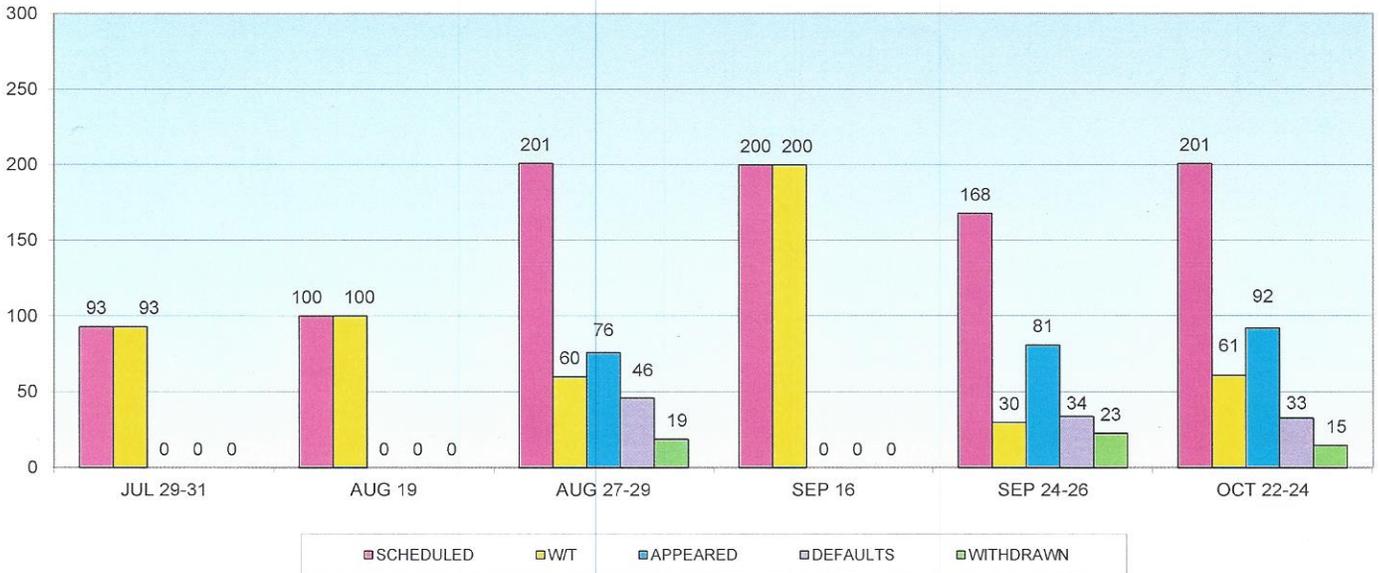
2014 SCHEDULED HEARINGS

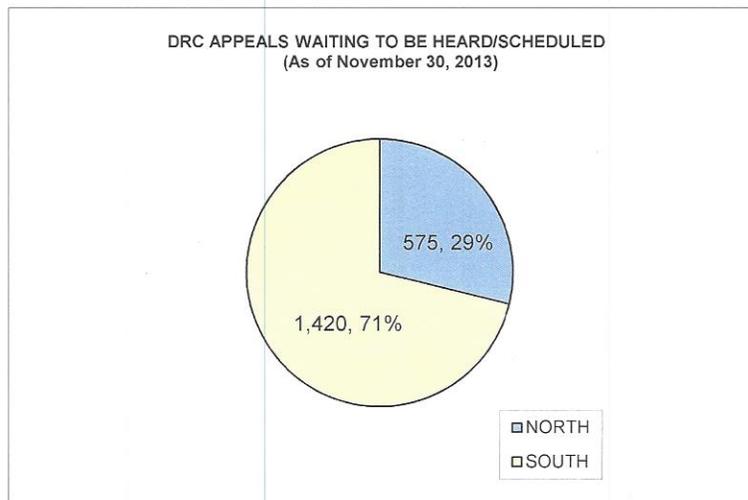
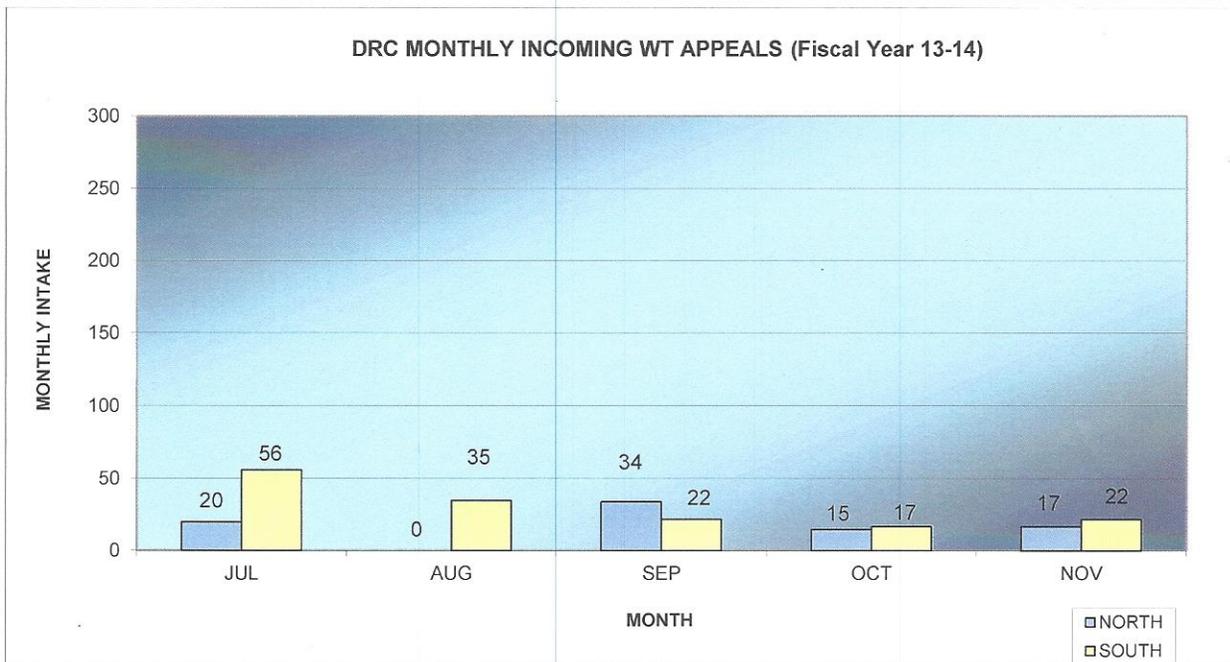
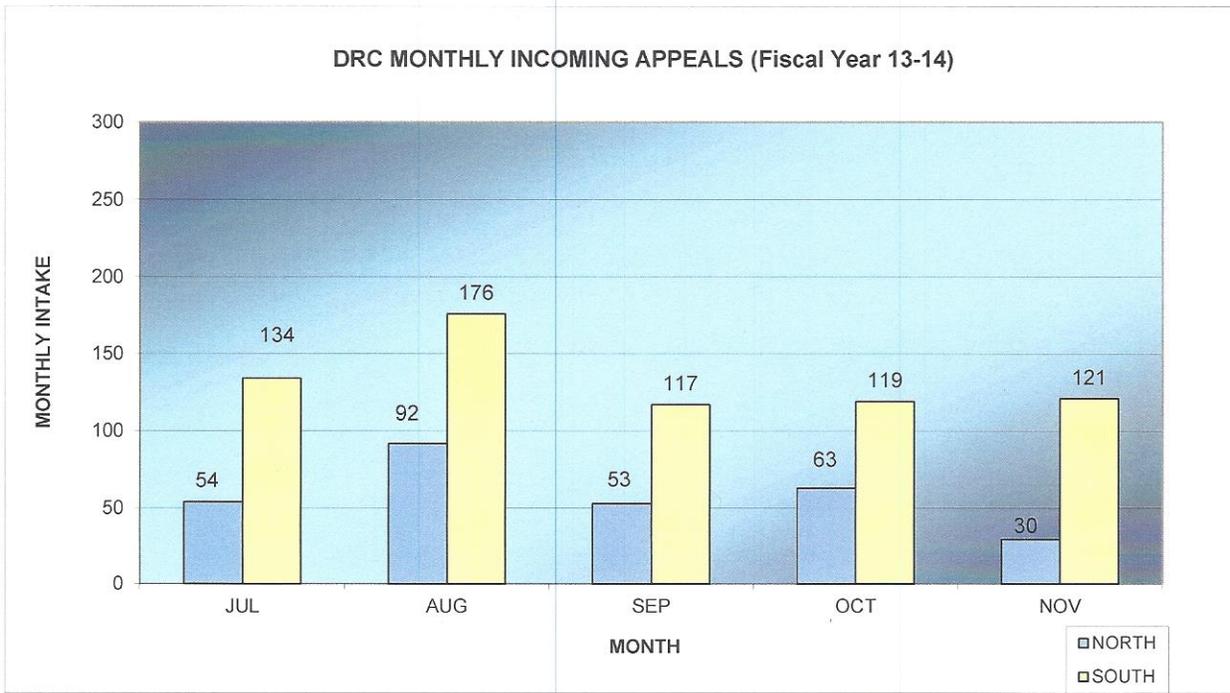
| Area | Location | Date |
|----------|-------------|----------------------------|
| Northern | Sacramento | January 14-16, 2014 |
| Southern | Norwalk | February 18-20, 2014 |
| Southern | Los Angeles | March 25-27, 2014 |
| Northern | Sacramento | April 29, 30, May 01, 2014 |
| Southern | Los Angeles | May 27-29, 2014 |
| Southern | San Diego | June 24-26, 2014 |

**NORTHERN APPEALS HEARD
(Fiscal Year 13-14)**



**SOUTHERN APPEALS HEARD
(Fiscal Year 13-14)**







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Budget Updates

Constraints:

On April 26, 2011, the Governor issued Executive Order B-06-11 prohibiting in state or out-of-state travel unless it is mission critical or there is no cost to the state. The Board prepared a reduction plan for FY 2013-14. The plan included reducing the amount of staff who travel to Southern California to conduct disciplinary review hearings from three (3) staff to two (2) staff. All travel must be mission critical and pre-approved by the Boards' Executive Officer.

1. Budget 2013/14 Fiscal Year (July 2013 - June 2014):

Attachment 1 displays projected expenditures for end of the year.

Board of Barbering and Cosmetology
Fiscal Year 2013/2014
Projected Expenditures 12/31/13

| Personnel Services | ALLOTMENT | BBC Projected Expenditures | Projected Year |
|---|-------------------|----------------------------|----------------------------|
| Permanent | 3,928,270 | 3,686,350 | 241,920 |
| Expert Examiners | 452,554 | 412,700 | 39,854 |
| Temporary | 0 | 145,000 | (145,000) |
| BL 12-03 Blanket | 0 | 109,000 | |
| Statutory-Exempt | 103,608 | 102,012 | 1,596 |
| Board Member Commission | 0 | 15,000 | (15,000) |
| Overtime | 0 | 15,000 | (15,000) |
| Total Salary & Wages | 4,484,432 | 4,485,062 | 108,370 |
| Net Salary & Wages | 4,484,432 | 4,485,062 | (630) |
| Staff Benefits | 2,031,324 | 1,990,243 | 41,081 |
| Total of Personnel Services | 6,515,756 | 6,475,305 | 40,451 |
| Operating Expenses & Equipment (OE&E) | Allotment | BBC Projected Expenditures | Projected Year End Balance |
| General Expense | 191,403 | 133,200 | 58,203 |
| Printing | 168,413 | 255,200 | (86,787) |
| Communication | 94,605 | 33,800 | 60,805 |
| Postage | 283,384 | 275,000 | 8,384 |
| Insurance | 4,489 | 2,027 | 2,462 |
| Travel In State | 82,789 | 77,600 | 5,189 |
| Travel, Out-of-State | 0 | 0 | 0 |
| Training | 22,513 | 5,000 | 17,513 |
| Facilities Operations | 1,288,599 | 1,054,040 | 234,559 |
| Consultant & Professional Svs. - Interdept. | 125,781 | 2,000 | 123,781 |
| Consultant & Professional Svs. - External | 509,947 | 150,000 | 359,947 |
| Dept. and Central Admin. Services | 6,996,270 | 6,996,270 | 0 |
| Consolidated Data Center | 68,468 | 5,000 | 63,468 |
| Examinations | 1,394,177 | 2,600,000 | (1,205,823) |
| Major Equipment | 117,400 | 25,000 | 92,400 |
| Minor Equipment | 44,850 | 40,000 | 4,850 |
| Data Processing | 0 | 0 | 0 |
| Other Items of Expense | 7,288 | 7,288 | 0 |
| Vehicle Operations | 51,784 | 75,000 | (23,216) |
| Enforcement | 1,739,249 | 952,453 | 786,796 |
| Special Items of Expenses | 0 | 0 | 0 |
| Required OE&E Savings | | 171,022 | (171,022) |
| Total Operating Expenses & Equipment | 13,191,409 | 12,859,900 | 331,509 |
| Total reimbursements | (57,000) | | (57,000) |
| Total | 19,650,165 | 19,335,205 | 274,509 |

0069 - Barbering and Cosmetology Analysis of Fund Condition

Prepared 12/13/13

(Dollars in Thousands)

NOTE: \$21 Million General Fund Repayment Outstanding

| | ACTUAL 2012-13 | Budget Act CY 2013-14 | BY 2014-15 |
|--|-------------------|--------------------------------|------------------|
| BEGINNING BALANCE | \$ 9,993 | \$ 13,833 | \$ 15,303 |
| Prior Year Adjustment | \$ 531 | \$ - | \$ - |
| Adjusted Beginning Balance | <u>\$ 10,524</u> | <u>\$ 13,833</u> | <u>\$ 15,303</u> |
| REVENUES AND TRANSFERS | | | |
| Revenues: | | | |
| 125600 Other regulatory fees | \$ 5,394 | \$ 6,455 | \$ 6,649 |
| 125700 Other regulatory licenses and permits | \$ 4,941 | \$ 4,291 | \$ 4,402 |
| 125800 Renewal fees | \$ 10,947 | \$ 11,244 | \$ 11,580 |
| 125900 Delinquent fees | \$ 759 | \$ 781 | \$ 800 |
| 141200 Sales of documents | \$ - | \$ - | \$ - |
| 142500 Miscellaneous services to the public | \$ - | \$ - | \$ - |
| 150300 Income from surplus money investments | \$ 33 | \$ 48 | \$ 57 |
| 150500 Interest Income from Interfund Loans | \$ - | \$ - | \$ - |
| 160400 Sale of fixed assets | \$ - | \$ - | \$ - |
| 161000 Escheat of unclaimed checks and warrants | \$ 9 | \$ 21 | \$ 21 |
| 161400 Miscellaneous revenues | \$ 17 | \$ 18 | \$ 18 |
| Totals, Revenues | <u>\$ 22,100</u> | <u>\$ 22,858</u> | <u>\$ 23,527</u> |
| Transfers from Other Funds | | | |
| Proposed GF Loan Repayment | | | |
| Transfers to Other Funds | | | |
| GF Loan per item 1110-011-0069, Budget Act of 2011 | | | |
| Totals, Revenues and Transfers | <u>\$ 22,100</u> | <u>\$ 22,858</u> | <u>\$ 23,527</u> |
| Totals, Resources | <u>\$ 32,624</u> | <u>\$ 36,691</u> | <u>\$ 38,830</u> |
| EXPENDITURES | | | |
| Disbursements: | | | |
| 0840 State Controller (State Operations) | \$ 12 | \$ 1 | \$ - |
| 1110 Program Expenditures (State Operations) | \$ 18,680 | \$ 21,295 | \$ 20,968 |
| 1111 Program Expenditures (State Operations) | | | |
| 8880 Financial Information System for California (State Ops) | \$ 99 | \$ 92 | \$ 17 |
| 9670 Equity Claims / Board of Control (State Operations) | \$ - | \$ - | \$ - |
| Total Disbursements | <u>\$ 18,791</u> | <u>\$ 21,388</u> | <u>\$ 20,985</u> |
| FUND BALANCE | | | |
| Reserve for economic uncertainties | \$ 13,833 | \$ 15,303 | \$ 17,845 |
| Months in Reserve | 7.8 | 8.8 | 10.0 |

NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ON-GOING.
- B. ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR BEGINNING IN BY+1.
- C. ASSUMES INTEREST RATE AT 0.3%.



FY 13-14 Outreach/Industry Events

Participated:

- July 1, 2013: Channel 10 News –Topic: Safe Sandal Season (Sacramento)
Speaker: Kristy Underwood
- July 3, 2013: Channel 3 News –Topic: Safe Sandal Season (Sacramento)
Speaker: Kristy Underwood
- July 17, 2013: Nail Salon Town Hall Meeting (Orange)
Attendees: Kristy Underwood and Tami Guess
- August 4, 2013: State of the Natural Union for Black Heritage (El Segundo)
Panel Speaker: Dr. Kari Williams
- August 25 & 26, 2013: San Jose Face & Body Show (San Jose)
Attendees: Debra Brown, Tami Guess and Marcene Melliza
- September 16, 2013: Sacramento City College (Sacramento)
Speaker: Kristy Underwood
- September 22, 2013: Nail Pro Show (Sacramento)
Attendees: Debra Brown, Patricia Garcia, Marcene Melliza and Tami Guess
- September 23, 2013: BBC's Outreach Event (Sacramento)
Hosted: BBC Staff
Attendees: Schools, Students and Licensee's
- September 29 & 30, 2013: Barristar School Forum (Burbank)
Attendees: Debra Brown, Patricia Garcia, Marcene Melliza and Tami Guess
- October 14, 2013: Great Clips (Sacramento)
Speaker: Debra Brown and Tami Guess
- October 17, 2013: Skyline College (San Bruno)
Speaker: Kristy Underwood and Tami Guess

- October 28, 2013: Barbering and Beauty Expo (Norwalk)
Attendees: Debra Brown and Tami Guess
- December 13, 2013: Parlier High School (Parlier)
Speaker: MaryLou Amaro

Scheduled:

- January 25-27, 2014: International Salon and Spa Expo (Long Beach)
Attendees: Kristy Underwood, Debra Brown and
Tami Guess



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**CALIFORNIA STATE BOARD OF
 BARBERING AND COSMETOLOGY
 MINUTES OF OCTOBER 21, 2013**

**The Courtyard by Marriott
 595 Hotel Circle South
 San Diego, CA 92108**

BOARD MEMBERS PRESENT

Joseph Federico, President
 Richard Hedges
 Christie Tran
 Andrew Drabkin
 Bobbie Anderson
 Mary Lou Amaro
 Dr. Kari Williams

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Officer
 Tami Guess, Board Policy Analyst
 Gary Duke, Legal Counsel

ABSENT:

Wen Ling Cheng, Vice President

1. Agenda Item #1, Call to Order/Roll Call

Mr. Federico called the meeting to order at 10:00 a.m. The Board members introduced themselves.

2. Agenda Item, #2, Public Comment on Items Not on the Agenda

Note: The Board may not discuss or take action on any matter 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, 11125.7(a)]

Public Comment

Danny LeClair addressed crossover between cosmetology and barbering and the need for additional hours of instruction to be eligible to receive a license. He requested additional conversation on this agenda or a future agenda about transforming the way that the Board of Barbering and Cosmetology (BBC) licenses stylists. He would like esthetics removed from the Cosmetology license.

Hilda Zhang, Health and Beauty, addressed the board regarding skin care and public health. She is looking to promote advanced skincare from a health perspective though a

Doctor of Interdisciplinary program. Upon her completion of her Harvard University's transformative PhD degree a comprehensive written project will be completed for BBC. The project includes: Regulations and procedures for Naturopathic Skincare. Licensing policies and exam materials. A review of current four year Bachelor's degree curriculums of Naturopathic Healthcare and the modification of such for skin care. Documents related to the participating schools and universities that provide advanced skin care courses and Bachelor degree programs in Naturopathic Healthcare for the skin. She urged BBC to work together with her to help people live longer, healthier lives.

Dan Fortier, Fortier Insurance Services, addressed the board regarding healthcare coverage under the Affordable Care Act. Covered California is in charge of helping millions of Californians enroll in health insurance. He believes that the beauty industry would benefit greatly by taking advantage of the Affordable Care Act. Fortier Insurance Services would like to enlist the help of the BBC to assist in any and all ways possible to inform all licensees about this new health insurance law and possible premium assistance.

Katherine Maxwell, an esthetician and former esthetics instructor, addressed the preferred treatments being deemed illegal for use by estheticians: micro current use, LED light therapy. She asks BBC to reconsider the economic impact on the industry of these restrictions on procedures and technology already in use.

Federico Composi introduced his company named Hair Salon Educators. They have a unique haircutting educational system based on a foundation of science and mathematics. He would like BBC's assistance in helping to expose their unique program.

Diane Buccola, licensed esthetician, NCA certified and licensed court reporter. She suggested the formation of a Board committee to research and provide information to the Board that might be helpful with the field of esthetics.

Angie Nandin, esthetician, asked that education not be limited. She requested that BBC bring back the license for instructors of cosmetology and to create a license for educators of esthetics. Esthetics needs its own education and license.

Sana Peter, stylist, asked the Board what is the fastest or easiest way to find out the new laws and regulations. Licensees are encouraged to check the Board's website.

Mr. Hedges requested that Ms. Underwood address the following: (1) possibility of link to Healthy Californian from the BBC website; (2) Is microderm illegal? (3) licensing of cosmetology teachers; (4) ways to find out about new regulations.

Ms. Underwood stated there is a link for Covered California on the BBC website and the BBC has been in touch with the state office to try to get that information out to the licensees. There have not been any regulatory or statutory changes pertaining to LED or microderm. The Board is looking to make regulatory changes so that LED is acceptable for use by estheticians. Research has been done on LED lights. Anytime a regulation change is made, BBC notifies its licensees. BBC is required by law to notify anyone that is impacted by health and safety changes. There is a link on the website for notices of public hearings and meetings held in the regulatory process. Instructor license has been researched and discussed in the past. The Board is not pursuing looking at the instructor license at this time.

3. Agenda Item #3, Board President's Report

Mr. Federico did not have anything to report.

4. **Agenda Item #4, Executive Officer Report**

Ms. Kristy Underwood, Executive Officer, reported. There are statistics in the packets. The Board has finally implemented the new Breeze database.

Mr. Hedges stated that the Disciplinary Review Committee is catching up on its backlog and the committee is hopeful to shorten the delay to no more than six months before a case is heard.

5. **Agenda Item #5, Approval of Board Meeting Minutes [July 15, 2013]**

Upon motion by Mr. Federico and second by Mr. Hedges to approve the minutes from the July 15, 2013, meeting, the minutes were approved by a vote of 7-0.

6. **Agenda Item #6, Proposed Regulations -- Discussion/Review and Approval of Proposed Changes**

- **Equipment for Schools** -- Board has approved the language in the past and is being presented the final statement of reasons. The Board did not receive any public comments on these regulations. The Board is requesting a motion to approve and to file the regulations with the Office of Administrative Law. A motion was made by Mr. Hedges and seconded by Mr. Federico and was approved by a vote of 7-0.
- **Apprenticeship Regulations** -- Status report only. The documents are currently going through the process and a hearing date will be set. Interested parties are encouraged to get on the Interested Parties list for notification of public hearings pertaining to regulatory changes.

Public Comment

Fred Jones, Professional Beauty Federation of California, questioned: On the apprenticeship regulation that is moving forward, it is his understanding that as soon as the apprentice applies for and qualifies for the exam, their apprenticeship permit will immediately expire. Will they be able to continue to work until they get their test results? Ms. Underwood stated they have two years on an apprentice license. If they have completed the two years, the apprentice license is no longer valid. Mr. Jones stated this will be a concern to the industry. Ms. Underwood stated that the Board will extend the apprenticeship license for the period when an apprentice is waiting for an exam date. If an apprentice has taken and failed the examination, the Board will not extend the license.

Regina Pelayo, cosmetology/esthetician, Skyline Beauty College instructor, asked BBC if it has a solution for the issue of undocumented hairstylists. A lot of students are having problems getting jobs because there are undocumented people in the profession. Mr. Federico stated this requires a legislative change.

- **Health and Safety Regulations** -- The Board has seen these regulations in the past, held two public hearings, and did not receive any public comments. However, it did receive comments from the Department of Public Health. The Board has pulled the regulations and is bringing them back to the public. Any changes to health and safety regulations have to be approved by the Department of Public Health. The Board is looking for a motion to approve. The regulations will require an additional public hearing.

The wording, “perform any act which affects the structure or function of the living tissue of the face and body,” is causing problems with the use of LED lights. The Board suggests striking this wording from the regulations. There will be another hearing before finalizing.

Mr. Hedges posed two questions. The FDA classifies LED as either a Class 1 or Class 2 medical device and there are various levels of intensity that it is used at. Mr. Hedges does not know of any regulation addressing the level of intensity. There are states that allow LED, but they allow it under an advanced esthetician’s license. The advanced licensure requires additional hours of training.

Mr. Federico stated that there are other instruments/tools that estheticians are allowed to use that if used improperly can cause harm. So once again, it is the training and ensuring that the training is properly introduced and followed through.

Public Comment

Mike Poling, President and CEO of Lightwave Technology, designer and developer of an LED system, is willing to address questions about safety. He asks the Board to reconsider the economic impact on the industry if LED usage is banned. There are no reported cases of consumer harm from the use of LED. Certain aspects or uses or indications for LED may need to be revisited.

Jennifer Allanach, Vice President of Marketing with Light Stem, is in complete agreement with Mike Poling and stated the FDA has determined LED to be safe.

Amy Gardner stated that all equipment that is used by estheticians -- microcurrent, high frequency, LED -- is available in retail to California consumers.

Patrick Johnson, President and CEO of Biophotos Incorporated, a manufacturer of LED devices that are FDA cleared for use in dermatological conditions and musculoskeletal conditions, stated that the FDA does not have a product category in which it approves and reviews LED devices.

Suzanne Schmaling, Director of Education for Associated Skin Care Professionals (ASCP), the largest association in the United States for licensed estheticians, stated the association provides liability insurance as part of its membership. The association has not received any claims associated with the use of LED. The FDA is proposing omitting LED from the radiation emitting products guideline.

An unidentified woman wanted clarification regarding section 991, if the language is stricken, does that mean that licensees are allowed to use LED equipment? Mr. Federico stated yes.

Deedee Crossett, licensee and school owner, stated that the information that the Board is striking is perfect not only as it pertains to LED, but it also protects licensees in the future when new technology comes out.

Mr. Hedges addressed other regulation changes. Regarding Regulation 979(b) (2), he believes the Board has over-stricken some of the language of the regulation. The regulation requires that the disinfectant be changed according to manufacturer’s instructions and “at least once per week or when visibly cloudy or dirty” has been stricken. He believes it is a mistake to strike the last line. Audience members agree. He would suggest that the regulation be changed to “according to manufacturer’s instructions or whenever cloudy or

contains debris.” Mr. Hedges is proposing this amendment. Mr. Federico seconded the proposal.

Public Comment

Deedee Crossett commented regarding 979(a) (3). It reads to allow tools to completely dry. There has been a challenge to people putting items out on drying racks. Does the Board want to be specific and state that they have to dry using a paper towel or just leave allow tools to completely dry?

Mr. Hedges suggested putting an active clause in the regulation that says dry tools with a paper towel. The Board requires paper towels to be used on the foot spas, so this change to the regulation would be consistent with other regulations. Fellow Board members are in agreement. Ms. Underwood reminded everyone that these regulations will be going through the regulatory process.

Public Comment

Deborah Sue Olsen would like to add clean paper towels.

Deedee Crossett believes there is an OSHA regulation that states that tongs or gloves be used to remove tools from the disinfectant. Dipping bare hands into disinfectant will contaminate the product. BBC should be specific on how tools are removed from the disinfectant.

Mr. Federico made a secondary amendment to add in all the things that were just taken into consideration: dry tool completely with a clean paper towel; make sure that tongs or gloves are utilized when removing the tools from the disinfectant. Mr. Hedges seconded the amendment.

Regulatory changes with amendments as proposed passed with a vote of 7-0.

- **Lash/Brow Tinting** -- As discussed in the past, there is not currently a product that is approved for lash or brow tinting. This regulation package would remove lash/brow tinting from the curriculum. The Board will move forward with what the FDA has said, which is that it does not approve any current lash or brow tinting product. Mr. Hedges moved approval. Mr. Drabkin raised a question regarding the education of lash and brow tinting if in the future a product was approved for use. Mr. Hedges suggested it would be added to the curriculum.

Public Comment

Jamie Schrabek, Precision Nails, stated that within the scope of practice for cosmetology, it mentions in 7316(a) (3) dying the hair but not specifying where on the body the hair is. So in terms of regulations, the Board would not have to worry about putting something back in to specify lashes and brows.

Ms. Underwood stated enforcement will continue as is. Once the Board approves these regulations, after a period of time, the Board will publicly notice it for a regulatory hearing. A minimum of 45 days is allowed for comments. She estimates the entire process will take a few months.

Deedee Crossett believes taking it out is a mistake because there are products that are specially designed and there are other products used on the eyes. She suggested signage that alerts the consumer that the FDA does not approve a product for lash and brow tinting. Ms. Crossett pointed out that taking it out of the regulations and schools doesn't mean the practice will stop.

Dr. Kari Williams pointed out that the Board is not getting any assistance from the manufacturers of the dye product to combat the FDA stand on non-approval of the dye.

Nadene Bruders stated up until the 90's that Roux dye was approved by the FDA. She does not agree with taking it out.

Tami Guess, Board Policy Analyst, stated she had spoken with a representative of Colomar the parent company that produces Roux dye. Colomar provided a statement from their legal department in Spain which showed they had performed numerous toxicology reports but were unable to provide any statement from the FDA showing their product was approved, at any time, for use in the United States.

Yolanda Duran, school owner, remembers being introduced to this product and has used it in the industry. She again raised the subject of licensing instructors and licensees' knowledge of skin care. She feels instructors are not adequately trained to teach skin care.

Danny LeClair believes what the Board should be doing is adding language that suggests that this is a practice to be done, only with an FDA approved product, therefore, not having to strike it and then reinsert it. He pointed out that there are FDA approved products that are oftentimes used instead of lash and brow tinting products that will continue the practice in the salons. Tami Guess stated according to the FDA, there are no tints or dyes allowed around the eye area, including the use of hair color. Danny LeClair stated that inserting this language would automatically allow for the practice to resume when there is an FDA approved product.

Mr. Federico suggested inserting the language recommended by Danny LeClair, that once a chemical or product does come on the market that is FDA approved, the industry can pick back up where it left off.

Mr. Hedges motioned to table this to later in the meeting so that legal counsel can draft an amendment to the current regulations based on the Board's desire and public comment. Mr. Federico seconded the motion. The motion was passed with a 7-0 vote.

7. Agenda Item #7, Discussion and Recommendation of Crossover and Transfer of Credit Relating to Title 16, Division 9, Article 7 of the California Code of Regulations Sections: 950.8, 950.9, and 950.10

This item based on the crossover courses was discussed at the last Board meeting. Currently, licensees have to complete a 400-hour course if you are a cosmetologist and you want to become a barber or vice versa. The two curriculums are the same other than the specified areas: Barbers are shaving; cosmetology has skin care and nail care. What this proposal will do is make regulatory changes as well as a statutory change to allow an individual to attend an approved school and obtain only the hours that they need.

Public Comment

Deborah Sue Olsen stated that barbers do facials and skin care. She believes barbers and cosmetologists need to be tested, but the amount of hours maybe can be adjusted.

Danny LeClair stated requiring additional education in order to comply with the various disciplines, whether it is cosmetology or barbering, is absolutely essential. He believes what is missing is a variety of other extenuating circumstances such as experience in the industry, significant enough to warrant foregoing the hours. He believes there is an out-of-region crossover that needs to be addressed. He would like to see some sort of an apprenticeship for a Barber to crossover to a Cosmetologist. This would alleviate the need to attend school hours.

Mr. Federico believes that what the Board is doing now is a good first step in to trying to tear down some of the walls and allowing our licensees to be able to perform a little bit more and be able to get more education. He reminded everyone that the Board is there for consumer safety and protection. He stated what is proposed by Mr. LeClair would take legislative change.

Public Comment

Deedee Crossett stated barbers can do facials but the required esthetic instruction also includes make up, lashes, hair removal and manicuring. She was hoping for less hours for the crossover from a cosmetologist to a barber. When she totals up the shaving hours of required instruction it is much less than 400 hours.

Lynelle Lynch asked, Do we have to have the full Barbering program when offering a crossover course?

Mr. Federico stated schools would only need to have the program approved. They wouldn't necessarily have to have student enrollment. Mr. Federico made a motion to approve the proposed crossover and transfer of credit. The motion was seconded by Mr. Drabkin. The motion passed with a vote of 7-0.

8. Agenda Item #8, Update and Discussion of Proposed Bill that Could Impact BBC**AB 1153 – Advanced Esthetician Curriculum Bill****Public Comment**

Deedee Crossett thanked Kristy and her team. She acknowledged the proactive and progressiveness of training for a master esthetics license. The purpose of AB 1153 would not only be to better define the scope of practice, but it would also then add in a master esthetics license. What estheticians are allowed to do on the face, they would like to be able to extend that to the rest of the body as well. Examination would be required. Obviously, the main concern is consumer protection. Regarding those who have been working and thought they were allowed to do these services, they would still have to take the exam, but there would be a limited time period for the potential licensee to examine without additional school training, and then after the time period, they would need to complete the additional 600 hours of school training to qualify to take the exam. Cosmetologists would still be able to perform services under the guise of a normal 600-hour program. The scope of practice would then be expanded so that a master esthetician could use needle-like instruments for the purpose of extractions.

Julia Sambrano is in favor of the master's program. She would like to see the bar raised to weed out estheticians who aren't serious and don't take their job seriously.

Fred Jones, Professional Beauty Federation of California, stated his organization had some bright lines that they wanted to make sure were protected in this bill. One was to protect the existing esthetician license. Another was to protect the interest of the students. A student who takes 600 hours and wants to go to work after those 600 hours, even though they may have intended to go the full 1200, should have the right to go to work. The Coalition that is sponsoring the bill had indicated their support of that. His organization believes that there ought to be some mechanism by which experienced estheticians can take advantage of their experience and skills and eventually get a master esthetician license short of having to re-enroll in school and go through a whole new 600-hour program. What about marrying an industry cert program with a crash course on the increased scope of practice for master esthetician.

Raylene Horta, District Manager with Murad, stated that her company is in complete support of this bill.

Lynelle Lynch, Bellus Academy -- on behalf of the Coalition, she definitely wants to reach out and thank you all, especially Kristy and Tami.

Michael Johnston, Champion Institute in Palm Springs -- There are two problems. Who is going to be legally certified to teach the advanced course? In terms of protecting existing licensees, what is the grandfathering provision for cosmetologists?

Jamie Schrabec, Precision Nails, is concerned with the scope of practice. It would seem that previously unregulated body treatments have gone from requiring zero hours and no licensing to 1200 hours. (referencing body scrubs, wraps, hydrotherapy treatments)

Regina Pelayo believes the last statement was kind of a disservice because she has been teaching skin care for 25 years and Skyline has a very successful program. Skyline College is on the cutting edge. She has spent thousands of dollars educating herself on all the newest techniques so she can relay current procedures to her 600-hour students. She believes that those people who can prove to the Board that they have continued their education would be qualified to teach.

Deborah Sue Olsen, Royal College of Beauty, would like the Board to consider adding additional hours to this bill because barbers also do skin care and she thinks they deserve to be included.

Mike Poling, stated a person simply cannot say I am qualified to teach an advanced program because I'm qualified.

Victoria Larson, licensed esthetician, stated the industry does not have continuing education as part of a requirement to continue licensure. She proposes that instead of a whole certification program, that the BBC just regulate that licensees have to send in CEU's to maintain their status and that their experience and their continuing education show the consumer that licensees are invested in their careers.

Deedee Crossett stated the point of grandfathering is to get people licensed and to get the process moving forward.

Jerry Tyler, Beauty Education Development 729 Beauty, stated that as the industry goes down this road, he would urge the Board to leave enough broadness in perspective that as new technologies and products come up, the industry can follow those so that it doesn't have to keep going back to invent new parts to this.

Tara Valdez, Co-founder of Nu Face, Nu Face has been working with Bellus Academy for over five years now and has been successful with educating the esthetician on microcurrent technology and LED. As an esthetician, a consumer, and a founder of a manufacturing company, she would encourage passing this bill.

Mr. Hedges is very much in support of this concept. He thinks without some changes, there are some unintended consequences in this bill. One of the things that is happening in California is that estheticians are being brought into medical practices every day. There will be more and more estheticians working in doctors' offices and they need more training. He would be in favor of changing some other regulations that would not make it necessary for a licensed doctor to post the health and safety regulations and the establishment license in the waiting room but in the esthetician's room. He has some concerns on the enforcement aspects of what this bill will mean for BBC. He thinks there needs to be clarification on who can use needles. In addition, estheticians who cannot use needles cannot be working in the same room as master estheticians, who are using needles for extractions.

He would also suggest that somewhere in the bill or maybe through regulation, when the BBC allows people to take the test based on experience instead of taking schooling, there has to be a limit as to how many times they are allowed to take the test and fail, without taking required schooling.

He is troubled with the term master. Master in other industries has a different meaning than what the industry is doing and he thinks this will be confusing to the public. For that reason, he favors the word advanced. He made a motion to support this bill, if amended properly. This was seconded by Ms. Tran.

Public Comment

Deedee Crossett responded to Mr. Hedges' comment. Staff prefers master as opposed to advanced.

The motion carried by a vote of 6 aye votes and 1 abstention (Mr. Drabkin).

SB308 Sunset Review Bill was signed by the Governor and the BBC has been extended for two years.

9. Agenda Item #9, Committee Report: Licensing and Examinations Committee (Joseph Federico, Chair)

There was a committee meeting on July 16. There was discussion and recommendations were made on continuing education requirements for licensees. The committee recommended that the Board not pursue continuing education at that time.

There was discussion and recommendation on establishing a freelance authorization. The committee is proposing a couple of options to the Board. The committee was asked to bring back some scenarios on establishing a freelance authorization which would allow an individual licensee

to go to a location such as a wedding or a prom to perform services. There are two states that have this type of certification. Both states actually tie the freelance authorization to the personal license and not to the establishment license. Performance review would be based on consumer input and complaints. Signage would be posted informing consumers where they can contact the Board. This would require a statutory change and would have to go to the Legislature. Mr. Federico feels this validates the practice of operating without being attached to a salon. Mr. Hedges believes this item needs to be fine-tuned. Mr. Hedges believes the freelance operator must be tied to an establishment. This discussion will be continued in future meetings.

There was discussion and recommendation on establishing a booth rental license. The Board asked the committee to bring back a recommendation to discuss requiring a booth rental license. The booth rental is a portion of a licensed establishment that is rented out to an individual and allows for fees to be charged. Should the Board wish to pursue this, it would take a Legislative change. Mr. Hedges noted that in the past it was brought up that the booth renter license would be required through regulations to have insurance. He feels strongly that this should stay intact. He feels this way because most booth renters will be operating under already existing establishment which carries insurance, but when they have a separate establishment, they will not be insured. Mr. Federico agrees.

Mr. Hedges moved that staff work with people within the industry who are interested in booth rental to develop a bill that the Board can support in the future to go forward to the Legislature. Mr. Federico seconded the motion.

Public Comment

Fred Jones wanted to clarify what he proposed a couple years ago was under a creative legal interpretation of his that an establishment in the B&P Code is any part thereof. If the establishment has insurance and requires that each booth renter has their own establishment license and proof is shown that each of the booth renters has their own liability insurance, then the State Board would not have a double fine, one on the master establishment licensee and one on the sub-establishment or booth renter licensee. The Federation as an organization does believe that booth renters should be licensed. Mr. Jones stated that in Oregon and Washington, the freelance operators are required to have insurance.

Danny LeClair offered to participate as a committee member if a Booth Rental task force is compiled. For a booth renter, there is the ongoing relationship between the establishment and the booth renter and the compensation structures. There are a lot of compensation structures that resemble booth rental but are actually starting to cross over into possible employment practices and the EDD is currently looking very closely at what is that line. There is also a concern regarding workers' compensation.

Jerry Tyler, Beauty Education Development 729 Beauty, stated that the distance between employment and being a landlord has always been problematic because it's very hard to establish who is in charge. You have an employment model where the owner is in charge and the employees can be compliant because the employer has that control. When you go into the independent contractor/ booth rental license that shifts.

Jamie Schrabek, Precision Nails, states that she is focused on word detail and word choice. With regards to the booth rental, she thinks there needs to be a distinction that the booth renter is the person not the portion of the establishment license and that if we're talking about a booth rental, we're talking about a contractual

arrangement and perhaps the actual space within the salon. She believes insurance should be required for both a booth renter and an establishment owner regardless of how they are licensed. The booth renter should be providing 1099s to the establishment owner at the end of the year. She believes that the Board is really talking about mobile units when they talk about freelancers. She believes the mobile services need to be tied to both the license and the establishment. The brick and mortar locations are competing against people who are offering services on Craig's List.

Sana Peter, Joelle's Salon Day Spa, salon owner, she makes staff pay liability insurance. It is the salon owner's responsibility to enforce that. She suggested the Board research how other states offer apprenticeship programs. She also suggested that salons can have unlicensed assistants who would perform shampoos or rinse out color. Ms. Peter stated that on the east coast when an operator would go to someone's house, it is the operator's responsibility not the salon's responsibility.

Mr. Federico made a motion to continue this discussion in regards to the booth rental license with the interested parties. The motion passed with a vote of 7-0.

10. Agenda Item #10, Update on the Status of the Board's 2013-2017 Strategic Plan

This is an information item. The strategic plan with comments for each of the objectives is included in the packet and the Board is on task.

11. Agenda Item #11, Discussion on Natural Hairstyling/Braiding

Dr. Kari Williams presented this item. The industry is changing and more consumers are requesting natural hair styling services. There is a provision within the law that allows a natural hairstylist to braid, lock, twist the hair with the use of a tool, but the scope of practice does not include shampooing, blow drying, cutting, coloring, and other services. In the past, the conversation has been that braiding and natural hairstyling is a cultural practice, but as the industry is changing, more and more consumers are requesting services -- cutting, coloring, trimming. The surfacing problem is that those individuals who have been braiding, twisting, locking have begun to offer these services outside their scope of practice and it is considered unlicensed activity. Dr. Williams wanted to resurrect the conversation so that there is an option for individuals who practice this form of styling to be able to expand their scope of practice to be able to include these services. The concern in the past has been because it is a cultural practice and it is not formally taught within the cosmetology schools that someone experienced with braiding, twisting, and locking hair would then have to go through a 1600-hour program where none of these items are taught just so they could go into an establishment and be able to shampoo, cut, and color someone's hair in addition to what they have naturally learned how to do.

The discussion is do we include a licensing category that is not 1600 hours but at least covers public health to include safety and sanitation, proper disinfection of tools, how to keep consumer safe, and then also includes the service scope.

Mr. Hedges would like to include it within the scope of practice and allow hope for a separate license with teaching proper techniques and a separate license to avoid traction alopecia and other issues that have come up and to also include it within the scope of practice of the cosmetologist. Dr. Williams supports.

Dr. Williams stated that currently if you don't have a license, you cannot shampoo hair.

Ms. Anderson asked whether they would also be subject to be liable for what they do if they are just shampooing even though they don't have a license.

Public Comment

Kimberly Thompson, Simi Valley Cosmetology School, stated this is a long time coming and a long time overdue. She would like to see the addition of wig techniques. If braiding is being taught, students can be taught how to make a wig and different categories within making that wig. They would do braiding and different things. Then it could be narrowed down to a simplified 300- to 400-hour certification. Regarding assistants, she feels it may be beneficial to a lot of students to be assistants.

Hannah Carter stated she started an alternative hair care practice. There is an alarming growth in natural hair care. People are having extreme difficulty with the products that are on the market today with the deregulation and the damages being caused. She feels that natural hair care artists need to be licensed because of public health and safety and sanitation and sterilization issues. A lot of natural hairstylists do not wish to be exposed to chemicals.

Danny LeClair finds the proposal inspiring for more than just protecting consumers as well as stylists in the realm of natural hair braiding but also in the realm of styling, perhaps hot tool use, blow dries, and shampoos. There are people in the industry that are interested in being the support staff and not the stylist and they are forced to go through an extended program in order just to do an assisting position in a salon.

Waldo specializes in black African-American hair. Once he received his license, he took advanced courses on black African-American hair. He believes instruction on the care of black African-American hair should be put in school curriculum.

Kym Jackson, Skyline Beauty College, stated that students need more than what is in the book. She feels that though regulations may not have significantly changed much in the last few years, the scope of work in the industry has changed. Students need to be taught for the changing world.

Joaquin Regalado, Hair Salon Educators, realizes that students are not getting adequate education on haircutting. He helped develop a very simple program where they teach students visual mathematics, which brings the educational system to a different level. This generation of students is asking for more.

Jerry Tyler, Beauty Education Development 729 Beauty, on the subject of natural hair braiding, thinks the greatest disservice done to the textured hair community was deregulation. At the time deregulation took place, there wasn't enough information to know the negative impact of deregulation. He mentioned hair enhancement as being a subject that also needs to be addressed. Technologies are changing daily.

Dr. Williams moved to continue the discussion about how to move forward and implement some type of system for natural hairstyling. Mr. Hedges would like the Board staff to bring back proposed regulations based on what was discussed today to include the scope as well as within a separate license with about the same amount of hours as for manicurist. Dr. Williams seconded.

Ms. Underwood recommended the formation of a task force on this topic before staff comes forward. It will take legislation. This was in the last Sunset Review report and the BBC was not

successful. At that time, the recommendation was that braiding be considered part of the scope of practice of cosmetology.

Mr. Hedges amended his motion based on staff's request. His motion included staff put together an industry task force of experts and suggests and that Mr. Williams and Mr. Tyler join the task force.

The amended motion was seconded by Ms. Anderson. The motion passed with a vote of 7-0.

12. Agenda Item #12, Discussion and Approval of the Legislative Report on the Study of Appropriate Licensing Sub-categories

The final report is in the packets. The Board was required to look at additional sub-category licensing via the Sunset Review report. In the committee and Board discussions, the Board believes that our license scope of practice should remain intact as is and that we would consider an industry certification program. That is what this report recommends, including some statutory language that would allow for this. This report is due to the Legislature by January 1, 2014. The Board has already approved the industry certification program and maintaining the existing scope of practice.

Mr. Federico made a motion to approve the report as presented. The motion was seconded by Mr. Hedges. The motion carried with a vote of 7-0.

13. Agenda Item #13, Update on Apprenticeship Program Reforms

The regulation changes include: an individual that is qualified for the exam will not be able to participate in the apprenticeship program. In other words, if they have completed school, they are deemed qualified for the exam or if they have completed their two-year apprenticeship program and just want another apprenticeship license, the Board will prevent that and require that they take the exam. An apprentice that discontinues their apprenticeship must notify the Board in order to be allowed back into the program. A trainer can supervise only two apprentices at a given time. The Board has been finding the issue of undocumented individuals in the apprenticeship program and are actually requiring at the time of application that applicants submit proof of Social Security. Mr. Hedges clarified that there cannot be more than two apprentices tied to one trainer.

Angie Nandin questioned whether there would be interference with right to work laws. Ms. Underwood stated that applicants for the exam are required to provide a Social Security number.

14. Agenda Item #14, Agenda Items for Next Meeting

- Report back with progress of Braiding task force
- Discuss permanent makeup as being included in the scope of practice of an esthetician

15. Agenda Item #6, Proposed Regulations

Mr. Duke in reference to item 6 regarding the Cosmetology curriculum the following language is recommended.

The section states, "The subject of makeup shall include but is not limited to the following issues: skin analysis, complete and corrective makeup, lash and brow tinting, and the application of false eyelashes." It is recommended that it be amended to, "The subject of makeup shall include but is not limited to the following issues: skin analysis, complete and corrective makeup, the application of false eyelashes, and lash and brow tinting with Federal Food and Drug Administration approved product."

Mr. Federico motioned to accept the language. Motion was seconded by Mr. Hedges. The motion was passed with a vote of 7-0.

16. Agenda Item #15, Public Comment

Note: The Board may not discuss or take action on any matter raised during this public comment section except to decide whether to place the matter on the agenda for a future meeting. [Government Code Sections 11125, 11125.7(a)]

Public Comment

Fred Jones wanted to thank the Board for being so responsive to industry input, for being out in front, already having proposed regulation on LED light therapy.

Danny LeClair is very inspired by how functional this Board is and how much time the Board has provided people to actually express themselves and how willing the Board is to allow people to get through their complete thought in order to express themselves to the Board. The reason why he came today was directly related to the concern his husband has about joining the union as a hairstylist and what it points out is the potential need for us to consider that hair should be only hair and that there should not be a requirement in the cosmetology license for esthetician services and that esthetician licensing should be in and of itself its own thing. The language, cosmetology license, is in a lot of arenas, including the union, including for licensing editorial stylists, and including some language in the law. And so when people come here from out of state or other countries where there is no esthetician requirement in their hairstyling world, they have to go through additional education in order to get a cosmetology license so that they can actually function in certain realms of this industry.

Ted Nelson, Professional Beauty Federation of California, feels moved to stand up and offer his thanks to each Board member for taking the time to be here doing what they do. He encouraged the public to continue to stay involved.

A male unidentified speaker asked for confirmation that it is against the law to charge a different price for a woman's haircut than a man's. Ms. Underwood stated it was not within the BBC's regulatory oversight. Danny LeClair stated that this is handled on a city by city basis. The unidentified speaker asked what happens when a licensee has multiple infractions against his/her license. Mr. Hedges stated that after repeated violations of the same provision, the Attorney General's office may get involved.

17. CLOSED SESSION



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.

Board of Barbering and Cosmetology-Department of Consumer Affairs
 PO Box 944226, Sacramento, CA 94244
 P (800) 952-5210 F (916) 574-7574 | www.barbercosmo.ca.gov



MEMORANDUM

| | |
|----------------|--|
| DATE | December 9, 2013 |
| TO | Board Members Board of Barbering and Cosmetology |
| FROM | Kristy Underwood Board of Barbering and Cosmetology |
| SUBJECT | Report on Inspector Program |

In order to begin the discussion on the issue of the Board of Barbering and Cosmetology's Inspector Program, provided below is the current rate of pay for the Inspector I, Inspector II and Inspector III State classifications, as provided by the State Personnel Board's website, the total number of establishments assigned to each inspector, and a review of the Board's process for handling inspector complaints.

Inspector Pay

8834 INSPECTOR I DEPARTMENT OF CONSUMER AFFAIRS

Base Salary Range: 2877.00 - 3527.00

8833 INSPECTOR II DEPARTMENT OF CONSUMER AFFAIRS

Base Salary Range: 3268.00 - 4050.00

8832 INSPECTOR III, DEPARTMENT OF CONSUMER AFFAIRS

Base Salary Range: 3763.00 - 4661.00

Establishments Assigned per Inspector

| Number of Licensed Establishments per Inspector | | | |
|---|-----------|--|------------------------|
| Inspector | Territory | County | Establishment Licenses |
| Linda Nemeth | 1 | Colusa, Lake, Marin, Mendocino, Napa, Shasta, Siskiyou, Sonoma, Tehema, Trinity | 2,604 |
| Mark Homen | 2 | Alpine, Amador, Butte, Calaveras, El Dorado, Lassen, Modoc, Mono, Nevada, Placer, Plumas, Sierra, Sutter, Tuolumne, Yuba | 1,971 |
| Lisa Montoya | 3 | Sacramento, Yolo | 2,148 |
| Ky Nguyen | 4 | Contra Costa, Solano | 1,873 |
| Kerrie Payton | 5 | San Francisco | 1,641 |
| Allison Hepperle | 6 | San Joaquin, Stanislaus | 1,398 |
| Jackie Jones | 7 | Alameda, San Mateo | 3,242 |
| Kristy DeSutter | 8 | Fresno, Glenn, Humbolt, Kings, Madera, Mariposa, Merced, San Benito, Tulare | 2,195 |
| Vacant | 9 | Monterey, Santa Clara, Santa Cruz | 3,318 |
| Lillian Hayek | 10 | Inyo, Kern, San Luis Obispo, Santa Barbara | 1,870 |
| Vickie Hicks | 11 | Ventura | 2,708 |
| Anthony Olivas | 12 | Los Angeles | 2,314 |
| Vacant | 13 | Los Angeles | 2,180 |
| Chau Soriano | 14 | Los Angeles | 1,384 |
| Christine Montoya | 15 | Los Angeles | 1,553 |
| Michell DeGrate | 16 | Los Angeles | 2,697 |
| Arlene Bauby | 17 | San Bernardino | 2,234 |
| Julie Espinosa | 18 | Orange | 1,947 |
| Vacant | 19 | Los Angeles | 2,153 |
| Vacant | 20 | Riverside | 2,490 |
| Evangeline Medina | 21 | San Diego | 2,071 |
| Virginia Addis | 22 | Imperial | 2,120 |

Inspector Complaints and Process for Complaints

Complaints involving allegations of Inspector unprofessionalism and/or misconduct are logged and tracked by the Assistant Executive Officer. Each complaint is reviewed by Executive staff and a thorough investigation is conducted. This investigation includes, review of the inspection report, inspector supplemental report and photographs of the inspection and the inspector and inspector's supervisor are interviewed for facts relevant to the complaint. Once the investigation is complete, the complainant is contacted by mail and a description of the resolution is provided.

| Year | Inspections Completed | Number of Complaints Filed |
|-------------|------------------------------|-----------------------------------|
| 2012 | 11,296 | 42 |
| 2013 | 7026* | 15 |

*Includes data from January 2013 thru October 2013.



MEMORANDUM

| | |
|----------------|---|
| DATE | January 13, 2014 |
| TO | Members, Board of Barbering and Cosmetology |
| FROM | Kristy Underwood, Executive Officer |
| SUBJECT | Regulations Update |

Health & Safety: Staff has made the additional revisions to the specific language approved by the Board at its last meeting and is preparing the initial statement of reasons.

Minimum Equipment for Schools: The final rulemaking file has been submitted to the Department of Consumer Affairs for review and approval. It will then go to agency for review and approval before being submitted to the Office of Administrative Law (OAL).

Apprenticeship Program: The supporting documents have been prepared. The hearing is expected to be held in February.

Lash/Brow Tinting: Staff has made further revisions to the language approved by the Board at its last meeting. These require another Board approval.

BOARD OF BARBERING AND COSMETOLOGY
Division 9 of 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. |

- **Amend Section 950.2, Title 16, California Code of Regulations, as follows:**

§ 950.2. Curriculum for Cosmetology Course.

(a) The curriculum for students enrolled in a cosmetology course shall consist of sixteen hundred (1600) hours of technical instruction and practical training covering all practices constituting the art of cosmetology pursuant to Section 7316 of the Barbering and Cosmetology Act.

(b) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operation shall mean the actual performance by the student of a complete service on another person or on a mannequin. Practical training shall mean the time it takes to perform a practical operation. Technical and practical training shall include the following hours and/or operations:

(1) 1100 Hours of Technical Instruction and Practical Training in Hair Dressing

The required subjects of instruction in Hair Dressing shall be completed with the minimum hours of technical instruction and practical operations for each subject-matter as follows:

Hairstyling (65 hours of Technical Instruction and 240 Practical Operations)

The subject of Hairstyling shall include, but is not limited to, the following techniques and procedures: Hair analysis, shampooing, finger waving, pin curling, comb outs, straightening, waving, curling with hot combs and hot curling irons and blower styling.

Permanent Waving and Chemical Straightening (40 hours of Technical Instruction and 105 Practical Operations)

The subject of Permanent Waving and Chemical Straightening shall include, but is not limited to, the following techniques and procedures: Hair analysis, acid and alkaline permanent waving, chemical straightening including the use of sodium hydroxide and other base solutions.

Hair Coloring and Bleaching (60 hours of Technical Instruction and 50 Practical Operations)

The subject of Hair Coloring and Bleaching shall include, but is not limited to, the following techniques and procedures (also including, the use of semi-permanent, demi-permanent and temporary colors): Hair analysis, predisposition and strand tests, safety precautions, formula mixing, tinting, bleaching, high and low lights, and the use of dye removers

Hair Cutting (20 hours of Technical Instruction and 80 Practical Operations)

The subject of Hair Cutting shall include, but is not limited to, the following techniques and procedures: Use of scissors, razor (shaper), electrical clippers/trimmers, and thinning (tapering) shears for wet and dry cutting.

(2) 200 Hours of Technical Instruction in Health and Safety

The required subjects of instruction in Health and Safety shall be completed with the minimum hours of technical instruction for each subject-matter as follows:

Laws and Regulations (20 hours of Technical Instruction)

The subjects of Laws and Regulations shall include, but is not limited to, the following issues: The Barbering and Cosmetology Act and the Board's Rules and Regulations.

Health and Safety Considerations (45 hours of Technical Instruction)

The subject of Health and Safety shall include, but is not limited to, the following techniques and procedures: Cosmetology chemistry including the chemical composition and purpose of cosmetic, nail, hair and skin care preparations. Elementary chemical makeup, chemical skin peels and chemical and physical changes of matter. Hazardous substances including training in chemicals and health in establishments, protection from hazardous chemicals and preventing chemical injuries, ergonomics, theory of electricity in cosmetology, bacteriology, communicable diseases, including HIV/AIDS, Hepatitis B, and staph and Material Safety Data Sheets.

Disinfection and Sanitation (20 hours of Technical Instruction)

The subject of Disinfection and Sanitation shall include, but is not limited to the following techniques and procedures: Disinfection and sanitation including proper procedures to protect the health and safety of the consumer as well as the technician. Proper disinfection procedures for equipment used in establishments.

Disinfection shall be emphasized throughout the entire training period and must be performed before use of all instruments and equipment.

Anatomy and Physiology (15 hours of Technical Instruction)

The subjects of Anatomy and Physiology shall include, but is not limited to the following issues: Human Anatomy, Human Physiology.

(3) 200 Hours of Technical Instruction and Practical Training in Esthetics

The required subjects of instruction in Esthetics shall be completed with the minimum hours of technical instruction and practical operations for each subject-matter as follows:

Manual, Electrical and Chemical Facials (25 hours of Technical Instruction and 40 Practical Operations)

The subject of manual, electrical and chemical facials shall include, but is not limited to the following techniques and procedures: Manual Facials including cleansing, scientific manipulations, packs, and masks. Electrical Facials include the use of electrical modalities, dermal lights and electrical apparatus, for facials and skin care purposes; however, machines capable of producing an electrical current shall not be used to stimulate so as to contract, or for the purpose of contracting, the muscles of the body or face. Chemical Facials include chemical skin peels, packs, masks and scrubs. Training shall emphasize that only the non-living, uppermost layers of facial skin, known as the epidermis, may be removed, and only for the purpose of beautification. All practical operations must be performed in accordance with Section 992 regarding skin peeling.

Eyebrow Beautification and Make-up (25 hours of Technical Instruction and 30 Practical Operations)

The subject of Eyebrow Beautification shall include, but is not limited to, the following issues: Eyebrow Arching and Hair Removal, including the use of wax, tweezers, electric or manual, and depilatories for the removal of superfluous hair.

The subject of Makeup shall include, but is not limited to, the following issues: skin analysis, complete and corrective makeup, ~~lash and brow tinting~~, and the application of false eyelashes, and lash and brow tinting, if a product exists that is not disapproved, prohibited or banned by the U.S. Food and Drug Administration, the Occupational Safety and Health Administration, or the U.S. Environmental Protection Agency.

(4) 100 Hours of Technical Instruction and Practical Training in Manicuring and Pedicuring

The required subjects of instruction in Manicuring and Pedicuring shall be completed with the minimum hours of technical instruction and practical operation for each subject-matter as follows:

Manicuring and Pedicuring (10 hours of Technical Instruction and 25 Practical Operations)

The subject of Manicuring and Pedicuring shall include, but are not limited to, the following issues: Water and oil manicure, including nail analysis, and hand/foot and arm/ankle massage.

Artificial Nails and Wraps (25 hours of Technical Instruction and 120 (nails) Practical Operations)

Artificial nails including acrylic: liquid and powder brush-ons, artificial nail tips and nail wraps and repairs

(c) The Board recommends that schools provide training in the area of communication skills that includes professional ethics, salesmanship, decorum, record keeping, and client service records.

*Note: Authority cited: Sections 7312, 7362 and 7362.1(c), Business and Professions Code.
Reference: Sections 7316(b), 7321(d)(1), 7362, 7362.5(b) and 7389, Business and Professions Code.*

- **Amend Section 950.9, Title 16, California Code of Regulations, as follows:**

§ 950.9. Curriculum for Cosmetology Crossover Course for Barbers.

(a) The curriculum for students enrolled in a cosmetology crossover course for barbers shall consist of a minimum of four hundred (400) clock hours of technical instruction and practical operations covering those cosmetological practices that are not a part of the required training or practice of a barber.

(b) For the purposes of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operation shall mean the actual performance by the student of a complete service on another person or on a mannequin. Such instruction shall include:

| Subject | Minimum Hours of Technical Instruction | Minimum Practical Operations |
|---|---|------------------------------------|
| (1) The Barbering and Cosmetology Act and the Board's Rules and Regulations..... | 10 | |
| (2) Cosmetology Chemistry (Shall include the chemical composition and purpose of cosmetic, nail, hair and skin care preparations. Shall also include the elementary chemical makeup, chemical skin peels, physical and chemical changes of matter.)..... | 5 | |
| (3) Health and Safety/Hazardous Substances (Shall include training in chemicals and health in establishments, material safety data sheets, protection from hazardous chemicals and preventing chemical injuries, health and safety laws and agencies, ergonomics, and communicable diseases, including HIV/AIDS and Hepatitis B.)..... | 20 | |

| | | |
|--|---------|----|
| (4) Theory of Electricity in Cosmetology (Shall include the nature of electrical current, principles of operating electrical devices, and the various safety precautions used when operating electrical equipment.)..... | 5 | |
| (5) Disinfection and sanitation (Shall include procedures to protect the health and safety of the consumer as well as the technician. The ten required minimum operations shall entail performing all necessary functions for disinfecting instruments and equipment as specified in Sections 979 and 980. Disinfection should be emphasized throughout the entire training period and must be performed before use of all instruments and equipment.)..... | 10..... | 10 |
| (6) Bacteriology, anatomy and physiology..... | 5 | |
| (7) Wet Hair Styling (Shall include hair analysis, fingerwaving, pin curling and comb-outs.)..... | 10..... | 35 |
| (8) Thermal Hair Styling (Shall include hair analysis, straightening, waving, curling with hot combs and hot curling irons.)..... | 5..... | 15 |
| (9) Permanent Waving (Shall include hair analysis, sectioning patterns, chemical and heat permanent waving.)..... | 10..... | 35 |
| (10) Chemical Straightening (Shall include hair analysis and the use of sodium hydroxide and other base solutions.)..... | 5..... | 10 |
| (11) Haircutting (Shall include hair analysis, basic guideline and sectioning, the use of the razor, scissors for wet and dry cutting.)..... | 2..... | 10 |
| (12) Haircoloring and Bleaching (Shall include hair analysis, predisposition tests, safety precautions, formula mixing, tinting, bleaching, and the use of dye removers. Shall not include any credit for color rinses.) | | |

| | | |
|---|----------|----|
| (A) Haircoloring..... | 20 | 15 |
| (B) Bleaching..... | | 5 |
| (13) Scalp and Hair Treatments (Shall include hair analysis, scientific brushing.)..... | 2..... | 5 |
| (14) Facials | | |
| (A) Manual (Shall include cleansing, scientific manipulations, packs, and masks.)..... | 2..... | 5 |
| (B) Electrical (Shall include the use of all electrical modalities, including dermal lights and electrical apparatus for facials and skin care purposes.)..... | 7..... | 5 |
| (C) Chemicals (Shall include chemical skin peels, packs, masks and scrubs. Training shall emphasize that only the non-living, uppermost layers of facial skin, known as the epidermis, may be removed, and only for the purpose of beautification. All practical operations must be performed in accordance with Section 992 regarding skin peeling.)..... | 10..... | 15 |
| (15) Eyebrow Arching and Hair Removal (Shall include the use of wax, tweezers, electric or manual, and depilatories for the removal of superfluous hair.)..... | 5..... | 5 |
| (16) Makeup (Shall include skin analysis, complete and corrective makeup, lash and brow tinting, <u>and the application of false eyelashes, and lash and brow tinting, if a product exists that is not disapproved, prohibited or banned by the U.S. Food and Drug Administration, the Occupational Safety and Health Administration, or the U.S. Environmental Protection Agency.</u>)..... | 5..... | 10 |
| (17) Manicuring and Pedicuring | | |
| (A) Water and oil manicure, including nail analysis, and hand and arm massage..... | 5..... | 15 |
| (B) Complete pedicure, including nail analysis, and foot and ankle massage..... | 1..... | 3 |

(C) Artificial nails

| | | |
|--|--------|----------|
| 1. Acrylic: Liquid and powder brush-ons..... | 5..... | 10 Nails |
| 2. Artificial nail tips..... | 3..... | 10 Nails |
| 3. Nail wraps and repairs..... | 2..... | 5 Nails |

c) The board recommends that schools provide training in the area of communication skills that includes professional ethics, salesmanship, decorum, record keeping, and client service record cards.

(d) No credit of any type shall be given for time spent in laundering towels or in washing or scrubbing floors, walls, woodwork, toilets, or windows.

*Note: Authority cited: Sections 7312, 7362 and 7390, Business and Professions Code.
Reference: Sections 7316(b), 7321(d)(4), 7362, 7389 and 7390, Business and Professions Code.*



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.

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MEMORANDUM

| | |
|----------------|---|
| DATE | December 10, 2013 |
| TO | Board Members Board of Barbering and Cosmetology |
| FROM | Tami Guess Board Policy Analyst |
| SUBJECT | Legislative Bill AB 1153 |

To date there have been no amendments to Legislative Bill AB 1153. The Assembly Committee on Business, Professions and, Economic Development is scheduled to meet January 14, 2014, to discuss proposed amendments.

AMENDED IN ASSEMBLY SEPTEMBER 11, 2013

AMENDED IN ASSEMBLY APRIL 16, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL**No. 1153**

Introduced by Assembly Member Eggman
(Coauthor: Senator Wyland)

February 22, 2013

An act to amend Sections 7316, 7320, 7324, ~~7364~~, 7396, and 7423 of, and to add Sections 7320.6 ~~and~~, 7324.5, and 7364.5 to, the Business and Professions Code, relating to barbering and cosmetology.

LEGISLATIVE COUNSEL'S DIGEST

AB 1153, as amended, Eggman. Master esthetician: license.

Existing law, the Barbering and Cosmetology Act, provides for the licensure and regulation of barbers and cosmetologists, including the practice of skin care by licensed estheticians, by the State Board of Barbering and Cosmetology in the Department of Consumer Affairs. The act *defines skin care* and requires an applicant for an esthetician license to complete an application, pay an application and examination fee, pass the examination, and meet other educational and practice qualifications such as the completion of an approved skin care course of instruction that includes no less than 600 hours of practical training and technical instruction that accords with the curriculum established by the board. A violation of the act is a crime, unless otherwise provided.

This bill would *modify the practice of skin care, including defining "facial" for these purposes. The bill would provide for the licensure and regulation of master estheticians, as defined.* The bill would require an applicant for a master esthetician license to complete an application, pay an application and examination fee, pass the examination, and meet other educational and practice qualifications, such as the completion of a 1,200-hour advanced skin care course approved by the board. The bill would provide that an advanced skin care course ~~shall is required~~ to consist of not less than 1,200 hours of practical training and technical instruction in accordance with a curriculum established by board regulation. ~~This~~ *The bill would also prohibit a person who is not licensed as a master esthetician from representing himself or herself as a master esthetician. The bill would also clarify that the prohibition on those licensed to engage in barbering, cosmetology, skin care, nail care, and electrolysis to practice medicine or surgery extends to diagnosing injury, illness, or disease.* Because a violation of these provisions would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

- P2 1 **SECTION 1.**
 Section 7316 of the Business and Professions
 2 *Code is amended to read:*
 3 7316.
 4 (a) The practice of barbering is all or any combination
 5 of the following practices:
 6 (1) Shaving or trimming the beard or cutting the hair.
 7 (2) Giving facial and scalp massages or treatments with oils,
 8 creams, lotions, or other preparations either by hand or mechanical
 9 appliances.
 10 (3) Singeing, shampooing, arranging, dressing, curling, waving,
 11 chemical waving, hair relaxing, ~~or~~ dyeing the hair, or applying
 12 hair tonics.
 13 (4) Applying cosmetic preparations, antiseptics, powders, oils,
 14 clays, or lotions to *the* scalp, face, or neck.
 15 (5) Hairstyling of all textures of hair by standard methods that
 16 are current at the time of the hairstyling.
 17 (b) The practice of cosmetology is all or any combination of
 18 the following practices:
 P3 1 (1) Arranging, dressing, curling, waving, machineless permanent
 2 waving, permanent waving, cleansing, cutting, shampooing,
 3 relaxing, singeing, bleaching, tinting, coloring, straightening,
 4 dyeing, applying hair tonics to, beautifying, or otherwise treating
 5 by any means, the hair of any person.
 6 (2) Massaging, cleaning, or stimulating the scalp, face, neck,
 7 arms, or upper part of the human body, by means of the hands,
 8 devices, apparatus, or appliances, with or without the use of
 9 cosmetic preparations, antiseptics, tonics, lotions, or creams.
 10 (3) Beautifying the face, neck, arms, or upper part of the human
 11 body, by use of cosmetic preparations, antiseptics, tonics, lotions,
 12 or creams.
 13 (4) Removing superfluous hair from the body of any person by
 14 the use of depilatories or by the use of tweezers, chemicals, or
 15 preparations or by the use of devices or appliances of any kind or
 16 description, except by the use of light waves, commonly known
 17 as rays.
 18 (5) Cutting, trimming, polishing, tinting, coloring, cleansing,
 19 or manicuring the nails of any person.
 20 (6) Massaging, cleansing, treating, or beautifying the hands or
 21 feet of any person.
 22 (c) Within the practice of cosmetology there exist the specialty
 23 branches of skin care and nail care.
 24 (1) Skin care is any one or more of the following practices:
 25 ~~(A) Giving facials, applying makeup, giving skin care, removing~~
 26 ~~superfluous hair from the body of any person by the use of~~
 27 ~~depilatories, tweezers or waxing, or applying eyelashes to any~~
 28 ~~person.~~
 29 (A) *Giving facials, which is defined as superficial exfoliation*
 30 *procedures on the top layer of the skin (stratum corneum) using*
 31 *commercially available products, in accordance with the*
 32 *manufacturer's written instructions, including, but not limited to,*
 33 *all of the following:*
 34 (i) *Manual scrubs, including mechanical brush use.*
 35 (ii) *Superficial chemical exfoliation.*

36 (iii) Enzymes or herbal exfoliators, or both.
 37 (iv) Extraction with a nonneedle extraction tool.
 38 (B) Removing superfluous hair from the body of any person by
 39 the use of depilatories, tweezers, sugaring, chemicals, waxing, or
 40 mechanical means.

P4 1 (C) Applying makeup or eyelashes to any person.
 2 ~~(B)~~
 3 (D) Beautifying the face, neck, arms, or upper part of the human
 4 body, by use of cosmetic preparations, antiseptics, tonics, lotions,
 5 or creams.

6 ~~(E)~~
 7 (E) Massaging, cleaning, or stimulating the face, neck, arms,
 8 or upper part of the human body, by means of the hands, devices,
 9 apparatus, or appliances, with the use of cosmetic preparations,
 10 antiseptics, tonics, lotions, or creams.

11 (2) Nail care is the practice of cutting, trimming, polishing,
 12 coloring, tinting, cleansing, manicuring, or pedicuring the nails of
 13 any person or massaging, cleansing, or beautifying from the elbow
 14 to the fingertips or the knee to the toes of any person.

15 (d) The practice of barbering and the practice of cosmetology
 16 do not include any of the following:

17 (1) The mere sale, fitting, or styling of wigs or hairpieces.
 18 (2) Natural hair braiding. Natural hair braiding is a service that
 19 results in tension on hair strands or roots by twisting, wrapping,
 20 weaving, extending, locking, or braiding by hand or mechanical
 21 device, provided that the service does not include haircutting or
 22 the application of dyes, reactive chemicals, or other preparations
 23 to alter the color of the hair or to straighten, curl, or alter the
 24 structure of the hair.

25 (3) Threading. Threading is a technique that results in removing
 26 hair by twisting thread around unwanted hair and pulling it from
 27 the skin and the incidental trimming of eyebrow hair.

28 (e) Notwithstanding paragraph (2) of subdivision (d), a person
 29 who engages in natural hairstyling, which is defined as the
 30 provision of natural hair braiding services together with any of the
 31 services or procedures defined within the regulated practices of
 32 barbering or cosmetology, is subject to regulation pursuant to this
 33 chapter and shall obtain and maintain a barbering or cosmetology
 34 license as applicable to the services respectively offered or
 35 performed.

36 (f) Electrolysis is the practice of removing hair from, or
 37 destroying hair on, the human body by the use of an electric needle
 38 only.

39 "Electrolysis" as used in this chapter includes electrolysis or
 40 thermolysis.

P5 1 SEC. 2.
 2 Section 7320 of the Business and Professions Code is
 3 amended to read:
 4 7320.

5 This chapter ~~confers no~~ does not confer authority to
 6 practice medicine or surgery, including diagnosing injury, illness,
 7 or disease.

8 SECTION 1.

SEC. 3.

Section 7320.6 is added to the Business and Professions
 Code, to read:

9 7320.6.

10 ~~Persons~~ ~~A person who are~~ is not licensed as a master
 11 ~~estheticians~~ ~~esthetician~~ in this state shall not represent ~~themselves~~
 12 ~~himself or herself~~ as a master esthetician.

12 ~~SEC. 2.~~

13 ~~SEC. 4.~~

14 Section 7324 of the *Business and Professions Code* is
 15 amended to read:

15 7324.

16 The board shall admit to examination for a license as an
 17 esthetician to practice skin care any person who has made
 18 application to the board in proper form and paid the application
 19 and examination fee required by this chapter, and who is qualified
 20 as follows:

20 (a) Is not less than 17 years of age.

21 (b) Has completed the 10th grade or its equivalent.

22 (c) Is not subject to denial pursuant to Section 480.

23 (d) Has done any of the following:

24 (1) Completed a course in skin care, as described in ~~subdivision~~
 25 ~~(a)~~ of Section 7364, from a school approved by the board.

26 (2) Practiced skin care, as defined in this chapter, outside of this
 27 state for a period of time equivalent to the study and training of a
 28 qualified person who has completed a course in skin care from a
 29 school the curriculum of which complied with requirements
 30 adopted by the board. Each three months of practice shall be
 31 deemed the equivalent of 100 hours of training for qualification
 32 under paragraph (1).

33 (3) Completed the apprenticeship program in skin care specified
 34 in Article 4 (commencing with Section 7332).

35 ~~SEC. 3.~~

36 ~~SEC. 5.~~

37 Section 7324.5 is added to the *Business and Professions*
 38 *Code*, to read:

38 7324.5.

39 (a) The board shall admit to examination for a license
 40 as a master esthetician to practice advanced skin care any person
 who has made application to the board in proper form and paid
 P6 1 the application and examination fee required by this chapter, and
 2 who is qualified as follows:

3 ~~(a)~~

4 (1) Is not less than 17 years of age.

5 ~~(b)~~

6 (2) Has completed the 10th grade or its equivalent.

7 ~~(c)~~

8 (3) Is not subject to denial pursuant to Section 480.

9 ~~(d)~~

10 (4) Has done at least one of the following:

11 ~~(1)~~

12 (A) Completed a course in advanced skin care as described in
 13 ~~subdivision (b) of Section 7364~~, *Section 7364.5* from a school
 14 approved by the board.

15 ~~(2)~~

16 (B) Earned a national or international diploma or certification
 17 in advanced or master esthetics that is recognized by the board.

18 ~~(3)~~

19 (C) Holds a current esthetician's license pursuant to Section

20 7324 and either:

21 ~~(A)~~

22 (i) Provides satisfactory evidence that he or she has worked as
23 an esthetician for a minimum of 2,000 client contact hours, at least
24 500 hours of which consisted of supervised, advanced skin care
25 treatments.

26 ~~(B)~~

27 (ii) Has completed continuing education coursework in advanced
28 skin care that complies with requirements established by the board
29 and demonstrated that he or she has worked as a master esthetician
30 for a period of time established by the board prior to the effective
31 date of the act that added this section.

32 (b) A licensed master esthetician may perform, in addition to
33 the practice of skin care as defined in paragraph (1) of subdivision
34 (c) of Section 7316, all of the following:

35 (1) Exfoliation procedures on the face and body using
36 commercially available products in accordance with the
37 manufacturer's written instructions, including, but not limited to,
38 any of the following:

39 (A) Superficial and light chemical exfoliation preparations
40 intended to work within the epidermal layers of the skin.

P7 1 (B) The combination of cosmetic preparations intended for light
2 and superficial exfoliation results.

3 (C) Mechanical exfoliation devices such as microdermabrasion.

4 (D) Manual exfoliation tools intended for safe use on the top
5 layer of the skin (stratum corneum).

6 (2) Services using esthetic devices or the combination of devices
7 on the face and body. These devices shall be operated in
8 accordance with the manufacturer's written instructions. The
9 devices shall be intended for improving the appearance of the skin
10 and shall be within the following guidelines:

11 (A) Nonprescriptive, pursuant to United States Food and Drug
12 Administration guidelines.

13 (B) Not designed to ablate or destroy live tissue.

14 (3) Extraction techniques using tools, including, but not limited
15 to, both of the following:

16 (A) A needle-like metal extractor tool.

17 (B) A disposable lancet.

18 (4) Advanced facial massage techniques on the upper body,
19 back, scalp, hands, and feet, including, but not limited to, manual
20 lymphatic drainage.

21 (5) Body treatments that use water, appliances, devices, and
22 cosmetic preparations intended to improve the appearance of the
23 skin.

24 ~~SEC. 4.~~

25 ~~Section 7364 of the Business and Professions Code is~~
26 ~~amended to read:~~

26 ~~7364.~~

27 ~~(a) A skin care course established by a school shall~~
28 ~~consist of not less than 600 hours of practical training and technical~~
29 ~~instruction in accordance with a curriculum established by board~~
30 ~~regulation.~~

31 ~~(b) An advanced skin care course established by a school shall~~
32 ~~consist of not less than 1,200 hours of practical training and~~
33 ~~technical instruction in accordance with a curriculum established~~
34 ~~by board regulation. The advanced skin care course is not a~~

34 ~~requirement of obtaining an esthetician license:~~

35 *SEC. 6.*

Section 7364.5 is added to the Business and Professions

36 *Code, to read:*

37 *7364.5.*

An advanced skin care course established by a school shall consist of not less than 1,200 hours of practical training and technical instruction in accordance with a curriculum established by board regulation. The advanced skin care course is not a requirement of obtaining an esthetician license.

P8

1 *SEC. 7.*

Section 7396 of the Business and Professions Code is amended to read:

4 *7396.*

The form and content of a license issued by the board shall be determined in accordance with Section 164.

The license shall prominently state that the holder is licensed as a barber, cosmetologist, esthetician, master esthetician, manicurist, electrologist, or apprentice, and shall contain a photograph of the licensee.

11 ~~*SEC. 5.*~~

12 *SEC. 8.*

Section 7423 of the Business and Professions Code is amended to read:

14 *7423.*

The amounts of the fees required by this chapter relating to licenses for individual practitioners are as follows:

15 (a) (1) *Cosmetologist application and examination fee shall be the actual cost to the board for developing, purchasing, grading, and administering the examination.*

16 (2) *A cosmetologist initial license fee shall not be more than fifty dollars (\$50).*

17 (b) (1) ~~An esthetician or master esthetician~~ *application and examination fee shall be the actual cost to the board for developing, purchasing, grading, and administering the examination.*

18 (2) ~~An esthetician or master esthetician~~ *initial license fee shall not be more than forty dollars (\$40).*

19 (c) (1) *A master esthetician application and examination fee shall be the actual cost to the board for developing, purchasing, grading, and administering the examination.*

20 (2) *A master esthetician initial license fee shall not be more than forty dollars (\$40).*

21 ~~(e)~~

22 (d) (1) *A manicurist application and examination fee shall be the actual cost to the board for developing, purchasing, grading, and administering the examination.*

23 (2) *A manicurist initial license fee shall not be more than thirty-five dollars (\$35).*

24 ~~(d)~~

25 (e) (1) *A barber application and examination fee shall be the actual cost to the board for developing, purchasing, grading, and administering the examination.*

P9

1 (2) *A barber initial license fee shall be not more than fifty dollars (\$50).*

2 ~~(e)~~

3 (f) (1) *An electrologist application and examination fee shall*

5 be the actual cost to the board for developing, purchasing, grading,
6 and administering the examination.

7 (2) An electrologist initial license fee shall be not more than
8 fifty dollars (\$50).

9 ~~(f)~~

10 (g) An apprentice application and license fee shall be not more
11 than twenty-five dollars (\$25).

12 ~~(g)~~

13 (h) The license renewal fee for individual practitioner licenses
14 that are subject to renewal shall be not more than fifty dollars
15 (\$50).

16 ~~(h)~~

17 (i) Notwithstanding Section 163.5 the license renewal
18 delinquency fee shall be 50 percent of the renewal fee in effect on
19 the date of renewal.

20 ~~(i)~~

21 (j) Any preapplication fee shall be established by the board in
22 an amount sufficient to cover the costs of processing and
23 administration of the preapplication.

24 ~~SEC. 6.~~

25 ~~SEC. 9.~~

26 No reimbursement is required by this act pursuant to
27 Section 6 of Article XIII B of the California Constitution because
28 the only costs that may be incurred by a local agency or school
29 district will be incurred because this act creates a new crime or
30 infraction, eliminates a crime or infraction, or changes the penalty
31 for a crime or infraction, within the meaning of Section 17556 of
32 the Government Code, or changes the definition of a crime within
33 the meaning of Section 6 of Article XIII B of the California
Constitution.

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