

**CALIFORNIA  
BOARD OF BARBERING AND COSMETOLOGY**



**APRIL 21, 2014**  
Board Meeting  
Department of Consumer Affairs  
1747 North Market Blvd.  
HQ 2 Hearing Room 186, 1st Floor  
Sacramento, CA 95834



Richard Hedges, Public Member,  
President

Dr. Kari Williams, Industry Member,  
Vice President

Mary Lou Amaro, Industry Member

Bobbie Anderson, Public Member

Wen Ling Cheng, Public Member

Andrew Drabkin, Public Member

Joseph Federico, Industry Member

Christie Truc Tran, 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

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2420 Del Paso Road, Suite 100  
Sacramento, CA 95834

# California State Board of Barbering and Cosmetology

## Board Meeting Agenda

Monday, April 21, 2014

10:00 A.M.

Until completion of business

Department of Consumer Affairs

1747 North Market Blvd.

HQ 2 Hearing Room 186, 1st Floor

Sacramento, CA 95834

**ALL TIMES ARE APPROXIMATE AND SUBJECT TO CHANGE**

### **OPEN SESSION:**

1. Call to Order/Roll Call (**Richard Hedges**)
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 (**Richard Hedges**)
4. Executive Officer Report (**Kristy Underwood**)
  - Update on the Board's Budget
  - Update on Breeze
  - Board's Statistics
5. Approval of Board Meeting Minutes
  - January 13, 2014
6. Appointment of Committee Members
7. Proposed Regulations – Discussion/Review and Approval of Proposed Changes:  
  
Updates:
  - 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

# California State Board of Barbering and Cosmetology

- 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
- Relating to the Cross Over and Transfer of Credit of Barbering and Cosmetology Title 16, Division 9, Article 7 of the California Code of Regulations Sections: 950.8, 950.9 and 950.1

## Action Needed:

- Relating to Text book Approval Title 16, Division 9, Article 12 of the California Code of Regulations Section: 961

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

- AB 1153 – Advanced Esthetician Bill

## 9. Discussion and Review of Recommendations of the Natural Hair Care Task Force

## 10. Approval of Edits to the Board Member Guidelines and Procedures Manual

## 11. Agenda Items for Next Meeting

## 12. 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)]*

## 13. CLOSED SESSION:

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

## OPEN SESSION:

## 14. 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  
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**QUARTERLY BARBERING AND COSMETOLOGY  
 DISCIPLINARY REVIEW COMMITTEE STATISTICS**

**Fiscal Year 13-14**

**Report Date: March 31, 2014**

	January - March	YTD
<b>NORTHERN</b>		
Heard	278	756
Received	242	576
Pending <sup>1</sup>	559	559 <sup>2</sup>
<b>SOUTHERN</b>		
Heard	303	1,466
Received	324	1,070
Pending <sup>1</sup>	1,298	1,298 <sup>2</sup>

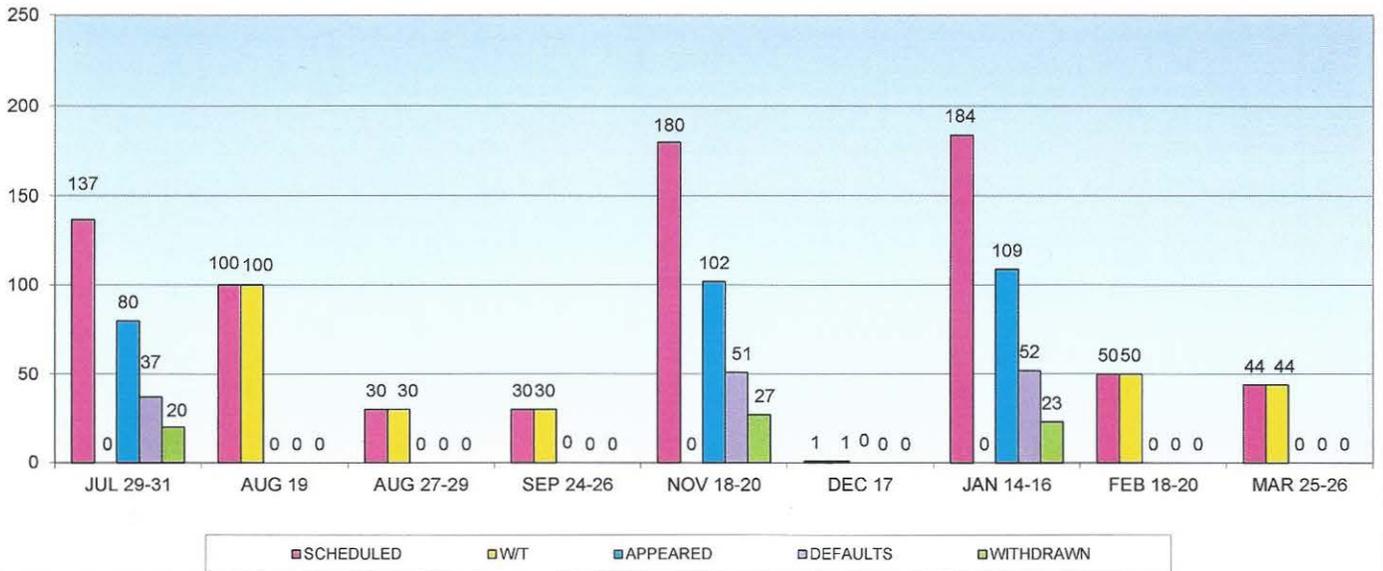
<sup>1</sup> Pending refers to the number of appeals received but not yet heard by DRC.

<sup>2</sup> Figure represents number of pending requests as of report date.

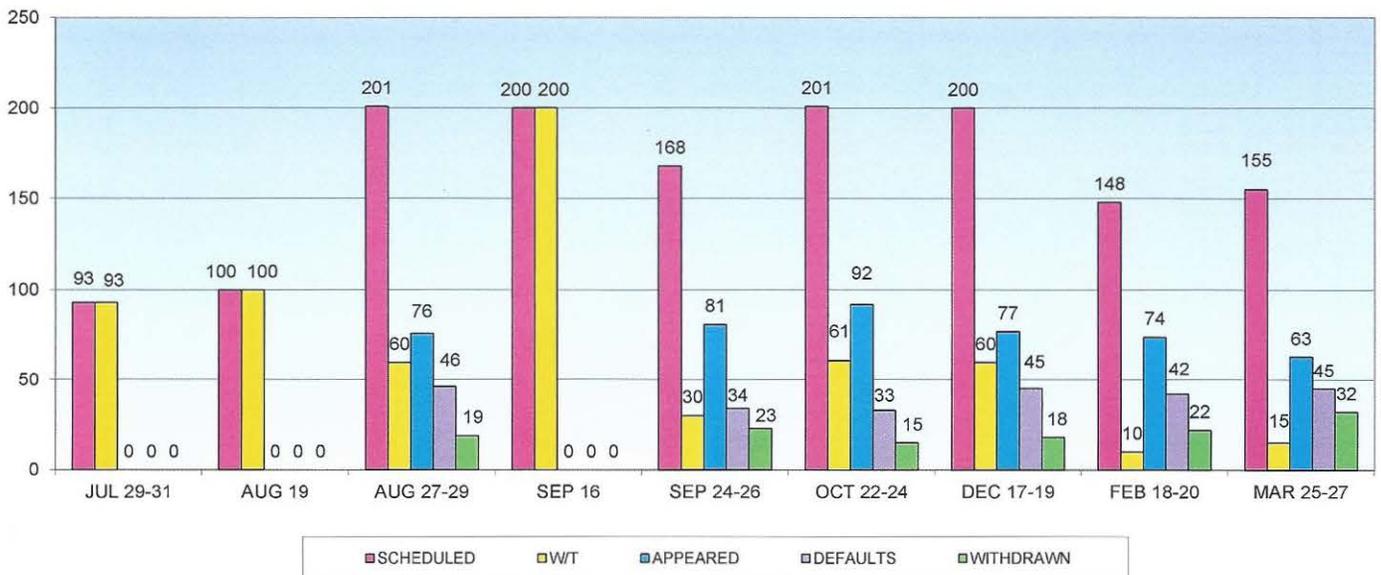
**2014 SCHEDULED HEARINGS**

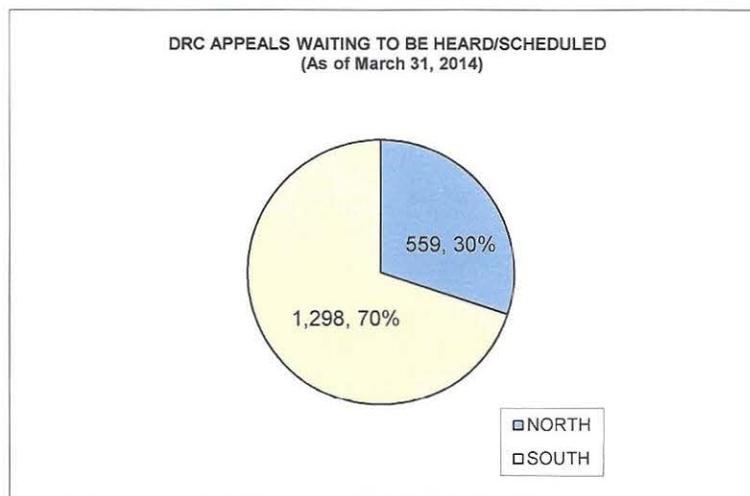
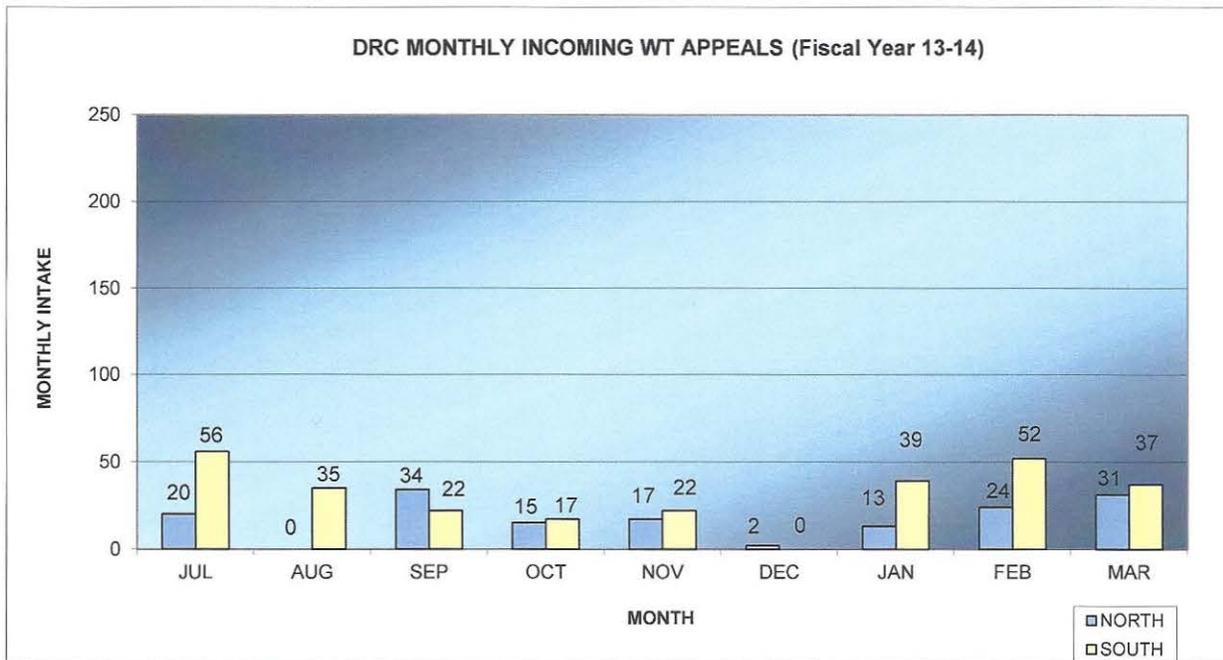
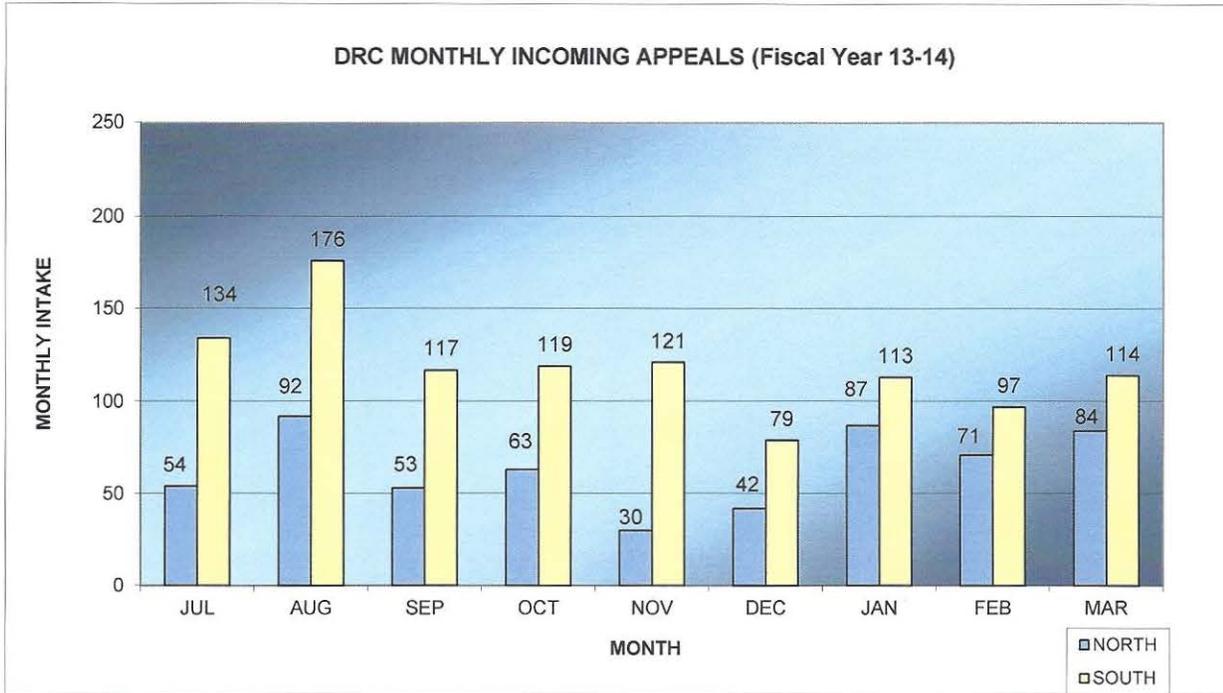
Area	Location	Date
Northern	Sacramento	April 22-24, 2014
Southern	Los Angeles	May 20-22, 2014
Southern	San Diego	June 24-26, 2014
Northern	Sacramento	July 30, 31, August 01, 2014
Southern	Norwalk	August 26-28, 2014
Southern	Los Angeles	September 23-25, 2014
Southern	Ontario	October 21-23, 2014
Northern	Sacramento	November 17-19, 2014
Southern	Los Angeles	December 16-18, 2014

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



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







## **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 2012/13 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 2/28/14**

<b>Personnel Services</b>	<b>ALLOTMENT</b>	<b>BBC Projected Expenditures</b>	<b>Projected Year</b>
Permanent	3,973,538	3,767,543	205,995
Expert Examiners	452,554	452,554	0
Temporary	134,000	219,754	(85,754)
BL 12-03 Blanket	0	173,359	173,359
Statutory-Exempt	103,608	106,716	(3,108)
Board Member Commission	0	16,000	(16,000)
Overtime	0	36,286	(36,286)
<b>Total Salary &amp; Wages</b>	<b>4,663,700</b>	<b>4,772,212</b>	<b>238,206</b>
<b>Net Salary &amp; Wages</b>	<b>4,663,700</b>	<b>4,772,212</b>	<b>(108,512)</b>
Staff Benefits	2,091,695	2,106,978	(15,283)
<b>Total of Personnel Services</b>	<b>6,755,395</b>	<b>6,879,190</b>	<b>(123,795)</b>
<b>Operating Expenses &amp; Equipment (OE&amp;E)</b>	<b>Allotment</b>	<b>BBC Projected Expenditures</b>	<b>Projected Year End Balance</b>
General Expense	191,403	172,000	19,403
Printing	168,413	168,413	0
Communication	40,605	39,000	1,605
Postage	283,384	257,000	26,384
Insurance	4,489	3,268	1,221
Travel In State	82,789	147,000	(64,211)
Travel, Out-of-State	0	0	0
Training	10,513	0	10,513
Facilities Operations	1,288,599	1,082,231	206,368
Consultant & Professional Svs. - Interdept.	125,781	1,500	124,281
Consultant & Professional Svs. - External	407,843	322,995	84,848
Depart. and Central Admin. Services	7,776,843	7,775,649	1,194
Consolidated Data Center	68,468	16,000	52,468
DP Maintenance	38,376	70,000	(31,624)
Central Admin Pro Rata	765,459	765,459	0
Examinations	1,394,177	2,332,353	(938,176)
Major Equipment	117,400	0	117,400
Minor Equipment	44,850	44,850	0
Data Processing	0	0	0
Other Items of Expense	7,288	1,000	6,288
Vehicle Operations	37,784	61,400	(23,616)
Enforcement	1,742,414	1,026,418	715,996
Special Items of Expenses	0	0	0
Required OE&E Savings		0	0
<b>Total Operating Expenses &amp; Equipment</b>	<b>14,596,878</b>	<b>14,286,536</b>	<b>310,342</b>
<b>Total Personal Services Expenses</b>	<b>21,352,273</b>	<b>21,165,726</b>	<b>(123,795)</b>
Total reimbursements	(57,000)		
<b>Total</b>	<b>21,295,273</b>	<b>21,165,726</b>	<b>186,547</b>

# 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
<b>BEGINNING BALANCE</b>	\$ 9,993	\$ 13,833	\$ 15,303
Prior Year Adjustment	\$ 531	\$ -	\$ -
Adjusted Beginning Balance	\$ 10,524	\$ 13,833	\$ 15,303
<b>REVENUES AND TRANSFERS</b>			
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	\$ 22,100	\$ 22,858	\$ 23,527
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	\$ 22,100	\$ 22,858	\$ 23,527
Totals, Resources	\$ 32,624	\$ 36,691	\$ 38,830
<b>EXPENDITURES</b>			
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	\$ 18,791	\$ 21,388	\$ 20,985
<b>FUND BALANCE</b>			
Reserve for economic uncertainties	\$ 13,833	\$ 15,303	\$ 17,845
<b>Months in Reserve</b>	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
- January 22, 2014: Universal College of Beauty (Los Angeles)  
Speaker: Dr. Kari Williams
- January 25-27, 2014: International Salon and Spa Expo (Long Beach)  
Attendees: Debra Brown, Patricia Garcia, Marcene Melliza and Tami Guess
- February 26, 2014: Universal College of Beauty (Los Angeles)  
Attendees: Dr. Kari Williams

Scheduled:

TBA



Department of Consumer Services Agency – Edward G. Brown Jr. Governor  
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**CALIFORNIA STATE BOARD OF  
 BARBERING AND COSMETOLOGY  
 MINUTES OF JANUARY 13, 2014**

**Department of Consumer Affairs  
 1625 North Market Boulevard  
 Hearing Room S-102, 1st Floor  
 Sacramento, CA 95834**

**Additional Meeting Location Established via Teleconference at:**  
 2405 Kalaniana'ole Avenue PH-11  
 Hilo, HI 96720

**BOARD MEMBERS PRESENT**

Joseph Federico, President  
 Wen Ling Cheng, Vice President  
 Mary Lou Amaro  
 Andrew Drabkin  
 Christie Tran  
 Dr. Kari Williams  
 Richard Hedges (via teleconference)

**STAFF MEMBERS PRESENT**

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

**ABSENT:**

Bobbie Anderson

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

Mr. Federico called the meeting to order at 10:00 a.m. The Board of Barbering and Cosmetology (BBC) 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**

Gary Yasuda, Milan Institute of Cosmetology; Dr. Rod Boyes, Today's Class, E-Textbooks Curriculum: Mr. Yasuda requested consideration of approving an alternative curriculum and an online option in place of textbooks for the State of California be placed on the April

agenda. Dr. Boyes will leave materials for the BBC's review. The system is currently utilized in Alabama, Texas, Ohio, Michigan, Illinois, New York, Mississippi, and Oklahoma. It was noted that this program is not offered in the Vietnamese language and that translation of the course would be important for California.

Dave White, licensed barber, would like to see more barbers on the Board. He has concerns about the inspection process and stated that he knows of a barber in Yreka that has never had an inspection. He expressed concern regarding flea markets that are operating out of compliance with the Board. He feels there are a lot of unlicensed barbers working in establishments. He expressed concern with the Board's license application fee.

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

Mr. Federico stated the BBC is at a point where it is making progress with its mission.

### **4. Agenda Item #4, Annual Election of Officers**

Ms. Cheng nominated Mr. Hedges for President. Mr. Federico seconded the nomination. Mr. Hedges accepted the nomination. Roll call vote was held. Mr. Hedges was elected President of the Board by a vote of 7-0.

Mr. Hedges asked for a nomination of Vice President. Mr. Hedges nominated Dr. Kari Williams. Mr. Federico seconded the nomination, and Dr. Kari Williams accepted the nomination. Roll call vote was held. Dr. Kari Williams was elected Vice President of the Board by a vote of 7-0.

### **5. Agenda Item #5, Appointment of Committee Members**

Mr. Hedges would like to remain on the committees he is currently on which include all standing committees except the Education and Outreach Committee.

Ms. Cheng would like to be a member of the Licensing and Examination Committee.

Mr. Federico would like to continue his involvement with all committees of which he is currently a member.

Ms. Amaro would like to remain on her current committees and add the Licensing and Examination Committee.

Mr. Drabkin will remain on the committees he is currently on.

Ms. Tran would like to remain on the Disciplinary Review Committee and join the Education and Outreach Committee.

Dr. Williams would like to remain on the committees on which she is currently a member.

Ms. Underwood will submit an updated roster of each of the committees at the next Board meeting.

### **6. Agenda Item #6, Executive Officer Report**

In October, the BBC went to its new Breeze database. Staff is working to resolve system issues. The Disciplinary Review Committee (DRC) statistics are included in the meeting materials, along with the budget information and a listing of existing outreach events.

Staff will be at the International Salon and Spa Expo (ISSE) in Long Beach.

The new budget does not include any new inspector positions. Staff is hoping to fill current vacancies.

Marcene Melliza has accepted the position of Outreach Coordinator for the Board. One of her top priorities will be improving language access.

**7. Agenda Item #7, Presentation by the California Healthy Nail Salon Collaborative Regarding Vietnamese Language Access**

Members of the Collaborative presented a PowerPoint presentation. The California Healthy Nail Salon Collaborative is a group of approximately 40 individuals and organizations whose main focus is to work with the nail salon community to improve health and safety in the workplace. There are four basic reasons for the presentation:

- To tell the Board why they believe language access is so important
- To give a little bit of an overview of the dialog that is already taking place between the Collaborative and BBC staff
- To highlight some of the improvements that they see have been made and to applaud BBC
- To highlight some continuing gaps that they see and give some suggestions or recommendations for filling those gaps

About 60 to 80 percent of nail salon licensees are Vietnamese immigrants, and among that group, there is a predominance of Vietnamese speaking individuals. A democratic and just society calls for language access in government agencies. Language access supports the health and safety of licensees and consumers. Staff members, Kristy Underwood and Tami Guess have been working with the Collaborative. The Collaborative is definitely heartened with the progress that has been made. There are still some gaps on the language access front. One basic issue that has been discussed with staff is the quality and understandability of the translations that have been done so far. Collaborative translation staff have reviewed some of the translated documents and believes the understandability, even as translated, is not of sufficient quality. Also, in spite of the large number of Vietnamese owners and technicians, all correspondence to this community is in English only. There are too few Vietnamese speaking inspectors. At Disciplinary Review Committee hearings, interpreter services are not provided by the BBC. The Collaborative has several recommendations.

- Translate all correspondence to nail salon licensees into both English and Vietnamese
- Require the BBC to develop a Vietnamese language website for nail salon licensees
- Properly translate into Vietnamese all material and processes pertaining to nail salon licensees, such as inspector complaints, licensing, citation, appeal processes, and documents and informational fact sheets/bulletins on best practices
- Continue to require inspector training in cultural awareness and discrimination
- Provide and require devices and translation/interpretation services at all hearings
- Conduct a targeted outreach campaign to hire more bilingual inspectors
- Require that cosmetology schools and curricula publishers on BBC's approved list publish and use curricula that are accessible to its Vietnamese speaking students

Ms. Tran commented regarding the need for the licensees to be able to communicate in English with their English speaking clientele. A Vietnamese edition of the BBC's regulation book has been provided by the BBC. Mr. Richard Hedges is supportive of the Collaborative's efforts. Ms. Tran is available for outreach to the Vietnamese community. Mr. Hedges mentioned the Allies Innovation Initiative as a communication facilitator.

**Public Comment**

Mr. Jones commented as an individual not as a member of his organization. He wanted to publicly acknowledge the work of the BBC staff in trying to do their best to provide language access to all English as second language licensees. He believes some of the recommendations of the Collaborative would be cost prohibitive and costly to the Board. In the school setting, costs will be borne by the students. He agrees with Ms. Tran's comments regarding salon owners and licensees need to learn the English language in order to be competitive.

**8. Agenda Item #8, Approval of Board Meeting Minutes**

- **October 21, 2013**

Mr. Federico moved to approve the minutes from the October 21, 2013, meeting. Mr. Drabkin seconded the motion. The minutes were approved with a 7-0 vote.

**9. Agenda Item #9, Annual Review and Approval of Board Member Guidelines and Procedures Manual**

There have been minor technical changes made to the travel section of the manual. The use of the Concur travel program was removed as using the program might be difficult for the members. Mr. Duke discovered edits that need to be made and will present them at the next Board meeting. Mr. Duke also believes the Board should include Government Code Section 1062, which details the absence of a state officer which requires that you get approval for any kind of absence more than 60 days; otherwise, your position is deemed vacated.

Mr. Federico moved to approve the manual. Ms. Amaro seconded the motion. The Board Member Guidelines and Procedures Manual was approved with a 7-0 vote.

**10. Agenda Item #10, Report on Inspector Program**

- **Inspector Pay**
- **Inspector Workload**
- **Inspector Complaints and Process for Complaints**

Staff provided background on the inspections program. Pay scale has been a discussion topic for many years. Consumer protection cases are the BBC's and its inspectors' priority. Staff has created an online form for the inspector complaint process. A citizen complaint form is available online now and can be used when a consumer or licensee has an issue with staff or member. Complaints over the last year have dropped significantly. Staff is planning two all-inspector meetings a year.

**11. Agenda Item #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**

Changes to the health and safety regulations are currently in process. The minimum equipment for schools has been finalized and going through internal departmental reviews. Once the reviews are completed, it then goes to the Office of Administrative Law (OAL). Apprenticeship program regulations have been updated and a regulatory hearing will be held in February. Regarding lash and brow tinting, in order to start the regulatory process, staff needs the Board's motion and approval of language for lash and brown tinting. Staff is proposing language that would allow lash and brow tinting, if product exists that is not disapproved, prohibited, or banned by the U.S. Food and Drug Administration, Occupational Safety and Health Administration, or the U.S. Environmental Protection Agency.

Mr. Hedges moved approval of the language. Dr. Williams seconded the motion. The motion to include the changes to the lash and brow tinting regulation, passed with a vote of 7-0.

## **12. Agenda Item #12, Update and Discussion of Proposed Bills that Could Impact BBC**

- **AB 1153 -- Advanced Esthetician Curriculum Bill**

At the previous Board meeting, BBC took a position of support of if amended on AB 1153. Staff continues to work with the sponsors and author's office. The bill was recently amended on January 6th and the first hearing will be on January 14th in the Assembly Business and Professions Committee. The Board still has changes that it is recommending. Staff is continuing to recommend a support if amended position on this bill.

Mr. Hedges agrees with all the staff recommendations. Some of the problems are that the BBC will run into conflicts where people with 600 hours are working in the same room where a master esthetician is working and using needles and advanced equipment. This will prove difficult for inspectors to know whether someone with 600 hours is also utilizing the advanced equipment. Mr. Hedges felt this bill may be the perfect opportunity to include a Board acknowledged certification program.

Dr. Williams stated it has been the Board's position that the BBC does believe in ongoing education within the industry. One of her concerns is AB 1153 may open up the flood gates within the industry for a lot of people consider themselves masters of their professions and they may want some type of recognition of their continuing education. She does not want to create a precedent that in order to have continuing education acknowledged, people must complete a new licensing category. This may be the perfect opportunity to include a Board acknowledged certification program. Dr. Williams is happy to see the inclusion of an amendment that if a person fails the test twice they will be required to take additional training.

Mr. Federico wants to ensure that scope is not carved from the current 600 hour program to make way for the 1,200 hour program.

Ms. Underwood stated the Board has received support for moving forward with the Board's amendments in all of the discussions that she has had with the bill's sponsor and the author's office.

Mr. Hedges motioned that the Board send a message to the Legislature stating its support of the bill, if amended, and add an amendment allowing certification of advanced learning for all skills within the profession. The motion was seconded by Dr. Williams.

#### **Public Comment**

Mr. Jones, Professional Beauty Federation of California, believes his organization is in support of the motion. Legislature only has this month to get the bill through the Assembly. He believes this is the reason the author hasn't moved to amend the bill further. This bill would be the first time this Board establishes a new license scope of practice for advanced training, within existing license pathways. Mr. Jones believes it is appropriate to couple the industry certification idea with this particular bill.

Mr. Duke brought to the Board's attention a couple technical issues with the new proposed legislation. The first issue is the confusing language defining the practice of an esthetician and the use of esthetic devices. "High frequency" is confusing. The second item is at the bottom of page 3 regarding removing superfluous hair from the body of a person using light waves.

#### **Public Comment**

Ms. Suzanne Schmaling, Director of Education, Associated Skin Care Professionals, addressed high frequency. That is an industry term based on a specific piece of machinery. The definition that the Food and Drug Administration (FDA) has refers to an application within some of the devices that are not the same. It is a different oscillation rate. That is the industry term that people use to describe the machine. It only works superficially and has been in use since the 1800s. She agrees with the description of light waves, commonly known as rays, when talking about removing hair. She believes that does need to be clarified. Technology is moving so quickly, the authors of the bill do not want to get too specific with the statute and box themselves into a corner. Using the FDA designation of noninvasive really helps keep the consumer safe and the esthetician using the correct equipment.

Ms. Jean Ogren, Electrologists Association, is concerned with number 39 on page 3 where it says electrolysis includes electrolysis and thermolysis. There are actually three modalities: electrolysis, thermolysis, and blend. All three modalities should be mentioned.

Mr. Hedges motioned that the BBC support if amended, bill AB 1153. In addition, the bill should be amended to allow certification of advanced learning with all BBC license types. The motion was seconded by Dr. Williams and was approved with a vote of 7-0.

### **13. Agenda Item #13, Agenda Items for Next Meeting**

Mr. Hedges would like a report on the hearing on the apprentice regulations/changes. He also would like to continue with discussion regarding progress on bringing braiding and natural hair care into the curriculum to deal with alopecia.

**14. Agenda Item #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 for a future meeting. [Government Code Sections 11125, 11125.7(a)]*

**Public Comment**

Mr. Jones mentioned the 14th annual Welcome to the World (WOW) event at the State Capitol on the 21st of April and suggested moving the Board meeting to that date.

Mr. Dave White commented on the barber exam. Out of 100 points, 9 points pertain to haircutting. A person could actually take the barber exam, not cut hair, and still pass the exam. He believes there should be more emphasis on the art of barbering such as cutting and shaving. Dr. Williams commented that the Board's mission is to ensure consumer health and safety.

Mr. Paul Steiger, Rent-a-Kit, commented the number of questions regarding haircut on the exam is 9 out of 80 and that test takers are not required to have a razor blade in their razor.

**15. Agenda Item #15, Adjournment**

With no further business, the meeting was adjourned.



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

**Board of Barbering and Cosmetology-Department of Consumer Affairs**

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## 2014 BOARD COMMITTEES

### LICENSING AND EXAMINATION COMMITTEE

Mary Lou Amaro  
Wen Ling Cheng  
Andrew Drabkin  
Joseph Federico  
Richard Hedges

### ENFORCEMENT AND INSPECTIONS COMMITTEE

Joseph Federico  
Richard Hedges  
Dr. Kari Williams

### LEGISLATIVE AND BUDGET COMMITTEE

Bobbie Anderson  
Joseph Federico  
Richard Hedges  
Dr. Kari Williams

### EDUCATION AND OUTREACH COMMITTEE

Mary Lou Amaro  
Andrew Drabkin  
Joseph Federico  
Christie Tran  
Dr. Kari Williams

### DISCIPLINARY REVIEW COMMITTEE

Mary Lou Amaro  
Bobbie Anderson (Alternate)  
Wen Ling Cheng (Alternate)  
Joseph Federico (Chair / Northern California)  
Richard Hedges (Chair / Southern California)  
Christie Tran (Alternate)  
Dr. Kari Williams

**NOTE: Committees must be four (4) members or less.**



## MEMORANDUM

<b>DATE</b>	March 21, 2014
<b>TO</b>	Board Members Board of Barbering and Cosmetology
<b>FROM</b>	Kristy Underwood Board of Barbering and Cosmetology, Executive Officer
<b>SUBJECT</b>	<b>Regulations Update</b>

- **Equipment for Schools** — The final rulemaking file has been approved by the Business, Consumer Services and Housing Agency and filed with the Office of Administrative Law.
- **Lash and Brow Tinting** — The public hearing is set for April 9, 2014.
- **Apprenticeships** — The public hearing is set for April 9, 2014.
- **Crossover Courses** — The public hearing is set for April 10, 2014.
- **Health & Safety** — The public hearing is set for April 10, 2014.



## MEMORANDUM

<b>DATE</b>	February 6, 2014
<b>TO</b>	Board Members Board of Barbering and Cosmetology
<b>FROM</b>	Tami Guess, Board Policy Analyst Board of Barbering and Cosmetology
<b>SUBJECT</b>	<b>Revisions to Regulations 961 of the California Code of Regulations</b>

The Board implemented use of the National written exam in May 2009 and the National practical exam in October 2011. Prior to these dates, these exams were developed by the Board and the Office of Professional Examination Services (OPES). While utilizing the Board developed tests, the Board would conduct its own text review of new and revised textbooks.

The National exam was developed by the National Interstate Council of State Boards of Cosmetology (NIC). As NIC authors the National exam, the Board should consider conceding authority to NIC to approve new and revised textbooks, on-line courses and additional reference materials.

Attached to this memorandum is proposed regulatory language to revise the textbook review approval process. NIC has approved this language. The NIC already maintains an approved text book and reference material list. At this time, the NIC does not have any approved on-line courses.

This language will:

- require schools to have their text, reference books and on-line courses, that are utilized used by students, be approved for use by the NIC.
- require that at each student enrolled in an approved school, have in their possession one of the textbooks approved by NIC or access to a NIC approved on-line program (should any become approved).
- require schools make available, to students, the NIC approved list of textbooks and on-line courses.
- remove the requirement that the Board of Barbering and Cosmetology have an approved text and reference list and approve said text and reference materials.

### Action

Should the Board choose to pursue conceding the approval of textbooks, on-line courses and reference materials to the NIC, a motion is needed to approve the proposed regulatory language.

**§ 961. On-line Training and Text and Reference Books for Students.**

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

(b) Each student shall possess the following:

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

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

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

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

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

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



## MEMORANDUM

<b>DATE</b>	March 24, 2014
<b>TO</b>	Board Members Board of Barbering and Cosmetology
<b>FROM</b>	Tami Guess, Board Policy Analyst Board of Barbering and Cosmetology
<b>SUBJECT</b>	<b>Legislative Bill AB 1153</b>

To date there have been no amendments to Legislative Bill AB 1153. The Board continues to work with the author and sponsors of this bill. The bill currently resides at the Senate Committee on Business, Professions and Economic Development.

There will be a legislative sunrise hearing scheduled for this bill. The sunrise process is for establishing the need for a new license type. We will assist the sponsors on the data needed for the sunrise report. The date of their hearing has not been set.

We are including a copy of the analysis and bill from our last meeting for information only.

Note: The Board has taken a "Support if Amended" position on this bill.



## BOARD OF BARBERING & COSMETOLOGY

### BILL ANALYSIS

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**Author:** Assembly Member Eggman      **Subject:** Master Esthetician License  
 (Co-Author: Senator Wyland)

**Bill Number:** AB 1153      **Version:** Amended January 6, 2014

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#### Existing Law:

The Barbering and Cosmetology Act provides for licensure and regulation of cosmetologists, barbers and electrologists. In addition, the Act establishes that skin care and manicuring are both branches of cosmetology and licenses each of those areas as manicurists and estheticians.

The esthetician scope of practice is defined in section 7316 (c) (1), which states:  
 Within the practice of cosmetology there exists the specialty branches of skin care and nail care.

(1) Skin care is any one or more of the following practices:

- (A) Giving facials, applying make-up, giving skin care, removing superfluous hair from the body of any person by use of depilatories, tweezers or waxing, or applying eyelashes to any person.
- (B) Beautifying the face, neck, arms, or upper part of the human body, by use of cosmetic preparations, antiseptics, tonics, lotions or creams.
- (C) Massaging, cleansing, or stimulating the face, neck, arms or upper part of the human body by means of the hands, devices, apparatus, or appliances, with the use of cosmetic preparations, antiseptics, tonics, lotions or creams.

Business and Professions Code section 7324 states the qualifications for admittance to the esthetician examination are:

- Is not less than 17 years of age,
- Has completed the 10<sup>th</sup> grade in a public school of this state or its equivalent,
- Is not subject to denial pursuant to section 480,
- Has done any of the following:
  - (1) Completed a course in skin care from a school approved by the Board.

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

California Code of Regulations, section 950.3, states the curriculum for a skin care course shall consist of 600 hours of technical instruction and practical training covering all practices of an esthetician pursuant to section 7316.

**This Bill:**

This bill provides for the following:

- Modifies the practice of skin care.
- Establishes title protection for an esthetician and master esthetician.
- Clarifies that practice of medicine includes diagnosing injury, illness, or disease.
- Adds section 7324.5 allowing for the Board to admit to an examination for a license as a master esthetician to practice advanced skin care person who meets the following qualifications:
  1. Is not less than 17 years old
  2. Has completed the 10 grade or its equivalent
  3. Is not subject to denial pursuant to section 480
  4. Has done at least one of the following:
    - (A) Completed a course in skin care as described in Section 7364.5 from a school approved by the Board.
    - (B) Earned a national or international diploma or certification in advanced or master esthetics that is recognized by the Board.
    - (C) Holds a current esthetician's license pursuant to Section 7324 and either:
      - (i) On or before January 1, 2018, practiced esthetics equivalent to the study and training of a qualified person who has completed a course in master esthetics from a school the curriculum of which complied with the requirements adopted by the board, during two of the last four years.
      - (ii) Has completed continuing education coursework in skin care that complies with requirements established by the board. This applicant may only take the examination twice. If they are unable to pass the exam, the applicant is required to qualify for the exam after completing the required coursework outlined in subparagraph (A).

Defines the scope of practice for a Master Esthetician to include:

1. Everything that basic estheticians can perform.
2. Exfoliation procedures on the face and body. Only superficial/light chemical exfoliation designed to work within the epidermal layers of the skin.
3. Services using devices on the face or body. Devices shall be operated within the manufacturer's written instructions.
  - a. Devices must be noninvasive, pursuant to FDA guidelines

- b. Not designed to remove diseased or unwanted tissue or destroy live tissue.
  - 3. Allows for specified extraction techniques, such as disposable lancets.
  - 4. Massage techniques on the face, body, back, scalp, hands and feet for the purpose of beauty. Does not include medical lymph therapies.
  - 5. Allows for body treatments that use water, appliances, devices and cosmetic preparations intended to improve the appearance of the skin.
- Establishes that the master skin care course is not less than 1200 hours.
  - Establishes an application and examination fee be the actual cost to the Board.
  - Establishes a license fee for a master esthetician to be not more than \$40.

### **Analysis:**

The beauty industry is constantly changing. This bill will allow segue for the Board to keep pace with the changes facing the esthetic community. Staff met with the bill's authors and coalition supporters and presented the following suggested amendments. The bill author's stated amendments would be considered and possibly included into the bill by January 2014. Not all of the proposed amendments have been applied.

### **Outstanding Issues:**

#### **General Issues**

The bill continuously uses the term "Advanced skin care", as opposed to "Master esthetics".

- **Staff recommends:** Removal of the term "Advanced", inclusion of the term "Master".

**Status:** Amended. The term "Advanced" has been replaced by the word "Master".

#### **Scope of Practice**

1. The bill does not address Business and Professions Codes section 7316(b) which addresses scope of practice of cosmetology. Currently, a cosmetologist can perform all functions within the scope of practice for an esthetician. The cosmetologist attends a program of 1600 hours and the esthetician attends 600 hours. Cosmetologists should only be allowed to perform the tasks allowed by a basic esthetician. Cosmetologists should not be allowed to perform master esthetic procedures without additional training and testing.
  - **Staff recommends:** Text should be included clarifying exactly what esthetic practices will be allowed in the cosmetology scope of practice, without additional training. These listed practices should mirror those allowed by a basic esthetician.

**Status:** Amendments needed. Bill allows estheticians to perform superficial exfoliation procedures in the Stratum corneum, manual scrubs including mechanical brushes, the application of cosmetic products with a mild abrasive ingredient. Superficial chemical exfoliation of the stratum corneum. Use of enzymes or herbal exfoliators and extraction with non-needle extraction tools. Allows for microdermabrasion.

2. The bill does not currently provide a basic esthetician with the scope of practice to perform manual exfoliation procedures, such as microdermabrasion.

- **Staff recommends:** Existing statute be clarified to include microdermabrasion for the basic esthetic and cosmetology scope of practice.

**Status:** Amendments needed. Microdermabrasion has not been added to the scope of practice for cosmetology. It has been added to the scope of practice for basic esthetics.

3. The bill does not address the fact that Business and Professions Codes section 7316 (b) (4) and section 7316 (c) (1) (B) are inconsistent in the issue of superfluous hair removal. As cited currently, cosmetologists are allowed to remove hair by the use of devices or appliances of any kind or description, except by the use of light waves, commonly known as rays.

- **Staff recommends:** In addition to the already stated venues available to estheticians and cosmetologists to remove superfluous hair, change text to reflect that estheticians are allowed to remove hair by the use of devices or appliances of any kind or description, except by the use of light waves, commonly known as rays. Make the constraints on cosmetologists the same as a basic esthetician.

**Status:** Amendments needed as Staff recommendations have not been made.

### Practice of Medicine

Section 7320 of the Business and Professions code has been amended to include restrictions on the diagnosing of injury, illness or disease.

- **Staff recommends:** The addition of the word “treating”. The new statute would read, “This chapter does not confer authority to practice medicine or surgery, including diagnosing or *treating* injury, illness or disease.”

**Status:** Amendments needed as Staff recommendations have not been made.

### Qualifications for Examination

The bill establishes three methods in which an individual would qualify to sit for an examination.

- Completion of a 1200 hour course in advanced esthetics. It is unclear if a licensee holding a 600 hour esthetic license would have to take a full 1200 additional hours to qualify to sit for the master esthetic examination.

➤ **Staff recommends:** Text should be added clarifying that a licensee who currently holds a basic esthetic license are only required 600 hours of Master esthetic training to qualify to sit for the master esthetic examination.

**Status:** Amendments needed as Staff recommendations have not been made.

- Earned a national or international diploma or certification in advanced or master esthetics that is recognized by the Board. It is unclear what national or international diplomas exist. The Board does not currently have this authority for any of its license types.

➤ **Staff recommends:** Deletion of proposed qualification.

**Status:** Amendments needed as Staff recommendations have not been made.

- Holds a current esthetician license and shows proof of either working as an esthetician for a minimum of 2,000 client contact hours (of which 500 hours are supervised advanced skin care treatments) or completion of continuing education in advanced skin care and proof that he or she has worked as a master esthetician for a period of time. It is unclear how the Board would verify the 2,000 hours as well as why an esthetician would be supervised for 500 hours. Any evidence or proof to be provided to the Board to indicate that a licensed esthetician is performing advanced skin care would require working out of the scope of practice for a basic esthetician.

➤ **Staff recommends:** Deletion of proposed qualification.

**Status:** Amended. This section has been removed.

## Examination

Currently, there are two States that license and examine for an advanced esthetician license. Both States utilize the NIC (national) examination. The Candidate Information Bulletin for the national practical advanced esthetician examination indicates that the core domain services of the advanced esthetician are as follows:

- Cleansing the face
- Manual Lymphatic Drainage
- Ultrasonic Exfoliation Treatment
- Jessner's or 20% BHA Chemical Peel
- Particle Microdermabrasion
- Advanced Facial Treatment-LED
- Electricity and Electrical Equipment-Microcurrent
- Advanced Body Treatment-Dry Exfoliation and Mud or Seaweed Mask

The Candidate Information Bulletin for the national written examination for advanced esthetician indicates the following domain services:

- Skin Analysis
- Exfoliation Methods
- Electricity and Use of Various Electrical Equipment
- Advanced Methods of Hair Removal-Including Laser and Light
- Advanced Facial Treatments
- Advanced Body treatments
- Lymphatic Drainage
- Pre/Post-Operative Treatments

Based on this information, the Board would not be able to adopt the national examination as it currently exists. Business and Professions Code section 7320.5 states that any licensee of the Board who uses a laser is guilty of a misdemeanor. In addition, section 7320 specifies that the chapter confers no authority to practice medicine or surgery.

The information contained in the national examination may present a situation where a licensee crosses into the medical profession and because it specifically tests on the use of lasers which is a medical procedure. The examination could not be adopted as it currently exists.

**Fiscal Impact:**

Programming costs would be involved to add a new license type to the Board's database, however, because of the current status of the Breeze implementation this cost is unknown. Changes to the Breeze database currently cost \$20,00.00 per incident. It is unknown at this time how many changes would need to be implemented.

In addition, the Board may have to develop its own examination or work with the NIC to modify the examination. The initial estimated costs to revise the Master Esthetic exam from NIC are approximately \$41,000 (including language translation costs). The Board is potentially looking at a minimum cost of \$100,000.

**Staff Recommendation:**

Staff recommends the Board take a support if amended position.

AMENDED IN ASSEMBLY JANUARY 6, 2014  
AMENDED IN ASSEMBLY SEPTEMBER 11, 2013  
AMENDED IN ASSEMBLY APRIL 16, 2013  
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1153**

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**Introduced by Assembly Member Eggman**  
(Coauthor: Senator Wyland)

February 22, 2013

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An act to amend Sections 7316, 7320, 7324, 7396, and 7423 of, and to add Sections 7320.6, 7320.7, 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 *cosmetology* by *including the practice of giving facials and the use of esthetic devices, as defined, and modify the practice of skin care, including defining "facial" by*

including the use of esthetic devices, as defined, 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, pursuant to board regulations, 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~~ master esthetics course approved by the board. The bill would provide that ~~an advanced skin care~~ a master esthetics course 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. The bill would also prohibit a person who is not licensed as an esthetician or as a master esthetician from representing himself or herself as an esthetician or as a master esthetician, respectively. 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:*

- 1 SECTION 1. Section 7316 of the Business and Professions
- 2 Code is amended to read:
- 3 7316. (a) The practice of barbering is all or any combination
- 4 of the following practices:
- 5 (1) Shaving or trimming the beard or cutting the hair.
- 6 (2) Giving facial and scalp massages or treatments with oils,
- 7 creams, lotions, or other preparations either by hand or mechanical
- 8 appliances.
- 9 (3) Singeing, shampooing, arranging, dressing, curling, waving,
- 10 chemical waving, hair relaxing, dyeing the hair, or applying hair
- 11 tonics.

1 (4) Applying cosmetic preparations, antiseptics, powders, oils,  
2 clays, or lotions to the scalp, face, or neck.

3 (5) Hairstyling of all textures of hair by standard methods that  
4 are current at the time of the hairstyling.

5 (b) The practice of cosmetology is all or any combination of  
6 the following practices:

7 (1) Arranging, dressing, curling, waving, machineless permanent  
8 waving, permanent waving, cleansing, cutting, shampooing,  
9 relaxing, singeing, bleaching, tinting, coloring, straightening,  
10 dyeing, applying hair tonics to, beautifying, or otherwise treating  
11 by any means, the hair of any person.

12 ~~(2) Massaging, cleaning, or stimulating the scalp, face, neck,~~  
13 ~~arms, or upper part of the human body, by means of the hands,~~  
14 ~~devices, apparatus, or appliances, with or without the use of~~  
15 ~~cosmetic preparations, antiseptics, tonics, lotions, or creams.~~

16 ~~(3) Beautifying the face, neck, arms, or upper part of the human~~  
17 ~~body, by use of cosmetic preparations, antiseptics, tonics, lotions,~~  
18 ~~or creams.~~

19 *(2) Giving facials or the practice of massaging, stimulating,*  
20 *exfoliating, cleansing, or beautifying the face, scalp, neck, or upper*  
21 *part of the human body by use of hands, esthetic devices, cosmetic*  
22 *preparations, antiseptics, lotions, tonics, or creams.*

23 *(A) Esthetic devices, include, but are not limited to, steamers,*  
24 *mechanical brushes, high frequency, galvanic current, vacuum*  
25 *and spray, light emitting diode (LED), and skin analysis equipment.*

26 *(B) Esthetic devices shall be operated in accordance with the*  
27 *manufacturer's written instructions. The devices shall be intended*  
28 *for improving the appearance of the skin and shall be within the*  
29 *following guidelines:*

30 *(i) Noninvasive, pursuant to United States Food and Drug*  
31 *Administration guidelines.*

32 *(ii) Not designed to ablate or destroy live tissue.*

33 ~~(4)~~

34 (3) Removing superfluous hair from the body of any person by  
35 the use of depilatories or by the use of tweezers, chemicals, or  
36 preparations or by the use of devices or appliances of any kind or  
37 description, except by the use of *lasers* or light waves, commonly  
38 known as rays.

39 (5)

- 1 (4) Cutting, trimming, polishing, tinting, coloring, cleansing,  
2 or manicuring the nails of any person.
- 3 ~~(6)~~
- 4 (5) Massaging, cleansing, treating, or beautifying the hands or  
5 feet of any person.
- 6 (c) Within the practice of cosmetology there exist the specialty  
7 branches of skin care and nail care.
- 8 (1) Skin care is any one or more of the following practices:
- 9 (A) *Giving facials or the practice of massaging, stimulating,*  
10 *exfoliating, cleansing, or beautifying the face, scalp, neck, or upper*  
11 *part of the human body by use of hands, esthetic devices, cosmetic*  
12 *preparations, antiseptics, lotions, tonics, or creams.*
- 13 (i) *Esthetic devices, include, but are not limited to, steamers,*  
14 *mechanical brushes, high frequency, galvanic current, vacuum*  
15 *and spray, light emitting diode (LED), and skin analysis equipment.*
- 16 (ii) *Esthetic devices shall be operated in accordance with the*  
17 *manufacturer's written instructions. The devices shall be intended*  
18 *for improving the appearance of the skin and shall be within the*  
19 *following guidelines:*
- 20 (I) *Noninvasive, pursuant to United States Food and Drug*  
21 *Administration guidelines.*
- 22 (II) *Not designed to ablate or destroy live tissue.*
- 23 ~~(A) Giving facials, which is defined as superficial~~
- 24 (B) *Performing superficial exfoliation procedures on the top*  
25 *layer of the skin (stratum corneum) using commercially available*  
26 *products, in accordance with the manufacturer's written*  
27 *instructions, including, but not limited to, all of the following:*
- 28 (i) *Manual scrubs, including mechanical brush use, which*  
29 *includes application of a cosmetic product with mild abrasive*  
30 *ingredients that remove dead skin cells.*
- 31 (ii) *Superficial chemical exfoliation of the stratum corneum.*
- 32 (iii) *Enzymes or herbal exfoliators, or both.*
- 33 (iv) *Extraction with a nonneedle extraction tool. Extraction*  
34 *includes the manual removal of comedones (blackheads) and other*  
35 *surface impurities with the use of fingers or sterile swabs.*
- 36 (v) *Mechanical exfoliation devices such as microdermabrasion.*
- 37 ~~(B)~~
- 38 (C) *Removing superfluous hair from the body of any person by*  
39 *the use of depilatories, tweezers, sugaring, chemicals, waxing, or*

1 mechanical means. *This practice does not include the use of lasers*  
2 *or light waves, commonly known as rays.*

3 ~~(C)~~

4 (D) Applying makeup or eyelashes to any person.

5 ~~(D) Beautifying the face, neck, arms, or upper part of the human~~  
6 ~~body, by use of cosmetic preparations, antiseptics, tonics, lotions,~~  
7 ~~or creams.~~

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

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

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

18 (1) The mere sale, fitting, or styling of wigs or hairpieces.

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

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

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

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

1 “Electrolysis” as used in this chapter includes electrolysis or  
2 thermolysis.

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

5 7320. This chapter does not confer authority to practice  
6 medicine or surgery, including diagnosing injury, illness, or  
7 disease.

8 SEC. 3. Section 7320.6 is added to the Business and Professions  
9 Code, to read:

10 7320.6. A person who is not licensed as a ~~master~~ *an* esthetician  
11 in this state shall not represent himself or herself as a ~~master~~ *an*  
12 esthetician.

13 *SEC. 4. Section 7320.7 is added to the Business and Professions*  
14 *Code, to read:*

15 *7320.7. A person who is not licensed as a master esthetician*  
16 *in this state shall not represent himself or herself as a master*  
17 *esthetician.*

18 ~~SEC. 4.~~

19 SEC. 5. Section 7324 of the Business and Professions Code is  
20 amended to read:

21 7324. The board shall admit to examination for a license as an  
22 esthetician to practice skin care any person who has made  
23 application to the board in proper form and paid the application  
24 and examination fee required by this chapter, and who is qualified  
25 as follows:

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

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

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

29 (d) Has done any of the following:

30 (1) Completed a course in skin care, as described in Section  
31 7364, from a school approved by the board.

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

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

1 ~~SEC. 5.~~

2 *SEC. 6.* Section 7324.5 is added to the Business and Professions  
3 Code, to read:

4 7324.5. (a) The board shall admit to examination for a license  
5 as a master esthetician to practice ~~advanced~~ skin care, *in*  
6 *accordance with regulations adopted by the board for this purpose,*  
7 any person who has made application to the board in proper form  
8 and paid the application and examination fee required by this  
9 chapter, and who is qualified as follows:

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

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

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

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

14 (A) Completed a course in ~~advanced~~ skin care as described in  
15 Section 7364.5 from a school approved by the board.

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

18 (C) Holds a current esthetician's license pursuant to Section  
19 7324 and either:

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

24 *(i) On or before January 1, 2018, practiced esthetics, as defined*  
25 *in this chapter, for a period of time equivalent to the study and*  
26 *training of a qualified person who has completed a course in*  
27 *master esthetics from a school the curriculum of which complied*  
28 *with the requirements adopted by the board, during two of the last*  
29 *four years. An applicant applying for the master esthetician*  
30 *examination pursuant to this clause may take the examination only*  
31 *twice. If the applicant fails to pass the test on the second attempt,*  
32 *he or she is required to qualify for the examination after completing*  
33 *the required coursework as described in subparagraph (A).*

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

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

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

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

10 (B) The combination of cosmetic preparations intended for light  
11 and superficial exfoliation results.

12 ~~(C) Mechanical exfoliation devices such as microdermabrasion.~~

13 ~~(D) Manual exfoliation tools intended for safe use on the top  
14 layer of the skin (stratum corneum).~~

15 (2) Services using esthetic devices or the combination of devices  
16 on the face and body. These devices shall be operated in accordance  
17 with the manufacturer's written instructions. The devices shall be  
18 intended for improving the appearance of the skin and shall be  
19 within the following guidelines:

20 (A) ~~Nonprescriptive, Noninvasive~~, pursuant to United States  
21 Food and Drug Administration guidelines.

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

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

25 ~~(A) A needle-like metal extractor tool.~~

26 ~~(B) A disposable lancet that is required to be disposed of after  
27 each use according to local and state requirements, and held in a  
28 secure location only accessible to a licensed master esthetician.  
29 Extraction techniques with a disposable lancet include follicle  
30 dilation of closed comedones (blackheads) or pustules.~~

31 ~~(4) Advanced facial massage~~ Massage techniques on the face,  
32 upper body, back, scalp, hands, and feet, including, but not limited  
33 to, manual lymphatic drainage for the purposes of beauty. This  
34 technique does not include medical lymph therapies.

35 (5) Body treatments that use water, appliances, devices, and  
36 cosmetic preparations intended to improve the appearance of the  
37 skin.

38 ~~SEC. 6.~~

39 SEC. 7. Section 7364.5 is added to the Business and Professions  
40 Code, to read:

1 7364.5. ~~An advanced skin care~~ *A master esthetics* course  
2 established by a school shall consist of not less than 1,200 hours  
3 of practical training and technical instruction in accordance with  
4 a curriculum established by board regulation. ~~The advanced skin~~  
5 ~~care~~ *master esthetics* course is not a requirement of obtaining an  
6 esthetician license.

7 ~~SEC. 7.~~

8 *SEC. 8.* Section 7396 of the Business and Professions Code is  
9 amended to read:

10 7396. The form and content of a license issued by the board  
11 shall be determined in accordance with Section 164.

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

16 ~~SEC. 8.~~

17 *SEC. 9.* Section 7423 of the Business and Professions Code is  
18 amended to read:

19 7423. The amounts of the fees required by this chapter relating  
20 to licenses for individual practitioners are as follows:

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

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

26 (b) (1) An esthetician application and examination fee shall be  
27 the actual cost to the board for developing, purchasing, grading,  
28 and administering the examination.

29 (2) An esthetician initial license fee shall not be more than forty  
30 dollars (\$40).

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

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

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

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

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

4 (2) A barber initial license fee shall be not more than fifty dollars  
5 (\$50).

6 (f) (1) An electrologist application and examination fee shall  
7 be the actual cost to the board for developing, purchasing, grading,  
8 and administering the examination.

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

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

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

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

22 ~~SEC. 9.~~

23 *SEC. 10.* No reimbursement is required by this act pursuant to  
24 Section 6 of Article XIII B of the California Constitution because  
25 the only costs that may be incurred by a local agency or school  
26 district will be incurred because this act creates a new crime or  
27 infraction, eliminates a crime or infraction, or changes the penalty  
28 for a crime or infraction, within the meaning of Section 17556 of  
29 the Government Code, or changes the definition of a crime within  
30 the meaning of Section 6 of Article XIII B of the California  
31 Constitution.



## MEMORANDUM

<b>DATE</b>	February 12, 2014
<b>TO</b>	Board Members, Board of Barbering and Cosmetology
<b>FROM</b>	Tami Guess, Board Policy Analyst Board of Barbering and Cosmetology
<b>SUBJECT</b>	<b>Edits to the Board Member Procedures Manual</b>

At the January 13, 2014, Board meeting, Gary Duke, Legal Counsel for the Board of Barbering and Cosmetology, proposed that the Members consider the following edits to the Board Member's Procedure Manual. (edits have been struck out and inclusions appear in red)

### Page 4:

#### **BOARD MEMBER PARTICIPATION**

*(Board Policy Adopted July 24, 2006 Gov. Code sections 1062 and 1770)*

The Board President may ascertain from members whose level of participation is below standard and whether or not the member is no longer able to continue serving as an active member of the Board. In such a case, the President may suggest that the member resign. If such resignation is not forthcoming within a reasonable time, the Board, by resolution, may request the appointing authority to have the member replaced. However, the member shall be given the opportunity to present to the Board his/her arguments against the resolution prior to such a resolution being adopted by the Board. A 50% or greater absence rate shall constitute below-standard participation.

No Board member shall be absent from the state for more than 60 days unless upon business of the Board or with the consent of the Legislature. In the case of illness or other urgent necessity, and upon a proper showing thereof the time limited for absence from the state shall be extended by the Governor. A Board member's position may become vacant if his or her absence from the state is without permission required by law or beyond the period allowed by law. Ceasing to discharge the duties of a Board member's duties for the period of 3 consecutive months, except when prevented by sickness, or when absent from the state with the permission required by law, shall result in the Board member vacating his or her office."

**Page 6:**

## **BOARD MEMBER REMOVAL**

*(B&P section 106)*

The appropriate appointing authority ~~The Governor~~ (Governor, Senate Rules Committee or Speaker of the Assembly) has the power to remove from office at any time, any member of the Board, appointed by him for continued neglect of duties required by law, for incompetence or unprofessional or dishonorable conduct.

### **Staff Recommendations:**

Should the Board choose to include the edits into the 2014 Board Members Procedure Manual, a motion is needed to approve the inclusion of the proposed edits.