CALIFORNIA
BOARD OF BARBERING AND COSMETOLOGY

APRIL 20, 2015

Legislative and Budget Committee Meeting
Department of Consumer Affairs
1747 North Market Blvd.
HQ2 Hearing Room 186, 1st Floor
Sacramento, CA 95834

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

Legislative and Budget Committee Meeting Agenda

Monday, April 20, 2015
11:00 A.M or upon Adjournment of the Licensing and Examination Committee Meeting

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

ALL TIMES ARE APPROXIMATE AND SUBJECT TO CHANGE

1. Establishment of a Quorum; Welcome and Introductions

2. Election of Committee Chairperson

3. 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)]

4. Approval of Legislative and Budget Committee Meeting Minutes

   - June 3, 2013

5. Status of the Board's Budget

6. Update on Sunset Review

7. Update and Discussion of Proposed Bills that could Impact BBC:

   - AB 181 – Sunset Review Bill
   - AB 1322 - Allowing Alcohol in Establishments

8. Agenda Items for Next Committee Meeting

9. 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)]

A quorum of the Committee is expected to 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 Marcene Melliza at (916) 575-7121 or sending a written request to that person at the address noted above.

No Attachment

BarberCosmo

State and Consumer Services Agency - Edmund G. Brown Jr., Governor
BOARD OF BARBERING AND COSMETOLOGY
P.O. Box 944226, Sacramento, CA 94244-2260
P (800) 952-5210 F (916) 575-7281 www.barbercosmo.ca.gov

CALIFORNIA STATE BOARD OF

BARBERING AND COSMETOLOGY

LEGISLATIVE AND BUDGET COMMITTEE MEETING

MINUTES OF JUNE 3, 2013

California Board of Barbering and Cosmetology
2420 Del Paso Road
1st Floor Sequoia Room, Room 109
Sacramento, CA 95834

COMMITTEE MEMBERS PRESENT
Joseph Federico
Richard Hedges

STAFF MEMBERS PRESENT
Kristy Underwood, Executive Officer
Gary Duke, Legal Counsel
Tandra Guess, Board Policy Analyst

1. Agenda Item #1, WELCOME AND INTRODUCTIONS

Mr. Federico, Board President, called the meeting to order at 1:00 p.m.

2. Agenda Item #2, ELECTION OF A COMMITTEE CHAIRPERSON

Upon motion by Mr. Hedges, seconded by Mr. Federico, Mr. Federico was elected by a 2-0 vote as Chair of the Legislative and Budget Committee.

3. Agenda Item #3, APPRENTICESHIP PROGRAM REVIEW UPDATE - FINAL RECOMMENDATION

Ms. Underwood presented to the committee some regulation language that would prevent an individual from being issued an apprentice license if the individual has been approved to sit for the exam. This would prevent individuals from "recycling" through the apprentice program. An individual would be required to inform the Board of the reason for stopping the apprenticeship program before they would be allowed to return to the program. Ms. Underwood also suggested that a regulation be made that limits the number of apprentices under one licensed trainer to two at any given time. Ms. Underwood will bring to the next Board meeting recommended revisions for the barbering, electrolysis, and cosmetology curricula.

Mr. Hedges stated that the Disciplinary Review Committee (DRC) is seeing large scale abuses in the apprenticeship program. Mr. Hedges motioned and Mr. Federico seconded to present findings and new regulations at the next Board meeting for Board approval.

Public Comment

Mr. Fred Jones, Professional Beauty Federation of California (PBFC), confirmed that the intent behind the recommendations is to prevent people from continuing to apply for the apprenticeship program and never actually take the exam. Ms. Underwood added that it would prevent people who do not pass the exam from returning to the apprenticeship program. The apprentice program should be viewed as a pathway to get licensed as opposed to going to school. Someone who has actually taken the exam and failed cannot be an apprentice.

Upon motion by Mr. Hedges, seconded by Mr. Federico, the motion to present findings and new regulations, if available, at the next Board meeting for Board approval was approved by a 2-0 vote.

4. Agenda Item #4, DISCUSSION AND RECOMMENDATIONS FOR LEGISLATIVE REPORT ON THE STUDY OF APPROPRIATE LICENSING SUB-CATEGORIES

The Sunset Review Committee recommended that the Board should work with industry groups to look at the different licensing categories. Background has been provided on various areas, including what the current practice involves for both cosmetologists and estheticians. It is recommended that the committee should discuss the following points:

- should the current scopes of practices be broken up, because that essentially would happen by granting licensing to specific sub-licensing categories; or
- should the scopes of practice remain the same

Mr. Hedges commented that we are actually talking about three different issues here. He is concerned that some of these sub licensing recommendations or legislative issues are creating silos where people have these very limited scopes of practice. He is concerned that the Board is making available work for folks that is limiting them to a level where they do not have room to move if they decide to chose a different avenue of work within the beauty industry. Mr. Federico's comments echo Mr. Hedges' comments.

Mr. Hedges raised the issue of staffing. The Board certainly is not going to be allowed any extra money or expanded budget to do this. The Board is not even allowed to hire at this point. He has some issues with the current proposal not requiring an examination for minimal competency. He wants to know what these folks are going to be capable of doing in their minimum competency. The law requires us to protect the consumer.

Public Comment

Ms. Sherry Davis stated she knows other states that have sub-licensing caterogories. She thinks that future licesses should be able to turn in the paperwork from the school, saying okay, they did it, so obviously they received the training. Sub-licensing catergories give them a bigger scope. As far as the silos on the sub-licensing catergories, they would be the stepping stone for people who just need to get something to get to work and then those hours can transfer and they can receive some credit. If students want to go further then they could.

Mr. Hedges proposed the idea of making certificates available through the industry and having the Board set guidelines as to the requirements of the certification.

Public Comment

Mr. Manhal Mansour echos the Board's concern. The majority of the people doing photo shoots and weddings and are doing it illegally. Makeup is a branch of cosmetology. The practice of makeup artistry in the State of California for any paid work is only allowed for estheticians and cosmetologists. Mr. Mansour suggested allowing the schools to certify the training and the Board, based on that certification, a certificate would be issued by the school for those who are properly trained and then they could go out and perform the job in a health and safely mandated way.

Mr. Federico commented that the majority of these people either freelance out of their houses or do photo shoots and weddings. There isn't a way for the Board to enfoce the unlicensed activity.

Ms. Underwood stated that the Board needed to decide, aside from even the specific categories, if it wants to have specific categories, whether it's waxing or eyelash extensions, makeup artists, advanced esthetics. The Board is required to make a recommendation as to whether we think that's feasible, if we think it's necessary, if there are concerns with breaking up our scope of practice. Mr. Hedges would like to see certificates issued by the industry with the Board's guidelines.

Public Comment

Mr. Jones of PBFC, stated they have been struggling about what to do about nonlicensed categories. Our industry is always evolving and we want our licensees to continue to evolve and perfect the craft and trade. The intent behind continuing education is always good. When you mandate it, there are unintended consequences. PBFC has been trying to figure out how to incentivize licensees to perfect their craft and to continue to learn without turning to the Board for a costly, cumbersome, red-tape, mandatory process and without further eroding the current scopes of practice of existing licenses. If you create some sort of ability for people who work on the public for money without having one of the five licenses and yet that work is within the scope of practice of one or two or all of those five license categories, you are by definition eroding the scope of practice of the licensee.

When you take someone with very little experience, education, and training and allow them to do work within a broader licensed scope of practice, they may not be aware of some of the unknowns. So there's a reason to have a codified, very predictable system of licensure especially when you're dealing with the consumer. Unlicensed activity erodes the efficacy of licensure. It allows people to uncompetitively compete. We do not want to do anything that inflates unlicensed activity. Unlicensed activity is also the most difficult thing for the BBC inspectors to find. We believe it is incumbent upon our industry to exercise some leadership, to incentivize licensees to go beyond their schooling, and to provide them some formal recognition of their advanced training and skills that they could actually advertise to the consumers that there is something different about this salon or this particular licensee.

The Board's role is to protect consumers and the way you do that is by setting minimum general standards across the scopes of the five license categories. We would like, in the future as an industry, to go and recognize educational experiences of licensees that take their craft to the next level and really hone in on the curriculum, the equipment and the facilities.

Mr. Hedges believes the Board needs to look into crediting hours based on things that are basic towards a certificate. Ms. Underwood mentioned that the Board would be discussing cross-over courses at the next Board meeting in July.

Public Comment

Mr. Mansour stated as an industry person for 23 years, one of the several things that he could tell the Board is that while the idea of advancing currently licensed people and giving them the incentive to go into more advanced training is wonderful, it is really unreasonable to push people to go take an esthetician course or a cosmetology course and then advance their training by doing makeup. They don't want to do it and there is enough of them to recognize that fact. Let the schools certify them with some guidelines from the Board. There have been some developments on the Spot Bill since last seen by the Board.

Mr. Federico feels these are more specializations rather than standalone programs.

Public Comment

Mr. Jones mentioned that these are very similar arguments that were had during the natural hair braiding and hair threading discussions in the past. He stated, if you want an exemption or a means of working on consumers without one of the five State Board licenses, then you must get a statutory exemption or an additional license. Until the Legislature makes that rule, he does not think there is a lot this Board can do. The job of the Board is to protect consumers that receive beauty services under the licensed scope of practice.

Mr. Mansour would like the Board to make the industry an even playing field for the artists, for the cosmetologists, for the estheticians and allow them to work and practice what they do.

Ms. Underwood stated there are makeup schools that are approved by the Bureau of Private Post Secondary but not approved by the BBC. The Board only approves cosmetology, barbering, and electrology schools. Right now, the Board does not have any oversight over any other schools. Makeup artistry is considered part of the scope of practice for cosmetologist and esthetician.

Mr. Hedges moved the committee to bring this discussion to the entire Board in July. He would like to see certification outside of the Board by industry groups. He is asking staff to look further into that avenue. The motion was seconded by Mr. Federico.

Public Comment

Ms. Jean Ogren stated the Electrologist Association does have a certification program. Providers have to take the test and then have continuing education each year that, in turn, continues their certification.

Mr. Jones emphasized if the Board is going to recognize any industry certification, the Board has to be completely comfortable that it is within the statutorily defined scope of practice of the five licenses.

Mr. Federico called for the vote. The motion carried with a vote of 2-0.

5. Agenda Item #5, UPDATE AND DISCUSSION OF THE STATUS OF THE BBC BUDGET CHANGE PROPOSAL TO INCREASE INSPECTOR POSITIONS

Ms. Underwood stated this is just an update to this committee since it is the Legislative and Budget Committee. The Board did submit a concept paper to the Department to increase our inspector staffing. It also came up in Sunset Review that the Board is not meeting our mandate. The Board is required to inspect salons from the time they open within 90 days which is absolutely impossible with the number of inspectors currently employed. This is just to inform you that we will be moving forward with trying to get 20 additional inspector positions.

6. Agenda Item #6, PROPOSED LEGISLATION - UPDATE AND DISCUSSION OF PROPOSED BILLS THAT COULD IMPACT BBC:

- **AB 1153 - Advanced Esthetician Curriculum Bill**
- **SB 308 - Sunset Review Bill**
- **SB 689 - Spot Bill**

AB 1153 has been changed to a two-year bill. The Board has a watch position on that bill. That has not changed and there is no recommendation to change.

SB 308 is the Sunset bill and it is moving through the legislative process. This bill extends the Board's sunset date. There is language that gives the Board some authority over schools.

SB 689 is the Spot Bill which has not moved at this time.

Public Comment

Mr. Mansour commented on the SB 689. There have been quite a few meetings with stakeholders and they are currently moving away from the 480-hour course requirement and essentially contemplating a path where they would let the Board, should this bill come to fruition, dictate what those minimum competencies might be. The bill currently has a clause wherein there is certification. If a student receives training in a bureau-approved makeup school, they ought to be given credit towards identical training in a cosmetology or esthetician program. Mr. Hedges added the word "verifiable."

Ms. Sherry Davis stated that just because certain things are okay in certain states and national certification allows these things does not mean that we have to take it all into the California scope of practice. She felt industry certification is good idea.

Ms. Underwood stated that the Board has not seen a defined scope of practice for the advanced esthetics bill. (AB 1153)

7. Agenda Item #7, 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 (a)].

The public present did not wish to address the committee.

8. Agenda Item #8, ADJOURNMENT

With no further business, the meeting was adjourned.

Board of Barbering and Cosmetology
Fiscal Year 2014/2015
Projected Expenditures 02/28/15

Personnel Services	ALLOTMENT	BBC Projected Expenditures	Projected Year
Permanent	4,009,443	3,832,658	176,785
Expert Examiners	452,554	452,554	0
Temporary	134,000	262,505	(128,505)
BL 12-03 Blanket	0	147,924	147,924
Statutory-Exempt	106,716	108,852	(2,136)
Board Member Commission	0	16,000	(16,000)
Overtime	0	12,000	(12,000)
Total Salary & Wages	**4,702,713**	**4,832,493**	**166,068**
Net Salary & Wages	**4,702,713**	**4,832,493**	**(129,780)**
Staff Benefits	2,240,480	2,237,025	3,455
Total of Personnel Services	**6,943,193**	**7,069,518**	**(126,325)**

Operating Expenses & Equipment (OE&E)	Allotment	BBC Projected Expenditures	Projected Year End Balance
General Expense	191,511	243,000	(51,489)
Printing	231,584	33,000	198,584
Communication	40,605	40,000	605
Postage	283,384	150,000	133,384
Insurance	4,489	5,775	(1,286)
Travel In State	82,789	130,000	(47,211)
Travel, Out-of-State	0	0	0
Training	10,513	403	10,110
Facilities Operations	1,288,599	1,105,582	183,017
Consultant & Professional Svs. - Interdept.	125,781	0	125,781
Consultant & Professional Svs. - External	486,506	476,476	10,030
Depart. and Central Admin. Services	6,896,230	7,277,863	(381,633)
Consolidated Data Center	68,468	5,200	63,268
DP Maintenance	38,376	50,000	(11,624)
Central Admin Pro Rata	1,068,771	1,068,771	0
Examinations	1,394,177	2,407,534	(1,013,357)
Major Equipment	72,200	185,738	(113,538)
Minor Equipment	16,200	16,200	0
Other Items of Expense	7,288	1,000	6,288
Vehicle Operations	37,784	56,000	(18,216)
Enforcement	1,951,372	967,924	983,448
Special Items of Expenses	0	0	0
Required OE&E Savings		0	0
Total Operating Expenses & Equipment	14,296,627	14,220,466	76,161
Total Personal Services Expenses	21,352,273	21,165,726	(36,113)
Total reimbursements	(57,000)		
Total	**21,182,820**	**21,165,726**	**40,048**

BACKGROUND PAPER FOR THE BOARD OF BARBERING AND COSMETOLOGY

IDENTIFIED ISSUES, BACKGROUND AND RECOMMENDATIONS REGARDING THE BOARD OF BARBERING AND COSMETOLOGY

CURRENT SUNSET REVIEW ISSUES

The following are unresolved issues pertaining to the BBC, or those which were not previously addressed by the Committees, and other areas of concern for these Committees to consider along with background information concerning the particular issue. There are also recommendations the Committee staff have made regarding particular issues or problem areas which need to be addressed. The BBC and other interested parties, including the professions, have been provided with this Background Paper and can respond to the issues presented and the recommendations of staff.

ISSUE #1: (Pro Rata) What services does the BBC receive for its share of pro rata?
Staff Recommendation: ***The BBC should advise the Committees about the basis upon which pro rata is calculated, and the methodology for determining what services to utilize from DCA. In addition, BBC should also discuss whether it could achieve cost savings by dealing with more of its services in-house, such as its legal, public affairs, or call center support. The BBC should also explain to the Committees if the BBC's position reduction has led to increased reliance on DCA for administrative services.***

Board Response: The Board utilizes many services offered by the DCA including, but not limited to; call center, budgets, contracts, information technology, human resources and public information. The Board does have one of the higher costs for pro rata in the DCA however, the services received are numerous. The costs that are distributed from the Board to the DCA are calculated by DCA. SB 1243 (Lieu, Chapter 395, Statutes of 2014) requires the DCA to conduct a study on the system of prorating administrative expenses and this will provide a better understanding of cost distribution. The Board does not see a cost savings should it take over functions and duties that are currently handled by the DCA. Once the study of how costs are distributed the Board may be in a better position to determine if cost savings could be achieved. The Board does not believe that any position reductions led to an increased reliance on DCA.

ISSUE #2: (Practical Examination) Is the practical examination the most effective way to demonstrate minimal competency?
Staff Recommendation: ***The Committees may wish to require the BBC to conduct an occupational analysis of the current practical examination to determine if this form of examination is still a reliable and valuable measure of meeting minimal competency standards, or if any changes to improve the examination are necessary. In addition, the BBC may wish to inquire assessing the elements of a practical examination are something schools could test for at the end of an instructional program, as part of the required curriculum.***

Board Response: The Board would be happy to conduct research and provide an update to the committee on practical examinations and if they are a reliable and valuable measure for minimal competency. As for schools administering the practical examination, this is an option that could be looked into, however, the Board believes that unless it has sole oversight of schools it would not be a secure process. Currently, schools are not monitored in a way that the Board would feel confident that the test would be administered properly. There is already a significant issue of schools selling hours (issuing completion documents when the courses were not completed) and the Board does not see the schools conducting an examination in a secure manner.

ISSUE #3: (Spanish-language failure rates) What can the BBC do to improve the success of Spanish-language test-takers?
Staff Recommendation: ***In order to improve the outcomes of the written examination for both recent graduates and those individuals taking the Spanish-language examination, the Committees may wish to require the BBC to reevaluate the curriculum standards that are necessary for licensure and work with current BBC- and BPPE-approved education providers to ensure that the curriculum and instructional materials meet the needs of students and any material instructed in a language other than English is consistent with the language utilized on the NIC examinations. In addition, the BBC should continue to work with Spanish-language test takers to inform them of the dialect utilized in the Spanish examination. Also the Committees may wish to require the BBC to work with education providers who teach in Spanish to improve communication and information with Spanish-language examinees. Further, the BBC reported that it plans to conduct targeted outreach to Spanish-speaking students and licensees. The BBC should explain to the Committees its timeline for conducting outreach and explain its outreach strategy.***

Board Response: The Board is taking continual steps to determine what the issues are for low pass rates for those taking the written examination in Spanish. The Board does not believe that the issue lies within the curriculum or the examination. As the Board is able to generate more reports from the BreEZe database we believe students that are requesting the examination in Spanish are often not obtaining their education in Spanish. As a result, the Board will be reaching out to schools to encourage them to discuss with the students the pass rates and how the examination is translated. The Board will also be reaching out to students who have failed the examination to obtain their input and conducting town hall meetings with Spanish speaking students. This outreach will be the Board's focus during fiscal year 2015/2016.

The Board has already met with the BPPE on this issue as they are the regulatory entity who oversees the quality of education. The Board would like to see the Spanish pass rates become comparable to other language pass rates by the end of 2016.

ISSUE #4: (Taking the written examination prior to completing school) Should applicants be permitted to take the written examination prior to completing school instruction?
Staff Recommendation: ***The Committees may wish to require the BBC to conduct an occupational analysis of the written examination along with an assessment of curriculum standards to ensure the material is relevant to current practices and standards within the industry. Additionally, the Committees may wish to inquire of the BBC the need to attend***

1600 hours of instruction or less depending on licensee-type, if individuals are able to take and pass an examination prior to completing coursework. Is there coursework that is no longer relevant to industry practices? The Committees may wish to require the BBC to contract with an outside entity to conduct a revised Occupational Analysis of the 1600 curriculum program for cosmetologists.

Board Response: The Board believes that the current 1600 hour curriculum is adequate. The Board supports the idea of the written examination being taken early only because it is based on theory that is learned in the beginning of a course and it would be beneficial to students to be tested upon completion of learning the material as opposed to several months later.

ISSUE #5: (SCHOOL APPROVALS) What is the BBC's current relationship with the BPPE? Does the BBC have a plan to improve its relationship with the BBPE? What steps has the BBC taken ensure better outcomes if it were tasked with the responsibility of being the sole approving entity for schools?
Staff Recommendation: ***The BBC should further update the Committees about any plans it has to improve it regulatory relationship with the BPPE. The BBC should explain where the communication problems may lie between the two entities and consider establishing an enforcement process and communication system in consultation with the BPPE to help alleviate any communication deficiencies. The BBC should inform the Committees about any transition plan it has in place if it were to be granted the sole approval authority for schools including, the projected costs and staff resources necessary to implement such a program. The BBC and the BPPE should continue to work together and monitor any pending litigation issues that impact the curriculum requirements and licensing model for the barber and cosmetology industry.***

Board Response: Communication with the BPPE has been lacking since the BPPE was reconstituted. Effort has been made by the Board to improve communication by requesting meetings and providing information on what the Board needs from the BPPE. In the past these meetings have not been successful as communication from the BPPE to the Board has not improved. However, in 2015 the Board reached out to the DCA to address these issues and we now have regularly scheduled meetings with the BPPE. These meetings are held monthly and are to discuss outstanding issues as well as general information sharing. The Board continues to believe that one entity should have sole oversight over cosmetology and barbering schools and that entity should be the Board. Should the Board be granted sole oversight it would then have the authority to charge a fee for its services and then be able to pursue additional staffing. The Board has not done a full study of staffing needs but maintains it is in the best position to oversee schools as we currently already have staff dedicated to this process.

ISSUE #6: (Health and Safety for Hair Care and Beauty Professionals) What is the BBC's timeframe for updating its current health and safety curriculum manual?
Staff Recommendation: ***The BBC should advise the Committees as to when it will revise or update the current curriculum in the Health and Safety for Hair Care and Beauty Professionals manual. The Committees may wish to require the BBC update this important instructional material by July 1, 2017.***

Board Response: The Board is currently in the process of updating this curriculum and expects to have it completed no later than July 1, 2017.

ISSUE #7: (Enforcement timeframes) Why is the enforcement process for formal discipline taking longer than the targeted 540 days?
Staff Recommendation: ***The BBC should advise the Committees about where it believes the bottlenecks are in its investigation processes and disciplinary actions. What does BBC think are the causes of the delays? In the BBC's opinion, what are viable solutions to the extensive timeframes in its enforcement processes?***

Board Response: The Board's investigation portion of cases where formal discipline was completed in the FY 2013/2014 averaged 241 days. The balance of the aging process for these cases is occurring at the AG's Office. In order to decrease aging at the AG's office Board analysts are regularly inquire about the status of accusations, whether Notices of Defense were filed, whether or not default decisions have been prepared, and whether or not settlement terms have been offered. When accusations or decisions are received, the Board staff will ensure they are processing these documents timely.

ISSUE #8: (Inspector Program) What are the BBC's current issues with its Inspector Program?
Staff Recommendation: ***Given the current challenges with obtaining the approval to hire BBC's desired number of inspectors, and the recruitment challenges, the BBC should explain to the Committees how it plans to adjust, streamline or modify its Inspection Program in order to work within the constraints of available resources. The BBC should explain any problems that may arise from a resource-deficient Inspection Program. The BBC should explore ways it can improve the inspection process for individuals with limited English proficiency and explain to the Committees if an inspector protocol around language and diversity is possible, and if not, what those challenges may be to implementing it. The BBC should inform the Committees of any outcomes from its "all-inspector" trainings. Additionally, the BBC should explain to the Committees its hiring plan to fill inspector positions, if granted BCP authority.***

Board Response: The Board will continue to pursue obtaining additional inspector positions as it believes this is the only way to ensure consumers are protected. It should be noted that the lack of inspector positions to adequately cover all of California does put consumers at risk. It is often that the most egregious violations are found in establishments that have been licensed for many years but have not been inspected on a regular basis. In addition, not having the adequate number of staff requires current inspectors to carry a significantly larger workload thereby impacting the quality of inspections. The Board is committed to quality not quantity inspections. We believe that more time spent in an establishment is beneficial to licensees as opposed to a fast inspection.

The Board does believe that a protocol for inspecting establishments where there is limited English speaking individuals can be developed and can be helpful. The Board plans to develop this protocol and have it in place by the end of 2015, if not sooner.

The Board held two "all-inspector" trainings in 2014. During these meetings inspectors attended tactical communication training, met with industry experts on emerging trends in skin care, and conducted a violation review to ensure consistency in conducting inspections.

Additional meetings will be scheduled for 2015 and the Board will continue to focus on diversity and customer service.

The DCA is assisting the Board in recruitment for vacant inspector positions including promoting the vacant positions at California colleges. The Board is also utilizing social medial as a means of promoting the vacant positions. Should the Board be granted new positions, the first step would be to have DCA conduct personnel examinations to establish a list of eligible applicants.

ISSUE #9: What is the status of BReEZe implementation by the BBC?
Staff Recommendation: ***The BBC should update the Committees about the current status of its implementation of BreEZe. What have been the challenges to implementing this new system? What are the costs for using the system and has it enhanced operational or administrative efficiencies?***

Is the cost of BreEZe consistent with what the BBC was told the project would cost? Is the BBC comfortable that any remaining technical issues will be addressed?

Board Response: The Board has fully implemented the BreEZe system. Numerous challenges were encountered in the initial implementation. The system did not function as easily as Board staff believed it would and there were several changes that needed to be made to accommodate the Board's functions. The Board has spent over $4 million to date on the BreEZe system which is higher than originally thought. The Board is happy to report that operational efficiencies have been gained as a result of BreEZe, the most significant being on-line transactions. The Board receives over 1,000 on-line transactions a month. The Board believes that remaining technical issues will be addressed as prior issues have already been addressed.

ISSUE #10: (Freelance Certification) Are more people seeking beautification services outside of the traditional salon establishment? Does the BBC need to update the current establishment requirements to meet consumer demands?
Staff Recommendation: ***The BBC should explain to the Committees how they would implement a freelance or mobile certificate. The BBC should also explain any new regulations, industry standards or licensing reforms that would be necessary to implement a new freelance certificate and explain how the BBC could regulate such certificates in a matter consistent with its mission. In addition, the BBC should explain to the Committees if it would need to enhance application requirements for freelance certificates, such as expanding the background check program or adding bonding requirements.***

Board Response: Should the Board be granted the authority to issue a "freelance" certificate it believes the process would be to add an indicator to an applicants personal license. An individual would be required to submit an application and fee, obtain fingerprint clearance from the Department of Justice and provide proof of liability insurance. The Board would then

approve the licensee to enter non-licensed facilities to perform services. As the Board's primary focus is consumer protection, the Board would also require any individual that is providing services outside of a licensed establishment to provide information to consumers on how to file a complaint with the Board.

ISSUE #11: (Correctional Facilities Licensing Program) What, if anything, can the BBC do to expand this program? How can the BBC assist in increasing the number of test-takers?
Staff Recommendation: ***The BBC should explain to the Committees its role in the program, how their current partnership with CDCR is working, and ways the BBC believes it can help to improve or expand access to the program.***

Board Response: The Board currently has two examinations scheduled one at Chowchilla State Prison and the other at Corona State Prison. The Board is contacted by the CDCR to set up the examinations when there are candidates ready to test. The Board is flexible and can usually accommodate the CDCR whenever they are ready. At this time, these are the only two facilities that offer educational programs that lead to Board licensure. The Board is willing to expand this program however, that is dependent upon the CDCR. Costs involved for the Board are minimal as the examinations are conducted by Board staff; therefore only minimal travel costs are involved. CDCR incurs the majority of the cost as each facility must be equipped with a learning center.

ISSUE #12: (Booth Renters License) Is there a need to create a separate booth renter's license?
Staff Recommendation: ***The Committees may wish to inquire of the BBC how a booth renters' license will provide any enhanced protections for consumers or licensees. As raised during previous sunset review oversight hearings, it is unclear why owners of establishments would not want to maintain the responsibility for individuals operating at their place of business and it is unclear why a responsible business owner would potentially want to ignore violations in their establishment and not require all individuals working closely with them to abide by the law. In addition, the BBC should explain to the Committees if a booth renter's license would increase the workload of investigators, which the BBC reports, is currently understaffed. The Committees may wish to instead require the BBC to provide additional information to consumers and licensees, on its Web site, about the difference between a booth rental and establishment employment to help clarify the role of establishment owners, employees and booth renters to benefit both licensees and consumers.***

Board Response: The Board believes that a booth rental license will provide increased consumer protection by allowing a consumer to fully understand who is providing the service. Consumers should understand that when they enter an establishment if they are receiving services from a booth renter, and are harmed, the liability is with the individual performing the services. The Board does believe that owners would still be required to maintain responsibility of the establishment, specifically common areas that may be used by multiple booth renters (for example: shampoo bowls). The addition of a booth renter license would not increase work for Board inspectors because they currently inspect all aspects of the establishment and issue individual inspection reports and establishment inspection reports.

The Board agrees with providing additional information on its website that will benefit consumers and licensees and will have this information posted by June 30, 2015.

ISSUE #13: (Additional Licensing Sub-categories and Industry Certification) How would these enhance consumer protection?
Staff Recommendation: ***The Committees may wish to require the BBC to focus on numerous other areas including: adjusting its current regulatory authority to include recognition of a freelance certificate; improving its Inspection Program, improving its relationship with the BPPE, reviewing the curriculum standards of schools and hour requirement necessary for licensure; and addressing consumer safety issues instead of approving industry certificates which licensees are already permitted to receive, granted they are operating within the scope of their professional license.***

Board Response: The Board believes that an industry certification program would allow an incentive for an individual to gain further education in their specific skill set. This would allow those licensees to become better at their craft and become safer operators. More education by licensees would increase consumer protection.

ISSUE #14: (Board Composition) Should professional members be required to be a licensed professional?
Staff Recommendation: ***The Committees may wish to consider if requiring the professional appointees to represent a more diverse segment of the licensing population would be beneficial. This could be achieved by specifying that a portion of, or all, professional board member appointees hold an active, professional license. The Committees may also wish to require the BBC to create a designated industry-advisory committee which specifically focuses industry-related issues and is comprised of licensed-industry members.***

Board Response: As noted in the background paper the Board is comprised of nine members with four members being of the profession. As of the date of this report there are 2 cosmetologists, 1 barber and 1 school owner serving on the board. Currently, the Board does not have members that hold a license as an esthetician, manicurist or electrologist. The Board has formed technical advisory committees for each of the licensing categories. These committees are beneficial to the Board in that they provide direct industry related issues. This process has allowed the Board to include all aspects of the industry in the regulatory and consumer protection areas.

ISSUE #15: (Language Access) How can the BBC enhance language-access services to consumers and licensees?
Staff Recommendation: ***Although the BBC has made significant improvements in addressing language access issues, it is clear that more can be done. The BBC should explain to the Committees how it plans to continue enhancing language access services, including translation services at disciplinary hearings and any plans the BBC has to increase the numbers of bilingual inspectors.***

Board Response: The Board believes language access will take continual effort and looks forward to adding to what has already been accomplished. Effective May 1, 2015 the Board will begin issuing citations to all manicurists and establishments cited for manicuring violations in English and in Vietnamese. In addition, the Board hopes to continue its outreach to the limited English speaking communities. The Board will be developing a protocol for inspectors to assist in the process of inspecting establishments with non-English speaking licenses. In addition, the Board continues to advertise job vacancies encouraging non-English speaking candidates to apply.

ISSUE #16: (Consumer and Licensee Safety) How can the BBC promote safe standards for industry workers and consumers? How does the BBC stay informed about product safety and pass along the information to both consumers and licensees? Is greater outreach necessary?
Staff Recommendation: ***The BBC should consider establishing a health and safety advisory committee or adding this important task to one of its existing advisory committees which meets regularly.***

Board Response: The Board agrees with staff's recommendation and will be adding this topic to each agenda for the various technical advisory committee meetings. These advisory committees are comprised of members of the industry that are educated in the current trends and medical and/or scientist personnel. Having this topic on the agenda will allow the Board to stay informed and be proactive on any industry concerns. The Board will promote safe standards through its use of social media, website and trade shows. The update of the Board's Health and Safety Curriculum (which is discussed further under item #6) will also be beneficial to promote safety standards for licensees.

ISSUE #17: Technical Cleanup.
Staff Recommendation: ***The Board should recommend any additional technical cleanup amendments for BPC § 7301 et seq. to the Committees.***

Board Response: The Board recommends the following technical cleanup amendments:

Section	Action	Reason
7303.2	Repeal	The Board fulfilled the requirement and language is no longer relevant.
7303.5 (c) and (d)	Repeal	This section does not appear to be relevant as it repeals the Executive Officer. This section would become inoperative should the Board become inoperative through the sunset process.
7308	Repeal	The Board fulfilled the requirement and language is no longer relevant.
7313 (b)	Amend	Amend language to reflect accurate name of the Bureau for Private Postsecondary and Vocational Education
7362 (a)	Amend	Amend language to reflect accurate name of the Bureau for Private Postsecondary and Vocational Education

7395.1	Amend	Amend language to reflect accurate name of the Bureau for Private Postsecondary and Vocational Education
7401 (d)	Repeal	The Board fulfilled the requirement and language is no longer relevant.
7404 (4)(c)	Amend	Amend language to reflect accurate name of the CA Department of Public Health
7407	Amend	Remove requirement for Board to review and revise the administrative fine schedule by January 1, 2005. The Board has fulfilled this requirement.

ISSUE #18: (CONTINUED REGULATION BY BOARD OF BARBERING AND COSMETOLOGY.) Should the licensing and regulation of barbers, cosmetologists, electrologists, manicurists and estheticians be continued and be regulated by the current BBC membership?

Staff Recommendation: ***Recommend that the barbering, cosmetology, electrology, manicure and esthetician professions continue to be regulated by the current the BBC in order to protect the interests of the public and be reviewed once again in four years, and that the BBC update the appropriate policy committees of the Legislature in 4 years on the issues raised earlier in this report.***

Board Response: the Board agrees with staff recommendation and looks forward to continued work with the committees.

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 OF BARBERING & COSMETOLOGY
BILL ANALYSIS

Author: Committee on Business and Professions **Subject: Sunset Review**
(Bonilla, Chr., Bloom, Dodd, Gatto, Holden, Mullin, Ting, and Wood)

Bill Number: AB 181 **Version: Introduced January 26, 2015**

Existing Law:

Existing law requires that the Board of Barbering and Cosmetology consists of certain members, and authorizes the board to appoint an executive officer. Under existing law, these provisions are repealed on January 1, 2016.

This Bill:

This bill would extend the operation of these provisions until January 1, 2020.

Fiscal Impact:

This bill has no identifiable fiscal impact to the Board of Barbering and Cosmetology.

Analysis:

This bill amends section 7303 of the California Business and Professions Code to extend the Board's Sunset Date to January 1, 2020.

Registered Support:

N/A

Registered Opposition:

N/A

Board Position:

N/A

ASSEMBLY BILL No. 181

Introduced by Committee on Business and Professions (Assembly Members Bonilla (Chair), Bloom, Dodd, Gatto, Holden, Mullin, Ting, and Wood)

January 26, 2015

An act to amend Section 7303 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 181, as introduced, Committee on Business and Professions. Professions and vocations: barbering and cosmetology.

The Barbering and Cosmetology Act provides for the licensure and regulation of barbers and cosmetologists by the State Board of Barbering and Cosmetology in the Department of Consumer Affairs. Existing law requires that the board consist of certain members, and authorizes the board to appoint an executive officer. Under existing law, these provisions are repealed on January 1, 2016.

This bill would extend the operation of these provisions until January 1, 2020.

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

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

1 SECTION 1. Section 7303 of the Business and Professions
2 Code is amended to read:
3 7303. (a) Notwithstanding Article 8 (commencing with Section
4 9148) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the

Government Code, there is in the Department of Consumer Affairs the State Board of Barbering and Cosmetology in which the administration of this chapter is vested.

(b) The board shall consist of nine members. Five members shall be public members, and four members shall represent the professions. The Governor shall appoint three of the public members and the four professional members. The Senate Committee on Rules and the Speaker of the Assembly shall each appoint one public member. Members of the board shall be appointed for a term of four years, except that of the members appointed by the Governor, two of the public members and two of the professions members shall be appointed for an initial term of two years. No board member may serve longer than two consecutive terms.

(c) The board may appoint an executive officer who is exempt from civil service. The executive officer shall exercise the powers and perform the duties delegated by the board and vested in him or her by this chapter. The appointment of the executive officer is subject to the approval of the director. In the event that a newly authorized board replaces an existing or previous bureau, the director may appoint an interim executive officer for the board who shall serve temporarily until the new board appoints a permanent executive officer.

(d) The executive officer shall provide examiners, inspectors, and other personnel necessary to carry out the provisions of this chapter.

(e) This section shall remain in effect only until January 1, ~~2016,~~ *2020,* and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, ~~2016,~~ *2020,* deletes or extends that date. Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

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Board of Barbering and Cosmetology-Department of Consumer Affairs
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BOARD OF BARBERING & COSMETOLOGY
BILL ANALYSIS

Author: Assembly Member Daley **Subject: Alcoholic Beverages in Beauty Salons**

Bill Number: AB 1322 **Version: As Introduced February 27, 2015**

Existing Law:

Existing law makes it unlawful for anyone other than a licensee of the Department of Alcoholic Beverage Control to sell, manufacture or import alcoholic beverages in California. There are exceptions, however, such as serving alcohol as part of a limousine or hot air balloon service.

This Bill:

This bill would add beauty salons and barbershops to the list of businesses which may serve alcoholic beverages to clients ages 21 and over without a license or a permit, provided there is no extra fee charged for those beverages.

Fiscal Impact:

This bill has no identifiable fiscal impact to the Board of Barbering and Cosmetology.

Analysis:

According to a fact sheet supplied by the author, many beauty salons and barbershops throughout California offer complementary alcoholic beverages to their customers at no charge. However, by providing such beverages without possessing a liquor license from the Department of Alcoholic Beverage Control, these establishments are in conflict with state and municipal regulations.

Registered Support:

Drybar Inc. — Drybar is a franchise operating in Washington D.C. and seven states, including California. It specializes in blowouts (its trademarked catchphrase is "No Cuts, No Color – Just Blowouts for Only $40"). According to its Web site, Drybar also hosts parties where it provides "the drinks and blowouts".

Registered Opposition:

N/A

Board Position:

N/A.

ASSEMBLY BILL No. 1322

Introduced by Assembly Member Daly

February 27, 2015

An act to amend Section 23399.5 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 1322, as introduced, Daly. Alcoholic beverages: licenses: beauty salons.

Existing law makes it unlawful for any person other than a licensee of the Department of Alcoholic Beverage Control to sell, manufacture, or import alcoholic beverages in this state. Existing law allows the serving of alcohol without a license or permit in a limousine or as part of a hot air balloon ride service, provided there is no extra charge or fee for the alcoholic beverages.

This bill would additionally allow the serving of alcoholic beverages without a license where the serving of alcoholic beverages is part of a beauty salon or barber shop service, provided there is no extra charge or fee for the alcoholic beverages.

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

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

1 SECTION 1. Section 23399.5 of the Business and Professions
2 Code is amended to read:
3 23399.5. (a) ~~No~~ *(1) A* license or permit is *not* required for the
4 serving of alcoholic beverages in a limousine by any person

operating a limousine service regulated by the Public Utilities Commission, provided there is no extra charge or fee for the alcoholic beverages.

~~For~~

(2) For purposes of this subdivision, there is no extra charge or fee for the alcoholic beverages when the fee charged for the limousine service is the same regardless of whether alcoholic beverages are served.

(b) ~~No~~ *(1) A* license or permit is *not* required for the serving of alcoholic beverages as part of a hot air balloon ride service, provided there is no extra charge or fee for the alcoholic beverages.

~~For~~

(2) For purposes of this subdivision, there is no extra charge or fee for the alcoholic beverages when the fee charged for the hot air balloon ride service is the same regardless of whether alcoholic beverages are served.

(c) (1) A license or permit is not required for the serving of alcoholic beverages as part of a beauty salon service, provided there is no extra charge or fee for the alcoholic beverages.

(2) For purposes of this subdivision, there is no extra charge or fee for the alcoholic beverages when the fee charged for the beauty salon service is the same regardless of whether alcoholic beverages are served.

(d) (1) A license or permit is not required for the serving of alcoholic beverages as part of a barber shop service, provided there is no extra charge or fee for the alcoholic beverages.

(2) For purposes of this subdivision, there is no extra charge or fee for the alcoholic beverages when the fee charged for the barber shop service is the same regardless of whether alcoholic beverages are served.

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No Attachment