



**CALIFORNIA STATE BOARD OF  
BARBERING AND COSMETOLOGY**

**MINUTES OF APRIL 8, 2013**

**San Jose Hilton and Towers  
300 Almaden Boulevard  
San Jose, California 95110**

**BOARD MEMBERS PRESENT**

Joseph Federico, President  
Wen Lin Cheng, Vice President  
Mary Lou Amaro  
Bobbie Jean Anderson  
Richard Hedges  
Christie Tran  
Dr. Kari Williams

**STAFF MEMBERS PRESENT**

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

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

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

**2. Agenda Item, #2, Public Comment**

*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)]*

Ms. Jaime Schrabek, Precision Nails, distributed a packet which included information from recent articles published by Nail Pro Magazine. The focus of the article was to publicize in a positive way the owner of mobile nail salon. Ms. Schrabek reiterated that mobile salons are not mobile units regulated by the state board. People are traveling to people's homes and offices. Also included in the packet was a printout of results of a search of mobile spa services in Los Angeles and San Francisco. Ms. Schrabek pointed out that those professionals who own their salons are following regulations and are subject to inspections; whereas the mobile spa services are not. Mr. Hedges inquired of Ms. Underwood the tools the Board has for regulating and inspecting mobile spa services. Ms. Underwood stated the board is limited by the fact that the mobile spa services travel to individuals' homes.

Mr. Fred Jones, Professional Beauty Federation of California, pointed out the invitation included in the Board's packets to attend the 13th Welcome to Our World Event in Sacramento, Monday, April 29th, from 3:00 p.m. to 7:00 p.m. on the south steps of the State Capitol.

Ms. Mary Jane Dana, Lavish Lashes, asked the Board to allow her an opportunity at some point to present herself as a subject matter expert in lash extensions and to inquire about exploring that for the state as a specialty license.

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

Mr. Joseph Federico recognized the new Board members and asked them to provide a brief background. New members include Dr. Kari Williams and Mary Lou Amaro. Mr. Joseph Federico recognized the three members who recently left the Board: Katie Dawson, Frank Lloyd, and Deedee Crossett. These members made significant contributions to the Board and the Board would like to publicly thank them for their service.

On March 18th, 2013, Mr. Joseph Federico along with Mr. Richard Hedges and Ms. Kristy Underwood attended the Sunset Review hearing. The Board will be discussing final responses later in the agenda. Mr. Federico asked the Board for a motion to take agenda item No. 10 out of order.

Upon a motion by Mr. Richard Hedges and a second, agenda item No. 10 will be taken out of order. The motion was approved by a vote of 7-0.

### **4. Agenda Item #10, Proposed Legislation**

Two bills were discussed. SB 308 is the Sunset Bill. It is currently just spot language. There is no substantial language in the bill, but it is one that the Board is watching. As changes occur, the Board will be notified.

AB 1153 is a bill on an advanced skin care course. This bill currently requires the Board to develop a course of study for advanced esthetics.

#### **Public Comment**

Ms. Katie Armitage, President, Associated Skin Care Professionals (ASCP), requested that previously provided materials be incorporated in the record. Ms. Katie Armitage pointed out that skin care education has not kept pace with consumers' growing appreciation for the value of skin treatments and consumer knowledge and demand has reached a new level of sophistication. There have been tremendous advances in chemical formulations, technology, and equipment. Better skilled estheticians are required. The Board must consider whether the current core curriculum is adequate for today's marketplace and for consumer safety. Most employers acknowledge insufficient training in their newly licensed esthetician hires. Skin care professionals themselves know they are ill prepared for the demands of the skin care career, as evidenced by a recent member survey. 53 percent of those responding answered 'no' when asked if they felt the core skin care training received prior to obtaining a license adequately prepares individuals for success in the skin care field. Many schools look to the Board for guidance to shape their curriculum and these schools assume if the Board's curriculum requirements as well as the contents of the current NIC test both remain static, there is no need for them to change their curriculum. It is clear that the current 600-hour core curriculum which allows for 350 hours instruction in facials, 200 hours of health and safety, and 50 hours of training in hair removal and makeup is inadequate for today's marketplace. Ms. Katie Armitage asks the California Board to embrace change and to show leadership nationally by setting an excellent example and asks that the Board not wait for something really bad to happen to a consumer before the Board acts. She specifically requests that the Board make two decisions: one, support this letter and testimony AB 1153 which would authorize the Board to create a master esthetician credential which would be title protected, and then for the Board to make a

commitment to reevaluate and elevate required entry-level curriculum for licensed estheticians as a means to boost consumer confidence and consumer protection.

Ms. Lynelle Lynch, President and Owner of Bellus Academy, prepared and submitted documents and requests that the documents be placed in the record along with her remarks. It is critical for the success of AB 1153 that we collaborate and work within the existing laws to develop the most effective language that this Board will embrace which enhances the overall services provided to our consumers, as well as, protects the consumers. Today as businesses and individuals struggle and our state continues to have high unemployment, we have an opportunity to make positive changes and create jobs with the introduction of the master esthetic license. She stated the problem addressed today is that our current 600-hour esthetic program is too basic and does not address the advanced exfoliations and techniques that are within the scope of our practice and our license. We have an opportunity to protect the consumer by a thoughtful evaluation of the curriculum that will provide for the necessary theory and practical hands-on to perform these treatments. A 1,200-hour master esthetic license will validate this very important training and will create the credibility needed. Another compelling fact is our California State placement rate for basic estheticians. As an average, the BBC statistics state that 66 percent of those obtaining a license obtain a job. Employers will seek out master estheticians for their elite positions. Simply stated the industry has outgrown the curriculum. In conclusion, the master esthetician license would be the Ph.D. of skin care and we really want to enable our state to offer this for our graduates and for the profession. She also encouraged the Board to take a very serious look at the basic 600 hours and work together with employers and industry experts to reevaluate this basic curriculum.

Ms. Joanne Berry, Director of Spa Wellness with Bellus Academy, stated the basic esthetician program of 600 hours only provides the basic knowledge, so basic waxing, basic eyebrow shaping and basic European facials. It doesn't really go into the chemical exfoliation procedures that are currently being offered to the public. It doesn't go into working with dermatologists and plastic surgeons and it also doesn't go into cellulite treatments or oxygen facials. Bellus Academy has included these services in their extra 600 hours. When a student enrolls, they go into the basic program and then they can go into the master esthetician program which is an extra 600 hours which would make the course 1,200 hours. That's the license we're looking for to ensure a few things: consumer demand that estheticians are actually providing the treatments their customers want and public safety. In addition, they are looking at a more intensive theory on the histology and physiology of the skin. It is felt that 1,200 hours is the minimum that will ensure a graduate has the time to both comprehend the theory behind skin care and the practical time to demonstrate their ability. This will create more jobs in the industry. The document highlights what the 600-hour program does not include.

Ms. Jaime Schrabek, Precision Nails, is not a licensed esthetician. Whenever she sees the word medical attached to any of the licenses, it concerns her. The fact of the matter is that once the Board licenses someone, the individual can work in any established place they want to, not just in a spa, with a doctor's supervision. So, there are skills they take from this advanced course that they would be using in any salon.

Ms. Katie Armitage responded to Ms. Jaime Schrabek's comment. She stated she is not proposing any change in the scope of practice. They would be helping doctors and assisting in the medical field. They would not be performing procedures on their own.

Ms. Gina Pelayo, Esthetician and Cosmetology Instructor at Skyline Community College, commented on the de-licensing issue. Her response has always been would you want someone to do a chemical peel on you that doesn't have a license and hasn't been trained.

She feels the State Board does not prepare the student now to compete in a world of esthetic.

Ms. Angie Nandin is a licensed esthetician for over 20 years and actually received a great education at Skyline. She continues to improve by taking many post-secondary classes. She stated what is needed in the esthetics field is actually to advance the education for the esthetician. Currently, esthetic training is under cosmetology. She feels there is a need to broaden the scope for the esthetician. Estheticians are coupled with cosmetology, but we are actually a completely different realm.

Mr. Harold Boyd representing Pigment Cosmetics, Inc., stated while the Esthetic issue being discussed is not really a makeup artist issue, it is an issue that is dealing with some of the similar things that Pigment Cosmetic's has been talking about in a different piece of legislation that he hopes to move through the legislative process. While his organization is not opposed to the bill at this point, they will be talking again with those representatives to become a part of this bill because the issues are similar to the issues that he is dealing with, as far as, makeup artists, such as the issues of education and the issues of advanced licensure. He does see the similarity there and we would like to make the Board aware of the approach that he will be using.

There being no further public comment, the item was opened up to Board discussion.

Mr. Richard Hedges stated that the Board has been actually trying to increase hours in some of the license scopes but that the economy in many parts of the state is depressed and the Boards efforts were stopped because of the worry of not getting people in the workplace fast enough. A previous effort was made but did not receive the Andministrations approval. Anything that hinders putting people out into the workplace has been hard for the Board to implement. Secondly, 600 hours is a minimum. People can train as much as they want to. This bill is not complete. There is no scope of practice outlined in it. Mr. Hedges recommends watching this bill until it is complete.

Mr. Joseph Federico echos Mr. Richard Hedges' statements. It is worrisome to create basically a new licensure without a scope of practice to define it.

Ms. Katie Armitage stated they felt it was more advantageous to leave the scope as it is. The marketplace will sort itself out. Employers are going to want master estheticians as opposed to people who just have their core license when they are in these advanced settings.

Mr. Joseph Federico questioned whether items such as the chemical exfoliation, resurfacing, and peels, would be introduced in the initial 600-hour program or would such items be held off until a student enrolled in the additional 600 hours.

Ms. Katie Armitage stated there is a lot of discussion that has to happen as to how they would approach this. There are two steps in the process. The first piece is creating a master esthetic license and making it title protected and the second piece is reevaluating core curriculum. Some of the things in the master program would be addressed partially in the core curriculum so the esthetician has basic knowledge.

Ms. Lynelle Lynch, Bellus Academy, believes strongly this should be a collaboration. While they were mindful to present what they felt was an initial draft, they felt that they needed to spend the quality time with the employers and with this Board to draft the bill. The scope has always included advanced exfoliation. It has always included all of the advancements this industry has seen rapidly grow. It just has not come down to what the curriculum is in the school. The State license should be much more comprehensive.

Mr. Richard Hedges stated the Board's sole mandate is to protect the California consumer. He does not know what the Board will be directed to do by the Legislature. The Board also has to consider the reaction of the Medical Board.

Ms. Katie Armitage stated they were well aware of possible Medical Board reaction and that that is one of the reasons they don't want to change the scope of practice. Her understanding is we introduce the legislation and then the Board determines what should be in the actual curriculum.

Ms. Mary Jane Dana believes that there are certain skill sets and specialties that are better served by being presented or taught outside the basic 600-hour requirement. She would not want the State to dictate that. She would like to have the flexibility to cater to the marketplace and to determine how these specialties such as lash extensions, can be best served.

Ms. Angie Nandin suggested that the realm of scope be broken down into three different scopes. Once you get into the body, that is a completely different realm and you may have more of a conflict with people that do massage treatments and body treatments.

Ms. Katie Armitage stated the major thing we cannot lose focus on is, that the majority of estheticians are going to work with their core curriculum and that is why it is so important that the curriculum is reviewed. There is an elite group that is going to be working in these other settings and we need to have some way of recognizing them. She stated ASCP is a sister organization for Associated Body Work and Massage Professionals. They are well aware of scope of practice issues concerning the body.

Mr. Richard Hedges motioned for the Board to take a watch position on AB 1153.

Upon motion by Mr. Richard Hedges and a second by Dr. Kari Williams, the motion was approved by a 7-0 vote.

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

Ms. Kristy Underwood stated the statistical report is in the Board's packet. The Board is still moving forward on the implementation of the Breeze database. The earliest Breeze would be implemented is the middle of May. Standard statistics are included in the packet.

Mr. Richard Hedges is concerned that certain groups of people have a very low pass rate especially on the written. Are the schools that are teaching in foreign languages doing the things they should and are our tests actually clear to people that speak those languages?

Ms. Kristy Underwood stated they have worked with the national organization on the translations. She is confident that the examination translations are accurate in the languages that are offered. Our next step is to start talking to the schools.

Mr. Fred Jones, Professional Beauty Federation of California: Recounted his experience with translation. It is his conclusion that there is not a problem with the language translation issue.

Mr. Richard Hedges is concerned about this because there are license candidates who have no violations but as of yet, are not licensed. Their records reflect they failed the licensing exam a couple times. So, they know their craft but they just can't pass the licensing examination.

Mr. Fred Jones believes it is incumbent upon students to look at what the passing scores are of the schools and for the students to understand that not all schools are created equal and the students need to seek out schools that have good records, good instructors, good connections with industry, clean facilities, etc.

**6. Agenda Item #5, Approval of Board Meeting Minutes**

- **January 11, 2013**

Upon a motion by Mr. Richard Hedges and a second by Ms. Bobbie Anderson, the minutes were approved by a 7-0 vote.

**7. Agenda Item #6, Discussion of Lash/Brow Tinting**

A representative from FDA was scheduled to address this issue before the Board but had to cancel due to budget restrictions. Extensive information was provided and is included in the Board meeting packet. It is recommended that this item be taken to the Enforcement Committee for further discussion.

Upon a motion by Mr. Richard Hedges and a second by Dr. Kari Williams, this item will be moved to the Enforcement Committee for review. The motion was approved by a 7-0 vote.

**8. Agenda Item #7, Approval of Final Responses to Sunset Review**

Ms. Kristy Underwood stated there are 17 items that the committee presented and the Board's responses are in the packet. She asked for a motion from the Board to approve the responses and then this will go to the committee.

Mr. Richard Hedges moved to accept the report.

**Public Comment**

Mr. Manhal Mansour of Pigment Cosmetics, commented regarding the proposed Board response for issue number 8, of the Response to Sunset Review Report. Out of 17 issues, no less than three talked about unlicensed activities. The Board states that it is exceptionally concerned with the rampant unlicensed activities in the State of California. Issue number 8 talks about licensure categories. Mr. Mansour stated we can all acknowledge as practitioners that there is a tremendous amount of unlicensed activity that goes on in the field of makeup artistry. The staff had recommended that the Board get back to the committee by January 2014, and at the end of that Sunset hearing, Senator Price, with support from the other members of the committee, recommended that this matter be addressed sooner than that. He does not understand how the Board's recommendation would be to delay addressing the matter of unlicensed activity, when it happens every day.

Mr. Richard Hedges: The requirement is that we give them the Boards statutory recommendations by January 2014. That's the drop-dead date. It doesn't mean we have to wait. It will be based on workload and whether positions are filled that have gone unfilled because of the state budget.

Mr. Manhal Mansour's concern is that there is a legislative agenda and legislative session that ends in the latter part of May. A delay beyond the month of May would push the issue into a new legislative session.

Mr. Richard Hedges: The overall committee's recommendation was 2014 and we will do our best to get it out by then. We're mandated to do it. That's what the Senate committee mandated.

## **Public Comment**

Ms. Mary Jane Dana commented briefly on the subject of lash tinting. This issue was brought up previously and a suggestion made to bring it to the Enforcement Committee. Ms. Dana suggested a possible option would be to not take action and that might be reasonable with regards to enforcing tinting or not enforcing. In the letter on page 2, one of the statements is although cosmetic products and ingredients are subject to regulation and enforcement by the FDA, professional practices such as hair dying in salons generally falls under the jurisdiction of state and local authorities. She encouraged the Board to consider the fact that there are a number of products that exist in the marketplace that when either misused or abused would render them unsafe, but the proper practice and use of those products would render them safe and it may be within the Board's ability to choose to not comment or enforce that particular practice of lash tinting.

Mr. Fred Jones of the Professional Beauty Federation of California spoke at the Sunset Review Committee on March 19<sup>th</sup>, on behalf of the Board having sole oversight of schools. It is the quest of the PBFC to have one Department of Consumer Affairs (DCA) entity, over schools instead of having two DCA agencies duplicate oversight over schools. He wanted to get on record to let schools know that PBFC is still having this discussion and if the schools would like the Board to have sole oversight, they need to let their voices be heard. He stated the Board has approved an official position that it wants to have sole regulatory oversight over beauty colleges.

Mr. Harold Boyd, Pigment Cosmetics, supports the comments that were made by Mr. Manhal Mansour. The industry has been dealing with this issue now for about three years. There is a legislative timeline whereby legislation can be introduced and if you miss that date, you would wait another year. That's why they are urging the Board to direct staff or make some effort to get this going right away. May 3rd is the drop-dead date as to whether or not legislation can or cannot be introduced. Many makeup artists want to enhance their income. Many are minorities. They would like to move this thing forward so that they can have some idea of whether or not they will have a certificate for makeup artists.

Upon a motion by Mr. Richard Hedges and a second by Ms. Christie Tran, the motion to accept the report was approved by a vote of 7-0.

### **9. Agenda Item #8, Approval of 2013-2017 Strategic Plan Revision**

Ms. Kristy Underwood stated the strategic plan has already been approved by the Board. We are asking that the Board motion to adopt an edit within our mission statement. The Board recently had a technical advisory committee with a group of barbers, the barbers brought to our attention, and as staff we agree, that the mission statement should be changed to add the word "barbering" so it reads barbering and beauty industry.

Mr. Richard Hedges: I would be in favor of this and I would move to carry the amendment to our mission statement.

Upon a motion by Mr. Richard Hedges and a second by Ms. Mary Lou Amaro, the motion was approved by a vote of 7-0.

**10. Agenda Item #9, Proposed Regulations**

Ms. Kristy Underwood stated this is the first set of revised health and safety regulations, which the Board has seen and approved previously. As the Board has been going through the process internally, edits have been found that needed to be made to the document. The content remains the same, the edits are superficial. Ms. Kristy Underwood requested the Board's for approval on the edits.

**Public Comment**

Ms. Jaime Schrabek, Precision Nails, referred to Section 992, skin exfoliation. She would like to see some language in there addressing the other end of the pH scale which are things that are alkaline and caustic and are just as corrosive to the skin as something that is too acidic.

Ms. Kristy Underwood reminded the Board that these revisions are still very early in the stages she wants to make sure the members understand that when staff goes back with this approval, it will go for public comment and the Board will have multiple public hearings on the revisions.

**Public Comment**

Mr. Fred Jones thanked everyone participating in this endeavor and stated he is very desirous to see this start of the regulation process.

Mr. Richard Hedges made a motion to adopt these edits and it was seconded by Ms. Mary Lou Amaro. The motion was approved by a vote of 7-0.

Ms. Kristy Underwood referred to Item 9, the minimum equipment for schools. She stated staff has worked with several representatives from different schools and now are proposing changes to regulation. Ms. Underwood asked for the Board's approval.

Mr. Richard Hedges motioned to approve these regulations.

**Public Comment**

Mr. Fred Jones, PBFC, in support.

Upon a motion by Mr. Richard Hedges and a second by Ms. Mary Lou Amaro, the motion was approved by a vote of 7-0.

**11. Agenda Item #11, Annual Review and Approval of Board Member Guidelines and Procedures Manual**

Ms. Kristy Underwood stated there have been a couple technical changes made to the Board Member Procedures Manual.

Upon a motion by Mr. Richard Hedges and a second by Ms. Wen Ling Cheng, the motion to implement changes to the Board Member Guidelines and Procedures Manual was approved by a vote of 7-0.

**12. Agenda Items for Next Meeting**

Mr. Richard Hedges stated obviously what comes out of the committee meeting should be on the agenda if time permits. Mr. Richard Hedges welcomed the new Board members and pointed out that the Board needs help on the DRC committee.

**13. Agenda Item #13, 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)].*

Ms. Lupe Ramirez Flores, Lumar 4 Hair and California Cosmetology Association, thinks that one of the problems with the low pass rate of the licensing test is the language. There is a big difference between Spanish Castilian and Mexican. Often people come into the cosmetology profession because they don't have a high school diploma or because they don't have a college degree. Another reason for the low pass rate is attendance and the period of time between completion of school and testing. There was also mention about everything being on the website. Some people may not have access to a computer or may not be computer literate.

Mr. Fred Jones, Professional Beauty Federation of California, noted that he writes a monthly column for The Stylist Magazine. This month's column is devoted to his daughter who received her cosmetology license about 18 months ago. The column is about her effort to go from schooling into the salon world. Next month's article is on licensure. Several states are considering de-licensing our industry. We as industry professionals need to defend this system of licensure. The Board's role is to protect consumers.

**14. Agenda Item #14, ADJOURNMENT**

With no further business, the meeting was adjourned.