



State and Consumer Services Agency – Edmund G. Brown Jr., Governor  
**BOARD OF BARBERING AND COSMETOLOGY**  
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## **CALIFORNIA STATE BOARD OF BARBERING AND COSMETOLOGY**

### **MINUTES OF MAY 6, 2013**

**2420 Del Paso Road  
Sequoia Room, 1st Floor  
Sacramento, CA 95834**

Additional Meeting Location set up via teleconferencing:  
Constituent Service Center  
8475 South Vermont Avenue  
Los Angeles, CA 90044

#### **BOARD MEMBERS PRESENT**

Joseph Federico, President  
Mary Lou Amaro  
Andrew Drabkin  
Richard Hedges  
April Moreno  
Dr. Kari Williams

#### **STAFF MEMBERS PRESENT**

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

#### **TELECONFERENCED IN:**

Bobbie Anderson, Constituent Service Center

#### **ABSENT:**

Wen Ling Cheng, Vice President  
Christie Tran

### **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, Proposed Legislation**

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

Ms. Underwood stated this bill has been amended since the last Board meeting when a watch position was taken on this bill. It has now been made into a two-year bill. Mr. Hedges inquired as to whether there had been any changes in the bill since the Board took its last position. The bill has changed. At the time of the last Board meeting, the bill strictly

addressed curriculum and now it addresses a licensing type. It clearly defines a master esthetician license at 1200 hours and gives the Board the authority examine and license. It does not, however, address the scope of practice concerns that came up at the last meeting.

### **Public Comment**

Bob Jensen, Chairman of Associated Skin Care Professionals, (ASCP) a national membership organization with 13,000 members: ASCP is concerned about two phenomena. One is a recent survey they did of their California members that found that of those who are licensed, 53 percent felt they were not adequately prepared to actually start providing skin care services. They are also concerned that, from their perception and talking to a variety of people in the field, that too many estheticians are in over their heads in terms of some of the practices they are engaging in. They have very modest training and think they are ready to engage in certain practices but really are quite shy of that. As a result of that activity, ASCP would like an opportunity to work with the Board on two reform initiatives. The first would be a reexamination in 2013 of the adequacy of the current 600-hour education requirement for an esthetician. The second would be further development of Assembly Bill 1153 which would create a new master esthetician license.

The ASCP believes the need for reform is urgent, they moved aggressively in pushing AB 1153. It has become apparent to them over the last two or three weeks that both this Board and the chair and staff of the Assembly Business & Professions Committee desire greater care and more detail. Specifically, discomfort was registered with the idea of two tiers of esthetic licenses without any differentiation as to scope of practice. The staff raises some additional issues that deserve more conversation and careful analysis.

The ASCP had proposed living with the existing statutory skin care scope language and then they jumped directly to providing some illustrative separate curriculum guidelines for regular esthetician and a master esthetician. They now believe the process will be better served by adding a couple of layers in the middle: First, some new statutory language parsing the general existing scope language for estheticians into two separate descriptions of what basic estheticians could perform versus what master estheticians would be allowed to do. The second new layer would be the detailing of Board rules.

The ASCP's revised aim would be to work with this Board and Assembly B&P staff over the next three months to produce a more comprehensive bill language by August 2013. They wish to gather comments and make adjustments in the bill text, and then seek full legislative approval in 2014. Associated Skin Care Professionals are mindful of budget constraints and are offering support to the Board in the areas of drafts of revised proposed legislation, Board rules, and curriculum guidelines and can also assist in outreach efforts. They ask that the Board continue maintaining a watch status on this bill. They hope to come up with a revised bill by August 2013.

Mr. Hedges indicated he is very interested in the health of the industry and commented that the health of the industry and consumer safety go together. He is concerned that people will cross the line into medical practices.

Upon a motion by Mr. Hedges and a second by Mr. Federico, the Board will continue its watch position on this bill and accept any comments from the public and from the industry. The motion was approved by a vote of 7-0.

- **SB 308 - Sunset Review Bill**

This bill will extend the sunset date. As currently written, it extends the sunset date four years. However, there will be amendment for a review in two years. It gives the Board more oversight over schools. Staff is recommending some changes to the language to ensure that there is due process for any type of school that the Board takes an action against. This would include going through the hearing process. Senate staff is in agreement and Ms. Underwood will be meeting with them to make those changes. Staff recommends a support position on this bill.

**Public Comment**

Fred Jones, Professional Beauty Federation of California (PBFC): The author of the bill did commit in committee that he would limit the scope of shutting down schools to egregious violations on the part of schools. There is still some question that he needs to work out with the author's staff about whether student mistakes could be grounds for shutting down a school. It is PBFC's position that not be the case. Students are expressly exempted from licensure requirements. One can make a legal argument that therefore licensure requirements shouldn't be grounds for removing school approval. PBFC supports the intent of the bill to extend the sunset of the Board for another two years.

John Moreno, Vice President, Bakersfield Barber College: Bakersfield Barber College filed with the Bureau of Private Post-Secondary Education (BPPE) its application for approval. They submitted the correct paperwork and fees. Bakersfield Barber College has not heard back from the BPPE in a significant amount of time, but the BPPE has taken their fees. He is asking the Board to look into the problem with lack of communication from the BPPE.

Mr. Hedges commented that he is concerned about exempting all student activity. The word "egregious" needs to be defined very carefully.

Upon a motion by Mr. Federico and a second by Dr. Kari Williams, the Board will support SB 308. The motion was approved by a vote of 7-0.

**3. Agenda Item #3, Appointment of Committee Members**

As co-chair of DRC, Mr. Hedges made an impassioned plea for help on the DRC. Ms. Underwood described the DRC. Each committee can have up to four members.

Mr. Hedges will stay on all committees that he is presently on. Mr. Federico approved.

- Licensing and Examination Committee: Mr. Hedges, Mr. Federico, Mr. Drabkin, Ms. Amaro
- Enforcement and Inspections Committee: Mr. Hedges, Mr. Federico, Dr. Williams, Ms. Moreno
- Legislative and Budget Committee: Mr. Hedges, Mr. Federico, Ms. Moreno, Dr. Williams, Ms. Anderson (alternate)
- Education and Outreach: Ms. Amaro, Mr. Federico, Mr. Drabkin, Mr. Hedges (alternate), Dr. Williams (alternate)
- Disciplinary Review Committee: Mr. Hedges, Mr. Federico, Dr. Williams, Ms. Cheng, Ms. Anderson, Ms. Tran, Ms. Amaro, Ms. Moreno (alternate), (all members listed as DRC alternate). New members are encouraged to contact Ms. Underwood to schedule "ride along."

Mr. Hedges reported on outreach. He is on the advisory board for the Skyline Barbering and Cosmetology School. The Board trains and tests people in the women's prison in Chowchilla and licenses them before they are released from prison. It is very difficult in today's job market for someone being paroled to get a job. Mr. Hedges believes the Board can use this program as a pilot program.

Mr. Federico would like a discussion regarding cross-over courses and their regulations put on the agenda of a future meeting.

**Public Comment**

John Moreno: In favor of the training and licensing of inmates.

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

With no further business, the meeting was adjourned.