



**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 Kalanianaʻole 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 concerned 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

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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.