

**CALIFORNIA STATE BOARD OF  
BARBERING AND COSMETOLOGY**

**MINUTES OF APRIL 21, 2014 BOARD MEETING**

**Department of Consumer Affairs  
1747 North Market Boulevard  
HQ 2 Hearing Room 186, 1st Floor  
Sacramento, CA 95834**

**BOARD MEMBERS PRESENT**

Richard Hedges, President  
Dr. Kari Williams, Vice President  
Mary Lou Amaro  
Bobbie Anderson  
Wen Ling Cheng  
Andrew Drabkin  
Joseph Federico  
Christie Truc Tran

**STAFF MEMBERS PRESENT**

Kristy Underwood, Executive Officer  
Gary Duke, Legal Counsel  
Tami Guess, Board Policy Analyst  
Marcene Melliza, Outreach Coordinator

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

Mr. Hedges called the meeting to order at 10:00 a.m. The Board members and staff 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**

Ms. Lynelle Lynch, President and Owner of Bellus Academy, would like the Board to consider the topic of early testing. Currently, there are nine states that allow students to take their tests prior to graduation. The students then are able to come back, finish their testing, and take their practical at the end of the course. This has dramatically increased the success rate of the students. If the students don't pass the first time, they are able to come back to their school and gain sufficient support to successfully pass their exam.

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

The Board is preparing for the next sunset review hearing. The Disciplinary Review Committee (DRC) is reducing the backlog of cases. The DRC is noticing that as it moves faster, more people

are either withdrawing their claim or not showing up for the hearings. In June, the DRC will start conducting hearings at least four days a month.

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

Staff has been working on improving language access. They are updating the website and have translated everything to Vietnamese and are almost finished with Spanish. There will be a link on the website that will have every publication that the Board has available that has been translated into Vietnamese. There will be a link for Spanish and Korean as well. The inspection report form handout has been translated into Vietnamese and will be used by inspectors.

Staff is currently preparing the next sunset report. The final report will be available for approval at the October Board meeting. The first draft of the report will be presented in July. The report is due to the Legislature in November.

Staff still continues to resolve issues with the new Breeze system. Staff is not experiencing any backlog or delay and in some cases, are ahead in processing applications. They are slowly rolling out different phases. Applicants may now apply online for re-exams. There are scheduled releases to make improvements in the system and as staff goes through the releases, more information becomes available online. Statistic reporting continues to be an issue for staff. Staff is providing manual statistics for DRC.

Staff has included the Board's budget. Outreach events are included in the packet. Due to the approach of the end of the fiscal year, outreach has temporarily stopped.

Mr. Hedges commented regarding the quarterly barbering and cosmetology reports. DRC also reviews written appeal cases and there are several hundred cases that are not reflected that are default cases.

There will be a townhall meeting for Vietnamese-American licensees. The meeting will cover how to keep your salon clean and the top ten violations. Local inspectors will be available. The meeting will be held on June 2nd at 9:00 a.m. Fliers will be distributed to salons in the Sacramento area.

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

A motion was made by Dr. Williams and seconded by Mr. Drabkin to approve the Minutes from the January 13, 2014, Board meeting. The motion was approved with an 8-0 vote.

#### **6. Agenda Item #6, Appointment of Committee Members**

The Licensing and Examination Committee and the Education and Outreach Committee are overstaffed. Mr. Drabkin will leave the Licensing and Examination Committee and will move to the Enforcement and Inspections Committee. Mr. Federico will remove himself from the Education and Outreach Committee.

#### **7. Agenda Item #7, Proposed Regulations -- Discussion/Review and Approval of Proposed Changes**

The equipment for schools regulations final rule-making file has been approved by the agency and is with the Office of Administrative Law (OAL). OAL has 30 business days to review.

Public hearings have been held on the lash and brow tinting change, apprenticeship changes, crossover courses, and health and safety regulations. The packages are being prepared and will go back to the Board for final approval.

Every regulation package is a little bit different, but the law does require that the regulation package has to be completed and finalized within one year of the date that it was actually noticed. After the

hearing is held, if there is no adverse comment, it is a relatively simple task to submit the package to the Office of Administrative Law.

A suggested change to Regulation Section 961 is presented for Board discussion. Currently, the Board must approve textbooks. Currently, the Board employs the National Interstate Council of State Boards of Cosmetology (NIC) to develop the Board's licensing examinations. NIC provides a list of their approved textbooks. Up for discussion is whether the Board should continue to approve textbooks to be used in schools when the Board no longer creates its own examination. Staff has presented proposed regulatory language, which would start the regulation process. A motion was made by Mr. Federico and seconded by Dr. Williams to approve the revision to Regulation 961 of the California Code of Regulations. The motion was approved with an 8-0 vote.

## **8. Agenda Item #8, Update and Discussion of Proposed Bills That Could Impact BBC**

AB 1153 is the legislation for the Master Esthetician. This bill continues to move through the process. Sponsors of the bill are going through the sunrise process and staff has been assisting them with information. A sunrise report will be available in May and will be submitted to the Senate Business and Professions Committee.

### **Public Comment**

Ms. Lisa Rios had a question regarding the Master Esthetician course: Is CIDESCO recognized by the Board. Ms. Underwood responded that it is recognized and the Board has a process in place for how the Board currently recognizes CIDESCO today and would be recognized as far as the Master Esthetician. Ms. Rios asked about the term "medical lymphatic." Ms. Underwood stated "medical lymphatic" has been up for discussion in the bill and she believes that when it comes to amendments, the Board will not be discussing anything with the words "medical" or "lymphatic." Ms. Rios asked whether as estheticians they were allowed to do lymphatic. Ms. Underwood suggested that Ms. Rios would need to talk to one of the Board's experts on that topic.

Mr. Anthony Wren-Rodriguez, Emerald City Hair Studio, questioned whether the scope of practice under the esthetician license will change with the implementation of a Master Esthetician program. Ms. Underwood stated it would remain the same. The scope will be clarified. Amendments to be bill will be coming late in May.

Ms. Jamie Schrabek, Precision Nails, commented that she is following the bill online and she noted that it was amended recently. There was an addition to the Business and Professions Code which would state that a person who is not licensed as an esthetician in the state shall not represent himself or herself as an esthetician. She believes this should be true of all licensing categories. There is no discussion about consequences for someone representing himself/herself as an esthetician when not licensed as such. Ms. Underwood commented that there is title protection for cosmetologists and barbers in statute. There is no title protection for manicurists, estheticians, or electrologists. Ms. Underwood stated title protection could be brought up in the sunset review. Mr. Duke commented there are provisions in the Unfair Business Practices Act which also provide for at least legal means for any kinds of misrepresentations.

Ms. Jayne Nelson, International Dermal Institute, inquired about the currently licensed estheticians and the requirement for NIC testing. Will there be a written examination and documents to prepare for the exam, for those that are currently licensed? Ms. Underwood stated this issue is still up for discussion. There is a national exam for an advanced esthetician. The bill still has to be approved and set in law. The NIC website provides preparation materials.

Ms. Diane Buccola, DB Esthetics and SpaBiz Board, asked whether there were any other advanced licenses that will be approved by the Board. Ms. Underwood stated she did not

know. There will be a provision in the bill for grandfathering in. There have been discussions and consideration for how the Board would get licensed estheticians upgraded. There is a test, but the Board definitely wants a grandfathering option.

Ms. Kym Jackson, Skyline College, asked if there has been any conversation amongst the Board members on how this might affect the cosmetologists in terms of becoming a Master Esthetician. Ms. Underwood stated the Board is aware that a cosmetologist currently can do everything that an esthetician can do. The Board has been working with the sponsors to maintain that and offer the grandfathering option as well because there are cosmetologists who are doing skin care.

**9. Agenda Item #9, Discussion and Review of Recommendations of the Natural Hair Care Task Force**

Dr. Williams reported. The Natural Hair Care Task Force met on April 14th, 2014. The Task Force is comprised of a number of leaders within the industry. The Task Force will be moving forward with presenting recommendations to the Board at the next Board meeting.

**10. Agenda Item #10, Approval of Edits to the Board Member Guidelines and Procedures Manual**

Mr. Gary Duke withdrew his recommendation that appears on the memorandum dated February 12th with regards to Board member participation. The proposed language that is there is an accurate reflection of Government Code Sections 1062 and 1770. However, those particular sections, as actually applied, are very factually specific and really have to be considered on a case-by-case basis. He does not believe it is necessary language for the Board procedure manual. The only suggested change is the appropriate appointing authority, edit the Governor off and put Governor, Senate Rules Committee, or Speaker of the Assembly. Mr. Federico made a motion approving just this change. Dr. Williams seconded. The motion was approved by an 8-0 vote.

**11. Agenda Item #11, Agenda Items for Next Meeting**

Mr. Hedges would like a representative of the Allies Innovation Initiative to conduct a presentation to the Board. Ms. Lynelle Lynch would like the Board to discuss early testing. Vice President of Education from Marinello School of Beauty, Ms. Karyn Latis, seconds Ms. Lynch's request for early testing on the agenda. Ms. Mildred Biglen from the Nor-Cal Barber/Cosmetology Apprenticeship Program wondered if there would be any more on the proposal for adding the manicuring and esthetician to the apprenticeship program. Ms. Underwood informed the Board that adding the manicuring and esthetician to the apprenticeship program would require the manicuring course be 3,200 hours because an apprenticeship course must be 3,200 hours.

**12. Agenda Item #12, Public Comment**

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**Public Comment**

Ms. Jaiya Alamia, student, Skyline College, is curious about the crossover course status. Ms. Underwood stated a licensed cosmetologist who wants to become barber or vice versa would have to take a 400-hour course. The curriculum for both licenses is a matter of 100 to 200 hours. So crossover makes it more flexible so that if a licensee does not have to duplicate what you have already taken.

**13. Agenda Item #13, Closed Session**

**14. Agenda Item #14, Adjournment**

With no further business, the meeting was adjourned.