

**CALIFORNIA
BOARD OF BARBERING AND COSMETOLOGY**



**JULY 16, 2017
Legislative and Budget
Committee Meeting**

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



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MEMBERS OF THE COMMITTEE
Bobbie Jean Anderson
Jacquelyn Crabtree
Andrew Drabkin
Richard Hedges

**LEGISLATIVE AND BUDGET
COMMITTEE MEETING
July 16, 2017**

Department of Consumer Affairs
2420 Del Paso Road
Sequoia Room
Sacramento, CA 95834

*Action may be taken on any item
listed on the agenda.*

AGENDA

11:00 AM Or Upon Adjournment of the
Enforcement and Inspections Committee Meeting
-Until Completion of Business

OPEN SESSION:

1. Call to Order/ Roll Call/ Establishment of Quorum
2. Election of Committee Chairperson.
3. Public Comment on Items Not on the Agenda
The Board may not discuss or take any action on any item 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, 1125.7(a))
4. Approval of Committee Minutes
 - April 20, 2015
5. Discuss and Make Recommendations to the Board Regarding Proposed Amendments to Title 16, CCR Sections 910, 919, 931 and 937, to Update Application Forms.
6. Discuss and Make Recommendations to the Board Regarding Proposed Amendments to Title 16, CCR Section 904, Enforcement, to Add Definitions.
7. Agenda Items for the Next Meeting
8. Adjournment

Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Committee Chairperson and may be taken out of order. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public.

**Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board prior to the Board taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Board, but the Board President may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125, 11125.7(a)).*

The meeting is accessible to the physically disabled. A person who needs disability-related accommodation or modification in order to participate in the meeting may make a request by contacting: Marcene Melliza at (916) 575-7121, email: marcene.melliza@dca.ca.gov, or send a written request to the Board of Barbering and Cosmetology, PO Box 944226, Sacramento, CA 94244. Providing your request is at least five (5) business days before the meeting will help to ensure availability of the requested accommodations. TDD Line: (916) 322-1700.

No Attachment



Draft
**CALIFORNIA STATE BOARD OF
BARBERING AND COSMETOLOGY**

LEGISLATIVE AND BUDGET COMMITTEE MEETING

MINUTES OF APRIL 20, 2015

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

COMMITTEE MEMBERS PRESENT

Mary Lou Amaro
Bobbie Anderson
Joseph Federico
Richard Hedges

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Officer
Tandra Guess, Board Analyst
Marcene Melliza, Board Analyst

1. Agenda Item #1, WELCOME AND INTRODUCTIONS

Mr. Hedges, Board Vice- President, called the meeting to order at 11:55 a.m.

2. Agenda Item #2, ELECTION OF COMMITTEE CHAIRPERSON

Upon motion by Mr. Federico, seconded by Ms. Amaro, Mr. Hedges was elected by a 4-0 vote as Chair of the Legislative and Budget Committee.

3. Agenda Item #3, PUBLIC COMMENT

The public present did not wish to address the committee.

4. Agenda Item # 4, APPROVAL OF LEGISLATIVE AND BUDGET COMMITTEE MEETING MINUTES.

Upon motion by Ms. Anderson, seconded by Mr. Federico, the minutes from the June 3, 2013 Legislative and Budget Committee meeting were approved by a 4-0 vote.

5. Agenda Item # 5, STATUS OF THE BOARD'S BUDGET

Ms. Underwood provided the committee with a copy of the Board's current budget. She states the budget is fine and the end of the fiscal year is fast approaching and things are getting tight as they usually due at this time. A request to purchase 8 vehicles for inspectors that need their cars replaced, as well as 3 more vehicles for inspector vacancies that are currently in the process of being filled, has been submitted. This will be a substantial purchase thru the fiscal year. With these vacancies requiring some of the inspectors to travel more to cover these areas and with DRC increasing, these items have hit the budget, so they are tightening down at the office, and making sure items are not being purchased that are not absolutely needed until the beginning of the fiscal year.

6. Agenda Item # 6, UPDATE OF SUNSET REVIEW

Ms. Underwood reported that the Board had their Sunset Review on March 18, 2015 and in the Committee's packets are the issues that were brought to the Board from the Sunset Review process and the Board's responses back to them which were delivered to the Legislature last week.

One of the highlighted issues brought up during the Committee review was budget issues, specifically Pro Rata to DCA. There is a study being done right now by the Department that was required by legislation, to figure out how DCA is disbursing Pro Rate amongst the different boards.

Another highlighted issue was Freelance which she believes was positively received by the Committee. This would allow a licensee who meets certain conditions, able to perform services outside of an establishment.

They talked a lot about Spanish pass rates on the written examinations and that they continue to be low, however Ms. Underwood reports that the Board is now able to gather data thru the BreZE system, so the staff is working on a plan on how we can address this issue.

The Review Committee did recommend the Board be extended for another four years. Ms. Underwood feels the hearing was very successful and the issues that were brought up are items the Board can certainly work on.

Dr. Williams and Mr. Hedges both commented on the success of the Sunset Review and how well it went.

Public Comment

Fred Jones, PBFC, complimented Dr. Williams, Mr. Hedges and Ms. Underwood on their performances during the Sunset Review. He reminded the Board that there are four issues under Sunset Review that are a priority for him and the PBFC . These issues are: Freelance; Dual Oversight of Schools; Industry Certifications; and Booth Rental Licensure.

7. Agenda Item # 7, UPDATE AND DISCUSSION OF PROPOSED BILLS THAT COULD IMPACT BBC.

AB 181-Sunset Review Bill

Upon motioned by Mr. Federico, seconded by Ms. Amara, the committee voted to support AB 181 by a 4-0 vote.

AB 1322- Allowing Alcohol in Establishments

Upon motion by Mr. Federico, seconded by Ms. Anderson, the position of watch of AB 1132, passes by a 4-0 vote.

Public Comment

Fred Jones said he and PBFC have no official position.

Jaime Schraebeck, Precision Nails, opposes the bill.

8. Agenda Item # 8, AGENDA ITEMS FOR NEXT COMMITTEE MEETING

The committee did not have any additional items to add at this time.

9. Agenda Item # 9, PUBLIC COMMENT

Fred Jones, PBFC, would like to see AB 750 discussed at the next committee meeting.

10. ADJOURNAMENT

With no further business, the meeting was adjourned.



Board of Barbering and Cosmetology-Department of Consumer Affairs
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MEMORANDUM

DATE	July 16, 2017
TO	Members, Legislative and Budget Committee
FROM	Kristy Underwood, Executive Officer
SUBJECT	Form Updates

Board staff is seeking to amend Sections 910, 919, 931 and 937 of the California Code of Regulations because the form revision dates referenced in those sections have long been obsolete. Staff suggests making the following changes (staff will add the latest revision dates just before filing with the Office of Administrative Law):

§ 910. Out-of-State or Armed Services Applicants.

(a) An applicant who desires to establish eligibility for examination for a license in this state upon the basis of practice, study or training outside this state, or supplementary training in a licensed school in this state, or any combination thereof, shall furnish proof of his or her qualifications to the board as follows:

(1) An applicant who desires credit for practices in another state or country shall file with the board, on the form ~~prescribed by it provided by the board~~ (Form #03E-145, Affidavit of Experience-Form C, Revised: ~~1/91~~ **XX/XX**), an affidavit from a disinterested person verifying such practice, together with an authenticated statement from the licensing agency in the state or country where such practice took place showing that the applicant was licensed to engage in such practice, if a license was required therefor.

(2) An applicant who has completed any number of hours of study and training in a school in another state or country, and who desires credit for such hours toward study and training in this state, shall file with the board, on the form ~~prescribed by it provided by the board~~ (Form #03B-144, Out-of-State Beauty School Training Record-Form B, Revised: ~~8/94~~ **XX/XX**), an authenticated statement from the school or the training took place showing the number of hours of study and training completed in each subject and when such study and training occurred.

(3) An applicant who desires credit for supplementary training completed in a licensed school in this State shall file with the board an authenticated statement from such school showing the number of hours of such training successfully completed in each subject.

(b) An applicant for examination who is employed on a military reservation to practice any profession licensed under Chapter 10 of Division 3 of the Business and Professions Code must present an authenticated statement from the military reservation verifying the employment and may use the practice obtained to qualify for examination.

(c) An applicant for examination who has applicable education, training, or experience obtained in the United States armed services may submit his or her Verification of Military Experience and Training (V-Met) records to the Board for evaluation, and the Board may use those records to qualify the applicant for examination.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 35, 7321, 7321.5, 7324, 7326, 7330, 7331 and 7337, Business and Professions Code.

§ 919. Board Approved Trainers and Establishments.

(a) A licensee who wishes to train an apprentice shall obtain board approval before employing or training an apprentice. An establishment wishing to train an apprentice in multiple location establishments which are under common ownership may request to participate in multiple location training. Common ownership includes corporate chains, individually owned multiple establishments, and franchise groups or partnerships. Application for approval of trainers and establishments shall be made on a form provided by the board (Form #35A-03, Application for Licensure as a Licensed Apprentice and for Approval of Trainers and Establishments, Revised: 5/94 XX/XX).

(1) Establishments participating in training an apprentice in multiple locations under common ownership shall provide as part of the application process, a list of the establishment names, locations, board issued license numbers, names of officers and or owners.

(b) Qualifications for apprentice trainer approval:

(1) Licensee shall possess a current, valid license issued by the board.

(2) Licensee shall have no disciplinary actions pending against him/her nor be on probation resulting from a board disciplinary action nor have completed probation resulting from past disciplinary action within the two year period immediately preceding his or her application to serve as an apprentice trainer.

(3) Licensee is not subject to denial pursuant to Section 480.

(4) The licensee has no unpaid fine issued pursuant to Article 12 of Chapter 10 of Division 3 of the Business and Professions Code.

(c) No apprentice shall work or train in an establishment until it has been approved by the board. Application for establishment approval shall be made on the same form specified in subdivision (a).

(d) Qualifications for establishment approval are:

(1) Establishment shall possess a current, valid license issued by the board.

(2) Establishment shall have no disciplinary actions pending against it nor be on probation resulting from a board disciplinary action nor have completed probation resulting from past disciplinary action within the two year period immediately preceding its application for establishment approval.

(3) Is not subject to denial pursuant to Section 480.

(4) The licensee has no unpaid fine issued pursuant to Article 12 of Chapter 10 of Division 3 of the Business and Professions Code.

(5) If the establishment is participating to train an apprentice in multiple locations under common ownership, there shall be an agreement between the establishments to employ the apprentice.

(e) The board shall inform every person applying for approval to act as an apprentice trainer or an apprentice establishment in writing, within ten (10) days of receipt of the application form (Form #35A-03, Application for Licensure as a Licensed Apprentice and for Approval of

Trainers and Establishments, Revised 5/94 ~~XX/XX~~), whether the application is complete or deficient and what specific information is required.

- (1) When the information for a deficient application is returned to the board, the board shall decide within five (5) days of receipt whether the application is complete.
- (2) If the application remains deficient, the board shall inform the applicant in writing, within five (5) days of receipt, of what specific information is required.
- (f) The board shall notify the applicant, in writing, within thirty-five (35) days after the completed application has been received, whether the applicant meets the requirements for approval.
- (g) The minimum, median and maximum times for processing a request for approval, from the time of receipt of the application until the Board of Barbering and Cosmetology decided to issue the license based upon actual performance of the board during the two years preceding the proposal of this section, were as follows:

- (1) Minimum: 1 day
- (2) Median: 15 days
- (3) Maximum: 48 days

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7332, 7333, 7334 and 7336, Business and Professions Code.

§ 931. Interpreter and Interpreter/Model.

- (a) An applicant for the barber, cosmetologist, esthetician, manicurist, or electrologist examination may use an Interpreter or an Interpreter/Model during examination if the applicant is unable to speak, read, or write in the English language at a 10th grade level.
- (b) The applicant shall file with the application for examination, or not later than thirty (30) days prior to the date of the examination, a notice of permission to use an Interpreter or Interpreter/Model on a form ~~prescribed~~ provided by the board (Form #03B-125, Form G, Request for Use of an Interpreter or Interpreter/Model, Revised: 8/94 ~~XX/XX~~) and executed by the applicant under penalty of perjury.
- (c) The person designated by the applicant to act as an Interpreter or an Interpreter/Model shall file with the board, not later than fifteen (15) days prior to the date of the examination and on a form ~~prescribed~~ provided by the board (Form #03A-126, Form H, Revised: ~~XX/XX~~) and executed by the person under oath or penalty of perjury, a request to act as an interpreter or an interpreter/model, along with two 1 1/2 x 1 1/2 inch signed photographs of himself or herself.
- (d) The Interpreter or Interpreter/Model shall be a person who is fluent both in English and in the native language of the applicant and must certify to this fact in writing under penalty of perjury.
- (e) An Interpreter may interpret only for the written portion of the examination.
- (f) An Interpreter/Model may interpret for the written and practical portions of the examination and shall serve as the model for the practical examination.
- (g) A person shall be allowed to act as an Interpreter or Interpreter/Model only once in two (2) years in any examination.
- (h) An Interpreter shall not be used in the barber or cosmetology instructor examinations.

(i) Disabled persons are entitled to access to examination activities in a manner that is equal to that offered non-disabled persons and reasonable accommodation will be provided all such persons with medically-certified documentation.

(j) The following persons are prohibited from acting as Interpreter or Interpreter/Models:

(1) Persons less than 15 years of age.

(2) Persons who are current or former students in barbering or any of the branches of cosmetology.

(3) Persons who are currently or have been formerly licensed as an operator or an instructor by this state or any other state in barbering or any of the branches of cosmetology.

(4) Persons who are currently or have been formerly enrolled in a barber apprentice training program.

(5) Persons who are currently or have been formerly enrolled in a cosmetologist apprentice training program.

(6) Persons who have been formerly Junior Operators or Junior Electrologists.

(7) Persons who are currently or have been formerly owners or employees of any school of barbering, cosmetology or electrology.

(k) For a period of one (1) year from the date that any person served as an Interpreter or Interpreter/Model, that person shall be ineligible to apply to the Board of Barbering and Cosmetology for a license in barbering or any of the branches of cosmetology from which he or she provided Interpreter or Model services.

(l) If the board determines that any of the information furnished pursuant to this section is false in a material respect, it may void the applicant's examination, if any.

(m) Persons who are only reading the examination to the applicant, but not interpreting to another language, will not be permitted.

(n) If the board determines that an Interpreter or Interpreter/Model is providing answers during the examination or any other material assistance to the applicant other than translating during the conduct of the examination, it shall disqualify the Interpreter or Interpreter/Model and void the applicant's examination.

Note: Authority cited: Section 7312, Business and Professions Code. Reference: Sections 7338 and 7340, Business and Professions Code.

§ 937. Licensing and Operation.

(a) An application for a license to operate a mobile unit shall be on a form ~~prescribed and~~ provided by the board (Form #03A-202, Application for License to Operate A Mobile Unit, Revised- XX/XX), accompanied by such evidence, statements, or documents as required by Section 7355(b) of the Business and Professions Code.

(b) The geographical boundaries within which the mobile unit is licensed to operate shall include only the cities and counties within which the mobile unit has permits to provide services, and shall extend no further than a 50 mile radius from the permanent base address from which the mobile unit operates.

(c) All Health and Safety Rules governing barbering and cosmetology establishments (as contained in Article 12 of these regulations) shall apply to mobile units unless otherwise specified.

(d) All storage cabinet doors shall have safety catches.

- (e) All equipment which is not stored in storage cabinets shall be securely anchored to the mobile unit.
- (f) No services shall be performed while the mobile unit is in motion.
- (g) A ramp or lift shall be provided for access to the mobile unit if providing services for disabled individuals.
- (h) The owners of mobile units shall be responsible for adherence to all local, state and federal laws and regulations regarding the operation of vehicles to be used as mobile units.
- (i) An itinerary showing dates, locations, and times of service shall be made available, upon request, to an authorized representative of the board.
- (j) The board shall inform the applicant in writing that the application is either complete and accepted for filing or that it is deficient and what specific information or documentation is required to complete the application within 10 calendar days of receipt of an application for a license to operate a mobile unit.
- (k) The board shall inform the applicant in writing of its decision regarding an application within 21 calendar days from the date of filing of a completed application. The decision is contingent upon the applicant scheduling an appointment with the board, or its representative, for an inspection of the mobile unit for final approval, pursuant to section 7355(a) of the Business and Professions Code, within seven calendar days of receipt of the notice of a completed application.
- (l) The inspection for final approval shall be conducted to ensure compliance with Sections 7345 and 7357(b) of the Business and Professions Code.

Note: Authority cited: Sections 7312 and 7357, Business and Professions Code. Reference: Sections 7345, 7355 and 7357, Business and Professions Code.



MEMORANDUM

DATE	July 16, 2017
TO	Members, Legislative and Budget Committee
FROM	Kristy Underwood, Executive Officer
SUBJECT	Definition of “Access”

Board staff is seeking to amend Section 904 of the California Code of Regulations to include a more detailed definition of the “access” described in Section 7313, which reads, in part:

“(a) (1) To ensure compliance with the laws and regulations of this chapter, the board’s executive officer and authorized representatives shall, except as provided by Section 159.5, have access to, and shall inspect, any establishment or mobile unit during business hours or at any time in which barbering, cosmetology, or electrolysis are being performed. It is the intent of the Legislature that inspections be conducted on Saturdays and Sundays as well as weekdays, if collective bargaining agreements and civil service provisions permit.

... “

In order to stress that the Board’s inspectors or representatives must have access to all areas of a shop or school, staff suggests the following amendment to Section 904:

§ 904. Enforcement

- (a) The holder or holders of an establishment license or a mobile unit license, and the person in charge of any such establishment or mobile unit, shall be responsible for implementing and maintaining the Health and Safety Rules in such establishment or mobile unit individually and jointly with all persons in or employed by or working in or on the premises of such establishment or mobile unit.
- (b) All licensed barbers, cosmetologists, estheticians, manicurists, electrologists, instructors, or apprentices shall be held individually responsible for implementation and maintenance of the Health and Safety Rules.
- (c) All persons performing acts of a barber, cosmetologist, esthetician, manicurist or electrologist, except students in schools, shall, upon request of an authorized representative of the board, present satisfactory proof of identification. Satisfactory proof shall be in the form of a photographic driver’s license or photographic identification card issued by any state, federal, or other recognized government entity.
- (d) Failure to present valid proof of identification shall be grounds for disciplinary action.

(e) For the purposes of Section 7313 of the Business and Professions Code concerning the inspection of establishments, mobile units and schools where barbering, cosmetology or electrolysis are being performed, "access" means the ability of the executive officer and authorized representatives of the board to inspect all areas within the establishment, including, but not limited to, all rooms, drawers, cabinets, roll-about and closets.