A Report to The Senate and Assembly Business, Professions and Economic Development Committees

CALIFORNIA STATE BOARD OF BARBERING AND COSMETOLOGY

SUNSET REVIEW REPORT 2018

AFT

BarberCosmo
Board of Barbering & Cosmetology

VOLUME 1

AFT

State of California

Governor Edmund G. Brown Jr.

Alexis Podesta, Secretary, Business, Consumer Services and Housing Agency

Dean R. Grafilo, Director, Department of Consumer Affairs

California State Board of Barbering and Cosmetology Executive Staff

Kristy Underwood, Executive Officer

Heather Berg, Deputy Executive Officer

Additional Copies of this report can be obtained from: www.barbercosmo.ca.gov

California State Board of Barbering and Cosmetology
2420 Del Paso Road, Suite 100
Sacramento, California 95834
(916) 575-7100

California State Board of Barbering and Cosmetology

Members

Dr. Kari Williams, Board President, Industry Member
Lisa Thong, Board Vice President, Public Member
Bobbie Anderson, Public Member
Polly Codorniz, Industry Member
Jacquelyn Crabtree, Industry Member
Andrew Drabkin, Public Member
Joseph Federico, Industry Member
Coco LaChine, Public Member
Steve Weeks, Public Member

Vision

California will set and enforce the highest level of health and safety standards and provide an environment where consumers will obtain barbering and cosmetology services with the confidence and security that their health and safety will be protected.

AFT

Mission

To ensure the health and safety of California consumers by promoting ethical standards and by enforcing the laws of the barbering and beauty industry.

The board protects the interests of California consumers by:

- Serving as a guardian of their health and safety;
- Enhancing public and industry participation in decision-making;
- Promoting ethical and professional standards;
- Creating policies that are contemporary, relevant and responsive.

BarberCosmo

December 1, 2018

Table of Contents

AFT

BarberCosmo

AFT

BarberCosmo

Section 1

Background and Description of the Board and Regulated Professions

- Brief History and Function
- Makeup and Functions of Each of the Board's Committees
- Achieving a Quorum
- Major Changes
- Legislation Affecting the Board
- Regulation Changes since the Last Review
- Major Studies

Related Appendices

- Appendix 1 – Table 1a Attendance
- Appendix 2 – Table 1b Board Committee Roster

AFT

AFT

BarberCosmo

History

In 1927, the Board of Barber Examiners and the Board of Cosmetology were established. The Board of Barber Examiners governed the barbering profession, and the Board of Cosmetology governed the cosmetology profession. The Board of Barber Examiners consisted of five members, two of which were public members. The Board of Cosmetology consisted of seven members, two of which were public members.

Through the years there were minor changes to the laws of each profession, such as, requiring an apprenticeship prior to granting a master barber license and offering separate manicurist, electrology, and esthetician licenses.

In 1992, the Board of Barber Examiners and the Board of Cosmetology were merged to create the Board of Barbering and Cosmetology. Chapter 10, Division 3 of the Business and Professions Code (known and cited as the Barbering and Cosmetology Act) was enacted by AB 3008 (Eastin, Chapter 1672, Statutes of 1990) and became effective July 1, 1992.

AFT

In July 1997, the Board of Barbering and Cosmetology was eliminated by the California Legislature and the duties, powers, and functions of the board were transferred directly to the Department of Consumer Affairs (DCA) and were administered by the Bureau of Barbering and Cosmetology.

On January 1, 2003, SB 1482 (Polanco, Chapter 1148, Statutes of 2002) reinstated the Board of Barbering and Cosmetology (BBC).

On June 23, 2008, SB 797 (Ridley-Thomas, Chapter 33, Statutes of 2008) was chaptered by the Secretary of State which required the board to become a bureau from July 1, 2008 until December 31, 2008.

Concurrently, on June 23, 2008, AB 1545 (Eng, Coauthors: Emmerson, Senators Perata and Ridley-Thomas, Chapter 35, Statutes of 2008) was chaptered, which allowed the Bureau of Barbering and Cosmetology to become a board once again, as of January 1, 2009. The board has remained as such since this date.

Please see page 4 for a current listing of Board members and their term expiration dates.

Description of the Board*

The board is responsible for licensing and regulating barbers, cosmetologists, estheticians, electrologists, manicurists, apprentices, and establishments. Title protection is provided for the use of the terms *cosmetologist* and *barber.*

* The term 'board' in this document refers to the California State Board of Barbering and Cosmetology.

The board ensures that applicants for licensure have completed the necessary training and passed the written and practical (hands on) components of the examination. The examination requires that individuals demonstrate that they possess the knowledge and skills required to perform within the scope of their discipline while protecting the public's health and safety. After successfully passing the examination, the individuals are issued a license on the same day of the exam.

The board is committed to ensuring that consumers are protected when they receive services from barbers, cosmetologists, manicurists, electrologists, estheticians, apprentices and in the establishments in which they perform their services. This protection is provided through the following program areas:

AFT

Licensing and Examination

The board ensures that individuals possess at least minimal competency to practice barbering, cosmetology, manicuring, esthetics, and electrology independently and safely pursuant to California Business and Professions Code Section 7301. After successful completion of the required courses for each training area from an approved school or apprenticeship program, each licensee must pass both an examination that includes a written and practical (hands-on) portion.

Enforcement

One of the board's mandates is to protect the health and safety of consumers who seek services from its licensees and licensed establishments. To accomplish this, the Enforcement Program receives and investigates complaints from the public and various entities to determine if there has been a violation of the Act and its regulations, and if warranted, take formal disciplinary action.

Complaints involving allegations of health and safety violations are researched using a combination of desk investigations and field inspections. However, the more egregious cases, including allegations of consumer harm, may result in formal disciplinary action (including probation, suspension, or revocation) against the licensee.

The board also has the authority to deny licensure if an applicant has prior criminal convictions which are substantially related to the practice of barbering and cosmetology.

Inspections

An important and essential arm of the board's enforcement activities is the Inspection Program, whose primary role is enforcing the board's health and safety regulations. This is accomplished through directed, random, initial and/or targeted inspections of the 50,473 establishments and 283 schools of barbering, cosmetology, and electrology.

Types of Inspections

- Directed – When the board receives a complaint regarding consumer harm or alleged violations of the health and safety regulations, enforcement staff will request a directed inspection of the establishment.

- Random (Routine) – board inspectors strive to inspect each establishment on a regular basis to ensure that the establishment continues to be in compliance with the board's health and safety regulations.

- Initial - Business and Professions Code Section 7353 requires an initial inspection be conducted within 90 days of licensure to ensure that the establishment is in compliance with the board's health and safety regulations.

- Targeted – Should an outbreak of infection occur, or if knowledge becomes available that there are a number of unlicensed establishments/individuals, the board will do targeted inspections in a specific geographical area.

Education and Outreach

The board ensures that information is available for consumers, licensees, applicants, students, and other interested parties through the board's Web site, the Consumer Information Center, and by direct consumer contact. Information is also provided through media outlets such as television, radio, Facebook, Twitter, and trade magazine/publications.

Board Members

The board is comprised of nine members: five public and four professional members. The Senate Rules Committee and the Speaker of the Assembly each

AFT

appoint one public member. The other seven members (four public members and three professional members) are appointed by the Governor.

Each year, the board elects a president and vice-president, who each serve a one-year term and can serve for a total of two years. The board meets quarterly and rotates meeting locations between northern and southern California. These meetings are webcasted and open to the public. The meetings provide an opportunity for the board to educate licensees and the public about the various topics relating to the practice of barbering and cosmetology. Since the board has started webcasting its meetings, it has been noted that attendance at the public meetings have declined. Since attendance has declined, the board has not had the level of public interaction it once enjoyed. Nevertheless, all public comments that are received at board and committee meetings are taken into consideration and are often incorporated into recommendations.

California Business and Professions Code Section 453 requires every new Board member to complete a Board member orientation provided by the Department of Consumer Affairs (Department) within one year of assuming office. In addition to the Board member training that encompasses open meeting laws, ethics, conflicts of interest, legislative and regulatory process, reimbursement of expenses, and executive officer's responsibilities, the members also receive on-the-job training in budgets, licensing, examinations, enforcement, and the disciplinary process. The following is a list of the current membership of the board:

AFT

Member Name	Date First Appointed	Date Reappointed	Date Term Ends	Appointing Authority	Type (public or professional)
Bobbie Anderson	10/26/2012	1/27/2015	1/1/2019	Governor	Public
Jacquelyn Crabtree	2/3/2017		1/1/2021	Governor	Professional
Charles Ching	3/3/2016		1/1/2019	Speaker of the Assembly	Public
Andrew Drabkin	4/5/2013	2/3/2017	1/1/2021	Governor	Public
Joseph Federico	12/29/2011	1/27/2015	1/1/2019	Governor	Professional
Polly Codorniz	2/24/2015		1/1/2019	Governor	Professional
Lisa Thong	3/8/2016	2/3/2017	1/1/2021	Governor	Public
Steve Weeks	7/28/2017		1/1/2021	Senate Rules Committee	Public
Dr. Kari Williams	4/5/2013	2/3/2017	1/1/2021	Governor	Professional

All board members actively participate in board activities. The board encourages input from all segments of the industry. To do this, advisory committees, working groups, and other forums have been established for various topics.

The appendix contains tables documenting Board member appointments, terms, committee assignments and attendance. (Table 1a – Board Member Attendance and Table 1b – Board and Committee Roster).

Board Committees and Their Functions

The board functions very cohesively, which allows most of its tasks to be performed at the board level. The board additionally has five standing committees and utilizes task force ad hoc committees and advisory committees that are formed to examine specific topics, and then are disbanded following completion of the task. These committees recommend policies that advance mission-related goals.

The five standing committees (described below) are utilized to assist the board in establishing its goals and aids in organizing its activities in pursuit of ensuring the health, safety and welfare of the public.

Legislation and Budget Committee

The purpose of the Legislation and Budget Committee is to review and track legislation that affects the board and recommend positions on legislation. The committee provides information and recommendations to the board regarding potential policy matters relating to the budget.

> Current Board members are: Andrew Drabkin, Bobbie Jean Anderson, Jacquelyn Crabtree, Steve Weeks.

AFT

Examination and Licensing Committee

The purpose of the Licensing and Examination Committee is to advise the board on policy matters relating to the examining and licensing of individuals who want to practice barbering, cosmetology, and electrology in California. The committee may also provide information and recommendations to the board on issues related to curriculum and school approval, exam appeals, laws, and regulations.

> Current Board members are: Jacquelyn Crabtree, Coco LaChine, Lisa Thong, Dr. Kari Williams.

Education and Outreach Committee

The purpose of the Education and Outreach Committee is to provide recommendations to the board on the development of informational brochures and other publications, planning of outreach events for consumers and licensees, preparing articles for submission in trade magazines, and attending trade shows.

> Current Board members are: Jacqueline Crabtree, Coco LaChine, Lisa Thong, Dr. Kari Williams.

Enforcement and Inspections Committee

The purpose of the Enforcement and Inspections Committee is to advise the board on policy matters that relate to protecting the health and safety of consumers. This includes recommendations on how inspections are conducted, the types of violations issued, maintenance of disciplinary guidelines, and other recommendations on the enforcement of the board's statutes and regulations.

Current Board members are: Joseph Federico, Jacquelyn Crabtree, Lisa Thong, Steve Weeks.

Disciplinary Review Committee

The purpose of the Disciplinary Review Committee (DRC) is to conduct informal administrative citation review hearings and render decisions regarding appealed citations. The committee has authority to affirm, modify or dismiss the citations, including any fine. The Board President annually appoints members of the committee. The appointments are made concurrently with the annual election of officers. Due to the high volume of appeals, all members of the board are designated as members of the DRC. However, only three members attend meetings.

Current Board members are: Bobbie Jean Anderson, Polly Codorniz, Jacquelyn Crabtree, Andrew Drabkin, Joseph Federico, Coco LaChine, Lisa Thong, Steve Weeks, Dr. Kari Williams.

AFT

Technical Advisory Committees

Occasionally, the need will present itself for a special committee designed to enlist the aid of experts in the industry. This committee will offer the board input on specific technology, processes or elements within the beauty industry. The technical advisory committee is usually comprised of 3-10 specialized professionals. They offer opinions, research and tactical information that is used by the board to revise regulations or clarify processes related to health and safety. These committees provide the board with real, hands-on, practical information from professionals working in the beauty industry. Recent uses of these committees include:

Medical Services Task Force

On May 4, 2015 and August 3, 2015, members of this task force met to discuss improvements that could be made by the board and regulatory changes that could clarify services that can be performed by board licensees. Representatives

of the task force were two Board members (Richard Hedges and Dr. Kari Williams), the Board's Executive Officer, a Board inspector, Board Enforcement unit staff, the U.S. Food and Drug Administration (FDA), an FDA regulatory attorney, Board-licensed estheticians, a Board-licensed establishment owner, the California Department of Public Health, the Medical Board of California, a representative of the Professional Beauty Federation of California, a dermatologist, a representative from Paramedical Consultants, and a representative from AmSpa. These meetings resulted in the development of:

- Industry Bulletin – 8/14/15 Skin Care Machines/Devices
- Equipment Evaluation Binder

The board recommends the use of these resources to establishment owners and licensees to help them stay in compliance with professional standards. Both tools are made available on the board's web site.

Health and Safety Advisory Committee

Business and Professions Code, Section 7314.3 established the Health and Safety Advisory Committee. This Committee provides the board with advice and recommendations on health and safety issues before the board that impact licensees, including how to ensure licensees are aware of basic labor laws.

AFT

Annually, the board recruits for committee membership on its web site. Committee participants are appointed for a one-year term (January – December). Committee participants are volunteers and do not receive a per diem or travel expense reimbursement. Committee membership includes two board members, one board member alternate, representation from each board license type, industry association representation, a Department of Public Health representative, a Department of Industrial Relations representative, a representative from the U. S. Food and Drug Administration, medical professionals, and a scientist.

2016

The 2016, Health and Safety Advisory Committee met on June 6, 2016 (Sacramento) and August 8, 2016 (Norwalk). Members of the committee met to discuss current health and safety and workers' rights concerns impacting the industry including the availability of less toxic disinfectants. The 2016 meetings resulted in:

- revisions to the board's *Prohibited Tool Flyer*,
- implementation of the board's *Workers' Rights Pocket Guide*,

- Quick Start Guides offering tips for starting a Barbering or Beauty business and tips to understanding Safety Data Sheets, posted to the board's web site
- minor editing to Section 9 of the Health and Safety Course on *Workers' Rights*.

2016 Board members: Richard Hedges, Lisa Thong, and Dr. Kari Williams, (alternate).

2017

The 2017 Health and Safety Advisory Committee met on June 26, 2017 (Sacramento) and October 23, 2017 (San Diego). Committee members provided suggested edits to the board's *Know Your Workers' Rights* publication and regulatory suggestion were made for the clarification of disinfectants that may be used by licensees.

2017 Board members: Richard Hedges, Lisa Thong, and Dr. Kari Williams, (alternate).

2018

The 2018 Health and Safety Advisory Committee met on May 20, 2018 (Santa Ana) and August 14, 2018 (Sacramento). Committee members reviewed and offered suggestions for edits on the board's Health and Safety Course, Section 10 - Physical & Sexual Abuse Awareness. Members directed staff to provide additional information regarding the Dynamex Operations West, Inc. v. The Superior Court of Los Angeles County court decision.

Current Board members are: Lisa Thong, Dr. Kari Williams, Jacquelyn Crabtree (alternate).

Nail Care Scope of Practice Task Force

At the request of Senators Jerry Hill and Janet Nguyen, on September 18, 2017, the board convened a task force to study the appropriate educational and training requirements for an individual licensed as a manicurist to possibly increase their skill set to allow these individuals to safely practice superfluous hair removal while prioritizing public health and well-being. Subject matter experts included two board members (Joseph Federico and Jacqueline Crabtree), board staff, a waxing specialist, a schools' representative, a representative of the public, an industry association representative and licensee representation. This meeting resulted in a report presenting the recommendations of the task force. The board has included the final submitted report in Section 12, Attachment C.

AFT

Achieving a Quorum

Article 1, Section 7315 of Barbering and Cosmetology Act specifies that five members of the board must be present to take action. To minimize scheduling conflicts and secure meeting space, the board schedules meetings for the coming year typically during the July or August board meeting. Sometimes, the board needs to reschedule a meeting or schedule an additional meeting to meet emergent issues. Members are polled for their availability to attend a meeting, and based on the information given, the meeting date is set. This method has been especially effective for the board.

Since the board's last sunset review, only one board meeting had to be cancelled. On April 24, 2017, a member had a medical emergency at one of the publicly noticed teleconferencing locations. This resulted in the public not being able to access the meeting location, therefore public business had to cease. The cancelled meeting was rescheduled, publicly noticed, and held on May 15, 2017.

Major Changes and Challenges since the Last Sunset Review

Changes in Leadership

Since the BBC's last Sunset Review in 2014, there have been several leadership changes. The board has had two new industry appointed members and three new public members appointed. Resulting in the retirement of the previous Board members.

A Staff Services Manager I has been hired for the Glendale, California examination site.

A Staff Services Manager I has been hired to oversee Board Inspectors.

BreEZe

The BreEze system is functioning and effective for the Board's processes. The Board is now able to utilize new reporting mechanisms that have allowed for streamlines and tracking workload. The board continues to work closely with the Department in identifying technical issues within the system. As additional improvements are made to the system we anticipate more benefits as a result of BreEZe.

Language Access

The board continues to make language access one of its top priorities. To that end, the board has translated all its documents into Vietnamese, Spanish, and Korean.

In August 2014, the Board began issuing all citations and supporting information to manicurists in both English and Vietnamese. The Board also added language to all correspondence from the enforcement unit that advises individuals to call the Board if an interpreter is needed.

As of November 2015, the board's licensing unit sends examination admission letters in the applicant's preferred language (English, Korean, Spanish, or Vietnamese).

In the early part of 2016, the examination sites started providing exam orientation materials and written examination instructions for the practical examination in English, Korean, Spanish, or Vietnamese.

As of August 2016, the board provides interpreter services in the Spanish and Vietnamese, free of charge, if requested by the appellant, at all licensee Disciplinary Review Committee hearings. To date, the Board has provided interpretation services to 93 Spanish speaking appellants and 135 Vietnamese speaking appellants.

As of August 2016, the board provides interpreter services in the Spanish, Vietnamese and Korean languages, free of charge, if requested by the appellant, at all licensee Disciplinary Review Committee hearings.

AFT

The board has developed a video, *BBC Celebrates Diversity*, which is posted to the board's web site. This video informs viewers of some of the ways the board has worked to provide language access to all of its diverse consumer and licensee population.

The board has continued to hold Town Hall meetings for limited proficient speaking licensees. For example, the board held a Town Hall meeting for Vietnamese-speaking licensees on September 8, 2014, in Westminster, California. An additional Town Hall in conjunction with Senator Janet Nguyen was held in Garden Grove, California on April 12, 2016.

The board participated in a Town Hall meeting for predominately Korean speaking licensees in association with Assembly Member Miguel Santiago's office in Burbank, California on January 30, 2018.

These Town Hall meetings provided licensees the opportunity to learn about the top violations found in establishments, the inspection process, and the appeal process. Board staff are on hand to answer questions and interpreters were made available. The board feels these types of events are successful and are of minimal cost.

In association with the Los Angeles Mexican Consulate and the Department of Consumer Affairs, on March 23, 2017, the board participated in a Town Hall event designed to educate Spanish speaking licensees of their rights under the provisions of Senate Bill 1159 regarding the use of an ITIN number. A video recapping the information provided at that Town Hall is posted in Spanish on the board's web site.

In addition, two Town Hall meetings were held to help licensees and students understand their workers' rights and responsibilities. The board invited representatives from the Department of Industrial Relations, Cal OSHA, and the Employment Development Department to speak at these events. Spanish and Vietnamese translators were present. The October 24, 2017, Town Hall was held in San Diego, California and the November 6, 2017 Town Hall was held in Sacramento, California. Both events were webcast on the board's web site on the respective Town Hall date.

Inspections Process Changes

AFT

The board has made several staffing and procedural changes within the inspections program. A new inspector manager has been employed. This transition has allowed the board to reassess long standing procedural standards. The following changes have been implemented to ensure inspections are being conducted to the best of the board's ability:

- Compliance Inspections

  Compliance inspections have been implemented to allow for an inspector to go into an establishment with the purpose of verifying that a specific violation has been corrected. For example, if an establishment was found to have a foot spa that was not disinfected properly but had little to no other violations, a compliance inspection will be requested for the inspector to go in and only verify that the foot spa violation has been corrected.

  These types of inspections are only requested by the board's Enforcement Unit and allow for a shorter inspection leaving more time in the day for inspectors to perform additional inspections.

- Blue List

  In 2017, utilizing the BreEZe system, board staff was able to obtain data on establishments most recent inspection date. Staff were able to generate reports (referred to as the "Blue List") that were provided to each inspector to indicate establishments within their territory and the last date

they were inspected. This has allowed inspectors to focus on inspecting establishments that may have not seen an inspector in many years. In March 2016, there were approximately 14,000 establishments needing to be inspected and in May 2018 this number is less than 3,500.

- Revised Directed Inspections

  Directed inspections are inspections that are requested by the board's enforcement unit. These inspections are the result of either a consumer complaint or as a follow-up to a recent inspection. Directed inspections are the top priority for inspectors and are to be done immediately and no later than 30 days. A new process was recently implemented for the issuance of directed inspections. Requesting a directed inspection is now done via e-mail as opposed to a paper request that was mailed to each inspector. E-mailing allows for instant delivery of the directed request eliminating mailing time and allowing the inspector to often complete the directed within 1-2 days.

- Redefined Territories

  In a review of existing territories, it was found that some inspectors were having to drive through another inspectors' territory to get to their assigned territory. To solve this issue, staff re-mapped territories to reduce the distance each inspector must drive to conduct establishments. Allowing for less traveling time and increased time conducting inspections.

- Inspectors Taking on Additional Territories

  There are several areas in California that the board has been unable to fill vacancies in due to the high cost of living and the low pay for the inspector classification (for example, San Francisco, Carmel, Santa Barbara). With the creation of the Blue List (discussed above) we have had several inspectors complete their territories by conducting inspections of all the establishments within their territory. After being current in their own territory, several of our inspectors have offered to take on additional assignments and travel to cover some of the vacant territories. For example, three of the board's Northern Inspectors make regular trips to the San Francisco area to conduct inspections, two of our Central inspectors have been making trips to the central coast to conduct inspections and many other inspectors are traveling outside of their territory to conduct inspections.

AFT

- Specialized Training

  On October 28-29, 2014, the board conducted training in Sacramento with all of the board's inspectors. Inspector's received scenario-based training, cultural awareness training, safety training and enforcement etiquette training.

  On July 17, 2016, the board adopted and implemented the *Inspector Language Access Protocol*. During the months of February and March 2017, all board inspectors received training in how to respond when the inspector has difficulty understanding or communicating with the establishment owner, manager or employee of an establishment, due to a language barrier, while conducting an inspection. In Fall of 2018, inspectors will be receiving training in field safety and professionalism, language access and internal procedures.

Several steps have been taken to improve inspector staffing and process improvement and while the board has made significant improvements there is still much to be done. Board staff continues to meet with the Departmental staff to indicate that the current salary for the inspector classification is not sufficient.

AFT

Board Approved Schools

The Board has been working closely with the Bureau of Private Postsecondary and Vocational Education to improve its communication as well as oversight of schools. Over the last two tears, the Board has inspected schools and found many schools teaching to only pass the test, or fraudulently submitting proof of training documents when students had not completed the required number of hours. As a result, the Board is recommending legislative changes that will strengthen the Board's current oversight over approved curriculum and holding schools accountable when fraud has been committed. (See Section 11).

Health and Safety Course

On January 22, 2017, the board approved revisions to *the "Health and Safety for Hair Care and Beauty Professionals"*. The updated publication then became the *Health and Safety Training Course,* and included two new sections: *The California Board of Barbering and Cosmetology*, which provides an overview of the activities of the board and how to access the board's web site and *Understanding Workers' Rights and Responsibilities*, which has been designed to assist future professionals in identifying their worker classification, understanding their rights and responsibilities and identifies agencies available to them for workers' rights assistance. On May 31, 2017 a digital copy of the course was distributed to 246 board approved schools and 35 board approved apprentice

sponsors for use during their student instruction. In addition, the entire course was posted to the board's web site for free dissemination of the program.

On May 20, 2018 the board approved further revisions to the Health and Safety Training Course. The publication's title was changed to *Health and Safety Course*, Section 10 - *Physical and Sexual Abuse* was included, and several revisions were made to the Instructor Guide to facilitate better understanding on how to teach the course. These edits prepared the way for the board pilot test the revised course. Pilot testing began on August 13, 2018 and concluded on October 31, 2018. The publication is being edited based on the results from the pilot test and the publication will be presented to the full board, for adoption, at the January 2019 board meeting. Upon adoption by the board, the revised publication will be distributed to all schools and apprenticeship sponsor programs. In addition, the textbook and Student Exam Booklet will be posted to the board's web site. All course materials will be made available in English, Spanish, Vietnamese and Korean.

Exam Site Changes

AFT

The board's Fairfield, California exam site has been located on Oliver Road in Fairfield, California since 1992. On July 14, 2014 it was relocated to its current site on Campus Lane in Fairfield, California. Several changes have gone into effect for the Fairfield and Glendale exam sites, including:

- Effective October 1, 2014, the board moved to Criterion referenced scoring for all exam types. A passing score of 75% on the written exam and a passing score of 75% on the practical exam must be earned to be licensed.

- New (revised) practical and written exams for the Barber, Esthetician and Manicurist license types were implemented beginning September 23, 2015.

- Effective March 1, 2015, examination applicant files are scanned and saved into the BreEZe database, therefore eliminating paper hard copies.

- On May 1, 2015, the board removed all its styling chairs and barber chairs from the examination sites. Therefore, barber and cosmetologist candidates must bring a tripod to support the mannequin head for use during the examination. In addition, the board eliminated the use of models during the barber, cosmetology and esthetic practical examinations. All services for the examination are performed on a mannequin head. Only the Electrology examination still uses live models.

- New (revised) practical and written exams for the Barber license type were implemented beginning October 1, 2018.

Strategic Planning

The board's Strategic Plan identifies goals and objectives on the board's statutory mandates and responds to changes in the barbering and beauty industry. The board manages, plans, and tracks its operations through its strategic plan, which is periodically reassessed (about every four - five years). In October 2017, the board adopted its plan for the next four years. Refer to Section 12, Attachment E for the board's 2018-2022 Strategic Plan.

Legislation that Impacted the Board

Since the last Sunset Review, the board has been impacted by several Legislative changes. Provided below is a brief synopsis of the bill and the date each became law.

AB 1702 (Maienschein)

This bill:

> Provided that an individual who has satisfied any of the requirements needed to obtain a license while incarcerated, who applies for that license upon release from incarceration, and who is otherwise eligible for the license shall not be subject to a delay in processing the application or a denial of the on the basis that some or all of the licensure requirements were completed while the individual was incarcerated.

The board did not declare a position.

9/18/2014 –Chaptered. (Chapter 410, Statutes of 2014)

AB 2396 (Bonta)

This bill:

> Prohibits a board from denying a license based solely on a conviction that has been dismissed.

The board did not declare a position.

9/28/2014 –Chaptered. (Chapter 737, Statutes of 2014)

AFT

SB 1159 (Lara)

This bill:

Obligated licensing bodies to require an applicant other than a partnership to provide either a Federal Tax Identification number or Social Security number, if one has been issued to the applicant, and requires the licensing bodies to report to the Franchise Tax Board and subject a licensee to a penalty for failure to provide that information.

The board took a Support position on the bill.

8/29/2014 –Chaptered. (Chapter 752, Statutes of 2014)

AB 181 (Bonilla; co-author Senator Hill)

This bill:

Extended the board's regulatory authority until January 1, 2020; and

- requires the board, no later than November 1, 2018, to conduct a review the 1,600-hour training requirement for cosmetologists, conduct an occupational analysis of the cosmetology profession in California, and conduct a review of the national written examination for cosmetologists and of the practical examination, to evaluate whether both examinations assess critical competencies for California cosmetologists and meet professional testing standards. Requires the board to report its findings to specified committees of the Legislature;

- required the board to review the Spanish language examination if, by January 1, 2016, the pass rate for Spanish speakers did not increase to the average pass rate for all other language examinations during the two-year period prior to January 1, 2016;

- required the board to establish a protocol for inspecting establishments when an inspector has difficulty understanding or communicating with the owner, manager, or employees of the establishment due to language barriers, and to evaluate the protocol every two years to ensure that it remains current;

- required the board to establish a Health and Safety Advisory Committee to provide the board with advice and recommendations on health and safety issues before the board;

AFT

- requires the board to issue regulations for a personal service permit, as defined, that, among other things, may require an applicant for a personal service permit to have proof of liability insurance, and would authorize fees for the issuance and renewal of a personal service permit. The bill required the board to report to the Legislature, on or before July 1, 2017, regarding the regulatory process and the issuance of personal service permits.

The board took a Support position on the bill.

10/2/2015 –Chaptered. (Chapter 430, Statutes of 2015)

AB 1322 (Daly)

This bill:

Allows for the serving of beer or wine in a Barber/Beauty shop without a license from the Department of Alcohol Beverage Control as part of a beauty/barber shop service provided that:

- there is no extra charge or fee for the beer or wine;
- the establishment providing the service is in good standing with the California Board of Barbering and Cosmetology;
- the servings are limited to no more than twelve ounces of beer or six ounces of wine; and
- the beer or wine is provided only during business hours and in no case later than 10 p.m.

The bill does not limit the authority of a city or city and county to restrict or limit the consumption of alcoholic beverages.

The board took an Opposed position on the bill.

9/28/2016 –Chaptered. (Chapter 741, Statutes of 2016)

AB 2025 (Gonzalez)

This bill:

- requires that the board offer and make available all written materials provided to licensees and applicants in English, Spanish, Korean and Vietnamese;

AFT

- requires that the Health and Safety issues discussed in the Health and Safety Advisory committee are those that impact licensees, including how to ensure licensees are aware of basic labor laws;

- requires every applicant for admission to exam and licensure (including renewal forms) to include a signed acknowledgment that the applicant understands his/her rights as a licensee as outlined in the informational materials on basic labor laws that the applicant is provided by the board with the application;

- requires as part of a complete establishment application (and renewal form), a signed acknowledgment that the applicant understands the informational material on basic labor laws the applicant is provided by the board with the application and that the establishment is responsible for compliance with any applicable labor laws of the State;

- required as of July 1, 2017, the board would collect through optional questions on the establishment application, demographic information on each applicant, including preferred language preference;

- requires the board's Health and Safety Course to cover information on basic labor laws. Specifications include:

    1. Key differences between the legal rights, benefits, and obligations of an employee and an independent contractor.

    2. Wage and hour rights for hourly employees.

    3. Antidiscrimination laws relating to the use of a particular language in the workplace.

    4. Anti-retaliation laws relating to a workers' right to file complaints with the Department of Industrial Relations.

    5. How to obtain more information about State and Federal labor laws.

The board took a Support position on the bill.

9/28/2016 –Chaptered. (Chapter 409, Statutes of 2016)

AB 2437 (Ting)

This bill:

- required the Labor Commissioner, on or before June 1, 2017, to create a

AFT

model posting notice pertaining to the workplace rights and wage and hour laws for employees of establishments licensed under the Barbering and Cosmetology Act. The bill required the commissioner to post the notice on the commissioner's Internet web site. The bill required the notice to contain, at a minimum, certain information, including laws regarding overtime compensation;

- required the notice to be translated into English, Spanish, Vietnamese and Korean;
- requires an establishment licensed by the board to post the notice created by the Labor Commissioner;
- requires the board to inspect establishments for compliance with the posting requirement when it conducts an inspection of an establishment and provides that a violation of that posting requirement is punishable by an administrative fine.

The board took a Support position on the bill.

9/14/2016 –Chaptered. (Chapter 357, Statutes of 2016)

AFT

SB 1044 (Nguyen)

This bill:

- required the board to determine by regulation when a fine shall be assessed to only the holder of the establishment license or to only an individual licensee or to both for the same violation;
- authorizes the board to enter into a payment plan for citations with administrative fines exceeding $500;
- requires the board to define by regulation the parameters of the payment plans, as specified;
- authorizes making the issuance of a license to, or the renewal of a license of, a person who fails to pay administrative fines that were not contested or that were contested but the appeal has been adjudicated contingent upon all fines being paid in addition to any application, renewal, or delinquency fees which are required.

The board took a Support and Sponsor position on the bill.

8/29/2016 –Chaptered. (Chapter 233, Statutes of 2016)

Regulations Initiated by the Board

Since the last Sunset Review, the board has sought several regulation changes. Provided below are the highlights of some of the major regulations either already approved by the Office of Administrative Law (OAL), or currently undergoing the rulemaking process:

2014

§ 940 — Equipment for Schools — The board amended this section to specify the minimum equipment necessary for barber and electrology schools, making them consistent with cosmetology schools, for which the minimum equipment is specified in regulation. Effective July 1, 2014

2015

§ 914.1, 914.2, 918, 921, 921.1 and 921.2 — Apprenticeship Programs and Curriculums — By adopting and/or amending these sections, the board tightened up the rules governing participation by students and trainers in the board's apprenticeship programs and revised the format of the curriculum to match the format of the curriculums at brick-and-mortar schools. Effective July 1, 2015

AFT

§ 950.2 — Brow and Lash Tinting — The board amended this section to make clear that brow and lash tinting instruction can only employ products that are not prohibited by the U.S. Food and Drug Administration, the Occupational Safety and Health Administration or the Environmental Protection Agency. Effective July 1, 2015

§ 950.8 and 950.9 — Crossover Curriculums — The board repealed these sections because they conflicted with Section 7367 of the Business and Professions Code by not giving students full credit for school coursework they already earned in one program when they "crossed over" to another course of study. Effective July 1, 2015

§ 961 — Text and Reference Books for Students — The board amended this section to specify that the textbooks and reference books must be approved by the board's examination vendor, the National Interstate Council of State Boards of Cosmetology (NIC). Effective October 1, 2015

§ 977, 978, 979, 980, 980.1, 980.2, 980.3, 980.4, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, and 994 — Health and Safety — The board made several amendments to Article 12 of Division 9, Title 16 of the California

Code of Regulations, which consists of the board's health and safety rules. The amendments were largely clarifications of the existing language but did include a new section (§ 980.4) concerning the use of plastic tub liners in foot spas. Effective July 1, 2015

2016

§ 910 — Military Experience — The board amended this section to give veterans applying for a license by the board credit for any formal military training in barbering and cosmetology that they received. Effective July 1, 2016

§ 974 — Administrative Fines — The board made a number of amendments to the schedule to include some new fines and modify others to make them more equitable. Effective July 1, 2016

2017

§ 901, 902, 903 and 914 — Processing Times — These sections, which established submission and response deadlines for licensing applications, were repealed by the board. They were previously mandated by the Permit Reform Act (Govt. Code § 15376). In 2003, however, the Permit Reform Act was repealed (Scats. 2003, ch. 229, § 1.8), which removed the board's authority for these sections. Effective August 14, 2017

AFT

2018

§ 904 & 905 — Health and Safety Poster — The board amended these sections to require establishments post a less typographically dense, more consumer-friendly health and safety Poster that shop-owners can download from the board's web site. Effective January 1, 2018

2018 Pending Regulatory Actions

§ 974 and 974.3 — Administrative Fine Schedule — the board is revising its fine schedule (§ 974) to lower fines for employing people with expired licenses and add a new fine for failing to post a required labor notice. The board is also revising the schedule to set forth in regulation the violations for which the individual licensee and the holder of the establishment license would be fined for the same offense, as well as the rules for a payment plan for fines of $500 or more (§ 974.3). The board has approved the text of these sections, which are now undergoing pre-review at DCA.

§ 904 — Definition of Access — The board is proposing this regulation to make clear that inspectors and board representatives have wide access to the

establishments they are inspecting. The board has approved the text of this section, which is now undergoing pre-review at DCA.

§ 950.10 — Transfer of Credit — The board is seeking to repeal this section as it conflicts with §7367 of the Business and Professions Code. The board has approved the repeal of this section, which is now undergoing pre-review at DCA.

§ 961 — Translation Guides — This action would add translation guides developed by the board's examination vendor to the materials that must either be supplied or made available to students at barbering and cosmetology schools. The board has approved the text of this section, which is now undergoing pre-review at DCA.

§ 965.2 — Personal Services Permit — The board is developing regulations for a permit that would allow licensees to work outside of licensed establishments under certain circumstances.

§ 974.1 — Disciplinary Review Committee — This regulation would open up the naming of committee members to all of the Board of Barbering and Cosmetology and allow non-board members to sit on the appeals panel. The text of this section is being developed by staff.

§ 977, 978, 979, 980, 980.1, 980.2, 980.3, 980.4, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, and 994 — Health and Safety — The board is proposing several new revisions to its health and safety regulations. These revisions are being made to align the board's regulatory language more closely with the language on its examination and clarify or correct other points. The text of these sections is being developed by staff.

§ 972 — Disciplinary Guidelines — The board has revised it disciplinary guidelines booklet, which requires a change in the revision date in the section. The text of the guidelines booklet is being developed by staff.

Major Studies Conducted by the Board

Report to the California Legislature on the Personal Service Permit

On May 15, 2017, the board approved the Personal Service Report. This report provides information on the regulatory and implementation progress of the Personal Service Permit. In compliance with California Business and Professions Code Section 7402.5 (e), on June 26, 2017, the board submitted the report to the California Legislature. The board has included a copy of the submitted report in Section 12, Attachment C.

AFT

Report to Senators Hill and Nguyen on the Nail Care Scope of Practice Task Force

In a letter dated May 24, 2017, Senators Hill and Nguyen respectfully requested the board to assembly a task force to study the appropriate educational and training requirements for an individual licensed as a manicurist to possibly increase their skill set to allow these individuals to safely practice superfluous hair removal while prioritizing public health and well-being. The task force met on September 18, 2017. The report contains the task forces' recommendations. This report was provided to the Senators on October 30, 2017. The board has included a copy of the submitted report as Section 12, Attachment C.

Report to the Assembly Committee on Business and Professions and the Senate Committee on Business, Professions and Economic Development on Occupational Analysis of the Cosmetologist Profession

The board requested that the Department of Consumer Affairs' Office of Professional Examination Services conduct an occupational analysis of cosmetology practice in California. The purpose of the occupational analysis was to define the practice for California cosmetologists in terms of actual job tasks that new licensees must be able to perform safely and competently at the time of licensure. The results of this occupational analysis provide a thorough description of practice for the cosmetologist profession that was subsequently used to review the National Cosmetology Theory Examination and the National Cosmetology Practical Examination, which were developed by the National-Interstate Council of State Boards of Cosmetology. The occupational analysis was provided to the board in October 2017 and is included in this report as required by California Business and Professions Code, Section 7303.2 (a). The board has included the final report in Section 12, Attachment C.

AFT

Report to the Assembly Committee on Business and Professions and the Senate Committee on Business, Professions and Economic Development on the National Interstate Council of State Boards (NIC) Examination Review

At the request of the board, the Department of Consumer Affairs' Office of Professional Examination Services conducted an audit of the NIC Cosmetology Theory Examination and the National Cosmetology Practical Examination. The purpose of this audit was to verify compliance with psychometric and legal standards for licensing examinations. The NIC Examination Review was provided to the board in April 2018. In compliance with California Business and Professions Code, Section 7303.2 (a), the board has included the final report in Section 12, Attachment C.

Report to the Assembly Committee on Business and Professions and the Senate Committee on Business, Professions and Economic Development on the 1600-Hour Cosmetology Curricula Review

California Business and Professions Code, Section 7303.2 (a) mandates the board review the 1600-hour training requirement for cosmetologists. For the board to accurately review the 1600-hour Cosmetology curricula training requirement, a working group was established. This group consisted of board members, industry representatives, community college representatives, and private cosmetology school representatives. The working group met on February 5 – 6, 2018. The recommendations of the working group are included the final report included in Section 12, Attachment C.

Report to the Assembly Committee on Business and Professions and the Senate Committee on Business, Professions and Economic Development on the Review of the Low Pass Rate of Spanish Written Examinations

The board has experienced low passing rates for candidates that are taking the cosmetology written examination in Spanish. AB 181, Chapter 430, Statutes of 2016, specifically addressed this issue by requiring the board to review the Spanish language examination if, by January 1, 2016, the pass rate for Spanish speakers did not increase to the average pass rate for all other language examinations. The pass rates have not shown a significant increase in the pass rate. Therefore, in compliance with California Business and Professions Code, Section 7303.2 (b) the board has completed its review. The final report has been included in Section 12, Attachment C.

AFT

National Association Memberships

NIC was established in 1956 in a merger of the Interstate Council of State Boards of Cosmetology with the National Council of Boards of Beauty Culture.

In 1969, the NIC testing program was established. The testing program was established to create a national standard, to ensure consistency in the profession, and enhance reciprocity among the states.

Since May 2009, the board began using the NIC national examination for the written portion of the board's examination. In October 2011, the board began using the NIC national examination for the practical portion.

Prior to July 1, 2017, the board was considered a partial member of the National Interstate Council of State Boards of Cosmetology (NIC). Partial membership did not allow the board voting privileges. Therefore, on July 1, 2017, the board became a full member of NIC. Full membership allows for voting privileges. As a full member, the board has one vote in matters before the association. To

exercise the right to vote on by-laws, officer assignments or general policy, a representative of the board must be present at the annual conference. Payment of full membership allows entry into the annual conference. There are no provisions set up for a vote by proxy. All memberships must be paid and current to exercise voting privileges. On August 4-6, 2017, the board's Executive Officer attended the annual conference in Charleston, West Virginia. During the annual conference the board's Executive Officer participated in the NIC Executive Board and voted for the adoption of the NIC Infection Control Standards. This document provides specific language that may be used by a state when writing infection control rules.

The contract between the board and NIC requires NIC to provide valid, reliable, and legally defensible national examinations that comply with generally accepted psychometric standards applicable to professional licensing examinations.

Further, the board, under its contract with NIC, requires NIC to provide the board, or its designated representative, with test content to review to ensure that successful candidates have the knowledge and skills necessary to perform as competent licensees. California Subject Matter Experts (SME's) and/or examination staff are used for an occupational analysis and/or exam development.

AFT

SME's and/or examination staff are scheduled to participate in workshops with other SME's from other states along with the National Examination Committee to analyze or develop the proposed examination. For each test development workshop, NIC strives to assemble a group of SMEs that is diverse and representative of the population of practitioners for the discipline.

NIC considers demographic data such as years of experience, geographic region, gender, and practice setting. NIC does not limit SME recruitment to licensees in states that have adopted NIC examinations. NIC administrative staff continually searches for qualified SME's by way of referral from other SME's or practitioners, during the annual conference.

From July 2014 through June 2018, NIC held 108 workshops. During this time frame, SME's from California participated in 26 of the workshop activities.

The table below shows the completion years for the current NIC job analysis studies and the target years for the next.

Test Title	Current Job Analysis Completed	Next Job Analysis Target Date
Barber	2017	2022
Cosmetology	2015	2020
Electrology	2017	2024
Esthetics	2012	2018
Nail Technology	2013	2019

Board staff has reviewed and approved the NIC job analyses and development process, as well as, reviewed and approved test specifications for each NIC examination title used in the State of California. Board staff administers and 'rates' the candidates for the practical portion of the exam. The staff of Psychological Services, Incorporated (PSI) administers the written portion of the examination which is computer-based.

Meetings of National Associations Attended:

2017

National Interstate Council of State Boards Annual Conference; August 4-6, 2017; Charleston, West Virginia.

American Electrology Association Annual Convention and Exhibitor Showcase; October 26-29, 2017; San Diego, California

2018

National Interstate Council of State Boards Annual Conference; October 3-8, 2018: Seattle, Washington

AFT

BarberCosmo

Section 2

Performance Measures and Customer Satisfaction Surveys

- DCA Performance Measures
- Customer Satisfaction Online Survey Results
- Inspections Satisfaction Online Survey Results

Related Appendices

- Appendix 3 – DCA Performance Measures

AFT

AFT

BarberCosmo

DCA Performance Measure Report

To ensure that the Department of Consumer Affairs (DCA) and its stakeholders can review DCA's progress in meeting its enforcement goals, DCA has developed an easy-to-understand, transparent system of accountability – performance measures. The Enforcement Performance measures are critical, particularly during the current climate of budget constraint and economic downturn, for demonstrating that DCA is making, and will continue to make, the most efficient and effective use possible of its resources. The DCA discontinued publishing an annual performance measure report after the FY 2013/14 report. Quarterly Performance measures reports are in Appendix 3. Below is the 4th quarter report for FY 2017/18.

Enforcement Performance Measures

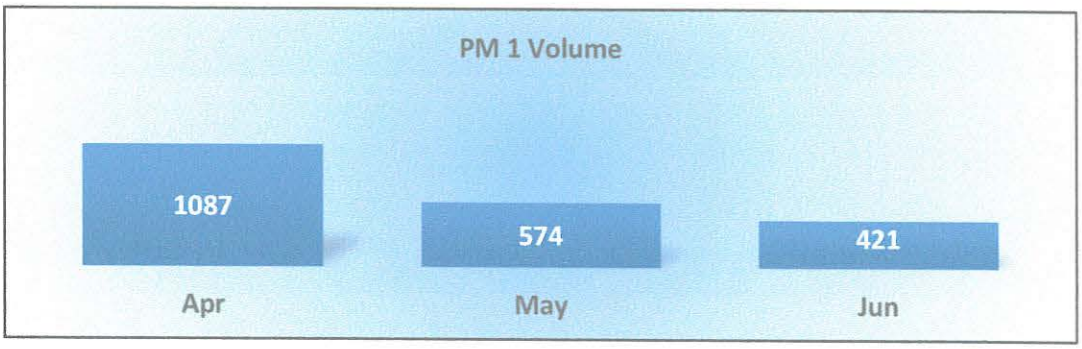
Q4 Report *(April – June 2018)*

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

AFT

PM1 | Volume

Number of complaints and convictions received.

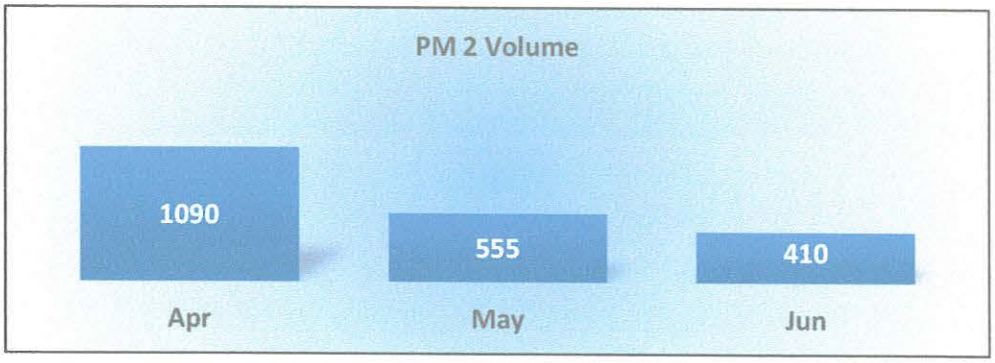


Total Received: 2,082 **Monthly Average**: 694

Complaints: 2,077 | **Convictions**: 5

PM2 | Intake – Volume

Number of complaints closed or assigned to an investigator.



Total: 2,055 | **Monthly Average:** 685

AFT

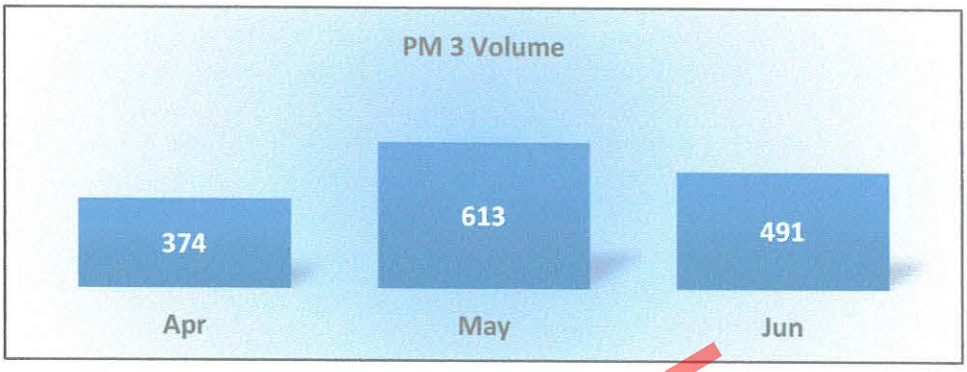
PM2 | Intake – Cycle Time

Average number of days from complaint receipt,
to the date the complaint was closed or assigned to an investigator.

Target Average: 10 Days | **Actual Average:** 2 Days

PM3 | Investigations – Volume

Number of investigations closed (not including cases transmitted to the Attorney General).

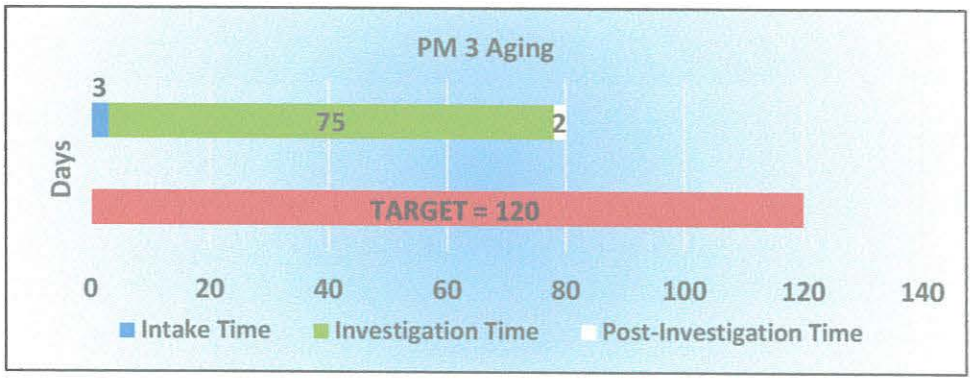


Total: 1,478 | **Monthly Average:** 493

AFT

PM3 | Investigations – Cycle Time[1]

Average number of days to complete the entire enforcement process for cases not transmitted to the Attorney General. (Includes intake and investigation.)

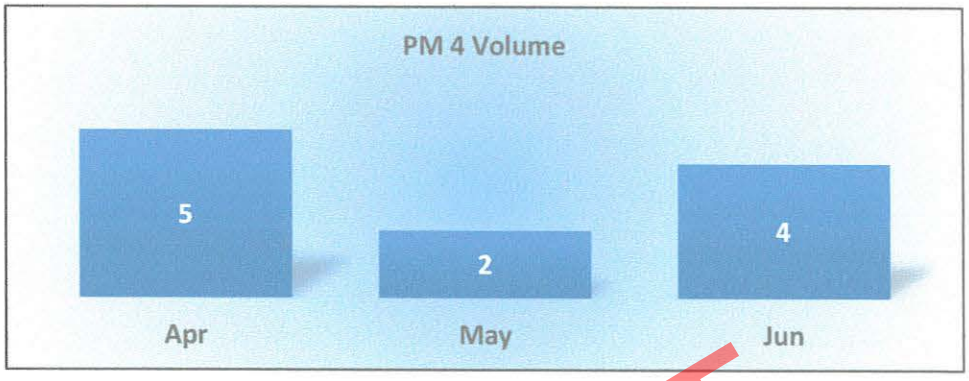


Target Average: 120 Days | **Actual Average:** 78 Days

[1] *Due to rounding, there might be small discrepancies between the PM3 "Actual Average", and the sum of the individual case stages (i.e., Intake time + Investigation time + Post-Investigation time).*

PM4 | Formal Discipline – Volume

Cases closed after transmission to the Attorney General for formal disciplinary action. This includes formal discipline, and closures without formal discipline (e.g., withdrawals, dismissals, etc.).

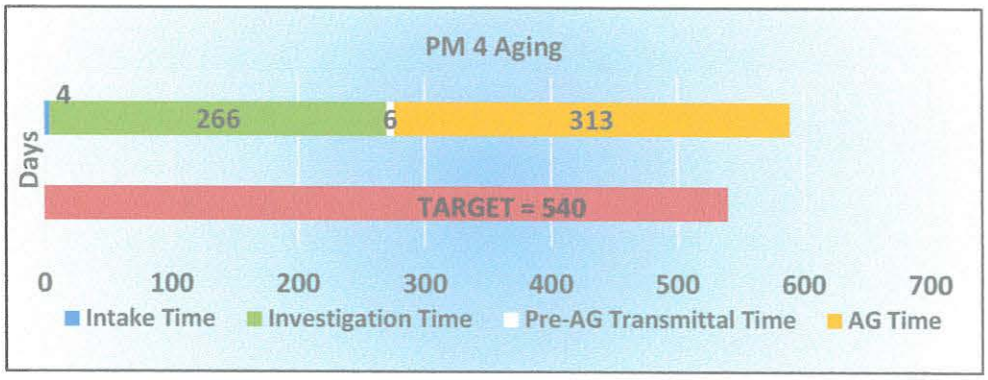


Total: 11 | **Monthly Average:** 4

AFT

PM4 | Formal Discipline – Cycle Time[2]

Average number of days to close cases after transmission to the Attorney General for formal disciplinary action. This includes formal discipline, and closures without formal discipline (e.g., withdrawals, dismissals, etc.).

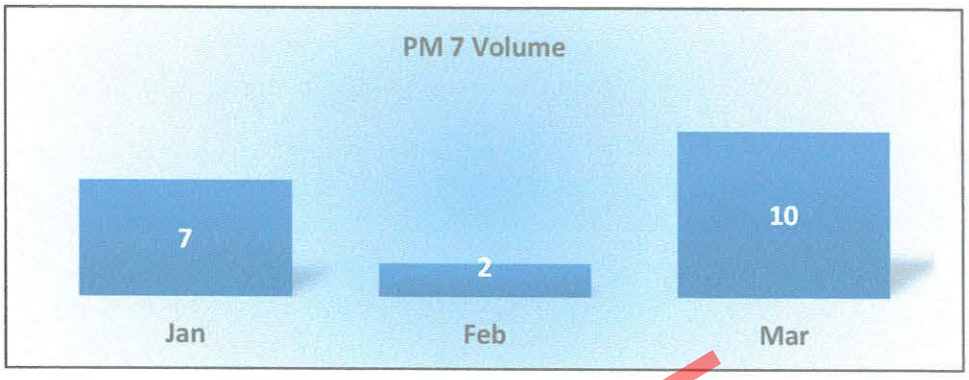


Target Average: 540 Days | **Actual Average:** 582 Days

[2] Due to rounding, there might be small discrepancies between the PM4 "Actual Average", and the sum of the individual case stages (i.e., Intake time + Investigation time + Pre-AG Transmittal time + AG time

PM7 | Probation Intake – Volume

Number of new probation cases.

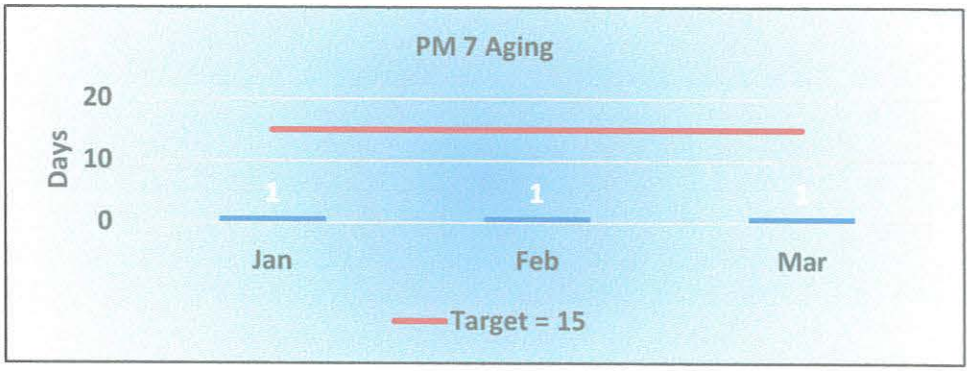


Total: 19

AFT

PM7 | Probation Intake – Cycle Time

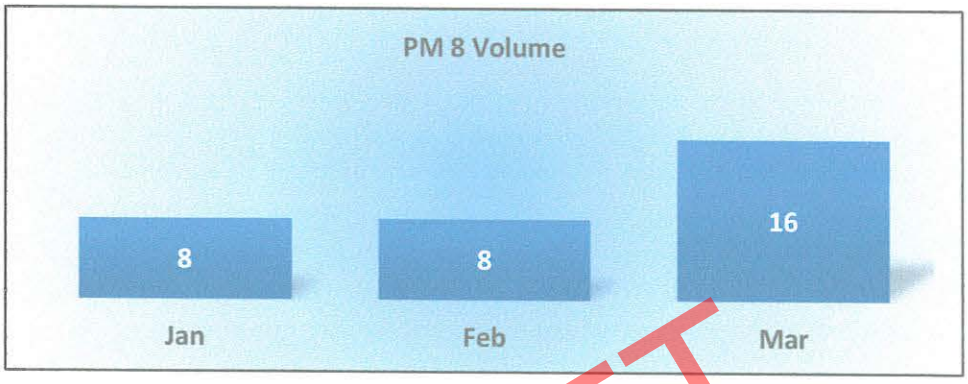
Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 15 Days | **Actual Average:** 1 Day

PM8 | Probation Violation Response – Volume

Number of probation violation cases.

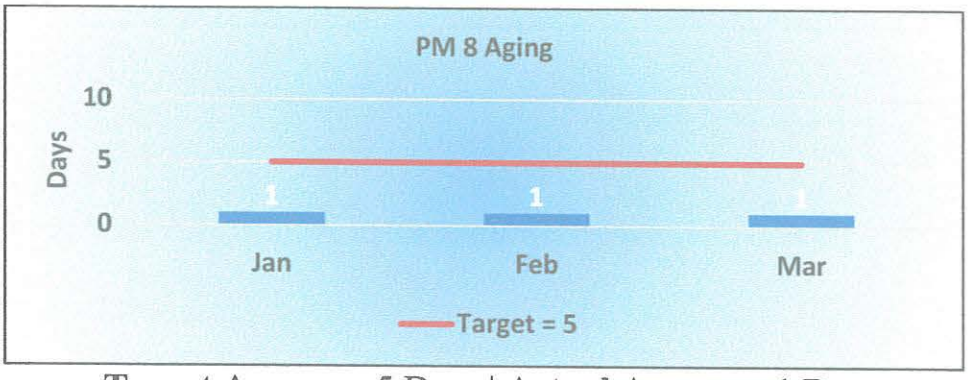


Total: 32

AFT

PM8 | Probation Violation Response – Cycle Time

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.



Target Average: 5 Days | **Actual Average:** 1 Day

Consumer Satisfaction Online Survey

The Customer Satisfaction survey is provided by the DCA and was developed and is used as a performance measure to gauge the consumer's satisfaction regarding how his or her complaint was processed. This survey is sent to the consumer (complainant) with the board's letter when a case is closed. The consumer can complete the survey in a variety of ways: online, through a QR Code Reader, or through an enclosed survey card. During the FY 2014/15 the survey content was changed. For reporting purposes all questions asked on both formats are combined and included in the FY 2014/15 survey results.

FY 2014-15 Consumer Complaint Performance Survey Performance Measure Score: 73%		
Was our representative courteous?	Number	% of Total
Yes, strongly agree	0	0%
Somewhat agree	0	0%
Neutral	0	0%
Somewhat disagree	0	0%
No, strongly disagree	0	0%
Total	0	0%

Do you feel that the representative who handled your complaint understood your problem?	Number	% of Total
Yes, strongly agree	0	0%
Somewhat agree	0	0%
Neutral	0	0%
Somewhat disagree	0	0%
No, strongly disagree	0	0%
Total	0	0%

Were you made aware that your complaint was closed?	Number	% of Total
Yes, strongly agree	0	0%
Somewhat agree	0	0%
Neutral	0	0%
Somewhat disagree	0	0%
No, strongly disagree	0	0%
Total	0	0%

Did our representative deal with your problem in a fair and reasonable manner?	Number	% of Total
Yes, strongly agree	0	0%
Somewhat agree	0	0%
Neutral	0	0%
Somewhat disagree	0	0%
No, strongly disagree	0	0%
Total	0	0%

If you were less than satisfied with the final outcome of your case, what was your primary reason for filing a complaint with us? (Please check the one that most represents your situation)	Number	% of Total
	0	0%
	0	0%
	0	0%
	0	0%
	0	0%
Total	0	0%

How did you contact our Board?	Number	% of Total
Web site	0	0%
Regular mail	1	50%
E-mail	1	50%
Phone	0	0%
In-person	0	0%
Total	2	100%

How satisfied were you with the format and navigation of our Web site?	Number	% of Total
Very satisfied	1	25%
Somewhat satisfied	1	25%
Neither satisfied nor dissatisfied	2	50%
Somewhat dissatisfied	0	0%
Very dissatisfied	0	0%
Total	4	100%

How satisfied were you with information pertaining to your complaint available on our Web site?	Number	% of Total
Very satisfied	1	25%
Somewhat satisfied	1	25%
Neither satisfied nor dissatisfied	1	25%
Somewhat dissatisfied	1	25%
Very dissatisfied	0	0%
Total	4	100%

How satisfied were you with the time it took to respond to your initial correspondence?	Number	% of Total
Very satisfied	2	100%
Somewhat satisfied	0	0%
Neither satisfied nor dissatisfied	0	0%
Somewhat dissatisfied	0	0%
Very dissatisfied	0	0%
Total	2	100%

How satisfied were you with our response to your initial correspondence?	Number	% of Total
Very satisfied	2	100%
Somewhat satisfied	0	0%
Neither satisfied nor dissatisfied	0	0%
Somewhat dissatisfied	0	0%
Very dissatisfied	0	0%
Total	2	100%

How satisfied were you with the time it took to speak with a representative of our Board?	Number	% of Total
Very satisfied	0	0%
Somewhat satisfied	0	0%
Neither satisfied nor dissatisfied	0	0%
Somewhat dissatisfied	0	0%
Very dissatisfied	0	0%
Total	0	0%

How satisfied were you with the representative's ability to address your complaint?	Number	% of Total
Very satisfied	0	0%
Somewhat satisfied	0	0%
Neither satisfied nor dissatisfied	0	0%
Somewhat dissatisfied	0	0%
Very dissatisfied	0	0%
Total	0	0%

How satisfied were you with the time it took for us to resolve your complaint?	Number	% of Total
Very satisfied	9	69%
Somewhat satisfied	1	8%
Neither satisfied nor dissatisfied	3	23%
Somewhat dissatisfied	0	0%
Very dissatisfied	0	0%
Total	13	100%

How satisfied were you with the explanation you were provided regarding the outcome of your complaint?	Number	% of Total
Very satisfied	10	77%
Somewhat satisfied	1	8%
Neither satisfied nor dissatisfied	0	0%
Somewhat dissatisfied	0	0%
Very dissatisfied	2	15%
Total	13	100%

Overall, how satisfied were you with the way in which we handled your complaint?	Number	% of Total
Very satisfied	10	76%
Somewhat satisfied	0	0%
Neither satisfied nor dissatisfied	1	8%
Somewhat dissatisfied	1	8%
Very dissatisfied	1	8%
Total	13	100%

Would you contact us again for a similar situation?	Number	% of Total
Definitely	11	85%
Probably	0	0%
Maybe	2	15%
Probably not	0	0%
Absolutely not	0	0%
Total	13	100%

Would you recommend us to a friend or family member experiencing a similar situation?	Number	% of Total
Definitely	10	77%
Probably	0	0%
Maybe	2	15%
Probably not	1	8%
Absolutely not	0	0%
Total	13	100%

How well did we explain the complaint process to you?	Number	% of Total
Very Poor	3	15%
Poor	2	10%
Good	4	20%
Very Good	11	55%
Total	20	100%

How clearly was the outcome of your complaint explained to you?	Number	% of Total
Very Poor	4	20%
Poor	4	20%
Good	4	20%
Very Good	8	40%
Total	20	100%

How well did we meet the time frame provided to you?	Number	% of Total
Very Poor	4	21%
Poor	1	5%
Good	3	16%
Very Good	11	58%
Total	19	100%

How courteous and helpful was staff?	Number	% of Total
Very Poor	4	20%
Poor	2	10%
Good	2	10%
Very Good	12	60%
Total	20	100%

Overall, how well did we handle your complaint?	Number	% of Total
Very Poor	6	29%
Poor	2	9%
Good	1	5%
Very Good	12	57%
Total	21	100%

If we were unable to assist you, were alternatives provided to you?	Number	% of Total
Very Poor	5	45%
Poor	6	55%
Good	0	0%
Total	11	100%

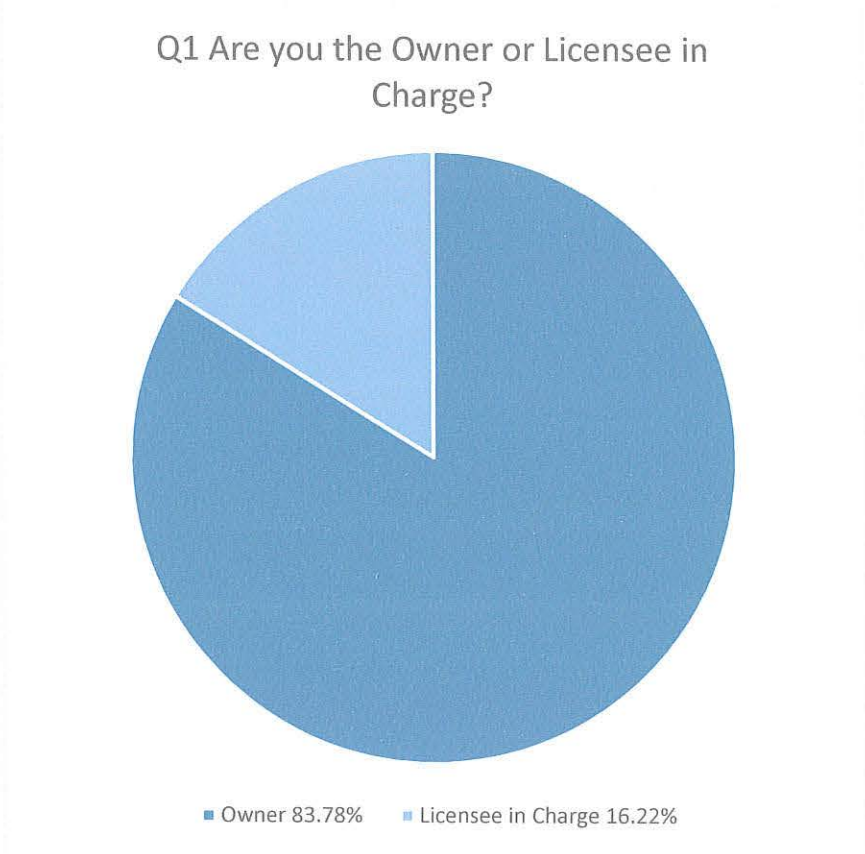
Did you verify the provider's license prior to service?	Number	% of Total
Yes	9	60%
No	6	40%
Not Applicable	0	0%
Total	20	100%

Consumer Complaint Performance Survey						
	FY 2015-16 Performance Measure Score 69 %		FY 2016-17 Performance Measure Score 63%		FY 2017-18 Performance Measure Score 57%	
	Total Response	%	Total Response	%	Total Response	%
1. How well did we explain the complaint process to you?						
Very Poor	5	16%	7	21%	9	40%
Poor	2	7%	3	9%	0	0%
Good	11	35%	7	20%	6	35%
Very Good	13	42%	17	50%	5	25%
Total	31	100%	34	100%	20	100%
2. How clearly was the outcome of your complaint explained to you?						
Very Poor	6	20%	9	25%	9	40%
Poor	2	6%	6	17%	1	5%
Good	8	27%	6	17%	4	25%
Very Good	14	47%	15	41%	6	30%
Total	30	100%	36	100%	20	100%
3. How well did we meet the timeframe provided to you?						
Very Poor	5	16%	7	20%	7	30%
Poor	5	16%	4	12%	2	10%
Good	8	26%	12	34%	5	30%
Very Good	13	42%	12	34%	6	30%
Total	31	100%	35	100%	20	100%
4. How courteous and helpful was the staff?						
Very Poor	2	6%	5	16%	8	35%
Poor	3	10%	4	13%	1	5%
Good	11	37%	6	19%	4	25%
Very Good	14	47%	16	52%	7	35%
Total	30	100%	31	100%	20	100%
5. Overall, how well did we handle your complaint?						
Very Poor	8	26%	11	31%	8	35%
Poor	3	10%	4	11%	2	15%
Good	5	16%	6	17%	4	20%
Very Good	15	48%	15	41%	6	30%
Total	31	100%	36	100%	20	100%
6. If we were unable to assist you, were alternatives provided to you?						
Very Poor	1	11%	4	27%	N/A	N/A
Poor	8	89%	11	73%	N/A	N/A
Good	0	0%	0	0%	N/A	N/A
Yes	N/A	0%	N/A	0%	2	15%
No	N/A	0%	N/A	0%	7	30%
Not Applicable	N/A	0%	N/A	0%	11	55%
Total	9	100%	15	100%	20	100%
7. Did you verify the provider's license prior to service?						
Yes	15	50%	8	22%	7	35%
No	9	30%	18	48%	5	25%
Not Applicable	6	20%	11	30%	8	40%
Total	30	100%	37	100%	20	100%

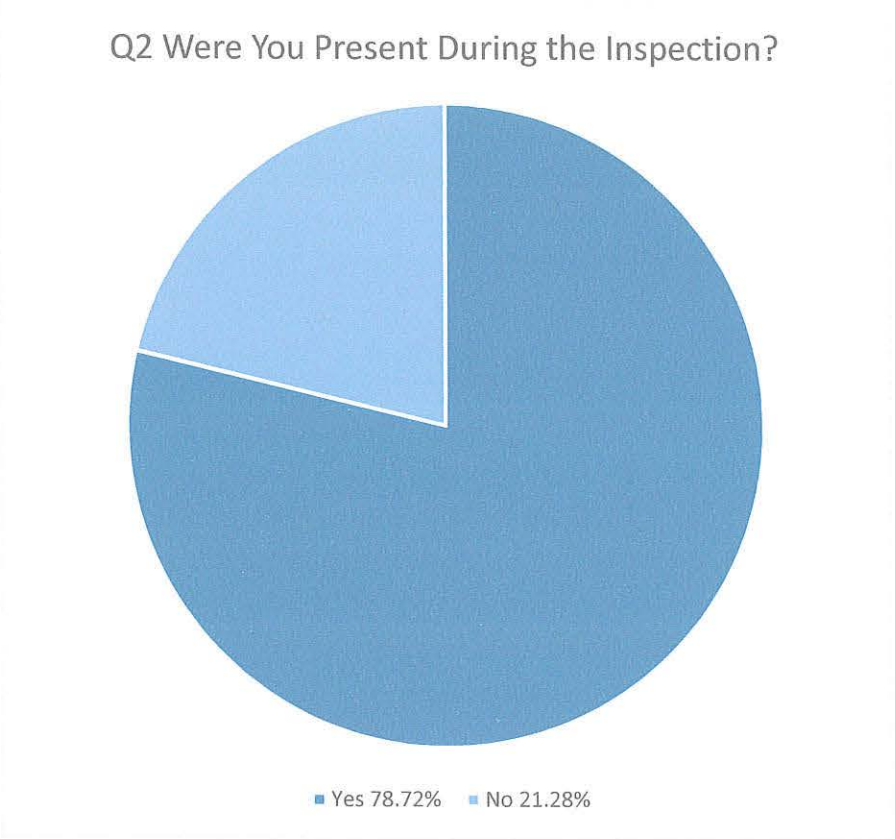
During the reporting period, 71% of the respondents felt staff treated them courteously and were helpful. Overall, 70% of the respondents felt staff did a good or very good job at explaining the complaint process. Areas the board could possibly improve is in clearly explaining the outcome of the complaint to the respondents (61% felt staff did good or very good). Improvement in this area would increase the respondent's satisfaction on how the board handled the complaint overall (59% felt staff did good or very good). The board is looking at ways to improve its communication in these areas.

Inspection Satisfaction Online Survey Results

In the spirit of transparency, the board has developed an anonymous survey that is posted on the board's web site that encourages licensees to evaluate the board's inspection and the inspector's conduct during an inspection. Additionally, with the citations issued, the board includes a postage paid postcard with the Inspection Satisfaction Survey. The report is compiled quarterly and distributed internally to the executive staff, the inspections manager, the inspector supervisors, and lastly it is shared with the inspectors themselves. The following are the results of the report from July 1, 2014 to June 30, 2018.

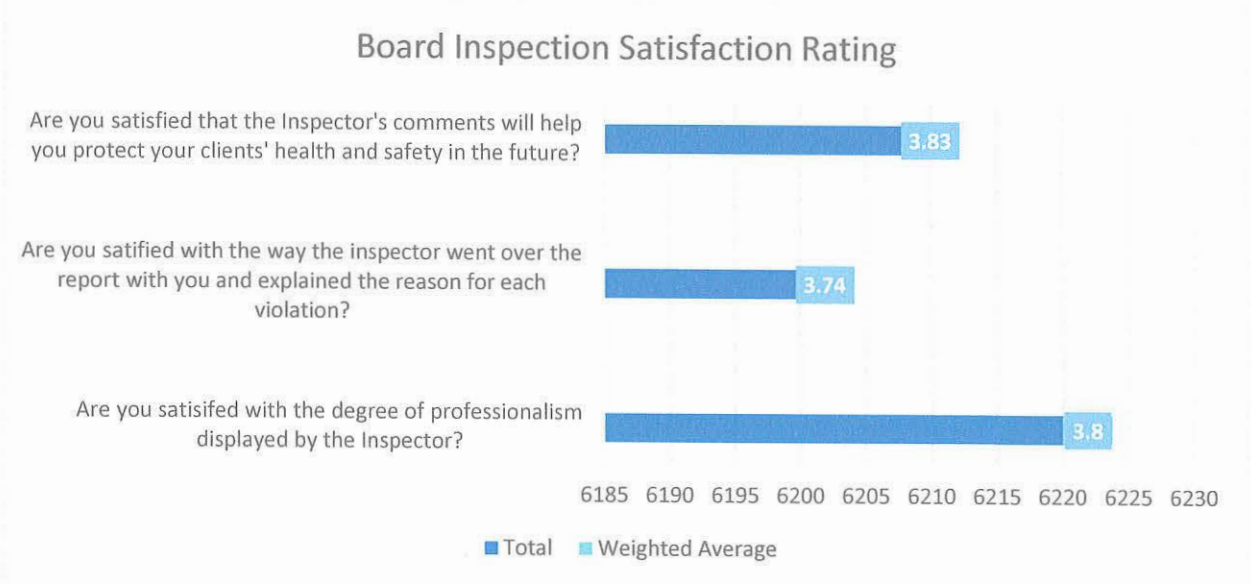


ANSWER CHOICES	RESPONSES	
Owner	83.78%	4,999
Licensee in Charge	16.22%	968
TOTAL		5,967



ANSWER CHOICES	RESPONSES	
Yes	78.72%	4,745
No	21.28%	1283
TOTAL		**6,028**

BarberCosmo



Dissatisfied ⟷ **Satisfied**

	1	2	3	4	5	Total	Weighted Average
Are you satisfied with the degree of professionalism displayed by the Inspector?	17.73% 1,103	5.05% 314	9.98% 621	13.57% 844	53.67% 3338	6220	3.8
Are you satisfied with the way the inspector went over the report with you and explained the reason for each violation?	19.42% 1204	5.56% 345	9.47% 587	12.98% 805	52.56% 3259	6200	3.74
Are you satisfied that the Inspector's comments will help you protect your clients' health and safety in the future?	17.61% 1093	5.07% 315	9.15% 568	12.76% 792	55.41% 3440	6208	3.83

A comment section is also designated in the survey for specific input from the licensee regarding the inspection. Additionally, the survey contains a question regarding zip code assignment. This question is utilized to identify which inspector conducted the inspection.

BarberCosmo

Section 3

Fiscal and Staff

- Fiscal Issues
- General Fund Loan
- BreEZe Program Costs
- Renewal Cycles and Fee History
- Budget Change Proposals
- Board Staff
- Staff Development

BarberCosmo

Fiscal Issues

The Board is a special fund agency in which all revenue is generated from the collection of fees. The Board's main source of revenue is derived from applicants and licensees through the collection of the application, renewal and examination fees. The revenue that is collected enables the Board to support the licensing, examination, enforcement, inspections and the administrative programs.

The Board began Fiscal Year 2017/18, with a current reserve level of 10.6 months and year-end expenditures of $24,186. While the Board does not have a specific statute that requires a certain reserve level to be maintained, future reserves will be monitored to determine if any action is needed. At this time the Board does not plan to increase or reduce fees.

Table 2. Fund Condition

(Dollars in Thousands)	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Beginning Balance	$15,919	$19,125	$18,721	$20,565
Revenues and Transfers	$23,557	$23,129	$23,642	$24,313
Total Revenue	**$23,557**	**$23,129**	**$23,642**	**$24,313**
Budget Authority	$21,526	$24,910	$22,294	$22,561
Expenditures	$20,690**	$24,087	$21,343	$21,642
Loans to General Fund	$0.00	$0.00	$0.00	$0.00
Accrued Interest, Loans to General Fund	$0.00	$0.00	$0.00	$0.00
Loans Repaid from General Fund	$0.00	$0.00	$0.00	$0.00
Fund Balance	**$19,125**	**$18,721**	**$20,565**	**$21,611**
Months in Reserve	**9.5**	**10.0**	**10.6**	**11.0**

**These are including beginning balance adjustments. **Projected to spend full budget*

General Fund Loans

During Fiscal Year 2002/03, the board provided the State's general fund with a loan of $9 million. In Fiscal Year 2008/09, the board provided the State's general fund with a loan of $10 million and a loan of $11 million in 2011/12. The total of loans provided to the State's general fund was $30 million. The board has received a partial repayment of these loans in two installments, one payment in

Fiscal Year 2005/06 for $5.5 million, and another payment in Fiscal Year 2006/07 for $3.5 million. This leaves an outstanding loan balance of $21 million.

The following chart details the board's program expenditures.

Table 3. Expenditures by Program Component (list dollars in thousands)

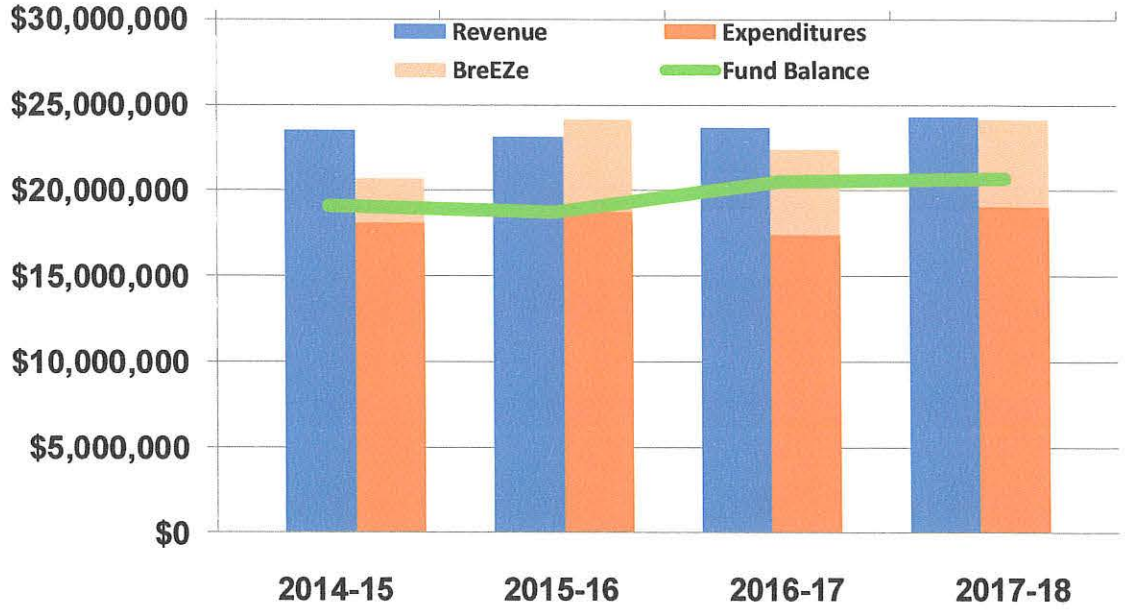
	FY 2014/15		FY 2015/16		FY 2016/17		FY 2017/18	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Enforcement	$3,589	$2,840	$3,656	$2,638	$4,025	$2,007	$4,582	$2,697
Examination	$994	$2,880	$937	$2,816	$789	$2,725	$610	$1,977
Licensing	$1,447	$686	$1,500	$730	$1,579	$454	$1,625	$606
Administration *	$925	$386	$960	$411	$1,002	$255	$628	$190
DCA Pro Rata	$0	$7,036	$0	$10,530	$0	$8,595	$0	$8,784
Diversion (if applicable)	$0	$0	$0	$0	$0	$0	$0	$0
TOTALS	**$6,955**	**$13,828**	**$7,054**	**$17,125**	**$ 7,395**	**$14,036**	**$7,445**	**$14,254**

*Administration includes cost for executive staff, board, administrative support, and fiscal services. (The charts lists are thousands i.e. $2,947,563 will be $2,948)

BreEZe Program Costs

	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18
Beginning Fund Balance (Including Prior Year Adjustments)	$ 16,274,000	$ 19,717,000	$ 19,349,000	$ 20,565,000
Total Revenue	$ 23,557,000	$ 23,129,000	$ 23,642,000	$ 24,313,000
Transfer/General Fund Loans	$ 0.00	$ 0.00	$ 0.00	$ 0.00
Total Expenditures	$ 20,706,000	$ 24,125,000	$ 22,426,000	$ 24,186,000
BreEZe Cost	$ 2,571,592	$ 5,399,849	$ 5,050,442	$ 5,118,000
Expenditures (less BreEZe)	$ 18,134,408	$ 18,725,151	$ 17,375,558	$ 19,068,000
Ending Fund Balance	$ 9,125,000	$ 18,721,000	$ 20,565,000	$ 20,692,000
Months in Revenue	9.5	10	10.2	10.6

BreEZe Cost Comparison Chart



* Projected years assume full budget appropriation is expended.

Highlights

$21.0 million General Fund loan repayment outstanding.

Renewal Cycles and Fee History

The board has a continuous renewal cycle for all of its license categories with one exception, the apprenticeship license, which is not renewable. The renewal cycle is biennial and expires at midnight on the last day of the month of issuance. A license that has expired may renew within five years following expiration, upon payment of all accrued renewal fees, and delinquency fees. If a licensee fails to renew within the five years, the license is cancelled and is no longer renewable.

The board rarely amends its fee statues. The board does not anticipate any fee increases in the near future. There have only been two amendments to the board's fee structure in the last eleven years, one in 2007 to establish an application and examination fee and one in 2011, to update the fee for a dishonored check. Statutory authority for these fee changes are Business and Professions Code Sections 7337.5, 7421, 7423, 7425 and Section 1719 of the Civil Code and Section 6157 of the Government Code.

Table 4. Fee Schedule and Revenue							
Fee	Current Fee Amount	Statutory Limit	FY 2014/2015 Revenues	FY 2015/2016 Revenues	FY 2016/2017 Revenues	FY 2017/2018 Revenues	% Total Revenue
Apprenticeship Fee	$25.00	Yes					0.00%
Baber Delinquency Renewal	$20.00	Yes					0.00%
Baber Delinquency Renewal	$25.00	Yes					0.00%
Barber Exam Fee	$75.00	Yes					0.00%
Barber License Fee	$50.00	Yes					0.00%
Barber Renewal	$40.00	Yes					0.00%
Barber Renewal	$50.00	Yes					0.00%
Non-Sufficient Funds Check Fee	$25.00	Yes					0.00%
Certification Fee	$10.00	Yes					0.00%
Cosmetology Exam Fee	$75.00	Yes					0.00%
Cosmetology Renewal	$40.00	Yes					0.00%
Cosmetology Licensee Fee	$50.00	Yes					0.00%
Cosmetology Renewal	$50.00	Yes					0.00%
Cosmo Delinquency Renewal	$20.00	Yes					0.00%
Cosmo Delinquency Renewal	$25.00	Yes					0.00%
Duplication Fee	$10.00	Yes					0.00%
Electrologist Delinquency Renewal	$20.00	Yes					0.00%
Electrologist Delinquency Renewal	$25.00	Yes					0.00%
Electrologist Exam Fee	$75.00	Yes					0.00%
Electrologist License Fee	$50.00	Yes					0.00%
Electrologist Renewal	$40.00	Yes					0.00%
Electrologist Renewal	$50.00	Yes					0.00%
Establishment Delinquency Renewal	$20.00	Yes					0.00%
Establishment License Fee	$50.00	Yes					0.00%
Establishment Renewal	$40.00	Yes					0.00%
Esthetician Delinquency Renewal	$20.00	Yes					0.00%
Esthetician Delinquency Renewal	$25.00	Yes					0.00%
Esthetician Exam Fee	$40.00	Yes					0.00%
Esthetician Exam Fee	$75.00	Yes					0.00%
Esthetician License Fee	$50.00	Yes					0.00%
Esthetician Renewal	$40.00	Yes					0.00%
Esthetician Renewal	$50.00	Yes					0.00%

Fee	Current Fee Amount	Statutory Limit	FY 2014/2015 Revenues	FY 2015/2016 Revenues	FY 2016/2017 Revenues	FY 2017/2018 Revenues	% Total Revenue
Manicurist Delinquency Renewal	$20.00	Yes					0.00%
Manicurist Delinquency Renewal	$25.00	Yes					0.00%
Manicurist Exam Fee	$75.00	Yes					0.00%
Manicurist License Fee	$35.00	Yes					0.00%
Manicurist Renewal	$40.00	Yes					0.00%
Manicurist Renewal	$50.00	Yes					0.00%
Mobile Delin Renewal	$20.00	Yes					0.00%
Mobile Unit App Fee	$50.00	Yes					0.00%
Mobile Unit Inspection/Lic Fee	$100.00	Yes					0.00%
Mobile Unit Renewal	$40.00	Yes					0.00%
Pre-Application Fee Barber	$9.00	Yes					0.00%
Pre-Application Fee Cosmetologist	$9.00	Yes					0.00%
Pre-Application Fee Electrologist	$9.00	Yes					0.00%
Pre-Application Fee Esthetician	$9.00	Yes					0.00%
Pre-Application Fee Manicurist	$9.00	Yes					0.00%
***Miscellaneous Revenue**							23.457%
Total							

Budget Change Proposals

The board believes its staffing levels for all programs, with the exception of the inspections program, are adequate. The board has submitted Budget Change Proposals (BCP's) to increase its inspector positions. The board will continue to pursue BCP's until the inspections program is adequately staffed.

Table 5. Budget Change Proposals (BCPs)

BCP ID #	Fiscal Year	Description of Purpose of BCP	Personnel Services				OE&E	
			# Staff Requested (include classification)	# Staff Approved (include classification)	$ Requested	$ Approved	$ Requested	$ Approved
					$	$	$	$
					$	$	$	$

Organizational charts for the last four years are provided in Section 12, Attachment B - Organizational Charts.

Board Staffing

The board has minimal staffing issues. The most challenging issue is the classification of Inspectors. The board currently has 22 Inspector positions, 3 of which are supervisor positions. There are currently 7 vacancies. The Inspectors are responsible for conducting random, initial and targeted inspections of the over 51,264 licensed establishments.

The inspector positions are considered hard-to-fill as the pay is equivalent to an entry-level clerical position. The board conducted a classification study on the inspector class and it was determined that the positions are classified correctly, but that the pay should be reviewed during the bargaining process.

The board has very little turnover and staff retention is excellent. As the board looks ahead, there are individuals looking to retire and steps are being taken to recruit new staff prior to the retirement of these individuals, so training can take place and there will be a smooth transition for the change.

Staff Development

The board supports and encourages training opportunities to improve or enhance performance, as well as, training that will encourage learning and development for future career growth, ideally, within the board. During employee performance reviews, managers and staff work together to identify training opportunities that will promote desired goals. Each staff member is encouraged to develop an Individual Development Plan (IDP). The IDP is then used as a road map for success, outlining areas of accomplishment, as well as, areas for improvement. The IDP is updated annually. Additionally, over the past several years, the DCA has developed a very robust training program that is offered at no cost to board staff. The courses include training for upward mobility; assistance in developing better analytical skills, improving writing skills, and general customer service.

The board worked with the DCA's training unit to provide Diversity Training to board inspectors. The board also provides training for inspectors during regular staff meetings, and during annual All-Inspector meetings. The board has holds regular (twice annually) Inspector trainings which included training on verbal communication, consistency in job performance, and language access training.

The executive staff and management encourage staff to take advantage of the free web-based training provided to the board via the DCA web site and have found it to be efficient and effective.

Below are the board's expenditures related to training:

2014/15	2015/16	2016/17	2017/18
$403.00	$0.00	$296.00	$1,126

BarberCosmo

Section 4

Licensing Program

- Licensing and Examination Program
- Performance Targets
- Application Processing
- Military
- Examinations
- School Approvals
- Continuing Education/Competency Requirements

BarberCosmo

Licensing and Examination Program

The board's licensing program is responsible for reviewing and processing all individual and establishment licensing applications received by the board. The board has one of the highest workloads in the State. The board's licensing and examination program is unique in that examinations are administered Monday through Friday, and an individual who passes the examinations obtains a license on the same day.

Performance Targets

The board has internal performance measures for application processing as listed below:

Performance Measure	Definition	Target	Actual*
Initial Applications	Average days from receipt of application to examination scheduling.	42 days	25 days
Establishment Applications	Average days from receipt of application to license issuance.	28 days	21 days
Apprentice Application	Average days from receipt of application to license issuance.	28 days	21 days
Reciprocity Application	Average days from receipt of application to license issuance.	28 days	29 days
Examination Scheduling	Average number of days from date of approval of qualifications to examination date.	60 days	47 days

*Data obtained via manual tracking.

The board monitors its performance in licensing on a weekly basis. Due to the high volume of workload, statistics are provided every Monday by licensing staff on the processing timeframes for the applications on their desks. In addition to the board's internal licensing statistics, statistics are also provided from the Department of Consumer Affairs' (DCA) cashiering unit. These numbers include the date of the oldest application being cashiered and the date incoming mail is being processed.

Implementation of the BreEZe database has allowed the board to significantly reduce its licensing processing times due to more online transactions being completed. Cashiering times have been reduced and therefore applications are able to be processed more quickly.

As noted in the chart above, the board meets and exceeds its performance measures with the exception of the processing of reciprocity applications. Every effort is made by staff to complete these applications as quickly as possible. Delays result when other state boards do not forward licensing certifications to the board in a timely manner, which is out of the control of the board.

Application Processing

As part of the review process, each application and corresponding documentation is evaluated to determine if the applicant meets the minimum qualifications for licensure, as specified in statute and regulation.

Licensing Data				
	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Total Licenses Issued	32,994	32,063	30,401	26,552
Total Licenses Renewed	227,649	223,840	236,569	234,274

Table 6. Licensee Population					
		FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Establishments	Active	43,623	44,175	45,586	46,999
	Delinquent	8,359	8,406	6,239	4,265
	Retired	N/A	1	2	1
	Out of State	N/A	N/A	N/A	0
	Out of Country	N/A	N/A	N/A	0
Mobile Unit	Active	28	29	34	32
	Delinquent	7	10	11	12
	Retired	N/A	0	0	0
	Out of State	N/A	N/A	N/A	0
	Out of Country	N/A	N/A	N/A	0
Barber	Active	20,969	22,090	23,524	24,896
	Delinquent	4,781	4,948	4,971	5,079
	Retired	N/A	7	7	7
	Out of State	N/A	N/A	N/A	1,625
	Out of Country	N/A	N/A	N/A	3

		FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Barber Apprentice	Active	679	797	1,064	1,410
	Delinquent	375	15	0	0
	Retired	N/A	N/A	N/A	N/A
	Out of State	N/A	N/A	N/A	0
	Out of Country	N/A	N/A	N/A	0
Cosmetology	Active	257,689	258,348	260,232	260,069
	Delinquent	49,903	52,951	53,726	54,485
	Retired	N/A	32	33	33
	Out of State	N/A	N/A	N/A	27,716
	Out of Country	N/A	N/A	N/A	248
Cosmetology Apprentice	Active	950	1,123	1,382	1,411
	Delinquent	544	9	0	0
	Retired	N/A	N/A	N/A	N/A
	Out of State	N/A	N/A	N/A	0
	Out of Country	N/A	N/A	N/A	0
Electrology	Active	1,442	1,397	1,369	1,335
	Delinquent	471	463	454	437
	Retired	N/A	1	1	1
	Out of State	N/A	N/A	N/A	199
	Out of Country	N/A	N/A	N/A	7
Electrology Apprentice	Active	1	0	0	1
	Delinquent	0	0	0	0
	Retired	N/A	N/A	N/A	N/A
	Out of State	N/A	N/A	N/A	0
	Out of Country	N/A	N/A	N/A	0
Manicurist	Active	100,259	102,098	104,518	103,981
	Delinquent	27,316	25,712	88,783	25,939
	Retired	N/A	9	9	9
	Out of State	N/A	N/A	N/A	16,336
	Out of Country	N/A	N/A	N/A	271
Esthetician	Active	63,710	66,078	68,915	71,333
	Delinquent	12,648	13,391	13,755	14,166
	Retired	N/A	2	2	2
	Out of State	N/A	N/A	N/A	7,249
	Out of Country	N/A	N/A	N/A	71

NOTE: "Out of State" and 'Out of Country' are two mutually exclusive categories. A licensee should not be counted in both.

Table 7a Licensing Data by Type

Application Type		Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
						Total (Close of FY)	Outside Board Control	Within Board Control	Complete Apps	Incomplete Apps	Combined, IF unable to separate out
FY 2014/15	Barber	3,768	3,465	648	1,715	280	72	208	43	43	43
	Barber Apprentice	434	409	24	397	31	3	28	28	0	28
	Cosmetology	21,842	20,547	5,570	12,703	1,465	276	1,189	24	21	24
	Cosmetology Apprentice	625	565	34	543	61	5	56	25	0	25
	Electrology	73	58	68	34	4	1	3	15	0	15
	Electrology Apprentice	0	0	1	0	0	0	0	0	0	0
	Esthetician	7,858	7,422	2,096	5,061	487	62	425	17	25	17
	Manicurist	11,145	10,712	2,658	5,879	509	47	462	24	20	24
	Establishments	6,878	6,654	290	6,654	408	44	364	19	21	19
	Mobile Units	12	8	0	8	7	0	7	138	0	138
FY 2015/16	Barber	5,092	4,542	423	1,954	403	233	170	21	55	23
	Barber Apprentice	537	511	20	511	32	18	14	22	98	26
	Cosmetology	18,460	16,928	1,444	10,837	1,464	829	635	34	58	36
	Cosmetology Apprentice	724	652	40	650	72	42	30	21	96	25
	Electrology	75	57	15	35	8	6	2	17	10	17
	Electrology Apprentice	0	0	0	0	0	0	0	0	0	0
	Esthetician	7,266	6,826	440	4,772	472	190	282	46	49	46
	Manicurist	10,957	10,240	475	6,301	657	216	441	30	62	31
	Establishments	7,356	6,998	277	6,996	387	143	244	18	47	20
	Mobile Units	10	7	6	7	5	4	1	139	236	195

Table 7a Licensing Data by Type (con't)

						Pending Applications			Cycle Times		
Application Type	Application Type	Received	Approved	Closed	Issued	Total (Close of FY)	Outside Board Control	Within Board Control	Complete Apps	Incomplete Apps	Combined, IF unable to separate out
FY 2016/17	Barber	5,235	4,611	592	2,199	447	312	135	17	56	21
	Barber Apprentice	670	665	15	665	24	16	8	17	85	25
	Cosmetology	17,907	16,043	1,826	8,416	1,573	807	766	19	64	23
	Cosmetology Apprentice	768	793	22	793	41	20	21	19	98	31
	Electrology	42	37	11	26	3	1	2	16	28	16
	Electrology Apprentice	0	0	0	0	0	0	0	0	0	0
	Esthetician	7,871	7,023	500	4,837	817	340	477	21	120	27
	Manicurist	11,901	10,913	600	6,584	1,097	707	390	20	56	22
	Establishments	7,709	6,876	543	6,874	768	340	428	18	43	21
	Mobile Units	7	7	4	7	1	1	0	0	140	140
FY 2017/18	Barber	5,138	4,584	629	2,275	388	298	90	19	69	24
	Barber Apprentice	869	885	14	885	22	0	22	19	88	25
	Cosmetology	16,322	14,864	1,636	7,151	1,576	1,165	411	19	74	25
	Cosmetology Apprentice	701	727	17	727	11	3	8	20	121	28
	Electrology	43	36	5	2	4	2	2	18	56	19
	Electrology Apprentice	1	1	0	1	0	0	0	14	0	14
	Esthetician	7,819	7,176	658	4,499	913	710	203	23	66	27
	Manicurist	8,267	6,821	1,085	3,399	1,617	1,467	150	21	108	33
	Establishments	7,939	7,610	612	7,609	542	335	207	20	49	25
	Mobile Units	11	4	1	4	7	7	0	0	88	88

Table 7b. Total Licensing Data	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Initial Licensing Data:				
*Initial License/Initial Exam Applications Received	52,635	50,477	52,110	47,110
*Initial License/Initial Exam Applications Approved	49,840	46,761	46,968	42,708
*Initial License/Initial Exam Applications Closed	11,389	3,140	4,113	4,657
License Issued	32,994	32,063	30,401	26,552
Initial License/Initial Exam Pending Application Data:				
Pending Applications (total at close of FY)	3,252	3,500	4,771	5,080
Pending Applications (outside of board control) *	510	1,681	2,544	3,987
Pending Applications (within the board control) *	2,742	1,819	2,227	1,093
Initial License/Initial Exam Cycle Time Data (WEIGHTED AVERAGE):				
Average Days to Application Approval (All - Complete/Incomplete)	20	24	23	26
Average Days to Application Approval (incomplete applications) *	24	57	64	74
Average Days to Application Approval (complete applications) *	20	22	19	20
License Renewal Data:				
License Renewed	227,649	223,840	236,569	234,274

NOTE: The values in Table 7b are the aggregates of values contained in Table 7a. *Optional. List if tracked by the board.

Application Verification

Barbering and cosmetology regulations establish the requirements for licensure. The board provides applicants with detailed instructions on the application process and requirements to obtain licensure. For applicants who have received training in this State from a board-approved school, the board provides the schools a Proof of Training document (POT) that is completed by the school administration. The POT verifies how many hours of training were completed. To verify submitted POT documents, a representative from the school is required to sign, under the penalty of perjury, that the information is true and correct.

Criminal History

The board requires all applicants to sign, under penalty of perjury, that all statements that are provided on the application are true and correct. Applicants are required to disclose all misdemeanor and felony convictions, and if they have ever had a professional or vocational license or registration denied, suspended, revoked, placed on probation, or if any other disciplinary action was taken.

At this time, the board must rely on the applicants to honestly disclose prior convictions on their applications for licensure, as the board does not have interfacing with the Department of Justice and is unable to use Live Scan/fingerprinting. Therefore, the board does not submit No Longer Interested Notifications to the Department of Justice.

Once a prior conviction is disclosed, the application is forwarded to the Enforcement program for further review. The applicant may be required to submit court documents regarding the conviction, along with any mitigation and/or rehabilitation information he or she may have.

Over the last 4 years, the board has not denied any licenses based on the applicant's failure to disclose information on the application.

Very rarely does it become necessary to deny a licensing applicant due to a criminal conviction (see table below). Applicant denials represent .006% of the licensing examination applications received over the *last four calendar years.*

Calendar Year	Initial Applications Received	Application Denials Due to Criminal Convictions	Percent of Application Denials Due to Criminal Convictions
2014	27,484	1	.003%
2015	26,264	2	.007%
2016	25,296	1	.003%
2017	23,830	3	.125%
Total	**102,874**	**7**	**.006%**

The board currently reviews licensing applications and licensure denials, revocations and suspensions on a case by case basis. The board takes a big picture approach and considers numerous facets and complexities surrounding the individual's circumstances, prior to deciding to revoke or suspend a license or deny a licensing examination application.

During the *FY 2014 through 2018, reporting period* the board denied 9 applications for licensure based on criminal convictions that were substantially related to the qualifications, functions and/or duties of the profession. Each item in the table below represents the criminal record of the denied applicant.

FY 2014 through 2018 Licensure Denials and Criminal Convictions				
FY 2014/15 (2 denials)	PC 208(D) Kidnapping, 264. 1 Rape, Abduction, Carnal Abuse of Children, and Seduction, 220 Assaults with Intent to Commit Felony, Other Than Assaults with Intent to Murder, 288A(D) Bigamy, Incest, and the Crime Against Nature		PC 288A(b)(1) Bigamy, Incest, and the Crime Against Nature and 286(b)(1) Bigamy, Incest, and the Crime Against Nature	
FY 2015/16 (1 denial)	PC 288A(b)(1) Bigamy, Incest, and the Crime Against Nature, PC 261.5 Rape, Abduction, Carnal Abuse of Children, and Seduction, 209(b)(1) Kidnapping			
FY 2016/17 (4 denials)	PC 261.5 Rape, Abduction, Carnal Abuse of Children, and Seduction	PC 261(a)(2) Rape, Abduction, Carnal Abuse of Children, and Seduction, PC 264.1 Rape, Abduction, Carnal Abuse of Children, and Seduction, PC 209 Kidnapping, PC 288 Bigamy, Incest, and the Crime Against Nature, PC 211 Robbery, PC 182(a)(1) Conspiracy	PC 261(a)(2) Rape, Abduction, Carnal Abuse of Children, and Seduction, PC 264.1 Rape, Abduction, Carnal Abuse of Children, and Seduction, PC 209 Kidnapping, PC 288 Bigamy, Incest, and the Crime Against Nature, PC 211 Robbery, PC 182(a)(1) Conspiracy	264.1(5) Rape, Abduction, Carnal Abuse of Children, and Seduction
FY 2017/18 (2 denials)	243.4(e)(1) Assault and Battery (Sexual Battery)	O.C.G.A. 16-6-16 Masturbation for hire, O.C.G.A. 16-6-17 Giving massages in place used for lewdness, prostitution, assignation, or masturbation for hire, O.C.G.A. 43-24A-15 Massage Therapy Practice Unlawful acts, PC 647(b) Prostitution		

The board makes the following informal option available to applicants with criminal convictions:

- Prior to starting school, the applicant may submit their criminal history, have it reviewed by enforcement unit staff, and be informed if the criminal convictions would prevent the board from approving his/her licensing application.

On an average, the board does not deny, revoke or suspend more than 62 licenses per year. Rarely have these denials, revocations or suspensions been based solely on a criminal conviction.

Calendar Year	Licenses Disciplined Due to Criminal Convictions	Enforcement Cases	Percent Disciplined Due to Criminal Convictions
2014	0	58	0%
2015	3	54	5.6%
2016	0	45	0%
2017	0	100	0%
Total	**3**	**257**	**1.16%**

All applicants that are denied by the board have the option of requesting an appeal review by an Administrative Law Judge.

There is no national databank relating to disciplinary actions and the board does not require primary source documentation.

Examinations in State Correctional Facilities

The board works with the Department of Corrections and Rehabilitation to make sure inmates do not face barrier to entry issues upon prison release by conducting examinations in State correctional facilities. The board works closely with the California Department of Corrections and Rehabilitation to schedule and administer these examinations in the correctional facilities.

To administer these examinations, board staff travels to the correctional facility and provides both the written and practical portions of the examination. The examinations are graded, and written exam results are provided on the same day the examination is administered. The NIC practical exam scores are provided within two weeks.

Date of Exam	Type of Exam	# of Examinees	# Passed Written	# Passed Practical
5/19/2015	Cosmetology	7	7	7
6/4/2015	Cosmetology	6	6	6
6/4/2015	Manicuring	1	1	1
5/17/2016	Cosmetology	5	5	4
5/24/2016	Cosmetology	7	7	7
4/25/2017	Cosmetology	4	4	4
6/20/2017	Cosmetology	5	5	5
2018				
2018				
Total		**35**	**35**	**34**

During the 2014/18 reporting period, the board has administered 35 exams and licensed 34 individuals.

Out of State Licensing

Business and Professions Code Section 7331 specifies the requirements for the board to issue a license via reciprocity. The board issues licenses to individuals who meet the following requirements:

- Submit an application and the licensing fee; and
- Submit proof of a current license issued by another state that has not been revoked, restricted, or suspended, is in good standing, and has been active for three of the past five years.

The board has issued 23,137 licenses since implementing reciprocity in 2007.

Out of Country Licensing

Business and Professions Code Article 3 specifies qualifications for admittance to the examination and states that, for each license type, the board shall admit to the examination an individual that has:

> "Practiced outside of this State for a period of time equivalent to the study and training of a qualified person who has completed a course from a school the curriculum of which complied with requirements adopted by the board. Each three months of practice shall be deemed equivalent of 100 hours of training for qualification as specified in the chapter."

An applicant applying to take the examination based on his or her education abroad must contact an independent evaluation company to review and determine the equivalency of their education. Upon receipt of the application and supporting documentation, the examination is scheduled.

Military

The board values and appreciates the service offered by this country's military personnel. The board has worked hard to become compliant with recent statutory changes regarding military personnel and veterans.

Currently, Business and Professions Code Section 7321.5 (d) (6) allows the board to accept completed "Verification of Military Experience and Training records" for training documentation for the Barber licensing examination. After review of the application and documentation, board staff schedules the applicant for examination. The board initiated

regulatory changes to include the other license types (cosmetology, manicuring, esthetic, and electrology) for proof of training acceptance of the Verification of Military Experience and Training record. These regulatory changes were completed July 1, 2016. The board has received 3 applications since 2014, of these, all were approved. The board does not expect to receive many applications for other license types due to the fact that barbering is the dominant license type within the military.

With the implementation of the BreEZe database, the board is now able to track veteran status. The board has changed its applications to inquire, "Have you ever served in the United States Military?"

The board has been proactive in addressing changes applicable to military personnel on its web site. The following notice has been posted:

> "On January 1, 2013, AB 1588 and AB 1904 went in to effect, which allows the board to extend the following accommodations:
>
> **AB 1588**
> The Board of Barbering and Cosmetology will waive the renewal fees for a licensee if the licensee is serving on active duty in the Armed Forces or the California National Guard. Please use the following forms when making your request:
>
> Armed Forces Personnel Application for Exemption from Payment of Renewal Fees
> Application to Restore License to Active Status
>
> **AB 1904**
> The Board of Barbering and Cosmetology will expedite the Reciprocity licensure process for spouses and domestic partners of those on active duty in the Armed Forces or the California National Guard. Please use the following form when making this request:
>
> Application for Reciprocity and Initial License Fee
>
> Since the implementation of these provisions on February 11, 2013, the board has expedited 263 reciprocity applications for the spouses of military personnel. All were processed in compliance with Business and Professions Code Section 115.5.
>
> Since 2014, the board has received and processed under 10 requests for waiver of renewal fees. It should be noted that the board has received additional requests by the spouses of military

personnel to waive licensing renewal fees. These requests have been rejected as the law applies to military personnel only.

Examinations

The board requires applicants for licensure as a cosmetologist, barber, manicurist, electrologist, and esthetician to take and pass both a practical (hands-on) and written examination. In May 2009, the board adopted the national written examination and in October 2011, the practical portion was adopted. The board offers its examinations in English, Spanish, Vietnamese and on September 1, 2012, Korean examinations became available.

The board maintains two examination facilities that operate Monday thru Friday: one in Fairfield (Northern) and one in Glendale (Southern). The board does participate in the computer-based testing program and each examination facility is sub-leased to the vendor for the administration of the written examination. This is necessary to facilitate same-day licensure for successful candidates. Candidates are able to take the written portion at one of the thirteen computer- based testing sites in California.

The testing procedure is quite simple. Once an application for exam has been received by the board and evaluated for accuracy, board staff schedules a written and a practical exam for the applicant. Both tests are generally scheduled to be taken on the same day. The written test may be administered in the morning and the practical examination in the afternoon, or vice versa. Once the applicant has passed both the written and practical portions of the exam, the license is issued immediately at the examination facility. If an applicant fails either part of the exam (written or practical) they must pay another testing fee to schedule a re-examination. The new application and fee must be submitted to the board within one year, as testing scores are only valid for a one-year period.

Pass Rates

Listed below are the pass rates for the board's examinations. As noted above, an applicant must take and pass both a written and practical portion of the exam. If an applicant fails one portion they are only required to re-take the failed portion.

It is believed that this is because the national exam is current and relevant to today's practices. The previous exam had been in circulation for many years and schools often provided courses on how to pass the examination. The implementation of the national examination verifies that

the board is testing for minimal competency and that schools are teaching minimal competency.

WRITTEN EXAMINATION

Table 8. Examination Data

	National-Interstate Council of State Boards of Cosmetology INITIAL WRITTEN EXAMS Exam Pass Results by Language							
	English		Spanish		Vietnamese		Korean	
FY 2014/15	**# of Candidates**	**Pass %**	**# of Candidates**	**Pass %**	**# of Candidates**	**Pass %**	**# of Candidates**	**Pass %**
Barber	1,744	72%	84	65%	53	83%	0	0%
Cosmetology	9,652	83%	347	45%	768	80%	71	79%
Esthetician	3,474	89%	15	53%	1,084	89%	101	92%
Electrology	29	69%	1	0%	4	25%	0	0%
Manicurist	1,616	82%	36	64%	3,888	84%	81	88%
FY 2015/16	**# of Candidates**	**Pass %**	**# of Candidates**	**Pass %**	**# of Candidates**	**Pass %**	**# of Candidates**	**Pass %**
Barber	1,997	63%	197	43%	55	44%	2	0%
Cosmetology	8,084	88%	650	42%	856	93%	101	88%
Esthetician	3,453	84%	13	62%	0	0%	120	95%
Electrology	34	82%	0	0%	979	87%	0	0%
Manicurist	1,632	75%	54	57%	4,364	83%	64	88%
FY 2016/17	**# of Candidates**	**Pass %**	**# of Candidates**	**Pass %**	**# of Candidates**	**Pass %**	**# of Candidates**	**Pass %**
Barber	1,818	71%	175	55%	62	69%	5	80%
Cosmetology	6,577	80%	705	41%	799	66%	115	76%
Esthetician	3,561	80%	22	73%	1,072	85%	110	89%
Electrology	25	76%	0	0%	0	0%	0	0%
Manicurist	1,468	73%	68	68%	4,836	90%	54	78%
FY 2017/18	**# of Candidates**	**Pass %**	**# of Candidates**	**Pass %**	**# of Candidates**	**Pass %**	**# of Candidates**	**Pass %**
Barber	1,955	76%	235	64%	50	86%	5	40%
Cosmetology	5,531	77%	702	45%	408	79%	128	78%
Esthetician	3,958	81%	23	48%	403	86%	99	90%
Electrology	22	77%	0	0%	0	0%	0	0%
Manicurist	1,163	76%	82	49%	2,168	79%	45	71%

Table 8. Examination Data

	National-Interstate Council of State Boards of Cosmetology WRITTEN RETAKE EXAMS Pass Results by Language							
	English		Spanish		Vietnamese		Korean	
FY 2014/15	**# of Candidates**	**Pass %**	**# of Candidates**	**Pass %**	**# of Candidates**	**Pass %**	**# of Candidates**	**Pass %**
Barber	738	48%	29	45%	19	47%	3	0%
Cosmetology	5,274	55%	760	24%	433	58%	55	53%
Esthetician	881	67%	16	50%	302	69%	20	85%
Electrology	11	64%	0	0%	3	100%	0	0%
Manicurist	773	56%	33	39%	1,697	56%	22	73%
FY 2015/16	**# of Candidates**	**Pass %**	**# of Candidates**	**Pass %**	**# of Candidates**	**Pass %**	**# of Candidates**	**Pass %**
Barber	1,341	36%	168	34%	49	39%	8	0%
Cosmetology	2,831	48%	891	26%	230	63%	50	36%
Esthetician	727	54%	12	42%	310	48%	14	71%
Electrology	13	46%	0	0%	0	0%	0	0%
Manicurist	584	47%	26	38%	1,614	45%	20	65%
FY 2016/17	**# of Candidates**	**Pass %**	**# of Candidates**	**Pass %**	**# of Candidates**	**Pass %**	**# of Candidates**	**Pass %**
Barber	1,549	42%	216	39%	67	42%	9	44%
Cosmetology	2,850	37%	1,197	24%	506	42%	68	43%
Esthetician	1,226	50%	11	27%	398	53%	21	67%
Electrology	9	44%	0	0%	0	0%	0	0%
Manicurist	821	36%	36	47%	1,458	58%	25	36%
FY 2017/18	**# of Candidates**	**Pass %**	**# of Candidates**	**Pass %**	**# of Candidates**	**Pass %**	**# of Candidates**	**Pass %**
Barber	1,118	55%	186	47%	11	64%	7	71%
Cosmetology	3,138	40%	1,234	28%	239	47%	65	49%
Esthetician	1,281	51%	11	36%	159	49%	21	81%
Electrology	13	46%	11	36%	0	0%	0	0%
Manicurist	667	43%	37	54%	927	46%	28	46%

WRITTEN EXAMINATION

Table 8. Examination Data								
	National-Interstate Council of State Boards of Cosmetology INITIAL AND RETAKE WRITTEN EXAMS RESULTS COMBINED Exam Pass Results by Language							
	English		Spanish		Vietnamese		Korean	
FY 2014/15	# of Candidates	Pass %	# of Candidates	Pass %	# of Candidates	Pass %	# of Candidates	Pass %
Barber	2,482	65%	113	60%	72	74%	3	0%
Cosmetology	14,926	73%	1,107	30%	1,201	72%	126	67%
Esthetician	4,355	84%	31	52%	1,386	85%	121	91%
Electrology	40	68%	1	0%	7	57%	0	0%
Manicurist	2,389	74%	69	52%	5,585	76%	103	84%
FY 2015/16	# of Candidates	Pass %	# of Candidates	Pass %	# of Candidates	Pass %	# of Candidates	Pass %
Barber	3,338	52%	365	39%	104	41%	10	0%
Cosmetology	10,915	77%	1,541	33%	1,086	87%	151	71%
Esthetician	4,180	79%	25	52%	1,289	78%	134	93%
Electrology	47	72%	0	0%	0	0%	0	0%
Manicurist	2,216	68%	80	51%	5,978	72%	84	82%
FY 2016/17	# of Candidates	Pass %	# of Candidates	Pass %	# of Candidates	Pass %	# of Candidates	Pass %
Barber	3,367	58%	391	46%	129	55%	14	57%
Cosmetology	9,427	67%	1,902	31%	1,305	57%	183	63%
Esthetician	4,787	73%	33	58%	1,470	77%	131	85%
Electrology	34	68%	0	0%	0	0%	0	0%
Manicurist	2,289	60%	104	61%	6,294	82%	79	65%
FY 2017/18	# of Candidates	Pass %	# of Candidates	Pass %	# of Candidates	Pass %	# of Candidates	Pass %
Barber	3,073	68%	421	57%	61	82%	12	58%
Cosmetology	8,669	64%	1,936	34%	647	67%	193	68%
Esthetician	5,239	74%	34	44%	562	76%	120	88%
Electrology	35	66%	0	0%	0	0%	0	0%
Manicurist	1,830	64%	119	50%	3,095	69%	73	62%

Note: National written examination administered effective May 1, 2009.

As directed by the Legislature, the board has reviewed and reported on the pass/fail rate of the Spanish exam. Section 12, Attachment C contains a full report on the review process and conclusions of the review. The report presents strategies the board is currently using to alleviate the concern as well as, suggestions for future actions the board may take.

PRACTICAL EXAMINATION

	Exam Title	National-Interstate Council of State Boards of Cosmetology INITIAL PRACTICAL EXAMS RESULTS Exam Pass Results by Language				
	License Type	Barber	Cosmetology	Esthetician	Electrology	Manicurist
FY 2014/15	# of Candidates	1,844	10,600	4,653	33	5,578
	Pass %	86%	86%	84%	97%	69%
FY 2015/16	# of Candidates	2,217	9,557	4,544	34	6,081
	Pass %	86%	97%	94%	100%	80%
FY 2016/17	# of Candidates	2,003	8,013	4,741	23	6,444
	Pass %	89%	84%	97%	100%	79%
FY 2017/18	# of Candidates	2,214	6,730	4,474	23	3,518
	Pass %	80%	76%	95%	96%	71%

	Exam Title	National-Interstate Council of State Boards of Cosmetology RETAKE PRACTICAL EXAMS RESULTS Exam Pass Results by Language				
	License Type	Barber	Cosmetology	Esthetician	Electrology	Manicurist
FY 2014/15	# of Candidates	463	3,190	1,126	4	2,455
	Pass %	73%	78%	79%	75%	64%
FY 2015/16	# of Candidates	601	2,961	793	3	2,238
	Pass %	75%	76%	86%	100%	77%
FY 2016/17	# of Candidates	676	2,863	547	2	2,107
	Pass %	75%	71%	90%	100%	75%
FY 2017/18	# of Candidates	877	2,857	571	4	1,735
	Pass %	65%	69%	92%	100%	67%

Exam Title		National-Interstate Council of State Boards of Cosmetology INITIAL AND RETAKE PRACTICAL EXAMS RESULTS COMBINED Exam Pass Results by Language				
License Type		Barber	Cosmetology	Esthetician	Electrology	Manicurist
FY 2014/15	# of Candidates	2,307	13,790	5,779	37	8,033
	Pass %	83%	84%	83%	95%	68%
FY 2015/16	# of Candidates	2,818	12,518	5,337	37	8,319
	Pass %	83%	85%	93%	100%	80%
FY 2016/17	# of Candidates	2,679	10,876	5,288	25	8,551
	Pass %	85%	80%	96%	100%	78%
FY 2017/18	# of Candidates	3,091	9,587	5,045	27	5,253
	Pass %	76%	74%	95%	96%	70%
Date of Last OA		2015	2017	2013	2012	2017
Name of OA Developer		**National-Interstate Council of State Boards of Cosmetology (NIC)**				
Target OA Date		2020	2022	2019	2018	2024

Note: National practical examination administered effective October 3, 2011.

In 2017, the Board with the aid of the Office of Professional Examination Services conducted an Occupational Analysis on the Cosmetology profession (see Section 12, Attachment C).

The Board is currently conducting an Occupational Analysis on the Barbering profession. The analysis is scheduled for completion by July 1, 2019.

School Approvals

Business and Professions Code Section 7362 states that a school that is approved by the board is one that is first approved by the board and subsequently approved by the Bureau for Private Postsecondary Education (BPPE) or is a public school in this state, and provides a course of instruction approved by the board. Upon approval, the board issues a code to the school, that must be provided on an applicant's Proof of Training document. To receive approval from the board, a school must meet the following requirements:

- Possess minimum equipment
- Possess minimum floor space
- Utilize text books approved by the board
- Obtain board approval of the curriculum to be offered
- Provide a list of potential bona fide students

The board provides copies of approval letters to the BPPE. The BPPE cannot issue their approval prior to the board's approval. BPPE will issue an Intent to Approve letter to a school that is pending the board's approval. Once the board has the intent to approve, a school approval letter is generated by the board and a copy is provided to the BPPE.

The board also forwards complaints to the BPPE. Students often submit complaints to the board, as it is the government agency that they are most familiar with. The board processes these complaints as non-jurisdictional and forwards them to the BPPE. The board also attempts to work in conjunction with the BPPE on inspections and investigations.

The board currently has 283 approved schools. The board only issues an initial approval. An approved school does not need to renew its approval. The board conducts health and safety inspections at schools and attempts to complete those inspections on an annual basis.

California Business and Professions Code, Section 7362 (c), provides the board with the authority to revoke, suspend, or deny approval of the school.

The board has no legal requirement for approving international schools.

Continuing Education/Competency Requirements

The board does not require continuing education.

Section 5

Enforcement Program

- Enforcement Program
- Performance Measures
- Trends
- Performance Barriers
- Prioritization
- Mandatory Reporting
- Settlements of the Board
- Statute of Limitations
- Unlicensed Activity
- Cite and Fine
- Disciplinary Review Committee
- Appeals to the Administrative Law Judge
- Franchise Tax Board
- Cost Recovery
- Consumer Restitution

BarberCosmo

Enforcement Program

The board's Enforcement Program opens complaint cases submitted internally by staff, consumers, and other agencies. To ensure the health and safety of the consumer, all cases are investigated.

Investigations may include an inspection of the establishment, requests for additional information from the consumer or licensee, assistance from the Division of Investigation (DOI), or an evaluation by an expert. Complaint cases are closed after the investigation has revealed insufficient evidence to proceed, compliance with the board's rules and regulations has been demonstrated, or disciplinary action has been taken against the licensee.

Complaints regarding the health and safety of barbering and cosmetology schools are processed by the Enforcement Program's designated school analyst.

To ensure proper oversight of the Apprentice Program and to ensure apprentices are properly trained in their chosen profession and taught proper health and safety standards, the Enforcement Program works with the Division of Apprenticeship Standards (DAS), Local Education Agencies (LEA), and Apprenticeship Program Sponsors.

Performance Measures

In 2010, the Department of Consumer Affairs (DCA) developed standard performance measures for each board and bureau to assess the effectiveness of their enforcement programs. DCA established an overall goal to complete complaints filed with the Attorney General within 12 to 18 months. Each board or bureau is responsible for determining its performance target for each performance measure. The following table indicates the board's targets:

Performance Measure	Definition	Target	Actual FY 2017/18
PM1 Volume	Number of complaints received.	*	5,431
PM2 Cycle Time	Average number of days to complete complaint intake.	10 days	4 days
PM3 Cycle Time	Average number of days to complete closed cases not resulting in formal discipline.	120 days	88 days
PM4 Cycle Time	Average number of days to complete cases resulting in formal discipline.	540 days	642 days
PM5 Efficiency (cost)	Average cost of intake and investigation for complaints not resulting in formal discipline.	**	N/A
PM6 Customer Satisfaction	Customer satisfaction with the service received during the enforcement process.	75% Satisfaction	***
PM7 Cycle Time (probation monitoring)	Average number of days from the date a probation monitor is assigned to a probationer to the date the monitor makes first contact.	15 days	1 day
PM8 Initial Contact Cycle Time (probation monitoring)	Average number of days from the time a violation is reported to the program to the time the monitor responds.	5 days	1 day

* Complaint volume is counted but is not a measurement.
** The board does not track the cost of intake or investigations.
*** Due to lack of consumer response, data is not available for this measure.

Trends

The average number of complaints received per year in the previous reporting period (FY 2011 through 2014) was 4,990. During the current reporting period (FY 2014 through 2018) the average number of complaints received is 4,627.

During September of 2015, the board stopped opening a Criminal Convictions complaint case for every applicant that disclosed a criminal conviction. The majority of these cases were closed at the time the case was created because the convictions were not substantially related to the qualifications, functions, or duties of our licensees. Since September of 2015, the board only opens Criminal Conviction complaint cases if additional information is needed to determine whether the crime is substantially related to the qualifications, functions, or duties of our licensees or if the application is being denied. The change in this process has resulted in an average of 1,000 fewer cases being opened per year.

In FY 2017/18, 1,539 cases were opened as the result of investigations into the validity of documents submitted from various schools and out of state and out of country applicants. At the end of FY 2017/18, these cases resulted in 444 applications being denied. During the current reporting period (FY 2014/15 to FY 2017/18) the board has also disciplined licensees who have been found to have submitted fraudulent documents when they applied for licensure. These cases resulted in 31 licenses being revoked and 12 licenses being surrendered.

The number of complaints submitted by external stakeholders has increased by approximately 200 complaints each year during the reporting period. The number of analysts in the Enforcement Program has remained constant. The board hired a student assistant to provide support with the additional cases.

Trends by Case Type				
	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Complaints Received* Intake	3,563	3,731	4,103	5,502
Criminal Convictions Cases Opened	1,376	214	9	11
Application Cases Opened for Fraudulent Documents	28	29	36	1,539
Exam Applications Denied	33	32	16	444
Licenses Revoked Fraudulent Documents	1	0	28	2
Licenses Surrendered Fraudulent Documents	0	0	10	2
Complaints Received from External Stakeholders	2,549	2,734	2,951	3,196

*See table 9 (b).

Performance Barriers

The board's enforcement performance barriers include internal and external entities. Staffing and workload issues affecting the DOI, the Office of Administrative Hearings (OAH), the Deputy Attorney General's (DAG) office, and the District Attorney's (DA) office increase processing times and result in an increase in the age of the board's caseloads.

An inspection request involves the board's Inspection and Cite and Fine programs. Inspectors run into barriers with inspections that require travel or DOI assistance. The Board has 5 territories that do not have assigned inspectors and require inspectors from surrounding territories to be reassigned to conduct inspections for that area. Some inspectors are assigned to territories which cover a large geographical area. Both of these instances would require the inspector to travel. Travel involves the submission of a Request to Travel document which must go through an approval process, delaying the date of inspection. Requests for inspection that include DOI assistance are coordinated according to the DOI investigator's schedule. Joint board/DOI inspections can take several months to schedule.

The processes of the OAH, the DAG's office, and the DA offices are beyond the board's control. Board analysts provide these offices with as much information as possible when cases are submitted. The submission of complete cases eliminates requests for information and decreases turn-around times. Case analysts regularly check case statuses to ensure cases are processed as quickly as possible.

Table 9a. Enforcement Statistics

	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
COMPLAINT				
Intake				
Received	3,563	3,731	4,103	5,502
Closed	1	0	0	1
Referred to INV	3,563	3,712	4,109	5,401
Average Time to Close	3	3	4	3
Pending (close of FY)	4	23	17	35
Source of Complaint				
Public	2,632	2,707	2,928	3,179
Licensee/Professional Groups	4	4	8	5
Governmental Agencies	13	23	15	12
Other	914	997	1,152	2,306
Conviction / Arrest				
CONV Received	1,376	214	9	11
CONV Closed	0	0	0	0
Average Time to Close	1	1	2	1
CONV Pending (close of FY)	0	0	0	0
LICENSE DENIAL				
License Applications Denied	32	32	16	444
SOIs Filed	0	3	3	5
SOIs Withdrawn	0	0	0	0

	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
SOIs Dismissed	0	0	0	0
SOIs Declined	0	0	0	0
Average Days SOI	0	0	0	0
ACCUSATION				
Accusations Filed	46	36	106	65
Accusations Withdrawn	0	0	1	5
Accusations Dismissed	1	0	1	1
Accusations Declined	1	2	1	0
Average Days Accusations	551	1,002	511	631
Pending (close of FY)	28	75	20	33
DISCIPLINE				
Disciplinary Actions				
Proposed/Default Decisions	25	20	44	29
Stipulations	41	26	36	38
Average Days to Complete	816	772	541	651
AG Cases Initiated	45	90	63	91
AG Cases Pending (close of FY)	63	107	69	78
Disciplinary Outcomes				
Revocation	31	22	42	30
Voluntary Surrender	8	4	21	16
Suspension	0	1	2	0
Probation with Suspension	69	42	47	43
Probation	16	10	17	12
Probationary License Issued	0	0	0	0
Other	1	0	1	0
PROBATION				
New Probationers	59	43	53	50
Probations Successfully Completed	63	33	42	64
Probationers (close of FY)	127	137	149	135
Petitions to Revoke Probation	2	8	13	20
Probations Revoked	1	0	7	12
Probations Modified	0	0	0	0
Probations Extended	0	0	2	2
Probationers Subject to Drug Testing	N/A	N/A	N/A	N/A
Drug Tests Ordered	N/A	N/A	N/A	N/A
Positive Drug Tests	N/A	N/A	N/A	N/A
Petition for Reinstatement Granted	4	12	13	2
DIVERSION				
New Participants	N/A	N/A	N/A	N/A
Successful Completions	N/A	N/A	N/A	N/A

	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Participants (close of FY)	N/A	N/A	N/A	N/A
Terminations	N/A	N/A	N/A	N/A
Terminations for Public Threat	N/A	N/A	N/A	N/A
Drug Tests Ordered	N/A	N/A	N/A	N/A
Positive Drug Tests	N/A	N/A	N/A	N/A

Table 9b. Enforcement Statistics

	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
INVESTIGATION				
All Investigations				
First Assigned	4,939	3,925	4,118	5,412
Closed	4,779	3,907	4,073	4,836
Average days to close	63	111	73	89
Pending (close of FY)	968	990	1,033	1,633
Desk Investigations				
Closed	4,904	3,910	3,803	5,066
Average days to close	23	31	34	49
Pending (close of FY)	311	335	645	1,041
Non-Sworn Investigation				
Closed	1,652	1,936	1,294	1,223
Average days to close	113	122	154	104
Pending (close of FY)	624	639	332	511
Sworn Investigation				
Closed	13	18	20	17
Average days to close	299	163	253	198
Pending (close of FY)	11	14	10	10
COMPLIANCE ACTION				
ISO & TRO Issued	0	0	0	0
PC 23 Orders Requested	1	0	0	2
Other Suspension Orders	0	0	0	0
Public Letter of Reprimand	0	0	0	0
Cease & Desist/Warning	0	0	0	0
Referred for Diversion	0	0	0	0
Compel Examination	0	0	0	0
CITATION AND FINE				
Citations Issued	17,081	19,002	18,116	12,459
Average Days to Complete	26	44	37	36
Amount of Fines Assessed	$6,865,991	$7,421,263	$6,321,078	$4,745,162

	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Reduced, Withdrawn, Dismissed	N/A	N/A	N/A	N/A
Amount Collected	$6,101,849	$6,190,577	$5,874,698	$4,918,344
CRIMINAL ACTION				
Referred for Criminal Prosecution	3	1	3	4

Table 10. Enforcement Aging

	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18	Cases Closed	Average %
Attorney General Cases (Average %)						
Closed Within:						
0 - 1 Year	1	7	30	8	46	17%
1 - 2 Years	33	14	33	36	116	44%
2 - 3 Years	21	17	17	19	74	28%
3 - 4 Years	6	6	4	2	18	7%
Over 4 Years	5	2	1	2	10	4%
Total Attorney General Cases Closed	**66**	**46**	**85**	**67**	**264**	**N/A**
Investigations (Average %)						
Closed Within:						
90 Days	3,610	2,383	2,876	3,047	11,916	68%
91 - 180 Days	580	786	674	1,034	3,074	17%
181 - 1 Year	477	536	385	624	2,022	11%
1 - 2 Years	106	170	116	115	507	3%
2 - 3 Years	4	32	18	12	66	.004%
Over 3 Years	2	0	4	4	10	.006%
Total Investigation Cases Closed	**4,779**	**3,907**	**4,073**	**4,836**	**17,595**	**N/A**

Board Enforcement Cases - DAG Case Statistics				
	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Referred	45	90	63	91
Accusations Filed	46	36	106	65
Statements of Issues Filed	0	3	3	5
Average Days to Complete	816	772	541	651

The number of cases referred to the DAG's office has fluctuated over the reporting period. In FY 2014/15, the board only referred 45 cases to the DAG's office, which represented the fewest cases referred, since 1997. In FY 2015/16, of the 90 cases referred to the DAG's office, 44 cases were

referred for discipline of licensees that submitted fraudulent documents, stating they were licensed or educated in Puerto Rico.

Prioritization

Complaint cases are prioritized using guidelines similar to those found in the DCA's *Complaint Prioritization Guidelines for Health Care Agencies.* Complaints are prioritized according to the most egregious violation alleged in the complaint. Consumer harm, gross negligence and incompetence, or similar violations, are considered the highest priority. The highest priority cases are distributed to specified analysts who "specialize" in the type of violation alleged. The processing of similar complaints allows the analyst to identify trends in the industry and identify violations more efficiently. Complaints alleging health and safety, or unlicensed activity violations are considered high priority. Cases opened as the result of inspection reports indicating egregious health and safety violations or unlicensed activity are also considered high priority.

Mandatory Reporting

The board has no mandatory reporting requirements.

Settlements of the Board

At the time an accusation is filed the enforcement analyst also submits settlement terms to the DAG's office. Cases with allegations of egregious consumer harm, cases initiated as the result of an exam candidate cheating, and criminal conviction cases are not offered settlement terms.

The board does not settle cases pre-accusation. In the current reporting period the board entered into 145 (55%) post-accusation stipulated settlements and 33 (13%) cases resulted in a hearing and proposed decision. The remaining 86 (33%) cases resulted in default decisions.

Complaint Case Final Decision Types						
	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18	Total	Percent
Default Decisions	20	11	34	21	**86**	33%
Proposed Decisions	5	9	11	8	**33**	13%
Stipulated Settlement Decisions	41	26	40	38	**145**	55%
Grand Total	**66**	**46**	**85**	**67**	**264**	**N/A**

Statute of Limitations

The board does not operate with a statute of limitations.

Unlicensed Activity

Unlicensed activity violations are considered a high priority by the DCA and the board. As the result of an inspection, owners who are operating unlicensed establishments and owners who employ unlicensed individuals are fined up to $1,000.00. Each unlicensed individual is also cited and fined $1,000.00. Cases involving licensed owners who have been repeatedly cited for employing unlicensed individuals are forwarded to the DAG's office for license discipline. Discipline may include license suspension, probation, and/or revocation. Complaint cases opened as the result of allegations regarding unlicensed activity continue to account for 40% of the most common allegations. Complaints received that allege both health and safety and unlicensed activity violations are categorized as health and safety, so the number of complaints received including unlicensed activity is higher than reflected in the chart below.

Most Common Complaint Allegations										
	FY 2014/15		FY 2015/16		FY 2016/17		FY 2017/18		Total	
Health and Safety	1,347	39%	1,310	37%	1,616	41%	1,604	41%	5,877	39%
Non-Jurisdictional	312	9%	294	8%	284	7%	319	8%	1,209	8%
Incompetence/Negligence	303	9%	333	9%	270	7%	438	11%	1,344	9%
Unlicensed	1,523	44%	1,651	46%	1,817	46%	1,555	40%	6,546	44%
Total	**3,485**		**3,588**		**3,987**		**3,916**		**14,976**	

The board has no disciplinary recourse for owners and individuals who are performing services without a board-issued license. Administrative citations are issued to unlicensed individuals, but 55 percent of these citations go unpaid. Collecting the fines for these citations provides a challenge for the board. In order to process a citation for collections, the Franchise Tax Board requires a Social Security number and the collections agency the board has contracted with requires a valid ID number. Unlicensed individuals often do not provide their legal name, current address, or any type of valid photographic identification. Without proper identification, the board cannot gather identifying information such as a California Identification number or Driver's License number, birth date, or Social Security information.

In an effort to enforce the board's licensing rules and regulations, beginning July 1, 2010, cases which involve unlicensed establishments and unlicensed activity are referred to DOI for assistance. The board requests that during a joint board Inspector/DOI Investigator inspection the DOI investigators issue misdemeanor citations to unlicensed owners and unlicensed individuals. Those cases are forwarded to the DA's office

for prosecution, which could result in probation, board fine recovery, and/or jail time, depending on the county.

Some establishment owners continue to operate their business without complying with the board's licensing regulations. The cited owners and operators do not pay their fines and because the DA's office does not always prosecute cases, the issuance of misdemeanor citations is not always a deterrent. The cycle of inspections and non-compliance continues, and the safety of the board's inspectors becomes an issue.

Board inspectors and DOI investigators are experiencing instances where the workers in the establishments are refusing the inspection. The majority of the establishments refusing inspection have previously been cited for unlicensed activity. Even though Business and Professions Code Section 7313 authorizes the inspection of an establishment during business hours or at any time board-regulated services are being performed, the inspector cannot force operators to unlock the doors or allow entry for an inspection. The assistance of DOI investigators does not help in these situations because DOI investigators cannot use force for entry during inspections. The board has no recourse except to issue a citation for Inspection Refusal (Business and Professions Code Section 7313) which carries a fine of up to $750.00.

Situations like these make future inspections uncomfortable for inspectors and investigators. Board inspector safety must be taken into account when requesting follow-up inspections at these locations. The board cannot ensure compliance if inspections cannot be conducted due to inspector safety concerns.

In an effort to decrease the number of establishment owners cited for operating unlicensed establishments, the board's Enforcement Program has designated an analyst to work with the establishment owners and bring them into compliance. This education-based approach began in the spring of 2014, and establishment owners are being brought into compliance. Cases in which establishment owners are refusing to come into compliance are referred to local licensing or code enforcement entities for follow-up. The board has established working relationships with several local licensing enforcement contacts throughout the State.

The board uses many tools to enforce licensing rules and regulations but if the establishment owner does not come into compliance by licensing the establishment and hiring licensed operators the board has no licenses to discipline. If there are no licenses to discipline, the board must rely on the

DOI and local DA's office to cite and prosecute unlicensed owners and operators. Unfortunately, the DOI and the DA's office have higher profile cases that take up their resources and unlicensed activity cases do not result in an impact that may persuade owners to comply.

Cite and Fine

To ensure compliance with the board's health and safety and licensing regulations, random and targeted inspections of establishments are conducted. Administrative fines are assessed for violations of the board's rules and citations are issued to establishment owners and individual operators.

The inspectors provide the licensee with a copy of an inspection report as a record of the inspection. The original inspection report, photographs taken during the inspection, and any inspector comments are then forwarded to the board's main office. The board's Cite and Fine Program reviews the material for accuracy, issues a citation and enters the citation information into the BreEZe system. Citations with egregious health and safety violations or unlicensed activity are forwarded to the Enforcement program for further investigation.

Cite and Fine Program Statistics					
	FY 2013/14	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Establishments Inspected	11,979	13,712	14,346	14,151	11,061
Citations Issued to Establishments	8,257	10,026	10,844	10,437	6,007
Citations Issued to Individuals	6,452	8,140	8,633	8,034	5,842
Total Citations Issued	14,709	18,166	19,477	18,471	12,776
Establishments with No Violations Cited	3,046	2,958	2,832	4,056	2,957

Fines are assessed according to how many times the licensee was cited for the same violation within the last five years. For example:

Violations

Section 981(a)	2018
1st Occurrence	$100
2nd Occurrence	$150
3rd Occurrence	$200

In 2004, the Department of Consumer Affairs was given authority to increase the maximum amount of a fine from $2,500 to $5,000. Any citations with fines totaling more than $5,000 are modified so the fine total does not exceed $5,000.

	FY 2013/14	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Citations Modified Down to $5,000	3	9	7	1	2

The five most commonly cited violations are California Code of Regulations (CCR) Section 979: Non-electrical instruments not disinfected or stored properly, Section 988: Storage and labeling of liquids, creams, powders, and cosmetics, Section 981(a): No disposal of instruments and supplies that cannot be disinfected, Section 981(b): New supplies and single use, disposable tools not stored in a clean, covered place labeled "New", and Section 965: Proper display of license.

The health and safety violations cited most often are violations of regulations regarding the disinfection and storage of tools, implements, instruments, and products. The top health and safety violation is CCR Section 979 Non-electrical instruments – not disinfected properly. The top non-health and safety-related violation is CCR Section 965 Proper display of license. This can be for an establishment license or individual license.

Number of Violations by Fiscal Year					
Violation	**FY 2013/14**	**FY 2014/15**	**FY 2015/16**	**FY 2016/17**	**FY 2017/18**
CCR §979 Non-electrical instruments - not disinfected properly	12,611	21,438	19,085	17,840	
CCR §988 Storage and labeling of liquids, creams, powders and cosmetics	6,638	11,669	11,035	8,777	
CCR §981(a) No disposal of instruments and supplies that cannot be disinfected	5,779	9,655	9,391	7,255	
CCR §981(b)* New supplies and single use, disposable tools not stored in a clean, covered place labeled "New"	4,700	461	11,035	7,906	
CCR §965 Proper display of license	4,979	9,092	7,753	6,740	

*CCR 981(b) was updated in January of 2015.

Anyone who is issued a citation by the board has the right to appeal any or all the violations cited. In 2007, the Administrative Fine Schedule was updated to reflect a single fine amount for each violation regardless of how many times the licensee had been cited for the same violation. However, the board found that as a result, they were modifying a large number of appealed fine amounts. In 2011, the board reviewed and revised the Administrative Fine Schedule again and returned to an escalating fine scale. Fines are now assessed according to how many times the licensee was cited for the same violation within the last five years. During this reporting period, the average fine per citation before an appeal is $885 and the average fine amount per citation after an appeal decision by the DRC is $619.

	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Average fine amount pre-appeal	$898	$943	$789	$873
Average fine amount post-appeal	$623	$677	$540	$589

Disciplinary Review Committee

Business and Professions Code Section 7410 established the board's Disciplinary Review Committee (DRC). The DRC allows an individual who has been cited and fined to appeal the violation by appearing in person or submitting in writing their evidence relating to the facts and circumstances of the citation. Per CCR Section 974.2(d), the cited individual can contest or appeal any of the following aspects of the citation:

- the occurrence of a violation
- the period of time for correction
- the amount of the fine

The DRC is comprised of three members of the board (Section 974.1(a), CCR). The board President appoints members to the DRC on an annual basis; however, due to the volume of appeals, members that do not serve on a regular basis on the DRC are selected as alternates. These members are called upon, should the need arise. All meetings of the DRC are held in accordance with the Open Meetings Act and are noticed on the board's web site. In addition, statistical updates on the DRC are provided at each board meeting and the public is encouraged to attend the hearings.

The DRC hearings are held on a monthly basis. The only time there is difficulty in scheduling these meetings is if there is not an approved state budget and therefore, staff is not able to travel. While that has happened

over the years, the hearings are held in Sacramento to ensure the work flow continues.

To provide all appellants with equality and in the interest in educating licensees to success, the board now provides interpreters (Spanish and Vietnamese languages), upon request by the appellant, at all DRC hearings. On July 31, 2016, the board secured a contract with a professional interpretation service who provides time tested, quality interpreters for the hearings. Interpreters pay is now included in the costs associated with DRC hearings.

The board makes every effort to minimize the costs associated with conducting the DRC hearings. All meetings are attempted to be held at State facilities and the number of staff attending the hearings has been reduced. Costs for DRC meetings can average, monthly, anywhere from $2,000 to $3,000 depending on the location of the hearings. Costs are primarily related to the costs of travel for members and staff. Listed below are the annual costs for the DRC.

DRC Annual Costs				
	FY 14/15	FY 15/16	FY 16/17	FY 17/18
Travel Expenses	$46,093.50	$35,288.91	$40,065.61	$27,878.53
Board Member Wages	$18,300	$16,100	$14,900	
Staff Wages	$4,480	$3,920	$5,040	$4,200
Total Cost	**$68,873.50**	**$55,308.91**	**$60,005.61**	

During the FY 2014/2018 reporting period, the board's DRC held 141 hearings. The monthly hearings of the DRC are for two - four days at a time. An average of 60 cases are heard at each session (180 cases a month). There are currently 314 cases pending. The board has addressed the previously high workload by scheduling a higher number of cases each month as well as an additional day, when necessary. Currently, there is no backlog in appeal hearings to be scheduled. The DRC is currently operating without a backlog for the first time in many years.

DRC Statistics Statistics as of June 30, 2018				
	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Total Appeals Received	2577	2039	1959	1157
Appeals Pending at FY End	655	572	620	314
Scheduled	3415	1954	1857	1450
Appeared	1493	1282	1205	885
Defaulted	748	374	370	340
Withdrawals	434	298	282	225

Appeals to the Administrative Law Judge

During the FY 2014/18 reporting period, the board's Enforcement Unit scheduled 166 appeals to an Administrative Law Judge (ALJ). ALJ hearings are scheduled upon the request of an appellant after a DRC decision has been provided to the appellant. If the appellant does not agree with the decision, it is their right to have the opportunity to appeal to an ALJ and have their case heard. There are currently 17 ALJ cases pending.

Administrative Law Judge (ALJ) Appeals Statistics as of June 30, 2018				
	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Total Appeals Referred to ALJ	45	30	41	22
Appeals Pending at FY End	34	24	24	17
Scheduled	56	40	41	29
Appeared	33	30	27	20
Defaulted	6	4	2	3
Withdrawals	17	6	12	6
Hearings	34	34	30	22
Affirmed	22	23	24	14
Modified	7	11	5	6
Dismissed	5	1	1	2

Franchise Tax Board

The board allows 30 days for the payment of fines before the fines become delinquent. Request for Payment Notices are issued for citations which have assessed fines that have not been paid in a timely manner. Three Requests for Payment Notices are issued per citation before the citation is forwarded to Fidelity Creditor Service, Inc.

FTB Intercepts

Prior to 2012, respondents that failed to respond to a request for payment, or who stopped complying with a payment plan, or a petition to revoke probation has resulted in a default decision, the case was referred to the FTB intercept program to collect any outstanding cost recovery. In 2012, the board stopped sending Franchise Tax Board (FTB) intercepts for collection of administrative fines. Currently, the board has 94 cases in the FTB intercept program. As of June 30, 2018, the FTB intercept program has collected $45,112.44 of the $291,784.48 total amount due for cases referred.

The intercepted amounts, for any case, are typically nominal, intercepted one time during the calendar year, and funds are usually only intercepted once. This minimal success with the FTB program has prompted the board to seek other solutions to collecting cost recovery. After reviewing the success of using Fidelity Creditor Service, Inc. to collect fine payments, the board now to uses this agency to collect outstanding cost recovery when other collection measures fall short.

Cost Recovery

Business and Professions Code, Section 125.3(a) provides the board the authority to recover the reasonable costs of investigation and adjudication of a case. The board seeks cost recovery regardless of whether the case is heard in an administrative hearing or is settled by stipulation.

If revocation and cost recovery are ordered as a result of an administrative hearing, the board makes three written attempts to contact the respondent to request full payment or develop a payment plan. If the respondent fails to respond, the case is referred to Fidelity Credit Service Inc.

Additionally, the board has the authority to deny reinstatement of the license of any licentiate who has failed to pay all ordered cost recovery. In cases where the respondent is placed on probation, cost recovery, including compliance with a payment schedule, is generally a condition of probation. Non-compliance with this term may result in transmittal of the case to the AG's office to seek revocation or extend the probation until the costs are paid in full. This however, results in additional enforcement costs. In October 2010, the board revised the Disciplinary Guidelines, including many of the terms of probation. The guidelines now provide that probation shall not terminate until full cost recovery payment has been made, that any order for payment of cost recovery shall remain in effect whether or not probation is tolled, and that the filing of bankruptcy shall not relieve the respondent of the responsibility to reimburse the board for costs. These changes close the loophole on those probationers leaving the State or filing bankruptcy and ensure that cost recovery will be paid by every probationer. In addition, these revisions will result in fewer probation cases referred to collections and eliminate the cost of having a stipulation prepared by the AG extending the probation period until costs are paid in full.

Cost Recovery Ordered FY 2014 through FY 2018		
Revocation	**Surrenders**	**Probationers**
11 cases	4 cases	125 cases
$157,353.50	$42,039.50	$352,265.10

During the last four fiscal years, the total amount of cost recovery ordered is $551,658.10. The table below shows the amount ordered for license revocations, surrenders, and probationers. Approximately $199,393.00 may be uncollectable. This estimated total represents cost recovery assessed to individuals whose license was revoked or surrendered. In the majority of those cases, payment of cost recovery is not required unless they reapply or petition for reinstatement of licensure with the board. Additionally, any case in which the board loses jurisdiction after the licensee is placed on probation may be uncollectable. However, in those cases, the board does request payment and subsequently refers the case to the FTB intercept program or a collection agency.

The board seeks cost recovery in all formal disciplinary actions. Most cases referred to the DAG's Office have the potential for a cost recovery order. The board seeks cost recovery in every case, although ALJ's often reduce the amount of cost recovery or reject it entirely. In an effort to reduce the cost of prosecution and hearings, (hearings create expenses that cannot be recovered by the board), the board may reduce the actual cost recovery amount due as an incentive to settle a case prior to a hearing. The board cannot order cost recovery for cases which are categorized as "default decisions." These cases involve respondents that fail to file a 'Notice of Defense' or fail to appear at the scheduled hearing. As noted above, only an ALJ can award costs, unless a stipulated settlement is reached.

Table 11. Cost Recovery (list dollars in thousands)

	FY 2013/14	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Total Enforcement Expenditures	$838,662	$1,048,857	$858,486	$881,474	
Potential Cases for Recovery*	53	66	46	85	67
Cases Recovery Ordered	25	39	31	38	32
Amount of Cost Recovery Ordered	$72,150	$245,675	$113,870	$105,656	$91,841
Amount Collected	$63,388	$81,356	$81,356	$76,488	

*Potential Cases for Recovery" are those cases in which disciplinary action has been taken base on violation of the license practice act.

Consumer Restitution

The board may consider seeking restitution for the complainant as part of a proposed decision or stipulated agreement which contains probation terms (Government Code Section 11519*). The board may impose a probation term requiring restitution if it is appropriate to the nature and circumstances of the particular violation. Restitution can be ordered in consumer harm cases involving the practice of medicine, use of metal

instruments, illegal instrument methods, or incompetent/gross negligence when providing services. Evidence relating to the amount of restitution is introduced at the administrative hearing or provided during settlement negotiations. Failure to pay restitution is considered a violation of probation and can result in further discipline or license revocation. To date the board has not requested restitution in any case.

*(d) As used in subdivision (b), specified terms of probation may include an order of restitution. Where restitution is ordered and paid pursuant to the provisions of this subdivision, the amount paid shall be credited to any subsequent judgment in a civil action.

Table 12. Restitution

	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Amount Ordered	0	0	0	0
Amount Collected	0	0	0	0

BarberCosmo

Section 6

Public Information Policies

- Public Access
- Board and Committee Meetings
- Webcasting
- Complaint Disclosure Policy
- License History and Status Information
- Consumer Outreach

BarberCosmo

Public Access

The board is a public agency and performs its activities publicly. The board makes every effort to be as transparent as possible and complies with all code requirements, as well as, the Bagley Keene Open Meetings Act.

The board's web site is the primary means by which the board educates and informs the public and licensees in general about board activities, and methods to participate in board activities. Whereas, letters, calls, emails, in-person discussion and public presentations do compose a proportion of staff workdays, staff reaches more individuals through email blasts, and through the information placed online than via any other method. The board's web site provides general information about the board, instruction on how to file a complaint, consumer brochures and informational fact sheets, barbering and cosmetology law, and licensing and enforcement information. The site has grown as a communication medium and contains more information than ever before.

Internet Hits		
FY 2015/16	**FY 2016/17**	**FY 2017/18**
2,439,903	2,394,141	2,503,763

The web site conforms to the design templates established by the DCA and staff work hard to ensure the site is relevant to consumers, applicants and licensees alike.

In recent years, the board has utilized a listserv that can be used to alert interested parties when new materials are added to the website or to ensure the parties receive immediate notification of regulatory changes, board meeting dates, and legislative updates. Over the last couple of years, staff has actively campaigned to encourage licenses to sign up for the listserv.

The board also makes use of social media and maintains a Facebook page and accounts with Twitter and You Tube. With more than 974 million and 2.2 billion registered users respectively, Twitter and Facebook are seen by the board as important communication tools. The Facebook page is a quick and efficient way to disseminate current information and

updates. The board does realize this is not a primary method of information dissemination and makes it a practice to refer consumers to the board's web site. The board currently has 397 followers on Twitter and 6,082 "likes" on Facebook.

Board and Committee Meetings

The board posts dates and locations of all meetings on its website in advance to allow licensees and the public adequate notification. In addition, an email alert is sent out to all interested parties notifying them of the date, time and location of the meeting. At the July board meetings, members are given a proposed set of dates and locations for board meetings for the next calendar year. Members vote if the dates/locations are acceptable and staff begins securing meeting site locations. The proposed meeting dates can be found by the public in the meeting materials provided within the July meeting packet. When locations are contractually secured, the confirmed location and date are posted on the board's web site.

The board posts agendas for all board, committee and subcommittee meetings on its web page. Agendas are posted at least 10 days in advance of any meeting. The agenda includes a specific description of each topic, so the public will have a general understanding about what will be discussed in advance. Then, typically seven to 10 days before a meeting, meeting background materials are also posted. These are the same materials provided to board members. This provides the public with more specific information about board activities and permits the public to be fully prepared to participate in discussions before the board. Meeting materials provided by the board are thorough and generally provide background information, a summary or history of the item, as well as, any recommendations or action items. Board packets also include draft minutes from the previous meeting. Board minutes serve as a helpful resource for those interested in following board activities.

A concerted effort has been made to encourage public input. In lieu of this, the board begins and ends each board meeting with an invitation for public comments that are not specifically addressed on the agenda.

The board maintains information for each meeting for a minimum of 20 years, consistent with the board's records retention policy and maintains its web site information based on the determinations of the current Executive Officer. Final board meeting minutes are posted approximately two weeks after the board approves the minutes.

Webcasting

The board routinely webcasts its board meetings. This includes meetings being held in all California locations. The board relies upon the staff of the Department of Consumer Affairs to provide the webcast services. Copies of all webcasts are posted for viewing on the board's web site and on DCA's You Tube account. Webcasts are archived annually according to board meeting date. Webcasts remain on the board's web site for 20 years, consistent with the board's records retention policy for meeting information.

Complaint Disclosure Policy

The board's complaint disclosure policy follows the *DCA's Recommended Minimum Standards for Consumer Complaint Disclosure*.

License History and Status Information

The board posts a significant amount of information about licensees on its web site. Using the web site's license verification feature, a consumer can find:

- Licensee's name
- License number
- County of residence
- Issue date
- Expiration date
- Current status, including a notation if the individual is currently on probation, has an accusation pending final decision or if the individual was previously disciplined. In addition, the board provides a link to the accusations and decisions on individual and establishment licenses.

The availability of this information ensures that consumers have ready access to information about industry professionals, and allows employers, other governmental agencies and other licensees to quickly access license status information about any licensee. The licensure verification feature is a valuable tool for reducing unlicensed activity and provides consumers with status information about their community beauty care provider.

Any formal discipline taken against the individual or establishment is listed, along with a link to the public documents.

Disciplinary action information remains public for 20 years. The board does not provide additional personal information about licensees regarding their education, degree, etc.

To supplement the information available on the web site, the board also responds to requests in writing. Such public information includes what is available on the board's web site, but also includes some information that is not posted there. For instance, a licensee may request a copy of the photographs taken by the board's inspector during an inspection.

Consumer Outreach

The board has a strong outreach and education program. The board has separated the outreach program into two facets, consumer outreach and industry outreach. The board has had tremendous success in both avenues of outreach.

Listed below are a few highlights of the outreach program.

- The board routinely participates in wellness fairs, Town Hall meetings, workshops and seminars to help educate the public on health and safety issues.

- The board customarily has a booth at trade shows throughout the State of California.

- The board visits beauty colleges within the State to help students become familiar with board regulations and to help establish student solidarity within their new career.

On April 26, 2011, Executive Order B-06-11 was imposed upon the board. This, as well as, other budget restrictions have limited the board's presence at some of the above-mentioned events. The board, however, has continued to pursue other outreach opportunities.

Over the years, the board has developed a series of consumer and licensee materials covering a wide range of topics. These materials have been developed by board staff to educate the public on health and safety topics. In recent years, an innovative approach to develop consumer education materials involved development of a series of board publications that have been divided into two categories, Consumer Publications and Licensee Publications. These two categories are prominently displayed on the web site.

Below is a listing of the publications the board currently produces, disseminates to consumers and licensees, and posts on its web site for download. These items are also available in Spanish, Vietnamese and Korean.

Consumer Fact Sheets

- Chemical Hair Services
- Complaint Process
- Infection Control in the Salon
- In Home Services
- Medical Spas
- Skin Tags/Mole removal
- Whirlpool Foot Spa Safety

Consumer Publications

- About the Board
- Barbering
- Chemical Exfoliation Safety Tips
- Cosmetology
- Electrology
- Esthetics
- Eyelash Extensions Safety Tips
- Manicuring
- Pedicure Safety Tips
- Waxing Safety Tips

Consumer Videos

- BBC Celebrates Diversity
- #SafeSandalSeason
- BBC Shows a Dramatization of a Properly Cleaned Foot spa
- BBC Warns Consumers of the Dangers of Improperly Cleaned Foot spas

Licensee Fact Sheets

- Disciplinary Review Committee Hearing
- Disinfection
- Electrology Safety Tips
- Becoming an Establishment Owner
- Artificial Nails

- Hair Chemicals
- Disinfectants
- Hair Bleaches
- Hair Color
- Manicuring
- Permanent Waving
- Shampoos and Conditioners
- Thermal Hairstyling

The board has posted publications, brochures, videos and photo galleries on its web site to encourage safety and promote a healthy working environment. These include the following:

Licensee Publications

A Study from the California Department of Toxic Substances Control

Equipment Evaluation Binder

FDA Fact Sheets

- Hair Dye and Hair Relaxers
- Cosmetics
- Eye Cosmetics Safety

Illegal Instrument Flyer

Medical Pedicure

Most Common Violations Cited During an Inspection

OSHA Quick Card – Hazard Communication Safety Data Sheets

Protecting the Health of Nail Salon Workers

Quick Start Guide for Barber Shop and Beauty Salons

Self-Inspection Worksheet

What to Expect When You are Inspected

Licensee Videos

CASafeSalon – Proper Use of Disinfectants

CASafeSalon - Tips to Stay Fine Free

Foot Spa Cleaning and Disinfecting Video

- Foot Spa Logs (sample)
- Instructions and Foot Spa Log
- Probationary Foot Spa Logs

Mexican Consulate Town Hall March 23, 2017

Mobile Units – Instructional Video

Industry bulletins that provide the board's official position on various topics are posted on the site. The bulletins have been divided up by license type to aid in easy access. All board industry bulletins are available in English, Spanish, Vietnamese and Korean. The board currently offers bulletins on the following subjects:

Cosmetology

- Ear Candling/Coning
- Eyelash-Eyebrow Services

Establishments

- Disinfecting and Storing Client-Owned Tools
- Establishment Owner Responsibility
- Interference and Refusal of Inspection
- Licensee in Charge
- Nursing/Rehabilitation Homes
- Salon Suites
- Unlicensed Mobile Activity

Esthetics

- Dermaplaning
- Electrical Muscle Stimulators
- Eyelash-Eyebrow Services
- Lasers
- LED

- Microblading
- Micro Needling/Derma Rolling
- Needles Are Prohibited
- Skin Care Machines/Devices

Manicuring

- Callus Removal
- Detox Foot Spas
- Disinfecting Nail Files
- Fish Pedicures
- Methyl Methacrylate Monomer (MMA)
- Use of Ultra Violet Sterilizer Units

Schools

- Transfer of Credits and Qualifications for Examination

The board also produces a column for the monthly industry newspaper, "The Stylist" that is distributed to all licensed establishments in California. Topics include everything from "Meet the Board President" to "BBC's Top Ten Violations".

Throughout the years the board has developed outreach campaigns designed to educate consumers on how they can protect their health and safety when receiving services from a licensee. A typical campaign will include an article written in the Consumer Connection and the Stylist magazine. Staff will set up interviews with statewide TV and Radio stations. All board staff utilize an email banner on their work emails, that directs recipients to information on the campaign. Staff flood the board's Facebook and Twitter accounts with postings on the information. Additionally, at times videos are produced and posted to the board's website. Campaigns such as, CASafeSalon, SafeSandalSeason and NoViolenceinBeauty have proved successful.

Since July 1, 2017, the Board of Barbering and Cosmetology is required to provide information on basic labor laws (Workers' Rights) to its applicants and licensees. (California Business and Professions Code §§ 7314.3, 7337, & 7347). In keeping with this mandate, the board has posted the publication, *Know Your Workers' Rights and Responsibilities*, on the home page of its web site. This publication has been translated and distributed to all the board's media contacts including media contacts that speak Vietnamese, Spanish and Korean. In addition, a portion of the CASafeSalon campaign "Know Your Workers' Rights", provides additional information and links where individuals can go for information on basic labor laws.

Section 7

Online Practice Issues

BarberCosmo

Online Practice Issues

The Barbering and Cosmetology profession cannot be practiced online.

BarberCosmo

Section 8

Workforce Development and Job Creation

- Workforce Development and Job Creation
- Impact of Licensing Delays on Job Creation
- Outreach to Schools
- Licensing Barriers
- Workforce Development Data

BarberCosmo

Workforce Development and Job Creation

The board completed an Occupational Analysis of the Cosmetology profession in October 2017. Currently, the board is conducting an Occupational Analysis of the Barbering profession which is scheduled for completion by June 2019. Part of the board's strategic plan is to complete occupational analysis on the following professions along with the projected completion dates:

Electrology: June 2020
Esthetics (Skin Care): June 2021
Manicuring (Nail Care): June 2022

The board continues to monitor trends within the industry and workforce development. This is being accomplished by utilizing an internal tracking system that organizes and stores the trend information. In 2018, a standing agenda item was added to all Enforcement and Inspections Committee agendas for the discussion of these trends. Recommendations from that committee are heard by the full board at regularly scheduled board meetings.

The board convenes biannual meetings of the Health and Safety Advisory committee (once in Northern California and once in Southern California). The purpose of these meetings is for members to advise the board on industry related health and safety issues, workers' rights issues and domestic violence/sexual abuse concerns facing the industry. Many times, industry participants will advise the board on job related issues affecting board-licensed establishments and licensees. The board uses this valuable information when considering educational materials, web site postings and proposed regulatory language.

Impact of Licensing Delays on Job Creation

The board continues to adopt procedures to ensure a more streamlined process, allowing the licensing of establishments and licensure of applicants so they may enter the barbering and beauty workforce. The board monitors all aspects of its licensing and enforcement operations, consistently addressing issues to ensure the most relevant process contributing to workforce development, both internally (its employees) and externally (consumers, licensees and local government). Central to this

focus, the board has updated many of its forms and applications, and continues to monitor efficacy and make changes as they are needed.

The board has not had to conduct any assessment regarding the impact of licensing delays. Since the implementation of the new BreEZe database, the board has not had any licensing/examination delays due to a lack of operational necessity.

Delays in licensing can prevent individuals from working and establishments from opening. In rare cases, where the board has delayed granting a license examination date, while investigating the applicant or school - the job intended for that applicant may be given to someone else.

Failure to grant an establishment a license in a timely manner can cause the owner to lose prospective employees who are forced to seek work elsewhere.

The board administers examinations Monday through Friday. Approximately 80 examinations are scheduled per day. The most common delay, at the board, is an applicant who has been approved to take the exam but is awaiting his or her scheduled examination date. The board schedules examinations 30 days in advance.

The board strives to ensure establishments can open on the date they desire, even when they turn in applications very close to their desired opening date.

Licensing renewals are immediately processed and examination applications, upon receipt, are immediately evaluated and scheduled for examination. The board has streamlined its evaluation processes and current BreEZe technology has helped mitigate any previous licensing backlog.

Outreach to Schools

The board is always seeking new ways to positively influence future barbering and cosmetology professionals. The board maintains a school listserv to notify school owners, managers and instructors who are interested in receiving important information regarding school and exam information, such as:

- Circular Letters
- Exam Q & A's and Clarification

Additionally, the board utilizes Facebook, Twitter and You Tube accounts

to reach out to students with up-to-date information that will help them in the pursuit of their new careers.

The board posts to its web site information designed to assist the student in preparing for the licensing examination such as, photographs on how to properly drape a mannequin head, candidate informational bulletins and industry bulletins. Since the last reporting period, the board has conducted six webcasts (September 19, 2014, June 18, 2015, September 9, 2015, June 15, 2016, July 2, 2018 and September 24, 2018) designed to answer questions students and California school instructors had on details of the National Practical Examination. These webcasts are posted to the board's web site for viewing and future reference by students and instructors.

Circular letters that provide up-to-date information directly relating to student/school activities have been developed by the board. These letters are mailed to each school and posted on the board's web site. Recent letter topics have included:

- Important Information and Reminders
- Invitation to the board's, *Understanding Your Workers' Rights and Responsibilities* Town Hall.
- Notification of Changes to the Examination
- Health and Safety Course

In addition, the board is periodically asked to lecture at California cosmetology and barbering schools, on the role of the board, its licensing and enforcement programs, the duties of the licensee in charge, and other topics. These presentations are intended to ensure that potential licensees understand the board's role and activities. For example, during presentations about the board's enforcement program, staff highlights the top most commonly cited violations during an inspection. Discussions like this one are designed to help students better understand how to avoid getting cited and fined, while at the same time help to protect consumers.

In 2017, at the direction of the legislature (California Business and Professions Code, Section 7389), the board updated its *Health and Safety for Hair Care and Beauty Professionals* course. The publication became, the *Health and Safety Course*. One of the notable changes made to the course was the inclusion of a section that provides an overview of the California Board of Barbering and Cosmetology. Within this unit, students are shown what information can be found on the board's web site, including information on how to use the BreEZe system (for licensing and renewal) and how to stay compliant with board regulations.

Licensing Barriers

Within the last year, there have been numerous legislative and industry discussions on perceived barriers to licensure. Various reports have noted perceived licensing barriers such as, student loan costs, length of time needed to complete pre-licensure schooling, application denials, license suspensions, revocation and denials based on criminal convictions. The board works hard to mitigate these perceived licensing barriers. Listed below are actions the board is using to make sure these perceived barriers do not exist.

Prison Examinations

The board works with the Department of Corrections in the administration of the licensing examination while inmates are incarcerated so that upon release, they can already have their license in hand, and be ready to start working.

Low Licensing Application Denials Based on Criminal Convictions

Very rarely does it become necessary for the board to deny a licensing applicant due to a criminal conviction (see table below). Applicant denials represent .006% of the licensing examination applications received over the last four calendar years.

Calendar Year	Initial Applications Received	Application Denials Due to Criminal Convictions	Percent of Application Denials Due to Criminal Convictions
2014	27484	1	.003%
2015	26264	2	.007%
2016	25296	1	.003%
2017	23830	3	.125%
Total	**102,874**	**7**	**.006%**

The board currently reviews licensing applications and licensure denials, on a case by case basis. The board takes a big picture approach and considers numerous facets and complexities surrounding the individual's circumstances, prior to deciding to deny a licensing examination application.

Additionally, the board makes the following informal option available to applicants with criminal convictions:

- Prior to starting school, the applicant may submit their conviction history and documentation, and have it reviewed by enforcement

unit staff. At that time, prior to enrolling in school and sustaining student costs, they would be informed if the criminal convictions would prevent the board from approving his/her licensing application.

When considering whether an applicant with criminal convictions is suitable for licensure, the board evaluates the following factors:

1. The requirements of public protection;
2. Relationship between the practice of the licensed profession and public protection;
3. Time since the conviction;
4. Age of the applicant at the time of the offense(s);
5. Seriousness and specific circumstances of the offense(s);
6. The number of offenses;
7. Whether the applicant/licensee has pending charges;
8. Any relevant evidence of rehabilitation or lack thereof;
9. Submission of false information on an application for licensure or on an application and/or failure to provide required notice of new information;
10. Whether the applicant is currently classified as a Sex Offender by the Sex Offender Registry Board and if so, the applicant's level of classification and compliance with applicable laws; and
11. Any other relevant information, including information submitted by the applicant or requested by the board.

After reviewing the above factors, the board may, in its discretion, deny the applicant's application, or take any other action permitted by law.

All applicants that are denied by the board have the option of requesting an appeal review by an Administrative Law Judge.

Low Licensing Denials, Revocations and Suspensions Based on Criminal Convictions

Very rarely does it become necessary for the board to deny, revoke or suspend a license due to a criminal conviction (see table below). On an average, the board does not deny, revoke or suspend more than 62 licenses per year. Licensees disciplined due to criminal convictions represent 1.16% of the total number of licensees disciplined over the last four calendar years.

Calendar Year	Licenses Disciplined Due to Criminal Convictions	Enforcement Cases	Percent Disciplined Due to Criminal Convictions
2014	0	58	0%
2015	3	54	5.6%
2016	0	45	0%
2017	0	100	0%
Total	**3**	**257**	**1.16%**

The board evaluates each disciplinary case individually based on the complexities of the case. Much of the same criteria as outlined above for applicant denials are utilized.

Proposed Hairstylist License

The 1600-hour Cosmetology Curriculum Review working group has formally recommended for consideration to the board the institution of a hairstylist license. The working group feels that by instituting this type of license, individuals who do not want to perform skin and nail care services, will save on student loan costs and time spent away from work while attending school. The complete report as submitted by the 1600-Hour Cosmetology Curriculum Review working group is included in Section 12, Attachment C of this report. The board is in support of this recommendation, see the board's legislative proposal, *Hairstylist Licensure*, in Section 11, New Issues.

Workforce Development Data

Recently the Bureau of Labor Statistics' Occupational Outlook Handbook reported:

> "Employment of barbers, hairstylists, and cosmetologists is projected to grow 13 percent from 2016 to 2026, faster than the average for all occupations. Population growth will lead to greater demand for hair care services. The median hourly wage for barbers was $12.33 in May 2017. The median hourly wage for hairdressers, hairstylists, and cosmetologists was $11.95 in May 2017."
>
> "Employment of skincare specialists is projected to grow 14 percent from 2016 to 2026, faster than the average for all occupations. The median hourly wage for skincare specialists was $14.46 in May 2017."

Bureau of Labor Statistics, U.S. Department of Labor, *Occupational Outlook Handbook*, Barbers, Hairstylists, and Cosmetologists, on the Internet at https://www.bls.gov/ooh/personal-care-and-service/barbers-hairstylists-and-cosmetologists.htm (visited *June 06, 2018*).

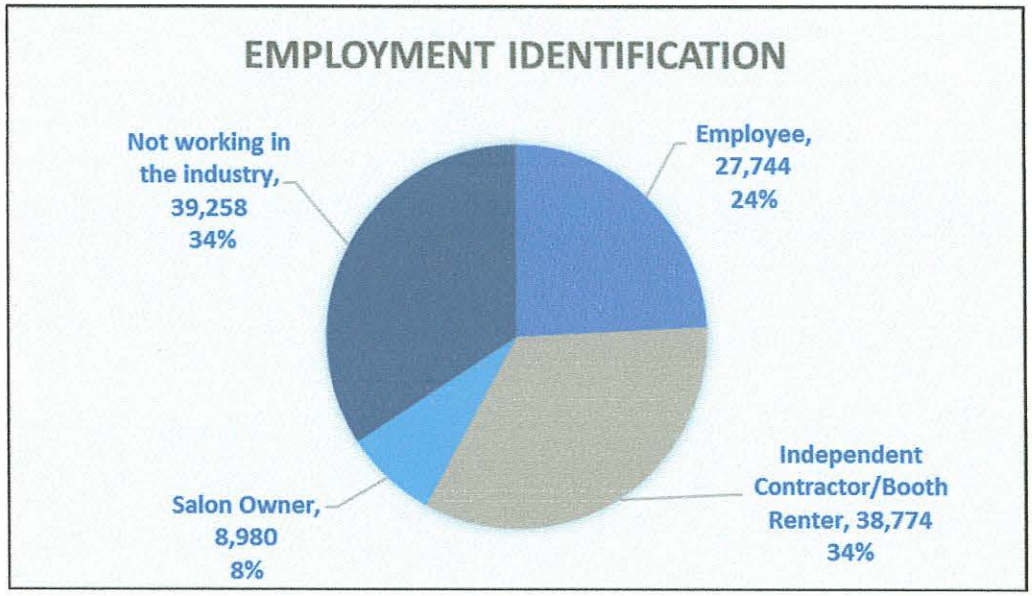
The board is thrilled to be a part of this dynamic industry. The board's work focuses on ensuring that individual's entering the beauty industry possess the requisite skills and knowledge to provide services to the diverse population of Californians who seek hair, skin and nail services.

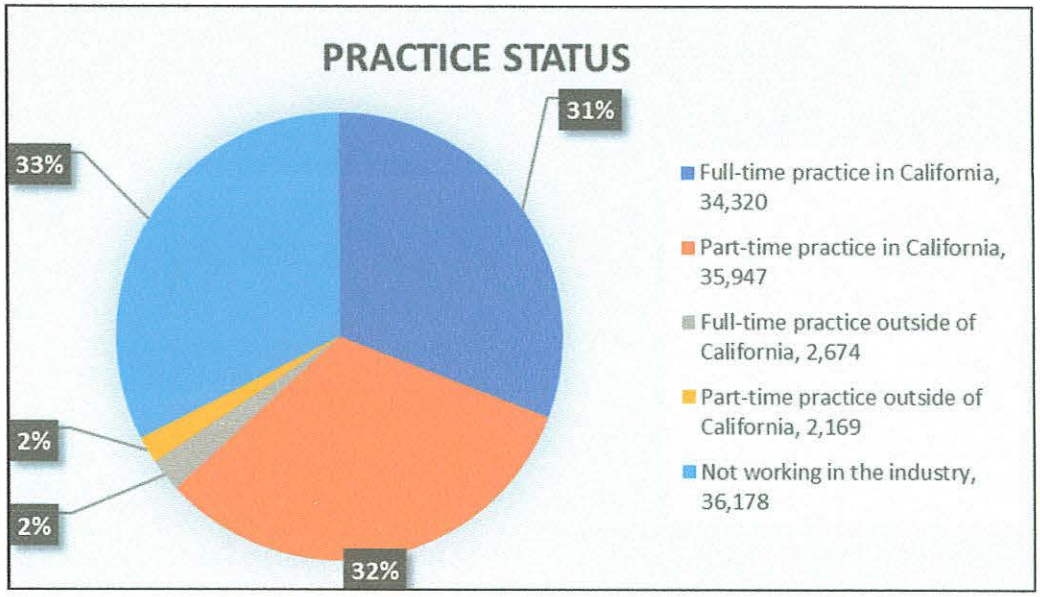
Workforce Shortages

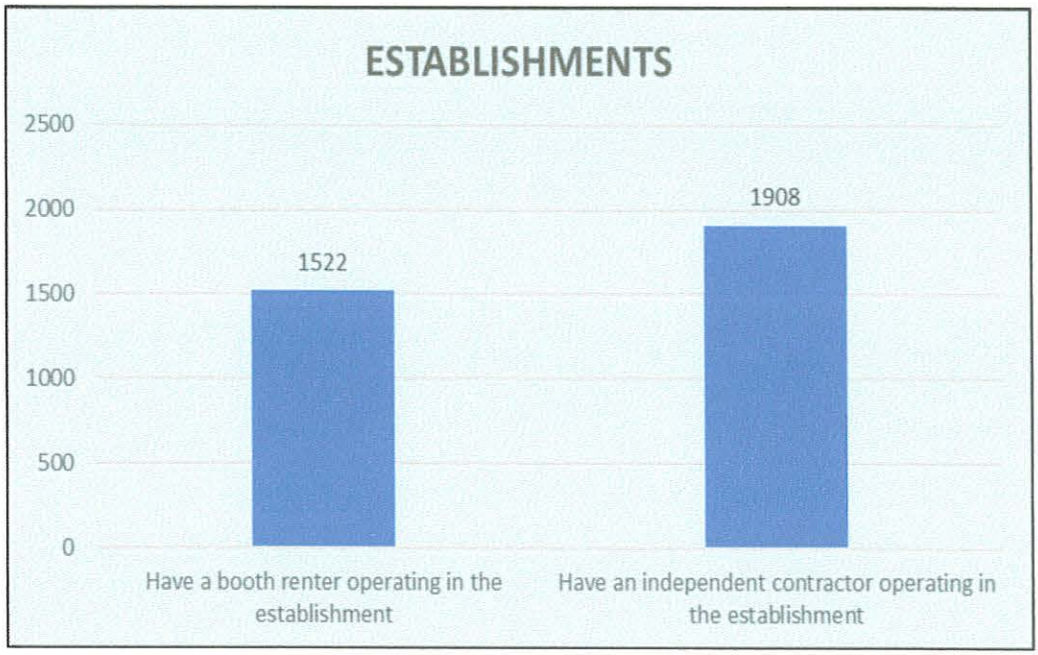
As of February 11, 2016, the board began compiling statistical information related to workforce development. The charts below represent the data the board currently collects that has been compiled from February 11, 2016 until June 30, 2018.

RENEWAL QUESTIONAIRE

Feb 11, 2016 - June 30, 2018







Successful Training Programs

The Board of Barbering and Cosmetology provides to the public the pass and fail rates for all board examinations. The pass and fail rates provided on the board's web site are sorted in alphabetical order by school name and are separated by license and examination type (written or practical). This information demonstrates the percentage of students who have successfully passed or failed the examination after completing coursework at a specified school. Prospective school enrollees may view this information to aid in deciding which school to attend.

Section 9

Current Issues

- Uniform Standards for Substance Abusing Licensees
- Consumer Protection Enforcement Initiative
- Breeze

BarberCosmo

Uniform Standards for Substance Abusing Licensees

The Uniform Standards for Substance Abusing Licensees is specific to healing arts and therefore does not apply to this board.

Consumer Protection Enforcement Initiative

The Board was not part of the Consumer Protection Initiative (CPEI) as this was directed to the Allied Health Boards; however, the Board continually implements steps to improve its enforcement processes that were part of the CPEI.

The Board has continuously worked to shorten the age of its cases to within 18 months and has monitored its performance measures to remain consistent with the DCA's goals.

Breeze

The Board was part of Release 1 for the new BreEZe database. The implementation date was October 8, 2013.

The Board believes that as it moves forward with BreEZe, and continues to make improvements in its business processes, the benefits will continue to grow.

BarberCosmo

Section 10

Board Action and Response to Prior Sunset Review

- Issue 1: Pro Rata
- Issue 2: Practical Examination
- Issue 3: Spanish-Language Failure Rates
- Issue 4: Taking the Written Examination Prior to Completing School
- Issue 5: School Approvals
- Issue 6: Health and Safety for Hair Care and Beauty Professionals
- Issue 7: Enforcement Timeframes
- Issue 8: Inspector Program
- Issue 9: Status of BreEZe
- Issue 10: Freelance Certification
- Issue 11: Correctional Facilities Licensing Program
- Issue 12: Booth Renters License
- Issue 13: Additional Licensing Sub-categories and Industry Certification
- Issue 14: Board Composition
- Issue 15: Language Access
- Issue 16: Consumer and Licensee Safety
- Issue 17: Technical Cleanup
- Issue 18: Board Continuance

BACKGROUND PAPER FOR THE BOARD OF BARBERING AND COSMETOLOGY

IDENTIFIED ISSUES, BACKGROUND AND RECOMMENDATIONS REGARDING THE BOARD OF BARBERING AND COSMETOLOGY

CURRENT SUNSET REVIEW ISSUES

The following are unresolved issues pertaining to the BBC, or those which were not previously addressed by the Committees, and other areas of concern for these Committees to consider along with background information concerning the particular issue. There are also recommendations the Committee staff have made regarding particular issues or problem areas which need to be addressed. The BBC and other interested parties, including the professions, have been provided with this Background Paper and can respond to the issues presented and the recommendations of staff.

ISSUE #1: **(Pro Rata) What services does the BBC receive for its share of pro rata?**

Staff Recommendation: ***The BBC should advise the Committees about the basis upon which pro rata is calculated, and the methodology for determining what services to utilize from DCA. In addition, BBC should also discuss whether it could achieve cost savings by dealing with more of its services in-house, such as its legal, public affairs, or call center support. The BBC should also explain to the Committees if the BBC's position reduction has led to increased reliance on DCA for administrative services.***

Board Response

The Board utilizes many services offered by the DCA including, but not limited to; call center, budgets, contracts, information technology, human resources and public information. The Board does have one of the higher costs for pro rata in the DCA however, the services received are numerous. The costs that are distributed from the Board to the DCA are calculated by DCA. SB 1243 (Lieu, Chapter 395, Statutes of 2014) requires the DCA to conduct a study on the system of prorating administrative expenses and this will provide a better understanding of cost distribution. The Board does not see a cost savings should it take over functions and duties that are currently handled by the DCA. Once the study of how costs are distributed the Board may be in a better position to determine if cost savings could be achieved. The Board does not believe that any position reductions led to an increased reliance on DCA.

Board Update

The Board continues to receive extensive services from the DCA. In the last three years the Consumer Information Center has answered an average of 82,000 calls on behalf of the Board and mailed out an average of 4,400 publications. This is compared to an average of 38,000 calls answered by Board staff. This is all part of a workload that the Board could not absorb. The Board does not believe that any cost savings can be achieved taking on workload that the DCA currently handles. The support that DCA provides is at a very specific level of duties (human resources, information technology, etc.) and the Board would not be able to support those duties.

ISSUE #2: **(Practical Examination) Is the practical examination the most effective way to demonstrate minimal competency?**

Staff Recommendation: ***The Committees may wish to require the BBC to conduct an occupational analysis of the current practical examination to determine if this form of examination is still a reliable and valuable measure of meeting minimal competency standards, or if any changes to improve the examination are necessary. In addition, the BBC may wish to inquire assessing the elements of a practical examination are something schools could test for at the end of an instructional program, as part of the required curriculum.***

Board Response

The Board would be happy to conduct research and provide an update to the committee on practical examinations and if they are a reliable and valuable measure for minimal competency. As for schools administering the practical examination, this is an option that could be looked into, however, the Board believes that unless it has sole oversight of schools it would not be a secure process. Currently, schools are not monitored in a way that the Board would feel confident that the test would be administered properly. There is already a significant issue of schools selling hours (issuing completion documents when the courses were not completed) and the Board does not see the schools conducting an examination in a secure manner.

Board Update

In May 2018, the Department of Consumer Affairs' Office of Professional Examination Resources (OPES) concluded its review of both parts (written and practical) of the national cosmetology examination. The conclusion of this review is that the examinations adequately assess what a California cosmetologist is expected to have mastered at the time of licensure. The Board believes that the practical examination is necessary to test minimal competency for individuals that are more right-brained (creative and artistic). Allowing portions of the practical examination to be evaluated by schools could only be considered if the Board has more authority over barbering and cosmetology schools to ensure the proper curriculum is being taught.

ISSUE #3: **(Spanish-language failure rates) What can the BBC do to improve the success of Spanish-language test-takers?**

Staff Recommendation: ***In order to improve the outcomes of the written examination for both recent graduates and those individuals taking the Spanish-language examination, the Committees may wish to require the BBC to reevaluate the curriculum standards that are necessary for licensure and work with current BBC- and BPPE-approved education providers to ensure that the curriculum and instructional materials meet the needs of students and any material instructed in a language other than English is consistent with the language utilized on the NIC examinations. In addition, the BBC should continue to work with Spanish-language test takers to inform them of the dialect utilized in the Spanish examination. Also, the Committees may wish to require the BBC to work with education providers who teach in Spanish to improve communication and information with Spanish-language examinees. Further, the BBC reported that it plans to conduct targeted outreach to Spanish-speaking students and licensees. The BBC should explain to the Committees its timeline for conducting outreach and explain its outreach strategy.***

Board Response

The Board is taking continual steps to determine what the issues are for low pass rates for those taking the written examination in Spanish. The Board does not believe that the issue lies within the curriculum or the examination. As the Board is able to generate more reports from the BreEZe database we believe students that are requesting the examination in Spanish are often not obtaining their education in Spanish. As a result, the Board will be reaching out to schools to encourage them to discuss with the students the pass rates and how the examination is translated. The Board will also be reaching out to students who have failed the examination to obtain their input and conducting town hall meetings with Spanish speaking students. This outreach will be the Board's focus during fiscal year 2015/2016.

The Board has already met with the BPPE on this issue as they are the regulatory entity who oversees the quality of education. The Board would like to see the Spanish pass rates become comparable to other language pass rates by the end of 2016.

Board Update

Submitted along with this report in Section 12, Attachment C is the Boards Report on the *Review of Low Passage Rates for the Spanish Written Test*. This report provides details on what the Board has addressed since the last sunset review.

The Spanish pass rate for the written examinations continue to be low. The Board has researched several areas on what the cause of the low pass rate could be and unfortunately has not found a significant, identifiable cause. While the cosmetology Spanish pass rate has increased from FY 2013/2014 from 29% to 45% in FY 2017/2018, this is still a low passage rate that causes the Board concern. Especially when taken into consideration regarding an applicant who takes the test more than one time, the passage rate drops to 28%.

The Board has conducted various reviews of data. A review of content area has been conducted to determine if Spanish test takers were failing in a certain examination area. Data indicates that test takers consistently fail each content area by approximately 50%. The Board reviewed passage rates by the age of each applicant and there was no difference in age groups for the percentage of failures.

In speaking with multiple schools, it was found that schools are teaching in English, but students are making the choice to take the examination in Spanish. This can be very difficult as the translations are done in the most universal method. The Board has encouraged schools to discuss the translations with students. In addition, there is now a translation guide available to all students that has been produced by the national examination vender.

In surveying test-takers, 62% state that the examination was easy to understand and 93% of test-takers state that they will take the examination again in Spanish.

The Board is continuing to discuss this to determine if there is anything under our authority that can be done. In May 2018, the Board will be holding a task force meeting specifically designated to address the Spanish pass rates. Please refer to Section 12, Attachment C for detailed information.

ISSUE #4: **(Taking the written examination prior to completing school) Should applicants be permitted to take the written examination prior to completing school instruction?**

Staff Recommendation: ***The Committees may wish to require the BBC to conduct an occupational analysis of the written examination along with an assessment of curriculum standards to ensure the material is relevant to current practices and standards within the industry. Additionally, the Committees may wish to inquire of the BBC the need to attend 1600 hours of instruction or less depending on licensee-type, if individuals are able to take and pass an examination prior to completing coursework. Is there coursework that is no longer relevant to industry practices? The Committees may wish to require the BBC to contract with an outside entity to conduct a revised Occupational Analysis of the 1600 curriculum program for cosmetologists.***

Board Response

The Board believes that the current 1600-hour curriculum is adequate. The Board supports the idea of the written examination being taken early only because it is based on theory that is learned in the beginning of a course and it would be beneficial to students to be tested upon completion of learning the material as opposed to several months later.

Board Update

The Board contracted with the Department of Consumer Affairs' Office of Professional Examination Services (OPES) to conduct an occupational analysis of the cosmetology

profession. This report was completed in October 2017 and is included under Section 12 of this report. In addition, the Board conducted a review of the cosmetology 1600-hour curriculum which is also included in Section 12 of this report. The committee that was assembled to review the curriculum agreed that the 1600 hours is adequate for the cosmetology course, however, the committee did make several recommendations which include the establishment of a hairstylist license, module-based curriculum and more. The committee did not discuss the option of early written testing. While the Board is not pursuing statutory changes to allow for early testing, it is still believed that there could be a benefit to this process because the bulk of theory education is taught during the beginning of the course.

ISSUE #5: **(SCHOOL APPROVALS) What is the BBC's current relationship with the BPPE? Does the BBC have a plan to improve its relationship with the BBPE? What steps has the BBC taken ensure better outcomes if it were tasked with the responsibility of being the sole approving entity for schools?**

Staff Recommendation: ***The BBC should further update the Committees about any plans it has to improve it regulatory relationship with the BPPE. The BBC should explain where the communication problems may lie between the two entities and consider establishing an enforcement process and communication system in consultation with the BPPE to help alleviate any communication deficiencies. The BBC should inform the Committees about any transition plan it has in place if it were to be granted the sole approval authority for schools including, the projected costs and staff resources necessary to implement such a program. The BBC and the BPPE should continue to work together and monitor any pending litigation issues that impact the curriculum requirements and licensing model for the barber and cosmetology industry.***

Board Response

Communication with the BPPE has been lacking since the BPPE was reconstituted. Effort has been made by the Board to improve communication by requesting meetings and providing information on what the Board needs from the BPPE. In the past these meetings have not been successful as communication from the BPPE to the Board has not improved. However, in 2015 the Board reached out to the DCA to address these issues and we now have regularly scheduled meetings with the BPPE. These meetings are held monthly and are to discuss outstanding issues as well as general information sharing. The Board continues to believe that one entity should have sole oversight over cosmetology and barbering schools and that entity should be the Board. Should the Board be granted sole oversight it would then have the authority to charge a fee for its services and then be able to pursue additional staffing. The Board has not done a full study of staffing needs but maintains it is in the best position to oversee schools as we currently already have staff dedicated to this process.

Board Update

In September 2017, Dr. Michael Marion was appointed by the Governor as the new Bureau Chief for the BPPE. Since then the communication between the Board and the Bureau has

improved dramatically. The Board and the Bureau have conducted multiple joint inspections, three of which resulted in emergency decisions requiring schools to stop enrollment and accepting monies from students. The Board and the BPPE have been holding regular meetings to improve communication as well as determine priorities in the oversight of schools. In working closer with the BPPE, the Board has found that there are statutory changes that could strengthen the existing oversight of schools by the Board. These recommendations can be found in this report under Section 11. The Board and the BPPE are committed to continued improvements in communication as well as action taken against schools that are committing fraud.

ISSUE #6: **(Health and Safety for Hair Care and Beauty Professionals) What is the BBC's timeframe for updating its current health and safety curriculum manual?**

Staff Recommendation: ***The BBC should advise the Committees as to when it will revise or update the current curriculum in the Health and Safety for Hair Care and Beauty Professionals manual. The Committees may wish to require the BBC update this important instructional material by July 1, 2017.***

Board Response

The Board is currently in the process of updating this curriculum and expects to have it completed no later than July 1, 2017.

Board Update

On January 22, 2017 the Board finalized the updated versions of the Health and Safety course. On May 31, 2017 the Board mailed the updated version which now includes a student handbook, instructor handbook and curriculum to all schools. The curriculum was mailed in hard copy as well as the Board provided a CD of all the documents. The Board has also placed the course on-line for easy access.

Since the update of the Health and Safety Course, the Board has made several revisions including adding physical and sexual abuse awareness training and workers' rights awareness training. In July 2018, the Board worked with 5 schools and an apprenticeship sponsor to perform a pilot test of the full curriculum. Changes needed as a result will be presented to the Health and Safety Committee and once finalized the full course will be translated into Vietnamese, Spanish and Korean.

ISSUE #7: **(Enforcement timeframes) Why is the enforcement process for formal discipline taking longer than the targeted 540 days?**

Staff Recommendation: ***The BBC should advise the Committees about where it believes the bottlenecks are in its investigation processes and disciplinary actions. What does BBC think are the causes of the delays? In the BBC's opinion, what are viable solutions to the extensive timeframes in its enforcement processes?***

Board Response

The Board's investigation portion of cases where formal discipline was completed in the FY 2013/2014 averaged 241 days. The balance of the aging process for these cases is occurring at the AG's Office. In order to decrease aging at the AG's office Board analysts are regularly inquire about the status of accusations, whether Notices of Defense were filed, whether or not default decisions have been prepared, and whether or not settlement terms have been offered. When accusations or decisions are received, the Board staff will ensure they are processing these documents timely.

Board Update

The Board continues to work with the Attorney General's Office and the Office of Administrative Hearings. It is in these areas where the aging of cases continues to grow and is out of the control of the Board. While the Board's current processing time is 642 days, this is an improvement from the Board's last sunset report when the processing time was 702 days. The Board hopes to continue to see improvement in this area.

ISSUE #8: **(Inspector Program) What are the BBC's current issues with its Inspector Program?**

Staff Recommendation: ***Given the current challenges with obtaining the approval to hire BBC's desired number of inspectors, and the recruitment challenges, the BBC should explain to the Committees how it plans to adjust, streamline or modify its Inspection Program in order to work within the constraints of available resources. The BBC should explain any problems that may arise from a resource-deficient Inspection Program. The BBC should explore ways it can improve the inspection process for individuals with limited English proficiency and explain to the Committees if an inspector protocol around language and diversity is possible, and if not, what those challenges may be to implementing it. The BBC should inform the Committees of any outcomes from its "all-inspector" trainings. Additionally, the BBC should explain to the Committees its hiring plan to fill inspector positions, if granted BCP authority.***

Board Response

The Board will continue to pursue obtaining additional inspector positions as it believes this is the only way to ensure consumers are protected. It should be noted that the lack of inspector positions to adequately cover all of California does put consumers at risk. It is often that the most egregious violations are found in establishments that have been licensed for many years but have not been inspected on a regular basis. In addition, not having the adequate number of staff requires current inspectors to carry a significantly larger workload thereby impacting the quality of inspections. The Board is committed to quality not quantity inspections. We believe that more time spent in an establishment is beneficial to licensees as opposed to a fast inspection.

The Board does believe that a protocol for inspecting establishments where there is limited English speaking individuals can be developed and can be helpful. The Board plans to develop this protocol and have it in place by the end of 2015, if not sooner.

The Board held two "all-inspector" trainings in 2014. During these meetings inspectors attended tactical communication training, met with industry experts on emerging trends in skin care, and conducted a violation review to ensure consistency in conducting inspections.

Additional meetings will be scheduled for 2015 and the Board will continue to focus on diversity and customer service.

The DCA is assisting the Board in recruitment for vacant inspector positions including promoting the vacant positions at California colleges. The Board is also utilizing social medial as a means of promoting the vacant positions. Should the Board be granted new positions, the first step would be to have DCA conduct personnel examinations to establish a list of eligible applicants.

Board Update

The Board has made significant improvements to its inspections processes since the last review. While hiring inspectors is still a challenge, several process improvements have been made to address the workload. These changes are addressed in detail in Section 1, Major Changes and Challenges since the Last Sunset Review. Briefly, the Board has:

- added a new position of a Staff Services Manager I over the inspectors to allow for more direct supervision;
- new reports have been created to allow for inspectors to focus on establishment that had not been inspected (in March 2016 there were approximately 14,000 establishments needing to be inspected and in May 2018 this number is less than 3,500;
- creation of a compliance inspection for targeting specific violations;
- re-defined territories to allow for less travel of inspectors;
- creation of the Inspector Language Access Protocol; and
- training in diversity, language access and inspection procedures.

The Board continues to make significant improvements in its inspections program not only in process improvements but in our overall performance of building better relationships between our inspectors and the individuals they inspect. This is evident in comparing the number of complaints received regarding inspectors. In 2014, the Board received 39 complaints and in 2017 only 17. In 2018, to date, only 7 complaints have been received.

The Board has an All Inspector meeting planned for Fall of 2018 where they will receive training in Field Safety and Professionalism, Language Access, and training on new internal processes.

ISSUE #9: **What is the status of BReEZe implementation by the BBC?**

Staff Recommendation: ***The BBC should update the Committees about the current status of its implementation of BreEZe. What have been the challenges to implementing this new system? What are the costs for using the system and has it enhanced operational or administrative efficiencies?***

Is the cost of BreEZe consistent with what the BBC was told the project would cost? Is the BBC comfortable that any remaining technical issues will be addressed?

Board Response

The Board has fully implemented the BreEZe system. Numerous challenges were encountered in the initial implementation. The system did not function as easily as Board staff believed it would and there were several changes that needed to be made to accommodate the Board's functions. The Board has spent over $4 million to date on the BreEZe system which is higher than originally thought. The Board is happy to report that operational efficiencies have been gained as a result of BreEZe, the most significant being on-line transactions. The Board receives over 1,000 on-line transactions a month. The Board believes that remaining technical issues will be addressed as prior issues have already been addressed.

Board Update

The Board continues to use BreEZe effectively. As the reporting aspect of the system (QBirt) has become more reliable the Board has been able to utilize reports to control backlogs, improve efficiencies and streamline processes. The Board continues to see operational efficiencies as more transactions are processed on-line.

ISSUE #10: **(Freelance Certification) Are more people seeking beautification services outside of the traditional salon establishment? Does the BBC need to update the current establishment requirements to meet consumer demands?**

Staff Recommendation: ***The BBC should explain to the Committees how they would implement a freelance or mobile certificate. The BBC should also explain any new regulations, industry standards or licensing reforms that would be necessary to implement a new freelance certificate and explain how the BBC could regulate such certificates in a matter consistent with its mission. In addition, the BBC should explain to the Committees if it would need to enhance application requirements for freelance certificates, such as expanding the background check program or adding bonding requirements.***

Board Response

Should the Board be granted the authority to issue a "freelance" certificate it believes the process would be to add an indicator to an applicant's personal license. An individual would be required

to submit an application and fee, obtain fingerprint clearance from the Department of Justice and provide proof of liability insurance. The Board would then approve the licensee to enter non-licensed facilities to perform services. As the Board's primary focus is consumer protection, the Board would also require any individual that is providing services outside of a licensed establishment to provide information to consumers on how to file a complaint with the Board.

Board Update

The Board has conducted several public meetings on this topic and has discussed this topic at multiple committee and board meetings. On July 23, 2018 the Board approved draft language to establish a Personal Service Permit (PSP) allowing specific services to be provided outside of a licensed establishment. The Board is currently in the process of promulgating the regulations that will allow the implementation of the PSP.

ISSUE #11: **(Correctional Facilities Licensing Program) What, if anything, can the BBC do to expand this program? How can the BBC assist in increasing the number of test-takers?**

Staff Recommendation: ***The BBC should explain to the Committees its role in the program, how their current partnership with CDCR is working, and ways the BBC believes it can help to improve or expand access to the program.***

Board Response

The Board currently has two examinations scheduled one at Chowchilla State Prison and the other at Corona State Prison. The Board is contacted by the CDCR to set up the examinations when there are candidates ready to test. The Board is flexible and can usually accommodate the CDCR whenever they are ready. At this time, these are the only two facilities that offer educational programs that lead to Board licensure. The Board is willing to expand this program however, that is dependent upon the CDCR. Costs involved for the Board are minimal as the examinations are conducted by Board staff; therefore, only minimal travel costs are involved. CDCR incurs the majority of the cost as each facility must be equipped with a learning center.

Board Update

The Board continues its work with the Department of Corrections and Rehabilitation. From 2013 to 2017 the Board has administered 57 examinations and issued 54 licenses. The Board continues to support this process and can increase its examinations at any time that the CDCR requests. **(update with 2018 data)**

ISSUE #12: **(Booth Renters License) Is there a need to create a separate booth renter's license?**

Staff Recommendation: ***The Committees may wish to inquire of the BBC how a booth renters' license will provide any enhanced protections for consumers or licensees. As raised***

during previous sunset review oversight hearings, it is unclear why owners of establishments would not want to maintain the responsibility for individuals operating at their place of business and it is unclear why a responsible business owner would potentially want to ignore violations in their establishment and not require all individuals working closely with them to abide by the law. In addition, the BBC should explain to the Committees if a booth renter's license would increase the workload of investigators, which the BBC reports, is currently understaffed. The Committees may wish to instead require the BBC to provide additional information to consumers and licensees, on its Web site, about the difference between a booth rental and establishment employment to help clarify the role of establishment owners, employees and booth renters to benefit both licensees and consumers.

Board Response

The Board believes that a booth rental license will provide increased consumer protection by allowing a consumer to fully understand who is providing the service. Consumers should understand that when they enter an establishment if they are receiving services from a booth renter, and are harmed, the liability is with the individual performing the services. The Board does believe that owners would still be required to maintain responsibility of the establishment, specifically common areas that may be used by multiple booth renters (for example: shampoo bowls). The addition of a booth renter license would not increase work for Board inspectors because they currently inspect all aspects of the establishment and issue individual inspection reports and establishment inspection reports.

The Board agrees with providing additional information on its website that will benefit consumers and licensees and will have this information posted by June 30, 2015.

Board Update

The Board continues to believe that some form of booth renter recognition will increase consumer protection. Consumers should have the right to know who they are ultimately doing business with and a booth renter is operating as their own small business. The inspection process will not be impacted as inspectors are already in the establishment and writing individual inspection reports. Under Section 11 of this report the Board is requesting the statutory authority to formally recognize booth renters.

ISSUE #13: **(Additional Licensing Sub-categories and Industry Certification) How would these enhance consumer protection?**

Staff Recommendation: ***The Committees may wish to require the BBC to focus on numerous other areas including: adjusting its current regulatory authority to include recognition of a freelance certificate; improving its Inspection Program, improving its relationship with the BPPE, reviewing the curriculum standards of schools and hour requirement necessary for licensure; and addressing consumer safety issues instead of approving industry certificates which licensees are already permitted to receive, granted they are operating within the scope of their professional license.***

Board Response

The Board believes that an industry certification program would allow an incentive for an individual to gain further education in their specific skill set. This would allow those licensees to become better at their craft and become safer operators. More education by licensees would increase consumer protection.

Board Update

The Board has not been focusing on industry certification and has instead focused on various other areas as noted in this report. In looking at other areas, such as the 1600-hour curriculum, the Board is recommending the establishment of new license categories that would allow for less educational hours to be obtained and still be successful in the industry such as a hair stylist license.

ISSUE #14: **(Board Composition) Should professional members be required to be a licensed professional?**

Staff Recommendation: ***The Committees may wish to consider if requiring the professional appointees to represent a more diverse segment of the licensing population would be beneficial. This could be achieved by specifying that a portion of, or all, professional board member appointees hold an active, professional license. The Committees may also wish to require the BBC to create a designated industry-advisory committee which specifically focuses industry-related issues and is comprised of licensed-industry members.***

Board Response

As noted in the background paper the Board is comprised of nine members with four members being of the profession. As of the date of this report there are 2 cosmetologists, 1 barber and 1 school owner serving on the board. Currently, the Board does not have members that hold a license as an esthetician, manicurist or electrologist. The Board has formed technical advisory committees for each of the licensing categories. These committees are beneficial to the Board in that they provide direct industry related issues. This process has allowed the Board to include all aspects of the industry in the regulatory and consumer protection areas.

Board Update

The Board membership structure has not changed since its last review. The Board current industry positions consist of 2 cosmetologists, 1 barber, and 1 school owner. The Board also has its Health and Safety Advisory Committee which does include at least one member from each of the Board's five licensing categories. For the Board to accommodate all of its licensing categories, the membership of the Board would need to be increased to a total of 15 members. Eight of those members would represent the public and seven would represent the professions and would include one each: cosmetologist, barber, esthetician, manicurist, electrologist,

establishment owner and school representative. There would be a significant benefit to this change as it would allow for each of the very different categories to always be represented at Board meetings. However, until this statutory change is implemented, the Board will continue to utilize its technical committees to assist the Board is the various industry areas.

ISSUE #15: **(Language Access) How can the BBC enhance language-access services to consumers and licensees?**

Staff Recommendation: ***Although the BBC has made significant improvements in addressing language access issues, it is clear that more can be done. The BBC should explain to the Committees how it plans to continue enhancing language access services, including translation services at disciplinary hearings and any plans the BBC has to increase the numbers of bilingual inspectors.***

Board Response

The Board believes language access will take continual effort and looks forward to adding to what has already been accomplished. Effective May 1, 2015 the Board will begin issuing citations to all manicurists and establishments cited for manicuring violations in English and in Vietnamese. In addition, the Board hopes to continue its outreach to the limited English speaking communities. The Board will be developing a protocol for inspectors to assist in the process of inspecting establishments with non-English speaking licenses. In addition, the Board continues to advertise job vacancies encouraging non-English speaking candidates to apply.

Board Update

The Board continues to hold language access as a top priority and has made significant improvements. In July 2017, the Board created and implemented a language access protocol for inspectors. The Board then decided to extend this protocol to all areas of the Board and developed protocols for the Board's headquarter staff and the examination sites. Training was held with all Board staff on each specific protocol. The developed protocol was set into a web-based program so that all new employees can complete the training as well as all employees will complete the training annually. In addition, the Board has an internal task force that reviews and updates the protocol on a bi-annual basis.

In August 2016, the Board began providing certified interpreters for the Vietnamese and Spanish speaking licensees who have requested an appeal hearing. Since the implementation of this process the Board has provided an interpreter for 93 Spanish speaking appellants and 135 Vietnamese speaking appellants. This process has been very successful in that the interpreters assist the licensees in explaining their violations as well as assisting the board in providing valuable education during these hearings. The Board plans to continue to utilize this process for appeal hearings.

While the Board continues to have difficulties hiring bi-lingual employees in the inspections field, we do believe that the protocol for the inspectors has increased the understanding for licensees during inspections. Inspectors are using the interpreter phone line, interpreter apps on their smart phones, and translated documents to assist them during the inspection process.

ISSUE #16: **(Consumer and Licensee Safety) How can the BBC promote safe standards for industry workers and consumers? How does the BBC stay informed about product safety and pass along the information to both consumers and licensees? Is greater outreach necessary?**

Staff Recommendation: ***The BBC should consider establishing a health and safety advisory committee or adding this important task to one of its existing advisory committees which meets regularly.***

Board Response

The Board agrees with staff's recommendation and will be adding this topic to each agenda for the various technical advisory committee meetings. These advisory committees are comprised of members of the industry that are educated in the current trends and medical and/or scientist personnel. Having this topic on the agenda will allow the Board to stay informed and be proactive on any industry concerns. The Board will promote safe standards through its use of social media, website and trade shows. The update of the Board's Health and Safety Curriculum (which is discussed further under item #6) will also be beneficial to promote safety standards for licensees.

Board Update

The Board now has a Health and Safety Advisory Committee that meets twice a year. This committee has been successful in bringing forward valuable information on industry trends and labor concerns. The committee will continue to meet to bring these important topics to the Board. As a result of this committee, the Board has developed various publications on prohibited tools, workers rights, labor laws and tips for opening an establishment.

The Board has also developed various videos that are on the Board's website regarding diversity, safe sandal season (pedicure safety), how to properly clean foot spas, and a consumer video on the dangers of improperly cleaned foot spas. The Board is planning to expand this type of media information to various other safety areas to increase consumer awareness.

ISSUE #17: **Technical Cleanup.**

Staff Recommendation: ***The Board should recommend any additional technical cleanup amendments for BPC § 7301 et seq. to the Committees.***

Board Response

The Board recommends the following technical cleanup amendments:

Section	Action	Reason
7303.2	Repeal	The Board fulfilled the requirement and language is no longer relevant.
7303.5 (c) and (d)	Repeal	This section does not appear to be relevant as it repeals the Executive Officer. This section would become inoperative should the Board become inoperative through the sunset process.
7308	Repeal	The Board fulfilled the requirement and language is no longer relevant.
7313 (b)	Amend	Amend language to reflect accurate name of the Bureau for Private Postsecondary and Vocational Education
7362 (a)	Amend	Amend language to reflect accurate name of the Bureau for Private Postsecondary and Vocational Education
7395.1	Amend	Amend language to reflect accurate name of the Bureau for Private Postsecondary and Vocational Education
7401 (d)	Repeal	The Board fulfilled the requirement and language is no longer relevant.
7404 (4)(c)	Amend	Amend language to reflect accurate name of the CA Department of Public Health
7407	Amend	Remove requirement for Board to review and revise the administrative fine schedule by January 1, 2005. The Board has fulfilled this requirement.

Board Update

All items on the above chart were addressed except for:

- 7404 (4)(c): the accurate name should be noted as the CA Department of Public Health
- 7407: The requirement to review the fine schedule by January 2015 is no longer relevant.

ISSUE #18: **(CONTINUED REGULATION BY BOARD OF BARBERING AND COSMETOLOGY.) Should the licensing and regulation of barbers, cosmetologists, electrologists, manicurists and estheticians be continued and be regulated by the current BBC membership?**

Staff Recommendation: ***Recommend that the barbering, cosmetology, electrology, manicure and esthetician professions continue to be regulated by the current the BBC in order to protect the interests of the public and be reviewed once again in four years, and that the BBC update the appropriate policy committees of the Legislature in 4 years on the issues raised earlier in this report.***

Board Response

The Board agrees with staff recommendation and looks forward to continued work with the committees.

Board Update

The Board believes that continuance of the regulation of cosmetology, barbering, manicuring, esthetics, electrology and establishments is vital to consumer protection in California. The Board also believes that the Board structure is the appropriate regulatory body to ensure industry and consumer involvement in the regulatory process.

Section 11

New Issues

- Standardize Scope of Practices
- Additional License Types
- Statutory Authority for Reimbursements
- Clarifying Authority Regarding Access to Approved Schools
- Clean-up Language due to Personal Service Permits
- Statutory Change to Strengthen and Clarify the Prohibition of the Practice of Medicine
- Statutory Changes to the Pre-Apprentice Training Program
- Statutory Changes to Clarify Licensee in Charge
- Statutory Changes to Strengthen the Board's Authority of Approved Schools
- Repeal of California Business and Professions Code, Section 7409

BarberCosmo

Issue 1: Standardize Scope of Practices

Outcome Desired

Legislative changes to establish standard language across the barbering, cosmetology, manicuring and esthetic scopes of practice. In addition, the Board desires to have a legislative change that will expand the scope of practice of an esthetician.

Background and Justification for Change

This request clarifies that part of the barber's scope of practice is to shave the face, neck or scalp by use of razors, shears or clippers. The current language only states that shaving or trimming of the beard but does not specify that shaving the face with a razor is considered the practice of barbering. The requested legislative changes will add uniformity to the cosmetology, skin care and nail care scopes of practices. As cosmetologist can perform skin and nail services, these changes allow the language to be exactly the same in each scope of practice. In addition, the recommended language expands the scope of an esthetician to allow for current industry practices such as services for the entire body. The language also adds clarification on services, devices and machines currently available for use within the scope of practice.

Recommended Language:

7316.
(a) The practice of barbering **is** all or any combination of the following practices:

(1) Shaving the face, neck or scalp or trimming the beard or cutting the hair by the use of razors, shears or clippers.
(2) Giving facial and scalp massages or treatments with oils, creams, lotions, or other preparations either by hand or mechanical appliances.
(3) Singeing, shampooing, arranging, dressing, curling, waving, chemical waving, hair relaxing, or dyeing the hair or applying hair tonics.
(4) Applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to scalp, face, or neck.
(5) Hairstyling of all textures of hair by standard methods that are current at the time of the hairstyling.

7316.
(b) The practice of **cosmetology** is all or any combination of the following practices:

(1) Arranging, dressing, curling, waving, ~~machineless~~ chemical permanent waving, permanent waving, cleansing, cutting, shampooing, relaxing, singeing, bleaching, tinting, coloring, straightening, dyeing, applying hair tonics to, applying hair extensions to, beautifying, or otherwise treating by any means, the hair of any person.

(2) Massaging, cleaning, or stimulating the scalp, face, neck, arms, or upper part of the human body, by means of the hands, devices, apparatus or appliances, with or without the use of cosmetic preparations, antiseptics, tonics, lotions, or creams.

~~(3) Beautifying the face, neck, arms, or upper part of the human body, by use of cosmetic preparations, antiseptics, tonics, lotions, or creams.~~

~~(4) Removing superfluous hair from the body of any person by the use of depilatories or by the use of tweezers, chemicals, or preparations or by the use of devices or appliances of any kind or description, except by the use of light waves, commonly known as rays.~~
~~(5)~~ (2) Cutting, trimming, polishing, tinting, coloring, cleansing, massaging, manicuring (from the elbow to the fingertips), or pedicuring (from the knee to the toes) the nails of any person. ~~or manicuring the nails of any person.~~
~~(6) Massaging, cleansing, treating, or beautifying the hands or feet of any person.~~
~~(c) Within the practice of cosmetology there exist the specialty branches of skin care and nail care.~~
~~(1) Skin care is any one or more of the following practices:~~
~~(A)~~ (3) Giving facials, ~~applying makeup, giving skin care, removing superfluous hair from the body of any person by the use of depilatories, tweezers or waxing, or applying eyelashes to any person.~~ or massaging, stimulating, exfoliating, cleansing, or beautifying the face, scalp, neck or body by the use of hands, esthetic devices, cosmetic preparations, antiseptics, lotions, tonics, or creams that does not result in the ablating or destruction of live tissue.

(A) Esthetic devices include, but are not limited to, steamers, mechanic brushes, high frequency, galvanic current, vacuum and spray, light emitting diode (LED), and skin analysis equipment.

(B) Esthetic devices shall be operated in accordance with the manufacturer's instructions. The devices shall be intended for improving the appearance of the skin and shall not be designed to ablate or destroy live tissue.

~~(B) Beautifying the face, neck, arms, or upper part of the human body, by use of cosmetic preparations, antiseptics, tonics, lotions, or creams.~~

(4) Performing light or superficial exfoliation procedures on the non-living upmost layers of the skin, known as the epidermis, on the face and body using commercially available products, in accordance with the manufacturer's instructions, including, but not limited to, all of the following:

(A) Manual scrubs, including mechanical brush use, which includes application of a cosmetic product with mild abrasive ingredients that remove dead skin cells.
(B) Light or superficial chemical exfoliation of the epidermis.
(C) Enzyme or herbal exfoliation of the epidermis.

(5) Extraction with a non-needle extraction tool. Extraction include the manual removal of comedones (blackheads) and other surface impurities with the use of fingers or sterile swabs.

(6) Mechanical exfoliation devices such as microdermabrasion.

(7) Applying makeup or eyelashes to any person.

(8) Tinting the eyelashes or eyebrows of any person.

(9) Chemically perming the eyelashes of any person.

(10) Removing superfluous hair from the body of any person by the use of depilatories or by the use of tweezers, sugaring, non-prescription chemicals, waxing, preparations or by the use of devices or appliances of any kind or description, except by the use of light waves, commonly known as rays.

~~(1)~~(d) **Skin care** is any one or more of the following practices:

(1) Giving facials, ~~applying makeup, giving skin care, removing superfluous hair from the body of any person by the use of depilatories, tweezers or waxing, or applying eyelashes to any person.~~ massaging, stimulating, exfoliating, cleansing, or beautifying the face, scalp, neck or body by the use of hands, esthetic devices, cosmetic preparations, antiseptics, lotions, tonics, or creams that does not result in the ablating or destruction of live tissue.

(A) Esthetic devices include, but are not limited to, steamers, mechanic brushes, high frequency, galvanic current, vacuum and spray, light emitting diode (LED), and skin analysis equipment.

(B) Esthetic devices shall be operated in accordance with the manufacturer's instructions. The devices shall be intended for improving the appearance of the skin and shall not be designed to ablate or destroy live tissue.

(2) Performing light or superficial exfoliation procedures on the non-living upmost layers of the skin, known as the epidermis, on the face and body using commercially available products, in accordance with the manufacturer's instructions, including, but not limited to, all of the following:

(A) Manual scrubs, including mechanical brush use, which includes application of a cosmetic product with mild abrasive ingredients that remove dead skin cells.
(B) Light or superficial chemical exfoliation of the epidermis.
(C) Enzyme or herbal exfoliation of the epidermis.

(3) Extraction with a non-needle extraction tool. Extraction include the manual removal of comedones (blackheads) and other surface impurities with the use of fingers or sterile swabs.

(4) Mechanical exfoliation devices such as microdermabrasion.

(5) Applying makeup or eyelashes to any person.

(6) Tinting the eyelashes or eyebrows of any person.

(7) Chemically perming the eyelashes of any person.

(8) Removing superfluous hair from the body of any person by the use of depilatories or by the use of tweezers, sugaring, non-prescription chemicals, waxing, preparations or by the use of devices or appliances of any kind or description, except by the use of light waves, commonly known as rays.

(e)The practice of **nail care** is all or any combination of the following practices:

(1) Cutting, trimming, polishing, tinting, coloring, cleansing, massaging, manicuring (from the elbow to the fingertips), or pedicuring (from the knee to the toes) the nails of any person.

Issue 2: Additional License Types

Outcome Desired

Legislative changes to establish a hairstylist license, waxing license and make-up license. These changes would allow individuals to complete a smaller number of hours in a specialized skill set.

Background and Justification

There have been recent discussions that entry into the barbering and cosmetology profession requires a high amount of course hours. While the Board believes that the 1600-hour curriculum is sufficient for cosmetologist, it does recognize a need to look at ways to require less hours of curriculum and still obtain a professional license. As such, the Board is proposing a three new license types. Hair stylist license would be similar to the cosmetology license but would eliminate skin and nails from the scope of practice. Waxing license would allow an individual to complete a minimum number of hours and be able to add this specific service to their existing services (for example a manicurist that would also like to wax eyebrows, etc.) or would allow minimum education to receive a license to wax in a wax only establishment. A Make-up Artist license would allow specialized instruction for individuals that want to perform make-up as well as eyelash application without having to go to school for a minimum of 600 hours.

Recommended Language

7316.
(c) The practice of **hairstyling** is all or any combination of the following practices:

(1) Arranging, dressing, curling, waving, chemical permanent waving, permanent waving, cleansing, cutting, shampooing, relaxing, singeing, bleaching, tinting, coloring, straightening, dyeing, applying hair tonics to, applying hair extensions to, beautifying, or otherwise treating by any means, the hair of any person.

7325.
Qualifications for Admittance to Take a Hairstylist Exam
The board shall admit to examination for a license as a hairstylist, any person who has made application to the board in proper form, paid the fee required by this chapter, and is qualified as follows:

(a) Is not less than 17 years of age.

(b) Has completed the 10th grade in the public schools of this state or its equivalent.

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

(d) Has done any of the following:

(1) Completed a course in hairstyling from a Cosmetology or barber school approved by the board.

(2) Practiced the application of hairstyling, as defined in this chapter, outside of this state for a period of time equivalent to the study and training of a qualified person who has completed a course in hairstyling from a school the curriculum of which complied with requirements adopted by the board. Each three months of practice shall be deemed the equivalent of 100 hours of training for qualification under paragraph (1).

7362.5

c) A course in hairstyling established by a school shall consist of not less than 1,100 hours of practical training and technical instruction in the practice of cosmetology as defined in Section 7316, except as provided in this chapter.

7362

(f) The practice of **hair removal (waxing)** is all or any combination of the following practices:

(1) Removing superfluous hair from the body of any person by the use of depilatories or by the use of tweezers, sugaring, non-prescription chemicals, waxing or preparations or by the use of devices or appliances of any kind or description, except by the use of light waves, commonly known as rays.

7325.

Qualifications for Admittance to Take a Hair Removal (Waxing) Exam

The board shall admit to examination for a license as a wax technician, any person who has made application to the board in proper form, paid the fee required by this chapter, and is qualified as follows:

(a) Is not less than 17 years of age.

(b) Has completed the 10th grade in the public schools of this state or its equivalent.

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

(d) Has done any of the following:

(1) Completed a course in hair removal (waxing) from a Cosmetology school approved by the board.

(2) Practiced the application of hair removal (waxing), as defined in this chapter, outside of this state for a period of time equivalent to the study and training of a qualified person who has completed a course in hair removal from a school the curriculum of which complied with requirements adopted by the board. Each three months of practice shall be deemed the equivalent of 100 hours of training for qualification under paragraph (1).

7362.5

(e) A course in hair removal (waxing) established within a school of cosmetology shall consist of not less than 275 hours of practical training and technical instruction in accordance with a curriculum established by board regulation.

(g) The practice of **make-up** is all or any combination of the following practices:

> (1) Applying makeup, prosthetics, or eyelashes to any person.
> (2) For the purposes of this chapter, "makeup" is defined as a cosmetic substance such as, but not limited to, a cream, lotion, or powder used to color and beautify the face and body in order to improve, alter, or enhance the appearance and includes fashion makeup, theatrical makeup, special effects makeup, airbrushing, high-definition makeup, and corrective makeup.

7325.

Qualifications for Admittance to Take Make-up Artist Exam

The board shall admit to examination for a license as a make-up artist, any person who has made application to the board in proper form, paid the fee required by this chapter, and is qualified as follows:

(a) Is not less than 17 years of age.

(b) Has completed the 10th grade in the public schools of this state or its equivalent.

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

(d) Has done any of the following:

(1) Completed a course in make-up artistry from a Cosmetology school approved by the board.

(2) Practiced the application of make-up, as defined in this chapter, outside of this state for a period of time equivalent to the study and training of a qualified person who has completed a course in make-up application from a school the curriculum of which complied with requirements adopted by the board. Each three months of practice shall be deemed the equivalent of 100 hours of training for qualification under paragraph (1).

7362.5
(d) A course in makeup artistry established within a school of cosmetology shall consist of not less than 250 hours of practical training and technical instruction in accordance with a curriculum established by board regulation.

Issue 3: Statutory Authority for Reimbursements

Outcome Desired

Legislative changes to clarify section 103 of the business and professions code applies to board members and Health and Safety Advisory Committee members in that members can be reimbursed for travel and receive per diem.

Background and Justification for Change

This request is simply to clarify under the Board of barbering and Cosmetology Act that members of the Board and the Health and Safety Advisory Committee are reimbursed for travel and per diem according to Business and Professions Code section 103.

Recommended Language

7303 (b)
The board shall consist of nine members. Five members shall be public members, and four members shall represent the professions. The Governor shall appoint three of the public members and the four professional members. The Senate Committee on Rules and the Speaker of the Assembly shall each appoint one public member. Members of the board shall be appointed for a term of four years, except that of the members appointed by the Governor, two of the public members and two of the professions members shall be appointed for an initial term of two years. No board member may serve longer than two consecutive terms. Each member of the board shall receive per diem and expenses as provided in Section 103.

7314.3.
(a) The board shall establish a Health and Safety Advisory Committee to provide the board with advice and recommendations on health and safety issues before the board that impact licensees, including how to ensure licensees are aware of basic labor laws. Basic labor laws include, but are not limited to, all of the following:

(1) Key differences between the legal rights, benefits, and obligations of an employee and an independent contractor.

(2) Wage and hour rights of an hourly employee.

(3) Antidiscrimination laws relating to the use of a particular language in the workplace.

(4) Antiretaliation laws relating to a worker's right to file complaints with the Department of Industrial Relations.

(5) How to obtain more information about state and federal labor laws.

(b) Each member of the committee shall receive per diem and expenses as provided in Section 103.

~~(b)~~ (c) This section shall become inoperative on July 1, 2019, and, as of January 1, 2020, is repealed.

Issue 4: Clarifying Authority Regarding Access to Approved Schools

Outcome Desired

Legislative change that clarifies that a Board representative can not only have access to a school to ensure compliance with health and safety requirements but also to ensure that the curriculum approved by the board is what is actually being taught in school.

Background and Justification for Change

The board has visited several schools over the past two years where it has been found that schools are only teaching students to pass the examination and not the required curriculum. In speaking with students and instructors of these schools many had never seen the Board's laws and regulations and did not know what the Health and Safety Course was. The Board believes that clarifying access to ensure proper curriculum is being taught will allow the board to ensure students are learning the curriculum and not just how to pass the test.

Recommended Language

7313 b)
To ensure compliance with health and safety requirements adopted by the board and requirements for a board approved school as set forth in this chapter and in regulations, the executive officer and authorized representatives shall, except as provided in Section 159.5, have access to, and shall inspect the premises of, all schools in which the practice of barbering, cosmetology, or electrolysis is performed on the public. Notices of violation shall be issued to schools for violations of regulations governing conditions related to the health and safety of patrons. Each notice shall specify the section violated and a timespan within which the violation must be corrected. A copy of the notice of violation shall be provided to the Bureau for Private Postsecondary Education.

Issue 5: Clean-up Language due to Personal Service Permits

Outcome Desired

Legislative changes to various sections that will allow for a Personal Service Permit holder to perform services outside of a licensed salon.

Background and Justification for Change

The implementation of a Personal Service Permit requires various statue changes that currently state all services must be performed in a licensed establishment. This request provides necessary clean-up language to the Board's existing statutes.

Recommended Language

7317.
Except as provided in this article, it is unlawful for any person, firm, or corporation to engage in or facilitate barbering, cosmetology, or electrolysis for compensation without a valid, unexpired license issued by the board, or in an establishment or mobile unit other than one licensed by the board, or conduct or operate an establishment, or any other place of business in which barbering, cosmetology, or electrolysis is practiced unless licensed under this chapter. Persons licensed under this chapter shall limit their practice and services rendered to the public to only those areas for which they are licensed. Any violation of this section is subject to an administrative fine and may be subject to a misdemeanor.

7342.
Licenses in the practice of the occupation for which the license was sought shall be issued by the board to any applicant who satisfactorily passes an examination, who possesses the other qualifications required by law and who has remitted the license fee required by this chapter. The license shall entitle the holder to engage in the practice of that occupation in a licensed establishment or outside of a licensed establishment with a valid Personal Service Permit. The license shall be issued by the board on the same day that the applicant satisfactorily passes the examination.

7349.
It is unlawful for any person, firm, or corporation to hire, employ, or allow to be employed, or permit to work~~, in or about an establishment~~, any person who performs or practices any occupation regulated under this chapter and is not duly licensed by the board, except that a licensed ~~cosmetology~~ establishment may utilize a student extern, as described in Section 7395.1.

Issue 6: Statutory Change to Strengthen and Clarify the Prohibition of the Practice of Medicine

Outcome Desired

Legislative changes that clarify that individuals and establishment cannot perform or offer to perform services that are considered the practice of medicine.

Background and Justification for Change

The Board often finds services that are being offered by Board licensees that are considered practice of medicine. The Board's current authority only refers to "practicing" and therefore many establishments are not observed to be practicing these services but are offering these services. The Board believes that not only is the practice of medicine egregious and significantly harmful to consumers, but establishments that are offering these services should also be held accountable when services are offered, and no medical provider is connected to the establishment.

Recommended Language

7320.
This chapter confers no authority to practice medicine or surgery. The practice of medicine shall not be performed by or offered by a licensee under this chapter without being authorized and licensed to perform the act pursuant to a certificate obtained in accordance with some other provision of law.

Issue 7: Statutory Changes to the Pre-Apprentice Training Program

Outcome Desired

Legislative changes that will require the pre-apprentice training to be completed by an individual licensed apprentice after they are licensed but before they perform any services on the public.

Background and Justification for Change

The Board has been made aware of various apprentices that are being required to take the apprentice training more than once (for example if an apprentice changes a sponsor). This is requiring an individual to pay a sum of money, often a significant amount, multiple times prior to obtaining their scope of practice license. This change will require that training (which is based on the health and safety regulations of the Board) to take that training only after they obtain their apprentice license. This legislative change would also allow the option for the Board to develop its own on-line training specifically for apprentices.

Recommended Language

7334 (c).
All persons ~~making an application~~ licensed as an apprentice in barbering shall ~~also~~ complete a minimum of 39 hours of pre-apprentice training that is approved by the board in a facility approved by the board prior to serving the general public. The board may provide pre-apprentice training.

7334 (d).
All persons ~~making an application~~ licensed as an apprentice in cosmetology, skin care, mail care or electrology shall ~~also~~ complete a minimum of 39 hours of pre-apprentice training that is approved by the board ~~for the length of time established by the board~~ in a facility approved by the board prior to serving the general public. The board may provide pre-apprentice training.

Issue 8: Statutory Changes to Clarify Licensee in Charge

Outcome Desired

Legislative change that clarifies who can be in charge of a licensed establishment.

Background and Justification for Change

This legislative change will clarify that a licensee in charge is an individual who is licensed by the Board as well as an individual who holds the establishment license. In addition, the addition of "services provided" allows for establishments to ensure they have a licensee in charge only when services regulated by the board are being performed. For example, a massage establishment that occasionally offers esthetic services should not have to employ a licensee to be in charge unless there are esthetic services being performed.

Recommended Language

7348.
An establishment shall at all times that barbering, cosmetology and/or electrology services are being performed be in the charge of a person licensed pursuant to this chapter except an apprentice. A person licensed pursuant to this chapter means an individual who holds a cosmetologist, barber, manicurist, esthetician, electrologist or establishment owner.

Issue 9: Statutory Changes to Strengthen the Board's Authority of Approved Schools

Outcome Desired

Legislative changes that clarify the board can inspect schools to ensure the approved curriculum is being taught as well as increasing grounds for discipline when schools are found to be providing fraudulent documentation or selling hours.

Background and Justification for Change

Over the last two years the Board has been visiting approved schools only to find that the approved curriculum is not being taught. Many schools are only teaching students how to pass the licensing examination and are then forging Proof of Training documents stating that students have completed the full course. These legislative changes will make it clear that since the Board approves the curriculum, it can also enforce that what was approved is being taught. This request also will state that it is grounds for disciplinary action when a school sells hours, provides fraudulent proof of training documents and does not teach the approved curriculum.

Recommended Language

7363 (a).
The board shall inspect a school prior to approval of that school to determine the following:

Minimum equipment
Text books of use
Course of instruction including curriculum, lesson plans, method of instruction and tracking of hours.

(b) The board or its duly authorized representatives shall inspect schools to reasonably determine compliance levels.
(c) The board shall maintain a program of random and targeted inspections of schools to ensure compliance with applicable laws relating to the operation of schools as well as laws pertaining to the health and safety of the public.

7362.

(c) Notwithstanding any other law, the board may revoke, suspend, or deny approval of a school, in a proceeding that shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, when an owner or employee of the school has engaged in any of the acts specified in paragraphs (1) to (8), inclusive.

(1) Unprofessional conduct which includes, but is not limited to, any of the following:

(A) Incompetence or gross negligence, including repeated failure to comply with generally accepted standards for the practice of barbering, cosmetology, or electrology, or disregard for the health and safety of patrons.

(B) Repeated similar negligent acts.

(C) Conviction of any crime substantially related to the qualifications, functions, or duties of the owner of an approved school, in which case, the records of conviction or a certified copy thereof shall be conclusive evidence of the conviction.

(D) Providing fraudulent Proof of Training documents to individuals who have not completed the required course.

(E) Not providing to students the full course of instruction in the specified field.

(2) Repeated failure to comply with the rules governing health and safety adopted by the board and approved by the State Department of Public Health, for the regulation of board-approved schools.

(3) Repeated failure to comply with the rules adopted by the board for the regulation of board-approved schools.

(4) Continued practice by a person knowingly having an infectious or contagious disease.

(5) Habitual drunkenness, or habitual use of, or addiction to the use of, any controlled substance.

(6) Obtaining or attempting to obtain practice in any occupation licensed and regulated under this chapter, or money, or compensation in any form, by fraudulent misrepresentation.

(7) Refusal to permit or interference with an inspection authorized under this chapter.

(8) Any action or conduct that would have warranted the denial of a school approval.

Technical Clean up

7364.
A skin care course established ~~by~~ within a school of cosmetology shall consist of not less than 600 hours of practical training and technical instruction in accordance with a curriculum established by board regulation.

(Amended by Stats. 2003, Ch. 788, Sec. 45. Effective January 1, 2004.)

7365.
A nail care course established ~~by~~ within a school of cosmetology shall consist of not less than 350 hours of practical training and technical instruction in accordance with a curriculum established by board regulation.

(Amended by Stats. 2003, Ch. 788, Sec. 46. Effective January 1, 2004.)

Issue 10: Repeal of California Business and Professions Code, Section 7409

Outcome Desired

Legislative change to repeal section 7409.

Background and Justification for Change

Several years ago, the Board's administrative fine schedule allowed for a licensee to have their fine removed on a specific violation when the violation was a first offense and when the licensee stated in writing that they had corrected the violation. It was determined that waivable fines were not a deterrent for licensees to correct the violation and prevent future violations. The Board moved away from waivable violations by updating its Administrative Fine schedule set in California Code of Regulations and indicated that no fine was waivable. Therefore, section 7409 is no longer relevant.

Recommended Language

7409.
~~Any licensee served with a citation may avoid the payment of the associated administrative fine by presentation of written proof satisfactory to the board, or its executive officer, that the violation has been corrected. This provision applies only to a licensee's first violation in any three-year period of any single provision of this chapter or the rules and regulations adopted pursuant to this chapter. Proof of correction shall be presented to the board, through its executive officer, in a time and manner prescribed by the board. The board may, in its discretion, extend for a reasonable period the time within which to correct the violation upon the showing of good cause. Notices of correction filed after the prescribed date shall not be acceptable and the administrative fine shall be paid.~~