

**CALIFORNIA
BOARD OF BARBERING AND COSMETOLOGY**



OCTOBER 24, 2022

BOARD MEETING

**Wyndham San Diego Bayside
Coast Ballroom
1355 N. Harbor Drive
San Diego CA 92101**

**CALIFORNIA BOARD OF
BARBERING AND
COSMETOLOGY**

**BOARD MEETING NOTICE AND
AGENDA**

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

BOARD MEMBERS:
Steve Weeks,
President
Calimay Pham,
Vice-President
Megan Ellis
Tonya Fairley
Kellie Funk
Reese Isbell
Yolanda Jimenez
Colette Kavanaugh
Derick Matos
Danielle Munoz
Jacob Rostovsky

October 24, 2022
Wyndham San Diego Bayside
Coast Ballroom
1355 N. Harbor Drive
San Diego CA 92101

**9:00am - Until Completion of
Business**

AGENDA

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

OPEN SESSION:

1. Call to Order/ Roll Call/ Establishment of Quorum (**Steve Weeks**)
2. Board President's Opening Remarks (**Steve Weeks**)
3. Board Member Remarks – Informational only
4. Discussion and Possible Approval of the July 25, 2022, Board Meeting Minutes
5. Executive Management Reports (**Kristy Underwood**)
 - a) Administration and Operations
 - b) Licensing, Examinations, and Disciplinary Review Appeals
 - c) Enforcement, Inspections, and Cite and Fine
 - d) Outreach
 - e) SB 803 (Roth) Implementation Plan
6. Proposed Board Meeting Dates and Locations for 2023
7. Review and Possible Approval of the Board's Proposed Strategic Plan (2023-2027)
8. Overview of the Board's Enforcement Processes
 - a) Probation
 - b) Reinstatement
 - c) Inspections
 - d) Cite and Fine
9. Review and Discussion of Current Materials the Board Distributes During:
 - a) Establishment License and Renewal Issuance
 - b) Inspections

- c) Citation Mailing
- d) Enforcement Case Correspondence

10. Report on the September 26, 2022, Health and Safety Advisory Committee Meeting
(Calimay Pham, Chairperson)

11. Report on the October 10, 2022, Licensing and Examination Committee Meeting
(Derick Matos, Chairperson)

12. Report on the October 10, 2022, Education and Outreach Committee Meeting **(Tonya Fairley, Chairperson)**

13. Report on the October 10, 2022, Enforcement and Inspections Committee Meeting
(Danielle Munoz, Chairperson)

14. Legislative Update:

- a) AB 646 (Low) Department of Consumer Affairs: Board: Expunged Convictions
- b) AB 1604 (Holden) The Upward Mobility Act of 2022: Boards and Commissions: Civil Service: Examinations: Classifications
- c) AB 1661 (Davies) Human Trafficking: Notice
- d) AB 1733 (Quirk) State Bodies: Open Meetings
- e) AB 2196 (Maienschein) Barbering and Cosmetology: Instructional Hours

15. Discussion and Possible Action Regarding Rulemaking Proposals:

- a) Discussion and Possible Action to Initiate a Rulemaking to Amend Title 16, California Code of Regulations (CCR) sections 904, 909, 931, 932, 937, and 962, and Repeal sections 928, 934, 950.1, 950.2, 950.3, and 950.4 (SB 803 Clean Up)
- b) Rulemaking Proposal to Amend Title 16, CCR sections 913, 913.1, 914.1, 914.2, 915, 917, 918, 918.1, 919, 919.1, 920, 921, 921.1, 921.2, 922, 924, 924.1, 925, 926, 927 (Apprenticeship)
- c) Discussion and Possible Action to Consider Changes to Previously Proposed Text and Reauthorization of a Regular Rulemaking Proposal to Amend Title 16, CCR section 950.10 (Transfer of Credit)
- d) Rulemaking Proposal to Amend Title 16, CCR section 961 (Instructional Materials)
- e) Rulemaking Proposal to Amend Title 16, CCR sections 962, 962.1 and 962.2 (Externs)
- f) Rulemaking Proposal to Amend Title 16, CCR section 972 (Disciplinary Guidelines)
- g) Rulemaking Proposal to Amend Title 16, CCR section 974.1 (Disciplinary Review Committee)

16. Public Comment on Items Not on the Agenda

Note: The Board may not discuss or take any action on any item raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting (Government Code Sections 11125, 1125.7(a))

17. Suggestions for Future Agenda Items

18. **CLOSED SESSION:**

Pursuant to Section 11126 of the Government Code the Board Will Meet in Closed Session to Conduct the Executive Officer's Performance Review.

RECONVENE IN OPEN SESSION

19. Adjournment

Note: This meeting will be Webcast, provided there are no unforeseen technical difficulties or limitations. To view the Webcast, please visit <https://thedcapage.wordpress.com/webcasts/>. If you wish to participate or to have a guaranteed opportunity to observe, please plan to attend at a physical location. Adjournment, if it is the only item that occurs after a closed session, may not be webcast.

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

The meeting is accessible to the physically disabled. A person who needs disability-related accommodation or modification in order to participate in the meeting may make a request by contacting: Natalie Mitchell at (916) 244-6644, email: natalie.mitchell@dca.ca.gov, or send a written request to the Board of Barbering and Cosmetology, PO Box 944226, Sacramento, CA 94244. Providing your request is a least five (5) business days before the meeting will help to ensure availability of the requested accommodations. TDD Line: (916) 322-1700.

Agenda Items

No. 1-3

No Attachments

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

BOARD MEETING

MINUTES OF JULY 25, 2022

BOARD MEMBERS PRESENT

Steve Weeks, President
Calimay Pham, Vice President
Megan Ellis
Tonya Fairley
Yolanda Jimenez
Derick Matos
Danielle Munoz

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Officer
Carrie Harris, Deputy Executive Officer
Sabina Knight, Board Attorney
Kristy Schieldge, Board Regulations Attorney
Allison Lee, Board Project Manager
Marcene Melliza, Board Analyst

OPEN SESSION

1. AGENDA ITEM #1, CALL TO ORDER/ROLL CALL/ESTABLISHMENT OF QUORUM

Steve Weeks, Board President, called the meeting to order at approximately 10:00 a.m. and confirmed the presence of a quorum.

2. AGENDA ITEM #2, PETITION FOR REINSTATEMENT HEARING

- Robert Sumler, Petition for Reinstatement of License, Barber License #B68079

CLOSED SESSION

a. Pursuant to Government Code Section 11126 (c) (3), the Board will meet in Closed Session to Deliberate on Disciplinary Matters.

The Board met in closed session as permitted by law to deliberate on disciplinary matters.

b. Adjourn Closed Session and Reconvene Open Session.

Mr. Weeks reconvened the meeting. He welcomed the Board members back and confirmed the presence of a quorum.

3. AGENDA ITEM #3, BOARD PRESIDENT’S OPENING REMARKS (STEVE WEEKS)

Mr. Weeks announced the resignation of Jacquelyn Crabtree. He appreciated the opportunity to have served with her for four years, mentioning that she had been an active Board member and outspoken in her advocacy for the Board rules and regulations. Ms. Crabtree had also given the Board unique insights as an establishment owner. Mr. Weeks wished her well.

Mr. Weeks also welcomed the new public Board member Danielle Munoz of Sacramento. The Governor recently appointed Ms. Munoz. She holds a master's degree in marriage, family, and child counseling and is currently a director of the CARES Office at California State University, Sacramento.

Mr. Weeks mentioned that as the Board is currently constituted, talent is abundant and that the backgrounds of each Board member match the responsibility of the Board. As new Board members are welcomed aboard, Mr. Weeks stated that the current Board members should take the time to reflect on their responsibilities to the public, the licensees, and staff. He further challenged the Board members to individually take on an issue where they can improve Board services to the public and become experts on that issue. He also noted that the task of the Board is to take the long-term view, and its role is to protect.

4. AGENDA ITEM #4, BOARD MEMBER REMARKS – INFORMATIONAL

Mr. Isbell inquired about the number of Board openings remaining to be filled. Ms. Underwood stated that there are five vacancies. With Ms. Crabtree leaving, there was a need for another cosmetologist or owner, but Ms. Fairley could cover either seat. The other vacancies are an electrologist, an esthetician, a manicurist, and a public Board member. They will all be Governor-appointed.

5. AGENDA ITEM #5, DISCUSSION AND POSSIBLE APPROVAL OF THE APRIL 25, 2022, BOARD MEETING MINUTES

Ms. Pham proposed an amendment to the minutes. She quoted a line in the first paragraph on page eight of the minutes stating, "Ms. Underwood stated that currently, the Governor’s wage fee was still in effect." Ms. Underwood clarified that it should be a 'waiver of fees', not a 'wage fee.'

MOTION: Ms. Pham moved to approve April 25, 2022, Board Meeting minutes as amended. Ms. Ellis seconded. Motion was opened up for public comment. No public comments were received. Motion carried 8 yes, 0 no, and 0 abstain, per roll call vote as follows: The following Board Members voted “Yes”: Steve Weeks, Calimay Pham, Megan Ellis, Tonya Fairley, Reese Isbell, Yolanda Jimenez, Derick Matos, and Danielle Munoz.

6. AGENDA ITEM #6, EXECUTIVE MANAGEMENT REPORTS (KRISTY UNDERWOOD)

- **Administration and Operations**

Ms. Underwood providing an update on staffing. There is a new staff person who will be taking over the school's desk and handling anything school-related, such as new applications, enforcement cases, et cetera. Several vacancies remain unfilled. Staff is currently recruiting

for a regulations and contracts analyst. This is the third time the position will be posted. Many state offices have been facing hiring challenges. Hopefully, soon there will be good news. On new fleet procedures, staff is currently in the process of ordering new vehicles for inspectors. In this process, older vehicles or those with the most miles are surveyed, and new ones are brought in. One Tesla and some Honda Accord hybrids will be added to the fleet. This is based on a contract with the Department of General Services.

Ms. Underwood reported that there was a comment on the strategic planning session that will be held tomorrow. She referenced the current expenditures, which were part of the Board packet, and noted that the budget is currently healthy, a direct result of the changes from SB 803. She mentioned that staff has been working closely with the Department of Consumer Affairs (DCA) budget office to correct the red lines to ensure that the Board is appropriately allocated. She stated that even though the Board's expenditure is standard, the allocation has to be done by the budget office.

Mr. Isbell inquired about COVID's impact on the budget, especially around travel and meetings. Ms. Underwood stated that the impact was minimal since the Board had saved on travel money by holding online meetings. The Governor had also waived the renewal fees for two years, but there were reimbursements from the general fund. She also confirmed that future budgets would not be impacted.

Mr. Weeks asked if some of the money in the 16-month reserve could be allocated to special projects that could enhance the operations of the Board. Ms. Underwood stated that there were some special projects that staff was looking into. She mentioned that the Board had been recently awarded an opportunity to have its inspectors go paperless and have an electronic inspection report. Ms. Carrie Harris was working on a project with two other boards that would potentially receive the funds for that. Ms. Harris had recently submitted a pitch to see if this Board would be eligible for those funds. Ms. Underwood stated that the project would not significantly impact the budget but would immensely impact operations. Mr. Weeks asked if other boards with similar inspector positions were utilizing electronics. Ms. Underwood stated that no one in the department was using electronics. The other two boards interested in the project are the Veterinary Medicine and Dental Boards.

Ms. Underwood stated staff is working on a fee study to check if the fees are appropriate. Ms. Underwood stated that the Board should be charging what it costs to run it. The renewal fees are meant to support enforcement. The application and licensing fees should be whatever the cost is to the Board. Ms. Underwood mentioned that the changes in SB 803 will help determine what needs to be changed. The fee study was expected to be done by September, but now staff is hoping to be done by the end of the year.

Mr. Weeks noted that this Board charges less license renewal fees than other boards. Ms. Underwood agreed that this is one of the less expensive Boards. This is because the Board has a high volume, which decreases the fee. She also mentioned that with the elimination of the practical exams, there are no longer any staffing, rent, leases, or all the utilities that go along with maintaining two examination facilities, which saves on expenses. Mr. Weeks also wondered if the reduction in expenses and the budget surplus could be used for other projects on the Board's wish list. Ms. Underwood stated that that would depend on the

project. The money could be spent on newsletters, for example, but not on hiring more people because the Board is allocated a certain amount.

Ms. Underwood reiterated that the biggest challenge was getting applicants, though there has been some improvement lately. The Board could, however, hire additional staff for limited-term positions. These positions will not be technically allocated. The additional staff could help address the email situation at the Board office. This was already approved so that the Board could use the funds for such. Mr. Weeks asked if the Board was competing against other parts of the state government which were doing better in soliciting employees. Ms. Underwood stated that most departments seemed to be experiencing the same labor challenges. COVID has sent everyone home, and some boards have shifted to teleworking full-time. Since this is a production-oriented Board, teleworking a hundred percent is impossible. Thus, most employees chose to work for the teleworking boards.

- **Licensing, Examinations, and Disciplinary Review Appeals**

Ms. Underwood reported that new staff had been hired in the licensing unit. The vacancies are not creating backlogs. Staff is continuing to recruit for all vacant positions.

Ms. Underwood mentioned that last week, staff had received over a thousand emails they could not respond to. All the staff members who had been trained to answer emails had to stop working to answer the emails, then over the weekend, about 400 new emails were received. Mr. Weeks was concerned that executive staff were sometimes being taken away from their assigned positions to answer questions that might not be related to them at all. This, according to him, was not serving the public well. Ms. Underwood mentioned that a notice would be sent to schools informing them that they would not be getting status updates on students who had only finished school two weeks ago. This is because some of the questions received at the office want to check the status of applicants who recently did their application. Some staff responsible for processing the applications usually have to stop their work to answer the emails. An automated response had therefore been created for the schools. She further mentioned that students could schedule their exams once the applications are processed. This process is going well and is perceived by the applicants to be faster.

Mr. Matos asked if there were other patterns in the emails received apart from schooling. He also asked if automating those areas once they are identified as possible. Ms. Underwood stated that the automated response was good and frequently used during COVID for the most common questions. The automated responses are reviewed and changed all the time. However, the staff is all about customer service and would like to give a personal touch to the emails. Ms. Underwood mentioned that emails were now overwhelming, they would have to be automated, but the responses would be reviewed frequently. Ms. Fairley asked if the automated responses listed facts and questions and if they had a link that could direct someone to another page should they needed more information. Ms. Underwood stated that the automated responses listed facts and questions, but they did not have links that led to other pages. People are usually just referred to the Board's website. Ms. Underwood explained that if a question is not answered in the automated response, staff will personally respond to the person. If the question is about a citation, it gets sent to the citation unit, and the person will get a response directly from someone. The only people who do not get a

response are those inquiring about exam dates when they only submitted their applications a few days ago. Other people who experience technical issues with the BreEZe system get automatic responses that tell them whom to contact.

Mr. Weeks asked if there was a commitment to the limited staff issue and the timeframe on it. Ms. Underwood stated that recruitment is ongoing, but there are no places for staff to sit. The department recently came out with a new telework agreement, so staff will be looking into "hoteling." There is also a large conference room in the Board's office that is not used. Discussions were underway with the Department of Consumer Affairs and Department of General Services to see if desks could be put in that room to act like a call center.

Mr. Weeks also asked if the limited staff positions would go against the '22/'23 budget. Ms. Underwood explained that it would if salaries were being paid. However, there had been many salary savings from vacant positions. Most of the money will come out of the allocation for other positions.

Mr. Weeks inquired how long it would take to get the temporary telephone in. Ms. Underwood stated that it would take months because they would have to be trained. Quarterly applications received increased in all areas, according to Ms. Underwood. Even the Personal Service Permit increased, and about 29 were received. Mr. Weeks asked why the PSP numbers were low. Ms. Underwood stated that most people were providing the services illegally out of their homes. Mr. Weeks also wondered if there was a way to send a directive. Ms. Underwood mentioned that Staff was working on additional outreach information to send to licensees and another one in general for consumers.

Ms. Underwood presented a document showing the examination results for April 1 through June 30. She mentioned that the exam pass rates would have gone lower at the next board meeting because a new exam had been implemented on July 1. Anytime exams are changed, the pass rates go down, but she received an update this morning indicating that the pass rates had started picking up. Ms. Fairley noted that the Spanish fail rate was significantly higher. She asked if the languages on the tests that have been changed were being analyzed to address that failure rate. Ms. Underwood stated that the data she presented had been for the prior exams. When the full quarter's worth of the new exam comes out, the Board will look at the pass rates for Spanish and then work with the testing vendor to see if they can give any recommendations. Staff hoped that the vendor would identify where those people were performing poorly and communicate to the schools.

Mr. Isbell asked how a student who speaks a language not listed among the four is handled. Ms. Underwood stated that such a student could bring their interpreter into the exam room. The requirements that the interpreter must meet includes that they can't be a licensee or a student and must not have served as an interpreter before on any exam. The interpreter program is done in a separate room. The interpreter sits next to the candidate, and they interpret the exams for them in real time. Mr. Isbell also asked how the level of need for a potential additional language is determined. Ms. Underwood stated that there are several ways. One, there's a law that requires the Board to provide information in a different language other than English if the population is 5% or more. The population in Spanish and Vietnamese is more significant than 5% but less in Korean. However, since the exam is done in Korean, the Board also thought it was appropriate to offer it in Korean. The interpreter

tracks the languages to check on the increases. For example, the health and safety regulations have been translated into Farsi, Arabic, Chinese traditional, and simplified Chinese because these languages have had the highest number of interpreters. These languages have, however, never met the level of having an exam.

Ms. Pham asked if the exam vendor changes because the practical exam was removed. Ms. Underwood stated that the Board chose to change the vendor. The exams are, however, still based on the same textbooks.

Mr. Weeks asked if the Board tracked the language students were taught at their school versus the language they choose to take their exams in. Ms. Underwood stated that data is not collected in the system, so it is not tracked. However, the Bureau of Private Post-Secondary approves schools teaching in a different language. Ms. Underwood mentioned that staff had looked at the Bureau's website and compared the schools that taught those languages to schools that did not teach them but had their students take the test in those languages. That is where the problem was identified: many students who chose to take the test in Spanish did not go to a Spanish-speaking school. Ms. Underwood further stated that both languages display the test on the computer. However, she thought that the data would improve if only students attending a Spanish-speaking school were compared to Spanish testers from the apprenticeship program.

Mr. Weeks pointed out that some schools may be approved as Spanish teaching schools but did not teach in Spanish. They would only use it as a disguise to bring more students to their school. Ms. Underwood added that some might have been approved to teach Spanish years ago and stopped doing it along the way.

Mr. Isbell asked if the exams are written at a specific grade level and if those grade levels fit with the results. Ms. Underwood stated that the law requires that the exams be 10th-grade level. As for the translations, they go through the translation process and then go through a separate process where licensees from the industry are brought in to look at the exam questions. The questions then go through adaptation. This ensures that the translations are industry specific because many different words could be mistranslated. Ms. Underwood stated that the data received from the new exam vendor will determine which area will be worked on with the schools. She also confirmed that the 10th-grade level is state-mandated. The next Board meeting might receive early data.

Ms. Underwood also presented exam results broken down by comparison to show schools, apprentice programs, and out of the country. Another document showed the comparison of the schools with the language added in. She mentioned that there are close to 260 school programs, and only about 20 teach in Spanish. Mr. Matos asked if there is a revocation process for a school to be defined as Spanish speaking, and if they don't meet that requirement, the title is revoked. Ms. Underwood stated that the Board is not authorized to handle such matters.

Ms. Underwood also reported that licenses issued from April to June increased in the quarter. The license population remained around 622,000.

Regarding the Disciplinary Review Committee, Ms. Underwood thanked the Board members who had served. She mentioned that there had been a Los Angeles DRC hearing that few people had shown up to. The DRC staff had contacted everyone, and the DRC in Sacramento had been successful. The next one will be in San Diego in about two weeks, followed by one in Burbank in October. She was optimistic that DRC would be strong at the end of the year.

Ms. Fairley inquired about the average length of time the appeals had been pending to get into the DRC. Ms. Underwood stated that at the time of the DRC in Sacramento, there were only a few months old appeals. However, due to COVID, the ones scheduled in Burbank were two years old. Mr. Weeks pointed out that an extension had been given for those who wanted to appeal in person, but there had been an election not to do it as it would extend the appeals even further. Ms. Underwood explained that it doesn't impact a person's license when they have an appeal. For example, if a license that expires at the end of the month receives a citation, an appeal on that would not affect the renewal of the license. If there is no appeal, however, it would impact the renewal. This is because outstanding fees affect a renewal, but an appeal freezes a citation.

- **Enforcement, Inspections, and Cite and Fine**

Ms. Underwood reported that the enforcement unit lacks a manager and recruitment is ongoing. There is also no manager in Inspections and Cite and Fine. Staff is working with the DCA on a package to look at the pay of the inspectors. It is a slow process that has been ongoing for a while.

Ms. Underwood further reported that staff is also looking at revamping the enforcement unit to make it more productive in the field. This includes changing some positions to special investigators. Special investigators would handle more than what an inspector does. While an inspector figures out everything they can find and educates on how to fix it, a special investigator may interview a licensee who has committed some harm or interview a consumer. Ms. Underwood mentioned that most boards in the department use special investigators. Mr. Weeks asked if the same law enforcement credentials about the number of units apply to the special investigators. Ms. Underwood stated that it would be different since the special investigators are not sworn, peace officers. They would be a different pool of candidates with that educational background. She also mentioned that special investigators make more money.

Mr. Weeks also inquired about resumes for enforcement managers. Ms. Underwood stated that the position had been advertised, but no applications had yet been received. The position must be posted online for at least ten days. The Staff has also increased online outreach to try to get applicants. They have recently started posting jobs on Indeed and Handshake.

Ms. Underwood reported that five licensees completed their probation last quarter. The total number of probationers is now 144. The probation analyst left moved out of state, so recruitment is ongoing for another one. Only one person covers the position and also handles the reinstatement cases and consumer complaints.

Ms. Underwood stated that a few cases are referred to the Attorney General. These are the formal discipline cases where consumer harm happens, and there's enough evidence to go towards complete revocation with the AG's office and the administrative law judge. The Board receives many citations, so the AG cases are the general ones people would have to ask for reinstatement.

Ms. Underwood stated information on schools was added to the website. There are two hundred fifty-two schools approved schools. Before, the website had no information on how to open a school. Now there is a school page where the applications have been updated. The Board does not charge any fee for opening a school, but the BPPE charges \$5000. Since a person must get both approvals, staff first refers them to the BPPE to clear the fee.

Ms. Underwood presented a pie chart showing the different types of complaints received. In the last quarter, 1,206 complaints were received. This is up by about 200 from the prior quarter. Complaints are rising probably because people are getting back into the salons after COVID. Ms. Fairley inquired about the time it takes for inspectors to take action when a complaint is received, especially complaints about the unlicensed activity. Ms. Underwood stated that the fastest response usually takes a few weeks. She explained that when the complaint comes in, it goes to the intake unit. The intake staff then assigns it to an analyst to look at, and the analyst must review it and decide on what to do with it. An unlicensed activity complaint gets an inspection request fast. The analysts currently have a caseload of about 200, a huge number due to the two vacancies in the enforcement unit. Ms. Underwood mentioned that, given the workload, the analysts are still getting the requests out faster than expected. Consumer harm complaints get inspection requests faster.

Ms. Underwood reported that there had been one revoked person in the last quarter and one suspension. Inspections were also increasing, which might lead to increased citations.

On request for payment notices, Ms. Underwood stated that these are citations for people that have chosen not to pay. These people get three notices to pay their bills. After that, they get referred to collections or the Franchise Tax Board. This is where the money is then collected. Ms. Underwood mentioned that a new process for this had been initiated. The Board provided a report to show the work done in April and May. A report on payment plans was also provided.

- **Outreach**

Ms. Underwood stated staff is working with DCA's Public Affairs Office on increasing awareness of the Personal Service Permit. Several videos are being prepared for that. They are also assisting the Board with a Safe Sandal Season video, which is done every summer to promote consumers being careful with pedicures.

Ms. Underwood provided a summary of recent outreach events. There were two successful town hall meetings with schools to discuss the new tests that went into effect in July. They received lots of attendance and good questions. The Board also attended a SoCal Beauty and Barber event for professionals and students. The Board attended a Virtual Senior Rally to provide consumer publications and information. Ms. Underwood was interviewed on a podcast, the Hair Game. She was asked to discuss changes on the Board, SB 803, among

other things. The International Salon & Spa Expo was held in Long Beach and Ms. Underwood thanked Ms. Harris, Ms. Torkelson, and Ms. Melliza for attending.

Ms. Underwood stated staff was preparing for the upcoming Face and Body Skin Care and NailPro Nail Show in San Jose next month.

Mr. Weeks requested Ms. Underwood to alert the Board the next time there's an outreach event and staff are interviewed on a podcast. Ms. Underwood stated that her podcast episode had been pre-done and was not posted yet.

- **SB 803 (Roth) Implementation Plan**

Ms. Underwood highlighted points on the SB 803 Implementation Plan Outline. Staff are still working on the hairstylist license. The occupational analysis is with the examination development team in DCA. Subject Matter Experts have been recruited that are working on it. Most schools that have submitted their curriculum to move to a thousand hours have been approved. Staff is finalizing some coordination between the Board and the Bureau of Private Postsecondary because the courses must be approved by both. Some language in AB 2196 is currently pending and would assist with the externs. Staff are still working on fines with the Health and Safety Committee. Everything else has been implemented on SB 803.

7. AGENDA ITEM #7, APPOINTMENT OF COMMITTEE MEMBERS TO STANDING COMMITTEES FOR 2022 FOR NEWLY APPOINTED BOARD MEMBER

Mr. Weeks stated Ms. Crabtree was chairperson of the Health and Safety Advisory Committee and there was now a vacancy. Mr. Weeks suggested having at least three Board members on each Committee. Ms. Munoz volunteered to join any committee that needed folks. Mr. Weeks suggested the Enforcement and Inspections and the Disciplinary Review Committees. Mr. Weeks also suggested having a licensee on the Enforcement and Inspections Committee. Ms. Fairley volunteered. Ms. Munoz also volunteered to join Health and Safety Committee. Mr. Weeks thanked the Board members for serving on the committees. He noted that a lot more committee work will get done with everyone getting involved.

8. AGENDA ITEM #8, REPORT ON THE JUNE 6, 2022, HEALTH AND SAFETY ADVISORY COMMITTEE (KRISTY UNDERWOOD)

Ms. Underwood stated the Committee met on June 6, 2022. The Committee consists of three Board members, members of each of the licensing categories, industry experts, and some outside people from different agencies. It is currently looking at the citations and violations and determining the risk level and impact of consumer harm, as per SB 803. The Committee had also looked at health and safety regulations before SB 803 happened. At the next Committee meeting, the revised regulations and the report on the violations will be compared and meshed to make a recommendation.

Mr. Weeks asked if there was any suggestion to have \$250 as the maximum fine on any violation. Ms. Underwood said 'no' and added that the Committee had discussed certain risk levels for violations and making the fines uniform. Violations that are all high risk should have the same amount of fine. Responding to Mr. Weeks, Ms. Pham explained that the fines for first offenses would be as low as \$250. Second and third offense fines would increase.

Ms. Underwood mentioned that some similar violations might have the same acceptable amount. The Committee would be looking at that consistency. Tentative date for next meeting set for September.

9. AGENDA ITEM #9, REPORT ON THE JUNE 13, 2022, LEGISLATIVE AND BUDGET COMMITTEE MEETING AND LEGISLATION UPDATE (REESE ISBELL, CHAIRPERSON)

Mr. Isbell stated the Committee last met on June 13, 2022. The bills that are currently being tracked are as follows.

- a) **AB 646 (Low) Department of Consumer Affairs: Board: Expunged Convictions**
- b) **AB 1604 (Holden) The Upward Mobility Act of 2022: Boards and Commissions: Civil Service: Examinations: Classifications**
- c) **AB 1661 (Davies) Human Trafficking: Notice**
- d) **AB 1771 (Quirk) State Bodies: Open Meetings**
- e) **AB 2196 (Maienschein) Barbering and Cosmetology: Instructional Hours**

AB 1661 was signed by the Governor, which means that as of January 1, 2023, all licensed establishments will have to post information on human trafficking. Senate Bill 189, related to virtual meetings passed. The next Committee meeting is scheduled for August to focus on the budget.

10. AGENDA ITEM #10, REPORT ON THE JUNE 13, 2022, LICENSING AND EXAMINATION COMMITTEE MEETING (DERICK MATOS, CHAIRPERSON)

Ms. Matos stated the Committee met on June 13, 2022. The Committee discussed Spanish pass rates, which will continue to be monitored, especially with the upcoming July 1 changes. Ms. Underwood met with the Division of Apprenticeship Standards (DAS) and BPPE. She will share the information on that with the Committee. The Committee also reviewed the externship program. The number of schools and establishments utilizing the program has increased. More schools are providing externship agreements with nail salons that do not provide hair services. However, the Board does not require schools to track external hours. At the next meeting, the Committee will review staff recommendations regarding proposed changes to the program. Staff is working on a regulation package to update the requirements but has difficulties because the Board shares oversight and can only do what is within their statutory authority.

Ms. Munoz stated the low pass rates could possibly be caused by literacy issues. Ms. Underwood stated the new exam will provide data on which content areas students perform poorly in. Board will then provide outreach on instructional strategies and guidance to those instructors and students. Ms. Munoz suggested disaggregating the data of Spanish-speaking people taking the test to learn more about literacy levels or how many were passing the practical. Ms. Underwood stated that the Spanish-speaking people were doing better in the practical than the written, but they had to pass both to be licensed. Ms. Munoz also asked if there was another way for ESL speakers to take the test other than the written one. Ms. Underwood answered "No." Ms. Munoz reiterated that disaggregating the data to know how many people are citizens and how many are from other countries would help with that. Ms. Underwood explained that the only way to get that data is if the students request their exams

in a specific language. Only those who have gone to a school in California have to provide proof of training. Otherwise, they are not required to say if they were taught in Spanish. Ms. Munoz further inquired if literacy levels are ascertained such that a person who does not meet that level will have to take their test in another way. Ms. Underwood said “No.”

Mr. Isbell referred to his earlier questions about exams offered at the 10th-grade level. He asked if lowering that level has ever been considered. Ms. Underwood said “No.”

Ms. Underwood also mentioned that a joint letter discussed at the Committee meeting was developed among the DAS, BPPE, and the Board. The letter related to some apprenticeship programs charging too much to an apprentice. The joint letter informed the programs that BPPE has a law that says if the charge is over \$2500, then the apprenticeship program will be considered a school and have to abide by the requirements of other private schools. It was sent out this morning. A copy will be sent to the Board. Ms. Fairley commended Ms. Underwood on the joint letter project, acknowledging that it had been a difficult task since the three bodies were not working together. She also asked how the enforcement was being tracked. Ms. Underwood appreciated the comments and stated that staff would be doing the tracking.

11. AGENDA ITEM #11, REPORT ON THE JUNE 13, 2022, EDUCATION AND OUTREACH COMMITTEE MEETING (TONYA FAIRLEY, CHAIRPERSON)

Ms. Fairley stated the Committee met on June 13, 2022, and reviewed different documents the Board sends out during various steps in the licensing and enforcement processes. The Committee discussed ways of increasing outreach. Staff will provide an update on plans to increase outreach on both the consumer side and licensees at the next Committee meeting. The Committee made recommendations on materials regarding language access and suggested staff to look into new technologies such as sending automatic text messaging, creating an app, and making TikTok videos to promote consumer awareness. The Committee will review staff's future plans for outreach and education at the next meeting.

The agenda item was opened up for public comment. No comments were received from the public.

12. AGENDA ITEM #12, DISCUSSION ON HOW FUTURE BOARD MEETINGS WILL BE HELD DUE TO THE PASSAGE OF SENATE BILL 189

Ms. Underwood stated that the Board could now hold online meetings without having to post their private addresses. This would allow both in-person and online meetings at the same time. She mentioned that the online meetings are a cost benefit because of the savings on travel. She proposed a discussion on hybrid meetings, adding that they worked well with other Boards.

Ms. Fairley voiced her support for in-person meetings, adding that one can generate the energy of the others in the room. Mr. Weeks echoed Ms. Fairley's sentiments and stated that Board meetings should be in-person and live, with an added call-in feature to encourage public participation.

Mr. Isbell referenced the San Francisco Board meeting and mentioned that the fact that it was hybrid did not take away the vote of a member who attended through Zoom. He further

mentioned some stakeholders' recommendations, including the fact that in-person meetings were missed and that Zoom meetings were not well received. Though he voiced support for in-person meetings, he urged the Board to embrace hybrid to accommodate those who might not be able to make it to in-person meetings.

Mr. Weeks stated that three types of meetings had to be considered; options for the Board meeting, committee meetings, and DRC meetings. He mentioned that DRC meetings had not worked well over the phone as people were not adequately given the consideration they could have been given had they been in person. He also stated that appellants would have to be always in person because it would be challenging to coordinate 180 people on Zoom. He asked if the committee meetings should be in person as well.

Mr. Isbell stated that committee meetings should be hybrid since it would be hard to get a quorum in case people cannot travel. He also proposed having an established location where the committee members can meet and travel. Mr. Weeks suggested restricting the hybrid meetings so that if the people that make up the quorum are in person, the other people beyond the quorum could Zoom in as an option.

Sabina Knight, the Board Legal Representative, pointed out that there are currently only two locations where hybrid meetings are possible. San Diego and Burbank cannot host a hybrid just yet. Mr. Weeks inquired if the hybrid meetings would impact Board expenses. Ms. Knight stated that the Board would be saving on travel costs. She also suggested that the Board direct staff play it by ear.

In response to Mr. Weeks, Ms. Underwood stated that hybrid meetings would be done through WebEx. The Board would be able to see the videos of those who would be attending online. Ms. Underwood explained that with the committees, staff usually goes first to the chair to get that set and then check in with the other members.

Mr. Weeks inquired about the feedback of other boards on hybrid meetings. Ms. Underwood stated that the feedback was positive, though she recommended in-person meetings.

Ms. Pham mentioned that hybrids should be adopted for committee meetings. This is because each Board member is on at least two or three different committees, so scheduling is getting harder, and traveling for all meetings would be cumbersome.

It was agreed that having live Board meetings would enable one to participate from home without notification. The committees would have an option to meet in person or have a hybrid meeting. DRCs would strictly be in-person.

13. AGENDA ITEM #13, STATUS UPDATES REGARDING RULEMAKING PROPOSALS:

- a. Rulemaking Proposal to Amend Title 16, California Code of Regulations (CCR) sections 904, 909, 917, 928, 931, 932, 934, 937, 950.1, 950.2, 950.3, 950.4, 962 (SB Clean Up).**
- b. Rulemaking Proposal to amend Title 16, CCR sections 913, 913.1, 914.1, 914.2, 915, 917, 918, 918.1, 919, 919.1, 920, 921, 921.1, 921.2, 922, 924, 924.1, 925, 926, 927, (Apprenticeship).**

- c. **Rulemaking Proposal to Amend Title 16, CCR section 950.10 (Transfer of credit).**
- d. **Rulemaking Proposal to Amend Title 16, CCR section 961 (Instructional Materials).**
- e. **Rulemaking Proposal to Amend Title 16, CCR 962, 962.1, and 962.2 (Externs).**
- f. **Rulemaking Proposal to Amend Title 16, CCR section 972 (Disciplinary Guidelines).**
- g. **Rulemaking Proposal to Amend Title 16, CCR section 974.1 (Disciplinary Review Committee).**

Ms. Underwood invited the Board's Regulations Attorney, Kristy Schieldge, to introduce herself to the Board. Ms. Schieldge reviews regulatory text for all boards and bureaus in the Department of Consumer Affairs and assists the Board of Barbering and Cosmetology (Board) with preparation and review of proposed text and regulatory packages.

Transfer of Credit (Title 16, CCR section 950.10)

Ms. Underwood explained that the Board originally approved proposed amendments and authorized initiation of a rulemaking to amend Title 16, CCR section 950.10 at its January 24, 2022 meeting. Upon further review of the package, Ms. Schieldge requested additional changes. The changes included adding the title of the regulation section "Transfer of Credit", replacing "may" to "shall" in subsections (b)-(e), and replacing "shall include" with "means" in subsection (f). These changes were requested due to recent issues with clarity raised by the Office of Administrative Law (OAL) for other boards' rulemaking packages when "may" and "includes" are used in proposed text.

Mr. Weeks motioned to rescind the Board's prior January 24, 2022 motion and approve the proposed regulatory text for Section 950.10 as provided in the meeting materials, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking process and adopt the proposed regulations at Section 950.10 as noticed. Mr. Isbell seconded.

Mr. Weeks opened the motion for public comment. Ms. Colette Kavanaugh, electrologist, stated the text needs to specifically state that no licensee can transfer hours to the electrology profession. She explained that the functions electrologists perform are different than other license types and the education is not comparable. She believes lack of education would lead to consumer harm.

Ms. Schieldge clarified for the Board that Business and Professions Code section 7367 requires the Board to grant credit for training that is identical and the Board has no discretion to not accept coursework credit for prior instruction that is identical. Ms. Fairley asked if there are guidelines which define "identical." Ms. Schieldge explained that the proposal was to use the commonly understood meaning of the word identical to mean "the same" with respect to

the course content and duration. She directed board members to subdivision (a) of the text, which defines identical, and further explained that it would be a case-by-case assessment by schools about whether to grant credit based upon the standard of same duration and same content. Mr. Isbell asked if concerns have been raised about what does not crossover. Ms. Underwood stated that the requirement to accept transfer credit when the prior coursework is “identical” has been in the law for a long time and is not changed by this proposal. Senate Bill 803 rewrote the curriculum to be identical for barbering, cosmetology, manicuring, and esthetics, but instruction can vary between schools. Ms. Schiedge stated the proposed language lists and clarifies what would transfer by subject matter of the course or program and license type. Ms. Underwood stated that electrology is not in this regulation package because electrology was not included in Senate Bill 803. There is currently language in Assembly Bill 2196 about electrology curriculum, but that has not been signed.

Motion to rescind the Board’s prior January 24, 2022 motion and approve the proposed regulatory text for Section 950.10 as provided in the meeting materials, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review and if no adverse comments are received, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking process and adopt the proposed regulations at Section 950.10 as noticed passed. Motion carried 8 yes, 0 no, and 0 abstain, per roll call votes as follows: The following Board Members voted “Yes”: Steve Weeks, Calimay Pham, Megan Ellis, Tonya Fairley, Reese Isbell, Yolanda Jimenez, Derick Matos, Danielle Munoz.

Instructional Materials (Title 16, CCR Section 961)

Ms. Underwood stated this final package was filed with OAL on March 3, 2022, however the Board withdrew the package on April 14, 2022, because OAL required the Board to modify the text to receive approval. Staff added “Within the first week of instruction” to subdivision (a) to provide when schools are required to provide the instructional materials. Staff deleted “The appropriate” and replaced it with “A current version of any” before “licensing examination guide” and inserted “prepared by the licensing exam vendor to assist exam candidates in the language in which the student intends to take the examination” in subdivision (a)(4) for clarity regarding the licensing examination translation guides.

Ms. Pham motioned to direct staff to take all steps necessary to complete the rulemaking process, including preparing modified text for an additional 15-day comment period, which includes amendments discussed at this meeting. If after the 15-day public comment period, no adverse comments are received, authorize the Executive Officer to make any non-substantive changes to the proposed regulations before completing the rulemaking process, and adopt Section 961 of the proposed regulations with the modified text. Ms. Ellis seconded.

Mr. Weeks opened the motion for public comment. No public comments were received.

Motion carried 8 yes, 0 no, and 0 abstain, per roll call votes as follows:

The following Board Members voted “Yes”: Steve Weeks, Calimay Pham, Megan Ellis, Tonya Fairley, Reese Isbell, Yolanda Jimenez, Derick Matos, Danielle Munoz.

Ms. Underwood provided brief updates on the remaining regulation packages. SB 803 clean-up language is currently being reviewed at DCA. Staff are continuing to work on the apprenticeship language. Extern package is on hold as the Board is waiting for the AB 2196 to be approved. The Disciplinary Review Committee package is on hold as the Board needs to discuss whether to add non-members to the Committee at the next Board meeting. Staff are continuing to work on the Disciplinary Guidelines.

Mr. Weeks inquired if Ms. Schieldge works with other boards on the regulatory packages. Ms. Schieldge stated that she works with 37 boards. This is an advantage to all boards as issues can be easily identified and addressed.

14. AGENDA ITEM #14, PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Wendy Cochran, California Aesthetic Alliance, thanked the Board for working on the tinting issue. On allowing schools to determine the number of hours that can be transferred, Ms. Cochran stated that she's had several conversations with aestheticians, and most had indicated that, pending recession, they want to expand what they can do. Most are thinking of going back to cosmetology. However, the popular response from cosmetology schools is that none of their hours as estheticians will be transferred over to cosmetology because it's only a thousand hours now. Ms. Cochran read a text sent to an esthetician licensed for over 20 years stating the school's refusal to accept the transfer of hours into the cosmetology program. Ms. Cochran stated that the school refused the transfer because it had the discretion to do so. She further pointed out that allowing schools to determine the number of transferable hours will be a barrier to entry.

15. AGENDA ITEM #15, SUGGESTIONS FOR FUTURE AGENDA ITEMS

Mr. Weeks proposed DRC regulations. Ms. Schieldge stated that if AB 2196 goes through, the Board will need regulations for the pre-apprenticeship training hours.

Public Comment:

- Wendy Cochran stated that in the future, there might be a need for Safety Data Sheets (SDS) on all materials in treatment rooms, including the color rooms. She stated that they had asked people in their group to do a best practice exercise and ask their manufacturers for SDS on the products used. The response from the manufacturers is that people do not need them, so they will not provide them. Ms. Cochran requested the Board to assist the manufacturers to ensure that they provide the SDS.

16. AGENDA ITEM #16, ADJOURNMENT

There being no further business to discuss, the meeting adjourned at approximately 1:56 p.m.



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MEMORANDUM

DATE	October 24, 2022
TO	Board of Barbering and Cosmetology
FROM	Alex Torkelson, Licensing and Operations Chief
SUBJECT	Agenda Item 5 Administration/Operations Report

Staffing Update

On August 22, 2022, the Board hired Samuel Swafford as the new Regulations and Contract Associate Governmental Program Analyst. Mr. Swafford came from Cal Recycle.

On September 26, 2022, the Board hired Natalie Mitchell as the new Board's Executive Staff Services Analyst. Ms. Mitchell came from the Bureau for Private Postsecondary Education.

On September 30, 2022, Marcene Melliza retired from state service.

Vacancies

The Board is recruiting for a Reports Staff Services Analyst and a Budgets Associate Governmental Program Analyst.

New Fleet Purchase Orders

Five new cars, to replace vehicle with high mileage, are expected to be delivered in late 2022 or early 2023. The vehicle purchases will be allocated to the FY 2021/22 budget.

Budget Projection Reports and Fund Condition

Below is the Budget Report Fiscal Year (FY) 2022-23 Expenditure Projection based on Fiscal Month 2 (FM) (August 2022). Based on these projections, the Board is scheduled to revert \$1,032,749 back into the Board Fund.

Board of Barbering and Cosmetology FM 2 Fiscal Year 2022/23 Projected Expenditures 08/31/2022

Personnel Services	ALLOTMENT	BBC Projected Expenditures	Projected Year
5100 Permanent	5,621,000	4,914,551	706,449
5100 Temporary	587,000	970,370	(383,370)
5105-5108 Per Diem, Overtime & Lump Sum	0	60,500	(60,500)
5150 Staff Benefits	3,244,000	3,410,158	(166,158)
5170 Salary Savings	0	0	0
Total of Personnel Services	9,452,000	9,355,579	96,421
Operating Expenses & Equipment (OE&E)	Allotment	BBC Projected Expenditures	Projected Year End Balance
5301 General Expense	166,000	99,675	66,325
5302 Printing	250,000	244,100	5,900
5304 Communication	21,000	56,884	(35,884)
5306 Postage	232,000	53,253	178,747
5308 Insurance	4,000	9,842	(5,842)
53202-204 Travel In State	73,000	44,552	28,448
53206-208 Travel, Out-of-State	0	2,500	(2,500)
5322 Training	11,000	2,500	8,500
5324 Facilities Operations	1,022,000	860,129	161,871
53402-53404 Attorney General, OAH, C&P Services Interdept	1,672,000	443,521	1,228,479
53404-53405 Consultant & Professional Svs. - External	1,646,000	2,198,821	(552,821)
5342 DCA Pro Rata	5,896,000	5,896,000	0
5342 Interagency Services	1,000	107,626	(106,626)
5344 Consolidated Data Center	68,000	32,000	36,000
5346 Information Technology	38,000	15,573	22,427
5362-5368 Equipment	223,000	223,000	0
5390 Other Items of Expense & Vehicles	43,000	112,722	(69,722)
54 Special Items and Expenses	0	26,974	(26,974)
Total Operating Expenses & Equipment	11,366,000	10,429,672	936,328
Total Expenses	20,818,000	19,785,251	1,032,749
Schedule Reim. Other			
Net Appropriation	20,818,000	19,785,251	1,032,749
		SURPLUS/(DEFICIT)	4.96%

The below analysis of the Board's Fund Condition projects to have 13.5 months in reserve for FY 2022-23. This means the Board would be able to continue to operate for 13.5 months without collecting any additional revenue. Due to expenditures naturally increasing, the Board's fund will start to decrease, beginning in FY 2023/24, down to 8.5 months of revenue in reserves.

0069 - Barbering and Cosmetology Contingency Fund Analysis of Fund Condition
(Dollars in Thousands)
2022 Budget Act w_FM2 Projections

Prepared 10.11.2022

	ACTUAL 2021-22	CY 2022-23	BY 2023-24	BY +1 2024-25
BEGINNING BALANCE	\$ 23,813	\$ 26,587	\$ 24,564	\$ 15,998
Prior Year Adjustment	\$ 2,726	\$ 0	\$ 0	\$ 0
Adjusted Beginning Balance	\$ 26,539	\$ 26,587	\$ 24,564	\$ 15,998
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS				
Revenues				
4121200 - Delinquent fees	\$ 223	\$ 443	\$ 443	\$ 443
4127400 - Renewal fees	\$ 439	\$ 4,158	\$ 4,158	\$ 4,158
4129200 - Other regulatory fees	\$ 2,003	\$ 5,289	\$ 5,289	\$ 5,289
4129400 - Other regulatory licenses and permits	\$ 4,120	\$ 3,149	\$ 3,149	\$ 3,149
4143500 - Miscellaneous Services to the Public	\$ 15	\$ 0	\$ 0	\$ 0
4163000 - Income from surplus money investments	\$ 138	\$ 542	\$ 236	\$ 99
4171400 - Escheat of unclaimed checks and warrants	\$ 13	\$ 12	\$ 12	\$ 12
4172500 - Miscellaneous revenues	\$ 4	\$ 8	\$ 8	\$ 8
4173500 - Settlements and Judgements - Other	\$ 0	\$ 0	\$ 0	\$ 0
Totals, Revenues	\$ 6,955	\$ 13,601	\$ 13,295	\$ 13,158
Loan from the General Fund (0001) to the Barbering and Cosmetology Contingent Fund (0069) per Item 1111-011-0069, Budget Act of 2020	\$ 0	\$ 0	\$ 0	\$ 25,000
Operating Transfers To General Fund 0001 per EO E 21/22-276 Revised SEC.20825.1(C) (AB 84)	\$ -723	\$ 0	\$ 0	\$ 0
Totals, Transfers and Other Adjustments	\$ -723	\$ 0	\$ 0	\$ 25,000
TOTALS, REVENUES, TRANSFERS AND OTHER ADJUSTMENTS	\$ 6,232	\$ 13,601	\$ 13,295	\$ 38,158
TOTAL RESOURCES	\$ 32,771	\$ 40,188	\$ 37,859	\$ 54,156
Expenditures:				
1111 Department of Consumer Affairs Regulatory Boards, Bureaus, Divisions (State Operations)	\$ 17,479	\$ 19,755	\$ 20,348	\$ 20,958
9892 Supplemental Pension Payments (State Operations)	\$ 316	\$ 316	\$ 316	\$ 316
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 1,189	\$ 1,197	\$ 1,197	\$ 1,197
Less funding provided by the General Fund (State Operations)	\$ -12,800	\$ -5,644	\$ 0	\$ 0
TOTALS, EXPENDITURES AND EXPENDITURE ADJUSTMENTS	\$ 6,184	\$ 15,624	\$ 21,861	\$ 22,471
FUND BALANCE				
Reserve for economic uncertainties	\$ 26,587	\$ 24,564	\$ 15,998	\$ 31,685
Months in Reserve	20.4	13.5	8.5	16.9

NOTES:

Assumes workload and revenue projections are realized in BY +1 and ongoing. Expenditure growth projected at 3% beginning BY +1.



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MEMORANDUM

DATE	October 24, 2022
TO	Board of Barbering and Cosmetology
FROM	Alex Torkelson, Licensing and Operations Chief
SUBJECT	Agenda Item 5 Licensing, Exams, and Disciplinary Review Committee Report

Staffing Update

On September 2, 2022, Yuqing Yin started as a Seasonal Clerk. On September 24, 2022, Elexis Bambao will be starting as a Seasonal Clerk.

On September 24, 2022, Dante Guin started as a Program Technician II, and he will be focusing on apprentice applications. On October 3, 2022, Trevor Barrick started as a Program Technician II, and he will be focusing on establishment applications. On October 14, 2022, Sherrie Anderson-Mehler will be starting as a Program Technician II and will focus on exam applications.

On October 13, 2022, James Zimmerman started as one of the Licensing Managers. He was previously the Lead Associate Governmental Program Analyst in our Licensing Unit.

Vacancies

The Licensing Unit is recruiting for one manager position and three limited term Program Technician II positions.

Telephones and E-Mails

We are continuing to look at staffing to handle the increased volume of telephone calls and e-mails. We will be looking to hire limited term staff in order to address this workload while tracking this workload for a potential request of permanent staffing. As a result of adding additional positions to handle this workload, we are reconfiguring an empty conference room in the office to make space for six additional cubicles to be built.

Examinations

The new examination was implemented on July 1, 2022. As with any new examination, we did have a drop of passing scores and Board staff are continuing to monitor this closely along with the examination vendor (PSI).

Performance Measures

Applications Received

The number of applications received decreased from 14,164 to 13,238, a 7% decrease from the prior quarter.

Quarterly Applications Received Fiscal Year 22/23

License Type	Jul-Sept	Oct-Dec	Jan-Mar	Apr-June	YTD
Personal Service Permit	35				35
Establishment	1,751				1,751
Mobile Unit	9				9
Barber					-
Initial Application	911				911
Re-Exam	704				704
<i>Sub-Total</i>	<u>1,615</u>				1,615
Reciprocity	54				54
Apprentice	393				393
Cosmetology					-
Initial Application	1,969				1,969
Re-Exam	1,252				1,252
<i>Sub-Total</i>	<u>3,221</u>				3,221
Reciprocity	337				337
Apprentice	287				287
Electrology					-
Initial Application	24				24
Re-Exam	5				5
<i>Sub-Total</i>	<u>29</u>				29
Reciprocity	--				-
Apprentice	--				-
Esthetician					-
Initial Application	2,222				2,222
Re-Exam	1,054				1,054
<i>Sub-Total</i>	<u>3,276</u>				3,276
Reciprocity	177				177
Manicurist					-
Initial Application	1,249				1,249
Re-Exam	644				644
<i>Sub-Total</i>	<u>1,893</u>				1,893
Reciprocity	161				161
Total	13,238				13,238

Written Exam Results

The highest pass rates for the English exam in order of license types are electrology at 78%, manicuring at 69%, esthetician at 67%, cosmetology at 50%, and then barbering at 26%.

The highest pass rates for the Korean exam in order of license types are esthetician at 50%, manicuring at 20%, and then cosmetology at 7%. No Korean applicants took an electrology or barber exam.

The highest pass rates for the Spanish exams in order of license types are for esthetician at 56%, manicuring at 25%, cosmetology at 12%, and barbering at 9%. No Spanish applicants took the electrology exam. Overall, the Spanish exam has the lowest average pass rate out of all the exams.

The highest pass rates for the Vietnamese exam in order of license types are for manicuring at 28%, esthetician at 24%, barber at 20%, and cosmetology at 18%. No Vietnamese applicants took the electrology exam.

Written Exam Results July 1, 2022 - September 30, 2022

Barber	Passed	Failed	Total	Pass Rate
English	295	840	1,135	26%
Korean	0	0	0	N/A
Spanish	13	129	142	9%
Vietnamese	4	16	20	20%
Total	312	985	1,297	24%

Cosmo	Passed	Failed	Total	Pass Rate
English	951	969	1,920	50%
Korean	1	13	14	7%
Spanish	72	512	584	12%
Vietnamese	13	59	72	18%
Total	1,037	1,553	2,590	40%

Esthetician	Passed	Failed	Total	Pass Rate
English	1,598	781	2,379	67%
Korean	1	1	2	50%
Spanish	20	16	36	56%
Vietnamese	42	132	174	24%
Total	1,661	930	2,591	64%

Manicurist	Passed	Failed	Total	Pass Rate
English	547	243	790	69%
Korean	2	8	10	20%
Spanish	13	40	53	25%
Vietnamese	148	376	524	28%
Total	710	667	1,377	52%

Electrologist	Passed	Failed	Total	Pass Rate
English	7	2	9	78%
Korean	0	0	0	N/A
Spanish	0	0	0	N/A
Vietnamese	0	0	0	N/A
Total	7	2	9	78%

Written Exam Results by Educational Background

Exam passing scores for candidates coming from California school programs are much higher than scores of candidates coming from apprentice programs and out of country school backgrounds. Electrologists have an 88% pass rate, estheticians have a 65% pass rate, manicurists have a 52% pass rate, cosmetologists have a 47% pass rate, and barbers have a 28% pass rate.

**Written Exam Results
July 1, 2022 - September 30, 2022
Comparison of Schools, Apprentice Programs,
and Out of Country**

Written Exam Results - Apprentice Program

License Type	Passed	Failed	Total	Pass Rate
Barber	44	282	326	13%
Cosmetologist	56	324	380	15%
Esthetician	0	0	0	NA
Total	100	606	706	14%

Written Exam Results - Out of Country

License Type	Passed	Failed	Total	Pass Rate
Barber	2	34	36	6%
Cosmetologist	15	154	169	9%
Electrologist	0	1	1	NA
Esthetician	13	43	56	23%
Manicure	18	25	43	42%
Total	48	257	305	16%

Written Exam Results - School Program

License Type	Passed	Failed	Total	Pass Rate
Barber	266	669	935	28%
Cosmetologist	966	1,075	2,041	47%
Electrologist	7	1	8	88%
Esthetician	1,648	887	2,535	65%
Manicurist	692	642	1,334	52%
Total	3,579	3,274	6,853	52%

Written Exam Results by Language

Candidates that attended a California school had a much better average pass rate overall no matter what language as compared to students from out of the country or from apprentice programs.

**Written Exam Results by Language July 1, 2022 - September 30, 2022
Comparison of Schools, Apprentice Programs, and Out of Country**

Apprentice Programs

Barber	Passed	Failed	Total	Pass Rate
English	40	231	271	15%
Spanish	4	51	55	7%
Total	44	282	326	13%

Cosmo	Passed	Failed	Total	Pass Rate
English	33	93	126	26%
Korean	0	0	0	NA
Spanish	23	222	245	9%
Vietnamese	0	9	9	0%
Total	56	324	380	15%

Out of Country Schools

Barber	Passed	Failed	Total	Pass Rate
English	2	16	18	11%
Korean	0	0	0	NA
Spanish	0	18	18	0%
Total	2	34	36	6%

Cosmetologist	Passed	Failed	Total	Pass Rate
English	13	92	105	12%
Korean	0	2	2	0%
Spanish	1	57	58	2%
Vietnamese	1	3	4	25%
Total	15	154	169	9%

Electrology	Passed	Failed	Total	Pass Rate
English	0	1	1	NA
Total	0	1	1	NA

Esthetician	Passed	Failed	Total	Pass Rate
English	11	38	49	22%
Spanish	2	4	6	33%
Vietnamese	0	1	1	0%
Total	13	43	56	23%

Manicurist	Passed	Failed	Total	Pass Rate
English	18	15	33	55%
Spanish	0	2	2	0%
Vietnamese	0	8	8	0%
Total	18	25	43	42%

School Programs

Barber	Passed	Failed	Total	Pass Rate
English	253	593	846	30%
Korean	0	0	0	NA
Spanish	9	60	69	13%
Vietnamese	4	16	20	20%
Total	266	669	935	28%

Cosmo	Passed	Failed	Total	Pass Rate
English	905	784	1,689	54%
Korean	1	11	12	8%
Spanish	48	233	281	17%
Vietnamese	12	47	59	20%
Total	966	1,075	2,041	47%

Electrologist	Passed	Failed	Total	Pass Rate
English	7	1	8	88%
Total	7	1	8	88%

Esthetician	Passed	Failed	Total	Pass Rate
English	1,587	743	2,330	68%
Korean	1	1	2	50%
Spanish	18	12	30	60%
Vietnamese	42	131	173	24%
Total	1,648	887	2,535	65%

Manicurist	Passed	Failed	Total	Pass Rate
English	529	228	757	70%
Korean	2	8	10	20%
Spanish	13	38	51	25%
Vietnamese	148	368	516	29%
Total	692	642	1,334	52%

Licenses Issued

The total number of licenses issued has decreased from 9,194 to 5,979, a 35% decrease from the last quarter.

Licenses Issued Fiscal Year 22/23

License Type	Jul-Sept	Oct-Dec	Jan-Mar	Apr-June	YTD
Barber	289				289
Barber Apprentice	372				372
Cosmetology	1,133				1,133
Cosmetology Apprentice	273				273
Electrology	7				7
Electrology Apprentice	--				-
Esthetician	1,687				1,687
Manicurist	774				774
Establishment	1,442				1,442
Mobile Unit	2				2
Personal Service Permit	20				20
Totals	5,979				5,979

Licenses Issued Last 5 Years

The number of licenses issued in FY 21/22 surpassed pre-pandemic levels. If the number of licenses issued continues at the same rate as FY 22/23 Quarter 1 for the remaining quarters, we expect 23,000 licenses to be issued in FY 22/23 which is more in line with the number of licenses issued prior to the pandemic.

Licenses Issued Last 5 Years

License Type	FY 18/19	FY 19/20	FY 20/21	FY 21/22	FY 22/23
Barber	1,966	1,691	1,085	3,036	289
Barber Apprentice	854	810	874	1,422	372
Cosmetology	6,468	4,810	3,153	6,901	1,133
Cosmetology Apprentice	842	642	584	963	273
Electrology	31	30	26	66	7
Electrology Apprentice	-	0	0	0	0
Esthetician	4,890	3,699	2,887	7,505	1,687
Manicurist	4,414	3,437	2,065	4,581	774
Establishment	7,706	6,937	6,302	6,604	1,442
Mobile Unit	-	5	8	12	2
Personal Service Permit				16	20
Totals	27,171	22,061	16,976	31,090	5,979

License Population

Compared to the previous quarter, the license population has increased from 622,040 to 623,098, a 0.2% increase from the last quarter.

License Population 10-1-22	
Barber	35,154
Barber Apprentice	2,372
Cosmetology	301,679
Cosmetology Apprentice	1,639
Electrology	1,565
Electrology Apprentice	-
Esthetician	97,809
Manicurist	126,398
Personal Service Permits	36
Establishment	56,383
Mobile Unit	63
Total	623,098

Disciplinary Review Committee Appeals

The number of Northern appeals received was 44 for the first quarter. The number of Southern appeals received was 85 for the first quarter. The number of appeals heard for the North for the first quarter was 142, and the amount heard for the South was 151 this quarter.

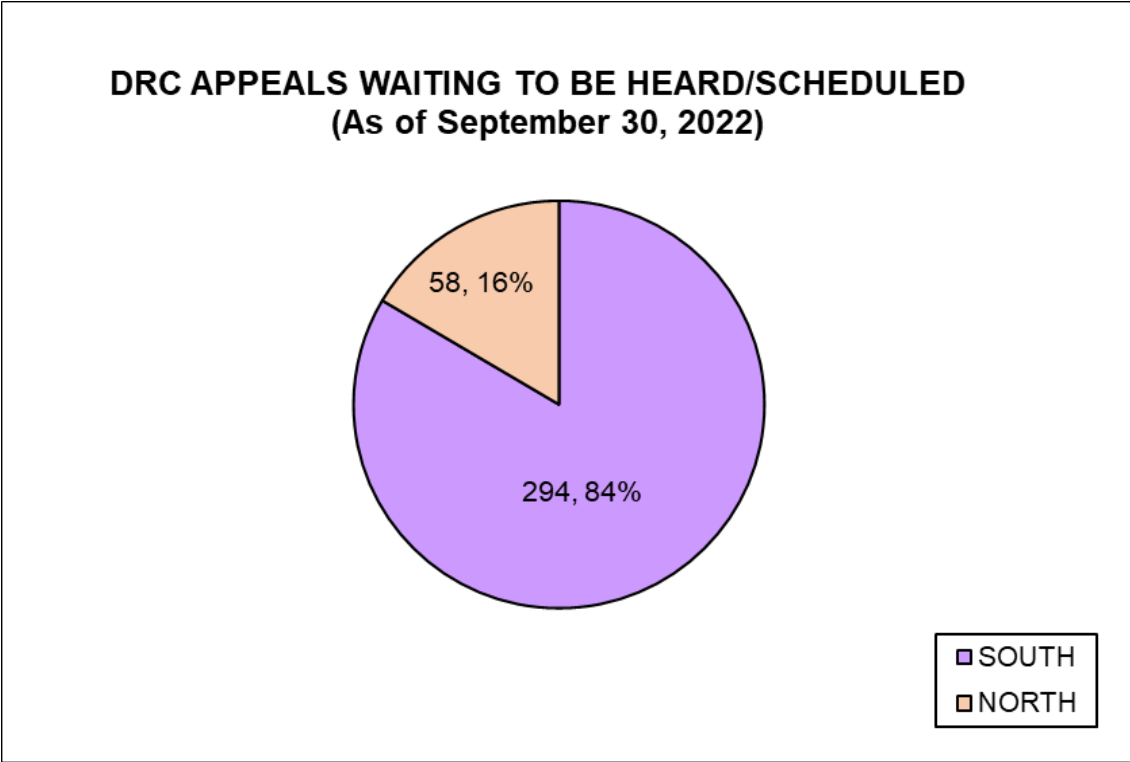
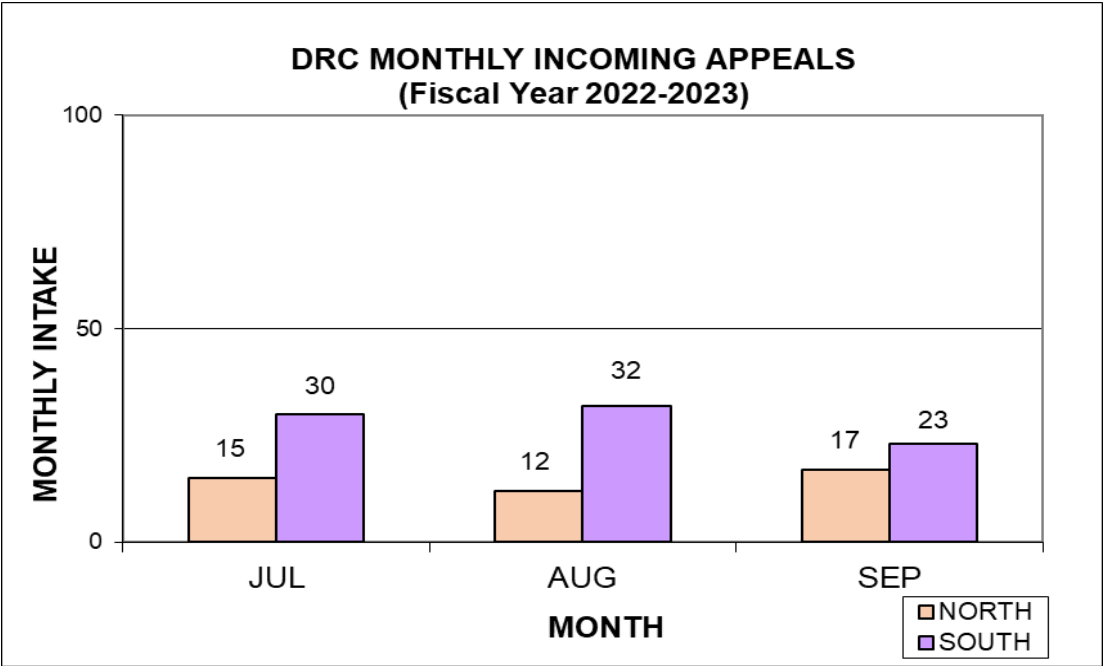
Disciplinary Review Committee Appeals Fiscal Year 22/23

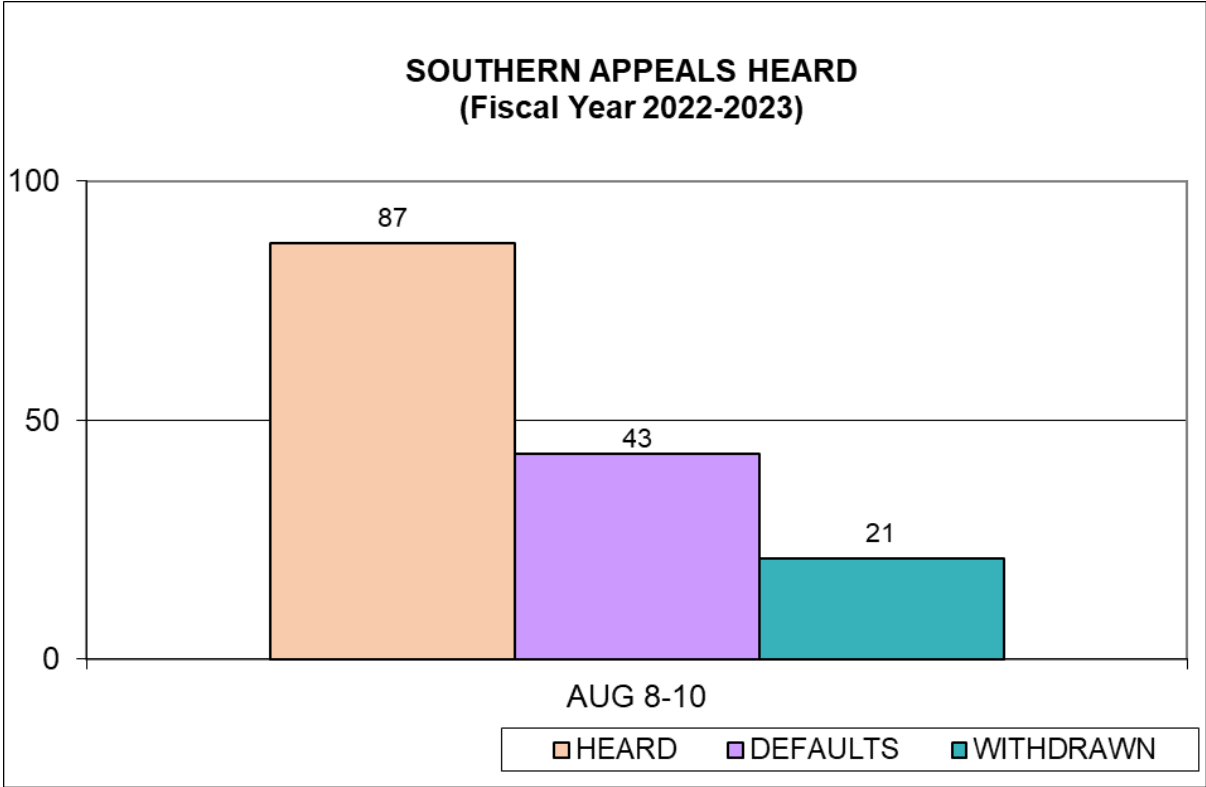
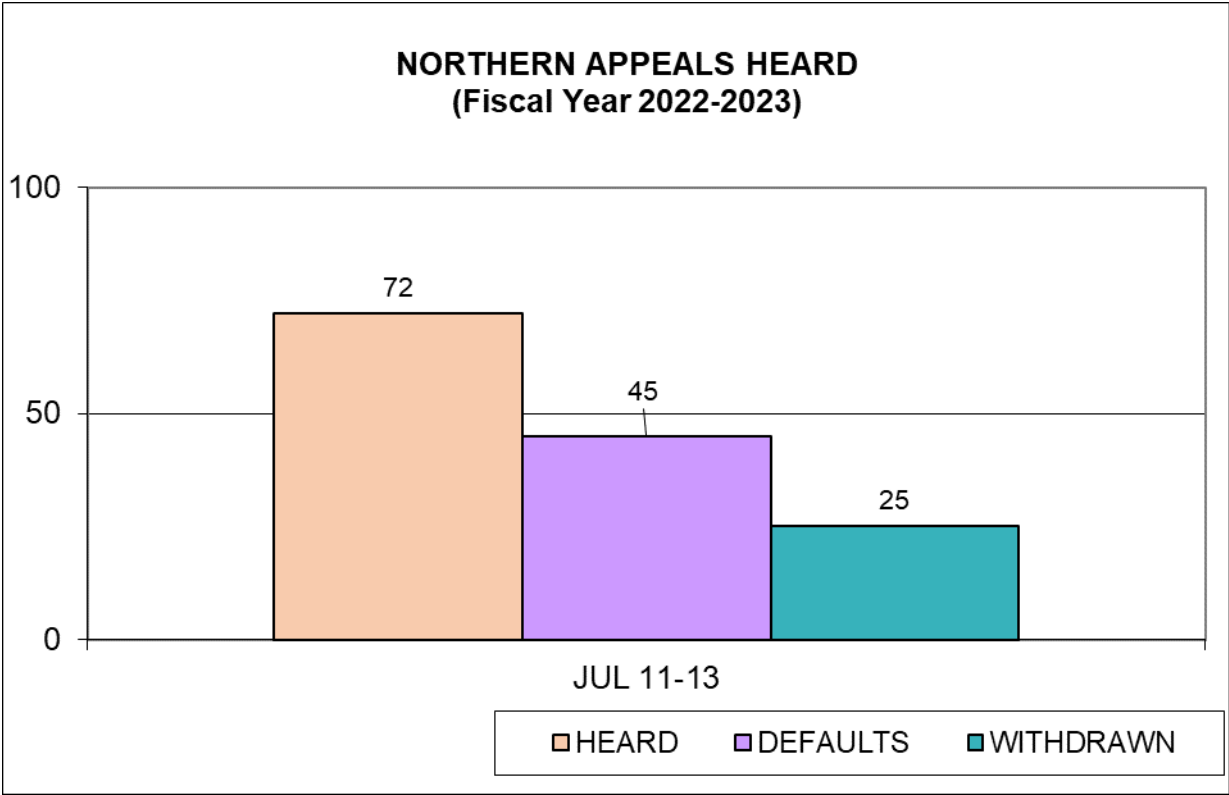
Northern	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun	YTD
Heard	142				142
Received	44				44
Pending ¹	58				58 ²

Southern	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun	YTD
Heard	151				151
Received	85				85
Pending ¹	294				294 ²

¹Pending refers to the number of appeals received but not yet heard by DRC.

²Figure represents number of pending requests as of report date 09/30/2022.







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MEMORANDUM

DATE	October 24, 2022
TO	Board of Barbering and Cosmetology
FROM	Nicole Quinn, Enforcement Chief
SUBJECT	Agenda Item 5 Enforcement, Inspections, and Cite and Fine Report

Staffing Update

On September 1, 2022, the Cite and Fine/Inspections Unit welcomed Tiffany Moore as its new Cite and Fine/Inspections Manager. Tiffany comes to the Board with an extensive background in School Inspections gained from years of experience with the Bureau for Private Postsecondary Education. Tiffany has also worked at Barbering and Cosmetology schools and is a licensed Cosmetologist.

On September 19, 2022, the Enforcement Unit welcomed Henry Nguyen as its new Probation analyst. Henry comes to the Board with a background in probation monitoring with the Department of Social Security Administration.

On October 3, 2022, the Inspections Unit welcomed Peter Nishijima as its new Inspector II. Inspector Nishijima will be assigned to the Southern California Team in the greater Los Angeles Region. He comes to the Board with an extensive background in conducting inspections with the Department of Public Health / Food and Drug.

Vacancies

The Enforcement Unit is currently recruiting for one analyst position and two Staff Services Manager positions. Having two managers will ease the workload for the managers by dividing the unit into two teams.

We are working with Human Resources to create three Special Investigator positions. The Special Investigators will be tasked with working on consumer harm cases. The Special Investigators will complete the desk portion of the investigation, inspections of the establishments, and will conduct interviews of the parties involved in the complaints.

Currently there are five vacancies for both Northern and Southern California for Inspector positions.

Vacant Inspector Positions	
Classification	Location
Inspector I/II	Kern County
Inspector I/II	Los Angeles County
Inspector I/II	Orange County
Inspector I/II	Northern California
Inspector III	Southern

ENFORCEMENT

Probation

The probation desk currently has 140 open cases. The probation monitor currently has 107 active cases and 29 cases that are tolled because the licensee is not working. Two cases were referred to the Attorney General’s Office last quarter, one for a Petition to Revoke Probation and one for a Stipulated Surrender of the license. There are currently 3 Immediate Suspension case open.

Attorney General’s Office

The number of cases referred to the Attorney General’s Office in the first quarter of FY 2022/23 is 16. This is the most referrals for a quarter since FY 2019/20.

Schools

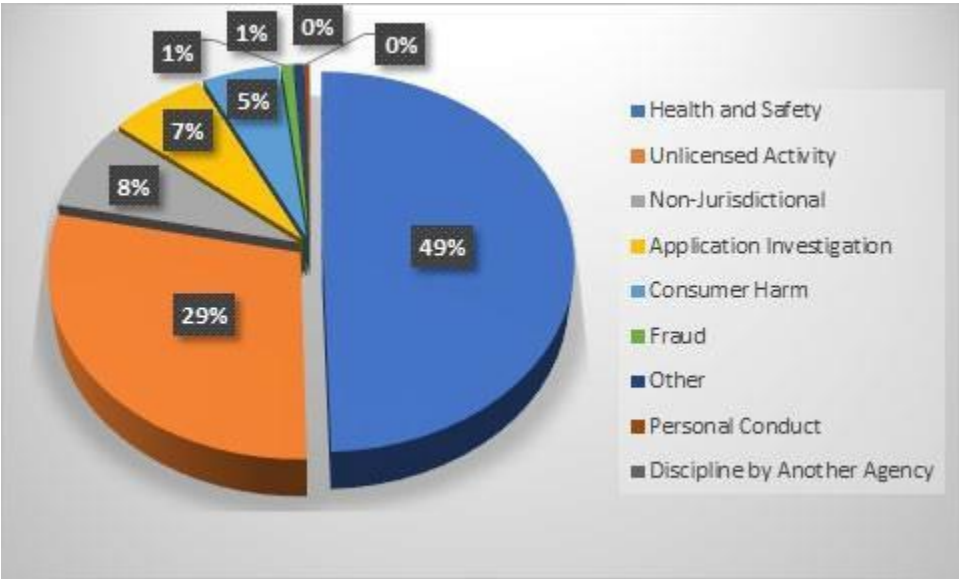
The Board currently has 255 approved schools. As of October 11, 2022, the Board has received applications for 1,000 hour courses from 217 schools. Effective January 1, 2022, the cosmetology and barbering programs minimum requirements reduced from 1,600 hours and 1,500 hours, respectively, to 1,000 hours. Schools may still offer programs that exceed 1,000 hours.

Complaint Intake

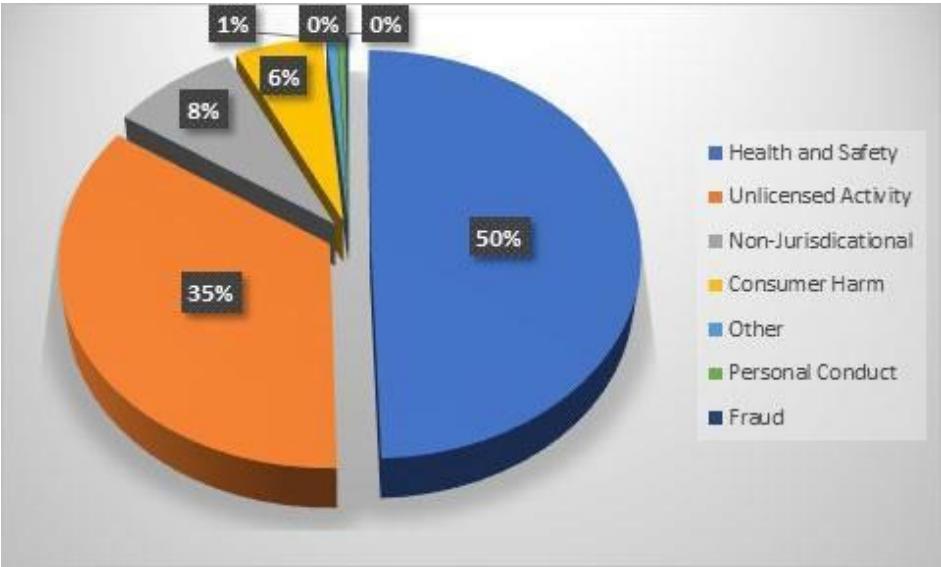
The number of complaints received for the first quarter of FY 22-23 is 1,353.

COMPLAINTS					
Complaints Received	FY 2022/23				
	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	YTD
	1,353				1,353

Complaints Received by Complaint Type -October 2017 through September 2022



Complaints Received by Complaint Type -July 1, 2022 through September 30, 2022



Enforcement Statistics

Enforcement Statistics							
COMPLAINTS							
	FY2020/21	FY2021/22	FY 2022/23				YTD
	YTD	YTD	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	
Complaints Received	6,699	4,467	1353				1353
Referred to DOI	6	17	40				40
Complaints Closed	7,278	4,542	1037				1037
Total Complaints Pending	1,335	1,356	1763				1763
Average Days to Close (Quarterly)	169	110	92				92
APPLICATION INVESTIGATIONS							
	FY2020/21	FY2021/22	FY 2022/23				YTD
	YTD	YTD	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	
Received	6	16	2				2
Pending	9	6	4				4
Closed	8	10	3				3
ATTORNEY GENERAL							
	FY2020/21	FY2021/22	FY 2022/23				YTD
	YTD	YTD	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	
Referred	21	29	16				16
Accusations Filed	24	18	9				9
Statement of Issues Filed	2	2	1				1
Total Pending	73	26	41				41
DISCIPLINARY PROCESS							
	FY2020/21	FY2021/22	FY 2022/23				YTD
	YTD	YTD	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	
Proposed Decisions	6	3	0				0
Default Decision	15	2	1				1
Stipulation	17	5	1				1

DISCIPLINARY OUTCOMES							
	FY2020/21	FY2021/22	FY 2022/23				
	YTD	YTD	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	YTD
Revocation	25	9	1				1
Revoke, Stay, Probation	6	3	1				1
Revoke, Stay, Suspend/Prob	16	2	0				0
Revocation, Stay w/ Suspend	0	0	0				0
Probation Only	0	0	1				1
Suspension Only	0	0	0				0
Suspension & Probation	0	0	0				0
Suspension, Stay, Probation	1	2	0				0
Surrender of License	11	3	0				0
Public Reprimands	0	0	0				0
License Denied	0	0	0				0
Other	2	0	0				0
Total	61	20	3				3
PROBATION							
	FY2020/21	FY2021/22	FY 2022/23				
	YTD	YTD	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	YTD
Active	107	112	107				107

INSPECTIONS AND CITE AND FINE

CITATIONS							
	FY2020/21	FY2021/22	FY 2022/23				
	YTD	YTD	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	YTD
Establishments	529	3,262	779				779
Barber	18	276	69				69
Barber Apprentice	17	83	14				14
Cosmetologist	69	542	166				166
Cosmetologist Apprentice	4	19	10				10
Electrologist	0	0	0				0
Electrologist Apprentice	0	0	0				0
Manicurist	30	399	157				157
Esthetician	16	132	19				19
Unlicensed Est.	169	315	74				74
Unlicensed Individual	72	267	51				51
Total	914	5,295	1339				1339

INSPECTIONS							
	FY2020/21	FY2021/22	FY 2022/23				
	YTD	YTD	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun	YTD
Establishments w/ violations	1,544	4,479	465				465
Establishments w/o violations	214	2,119	86				86
Total	1,758	6,598	551				551

*Inspection Conducted through July 2022.

Externs

The chart below indicates how many schools are participating in the extern program.

Schools with Extern Programs					
	2019	2020	2021	2022	Total
Number of Schools	6	56	74	62	198

Inspections

The BBC's Inspectors continue to focus on follow-up, routine, and complaint related inspections.

OUT OF BUSINESS and CLOSED ON CALL

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FYTD
Out of Business	93												93
Closed on Call	172												172
TOTAL ISSUED	265												265

ESTABLISHMENT INSPECTIONS REPORTS ISSUED

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FYTD
Establishments w/ violations	465												465
Establishments w/o violations	86												86
TOTAL ISSUED	551												551

Citations

Currently the Cite and Fine unit is at a 56 day turn-around time frame from when an inspection is completed to when the citation is mailed out to the Establishment or licensee.

CITATIONS ISSUED

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FYTD
Establishment	299	266	211										776
Individual	152	156	127										435
Unlicensed Establishments	26	24	24										74
Unlicensed Individuals	21	19	11										51
TOTAL ISSUED	498	465	373										1,336

Request For Payment Notices

BBC is actively sending request for payment notices to establishments and individuals that have outstanding fines. First request for payment notices is sent about 30 days after the fine was due. Second request for payment notices are sent approximately 30 days after the first notice. Third request for payment notices are sent via certified mail approximately 30 days after the second notice. Citations for licensees that have not paid their fine in full after the third request for payment notice are sent to the Franchise Tax Board. Citations for unlicensed individuals that have not paid their fine in full after the third request for payment notice are referred to a collection agency.

REQUEST FOR PAYMENT NOTICES - QUARTER 1 FY 22-23				
	July	August	September	Total
Request for Payment Notice 1	379	176	64	619
Request for Payment Notice 2	61	234	112	407
Request for Payment Notice 3	4	1	85	90
Referred to Collections	0	0	0	0
Referred to Franchise Tax Board	0	0	0	0
Grand Total	444	411	261	1,116

Payment Plans

Per B&P 7408.1 and CCR 974.3 the board may enter a payment plan for citations with administrative fines that exceed five hundred dollar (\$500.00). A total of 173 requests for payment plans that have been submitted 68 citations have been paid in full for a success rate of approximately 40%.

Payment Plans – Quarter 1 FY 22-23	
New	44
Paid in Full	0
Total Pending Payment Plans	105
Initial Fine Amount Total:	\$129,400.00
Total Amount Paid	\$35,873.00
Current Total Balance:	\$93,596.00



MEMORANDUM

DATE	October 24, 2022
TO	Board Members
FROM	Kristy Underwood, Executive Officer
SUBJECT	Agenda Item 5 – Outreach Update

Recent Outreach Events

- August 21-22: Face and Body Skin Care and NailPro Nail Show
- September 21: East Bay Refugee and Immigrant Community Consultation
- September 25: Jazz Z Beauty & Barber Trade Show
- October 17, 2022: The Board’s How to Apply for the Exam Virtual Townhall

New/Updated Publications

A new Licensee Fact Sheet on Home Salons was created that answers common questions about home salons and provides information on how to apply.

The Illegal Tools flyer was updated to include the universal “no” symbol.

The Skin Care Machines/Devices Industry Bulletin was updated to include additional services to the list of services that may be considered invasive or the practice of medicine.

Email Blasts

The Board has sent three email blasts to licensees regarding: Personal Service Permit, Industry Bulletins, and Home Salons. The Board will continue to send (at minimum) a monthly email blast to licensees and interested parties.

Personal Service Permit Videos

DCA’s Office of Public Affairs worked with Board staff to create two videos on the Personal Service Permit – one directed toward licensees, and one directed toward consumers. The Licensee video is completed and can be viewed at https://youtu.be/qhJPdl_mGUE. The Consumer video is being finalized. Board staff will be posting both videos on the website and sharing on social media.

Safe Sandal Season 2022

The Safe Sandal Season 2022 Wrap Up video is available on the Board’s website: https://barbercosmo.ca.gov/consumers/safe_sandal.shtml. The video was shared on the Board’s social media accounts.



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SB 803 Implementation Plan Outline

Below is an updated of the tasks involved with implementation of SB 803.

Business and Professions Code (BPC) Section	Tasks	Status
7303 Board Members	<ul style="list-style-type: none"> Update Board Member manual 	<ul style="list-style-type: none"> Completed
7316 Hairstylist License	<ul style="list-style-type: none"> Conduct occupational analysis Develop examination Prepare regulation package Update and modify BreZE 	<ul style="list-style-type: none"> OPES has conducted the Occupational Analysis, one Item Writing Workshop, and one Item Review Workshop with Subject Matter Experts. There are two more Item Writing Workshops and one more Item Review Workshop scheduled for this year. Six Adaptation Workshops will be held early 2023 to translate the exam. A Passing Score Workshop is scheduled for April 2023. OPES anticipates the Hairstylist exam will be ready July 1, 2023.
7316 Estheticians	<ul style="list-style-type: none"> Update website with new scope information 	<ul style="list-style-type: none"> Completed
7331 Reciprocity	<ul style="list-style-type: none"> Modify BreZE ticket to remove 3-year requirement from transaction checklist for new apps Update application forms Update website FAQs and BarberCosmo email signatures 	<ul style="list-style-type: none"> Completed
7334 Pre-Apprentice Training	<ul style="list-style-type: none"> Develop program (project plan, time frame) 	<ul style="list-style-type: none"> Board staff are working with DCA to develop on-line training system for the pre-apprentice training.

7337.5 Removal of Pre-App	<ul style="list-style-type: none"> • Coordinate with PSI and OIS for written examination increases • Modify BreEZe • Determine system to receive POTs from candidates that no show for the practical and were supposed to provide POT • Update website and BarberCosmo automatic response 	<ul style="list-style-type: none"> • Completed
7338 Removal of Practical	<ul style="list-style-type: none"> • Coordinate staffing issues with DCA HR • Determine status of building leases • Determine what to do with PSI sub-leases • Plan for survey of site equipment and inventory • Update Exam and Re-exam applications • Update Exam Information webpage - remove practical information and CIBs • Create outreach plan for candidates without POT • Receive updated PSI Handbook • Create flyer to hand out with exam results stating don't reapply, wait until Jan 1 • Update BarberCosmo email responses and automatic response • Update website FAQs and 'Helpful Hints' flyer 	<ul style="list-style-type: none"> • Completed
7355 Mobile Unit	<ul style="list-style-type: none"> • Update application • Update FAQs and BarberCosmo email signatures 	<ul style="list-style-type: none"> • Completed
7362-7365 School Curriculum	<ul style="list-style-type: none"> • Create Q&A for licensees and schools for homepage of website with BPPE • Amend regs regarding curriculum • Approve new barbering and cosmetology courses with BPPE 	<ul style="list-style-type: none"> • As of October 11, 2022, the Board has received new course applications from 217 schools. 210 have been approved with 3 pending. (There are 255 schools in CA). • Q and A completed. • Regulations are in process
7395.1 Externs	<ul style="list-style-type: none"> • Review Extern package already started • Update website FAQs 	<ul style="list-style-type: none"> • Clean-up language to include barbers is included AB 2196.
7401 Survey	<ul style="list-style-type: none"> • Update practice status survey 	<ul style="list-style-type: none"> • Completed

7407 Fines	<ul style="list-style-type: none"> • Determine definition of “direct impact” • Establish work group to review fine schedule • Prepare regulation package 	<ul style="list-style-type: none"> • Discussion continued during September Health and Safety Committee Meeting. • Board staff are finalizing the regulatory language and will work with DCA Legal to approve before bringing to the full Board.
Miscellaneous	<ul style="list-style-type: none"> • Create SB 803 Information page • Prepare recommended clean-up language • Review regs overall for clean up 	<ul style="list-style-type: none"> • Completed



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Meeting Dates and Locations for 2023

January 23, 2023 – Board Meeting/Reinstatement
Tentative Location: Sacramento

April 17, 2023 – Board Meeting/Reinstatement
Tentative Location: Southern California

July 17, 2023 – Board Meeting/Reinstatement
Tentative Location: Sacramento

October 16, 2023 – Board Meeting/Reinstatement
Tentative Location: San Diego



Strategic Plan

2022 – 2027

Adopted:

Prepared by: **SOLID Planning Solutions**



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PENDING APPROVAL

Message from the Board President

On behalf of the California Board of Barbering and Cosmetology (Board), I am pleased to present the Board's Strategic Plan for 2023-2027. Strategic Planning is a process by which we envision the Board's future goals and objectives and develop the necessary procedures and operations to achieve that future with continued monitoring and adjustments to the plan as needed. The strategic planning process is a collaboration between Board Members, Board staff, and our valued stakeholders (consumers, licensees, professional associations, members of the public). I thank everyone involved in the plan's development, including the Department of Consumer Affairs' Office of Strategic Organization, Leadership, and Individual Development (SOLID) for facilitating the planning session. This Strategic Plan is one of many tools that will shape the Board's direction and form an action plan with measurable goals for our future.

While the Board has previously made significant accomplishments, this Strategic Plan will provide the framework to re-examine current challenges and allow new strategies and goals to further promote consumer protection in the ever-growing barbering and beauty industry.

As President of the Board, I strongly encourage stakeholders to review this Strategic Plan and to continue to contribute at board meetings so we can work together to achieve the ambitious goals set forward in this plan. Board meeting dates, agendas, and materials are posted in advance on the Board's website:

<https://barbercosmo.ca.gov/>. Stakeholders may also sign up for the Board's interested parties email list to receive updates on regulations, bulletins, opportunities for public participation, and more. Together, with our collective knowledge and understanding, we can have positive impacts on the beauty and barbering industry for many years to come.

About the Board

The Board of Barbering and Cosmetology (Board or BBC) consists of thirteen members, eleven are appointed by the Governor, one by the Senate Pro Tempore, and one by the Assembly Speaker. Of the eleven appointments, six members are licensees and five are public members. The Board appoints the Executive Officer. The Executive Officer oversees a staff of 107. The major areas of responsibility in the daily operations of the Board are testing and licensing applicants as barbers, cosmetologists, manicurists, estheticians, and electrologists as well as inspecting establishments for health and safety violations; and investigating consumer complaints.

BBC protects and serves consumers in many ways, including:

- Examining and licensing individuals who have met minimum qualifications in education, experience, and examination requirements.
- A proactive and diligent enforcement program that works to fight fraud and enforce the laws governing the barbering and beauty industry. This is accomplished by:
 - Conducting inspections upon licensing establishments, random, unannounced inspections of establishments and practitioners' workstations, and when notified that potential consumer harm may be present, conducting a directed inspection.
 - Collaborating with the Attorney General's Office and local district attorneys to take action against unqualified individuals and unlicensed practitioners.
 - Investigating of consumer complaints and if found to be viable, actively pursuing disciplinary actions which may include probation, suspension, or revocation of a license, citations and fines, letters of reprimand, or cease-and-desist orders.
- Supporting and advocating for consumer interests before lawmakers. BBC staff review and analyze proposed legislation and regulations to ensure consumer protection.
- A prolific outreach and education program which includes workshops, town hall meetings, instructional videos, consumer fact sheets, industry bulletins, and leveraging social media. Efforts are made to make these instructional materials available in the English, Spanish, Vietnamese, and Korean languages.

Our 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 5 members, 2 of which were public members. The Board of Cosmetology consisted of 7 members, 2 of which were public members.

Throughout the years there were minor changes to the laws of each profession. For example, the requirement of apprenticeship prior to master barber licensing for barbers and revision to the cosmetology laws to include a separate manicurist license, electrology license, and esthetician license. In 1939 the manicurist license and the electrology license were added, and in 1978 the cosmetician (esthetician) license was added.

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. 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 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 January 1, 2022, SB 803 (Roth, Chapter 648, Statutes of 2021) made several changes to the Board of Barbering and Cosmetology's laws. Such changes included:

- Reducing the cosmetology and barbering programs to 1,000 hours (from 1,600 and 1,500 respectively).
- Creating a 600-hour program for a new (non-chemical) hairstylist license.
- Changing the esthetic scope of practice to include lash and brow tinting and perming.
- Removing the practical examination and therefore eliminating the pre-application process.
- Increasing the number of board members from 9 to 13 and requiring that one licensee from each sector of the industry be represented on the Board.
- Allowing for a streamlined endorsement of process to license an individual that holds a valid license in another state.
- Requiring an apprentice to receive their pre-apprentice training from the Board prior to licensure.
- Updating the requirements for a mobile unit.
- Increasing the hours allowed in the extern program.

Mission, Vision, and Values

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.

Vision

California sets and enforces the highest level of health and safety standards and provides an environment where consumers obtain barbering, cosmetology, and electrology services with the confidence and security that their health and safety are protected.

Values

- Accountability
- Consumer Protection and Safety
- Customer Service
- Diversity, Equity, and Inclusion
- Efficiency
- Integrity
- Openness
- Quality

PENDING APPROVAL

Goal 1: Board Administration

The Board promotes organizational success through the development of staff and management.

- 1.1 Establish and implement a comprehensive training plan for managers and staff to strengthen and develop their customer service skills in the workplace and improve the experience of stakeholders and consumers when interacting with the Board.
- 1.2 Establish and implement internal communications to notify board members and staff of industry issues, health and safety concerns, trends, and products for the furtherance of consumer protection and safety.
- 1.3 Fill staff vacancies to improve operational effectiveness.
- 1.4 Develop a plan to work with community and state colleges to increase employment pipelines to recruit effective staff.
- 1.5 Enhance board member training with industry and staff presentations to bridge the gap between licensed and public board members.
- 1.6 Utilize existing board sub-committees on a regular schedule to discuss larger issues and provide more resources for the Board to make informed decisions.

Goal 2: Legislation & Regulation

The Board supports legislation and adopts regulations, policies, and procedures that reinforce its mission, vision, and goals.

- 2.1 Review policies and regulations that advocate for and support consumer protection to ensure consumer safety.
- 2.2 Establish relationships with legislators to educate them on industry topics and advance Board interests.
- 2.3 Implement Senate Bill 803 with thoroughly vetted regulations to remain in compliance with the law and support the industry.
- 2.4 Establish schedule of regular legislative and budget committee meetings to remain current with industry related issues and policies.
- 2.5 Develop regulation packages for on-going regulations that affect the industry to provide clarity on state statutes.

PENDING APPROVAL

Goal 3: Licensing

The Board provides individuals a method for obtaining and maintaining a license.

- 3.1 Explore and develop a list of ongoing educational options for licensees to increase consumer awareness and safety.
- 3.2 Explore additional technology options to make the application process more efficient for licensees.
- 3.3 Review language used in board materials and communications to ensure that the language is accessible to licensees.

PENDING APPROVAL

Goal 4: Inspections

The Board conducts inspections to determine violations of the laws and regulations and educates individuals on how to be compliant with the laws and regulations governing safe practices in California.

- 4.1 Increase inspector wages to attract and retain quality inspectors.
- 4.2 Conduct yearly updated training with Board inspectors to develop language skills, cultural competency, customer service, report writing, and inspectors' industry-specific knowledge to increase competency and consistency.
- 4.3 Increase technology for inspections to streamline the process for inspectors and licensees.

PENDING APPROVAL

Goal 5: Enforcement

The Board protects the health and safety of consumer services by effectively investigating consumer complaints and violations and by promoting compliance through the issuance of citations and fines and by educating establishments and individuals on the laws and regulations governing safe practices in California.

- 5.1 Obtain special investigator positions to increase the efficiency of investigating consumer harm complaints.
- 5.2 Collaborate with the Bureau of Private Post-Secondary Education (BPPE) to conduct quality school investigations, to improve the qualifications of applicants and consumer protection.
- 5.3 Investigate unlicensed activity in licensed and unlicensed locations (including phone application/web-based on-demand services) to increase consumer protection.
- 5.4 Explore and collaborate with industry booking platforms to require license verification to enhance consumer protection.
- 5.5 Review probationary process and existing remedial education information to ensure remedial education procedure and communication is clear.
- 5.6 Develop remedial education material to assist in probationer compliance.

Goal 6: Outreach

The Board educates stakeholders on the laws, regulations, and issues relevant to the industry.

- 6.1 Ensure outreach communication is at an accessible level to increase public understanding.
- 6.2 Explore different avenues for outreach and engagement to encourage self-development of licensees and awareness/engagement of the public.
- 6.3 Assess current engagement levels on Board's website, newsletters, social media, mailers, etc. to better utilize resources and determine if they are reaching the proper audiences.
- 6.4 Solicit feedback from licensees on a more continuous basis to engage with licensees.
- 6.5 Encourage the public to participate in online Board activities to inform, educate, and collaborate.
- 6.6 Provide information at high schools, occupational schools, and public outreach events on the industry and how to become licensed to increase licensed activity and engage with potential licensees.
- 6.7 Explore within the outreach committee to create Board-specific outreach/media to expand access of information to the public and licensees.

Strategic Planning Process

To understand the environment in which BBC operates as well as identify factors that could impact BBC's success in carrying out its regulatory duties, the Department of Consumer Affairs' SOLID Planning Solutions Unit conducted an environmental scan of BBC's internal and external environments by collecting information through the following methods.

- Interviews were conducted with BBC's board members and executive staff during the months of March and April 2022, to assess the challenges and opportunities BBC is currently facing or may face in the upcoming years.
- Online surveys were sent out to external stakeholders on March 30th, 2022 and closed on April 15th, 2022. Survey participants provided anonymous input regarding the challenges and opportunities BBC is currently facing or might face in the upcoming years. A total of 390 people participated in the external stakeholder survey.

PENDING APPROVAL



Board of Barbering & Cosmetology

2420 Del Paso Road, Suite 100

Sacramento, CA 95834

Phone: (800) 952-5210

<https://www.barbercosmo.ca.gov/>

Strategic plan adopted on: .

This strategic plan is based on stakeholder information and discussions facilitated by SOLID for the Board of Barbering & Cosmetology on July 26th, 2022.

Subsequent amendments may have been made after the adoption of this plan.



Prepared by:

SOLID Planning Solutions

1747 N. Market Blvd., Ste. 270

Sacramento, CA 95834



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
DEPARTMENT OF CONSUMER AFFAIRS • BOARD OF BARBERING AND COSMETOLOGY
P.O. Box 944226, Sacramento, CA 94244-2260
Phone: (800) 952-5210 Email: barbercosmo@dca.ca.gov
Website: www.barbercosmo.ca.gov



MEMORANDUM

DATE: October 24, 2022

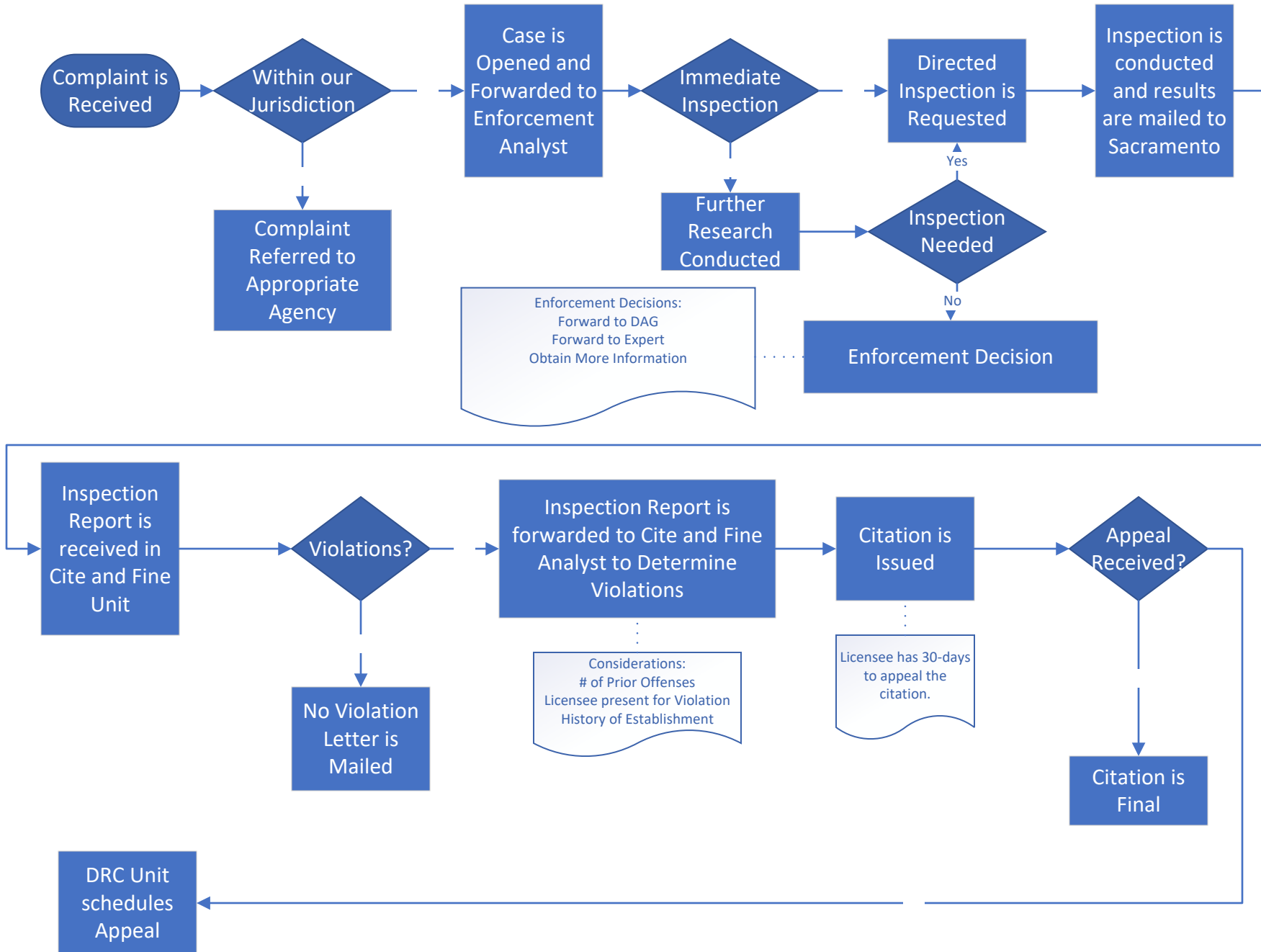
TO: Members, Enforcement and Inspections Committee

FROM: Kristy Underwood, Executive Officer

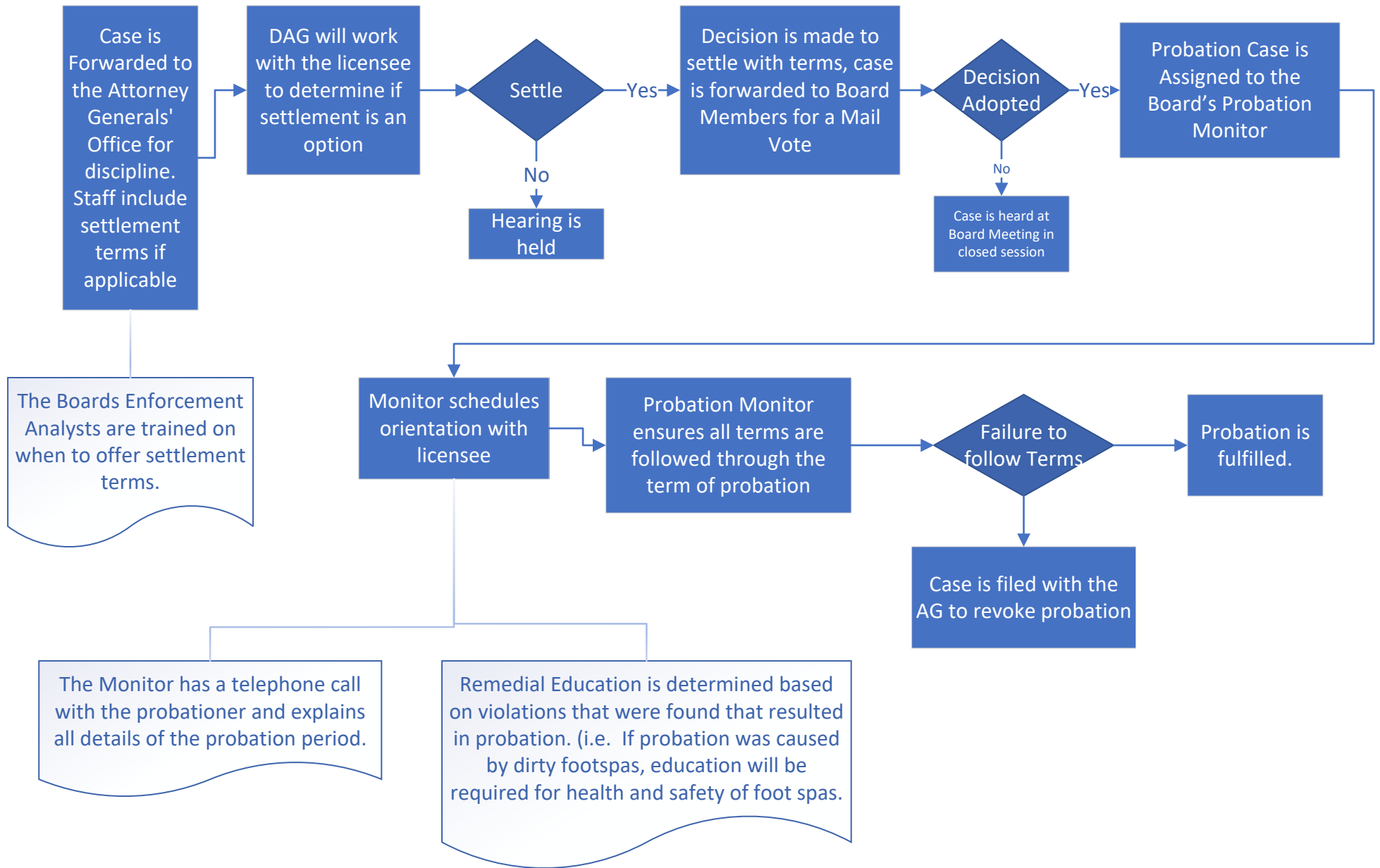
SUBJECT: Overview of the Board's Enforcement Processes

Board staff are providing the attached flow charts to allow for a better understanding of the Board's enforcement processes. Please note, these flow charts indicate a very high level of the identified processes.

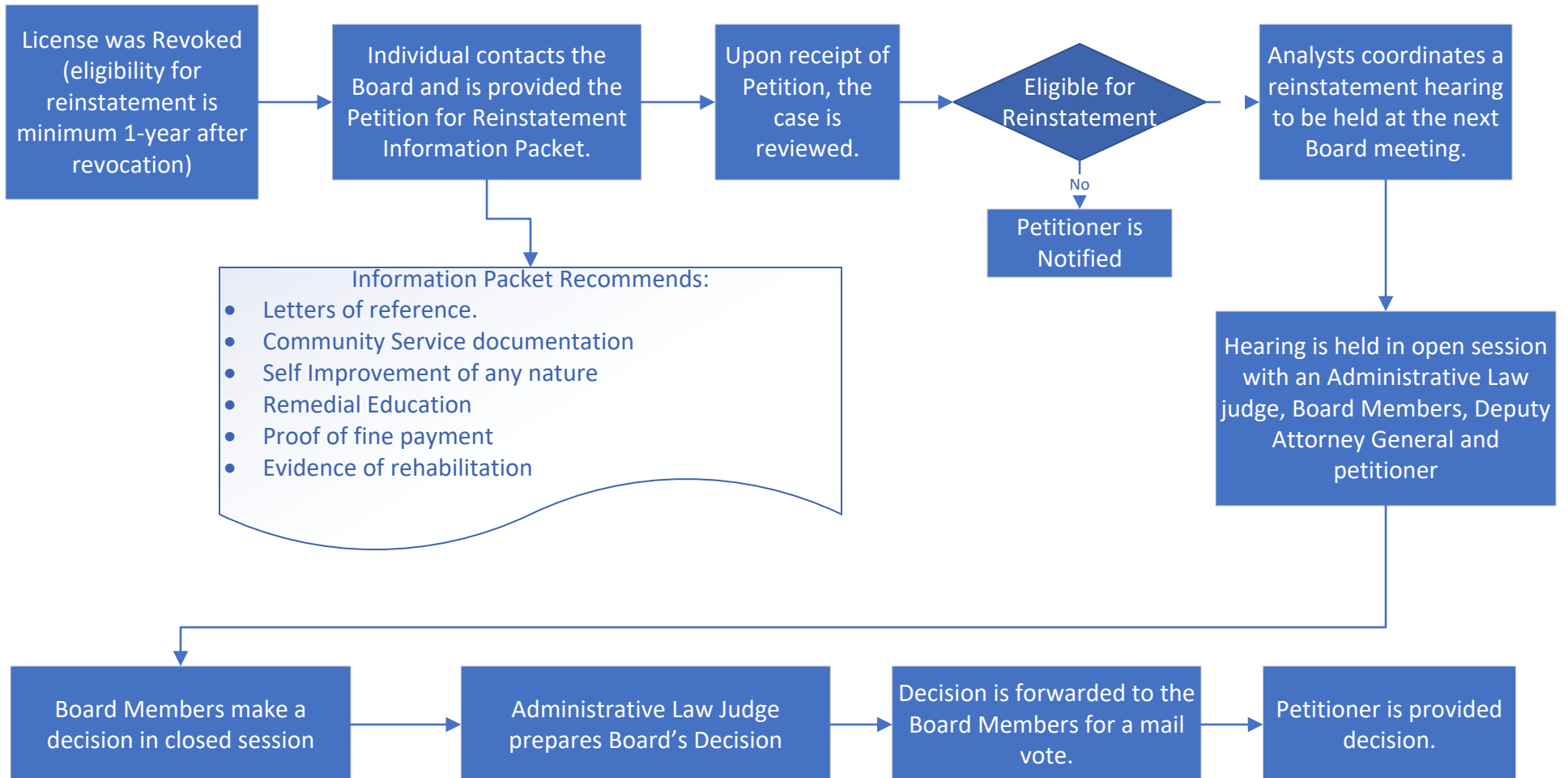
Inspection to Citation Process



Probation Case Process



Reinstatement Case Process



Establishment License Issuance Materials

- Message to the Consumer with Introduction
- Owners Must Know This
- Gender- Based Discrimination Policy
- Self- Inspection Worksheet
- Most Common Violations Cited During an Inspection
- Schedule of Administrative Fines

Renewal Issuance Materials

- Governor Newsom's Fee Relief Information



EFFECTIVE JANUARY 1, 2018

The Board of Barbering and Cosmetology's Health and Safety Rules poster no longer needs to be displayed in the reception area of the establishment.

The new "Message to the Consumer" must be posted in the reception area of the establishment.

For your convenience, a copy of the "Message to the Consumer" is on the back of this page.

To obtain a color copy of the "Message to the Consumer":

- Visit the Board's website at www.barbercosmo.ca.gov
- Print the "Message to the Consumer"
- Post in the reception area of your establishment.

905. Posting of Consumer Information Message

Approved-school owners and licensed establishment owners both shall post a copy of the board's "Message to the Consumer" (BBC-CP01(2/2017)), which is hereby incorporated by reference, conspicuously in the reception areas of their schools and establishments.

Interested in receiving Board information via email?

- Subscribe to the BBC Email List by going to www.barbercosmo.ca.gov
- Select Join Our Email List in the Quick Hits section on the home page.

If you have any questions please contact the Board at barbercosmo@dca.ca.gov and enter "Message to the Consumer" in the subject line.



MESSAGE TO THE CONSUMER

TO FILE A COMPLAINT, PLEASE CONTACT THE BOARD AT
www.barbercosmo.ca.gov

(800) 952-5210

The Board's laws and regulations can be found on the Board's Web site at
www.barbercosmo.ca.gov
or in B&P Code Sections 7301-7426.5 and Title 16 CCR Sections 901-999.





OWNERS MUST KNOW THIS

- An inspection can be done at any time the establishment is open or services are being performed. You should not prevent the inspection. Refusing an inspection will lead to a citation and fine.
- Owners must have access to all rooms, drawers, roller carts, etc. Inspectors must inspect all locked areas, so make sure you have a key (even if the key belongs to a booth renter/independent contractor).
- A Self-Inspection Sheet has been included with this mailing. Use this to prepare yourself and anyone working in the establishment for an inspection.
- The Top Violations Sheet has been included with this mailing. These are the violations that are most commonly found in establishment. Review this information so you do not receive a citation and fine for these violations.
- The Schedule of Administrative Fines has been included with this mailing. Become familiar with the cost of violations.

Visit the Board's website (www.barbercosmo.ca.gov) for additional information on:

Joining the Board's E-Mail List for All Updates
Industry Bulletins
Illegal Tools
Frequently Asked Questions
Laws and Regulations
Join the e-Mail list

NOTICE TO LIMITED ENGLISH INDIVIDUALS

Forms and some information are available in Vietnamese, Spanish, and Korean on the Board's website at www.barbercosmo.ca.gov.

Sẵn có các biểu mẫu và một số thông tin bằng tiếng Việt, tiếng Tây Ban Nha, và tiếng Hàn trên website của Hội đồng tại địa chỉ www.barbercosmo.ca.gov.

위원회 웹사이트(www.barbercosmo.ca.gov)에서 양식 및 일부 정보가 베트남어, 스페인어, 한국어로 제공됩니다.

Formularios y más información disponibles en vietnamita, español y coreano en el sitio web de la Junta en www.barbercosmo.ca.gov.

If you need assistance in interpreting Board information, please contact the Board via email at barbercosmo@dca.ca.gov or call 1-800-952-5210.

Nếu quý vị cần được trợ giúp trong việc thông dịch thông tin về Hội đồng, vui lòng liên hệ với Hội đồng qua thư điện tử theo địa chỉ barbercosmo@dca.ca.gov hoặc gọi 1-800-952-5210.

위원회의 정보를 해석하는 데 도움이 필요할 경우 이메일(barbercosmo@dca.ca.gov) 또는 전화(1-800-952-5210)를 통해 문의하십시오.

Si tiene dudas respecto a la información de la Junta y necesita ayuda, comuníquese con la Junta por correo electrónico a barbercosmo@dca.ca.gov o llame al 1-800-952-5210.



JB0004281p58-20220721113326244-0024M1000225-001400024-PG003-S0000014-2/8

PREVENTION OF GENDER-BASED DISCRIMINATION: BUSINESS ESTABLISHMENTS' LEGAL OBLIGATIONS

The [Gender Tax Repeal Act of 1995](#) (Act) prohibits a business from discriminating based on a person's gender for prices of similar or like-kind goods and services. However, the Act does not prohibit price differences based on the amount of time, difficulty, or cost of providing the services.

In addition to prohibiting discrimination based on a person's gender, the Act **requires certain businesses** to clearly and conspicuously disclose to customers in writing the pricing for each standard service provided. The posting requirement applies to:

- Barbers and hair salons
- Tailors or businesses providing aftermarket clothing alterations
- Dry cleaners and laundries providing services to individuals

These businesses must follow **specific posting requirements**. The price list must:

- Clearly and completely display pricing for every standard service, which means the 15 most-frequently requested services.
- Use a font 14-point boldface or larger.
- Be posted in an area conspicuous to customers.

The business establishment must also provide a customer with a **complete written price list** upon request.

In addition, the business establishment **must display in a conspicuous place at least one sign**—printed in no less than 24-point boldface type—that states:

CALIFORNIA LAW PROHIBITS ANY BUSINESS ESTABLISHMENT FROM DISCRIMINATING, WITH RESPECT TO THE PRICE CHARGED FOR SERVICES OF SIMILAR OR LIKE KIND, AGAINST A PERSON BECAUSE OF THE PERSON'S GENDER. A COMPLETE PRICE LIST IS AVAILABLE UPON REQUEST.

Business establishments **may be fined \$1,000** for failing to correct within 30 days a violation of any of the requirements after receiving a written notice. The 30-day correction period only applies to posting violations and not to discriminatory pricing violations.

In addition, according to Civil Code section 52(a), a business may be liable for any amount determined by a jury, or a court sitting without a jury, up to three times the amount of actual damage but no less than \$4,000, plus any attorney's fees. However, an action under this section does not prohibit an aggrieved party from seeking any other available remedy or procedure.

OTHER PROVISIONS

This Act does not change or affect provisions of the Health and Safety Code, the Insurance Code, or other laws that govern a health care service plan, or insurer underwriting or rating practices.

To read the full text of the [Gender Tax Repeal Act of 1995](#) (Civil Code section 51.6), visit the California Legislative Information website at <https://leginfo.legislature.ca.gov>.

STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS



INSPECTIONS

Self-Inspection

Conducting occasional self-inspections will help you remain in compliance with the Board of Barbering and Cosmetology (Board), regulations and the laws of California. It will also reduce the number of violations cited during an inspection. The owner of the salon, and licensees working in the salon, will be cited if violations exist during the time of inspection. The following guidelines will assist with self-inspections.

(B&P) Business and Professions Code
(CCR) Title 16, Division 9 of the California Code of Regulations

ESTABLISHMENT LICENSE

All answers should be "Yes"

- | | | |
|---|---------------------------|--------------------------|
| 1. Do you have an establishment license? (B&P 7317) | <input type="radio"/> Yes | <input type="radio"/> No |
| 2. Is your establishment license current and valid? <i>Only current, valid licenses may be displayed. The Inspector will confiscate invalid licenses. Photocopies are illegal.</i> (B&P 7347, 7317, 119(f), CCR 965(c)) | <input type="radio"/> Yes | <input type="radio"/> No |
| 3. Is the current owner and address on the license correct? <i>If not, you need to apply for a new establishment license.</i> (B&P 7347) | <input type="radio"/> Yes | <input type="radio"/> No |
| 4. Is the most current "Message to the Consumer" (BBC-CP01(2/2017)) conspicuously posted in the reception area? <i>If no, a downloadable copy is available on the Board's website.</i> (CCR 905) | <input type="radio"/> Yes | <input type="radio"/> No |
| 5. Is the Labor Rights Notice posted conspicuously where other similar notices are posted for employees? <i>If no, a downloadable copy is available on the Board's website.</i> (B&P 7353.4) | <input type="radio"/> Yes | <input type="radio"/> No |
| 6. Do you have a licensee in charge? <i>There must be a licensee in charge for purposes of the inspection.</i> (B&P 7348) | <input type="radio"/> Yes | <input type="radio"/> No |
| 7. If your establishment is in a private residence, does it have an entrance separate from the entrance of the private living quarters? (B&P 7350) | <input type="radio"/> Yes | <input type="radio"/> No |

PERSONAL LICENSES

All answers should be "Yes"

- | | | |
|---|---------------------------|--------------------------|
| 8. Do all of the employees have a current, valid license? <i>Only current, valid licenses may be displayed. The Inspector will confiscate all others. Photocopies are illegal.</i> (B&P 7349, 119(f), CCR 965(c)) | <input type="radio"/> Yes | <input type="radio"/> No |
| 9. Is each license conspicuously posted in the licensee's primary work area? <i>The license must be posted whenever the licensee is working.</i> (CCR 965(a)) | <input type="radio"/> Yes | <input type="radio"/> No |
| 10. Does each licensee have valid government-issued photo identification during work hours? (CCR 904(d)) | <input type="radio"/> Yes | <input type="radio"/> No |

SANITATION / HEALTH & SAFETY

All answers should be "Yes"

- | | | |
|---|---------------------------|--------------------------|
| 11. Do you have containers large enough for proper disinfecting? <i>All non-electrical items being disinfected must be fully immersed in solution. The container must be continuously covered.</i> (CCR 978(a)(5), 979(b)(1)) | <input type="radio"/> Yes | <input type="radio"/> No |
| 12. Do you have a sufficient supply of disinfectant? <i>Label on the disinfectant must show EPA-registered with demonstrated bactericidal, virucidal, and fungicidal activity.</i> (CCR 978(c)) | <input type="radio"/> Yes | <input type="radio"/> No |
| 13. Is the manufacturer labeled container on the premises for verification? (CCR 978(c)) | <input type="radio"/> Yes | <input type="radio"/> No |
| 14. Are the correct disinfection procedures being followed on both non-electrical and electrical equipment? (CCR 979, 980) | <input type="radio"/> Yes | <input type="radio"/> No |
| 15. Is the disinfectant solution mixed according to manufacturer's directions? (CCR 978(b)) | <input type="radio"/> Yes | <input type="radio"/> No |
| 16. Are all supplies that cannot be disinfected, disposed of in a waste receptacle immediately after use? (CCR 981(a)) | <input type="radio"/> Yes | <input type="radio"/> No |
| 17. Are neck strips or towels used to protect each client's neck? (CCR 985) | <input type="radio"/> Yes | <input type="radio"/> No |

SANITATION / HEALTH & SAFETY

All answers should be "Yes"

18. Are clean instruments stored separately from soiled instruments? Are the soiled instruments stored in a container labeled "dirty", "soiled" or "contaminated"? (CCR 979(c))	<input type="radio"/> Yes	<input type="radio"/> No
19. Are new supplies and single-use, disposable tools stored in a clean, covered place labeled "New"? (CCR 981(b))	<input type="radio"/> Yes	<input type="radio"/> No
20. Are the clean instruments stored in a covered container labeled "clean" or "disinfected"? (CCR 979(d))	<input type="radio"/> Yes	<input type="radio"/> No
21. Are all whirlpool and air-jet basins, pipe-less footspas (footplates, impellers, impeller assemblies and propellers), foot basins or tubs (any basin, tub, footbath, sink, bowl, and all non-electrical equipment that holds water for a pedicure service), being properly cleaned and disinfected after use upon each client, at the end of the day, weekly and properly logged? (CCR 980.1, 980.2, 980.3)	<input type="radio"/> Yes	<input type="radio"/> No
22. Are all single use, disposable, recyclable, liners that are designed specifically and manufactured for use as a foot basin or tub liner, disposed of immediately after each use? Is there is a supply of at least 5 liners per foot tub basin on the premises at all times? (CCR 980.4)	<input type="radio"/> Yes	<input type="radio"/> No
23. Are the floors, walls, ceilings, furniture, furnishings, and fixtures clean and in good condition? (CCR 994(a))	<input type="radio"/> Yes	<input type="radio"/> No
24. Is there hot and cold running water in the establishment, if hair dressing services are being performed? (CCR 995(b))	<input type="radio"/> Yes	<input type="radio"/> No
25. Is there a public toilet room? Is it clean? (B&P 7351)	<input type="radio"/> Yes	<input type="radio"/> No
26. Are there hand washing facilities with hot and cold running water in, or adjacent to, the toilet room? Is soap (liquid or powder, not "community" bar, soap) provided? (B&P 7352)	<input type="radio"/> Yes	<input type="radio"/> No
27. Is the toilet room clear of all storage? <i>No storage of supplies, mops, buckets, etc., are allowed in the toilet room.</i> (B&P 7351)	<input type="radio"/> Yes	<input type="radio"/> No
28. Is potable drinking water available? (CCR 995(c))	<input type="radio"/> Yes	<input type="radio"/> No
29. Is there at least one covered waste receptacle for disposal of hair? (CCR 978(a)(1))	<input type="radio"/> Yes	<input type="radio"/> No
30. Are clean towels, sheets, robes, linens and smocks stored in a clean, closed cabinet or container? (CCR 987(c), 978(a)(3))	<input type="radio"/> Yes	<input type="radio"/> No
31. Are soiled towels, robes, gowns, smocks, linens and sheets stored in a closed container? (CCR 987(a), 978(a)(2))	<input type="radio"/> Yes	<input type="radio"/> No
32. Is all waste, hair clippings or refuse, disposed of promptly without accumulation? (CCR 994(b))	<input type="radio"/> Yes	<input type="radio"/> No
33. Do all employees wash their hands or use an equally effective alcohol based product before providing services to each client? (CCR 983(b))	<input type="radio"/> Yes	<input type="radio"/> No
34. Are headrests and/or treatment tables covered with a clean towel, sheet, or paper for each client? (CCR 990(a)(c))	<input type="radio"/> Yes	<input type="radio"/> No
35. Are shampoo bowls and sinks clean and in good repair? Has the hair trap been emptied? (CCR 990(b))	<input type="radio"/> Yes	<input type="radio"/> No
36. Are all containers and spray bottles correctly labeled? (CCR 988(b))	<input type="radio"/> Yes	<input type="radio"/> No
37. Are poisonous substances labeled? (CCR 988(b))	<input type="radio"/> Yes	<input type="radio"/> No
38. If only a portion of a cosmetic preparation is used, is it removed from the container so as not to contaminate the remaining portion? (CCR 988(c))	<input type="radio"/> Yes	<input type="radio"/> No

OTHER

All answers should be "No"

39. Do employees carry supplies or instruments on or in their garments? <i>This includes scissors, holsters, and pouches.</i> (CCR 981(c))	<input type="radio"/> Yes	<input type="radio"/> No
40. Are prohibited services being offered? (CCR 991, B&P 7320)	<input type="radio"/> Yes	<input type="radio"/> No
41. Are there any supplies, equipment, or instruments in the establishment, which can be considered a practice of medicine for the type of services being offered, e.g., chemicals, scalpels, medical supplies, needles, devices, etc.? (B&P 7320.2, 7320.1)	<input type="radio"/> Yes	<input type="radio"/> No
42. Is the establishment used for sleeping or residential purposes? (B&P 7350)	<input type="radio"/> Yes	<input type="radio"/> No
43. Are there any illegal metal instruments being used or stored in the establishment, such as razor callous shavers (credo blades), metal scrapers (graters), etc.? (CCR 993(a), 993(b))	<input type="radio"/> Yes	<input type="radio"/> No

California Board of Barbering and Cosmetology
Most Common Violations Cited During an Inspection
16 California Code of Regulation sections

979-Disinfection Non-Electrical Tools: *Fine amount - \$100.00 - \$500.00

How to avoid violation:

- Before use upon a client, properly clean tools. Remove all visible debris, clean with soap or detergent and water, dry tools, totally immerse instruments in an EPA-registered disinfectant solution, and use gloves or tongs to remove the tools from the disinfectant.
- Always keep disinfectant solution covered and change disinfectant when it is cloudy, contains debris, or according to the manufacturer's instructions.
- Store all soiled non-electrical items (example: combs, brushes, nail clippers) in a container that which is labeled "Dirty", "Soiled", or "Contaminated".
- Store all disinfected non-electrical items in a clean covered place which is labeled "Clean" or "Disinfected".
- Shears shall be disinfected by removing all visible debris, clean with soap or detergent and water, spray or wipe with an EPA-registered disinfectant solution.
- Disinfected tools and shears shall NOT be placed in a container, pouch or holder which cannot be disinfected.

988-Liquids, Creams, Powders and Cosmetics: *Fine amount - \$50.00 - \$150.00

How to avoid violation:

- Store all liquids, creams, waxes, **shampoo**, powders, gels and other cosmetic preparations in clean and closed containers. Powders may be kept in clean shakers.
- Distinctly label all bottles and containers of their contents (example: water, gel, oil, etc.).
- When only using a portion of a cosmetic preparation, remove from container in such a way as to not contaminate the remaining portion. *Example: When removing wax from a wax pot, avoid "double dipping" the same wax stick applicator.*

981 (a) - No Disposal of Tools and Supplies That Cannot Be Disinfected: *Fine amount-\$100.00 - \$250.00

How to avoid violation:

- After use on a single client, immediately dispose of tools and supplies that cannot be disinfected (example: buffers, **pumice stone**, wax sticks, **toe separators**, gloves, **cotton pads**, sponges, **emery boards**, and **neck strips**) in a waste receptacle.

981 (b) – Improper Storage of New Supplies and Disposable Tools: *Fine amount-\$50.00 - \$150.00

How to avoid violation:

- Make sure all new supplies and single-use, disposable tools are stored in a clean, covered place labeled "New"

7317- Unlicensed Establishment/Persons: *Fine amount - \$25.00 - \$1,000.00

How to avoid violation:

- Always keep your personal and/or establishment license current.
- Be sure that the establishment you work at is licensed and current.
- Be sure that employees are all licensed and current.

7351 – Restroom Requirements: *Fine amount-\$50.00 - \$150.00

How to Avoid:

- You need to have a public restroom.
- The restroom should always be kept clean.
- The restroom should be clear of all storage. No storage of supplies, mops, buckets, etc . , are allowed in the restroom.

965-Display of Licenses: *Fine amount-\$50.00 - \$150.00

How to avoid violation:

- Conspicuously post individual licenses at the licensee's primary work station.
- Conspicuously post the establishment license in the reception area.
- Do not display an expired or invalid license.

987-Towels: *Fine amount-\$50.00 - \$150.00

How to avoid violation:

- After a towel, **sheet, robe, linen or smock** has once been used once, place it in a closed container to be laundered.
- Launder towels commercially in water at least 160 degrees for no less than 25 minutes, or using chemicals and cold water.
- Keep clean towels, **sheets, robes, linen or smocks** stored in clean, closed cabinets or containers.

994-Cleanliness and Repair: *Fine amount-\$50.00 - \$150.00

How to avoid violation:

- Keep all floors, walls, woodwork, ceilings, furniture, furnishing, and fixtures clean and in good repair.
- Do not permit an accumulation of waste, hair clippings, or refuse in establishment.

978 (a) (5) - Insufficient Disinfectant in Container for Total Immersion: *Fine amount-\$100.00 - \$200.00

How to avoid violation:

- When disinfecting tools, ensure there is enough disinfectant solution in the container to allow for total immersion of tools. If tools do not completely fit in the container (example: handle of a brush sticks out), use a different container.

986- Neck dusters/Brushes Not Clean or Sanitary: *Fine amount-\$50.00 - \$150.00

How to avoid violation:

- Properly clean neck, nail, facial, or makeup dusters and **manicure** brushes before use on a client.
- Place clean dusters and brushes in a clean, covered place which is labeled "Clean".
- Place soiled dusters or brushes in a container labeled "Dirty", "Soiled", or "Contaminated".

990-Headrests, Shampoo Trays and Bowls, and Treatment Tables: *Fine amount-\$50.00 - \$150.00

How to avoid violation:

- Keep the headrest of chairs covered with a clean towel or paper sheet for each client.
- Clean shampoo trays and bowls with soap and water or other detergent after each shampoo.
- Keep shampoo trays and bowls in good repair and in a sanitary condition at all times.
- Cover treatment tables with clean treatment table paper, a clean towel, or a clean sheet after each use.
- Remove a towel or sheet immediately after used and deposit it in a closed container to be laundered. Immediately dispose of treatment paper after a single use.

7349- Employment of Unlicensed Persons: *Fine amount - \$1,000.00

How to avoid violation:

- Before hiring verify each individual has a current and valid license to practice barbering, cosmetology and electrology services.

980(c)- Disinfection Electrical Tools: *Fine amount- 50.00 - \$150.00

How to avoid violation:

- All soiled electrical tools used on a client or soiled in any manner, shall be placed in a container labeled "Soiled", "Dirty" or "Contaminated" (*excluding hot styling tools*)

980.1(c) (7), (d) (7), 980.2(b)(7), (c) (6), (d)(3), 980.3(b)(6) and 980.4(a) (2) – Pedicure Equipment Cleaning Log –

***Fine amount - \$100.00- \$200.00**

How to avoid violation:

- After use upon a client, at the end of each day and weekly properly clean and disinfect the pedicure foot spa chair, basin or tub equipment according to the type of foot spa chair, basin, or tub you have. (*example Pipe-less Foot spas, Non-Whirlpool Foot Basin or Tub, and Disposable Foot Basins or Tub Liners*)
- Record the procedure in the pedicure equipment log, include the date, time of each cleaning and the initials of the person who completed the procedure, and indicate the cleaning was done after the client, end of day or weekly.
- Each chair, basin or tub shall have its own pedicure equipment log.
- The pedicure equipment log shall be made available upon request by either a client or a board representative.

*View the fine schedule for exact fine amounts.

Revised August 2016

Article 11. Administrative Fines and Citations

Title 16, Division 9, California Code of Regulations

Board of Barbering and Cosmetology

974. Schedule of Administrative Fines

(a) An administrative fine maybe assessed for violations of the specified sections of the Business and Professions Code and Division 9 of Title 16 of the California Code of Regulations as follows:

Schedule of Administrative Fines				
Section	1st Violation	2nd Violation	3rd Violation	Waivable
7313. Access to Establishment for Inspection	250	500	750	No
7317. Unlicensed Establishment	500	1,000	1,000	No
7317. Unlicensed Individual	1,000	1,000	1,000	No
7317. Expired Establishment License	250	300	500	No
7317. Expired Individual License	250	300	500	No
7317. Individual Working in an Expired Establishment	25	50	100	No
7317. Individual Working in an Unlicensed Establishment	250	300	500	No
7320. Practice of Medicine	1,000	1,000	1,000	No
7320.1. Use of Illegal Metal Tools	250	500	500	No
7320.2. Illegal Treatment Methods	500	500	500	No
7336. No Supervision of Apprentice	100	150	200	No
7348. No Licensee in Charge of Establishment	100	150	200	No
7349. Employing Unlicensed Persons	1,000	1,000	1,000	No
7349. Employing Unlicensed Persons-- Expired License	250	300	500	No
7349.1. Illegal Use of a Barber Pole	25	50	100	No
7350. Establishment Residential Use/Entrance/ Prohibited Use	50	100	150	No
7352. No Soap/ Towels or Air Hand Dryers in Hand Washing Facilities	50	100	150	No
7353.4. Labor Rights Notice Not Posted	50	100	150	No
7358. No Licensee in Charge of Mobile Unit	100	150	200	No
7359. Employing Unlicensed Person in Mobile Unit	1,000	1,000	1,000	No
7360. Mobile Unit-- Residential/ Prohibited Use	50	100	150	No
7400. No Change of Address Notice Filed	50	100	150	No
7404(l). Interference with Inspection	1,000	1,000	1,000	No
904(d). No Photographic Identification Available	50	100	150	No
905. Consumer Info. Not Posted	50	100	150	No
920. Apprentice Training Records Not Available/ Incomplete	100	150	200	No
920. Apprentice Training Records Not Available/ Incomplete	100	150	200	No

Schedule of Administrative Fines				
Section	1st Violation	2nd Violation	3rd Violation	Waivable
965. Display of Licenses	50	100	150	No
978(a)(1), (a)(2),(a) (3), (a)(4). Receptacles, Cabinets and Containers	50	100	150	No
978(a)(5). Insufficient Disinfectant in Container for Total Immersion	100	150	200	No
978(a)(6). No Steam/Dry Heat Sterilizer for Electrology Tools	500	1,000	1,500	No
978(b). No Disinfectant Solution Available for Use	250	300	500	No
978(c). No Manufacturer- Labeled Container for Disinfectant	250	300	500	No
979. Disinfecting Non-Electrical Tools and Equipment	100	250	500	No
980(a). Incorrect Disinfection of Electrical Items	100	250	500	No
980(b). Incorrect Storage of Electrical Disinfected Items	50	100	150	No
980(c). Incorrect Storage of Soiled Electrical Tools	50	100	150	No
980.1. Incorrect Disinfection of Pedicure Spas (Per Chair)	500	500	500	No
980.1(c)(7). 980.1(d)(8). 980.1(e)(4). Incorrect/ Missing Log	100	150	200	No
980.1(g). Failure to List Chair as "Not in Service" in Log; No Sign Displayed on Chair	50	100	150	No
980.2. Incorrect Disinfection of "Pipeless" Footspas (Per Unit)	500	500	500	No
980.2(b)(7). 980.2(c)(6). 980.2(d)(3). Incorrect/ Missing Log	100	150	200	No
980.2(f). Failure to List Chair as "Not in Service" in Log; No Sign Displayed on Chair	50	100	150	No
980.3. Incorrect Disinfection of "Non- Whirlpool Foot Basin" (Per Unit)	100	150	200	No
980.3(b)(6). Incorrect/ Missing Log	50	100	150	No
980.3(e). Improper Storage of Basins or Tubs	50	100	150	No
980.4. Incorrect Disinfection of Foot Basin or Tub After Use of Disposable Liner	500	500	500	No
980.4(a)(2). Incorrect/ Missing Log	50	100	150	No
980.4(a) (4). Failure to Maintain Supply of Five (5) Disposable Liners per Foot Tub Basin	250	300	500	No
981(a). No Disposal of Non-Disinfected Items	100	150	200	No
981(b). Improper Storage of New Supplies and Disposable tools	50	100	150	No
981(c). Carry Tools or Supplies in or on Garments	50	100	150	No
982. Incorrect Sterilization of Electrology Tools	100	150	200	No
983. Personal Cleanliness	50	100	150	No

Schedule of Administrative Fines				
Section	1st Violation	2nd Violation	3rd Violation	Waivable
984(a). Allow Licensee with Infectious/ Communicable Disease to Work on Person	100	250	500	No
984(b). Allow or Require a Licensee to Work on Person with Infectious/ Communicable Disease	100	250	500	No
984(e). Performing Services on Inflamed, Broken, Infected or Erupted Skin or Scalp Surface/ Working Without Gloves When Skin on Hands Is Inflamed, Broken, Infected or Erupted	100	250	500	No
985. No Use of Neck Strips or Towel	50	100	150	No
986. Neck Dusters/ Brushes Not Clean or Sanitary	50	100	150	No
987. Towels	50	100	150	No
988. Liquids, Creams, Powders and Cosmetics	50	100	150	No
989. Prohibited Hazardous Substance/Use of Product	500	500	500	No
990. Headrests and Treatment Tables	50	100	150	No
991. Performing Invasive Procedures	500	500	500	No
992. Performing Invasive Skin Exfoliation/ Dermis	500	500	500	No
993. Prohibited Tools	300	400	500	No
994. Cleanliness and Repair	50	100	150	No
995(b), (c), (d), (e). Plumbing Standards	50	100	150	No

(b) A violation indicated in subdivision (a) as not waivable means that the Board, in its discretion, has determined that the violation cannot be corrected pursuant to Business and Professions Code Section 7407, and therefore that the fine for the first violation may not be avoided as provided for in Business and Professions Code Section 7409.

NOTE: Authority cited: Sections 7312, 7406 and 7407, Business and Professions Code.
Reference: Sections 7353.4, 7406, 7407, 7407.1, 7409, Business and Professions Code.



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
DEPARTMENT OF CONSUMER AFFAIRS • BOARD OF BARBERING AND COSMETOLOGY
P.O. Box 944226, Sacramento, CA 94244-2260
Phone: (800) 952-5210 Email: barbercosmo@dca.ca.gov
Website: www.barbercosmo.ca.gov



GOVERNOR NEWSOM'S FEE RELIEF

On January 5, 2021, Governor Gavin Newsom proposed an economic relief package for businesses that were impacted by the COVID-19 pandemic. The package included waiving renewal fees for licensees of the Board of Barbering and Cosmetology. This package was approved by the California Legislature and signed by the Governor. As a result, renewal fees due in 2021 and 2022 for all personal licenses and establishment licenses will be waived.

Included with this notice is your renewed license that has been issued at no cost.

Licenses that were renewed in 2021 prior to the fee waiver will be issued a license at no cost at the next renewal cycle.

If you have any questions, please e-mail the Board of Barbering and Cosmetology at barbercosmo@dca.ca.gov.

EXENCIÓN DE CUOTAS DEL GOBERNADOR NEWSOM

El 5 de enero de 2021, el gobernador Gavin Newsom propuso un paquete de ayuda económica para los negocios que fueron afectados por la pandemia de COVID-19. El paquete incluía la exención de las cuotas de renovación para los licenciados de la Junta de Peluquería y Cosmetología. Este paquete fue aprobado por la legislatura de California y firmado por el gobernador. Como resultado, no se aplicará el pago de las cuotas de renovación de 2021 y 2022 para todas las licencias personales y de establecimientos.

Junto con esta notificación está su licencia renovada, que se emitió sin costo.

En el caso de las licencias que fueron renovadas en 2021 antes de la exención de las cuotas, se emitirá una licencia sin costo en el próximo ciclo de renovación.

Por cualquier consulta, envíe un e-mail a la Junta de Peluquería y Cosmetología a la dirección barbercosmo@dca.ca.gov.

CỨU TRỢ PHÍ GIA HẠN GIẤY PHÉP CỦA THỐNG ĐỐC NEWSOM

Vào ngày 5 tháng 1 năm 2021, Thống đốc Gavin Newsom đã đề xuất một gói cứu trợ kinh tế cho các doanh nghiệp bị ảnh hưởng bởi đại dịch COVID-19. Gói cứu trợ này bao gồm việc miễn phí gia hạn cho các bên được cấp phép của Ủy ban phụ trách Nghề làm tóc và Nghề trang điểm. Gói cứu trợ này đã được Cơ quan Lập pháp của tiểu bang California phê duyệt và được Thống đốc ký duyệt. Do đó, phí gia hạn phải nộp trong năm 2021 và 2022 cho tất cả các giấy phép cá nhân và giấy phép cơ sở sẽ được miễn.

Gửi kèm thông báo này là giấy phép đã được gia hạn và cấp miễn phí của quý vị.

Giấy phép được gia hạn trong năm 2021 trước khi được miễn phí gia hạn sẽ được cấp giấy phép miễn phí ở chu kỳ gia hạn tiếp theo.

Nếu quý vị có bất kỳ câu hỏi nào, vui lòng e-mail cho Ủy ban phụ trách Nghề làm tóc và Nghề trang điểm theo địa chỉ barbercosmo@dca.ca.gov.

뉴섬 주지사의 수수료 완화

2021년 1월 5일, 개빈 뉴섬 주지사는 코로나 19 대유행의 영향을 받은 사업체를 위한 경제 구호 패키지를 제안했습니다. 이 패키지에는 이미용위원회 면허 소지자에 대한 갱신 수수료 감면 정책이 포함되어 있습니다. 이 패키지는 캘리포니아 입법부의 승인을 받았으며 주지사의 서명을 받았습니다. 그 결과, 모든 개인 면허 및 시설 면허에 대해 2021년과 2022년에 지불 예정인 갱신 수수료가 면제됩니다.

본 통지서에는 무상으로 발급된 귀하의 갱신 면허가 포함되어 있습니다.

수수료가 면제되기 전 2021년에 갱신된 면허는 다음 갱신 주기에 무상으로 발급될 예정입니다.

궁금한 점이 있으시면, barbercosmo@dca.ca.gov 주소로 이미용위원회에 이메일을 보내주시오.

Inspection Materials

- Self- Inspection Worksheet
- Most Common Violations Cited During an Inspection
- Disinfection Fact Sheet
- Illegal Tools Flyer
- Foot- Spa Cleaning Guidelines
- Sample and Instructions for Foot -Spa Log
- Message to the Consumer
- Gender-Based Discrimination Flyer
- Department of Industrial Relations Required Posting Notice
- How to Become an Apprentice Information

INSPECTIONS

Self-Inspection

Conducting occasional self-inspections will help you remain in compliance with the Board of Barbering and Cosmetology (Board), regulations and the laws of California. It will also reduce the number of violations cited during an inspection. The owner of the salon, and licensees working in the salon, will be cited if violations exist during the time of inspection. The following guidelines will assist with self-inspections.

(B&P) Business and Professions Code
(CCR) Title 16, Division 9 of the California Code of Regulations

ESTABLISHMENT LICENSE

All answers should be "Yes"

- | | | |
|---|---------------------------|--------------------------|
| 1. Do you have an establishment license? (B&P 7317) | <input type="radio"/> Yes | <input type="radio"/> No |
| 2. Is your establishment license current and valid? <i>Only current, valid licenses may be displayed. The Inspector will confiscate invalid licenses. Photocopies are illegal.</i> (B&P 7347, 7317, 119(f), CCR 965(c)) | <input type="radio"/> Yes | <input type="radio"/> No |
| 3. Is the current owner and address on the license correct? <i>If not, you need to apply for a new establishment license.</i> (B&P 7347) | <input type="radio"/> Yes | <input type="radio"/> No |
| 4. Is the most current "Message to the Consumer" (BBC-CP01(2/2017)) conspicuously posted in the reception area? <i>If no, a downloadable copy is available on the Board's website.</i> (CCR 905) | <input type="radio"/> Yes | <input type="radio"/> No |
| 5. Is the Labor Rights Notice posted conspicuously where other similar notices are posted for employees? <i>If no, a downloadable copy is available on the Board's website.</i> (B&P 7353.4) | <input type="radio"/> Yes | <input type="radio"/> No |
| 6. Do you have a licensee in charge? <i>There must be a licensee in charge for purposes of the inspection.</i> (B&P 7348) | <input type="radio"/> Yes | <input type="radio"/> No |
| 7. If your establishment is in a private residence, does it have an entrance separate from the entrance of the private living quarters? (B&P 7350) | <input type="radio"/> Yes | <input type="radio"/> No |

PERSONAL LICENSES

All answers should be "Yes"

- | | | |
|---|---------------------------|--------------------------|
| 8. Do all of the employees have a current, valid license? <i>Only current, valid licenses may be displayed. The Inspector will confiscate all others. Photocopies are illegal.</i> (B&P 7349, 119(f), CCR 965(c)) | <input type="radio"/> Yes | <input type="radio"/> No |
| 9. Is each license conspicuously posted in the licensee's primary work area? <i>The license must be posted whenever the licensee is working.</i> (CCR 965(a)) | <input type="radio"/> Yes | <input type="radio"/> No |
| 10. Does each licensee have valid government-issued photo identification during work hours? (CCR 904(d)) | <input type="radio"/> Yes | <input type="radio"/> No |

SANITATION / HEALTH & SAFETY

All answers should be "Yes"

- | | | |
|---|---------------------------|--------------------------|
| 11. Do you have containers large enough for proper disinfecting? <i>All non-electrical items being disinfected must be fully immersed in solution. The container must be continuously covered.</i> (CCR 978(a)(5), 979(b)(1)) | <input type="radio"/> Yes | <input type="radio"/> No |
| 12. Do you have a sufficient supply of disinfectant? <i>Label on the disinfectant must show EPA-registered with demonstrated bactericidal, virucidal, and fungicidal activity.</i> (CCR 978(c)) | <input type="radio"/> Yes | <input type="radio"/> No |
| 13. Is the manufacturer labeled container on the premises for verification? (CCR 978(c)) | <input type="radio"/> Yes | <input type="radio"/> No |
| 14. Are the correct disinfection procedures being followed on both non-electrical and electrical equipment? (CCR 979, 980) | <input type="radio"/> Yes | <input type="radio"/> No |
| 15. Is the disinfectant solution mixed according to manufacturer's directions? (CCR 978(b)) | <input type="radio"/> Yes | <input type="radio"/> No |
| 16. Are all supplies that cannot be disinfected, disposed of in a waste receptacle immediately after use? (CCR 981(a)) | <input type="radio"/> Yes | <input type="radio"/> No |
| 17. Are neck strips or towels used to protect each client's neck? (CCR 985) | <input type="radio"/> Yes | <input type="radio"/> No |

SANITATION / HEALTH & SAFETY

All answers should be "Yes"

18. Are clean instruments stored separately from soiled instruments? Are the soiled instruments stored in a container labeled "dirty", "soiled" or "contaminated"? (CCR 979(c))	<input type="radio"/> Yes	<input type="radio"/> No
19. Are new supplies and single-use, disposable tools stored in a clean, covered place labeled "New"? (CCR 981(b))	<input type="radio"/> Yes	<input type="radio"/> No
20. Are the clean instruments stored in a covered container labeled "clean" or "disinfected"? (CCR 979(d))	<input type="radio"/> Yes	<input type="radio"/> No
21. Are all whirlpool and air-jet basins, pipe-less footspas (footplates, impellers, impeller assemblies and propellers), foot basins or tubs (any basin, tub, footbath, sink, bowl, and all non-electrical equipment that holds water for a pedicure service), being properly cleaned and disinfected after use upon each client, at the end of the day, weekly and properly logged? (CCR 980.1, 980.2, 980.3)	<input type="radio"/> Yes	<input type="radio"/> No
22. Are all single use, disposable, recyclable, liners that are designed specifically and manufactured for use as a foot basin or tub liner, disposed of immediately after each use? Is there is a supply of at least 5 liners per foot tub basin on the premises at all times? (CCR 980.4)	<input type="radio"/> Yes	<input type="radio"/> No
23. Are the floors, walls, ceilings, furniture, furnishings, and fixtures clean and in good condition? (CCR 994(a))	<input type="radio"/> Yes	<input type="radio"/> No
24. Is there hot and cold running water in the establishment, if hair dressing services are being performed? (CCR 995(b))	<input type="radio"/> Yes	<input type="radio"/> No
25. Is there a public toilet room? Is it clean? (B&P 7351)	<input type="radio"/> Yes	<input type="radio"/> No
26. Are there hand washing facilities with hot and cold running water in, or adjacent to, the toilet room? Is soap (liquid or powder, not "community" bar, soap) provided? (B&P 7352)	<input type="radio"/> Yes	<input type="radio"/> No
27. Is the toilet room clear of all storage? <i>No storage of supplies, mops, buckets, etc., are allowed in the toilet room.</i> (B&P 7351)	<input type="radio"/> Yes	<input type="radio"/> No
28. Is potable drinking water available? (CCR 995(c))	<input type="radio"/> Yes	<input type="radio"/> No
29. Is there at least one covered waste receptacle for disposal of hair? (CCR 978(a)(1))	<input type="radio"/> Yes	<input type="radio"/> No
30. Are clean towels, sheets, robes, linens and smocks stored in a clean, closed cabinet or container? (CCR 987(c), 978(a)(3))	<input type="radio"/> Yes	<input type="radio"/> No
31. Are soiled towels, robes, gowns, smocks, linens and sheets stored in a closed container? (CCR 987(a), 978(a)(2))	<input type="radio"/> Yes	<input type="radio"/> No
32. Is all waste, hair clippings or refuse, disposed of promptly without accumulation? (CCR 994(b))	<input type="radio"/> Yes	<input type="radio"/> No
33. Do all employees wash their hands or use an equally effective alcohol based product before providing services to each client? (CCR 983(b))	<input type="radio"/> Yes	<input type="radio"/> No
34. Are headrests and/or treatment tables covered with a clean towel, sheet, or paper for each client? (CCR 990(a)(c))	<input type="radio"/> Yes	<input type="radio"/> No
35. Are shampoo bowls and sinks clean and in good repair? Has the hair trap been emptied? (CCR 990(b))	<input type="radio"/> Yes	<input type="radio"/> No
36. Are all containers and spray bottles correctly labeled? (CCR 988(b))	<input type="radio"/> Yes	<input type="radio"/> No
37. Are poisonous substances labeled? (CCR 988(b))	<input type="radio"/> Yes	<input type="radio"/> No
38. If only a portion of a cosmetic preparation is used, is it removed from the container so as not to contaminate the remaining portion? (CCR 988(c))	<input type="radio"/> Yes	<input type="radio"/> No

OTHER

All answers should be "No"

39. Do employees carry supplies or instruments on or in their garments? <i>This includes scissors, holsters, and pouches.</i> (CCR 981(c))	<input type="radio"/> Yes	<input type="radio"/> No
40. Are prohibited services being offered? (CCR 991, B&P 7320)	<input type="radio"/> Yes	<input type="radio"/> No
41. Are there any supplies, equipment, or instruments in the establishment, which can be considered a practice of medicine for the type of services being offered, e.g., chemicals, scalpels, medical supplies, needles, devices, etc.? (B&P 7320.2, 7320.1)	<input type="radio"/> Yes	<input type="radio"/> No
42. Is the establishment used for sleeping or residential purposes? (B&P 7350)	<input type="radio"/> Yes	<input type="radio"/> No
43. Are there any illegal metal instruments being used or stored in the establishment, such as razor callous shavers (credo blades), metal scrapers (graters), etc.? (CCR 993(a), 993(b))	<input type="radio"/> Yes	<input type="radio"/> No

California Board of Barbering and Cosmetology
Most Common Violations Cited During an Inspection
16 California Code of Regulation sections

979-Disinfection Non-Electrical Tools: *Fine amount - \$100.00 - \$500.00

How to avoid violation:

- Before use upon a client, properly clean tools. Remove all visible debris, clean with soap or detergent and water, dry tools, totally immerse instruments in an EPA-registered disinfectant solution, and use gloves or tongs to remove the tools from the disinfectant.
- Always keep disinfectant solution covered and change disinfectant when it is cloudy, contains debris, or according to the manufacturer's instructions.
- Store all soiled non-electrical items (example: combs, brushes, nail clippers) in a container that which is labeled "Dirty", "Soiled", or "Contaminated".
- Store all disinfected non-electrical items in a clean covered place which is labeled "Clean" or "Disinfected".
- Shears shall be disinfected by removing all visible debris, clean with soap or detergent and water, spray or wipe with an EPA-registered disinfectant solution.
- Disinfected tools and shears shall NOT be placed in a container, pouch or holder which cannot be disinfected.

988-Liquids, Creams, Powders and Cosmetics: *Fine amount - \$50.00 - \$150.00

How to avoid violation:

- Store all liquids, creams, waxes, **shampoo**, powders, gels and other cosmetic preparations in clean and closed containers. Powders may be kept in clean shakers.
- Distinctly label all bottles and containers of their contents (example: water, gel, oil, etc.).
- When only using a portion of a cosmetic preparation, remove from container in such a way as to not contaminate the remaining portion. *Example: When removing wax from a wax pot, avoid "double dipping" the same wax stick applicator.*

981 (a) - No Disposal of Tools and Supplies That Cannot Be Disinfected: *Fine amount-\$100.00 - \$250.00

How to avoid violation:

- After use on a single client, immediately dispose of tools and supplies that cannot be disinfected (example: buffers, **pumice stone**, wax sticks, **toe separators**, gloves, **cotton pads**, sponges, **emery boards**, and **neck strips**) in a waste receptacle.

981 (b) – Improper Storage of New Supplies and Disposable Tools: *Fine amount-\$50.00 - \$150.00

How to avoid violation:

- Make sure all new supplies and single-use, disposable tools are stored in a clean, covered place labeled "New"

7317- Unlicensed Establishment/Persons: *Fine amount - \$25.00 - \$1,000.00

How to avoid violation:

- Always keep your personal and/or establishment license current.
- Be sure that the establishment you work at is licensed and current.
- Be sure that employees are all licensed and current.

7351 – Restroom Requirements: *Fine amount-\$50.00 - \$150.00

How to Avoid:

- You need to have a public restroom.
- The restroom should always be kept clean.
- The restroom should be clear of all storage. No storage of supplies, mops, buckets, etc . , are allowed in the restroom.

965-Display of Licenses: *Fine amount-\$50.00 - \$150.00

How to avoid violation:

- Conspicuously post individual licenses at the licensee's primary work station.
- Conspicuously post the establishment license in the reception area.
- Do not display an expired or invalid license.

987-Towels: *Fine amount-\$50.00 - \$150.00

How to avoid violation:

- After a towel, **sheet, robe, linen or smock** has once been used once, place it in a closed container to be laundered.
- Launder towels commercially in water at least 160 degrees for no less than 25 minutes, or using chemicals and cold water.
- Keep clean towels, **sheets, robes, linen or smocks** stored in clean, closed cabinets or containers.

994-Cleanliness and Repair: *Fine amount-\$50.00 - \$150.00

How to avoid violation:

- Keep all floors, walls, woodwork, ceilings, furniture, furnishing, and fixtures clean and in good repair.
- Do not permit an accumulation of waste, hair clippings, or refuse in establishment.

978 (a) (5) - Insufficient Disinfectant in Container for Total Immersion: *Fine amount-\$100.00 - \$200.00

How to avoid violation:

- When disinfecting tools, ensure there is enough disinfectant solution in the container to allow for total immersion of tools. If tools do not completely fit in the container (example: handle of a brush sticks out), use a different container.

986- Neck dusters/Brushes Not Clean or Sanitary: *Fine amount-\$50.00 - \$150.00

How to avoid violation:

- Properly clean neck, nail, facial, or makeup dusters and **manicure** brushes before use on a client.
- Place clean dusters and brushes in a clean, covered place which is labeled "Clean".
- Place soiled dusters or brushes in a container labeled "Dirty", "Soiled", or "Contaminated".

990-Headrests, Shampoo Trays and Bowls, and Treatment Tables: *Fine amount-\$50.00 - \$150.00

How to avoid violation:

- Keep the headrest of chairs covered with a clean towel or paper sheet for each client.
- Clean shampoo trays and bowls with soap and water or other detergent after each shampoo.
- Keep shampoo trays and bowls in good repair and in a sanitary condition at all times.
- Cover treatment tables with clean treatment table paper, a clean towel, or a clean sheet after each use.
- Remove a towel or sheet immediately after used and deposit it in a closed container to be laundered. Immediately dispose of treatment paper after a single use.

7349- Employment of Unlicensed Persons: *Fine amount - \$1,000.00

How to avoid violation:

- Before hiring verify each individual has a current and valid license to practice barbering, cosmetology and electrology services.

980(c)- Disinfection Electrical Tools: *Fine amount- 50.00 - \$150.00

How to avoid violation:

- All soiled electrical tools used on a client or soiled in any manner, shall be placed in a container labeled "Soiled", "Dirty" or "Contaminated" (*excluding hot styling tools*)

980.1(c) (7), (d) (7), 980.2(b)(7), (c) (6), (d)(3), 980.3(b)(6) and 980.4(a) (2) – Pedicure Equipment Cleaning Log –

***Fine amount - \$100.00- \$200.00**

How to avoid violation:

- After use upon a client, at the end of each day and weekly properly clean and disinfect the pedicure foot spa chair, basin or tub equipment according to the type of foot spa chair, basin, or tub you have. (*example Pipe-less Foot spas, Non-Whirlpool Foot Basin or Tub, and Disposable Foot Basins or Tub Liners*)
- Record the procedure in the pedicure equipment log, include the date, time of each cleaning and the initials of the person who completed the procedure, and indicate the cleaning was done after the client, end of day or weekly.
- Each chair, basin or tub shall have its own pedicure equipment log.
- The pedicure equipment log shall be made available upon request by either a client or a board representative.

*View the fine schedule for exact fine amounts.

Revised August 2016



Disinfection

WHAT MUST BE DISINFECTED?

Any tool that touches a customer must be disinfected before it can be used on another person. If it cannot be disinfected (such as emery boards, neck strips, cotton pads, etc.), it must be thrown away immediately after use. Towels, sheets, gowns, etc. must be washed before they are used on another person.

HOW TO DISINFECT:

- **Remove** — all visible debris.
- **Wash** — with soap or detergent and water. If necessary, use a scrub brush to remove any foreign matter.
- **Rinse*** — in clean water.
- **Dry** — with a new clean paper towel. This is important so the disinfection solution does not get diluted.
- **Immerse** — tools in an EPA-registered disinfectant used according to manufacturer's instructions. Tools must be totally immersed in the disinfectant. Use a properly mixed EPA-registered disinfectant that has demonstrated bactericidal, fungicidal, and virucidal activity. The disinfectant solution must be mixed and available for use at all times. The disinfectant must be covered at all times and changed according to the manufacturer's instructions or when it is cloudy or contains debris. Containers for disinfectant must be labeled "Disinfectant Solution".
- **Wear** — protective gloves or use tongs when removing tools from the disinfectant.
- **Dry*** — with a new, clean paper towel.
- **Store** — all disinfected tools in a clean, covered place which is labeled "clean" or "disinfected". Disinfected tools shall not be placed in a container, pouch or holder which cannot be disinfected.

continued on back

HOW TO DISINFECT SHEARS:

- **Remove** — all visible debris.
- **Wash** — with soap or detergent and water. If necessary, use a scrub brush to remove any foreign matter.
- **Rinse*** — in clean water.
- **Spray or wipe** — shears with an EPA-registered disinfectant with demonstrated bactericidal, fungicidal and virucidal activity, used according to manufacturer's instructions.
- **Store** — all disinfected tools in a clean, covered place which is labeled "Clean" or Disinfected". Disinfected shears shall not be placed in a container, pouch or holder which cannot be disinfected.

** These steps are not required in the law or regulations as part of the disinfection process. However, it is recommended that licensees include these additional steps to achieve the maximum benefits of the disinfection process.*



Do Not Use These Tools

Examples of tools that are not allowed on the premises:



Establishment Owners: Illegal tools found in an establishment can subject you up to a \$500.00 fine.

Individual Operators: Any operator present at the time of inspection that is found with an illegal tool at their workstation or is found using an illegal tool can also be subject up to a \$500.00 fine.

NOTE: The Board of Barbering and Cosmetology does not endorse or approve any specific tools. The tools shown above do not meet the current requirements for use by any Board licensees or in any Board licensed establishment in the state of California.

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KEEP YOUR SPAS SPARKLING

CLEANING WHIRLPOOL FOOT SPAS AND AIR-JET BASINS (980.1)

A "whirlpool footspa" or "spa" is any basin using circulating water. An air-jet basin is any basin using an air jet stream system to move water.

Steps to follow after each client:

1. **Drain** the basin of *all water*.
2. **Scrub** the inside walls of the basin and clean *all visible debris* with a clean brush, liquid soap (labeled as such) and water.
3. **Rinse** the basin with clean water.
4. **Refill** the basin with clean water.
5. **Add disinfectant.** Refer to the manufacturer's label to determine how much disinfectant to use. Remember that the disinfectant must be an *EPA-registered, hospital-quality liquid disinfectant* that is labeled as a bactericide, fungicide and virucide.
6. **Circulate for at least 10 minutes.**
7. **Drain** and rinse the basin with clean water.
8. **Wipe** the basin dry with a new, clean paper towel.
9. **Record this procedure in the pedicure-cleaning log.** The log should indicate the date and time of each cleaning, the initials of the person who completed the procedure, and that the cleaning was done after a client. The log shall be made available to either a client or a board representative upon request.

Steps to follow at the end of each day:

1. **Remove** the screen and any other removable parts.
2. **Scrub** all visible debris from the screen, the inside walls of the basin, any other removable parts, and the area behind them with a clean brush, liquid soap (labeled as such) and water.
3. **Re-insert** the clean screen and any other removable parts.
4. **Fill** the basin with clean warm water and detergent (labeled as such).
5. **Circulate for at least 10 minutes.**
6. **Drain** the detergent solution and rinse the basin with clean water.
7. **Refill** the basin with clean water.
8. **Add disinfectant.** Refer to the manufacturer's label to determine how much disinfectant to use. Remember that the disinfectant must be an EPA-registered, hospital-quality liquid disinfectant that is labeled as a bactericide, fungicide and virucide.
9. **Circulate for at least 10 minutes.**
10. **Drain** and rinse the basin with clean water.
11. **Wipe** the basin dry with a new, clean paper towel and allow it to dry completely.
12. **Record this procedure in the pedicure-cleaning log.** The log should indicate the date and time of the cleaning, the initials of the person who completed the cleaning, and that the cleaning was done at the end of the day. The log shall be made available to either a client or a board representative upon request.

Steps to follow at least once a week:

At least once a week, after performing steps 1-8 required at the end of each day, perform the following:

- 1. Turn off** the unit, ***but do not drain*** the disinfectant solution.
- 2. Leave disinfectant solution undisturbed in the basin for at least 6 hours.**
- 3. Drain** and rinse the basin with clean water.
- 4. Refill** the basin with clean water and flush the system.
- 5. Record this procedure in the pedicure-cleaning log.** The log should indicate the date and time of the cleaning, the initials of the person who completed the cleaning, and that the cleaning was done weekly. The log shall be made available to either a client or a board representative upon request.

KEEP YOUR SPAS SPARKLING

CLEANING PIPE-LESS FOOT SPAS (980.2)

A "Pipe-Less" foot spa is a unit that has footplates, impellers, impeller assemblies and propellers.

Steps to follow after each client:

1. **Drain** the basin of all water.
2. **Remove** the footplate and any other removable components according to the manufacturer's instructions.
3. **Scrub** all visible debris from the inside walls of the basin, the impeller, footplate and other components, and the areas behind or under each, with a clean brush, and liquid soap (labeled as such) and water.
4. **Rinse** the basin with clean water.
5. **Reinsert** the properly cleaned footplate and components.
6. **Refill** the basin with clean water.
7. **Add disinfectant.** Refer to the manufacturer's label to determine how much disinfectant to use. Remember that the disinfectant must be an *EPA-registered, hospital-quality liquid disinfectant* that is labeled as a bactericide, fungicide and virucide.
8. **Circulate for at least 10 minutes.**
9. **Drain** and rinse the basin with clean water.
10. **Wipe** the basin dry with a new, clean paper towel.
11. **Record this procedure in the pedicure-cleaning log.** The log should indicate the date and time of each cleaning, the initials of the person who completed the cleaning, and that the cleaning was done after a client. The log shall be made available to either a client or a board representative upon request.

Steps to follow at the end of each day:

At the end of every day and after performing steps 1-11 required after each patron, perform the following steps on each pipe-less foot spa:

1. **Fill** the basin with clean warm water and detergent (labeled as such)
2. **Circulate for at least 10 minutes according to the manufacturer's instructions.**
3. **Drain** the detergent solution and rinse the basin with clean water.
4. **Refill** the basin with clean water.
5. **Add disinfectant.** Refer to the manufacturer's label to determine how much disinfectant to use. Remember that the disinfectant must be an EPA-registered, hospital-quality liquid disinfectant that is labeled as a bactericide, fungicide and virucide.
6. **Circulate for at least 10 minutes.**
7. **Drain** and rinse the basin with clean water.
8. **Wipe** the basin dry with a new, clean paper towel and allow it to dry completely.
9. **Record this procedure in the pedicure-cleaning log.** The log should indicate the date and time of the cleaning, the initials of the person who completed the cleaning, and that the cleaning was done at the end of the day. The log shall be made available to either a client or a board representative upon request.

Steps to follow at least once a week:

At least once a week, after performing steps 1-6 required at the end of the day, perform the following steps on each pipe-less foot spa:

1. **Turn off** the unit, **but do not drain** the disinfectant solution.
2. **Leave the disinfectant solution undisturbed in the unit for 6.**
3. **Drain** and rinse the basin with clean water.
4. **Wipe** the basin dry with a new, clean paper towel.
5. **Record this procedure in the pedicure-cleaning log.** The log should indicate the date and time of the cleaning, the initials of the person who completed the cleaning, and that the cleaning was done weekly. The log shall be made available to either a client or a board representative upon request.

KEEP YOUR SPAS SPARKLING

CLEANING NON-WHIRLPOOL FOOT BASINS AND TUBS (980.3)

A "non-whirlpool foot basin" or "tub" is any basin, tub, footbath, sink or bowl, as well as all non-electrical equipment that holds water for a client's feet during a pedicure service.

Steps to follow after each client:

1. **Drain** the basin or tub of *all water*.
2. **Scrub** the inside walls of the basin or tub and clean *all visible* debris with a clean brush, liquid soap (labeled as such) and water.
3. **Rinse** the basin or tub with clean water.
4. **Refill** the basin with clean water.
5. **Add disinfectant.** Refer to the manufacturer's label to determine how much disinfectant to use. Remember that the disinfectant must be an *EPA-registered, hospital-quality liquid disinfectant* that is labeled as a bactericide, fungicide and virucide.
6. **Leave the disinfectant in the basin or tub for at least 10 minutes.**
7. **Drain** and rinse the basin or tub with clean water.
8. **Wipe** the basin or tub dry with a new, clean paper towel.
9. **Record this procedure in the pedicure-cleaning log.** The log should indicate the date and time of each cleaning, the initials of the person who completed the procedure, and that the cleaning was done after a client. The log shall be made available to either a client or a board representative upon request.

Note: End of day and weekly cleaning are not required for Non-Whirlpool Foot Basin and Tubs.

KEEP YOUR SPAS SPARKLING

USING DISPOSABLE FOOT BASIN OR TUB LINERS

Single use, disposable, recyclable liners designed specifically and manufactured for use as a foot basin or tub liner shall be disposed of immediately after each use and may not be disinfected or reused. Establishments or schools that utilize the liners must *maintain a supply of five (5) liners per foot tub basin or tub for use at all times.*

Steps to follow after each client:

1. **Dispose** of the pedicure basin or tub liner.
2. **Scrub** the basin or tub and clean *all visible debris* with a clean brush and liquid soap (labeled as such on soap product) and water.
3. **Rinse** the basin or tub with clean water.
4. **Dry** the basin or tub with a new, clean paper towel.
5. **Record the cleaning procedure in the pedicure equipment-cleaning log.** The log shall contain the date and time of each cleaning, initials of the person who completed the procedure, and shall indicate that the cleaning was done after a client. The pedicure equipment-cleaning log shall be made available to either a client or a board representative upon request.

**AFTER CLIENT/END OF DAY/WEEKLY
 PEDICURE EQUIPMENT CLEANING AND DISINFECTING LOG**

CHAIR/TUB # _____

Name of Establishment	License Number
	Month

WHEN/WHO			CLEANED			WHEN/WHO			CLEANED		
Date	Time	Initials	Check One			Date	Time	Initials	Check One		
			After Client	<input type="checkbox"/>	<input type="checkbox"/>				After Client	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>
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				<input type="checkbox"/>	<input type="checkbox"/>					<input type="checkbox"/>	<input type="checkbox"/>

NOTE: End of day and weekly cleaning not required for "Non-Whirlpool Foot Basin" or "Tubs", defined as any basin, tub, footbath, sink and bowl – and all non-electrical equipment that holds water for a client's feet during a pedicure service.

INSTRUCTIONS ON COMPLETING THE PEDICURE LOG

Complete one log sheet for each chair, non-whirlpool foot basin or tub. Each log sheet should be assigned its own number (EX: Chair #1, Chair #2, Chair #3, Tub #1, Tub #2).

1. Complete the top portion of the log by filling out the chair/tub number, establishment name, establishment license number and the month and year.
2. Enter date and time spa or tub was cleaned. Enter initials of licensee who cleaned and disinfected the spa or tub.
3. CHECK ONE BOX **ONLY** for date and time of cleaning/disinfecting. *See sample entries on log below.* You may have several entries on the same date. An entry should be made **immediately** after each client, at the end of each day, and once a week for the weekly cleaning. NOTE: End of day and weekly cleaning/disinfecting are not required for "Non-Whirlpool Foot Basin" or "Tubs", defined as any basin, tub, footbath, sink and bowl – and all non-electrical equipment that holds water for a client's feet during a pedicure service.
4. If no pedicure services were performed throughout the day, fill in the date, write the initials of the person verifying this, and indicate that no services were performed.

NOTE: Each row on the log represents a single cleaning/disinfecting. For each cleaning/disinfecting insert only **one** check-mark for the type of cleaning performed. There may be several entries with the same date.

SAMPLE LOG

PEDICURE EQUIPMENT CLEANING AND DISINFECTING LOG CHAIR/TUB # 1

Name of Establishment ABC NAIL SALON										Establishment License Number A 123456		
										Month JUNE 2008		
WHEN/WHO			CLEANED			WHEN/WHO			CLEANED			
Date	Time	Initials	Check One			Date	Time	Initials	Check One			
			After Client						After Client			
6/1/08	-	-	CLOSED			6/5/08	10:00 a.m.	RW	√			
6/2/08	10:30 a.m.	RW	√			6/5/08	11:30 a.m.	HB	√			
6/2/08	11:00 a.m.	RW	√			6/5/08	2:30 p.m.	HB				
6/2/08	7:00 p.m.	HB				6/6/08	6:00 p.m.	MD	√			
6/3/08	9:00 a.m.	RW	√			6/6/08	6:30 p.m.	RW	√			
6/3/08	6:00 p.m.	RW	√			6/6/08	8:00 p.m.	RW				
6/3/08	6:30 p.m.	CH				6/7/08	-	GB	NO SERVICES PERFORMED			
6/4/08	10:00 a.m.	RW	√			6/8/08	11:00 a.m.	RW	√			
6/4/08	4:00 p.m.	RW	√			6/8/08	4:00 p.m.	RW	√			
6/4/08	6:30 p.m.	RW				6/8/08	6:00 p.m.	HB				



MESSAGE TO THE CONSUMER

TO FILE A COMPLAINT, PLEASE CONTACT THE BOARD AT
www.barbercosmo.ca.gov

(800) 952-5210

The Board's laws and regulations can be found on the Board's Web site at
www.barbercosmo.ca.gov
or in B&P Code Sections 7301-7426.5 and Title 16 CCR Sections 901-999.



PREVENTION OF GENDER-BASED DISCRIMINATION: BUSINESS ESTABLISHMENTS' LEGAL OBLIGATIONS

The [Gender Tax Repeal Act of 1995](#) (Act) prohibits a business from discriminating based on a person's gender for prices of similar or like-kind goods and services. However, the Act does not prohibit price differences based on the amount of time, difficulty, or cost of providing the services.

In addition to prohibiting discrimination based on a person's gender, the Act **requires certain businesses** to clearly and conspicuously disclose to customers in writing the pricing for each standard service provided. The posting requirement applies to:

- Barbers and hair salons
- Tailors or businesses providing aftermarket clothing alterations
- Dry cleaners and laundries providing services to individuals

These businesses must follow **specific posting requirements**. The price list must:

- Clearly and completely display pricing for every standard service, which means the 15 most-frequently requested services.
- Use a font 14-point boldface or larger.
- Be posted in an area conspicuous to customers.

The business establishment must also provide a customer with a **complete written price list** upon request.

In addition, the business establishment **must display in a conspicuous place at least one sign**—printed in no less than 24-point boldface type—that states:

CALIFORNIA LAW PROHIBITS ANY BUSINESS ESTABLISHMENT FROM DISCRIMINATING, WITH RESPECT TO THE PRICE CHARGED FOR SERVICES OF SIMILAR OR LIKE KIND, AGAINST A PERSON BECAUSE OF THE PERSON'S GENDER. A COMPLETE PRICE LIST IS AVAILABLE UPON REQUEST.

Business establishments **may be fined \$1,000** for failing to correct within 30 days a violation of any of the requirements after receiving a written notice. The 30-day correction period only applies to posting violations and not to discriminatory pricing violations.

In addition, according to Civil Code section 52(a), a business may be liable for any amount determined by a jury, or a court sitting without a jury, up to three times the amount of actual damage but no less than \$4,000, plus any attorney's fees. However, an action under this section does not prohibit an aggrieved party from seeking any other available remedy or procedure.

OTHER PROVISIONS

This Act does not change or affect provisions of the Health and Safety Code, the Insurance Code, or other laws that govern a health care service plan, or insurer underwriting or rating practices.

To read the full text of the [Gender Tax Repeal Act of 1995](#) (Civil Code section 51.6), visit the California Legislative Information website at <https://leginfo.legislature.ca.gov>.

STATE OF CALIFORNIA
dca
DEPARTMENT OF CONSUMER AFFAIRS



Attention Establishment Owners...



Did you know...

A Workplace Posting Flyer is required??

Under California Business and Professions Code section 7353.4 Workplace Rights and Wage and Hour Laws Notice (a) On and after July 1, 2017, an establishment licensed by the board shall, upon availability of the posting notice developed by the Labor Commissioner pursuant to Section 98.10 of the Labor Code, post that notice in a manner that complies with the requirements of Section 98.10 of the Labor Code in a conspicuous location in clear view of employees and where similar notices are customarily posted. The notice shall be posted in English, Spanish, Vietnamese, and Korean. (b) The board shall inspect for compliance with this posting requirement when it conducts an inspection pursuant to Section 7353. (c) A violation of this section shall be punished by an administrative fine established pursuant to Section 7407 and shall not be punished as a misdemeanor under Section 7404.1.

Not displaying the required workplace posting in English, Spanish, Vietnamese and Korean will result in a violation during inspection.

Required Workplace Posting can be found..

<https://www.dir.ca.gov/wpnodeb.html> - available in English, Spanish, Vietnamese, and Korean
<https://www.barbercosmo.ca.gov/>

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<https://www.barbercosmo.ca.gov/>



Required Workplace Posting for All California Barbering and Cosmetology Licensees

In California, all workers are protected by labor laws. You have the right to be treated fairly at your workplace no matter where you were born or whether you have papers to work. The Labor Commissioner's Office is the state agency that enforces minimum labor standards to ensure you are not required to work under substandard, unlawful conditions. You may file a claim regardless of your immigration status and do not need a Social Security number or photo identification in order to file a claim or report a violation. You do not need a lawyer to file a wage claim and the Labor Commissioner's Office will provide an interpreter in your language.

Misclassification of an employee as an independent contractor

A worker that is considered an "employee" as opposed to an "independent contractor" (sometimes referred to as a "10-99 worker") is entitled to many workplace protections under State labor laws.

A person is an "employee" if the conditions of work show an employment relationship applying special definitions stated in the law. **Employees** must be paid minimum wage, allowed meal and rest breaks, able to earn overtime and are entitled to sick leave, among other rights and protections. There is a general presumption that a person who performs services for a business is an employee.

A person who qualifies as an employee may be improperly treated as an independent contractor. Simply calling a worker an independent contractor does not make them one and an employee who is misclassified as an independent contractor is subject to the rights and protections of an employee. An employer may be responsible for owed wages, interest, damages, and may be subject to penalties due to the misclassified employee.

Generally speaking, the more control an employer has over how the employee works such as determining their rate of pay, their price list, what hours they work and when they work, or control other general working conditions, the more likely the worker is an employee and not an independent contractor.

Minimum wage, overtime compensation, meal periods, and rest periods As of January 1, 2018 the minimum wage for employers with 25 or fewer employees is \$10.50 an hour and \$11.00 an hour for employers with 26 or more employees. If you are paid by piece rate, per hour, by commission, or paid by the day, your wages still have to equal at least minimum wage for all the hours you

worked. The minimum wage will increase on January 1 of each year for the next several years.

Employers must pay overtime

Most workers in California must receive overtime pay of:

- 1.5 times the regular rate of pay for all hours worked over 8 a day.
- Double the regular pay for all hours worked over 12 a day.

If a worker works seven days in a workweek, the worker must be paid:

- 1.5 times the regular rate of pay for the first 8 hours on the seventh day, and
- Double the regular rate of pay for all hours worked over 8 hours on the seventh day.

Meals and rest breaks

Your employer must allow you to take a break for meals and rest. Most workers in California must receive an uninterrupted and duty free 30-minute unpaid meal period for every 5 hours worked. Also, a paid 10-minute rest period for every 4 hours worked. You may be entitled to a rest break even if you work less than 4 hours. An employer who fails to provide a duty-free meal period or rest break must pay an amount of one hour's pay for each day that a meal or rest period is not provided.

Tip or gratuity distribution

- If a customer offers you a tip your employer cannot take any portion of it.
- If a tip pooling policy exists at the business and more than one worker assists a customer but the customer only tips one worker, that worker may be required to share that tip with the other worker if the policy requires it.
- All tips received by workers must be in addition to wages. Your employer cannot count your tips towards your hourly wage or your commission.
- Any tips paid on a credit card must be paid to you by the following pay day.
- Your employer cannot deduct any fees or charges from tips paid for by a credit card.

Business expense reimbursement

An employee is entitled to reimbursement for all expenses or losses incurred by the worker in the course of performing their job. For example, an employer cannot require an employee to buy certain tools, including instruments or a uniform, unless the employer pays for the tools or uniform.

Protection from retaliation

It is illegal for employers to retaliate against workers. Your boss cannot take any action to discipline, demote, punish, adversely change your working conditions, or fire you or your co-workers for reporting a labor law violation, a work-related injury,

a workplace safety hazard or exercising a right that is protected under State labor laws.

How to report violations of the law

If you wish to file a wage claim, report a labor law violation, complaint for retaliation, or if you have a question, you may contact the Labor Commissioner's office. You can find office locations and phone numbers at www.dir.ca.gov/dlse or call 866-924-9757.

HOW TO BECOME A CALIFORNIA STATE BOARD LICENSED PROFESSIONAL BARBER, COSMETOLOGIST OR ELECTROLOGIST THROUGH APPRENTICESHIP:

HOW TO START:

The first step for someone to become an Apprentice is to enroll with a Program Sponsor in your area. You can locate a Program Sponsor in your area by searching here:

<https://www.dir.ca.gov/databases/das/aigstart.asp>

The Program Sponsor:

- Acts as the “school”, provides 220 required Related Training hours. This is normally a class taught one day out of the week
- Generates and approves all Apprentice forms and applications that are sent to the Board
- Monitors the Apprentices progress and ensures the Trainer and Establishment are providing the necessary training

After you have completed the 39 hour Pre-Apprentice Training with the Program Sponsor the Program Sponsor will submit your application for a Board of Barbering and Cosmetology Apprentice License which allows you to work with a licensed a Barber, Cosmetologist or Electrologist, who will act as your Trainer.

Your Apprentice License allows you to:

- Learn your selected occupation hands-on for up to 24 months in an Establishment approved by the Board
- Earn an hourly wage 32-42 1/2 hrs a week while learning the required skills
- Earn the required 3200 On the Job Training hours under the supervision of your Board approved Trainer

Once you have completed all the Apprentice Program requirements your Program Sponsor will assist you in applying for the State Board Licensing Exam.

IF YOU ARE INTERESTED IN ATTENDING A TRADITIONAL SCHOOL FOR BARBERING, COSMETOLOGY, ELECTROLOGY, MANICURING, ESTHETICS OR ELECTROLOGY, PLEASE VISIT OUR WEBSITE FOR A LIST OF BOARD APPROVED SCHOOLS HERE:

https://www.barbercosmo.ca.gov/schools/approved_schools.shtml

The Apprentice Program is not currently available in the fields of Manicuring or Esthetics.

APPRENTICE PROGRAM IMPORTANT INFORMATION:

- Apprentices must always work under the direct supervision of their Board approved Trainer
- Apprentices may only provide services in the Establishment that is listed on the front of their original Board issued Apprentice License
- Employers (Establishment Owner) are required by the Division of Apprenticeship Standards to pay apprentices an hourly wage
- Booth Rental and Commission arrangements are not allowed in the Apprentice Program
- Apprentices are required to work 32 (minimum) - 42 ½ (maximum) hours per week. They may not work more than eight and one-half hours per day or more than five days in one week.
- The Apprentice and Trainer record each operation performed and all hours worked in the establishment daily
- Apprentices can provide any services that fall within the scope of their practice once they have been trained how to perform them
- An Apprentice may not provide any services until their Board of Barbering and Cosmetology issued Apprentice License has been received by the Establishment and posted at their primary workstation
- Program Sponsors are the apprentice's first point of contact and are there to guide Apprentices through all aspects of the Apprentice Program

For additional information on the Apprentice Program visit our website here:
<https://barbercosmo.ca.gov/applicants/apprenticeship.shtml>

Citation Mailing Materials

- Sample Citation



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
DEPARTMENT OF CONSUMER AFFAIRS • BOARD OF BARBERING AND COSMETOLOGY
P.O. Box 944226, Sacramento, CA 94244-2260
Phone : (800) 952-5210 Email: barbercosmo@dca.ca.gov
Website: www.barbercosmo.ca.gov



June 15, 2022

SAMPLE

Joe Smith, Owner
Joe the Barber
123 Main St
Sacramento, CA 95834

Re: **NOTICE OF CITATION NO: 1002022999999**
License No: A 123456

Dear Joe Smith, Owner:

The California Board of Barbering and Cosmetology (Board) conducted an inspection on **May 4, 2022**. The inspection provided documentation, including photographs, that you are in violation of one or more of the laws governing the practice of barbering and cosmetology in California.

Enclosed is Citation No. 1002022999999 that is being issued to you as a result of the above-mentioned inspection/investigation. Please sign and return the Statement of Correction and/or Request for Appeal no later than **July 15, 2022**. Your response must be postmarked by **July 15, 2022**.

The Barbering and Cosmetology Act and the Board's Rules and Regulations are for the protection of your clients, you, and your employees. The Health and Safety Rules are designed to prevent the spread of disease, infection, and other communicable conditions. Establishment owners and licensed employees are responsible for implementing and maintaining the Board's Rules and Regulations.

Please be advised the Board will continue to conduct random inspections to ensure compliance with all the Board's Rules and Regulations.

Your feedback is very important to us. Please take a moment to complete a survey regarding your recent inspection with the Board of Barbering and Cosmetology. To access the survey go to www.barbercosmo.ca.gov and on the left side, under the heading Quick Hits, click on the Survey link then click on the Inspection Survey.

Thank you for your time and attention in this matter. If you have any questions, please feel free to contact a representative of the Inspection Unit at (916) 574-7575.

Sincerely,

A handwritten signature in blue ink that reads "Valerie L. Guido".

Valerie Guido, Analyst
Enclosure(s)



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A 123456

STATEMENT OF CORRECTION AND/OR REQUEST FOR APPEAL

<u>In the Matter of the Citation Against:</u>		Citation No.:	1002022999999
Name:	Joe Smith, Owner	Inspection Report:	CF 2022123456
Address:	Joe the Barber 123 Main St Sacramento, CA 95834	Date of Inspection:	May 4, 2022
License No.:	A 123456	Date of Issuance:	June 15, 2022
Establishment No.:	A 123456	Due Date:	July 15, 2022
		Fine Amount Due:	\$5000.00

**SIGN BELOW AND SUBMIT PAYMENT AND/OR REQUEST FOR APPEAL
 BY DUE DATE IN THE ENCLOSED SELF ADDRESSED ENVELOPE**

Enclosed is a payment in the amount of \$ _____ as payment for the citation number listed above.
 (Payments can be made by credit card at www.breeze.ca.gov or a check or money order can be submitted by mail. Please include your citation number and license number on your check or money order. Credit card payments cannot be taken over the phone).

I, the Respondent named in the above proceeding, hereby acknowledge receipt of the citation referenced above and notification of my rights to appeal the citation. I declare under penalty of perjury under the laws of the State of California that the violations that are not being appealed have been corrected in compliance with the Board of Barbering and Cosmetology's Rules and Regulations.

RESPONDENT SIGNATURE	PRINTED NAME	DATE

**TO REQUEST AN APPEAL BEFORE THE BOARD'S DISCIPLINARY REVIEW COMMITTEE
 PLEASE SIGN THE ABOVE STATEMENT AND COMPLETE THE INFORMATION BELOW**

I contest the violation(s) indicated below and hereby request an appeal hearing. I understand that I will be notified in writing of my hearing date, location, and time 30 days prior to my scheduled hearing date. **You or a representative will be required to appear in person.**

By requesting an appeal before the Board's Disciplinary Review Committee, I understand that I am not waiving my right to a formal hearing pursuant to Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

I WISH TO APPEAL:

Please list the violations being appealed below:

Section Number(s): _____

Please submit payment for the violations not being appealed.

Enclosed is a payment in the amount of \$ _____ as payment for the violations not being appealed (please include your citation number and license number on your check or money order).



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Entity 5555555

A 123456

CITATION NO.: 1002022999999

In the Matter of the Citation Against:

Name: Joe Smith, Owner
 Joe the Barber
 Address: 123 Main St
 Sacramento, CA 95834
 License No.: A 123456
 Establishment No.: A 123456

Date of Inspection: May 4, 2022
 Date of Issuance: June 15, 2022
 Due Date: July 15, 2022
 Fine Amount Due: \$5000.00

VIOLATION CODE SECTIONS - Business and Professions Code (B&P) and California Code of Regulations (CCR)
 You received a copy of the Inspection Report indicating violations. Pursuant to that Inspection, below you will find the sections you are charged with violating.

Violation of B&P 7317 – Unlicensed Establishment:

It is unlawful to engage in services for compensation without a valid, unexpired license issued by the Board or work in an establishment without a valid, unexpired license issued by the Board.

Operating an unlicensed establishment.

- 1st Offense** - The fine for this violation is \$500.00
- 2nd Offense** -The fine for this violation is \$1,000.00
- 3rd Offense** - The fine for this violation is \$1,000.00

Note: This violation will be referred to the Enforcement Unit and compliance may be verified with an inspection.

Violation of B&P 7351 – Not Meeting Public Toilet Room Requirements:

Establishments shall provide its clients at least one public toilet room. No toilet room shall be used for storage. The toilet room shall be kept in a clean condition and in good repair.

The restroom shall be kept in a clean condition and in good repair. No restroom shall be used for storage – remove all stored items from restroom.

- 1st Offense** - The fine for this violation is \$50.00
- 2nd Offense** -The fine for this violation is \$100.00
- 3rd Offense** - The fine for this violation is \$150.00



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CITATION NO.: 1002022999999

Violation of CCR 965 – Display of Licenses:

All operators' licenses shall be visibly posted at their primary workstations. All establishment licenses shall be visibly posted in the reception areas. No license that has expired, or become invalid for any reason, shall be displayed.

(a) License not visibly posted at workstation.

Or

(b) Establishment license not visibly posted in reception area.

Or

(c) Expired license displayed.

Or

(c) Invalid/Photocopied license displayed.

1st Offense - The fine for this violation is \$50.00

2nd Offense -The fine for this violation is \$100.00

3rd Offense - The fine for this violation is \$150.00

Violation of CCR 978(a)(5) – Insufficient Disinfectant in Container for Total Immersion:

Establishments shall have containers with sufficient disinfectant solution to allow for the total immersion of tools.

Insufficient disinfectant solution to allow for total immersion of tools.

1st Offense - The fine for this violation is \$100.00

2nd Offense -The fine for this violation is \$150.00

3rd Offense - The fine for this violation is \$200.00



CITATION NO.: 1002022999999

Violation of CCR 979 – Non-Electrical Tools Not Disinfected Properly:

All non-electrical tools (excluding shears) shall have all visible debris removed, be cleaned with soap or detergent and water, completely dried with a new, clean paper towel, and then totally immersed in an EPA-registered disinfectant. Licensees or students shall wear protective gloves or use tongs when removing tools from the disinfectant. Disinfectant solutions shall remain covered at all times, and be changed according to the manufacturer's instructions or whenever cloudy or contains debris. All tools that have been used on a client or soiled in any manner shall be placed in a container labeled "Dirty", "Soiled", or "Contaminated". All disinfected tools shall be stored in a clean, covered place, which is labeled "Clean" or "Disinfected". Disinfected tools or shears shall not be placed in a container, pouch, or holder which cannot be disinfected. Shears shall have all visible debris removed, cleaned with soap or detergent and water, and sprayed or wiped with an EPA registered disinfectant.

- (a) Tools not disinfected properly – licensee not wearing protective gloves or using tongs when removing tools from the disinfectant.*
- (a) Tools not disinfected properly – debris not removed/tools not washed with soap and water before being disinfected.*
- (a) Tools not disinfected properly – observed tools not cleaned and disinfected between each client.*
- (a) Tools not disinfected properly – observed using tools from container labeled as "Dirty", "Soiled" or "Contaminated".*
- (a) Tools not disinfected properly – not totally immersed in an EPA-registered liquid disinfectant.*
- (b) Disinfectant solution not covered or changed – debris in disinfectant.*
- (c) Soiled tools not stored in a labeled container – must be labeled "Dirty", "Soiled", or "Contaminated".*
- (d) Disinfected tools not stored in a clean, covered or labeled container – must be labeled "Clean" or "Disinfected".*
- (e) Disinfected tools found in container, pouch, and/or holder which cannot be disinfected.*
- (f) Shears not disinfected properly – no use of an EPA-registered spray / wipe.*
- (g) Disinfected shears found in container, pouch, and/or holder which cannot be disinfected.*

1st Offense - The fine for this violation is \$100.00

2nd Offense -The fine for this violation is \$250.00

3rd Offense - The fine for this violation is \$500.00



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CITATION NO.: 1002022999999

Violation of CCR 981(a) – No Disposal of Tools and Supplies That Cannot be Disinfected:

All items that cannot be disinfected shall be disposed of in a waste container immediately after use (i.e. pumice stones / emery boards / wax sticks / sand bands / buffers / sponges / toe separators / gloves / cotton pads / neck strips).

Sand bands, buffers, files, emery boards and pumice stones not disposed of immediately after use.

Soiled disposable tools labeled by customer name and stored on premises for future use.

1st Offense - The fine for this violation is \$100.00

2nd Offense -The fine for this violation is \$150.00

3rd Offense - The fine for this violation is \$200.00

Violation of CCR 981(b) – Improper Storage of New Supplies and Disposable Tools:

New supplies and single-use, disposable tools shall be stored in a clean, covered place labeled “New”.

New supplies or single-use disposable tools improperly labeled.

You are not being assessed an administrative fine for this violation. A signed Statement of Correction will be considered a satisfactory resolution of the violation cited.

Violation of CCR 987 – Towels:

After a towel, sheet, robe, linen, or smock has been used once it shall be deposited in a closed container, and not used until properly laundered and sanitized. Towels, sheets, robes, linens, and smocks shall be laundered according to CCR 987(b). All clean towels, sheets, robes, linens, and smocks shall be stored in a clean, closed cabinet/container.

(a) Soiled towels / sheets / robes / linens / smocks not stored in a closed container.

Or

(b) Observed not being properly laundered.

Or

(c) Clean towels / sheets / robes / linens / smocks not stored in clean, closed cabinet/container.

1st Offense - The fine for this violation is \$50.00

2nd Offense -The fine for this violation is \$100.00

3rd Offense - The fine for this violation is \$150.00



CITATION NO.: 1002022999999

Violation of CCR 988 – Liquids, Creams, Powders, and Cosmetics:

All liquids, creams, waxes, shampoos, gels and other cosmetic preparations shall be kept in clean, closed containers. Powders may be kept in clean shakers. All bottles and containers shall be distinctly and correctly labeled to disclose their contents. All bottles and containers containing poisonous substances shall be additionally and distinctively labeled as such. When using only a portion of a cosmetic preparation it shall be removed from the bottle or container in such a way as not to contaminate the remaining portion. Pencil cosmetics shall be sharpened before each use.

- (a) Wax pot or products not stored in a clean or closed container.*
- (b) Spray bottles not labeled.*
- (b) Product containers not labeled.*
- (b) Liquid containers not labeled.*
- (c) Used wax stick in wax causing contamination of remaining portion.*
- (c) Wax contaminated – should be applied without contaminating the remaining portion.*
- (c) Acrylic powder contaminated – should be applied without contaminating the remaining portion.*
- (c) Cosmetics removed in a manner causing contamination to remaining portion.*
- (c) Hair cream contaminated – should be applied without contaminating the remaining portion.*
- (c) Paraffin wax contaminated – should be applied without contaminating the remaining portion.*

1st Offense - The fine for this violation is \$50.00

2nd Offense -The fine for this violation is \$100.00

3rd Offense - The fine for this violation is \$150.00

Violation of CCR 994 – Cleanliness and Repair:

Establishments shall keep the floors, walls, woodwork, ceilings, furniture, furnishing, and fixtures clean and in good repair. No establishment shall permit an accumulation of waste, hair clippings, or refuse.

- (a) Establishment floors, walls and equipment not clean and chairs in need of repair.*
- (b) Accumulation of hair clippings.*

1st Offense - The fine for this violation is \$50.00

2nd Offense -The fine for this violation is \$100.00

3rd Offense - The fine for this violation is \$150.00



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CITATION NO.: 1002022999999

Analyst: Valerie Guido

TOTAL ADMINISTRATIVE FINE DUE: \$5000.00

TOTAL ADMINISTRATIVE FINE BASED ON VIOLATIONS: \$6100.00

B&P 125.9(b)(3) states: "In no event shall the administrative fine assessed by the board, bureau, or commission exceed five thousand dollars (\$5,000) for each inspection or each investigation made with respect to the violation..."

ORDER:

Subject shall pay the assessed administrative penalty to the Board and submit a signed Statement of Correction and/or Request for Appeal within 30 days from the issuance date of this Citation. The Board also directs you to take immediate action to achieve full compliance and correct all violations in accordance with the Barbering and Cosmetology Act and the Board's Rules and Regulations.

If you need assistance in interpreting this citation, please call the Cite and Fine Unit at (916) 574-7575.

이 정보를 해석하는데 도움이 필요하시면 (916) 574-7575 로전화해 주십시오.

Si necesita ayuda para interpretar esta información, llame a la unidad Cite and Fine al (916) 574-7575.

Nếu bạn cần trợ giúp làm rõ thông tin này, vui lòng gọi (916) 574-7575.



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NOTICE

Pursuant to Business and Professions Code (B&P) sections 125.9 and 7408, the Board of Barbering and Cosmetology (Board) is authorized to issue citations, administrative fines and orders of abatement to a licensee for any violation of the Act that regulates barbers, cosmetologists, estheticians, and manicurists in California.

You have a right, by law, to contest the charges contained in the citation by requesting a citation review before the Board's Disciplinary Review Committee (DRC). Only the person with whom the citation is issued can request an appeal. To contest the charges, you must indicate on the "Statement of Correction and/or Request for Appeal" form which violations or aspects of the citation you are appealing, sign, and return the enclosed form entitled "Statement of Correction and/or Request for Appeal" within 30 calendar days of the issuance of the citation. You may appeal any of the following aspects of the citation:

- The occurrence of the violation
- The period of time for correction (if any)
- The amount of the fine

If you fail to contest the charges within 30 calendar days, the citation shall be deemed a final order of the Board and will not be subject to further administrative review or appeal. Please be sure to indicate the citation number on your personal check, money order, or cashier's check and mail your payment with the attached Statement of Correction and/or Request for Appeal.

If you request an appeal before the DRC in accordance with B&P section 7410, the DRC shall conduct a review of the actions charged in the citation and all submitted documentary evidence. Persons, or their appointed representative, appealing a citation shall appear in person before the DRC. At that time, you may present written or oral evidence relating to the facts and circumstances relating to the citation that was issued. Following an appeal before the DRC, the DRC shall issue a decision, based on findings of fact, which may affirm, reduce, dismiss, or alter any charges filed in the citation. In no event shall the administrative fine be increased.

Appeals of citations not filed in a timely manner or failure to appear before the DRC at the appointed time except when good cause is shown, shall cause the citation to become final and there shall be no administrative appeal except as otherwise provided by law.

You may be, but need not be, represented by legal counsel. If you desire to be represented by legal counsel, you are advised to contact your attorney immediately, so that you may be properly represented in all proceedings. The citation will be deemed a final order 30 days after the date of issuance unless appealed.

An administrative fine assessed requires you to pay a monetary fine to the Board. The Board in accordance with the time line set within the Citation Order may invoice you. If you choose to pay the fine in full, remit the citation with your check or money order to the Board of Barbering and Cosmetology at the address noted above. Failure to comply with a citation containing an assessment of an administrative fine will result in the non-renewal of your license, the referral to collection entities to collect the fine, and/or the pursuit of further legal action by the Board to collect the fine. Payment of the fine will be represented as satisfactory resolution of the matter for purposes of public disclosure.

Enforcement Case Correspondence Materials

- Self- Inspection Worksheet
- Most Common Violations Cited During an Inspection
- Schedule of Administrative Fines
- Industry Bulletin - Dermaplaning
- Industry Bulletin – Skin Care Machines/Devices
- Industry Bulletin – Eyelash and Eyebrow Services
- Industry Bulletin – Lash and Brow Perming
- Industry Bulletin – Fibroblast
- Industry Bulletin – Hyaluron Pen
- Industry Bulletin – Electrical Muscle Stimulators
- Industry Bulletin – Use of Lasers
- Industry Bulletin – Micro-needling/Derma Rolling
- Industry Bulletin – Reminder that Needles are Prohibited
- Industry Bulletin – Microblading (Cosmetic Tattooing)
- Industry Bulletin – Ear Candling or Coning
- Esthetics Scope of Practice Tri-Fold
- Foot- Spa Cleaning Guidelines
- Sample and Instructions for Foot -Spa Log
- Reinstatement Information Packet

INSPECTIONS

Self-Inspection

Conducting occasional self-inspections will help you remain in compliance with the Board of Barbering and Cosmetology (Board), regulations and the laws of California. It will also reduce the number of violations cited during an inspection. The owner of the salon, and licensees working in the salon, will be cited if violations exist during the time of inspection. The following guidelines will assist with self-inspections.

(B&P) Business and Professions Code
(CCR) Title 16, Division 9 of the California Code of Regulations

ESTABLISHMENT LICENSE

All answers should be "Yes"

- | | | |
|---|---------------------------|--------------------------|
| 1. Do you have an establishment license? (B&P 7317) | <input type="radio"/> Yes | <input type="radio"/> No |
| 2. Is your establishment license current and valid? <i>Only current, valid licenses may be displayed. The Inspector will confiscate invalid licenses. Photocopies are illegal.</i> (B&P 7347, 7317, 119(f), CCR 965(c)) | <input type="radio"/> Yes | <input type="radio"/> No |
| 3. Is the current owner and address on the license correct? <i>If not, you need to apply for a new establishment license.</i> (B&P 7347) | <input type="radio"/> Yes | <input type="radio"/> No |
| 4. Is the most current "Message to the Consumer" (BBC-CP01(2/2017)) conspicuously posted in the reception area? <i>If no, a downloadable copy is available on the Board's website.</i> (CCR 905) | <input type="radio"/> Yes | <input type="radio"/> No |
| 5. Is the Labor Rights Notice posted conspicuously where other similar notices are posted for employees? <i>If no, a downloadable copy is available on the Board's website.</i> (B&P 7353.4) | <input type="radio"/> Yes | <input type="radio"/> No |
| 6. Do you have a licensee in charge? <i>There must be a licensee in charge for purposes of the inspection.</i> (B&P 7348) | <input type="radio"/> Yes | <input type="radio"/> No |
| 7. If your establishment is in a private residence, does it have an entrance separate from the entrance of the private living quarters? (B&P 7350) | <input type="radio"/> Yes | <input type="radio"/> No |

PERSONAL LICENSES

All answers should be "Yes"

- | | | |
|---|---------------------------|--------------------------|
| 8. Do all of the employees have a current, valid license? <i>Only current, valid licenses may be displayed. The Inspector will confiscate all others. Photocopies are illegal.</i> (B&P 7349, 119(f), CCR 965(c)) | <input type="radio"/> Yes | <input type="radio"/> No |
| 9. Is each license conspicuously posted in the licensee's primary work area? <i>The license must be posted whenever the licensee is working.</i> (CCR 965(a)) | <input type="radio"/> Yes | <input type="radio"/> No |
| 10. Does each licensee have valid government-issued photo identification during work hours? (CCR 904(d)) | <input type="radio"/> Yes | <input type="radio"/> No |

SANITATION / HEALTH & SAFETY

All answers should be "Yes"

- | | | |
|---|---------------------------|--------------------------|
| 11. Do you have containers large enough for proper disinfecting? <i>All non-electrical items being disinfected must be fully immersed in solution. The container must be continuously covered.</i> (CCR 978(a)(5), 979(b)(1)) | <input type="radio"/> Yes | <input type="radio"/> No |
| 12. Do you have a sufficient supply of disinfectant? <i>Label on the disinfectant must show EPA-registered with demonstrated bactericidal, virucidal, and fungicidal activity.</i> (CCR 978(c)) | <input type="radio"/> Yes | <input type="radio"/> No |
| 13. Is the manufacturer labeled container on the premises for verification? (CCR 978(c)) | <input type="radio"/> Yes | <input type="radio"/> No |
| 14. Are the correct disinfection procedures being followed on both non-electrical and electrical equipment? (CCR 979, 980) | <input type="radio"/> Yes | <input type="radio"/> No |
| 15. Is the disinfectant solution mixed according to manufacturer's directions? (CCR 978(b)) | <input type="radio"/> Yes | <input type="radio"/> No |
| 16. Are all supplies that cannot be disinfected, disposed of in a waste receptacle immediately after use? (CCR 981(a)) | <input type="radio"/> Yes | <input type="radio"/> No |
| 17. Are neck strips or towels used to protect each client's neck? (CCR 985) | <input type="radio"/> Yes | <input type="radio"/> No |

SANITATION / HEALTH & SAFETY

All answers should be "Yes"

18. Are clean instruments stored separately from soiled instruments? Are the soiled instruments stored in a container labeled "dirty", "soiled" or "contaminated"? (CCR 979(c))	<input type="radio"/> Yes	<input type="radio"/> No
19. Are new supplies and single-use, disposable tools stored in a clean, covered place labeled "New"? (CCR 981(b))	<input type="radio"/> Yes	<input type="radio"/> No
20. Are the clean instruments stored in a covered container labeled "clean" or "disinfected"? (CCR 979(d))	<input type="radio"/> Yes	<input type="radio"/> No
21. Are all whirlpool and air-jet basins, pipe-less footspas (footplates, impellers, impeller assemblies and propellers), foot basins or tubs (any basin, tub, footbath, sink, bowl, and all non-electrical equipment that holds water for a pedicure service), being properly cleaned and disinfected after use upon each client, at the end of the day, weekly and properly logged? (CCR 980.1, 980.2, 980.3)	<input type="radio"/> Yes	<input type="radio"/> No
22. Are all single use, disposable, recyclable, liners that are designed specifically and manufactured for use as a foot basin or tub liner, disposed of immediately after each use? Is there is a supply of at least 5 liners per foot tub basin on the premises at all times? (CCR 980.4)	<input type="radio"/> Yes	<input type="radio"/> No
23. Are the floors, walls, ceilings, furniture, furnishings, and fixtures clean and in good condition? (CCR 994(a))	<input type="radio"/> Yes	<input type="radio"/> No
24. Is there hot and cold running water in the establishment, if hair dressing services are being performed? (CCR 995(b))	<input type="radio"/> Yes	<input type="radio"/> No
25. Is there a public toilet room? Is it clean? (B&P 7351)	<input type="radio"/> Yes	<input type="radio"/> No
26. Are there hand washing facilities with hot and cold running water in, or adjacent to, the toilet room? Is soap (liquid or powder, not "community" bar, soap) provided? (B&P 7352)	<input type="radio"/> Yes	<input type="radio"/> No
27. Is the toilet room clear of all storage? <i>No storage of supplies, mops, buckets, etc., are allowed in the toilet room.</i> (B&P 7351)	<input type="radio"/> Yes	<input type="radio"/> No
28. Is potable drinking water available? (CCR 995(c))	<input type="radio"/> Yes	<input type="radio"/> No
29. Is there at least one covered waste receptacle for disposal of hair? (CCR 978(a)(1))	<input type="radio"/> Yes	<input type="radio"/> No
30. Are clean towels, sheets, robes, linens and smocks stored in a clean, closed cabinet or container? (CCR 987(c), 978(a)(3))	<input type="radio"/> Yes	<input type="radio"/> No
31. Are soiled towels, robes, gowns, smocks, linens and sheets stored in a closed container? (CCR 987(a), 978(a)(2))	<input type="radio"/> Yes	<input type="radio"/> No
32. Is all waste, hair clippings or refuse, disposed of promptly without accumulation? (CCR 994(b))	<input type="radio"/> Yes	<input type="radio"/> No
33. Do all employees wash their hands or use an equally effective alcohol based product before providing services to each client? (CCR 983(b))	<input type="radio"/> Yes	<input type="radio"/> No
34. Are headrests and/or treatment tables covered with a clean towel, sheet, or paper for each client? (CCR 990(a)(c))	<input type="radio"/> Yes	<input type="radio"/> No
35. Are shampoo bowls and sinks clean and in good repair? Has the hair trap been emptied? (CCR 990(b))	<input type="radio"/> Yes	<input type="radio"/> No
36. Are all containers and spray bottles correctly labeled? (CCR 988(b))	<input type="radio"/> Yes	<input type="radio"/> No
37. Are poisonous substances labeled? (CCR 988(b))	<input type="radio"/> Yes	<input type="radio"/> No
38. If only a portion of a cosmetic preparation is used, is it removed from the container so as not to contaminate the remaining portion? (CCR 988(c))	<input type="radio"/> Yes	<input type="radio"/> No

OTHER

All answers should be "No"

39. Do employees carry supplies or instruments on or in their garments? <i>This includes scissors, holsters, and pouches.</i> (CCR 981(c))	<input type="radio"/> Yes	<input type="radio"/> No
40. Are prohibited services being offered? (CCR 991, B&P 7320)	<input type="radio"/> Yes	<input type="radio"/> No
41. Are there any supplies, equipment, or instruments in the establishment, which can be considered a practice of medicine for the type of services being offered, e.g., chemicals, scalpels, medical supplies, needles, devices, etc.? (B&P 7320.2, 7320.1)	<input type="radio"/> Yes	<input type="radio"/> No
42. Is the establishment used for sleeping or residential purposes? (B&P 7350)	<input type="radio"/> Yes	<input type="radio"/> No
43. Are there any illegal metal instruments being used or stored in the establishment, such as razor callous shavers (credo blades), metal scrapers (graters), etc.? (CCR 993(a), 993(b))	<input type="radio"/> Yes	<input type="radio"/> No

California Board of Barbering and Cosmetology
Most Common Violations Cited During an Inspection
16 California Code of Regulation sections

979-Disinfection Non-Electrical Tools: *Fine amount - \$100.00 - \$500.00

How to avoid violation:

- Before use upon a client, properly clean tools. Remove all visible debris, clean with soap or detergent and water, dry tools, totally immerse instruments in an EPA-registered disinfectant solution, and use gloves or tongs to remove the tools from the disinfectant.
- Always keep disinfectant solution covered and change disinfectant when it is cloudy, contains debris, or according to the manufacturer's instructions.
- Store all soiled non-electrical items (example: combs, brushes, nail clippers) in a container that which is labeled "Dirty", "Soiled", or "Contaminated".
- Store all disinfected non-electrical items in a clean covered place which is labeled "Clean" or "Disinfected".
- Shears shall be disinfected by removing all visible debris, clean with soap or detergent and water, spray or wipe with an EPA-registered disinfectant solution.
- Disinfected tools and shears shall NOT be placed in a container, pouch or holder which cannot be disinfected.

988-Liquids, Creams, Powders and Cosmetics: *Fine amount - \$50.00 - \$150.00

How to avoid violation:

- Store all liquids, creams, waxes, **shampoo**, powders, gels and other cosmetic preparations in clean and closed containers. Powders may be kept in clean shakers.
- Distinctly label all bottles and containers of their contents (example: water, gel, oil, etc.).
- When only using a portion of a cosmetic preparation, remove from container in such a way as to not contaminate the remaining portion. *Example: When removing wax from a wax pot, avoid "double dipping" the same wax stick applicator.*

981 (a) - No Disposal of Tools and Supplies That Cannot Be Disinfected: *Fine amount-\$100.00 - \$250.00

How to avoid violation:

- After use on a single client, immediately dispose of tools and supplies that cannot be disinfected (example: buffers, **pumice stone**, wax sticks, **toe separators**, gloves, **cotton pads**, sponges, **emery boards**, and **neck strips**) in a waste receptacle.

981 (b) – Improper Storage of New Supplies and Disposable Tools: *Fine amount-\$50.00 - \$150.00

How to avoid violation:

- Make sure all new supplies and single-use, disposable tools are stored in a clean, covered place labeled "New"

7317- Unlicensed Establishment/Persons: *Fine amount - \$25.00 - \$1,000.00

How to avoid violation:

- Always keep your personal and/or establishment license current.
- Be sure that the establishment you work at is licensed and current.
- Be sure that employees are all licensed and current.

7351 – Restroom Requirements: *Fine amount-\$50.00 - \$150.00

How to Avoid:

- You need to have a public restroom.
- The restroom should always be kept clean.
- The restroom should be clear of all storage. No storage of supplies, mops, buckets, etc . , are allowed in the restroom.

965-Display of Licenses: *Fine amount-\$50.00 - \$150.00

How to avoid violation:

- Conspicuously post individual licenses at the licensee's primary work station.
- Conspicuously post the establishment license in the reception area.
- Do not display an expired or invalid license.

987-Towels: *Fine amount-\$50.00 - \$150.00

How to avoid violation:

- After a towel, **sheet, robe, linen or smock** has once been used once, place it in a closed container to be laundered.
- Launder towels commercially in water at least 160 degrees for no less than 25 minutes, or using chemicals and cold water.
- Keep clean towels, **sheets, robes, linen or smocks** stored in clean, closed cabinets or containers.

994-Cleanliness and Repair: *Fine amount-\$50.00 - \$150.00

How to avoid violation:

- Keep all floors, walls, woodwork, ceilings, furniture, furnishing, and fixtures clean and in good repair.
- Do not permit an accumulation of waste, hair clippings, or refuse in establishment.

978 (a) (5) - Insufficient Disinfectant in Container for Total Immersion: *Fine amount-\$100.00 - \$200.00

How to avoid violation:

- When disinfecting tools, ensure there is enough disinfectant solution in the container to allow for total immersion of tools. If tools do not completely fit in the container (example: handle of a brush sticks out), use a different container.

986- Neck dusters/Brushes Not Clean or Sanitary: *Fine amount-\$50.00 - \$150.00

How to avoid violation:

- Properly clean neck, nail, facial, or makeup dusters and **manicure** brushes before use on a client.
- Place clean dusters and brushes in a clean, covered place which is labeled "Clean".
- Place soiled dusters or brushes in a container labeled "Dirty", "Soiled", or "Contaminated".

990-Headrests, Shampoo Trays and Bowls, and Treatment Tables: *Fine amount-\$50.00 - \$150.00

How to avoid violation:

- Keep the headrest of chairs covered with a clean towel or paper sheet for each client.
- Clean shampoo trays and bowls with soap and water or other detergent after each shampoo.
- Keep shampoo trays and bowls in good repair and in a sanitary condition at all times.
- Cover treatment tables with clean treatment table paper, a clean towel, or a clean sheet after each use.
- Remove a towel or sheet immediately after used and deposit it in a closed container to be laundered. Immediately dispose of treatment paper after a single use.

7349- Employment of Unlicensed Persons: *Fine amount - \$1,000.00

How to avoid violation:

- Before hiring verify each individual has a current and valid license to practice barbering, cosmetology and electrology services.

980(c)- Disinfection Electrical Tools: *Fine amount- 50.00 - \$150.00

How to avoid violation:

- All soiled electrical tools used on a client or soiled in any manner, shall be placed in a container labeled "Soiled", "Dirty" or "Contaminated" (*excluding hot styling tools*)

980.1(c) (7), (d) (7), 980.2(b)(7), (c) (6), (d)(3), 980.3(b)(6) and 980.4(a) (2) – Pedicure Equipment Cleaning Log –

***Fine amount - \$100.00- \$200.00**

How to avoid violation:

- After use upon a client, at the end of each day and weekly properly clean and disinfect the pedicure foot spa chair, basin or tub equipment according to the type of foot spa chair, basin, or tub you have. (*example Pipe-less Foot spas, Non-Whirlpool Foot Basin or Tub, and Disposable Foot Basins or Tub Liners*)
- Record the procedure in the pedicure equipment log, include the date, time of each cleaning and the initials of the person who completed the procedure, and indicate the cleaning was done after the client, end of day or weekly.
- Each chair, basin or tub shall have its own pedicure equipment log.
- The pedicure equipment log shall be made available upon request by either a client or a board representative.

*View the fine schedule for exact fine amounts.

Revised August 2016

Article 11. Administrative Fines and Citations

Title 16, Division 9, California Code of Regulations

Board of Barbering and Cosmetology

974. Schedule of Administrative Fines

(a) An administrative fine maybe assessed for violations of the specified sections of the Business and Professions Code and Division 9 of Title 16 of the California Code of Regulations as follows:

Schedule of Administrative Fines				
Section	1st Violation	2nd Violation	3rd Violation	Waivable
7313. Access to Establishment for Inspection	250	500	750	No
7317. Unlicensed Establishment	500	1,000	1,000	No
7317. Unlicensed Individual	1,000	1,000	1,000	No
7317. Expired Establishment License	250	300	500	No
7317. Expired Individual License	250	300	500	No
7317. Individual Working in an Expired Establishment	25	50	100	No
7317. Individual Working in an Unlicensed Establishment	250	300	500	No
7320. Practice of Medicine	1,000	1,000	1,000	No
7320.1. Use of Illegal Metal Tools	250	500	500	No
7320.2. Illegal Treatment Methods	500	500	500	No
7336. No Supervision of Apprentice	100	150	200	No
7348. No Licensee in Charge of Establishment	100	150	200	No
7349. Employing Unlicensed Persons	1,000	1,000	1,000	No
7349. Employing Unlicensed Persons-- Expired License	250	300	500	No
7349.1. Illegal Use of a Barber Pole	25	50	100	No
7350. Establishment Residential Use/Entrance/ Prohibited Use	50	100	150	No
7352. No Soap/ Towels or Air Hand Dryers in Hand Washing Facilities	50	100	150	No
7353.4. Labor Rights Notice Not Posted	50	100	150	No
7358. No Licensee in Charge of Mobile Unit	100	150	200	No
7359. Employing Unlicensed Person in Mobile Unit	1,000	1,000	1,000	No
7360. Mobile Unit-- Residential/ Prohibited Use	50	100	150	No
7400. No Change of Address Notice Filed	50	100	150	No
7404(l). Interference with Inspection	1,000	1,000	1,000	No
904(d). No Photographic Identification Available	50	100	150	No
905. Consumer Info. Not Posted	50	100	150	No
920. Apprentice Training Records Not Available/ Incomplete	100	150	200	No
920. Apprentice Training Records Not Available/ Incomplete	100	150	200	No

Schedule of Administrative Fines				
Section	1st Violation	2nd Violation	3rd Violation	Waivable
965. Display of Licenses	50	100	150	No
978(a)(1), (a)(2),(a) (3), (a)(4). Receptacles, Cabinets and Containers	50	100	150	No
978(a)(5). Insufficient Disinfectant in Container for Total Immersion	100	150	200	No
978(a)(6). No Steam/Dry Heat Sterilizer for Electrology Tools	500	1,000	1,500	No
978(b). No Disinfectant Solution Available for Use	250	300	500	No
978(c). No Manufacturer- Labeled Container for Disinfectant	250	300	500	No
979. Disinfecting Non-Electrical Tools and Equipment	100	250	500	No
980(a). Incorrect Disinfection of Electrical Items	100	250	500	No
980(b). Incorrect Storage of Electrical Disinfected Items	50	100	150	No
980(c). Incorrect Storage of Soiled Electrical Tools	50	100	150	No
980.1. Incorrect Disinfection of Pedicure Spas (Per Chair)	500	500	500	No
980.1(c)(7). 980.1(d)(8). 980.1(e)(4). Incorrect/ Missing Log	100	150	200	No
980.1(g). Failure to List Chair as "Not in Service" in Log; No Sign Displayed on Chair	50	100	150	No
980.2. Incorrect Disinfection of "Pipeless" Footspas (Per Unit)	500	500	500	No
980.2(b)(7). 980.2(c)(6). 980.2(d)(3). Incorrect/ Missing Log	100	150	200	No
980.2(f). Failure to List Chair as "Not in Service" in Log; No Sign Displayed on Chair	50	100	150	No
980.3. Incorrect Disinfection of "Non- Whirlpool Foot Basin" (Per Unit)	100	150	200	No
980.3(b)(6). Incorrect/ Missing Log	50	100	150	No
980.3(e). Improper Storage of Basins or Tubs	50	100	150	No
980.4. Incorrect Disinfection of Foot Basin or Tub After Use of Disposable Liner	500	500	500	No
980.4(a)(2). Incorrect/ Missing Log	50	100	150	No
980.4(a) (4). Failure to Maintain Supply of Five (5) Disposable Liners per Foot Tub Basin	250	300	500	No
981(a). No Disposal of Non-Disinfected Items	100	150	200	No
981(b). Improper Storage of New Supplies and Disposable tools	50	100	150	No
981(c). Carry Tools or Supplies in or on Garments	50	100	150	No
982. Incorrect Sterilization of Electrology Tools	100	150	200	No
983. Personal Cleanliness	50	100	150	No

Schedule of Administrative Fines				
Section	1st Violation	2nd Violation	3rd Violation	Waivable
984(a). Allow Licensee with Infectious/ Communicable Disease to Work on Person	100	250	500	No
984(b). Allow or Require a Licensee to Work on Person with Infectious/ Communicable Disease	100	250	500	No
984(e). Performing Services on Inflamed, Broken, Infected or Erupted Skin or Scalp Surface/ Working Without Gloves When Skin on Hands Is Inflamed, Broken, Infected or Erupted	100	250	500	No
985. No Use of Neck Strips or Towel	50	100	150	No
986. Neck Dusters/ Brushes Not Clean or Sanitary	50	100	150	No
987. Towels	50	100	150	No
988. Liquids, Creams, Powders and Cosmetics	50	100	150	No
989. Prohibited Hazardous Substance/Use of Product	500	500	500	No
990. Headrests and Treatment Tables	50	100	150	No
991. Performing Invasive Procedures	500	500	500	No
992. Performing Invasive Skin Exfoliation/ Dermis	500	500	500	No
993. Prohibited Tools	300	400	500	No
994. Cleanliness and Repair	50	100	150	No
995(b), (c), (d), (e). Plumbing Standards	50	100	150	No

(b) A violation indicated in subdivision (a) as not waivable means that the Board, in its discretion, has determined that the violation cannot be corrected pursuant to Business and Professions Code Section 7407, and therefore that the fine for the first violation may not be avoided as provided for in Business and Professions Code Section 7409.

NOTE: Authority cited: Sections 7312, 7406 and 7407, Business and Professions Code.
Reference: Sections 7353.4, 7406, 7407, 7407.1, 7409, Business and Professions Code.

Industry Bulletin - Dermaplaning

Effective January 1, 2022, dermaplaning is within the scope of practice for both estheticians and cosmetologists. Licensees should ensure they are fully trained prior to performing these services to ensure the safety of the consumer. The Board of Barbering and Cosmetology (Board) cannot recommend specific training vendors or schools, but below are some best practices that any reputable company or school should be teaching and that licensees should keep in mind. The Board encourages licensees to discuss this service with their liability insurance carrier to ensure they meet requirements for coverage and also encourages licensees to obtain additional blood and fluid borne pathogen training from county and/or state resources (such as the Division of Occupational Safety and Health, better known as Cal/OSHA).

Dermaplaning (also known as dermablading) is a procedure of exfoliating the epidermis by the use of a razor-edged tool (typically a single use surgical blade with a rounded end) to remove fine vellus hair (peach fuzz) and as a method of exfoliation for the skin.

Best Practices

- Wash your hands prior to providing any service and consider wearing gloves while providing dermaplaning services.
- Do not provide waxing, threading, sugaring or other hair removal services at the dermaplane appointment. Perform other hair removal services 1-2 weeks before a dermaplane service.
- Advise the consumer to not exfoliate (physical or chemical) 3-5 days prior to the service. The use of topical prescription exfoliants should be discontinued for 7-14 days or otherwise advised by the consumer's prescribing physician.
- Remind the consumer to avoid movement, talking and other distractions during the service.
- Examine the consumer's skin for open acne wounds, abrasions, sunburn, or other irritation. If present, do not perform the service.
- Dispose of single use blades in a sharps container and not in a regular waste receptacles. Contact the California Department of Public Health's Medical Waste Management Program for information on what to do with a full sharps container.

As with any service, licensees are expected to follow all of the Board's health and safety regulations. For this service in particular, the Board recommends licensees review sections 979, 981, and 990 of Title 16, Division 9 of the California Code of Regulations.

Industry Bulletin – 08/10/2022 – Skin Care Machines/Devices

The Board of Barbering and Cosmetology (Board) does not approve or regulate equipment or products used in the barbering and beauty industry. Consequently, the Board provides no opinion on the contemplated use of any machine a licensee is considering purchasing.

The Barbering and Cosmetology Act (Act) defines the scope of practice of cosmetology and its specialty branch of skin care. (California Business and Professions Code, section 7316 (b) and (c).) A person licensed as a cosmetologist or esthetician is required to limit their practice and services rendered to the public to only those areas for which they are licensed. (California Business and Professions Code, section 7317.) The Act confers no authority to practice medicine or surgery. (California Business and Professions Code, section 7320.) The Board's regulations specifically prohibit invasive procedures which results in the removal, destruction, incision, or piercing of a client's skin beyond the epidermis or the application of electricity which visibly contracts the muscle (Title 16, California Code of Regulations, section 991.) Licensed cosmetologists and estheticians are cautioned not to engage in any invasive procedures.

The use of electrical stimulation in providing skin care services falls within the practice of an esthetician under certain conditions. So long as the machines providing the electrical stimulation do not deliver an electrical current that will visibly contract the muscle of the body or face and/or result in the destruction or removal of the skin below the client's epidermis. The machine's parameters must be set to stimulate the muscle not to contract the muscle.

The Board understands that the following machines/devices while used in a proper current range may not constitute an invasive procedure:

- Galvanic Current
- Microcurrent
- High Frequency Current
- Ultrasonic (low frequency, low powered, topical devices intended for skin cleansing, exfoliation and product application)
- LED devices (410 nm – 945 nm. (nm = nanometers))

The following services may be **considered invasive** or the practice of medicine:

- Radio Frequency (except for electrolysis licensees)
- Electrical Muscle Stimulators (EMS) - Faradic type devices
- Intense Pulsed Light (IPL) Therapies (photo facials)
- X-rays
- Ultrasound (Facial Lifting)

- Photo Light Therapy
- Endermology/Endermologie
- Injections of any sort
- Derma rolling or microneedling
- Removal of moles, age spots, skin tags and/or freckles
- Cryotherapy
- Cryolipolysis and/or any type of fat-reduction treatment
- Ear candling
- Fibroblast/Plasma Skin Tightening
- Use of prescription products

If the machine produces any of the following, you are working out of your scope of practice:

- Bleeding
- Bruising
- Edema
- Inflammation
- Oozing
- Excoriation
- Scabbing
- Removal of skin below the epidermis
- Piercing of skin
- Heating or burning of the skin

Questions to consider in determining if you are working within your scope of practice:

Is my intent of service to beautify the skin?
Am I treating a disease or illness?

Intended Use

Intended use can be established in a number of ways. For example:

How is the product being advertised? Is the product being marketed as a cosmetic for beautification or does the advertising claim to treat, or cure an ailment?

A skin cream can advertise that it smooths and beautifies your skin (cosmetic use), however, if it advertises that it will cure or treat acne it could be considered practice of medicine.

What is the consumer's perception of the product/machine? Why is the consumer purchasing the service and what does the consumer expect out of the service?

A machine could advertise that it assists in the penetration of hydrating moisturizers for the beautification of your skin (cosmetic use) however, if it claims to reduce cellulite or manage pain, it could be considered practice of medicine.

Do the ingredients cause the product to be considered practice of medicine?

A skin peeling agent could advertise that its use will remove unwanted dead skin cells and promote vibrant, glowing skin, (cosmetic use) however, if the skin peeling agent claims to remove brown spots or scarring, it could be considered practice of medicine.

For additional consideration of how to establish a product's or machine's intended use, please see the U.S. Food and Drug Administration (FDA) publication, "Is It a Cosmetic, a Drug, or Both? (Or is It Soap?)"

http://www.fda.gov/cosmetics/guidanceregulation/lawsregulations/ucm074201.htm#Intended_use

Consumer Notice

The Board does not approve or regulate the sale of skin care machinery. Every year thousands of skin care machines are manufactured and brought into the United States. These machines may or may not have gone through proper testing and/or FDA approvals. Be diligent - make sure you know what you are buying. The Board does not have regulatory authority over the manufacturing and/or selling of machinery. It is the licensee's responsibility to know if they can use the purchased machine within their respective scope of practice.

Items to consider before purchasing skin care equipment

- Is the machine registered with the FDA and compliant with FDA requirements?
- Make sure you know the machine's intent of use, claims of the machine, and FDA classification (select FDA class 2 devices and all Class 3 devices are out of scope for our licensees).
- Does the machine have any safety certifications? Does it carry the UL, CSA or CE listed mark on the device and power cord?
- Is the manufacturer ISO 13485 certified?
- Does the manufacturer maintain liability insurance on the machine?
- Have you been provided with instructions on how to properly clean/disinfect the machine?
- Are there any associated contraindications associated with the use of the machine?

If you are unsure of the answers to these questions, ask the manufacturer prior to purchasing the machine.

NOTE: The Board recommends licensees maintain an Equipment Evaluation Binder on site for questions that may arise regarding the machine during a Board inspection. For information on how to assemble an Equipment Evaluation Binder, see https://barbercosmo.ca.gov/consumers/equip_evaluation.shtml.

Industry Bulletin - Eyelash and Eyebrow Services

The California Board of Barbering and Cosmetology would like to remind its licensees of the following information regarding eyelash and eyebrow services.

Eyelash Application

The practice of applying eyelashes, eyelash extensions, and eyelash strips to any person is only within the scope of practice of licensed cosmetologists and estheticians. Section 7316 of the California Business and Professions Code states in part:

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

(7) Tinting and perming of the eyelashes and brows, or applying eyelashes to any person.

(c) The practice of skin care is all or any combination of the following practices:

(2) Tinting and perming of the eyelashes and brows, or applying eyelashes to any person.

Eyelash Perming

The practice of eyelash perming is only within the scope of practice of licensed barbers, cosmetologists, and estheticians. Section 7316 of the California Business and Professions Code states in part:

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

(3) Singeing, shampooing, arranging, dressing, curling, waving, chemical waving, hair relaxing, or dyeing the hair or applying hair tonics.

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

(7) Tinting and perming of the eyelashes and brows, or applying eyelashes to any person.

(c) The practice of skin care is all or any combination of the following practices:

(2) Tinting and perming of the eyelashes and brows, or applying eyelashes to any person.

Eyelash/Eyebrow Tinting

The U.S. Food and Drug Administration (FDA) maintains that there are no color additives approved by FDA for permanent dyeing or tinting of the eyelashes or eyebrows. Title 16, Division 9, Section 989 of the California Code of Regulations, section 989 which in part reads:

No establishment or school shall:

(c) Use a product in a manner that is disapproved by the FDA, Occupational Safety and Health Administration or EPA.

You can access FDA Eye Cosmetic Safety information at:

<https://www.fda.gov/cosmetics/cosmetic-products/eye-cosmetic-safety>.

Drug-based Eyelash/Eyebrow Enhancements

The application or use of any drug-based prescribed product on a consumer may constitute the practice of medicine and is not within the scope of practice for any Board licensee. This includes, but is not limited to, prescription products designed to enhance eyelash growth, thickness, and fullness.

Section 7320 of the Business and Professions Code restricts licensees under the Board of Barbering and Cosmetology from practicing medicine as it states:

(a) 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 that act pursuant to a license obtained in accordance with some other provision of law.

(b) Nothing in this chapter shall be interpreted to grant any privileges reserved for persons certified pursuant to Chapter 10.5 (commencing with Section 4600) of Division 2.

Section 2052 of the Business and Professions Code, defines the actions that constitute the practice of medicine:

“...Any person who practices or attempts to practice, or who advertises or holds himself or herself out as practicing, any system or mode of treating the sick or afflicted in this state, or who diagnoses, treats, operates for, or prescribes for any ailment, blemish, deformity, disease, disfigurement, disorder, injury, or other physical or mental condition of any person, without having at the time of so doing a valid, unrevoked, or unsuspended certificate as provided in this chapter or without being authorized to perform the act pursuant to a certificate obtained in accordance with some other provision of law is guilty of a public offense, punishable by a fine not exceeding ten thousand dollars (\$10,000), by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code, by imprisonment in a county jail not exceeding one year, or by both the fine and either imprisonment.”

Note: This bulletin supersedes the previous Industry Bulletin – 11/29/2017 – Eyelash and Eyebrow Services.

Industry Bulletin - Lash and Brow Perming

Effective January 1, 2022, eyelash and eyebrow perming are within the scope of practice for estheticians, cosmetologists, and barbers. Licensees should ensure they are fully trained prior to performing these services to ensure the safety of the consumer. The Board of Barbering and Cosmetology (Board) cannot recommend specific training vendors or schools, but below are some best practices that any reputable company or school should be teaching and that licensees should keep in mind. The Board encourages licensees to discuss this service with their liability insurance carrier to ensure they meet requirements for coverage.

Eyelash and eyebrow perming are also known as “lash lifts” and “brow lamination.” These services involve applying specially formulated products to keep eyelashes and eyebrows lifted, straightened, smoothed and formed into a more desirable shape for approximately 4 to 6 weeks, following the natural lash and brow growth cycle.

Best Practices

- Wash your hands prior to providing any service and consider wearing gloves while providing eyelash and eyebrow perming services.
- Discuss the process, expectations, and aftercare with the consumer prior to the service.
- Perform a patch test per the manufacturer’s suggested protocols. Patch tests are typically performed 48-72 hours prior to the consumer’s appointment. Follow the manufacturer’s and insurer’s recommendations for this process and refer the consumer to their physician if any reaction should occur from the patch test or the actual service.
- Advise consumers to discontinue the use of retinol products around the eyes for 3-5 days prior to service to decrease the potential of skin irritation and sensitivity, especially for brow lamination services.
- Have sterilized water or saline solution readily available in case of an emergency situation that would require the consumer’s eyes to be flushed (if an eye wash station is not available).
- Confirm that the consumer has removed their contact lenses prior to the service.
- Remind the consumer to keep their eyes closed, avoid movement, talking, and other distractions during the service.
- Examine the consumer’s eye area for redness, swelling, irritation, recent permanent makeup, and other contraindications of the service as advised by the manufacturer and insurer. If present, do not perform the service.
- Gently remove all makeup, dirt, and oil prior to the service. Do not perform or use exfoliating ingredients or techniques prior to providing lash and brow perming services.
- Use product that is specifically formulated for eyelashes or eyebrows. Do not use perming solution used for the hair as this can cause blindness and damage to the eye area.
- Be sure to remove and neutralize all lash lifting and brow lamination product per the manufacturer’s suggested protocols.

As with any service, licensees are expected to follow all of the Board’s health and safety regulations. For these services in particular, the Board recommends licensees review sections 979, 981, 988, and 990 of Title 16, Division 9 of the California Code of Regulations.

Industry Bulletin – Fibroblast

Fibroblast or Plasma Skin Tightening devices are used to treat skin conditions such as loose skin, moles, skin tags, stretch marks, and sunspots. These devices use an electrical arc which may result in swelling and/or brown marks that have the appearance of minor scabbing. Treating such conditions is not within the scope of practice for any of the Board's licensees.

The Barbering and Cosmetology Act (Act) defines the scope of practice of cosmetology and its specialty branch of skin care. (California Business and Professions Code, section 7316 (b) and (c).) A person licensed as a cosmetologist or esthetician is required to limit their practice and services rendered to the public to only those areas for which they are licensed. (California Business and Professions Code, section 7317.)

If a machine or device produces any of the following, you are working out of your scope of practice:

- Bleeding
- Bruising
- Edema
- Inflammation
- Oozing
- Excoriation
- Scabbing
- Removal of skin below the epidermis
- Piercing of skin
- Heating or burning of the skin

Please review the legal excerpts below from California Business and Professions Code (BPC) sections 2052 and 7320.

Legal Excerpts

BPC § 2052

ARTICLE 3. License Required and Exemptions [2050 - 2079]

(Article 3 added by Stats. 1980, Ch. 1313, Sec. 2.)

2052.

(a) Notwithstanding Section 146, any person who practices or attempts to practice, or who advertises or holds himself or herself out as practicing, any system or mode of treating the sick or afflicted in this state, or who diagnoses, treats, operates for, or prescribes for any ailment, blemish, deformity, disease, disfigurement, disorder, injury, or other physical or mental condition of any person, without having at the time of so doing a valid, unrevoked, or unsuspended certificate as provided in this chapter or without being authorized to perform the act pursuant to a certificate obtained in accordance with some other provision of law is guilty of a public offense, punishable by a fine not exceeding ten thousand dollars (\$10,000), by imprisonment pursuant to subdivision (h) of Section 1170

of the Penal Code, by imprisonment in a county jail not exceeding one year, or by both the fine and either imprisonment.

(b) Any person who conspires with or aids or abets another to commit any act described in subdivision (a) is guilty of a public offense, subject to the punishment described in that subdivision.

(c) The remedy provided in this section shall not preclude any other remedy provided by law.

(Amended by Stats. 2011, Ch. 15, Sec. 11. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)

BPC § 7320

This chapter confers no authority to practice medicine or surgery.

(Repealed and added by Stats. 1990, Ch. 1672, Sec. 3. Operative July 1, 1992, by Sec. 10 of Ch. 1672.)

The Board does not approve or regulate the sale of skin care machines or devices. The Board does not have regulatory authority over the manufacturing and/or selling of machines or devices. It is the licensee's responsibility to know if they can use the purchased machine within their respective scope of practice.

If you need further statutory clarification, please consult with your personal legal counsel.



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Industry Bulletin - Hyaluron Pen

The Hyaluron Pen (also known as hyaluronic acid pen) is a small handheld device that uses pressure to “push” hyaluronic acid filler into the skin to plump lips and fill fine lines and wrinkles without a needle. The use of this device is not within the scope of practice for any of the Board’s licensees. It is not within the scope of practice for Board licensees to perform any type of injection.

The Barbering and Cosmetology Act (Act) defines the scope of practice of cosmetology and its specialty branch of skin care. (California Business and Professions Code, section 7316 (b) and (c).) A person licensed as a cosmetologist or esthetician is required to limit their practice and services rendered to the public to only those areas for which they are licensed. (California Business and Professions Code, section 7317.)

The Board does not approve or regulate the sale of skin care machines or devices. The Board does not have regulatory authority over the manufacturing and/or selling of machines or devices. It is the licensee’s responsibility to know if they can use a purchased machine or device within their respective scope of practice.

For further clarification, please consult with your personal legal representative.



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Industry Bulletin – 3/10/15 – Electrical Muscle Stimulators

Electronic muscle stimulator (EMS) devices supply electrical energy to the body surface through plates, pads, or other attachments and cause contraction of the muscles. Only licensed medical practitioners may use EMS devices to stimulate and contract the muscles to relax a muscle spasm, prevent tissue atrophy, increase local blood circulation, or for other purposes. Use of these devices by cosmetologists, estheticians, or other nonmedical individuals for body-toning, muscle firming or tightening, passive exercise, reducing or eliminating cellulite, reducing girth, and for similar purposes is considered misbranded use by the Federal government.

EMS devices have a great potential for harm if used improperly. The devices can aggravate existing medical conditions such as cancer, heart and circulatory diseases, and epilepsy and may produce adverse reactions requiring immediate medical assistance.

To find out if a device is intended to contract the muscles, ask the manufacturer or representative and check the manufacturer's brochure. Beware of devices that advertise "passive exercise," "slimming," "cellulite removal," etc. These are services, by their very nature and title would require muscle contraction to produce the advertised result. Ask the representative to demonstrate the device for you. A muscle contraction can be seen with the naked eye—the muscle "jumps" when the current causes it to visibly shorten and thicken.

The Board of Barbering and Cosmetology (Board) does not approve or regulate equipment or products used in the barbering and beauty industry. Consequently, the Board provides no opinion on the contemplated use of any machine a licensee is considering purchasing.

Be aware that the Food and Drug Administration has published "Import Alert 89-01" regarding EMS devices.

http://www.accessdata.fda.gov/cms_ia/importalert_240.html

Please also see pages 25-26 of the Board's Consumer Guide to Barbering and Cosmetology services:

http://www.barbercosmo.ca.gov/forms_pubs/publications/consumer_guide.pdf



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Industry Bulletin 2/28/2013 – USE OF LASERS

The Board of Barbering and Cosmetology would like to remind licensees that the use of a laser is out of the scope of practice for any person licensed with the Board of Barbering and Cosmetology. California Business and Professions Code Section 7320.5 states:

“Any licensee who uses a laser in the treatment of any human being is guilty of a misdemeanor.”

This prohibition applies to the use of **ALL** lasers regardless of the known health risks. Please remember that lasers can only be used by a licensed medical doctor, a physician assistant or registered nurse who is supervised by a doctor. Cosmetologists, electrologists, and estheticians are not allowed to use lasers for treatment even with a doctor’s supervision. If an inspector comes into a salon and a licensee is using a device that is called a laser (cold laser, non-thermal laser, hair enhancement laser, etc.) the individual licensee and salon owners could be subject to an administrative fine and possible discipline.

Industry Bulletin – 6/5/2014 – Micro Needling/Derma Rolling

The Board of Barbering and Cosmetology (Board) would like to remind its licensees that the practice of Micro Needling/Derma Rolling is not within the scope of practice for any Board licensee.

Micro Needling/Derma Rolling is a procedure that assists in reducing acne scarring and general skin damage. This procedure involves using a small roller with fine micro needles over the skin. This procedure produces micro punctures in the skin.

Micro Needling/Derma Rolling is considered an invasive procedure by the Board. Title 16, Division 9, Section 991 of the California Code of Regulations states:

§ 991. Invasive Procedures.

(a) No licensee or student may use a product, device, machine, or other technique or combination of the same, which results in the removal, destruction, incision, or piercing of a client's skin beyond the epidermis. Any such act shall be considered an invasive procedure.

(b) Invasive procedures include, but are not limited to, the following:

- (1) Application of electricity which visibly contracts the muscle.
- (2) Application of topical lotions, creams, serums or other substances which require a medical license to purchase.
- (3) Penetration of the skin by metal needles, except electrolysis needles/wire filaments.
- (4) Abrasion and/or exfoliation of the skin below the epidermal layers.
- (5) Removal of skin by means of a razor-edged tool or similar device.

NOTE: Authority cited: Sections 7312, Business and Professions Code. Reference: Sections 7312(e), 7316, 7320, 7320.1, Business and Professions Code.



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Industry Bulletin- Reminder that Needles are Prohibited

The Board of Barbering and Cosmetology would like to remind licensees that the use of needles for the purpose of extracting skin blemishes is strictly prohibited.

Section 993 of the California Code of Regulations states: “No establishment or school shall have on the premises any needle-like tool which is used for the purpose of extracting skin blemishes and other similar procedures.”

Individual licensees as well as salon owners should note that using a needle, such as a lancet or needle-tip tweezers, while extracting skin blemishes is not within the scope of practice for a cosmetologist or esthetician. Needles are tools that are considered to be invasive and should not be used in the salon.

If needles are found, licensees and owners are subject to an administrative fine and possible discipline.

Revised July 2015



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Industry Bulletin – 6/1/17 – Microblading (Cosmetic Tattooing)

The Board of Barbering and Cosmetology (Board) would like to inform its licensees that it does not regulate microblading.

Microblading is a process typically performed with a combination of needles affixed to a handle which inserts pigment into the skin to manually create lines that resemble eyebrow hairs.

For applicable laws pertaining to cosmetic tattooing, please see the California Health and Safety Code, Division 104, Part 15, Chapter 7 – “Body Art,” and consult with the California Department of Public Health (www.cdph.ca.gov), and local, city, and county Environmental Health offices.

Industry Bulletin 10/7/12 – Ear Candling or Coning

The Board of Barbering and Cosmetology (BBC) would like to remind licensees that the ear candling or coning is not within the scope of practice of any Board licensee.

- Federal Drug Administration (FDA) classifies the ear candle as a device which is specific to medical use.
- Licensees within the jurisdiction of the California Board of Barbering and Cosmetology would be in violation for using procedures not approved by the FDA and by using medical devices which are beyond their scope of practice.
- Everything must be done for “beautification purposes” pursuant to 7316 of the Barbering and Cosmetology Act. Research of ear candling shows that the purpose of candling or coning is to remove wax and debris from the ear canal which is not for beautifying.
- Ear candling is not part of any BBC approved school curriculum. Board approved schools do not teach the maintenance of ear health.
- Our licensees may not perform medical assessments on any part of the body including but not limited to the ear.

Suggested Links:

<http://altmedicine.about.com/cs/govtregulation/a/EarCandle.html>

<http://www.quackwatch.org/candling.html> (page 3)

<https://www.accessdata.fda.gov/scripts/medwatch/medwatch-online.htm>

Fact Sheet from the FDA:

http://www.fda.gov/downloads/ForConsumers/ConsumerUpdates/UCM200967.pdf?utm_campaign=Google2&utm_source=fdaSearch&utm_medium=website&utm_term=ear+candle+medical+device&utm_content=3

Malshet V. Ear Candles: FDA’s Regulatory Action and Current Position. American Academy of Otolaryngology-Head and Neck Surgery Bulletin, June 2003

If you have any questions please visit our website www.barbercosmo.ca.gov or call 800-952-5210.



For questions, comments or complaints,
contact the Board.

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21-338 Revised: 12/2021



Esthetics

Beauty is about being comfortable
in your own skin.

Esthetics is the practice of giving facials, applying makeup, applying eyelashes, removing hair (by waxing or tweezing), and providing skin care, which includes microdermabrasion services. It includes beautifying the face, neck, arms, or upper body (from the shoulders up) by the use of cosmetic preparations, antiseptics, tonics, lotions, or creams.



Mission of the BBC

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

Estheticians are licensed and regulated in California by the Board of Barbering and Cosmetology. The Board works to ensure that estheticians follow State law and infection control standards.

In the State of California an esthetician cannot:

- Use medium-grade or medical-grade skin exfoliates
- Use any type of laser regardless of its known health effects
- Remove superfluous hair by the use of light waves, known as rays
- Remove skin tags or moles

In California, esthetic services may be legally performed only by State-licensed estheticians in State-licensed salons and barbershops.

Makeup/skin care demonstrators who do not receive compensation from a client for the application of the product do NOT need to be licensed with the State Board of Barbering and Cosmetology.



KEEP YOUR SPAS SPARKLING

CLEANING WHIRLPOOL FOOT SPAS AND AIR-JET BASINS (980.1)

A "whirlpool footspa" or "spa" is any basin using circulating water. An air-jet basin is any basin using an air jet stream system to move water.

Steps to follow after each client:

1. **Drain** the basin of *all* water.
2. **Scrub** the inside walls of the basin and clean *all visible debris* with a clean brush, liquid soap (labeled as such) and water.
3. **Rinse** the basin with clean water.
4. **Refill** the basin with clean water.
5. **Add disinfectant.** Refer to the manufacturer's label to determine how much disinfectant to use. Remember that the disinfectant must be an *EPA-registered, hospital-quality liquid disinfectant* that is labeled as a bactericide, fungicide and virucide.
6. **Circulate for at least 10 minutes.**
7. **Drain** and rinse the basin with clean water.
8. **Wipe** the basin dry with a new, clean paper towel.
9. **Record this procedure in the pedicure-cleaning log.** The log should indicate the date and time of each cleaning, the initials of the person who completed the procedure, and that the cleaning was done after a client. The log shall be made available to either a client or a board representative upon request.

Steps to follow at the end of each day:

1. **Remove** the screen and any other removable parts.
2. **Scrub** all visible debris from the screen, the inside walls of the basin, any other removable parts, and the area behind them with a clean brush, liquid soap (labeled as such) and water.
3. **Re-insert** the clean screen and any other removable parts.
4. **Fill** the basin with clean warm water and detergent (labeled as such).
5. **Circulate for at least 10 minutes.**
6. **Drain** the detergent solution and rinse the basin with clean water.
7. **Refill** the basin with clean water.
8. **Add disinfectant.** Refer to the manufacturer's label to determine how much disinfectant to use. Remember that the disinfectant must be an EPA-registered, hospital-quality liquid disinfectant that is labeled as a bactericide, fungicide and virucide.
9. **Circulate for at least 10 minutes.**
10. **Drain** and rinse the basin with clean water.
11. **Wipe** the basin dry with a new, clean paper towel and allow it to dry completely.
12. **Record this procedure in the pedicure-cleaning log.** The log should indicate the date and time of the cleaning, the initials of the person who completed the cleaning, and that the cleaning was done at the end of the day. The log shall be made available to either a client or a board representative upon request.

Steps to follow at least once a week:

At least once a week, after performing steps 1-8 required at the end of each day, perform the following:

- 1. Turn off** the unit, ***but do not drain*** the disinfectant solution.
- 2. Leave disinfectant solution undisturbed in the basin *for at least 6 hours*.**
- 3. Drain** and rinse the basin with clean water.
- 4. Refill** the basin with clean water and flush the system.
- 5. Record this procedure in the pedicure-cleaning log.** The log should indicate the date and time of the cleaning, the initials of the person who completed the cleaning, and that the cleaning was done weekly. The log shall be made available to either a client or a board representative upon request.

KEEP YOUR SPAS SPARKLING

CLEANING PIPE-LESS FOOT SPAS ^(980.2)

A "Pipe-Less" foot spa is a unit that has footplates, impellers, impeller assemblies and propellers.

Steps to follow after each client:

1. **Drain** the basin of all water.
2. **Remove** the footplate and any other removable components according to the manufacturer's instructions.
3. **Scrub** all visible debris from the inside walls of the basin, the impeller, footplate and other components, and the areas behind or under each, with a clean brush, and liquid soap (labeled as such) and water.
4. **Rinse** the basin with clean water.
5. **Reinsert** the properly cleaned footplate and components.
6. **Refill** the basin with clean water.
7. **Add disinfectant.** Refer to the manufacturer's label to determine how much disinfectant to use. Remember that the disinfectant must be an *EPA-registered, hospital-quality liquid disinfectant* that is labeled as a bactericide, fungicide and virucide.
8. **Circulate for at least 10 minutes.**
9. **Drain** and rinse the basin with clean water.
10. **Wipe** the basin dry with a new, clean paper towel.
11. **Record this procedure in the pedicure-cleaning log.** The log should indicate the date and time of each cleaning, the initials of the person who completed the cleaning, and that the cleaning was done after a client. The log shall be made available to either a client or a board representative upon request.

Steps to follow at the end of each day:

At the end of every day and after performing steps 1-11 required after each patron, perform the following steps on each pipe-less foot spa:

1. **Fill** the basin with clean warm water and detergent (labeled as such)
2. **Circulate for at least 10 minutes according to the manufacturer's instructions.**
3. **Drain** the detergent solution and rinse the basin with clean water.
4. **Refill** the basin with clean water.
5. **Add disinfectant.** Refer to the manufacturer's label to determine how much disinfectant to use. Remember that the disinfectant must be an EPA-registered, hospital-quality liquid disinfectant that is labeled as a bactericide, fungicide and virucide.
6. **Circulate for at least 10 minutes.**
7. **Drain** and rinse the basin with clean water.
8. **Wipe** the basin dry with a new, clean paper towel and allow it to dry completely.
9. **Record this procedure in the pedicure-cleaning log.** The log should indicate the date and time of the cleaning, the initials of the person who completed the cleaning, and that the cleaning was done at the end of the day. The log shall be made available to either a client or a board representative upon request.

Steps to follow at least once a week:

At least once a week, after performing steps 1-6 required at the end of the day, perform the following steps on each pipe-less foot spa:

1. **Turn off** the unit, **but do not drain** the disinfectant solution.
2. **Leave the disinfectant solution undisturbed in the unit for 6.**
3. **Drain** and rinse the basin with clean water.
4. **Wipe** the basin dry with a new, clean paper towel.
5. **Record this procedure in the pedicure-cleaning log.** The log should indicate the date and time of the cleaning, the initials of the person who completed the cleaning, and that the cleaning was done weekly. The log shall be made available to either a client or a board representative upon request.

KEEP YOUR SPAS SPARKLING

CLEANING NON-WHIRLPOOL FOOT BASINS AND TUBS (980.3)

A "non-whirlpool foot basin" or "tub" is any basin, tub, footbath, sink or bowl, as well as all non-electrical equipment that holds water for a client's feet during a pedicure service.

Steps to follow after each client:

1. **Drain** the basin or tub of *all water*.
2. **Scrub** the inside walls of the basin or tub and clean *all visible* debris with a clean brush, liquid soap (labeled as such) and water.
3. **Rinse** the basin or tub with clean water.
4. **Refill** the basin with clean water.
5. **Add disinfectant.** Refer to the manufacturer's label to determine how much disinfectant to use. Remember that the disinfectant must be an *EPA-registered, hospital-quality liquid disinfectant* that is labeled as a bactericide, fungicide and virucide.
6. **Leave the disinfectant in the basin or tub for at least 10 minutes.**
7. **Drain** and rinse the basin or tub with clean water.
8. **Wipe** the basin or tub dry with a new, clean paper towel.
9. **Record this procedure in the pedicure-cleaning log.** The log should indicate the date and time of each cleaning, the initials of the person who completed the procedure, and that the cleaning was done after a client. The log shall be made available to either a client or a board representative upon request.

Note: End of day and weekly cleaning are not required for Non-Whirlpool Foot Basin and Tubs.

INSTRUCTIONS ON COMPLETING THE PEDICURE LOG

Complete one log sheet for each chair, non-whirlpool foot basin or tub. Each log sheet should be assigned its own number (EX: Chair #1, Chair #2, Chair #3, Tub #1, Tub #2).

1. Complete the top portion of the log by filling out the chair/tub number, establishment name, establishment license number and the month and year.
2. Enter date and time spa or tub was cleaned. Enter initials of licensee who cleaned and disinfected the spa or tub.
3. CHECK ONE BOX **ONLY** for date and time of cleaning/disinfecting. *See sample entries on log below.* You may have several entries on the same date. An entry should be made **immediately** after each client, at the end of each day, and once a week for the weekly cleaning. NOTE: End of day and weekly cleaning/disinfecting are not required for "Non-Whirlpool Foot Basin" or "Tubs", defined as any basin, tub, footbath, sink and bowl – and all non-electrical equipment that holds water for a client's feet during a pedicure service.
4. If no pedicure services were performed throughout the day, fill in the date, write the initials of the person verifying this, and indicate that no services were performed.

NOTE: Each row on the log represents a single cleaning/disinfecting. For each cleaning/disinfecting insert only **one** check-mark for the type of cleaning performed. There may be several entries with the same date.

SAMPLE LOG

PEDICURE EQUIPMENT CLEANING AND DISINFECTING LOG CHAIR/TUB # 1

Name of Establishment ABC NAIL SALON										Establishment License Number A 123456		
										Month JUNE 2008		
WHEN/WHO			CLEANED			WHEN/WHO			CLEANED			
Date	Time	Initials	Check One			Date	Time	Initials	Check One			
			After Client						After Client			
6/1/08	-	-	CLOSED			6/5/08	10:00 a.m.	RW	√			
6/2/08	10:30 a.m.	RW	√			6/5/08	11:30 a.m.	HB	√			
6/2/08	11:00 a.m.	RW	√			6/5/08	2:30 p.m.	HB				
6/2/08	7:00 p.m.	HB				6/6/08	6:00 p.m.	MD	√			
6/3/08	9:00 a.m.	RW	√			6/6/08	6:30 p.m.	RW	√			
6/3/08	6:00 p.m.	RW	√			6/6/08	8:00 p.m.	RW				
6/3/08	6:30 p.m.	CH				6/7/08	-	GB	NO SERVICES PERFORMED			
6/4/08	10:00 a.m.	RW	√			6/8/08	11:00 a.m.	RW	√			
6/4/08	4:00 p.m.	RW	√			6/8/08	4:00 p.m.	RW	√			
6/4/08	6:30 p.m.	RW				6/8/08	6:00 p.m.	HB				

The Board of Barbering and Cosmetology

P.O. Box 944244
Sacramento, California 94244-2260
P (916) 574-7574 F (916) 575-7281

Petition for Reinstatement of a Revoked License

The Petition for Reinstatement process allows you, the petitioner, an opportunity for a formal administrative hearing before the Board, presided over by an Administrative Law Judge, to address the Board's concerns for consumer safety before determining whether to grant or deny your Petition for Reinstatement. Petitioning to reinstate your license involves submitting a Petition for Reinstatement form and presenting evidence of rehabilitation at an administrative hearing. **Should your license be reinstated, a statutory licensing fee may be due and payable at the time of reinstatement.**

To assist you in the process, the following items are enclosed:

- Instructions
- Petition for Reinstatement
- Applicable Code sections governing a Petition for Reinstatement and Criteria for Rehabilitation

Please review the Petition for Reinstatement instructions carefully prior to completing the Petition for Reinstatement form and prior to your hearing. Forward your documents to the Board's Enforcement Coordinator at the address below for review. Board enforcement staff will forward the documents to the Office of the Attorney General and will set a hearing date. Please be aware, petitions for reinstatement hearings occur at the Board's quarterly Board Meetings (up to four times a year) that are held at different locations throughout the State (i.e. Sacramento, San Jose, San Diego, or Los Angeles). As these meetings only occur up to four times a year, your scheduled appearance could take up to six months or longer.

If you have any questions regarding the petition process or if you have a change of mailing address during the process, please contact:

Board of Barbering and Cosmetology
P.O. Box 944226
Sacramento, CA 94244-2260
barbercosmo@dca.ca.gov

Petition for Reinstatement

INSTRUCTIONS

The following information is provided to facilitate your petition to the Board for the reinstatement of your license. **Carefully read all instructions before completing your petition.** In order to show your petition should be granted, it is **YOUR RESPONSIBILITY** to provide evidence that it will be safe for consumers to receive your services.

DETERMINE YOUR ELIGIBILITY

In order to qualify to be considered for reinstatement, at least one year must elapse from the effective date of the decision or from the date of the denial of a similar petition.

Note: The EFFECTIVE DATE is on the decision you received outlining the action taken against your license. If your order requires certain conditions be met prior to the reinstatement of your license (payment of cost recovery, payment of fines, remedial training), the Board recommends these conditions be met prior to the submission of your petition for reinstatement. If you are uncertain about the effective date of the decision or the conditions of your decision, please contact the Reinstatement Monitor.

SUBMIT THE FOLLOWING:

The Petition for Reinstatement form completely filled in and signed.

The Board strongly recommends you also submit the following:

1. Letters of reference
2. Community service documentation
3. Self-improvement of any nature
4. Remedial education
5. Proof of full or partial payment of any/all fines, fees and/or recovery costs owed to the Board
6. A narrative statement providing evidence of rehabilitation
7. Evidence to support any statements you make in your petition or in your narrative statement

EVIDENCE

The following are examples of appropriate evidence:

- **Employment history**
It is recommended you provide evidence to support **all** employment since revocation, including information regarding your current occupation. Include statements from current and former employers outlining your duties and the period of employment. Please provide a contact address and phone number for each former or current employer.
- **Recommendations**
Letters of recommendation or statements of character can be submitted from prior employers, current employers, previous clients, friends, family, etc. Please provide a contact address and phone number of the author of the letter.
- **Rehabilitation**
Where appropriate, please provide recent letters from counselors regarding your participation in rehabilitation programs. These letters should include a description of the program, the credentials of the counselor, the counselor's basis for determining improvement, and any recommendation from the counselor. Please provide a contact address and phone number of the counselor.
- **Support Groups**
Where appropriate, please provide documentation of your participation in support groups (e.g., Alcoholics Anonymous, Narcotics Anonymous, Life Support Groups, etc.).
- **Continuing Education**
As evidence of your continuing education you may submit original and/or copies of certificates or transcripts. Be sure you have signed the certificates, where applicable.

NARRATIVE STATEMENT SHEET

Attach a narrative sheet to your Petition stating your request. Try to be brief and concise in stating what you want and the reasons you think your request should be granted. Give a brief, factual description of the offense that was the basis for the revocation. If applicable, give a brief history of any prior discipline and the history and/or prior petitions. Indicate how long your license has been revoked

and how you have earned a living since revocation. Also include what aspect of your rehabilitation you feel will protect against re-occurrence of your prior conduct. Give details (schools, class names, credit hours, certificates, dates) and copies (with appropriate back-up documentation) of your continuing education, training programs, seminars or educational courses. Discuss what your plans are if your license is reinstated, including where you will provide services and what services you will provide, if known.

ABOUT THE HEARING

The Board will forward the petition package to the Office of the Attorney General, and you will be notified of the confirmed date, time, and location of the hearing.

An Administrative Law Judge will preside over the hearing. The Judge will put you under oath to tell the truth. The Deputy Attorney General (DAG) will appear on behalf of the public and will make a statement outlining the disciplinary actions taken against your license. The DAG may ask you questions about your discipline and what you have done towards rehabilitation.

You may be asked to state in your own words what you have done towards rehabilitation and to maintain current industry knowledge and current standards of practice. Be prepared to make such a statement. The Judge, DAG and Board members may ask questions to clarify your statements.

You may have an attorney present on your behalf, but this is not required. Persons may speak on your behalf; however, it is recommended that they speak specifically toward your competence and rehabilitation.

You will not be allowed to re-litigate any prior disciplinary action taken against your license. That matter has already been decided and is final. Your task now is to prove that public safety would not be diminished by the granting of your Petition for Reinstatement.

The decision in your case will be mailed approximately 60 days after the hearing. The decision will not be announced at the hearing.

The entire Petition process can take approximately one year from the date you submit your Petition for Reinstatement to the Board until the Board renders a final decision in the matter.



PETITION FOR REINSTATEMENT OF REVOKED LICENSE(S)

(Business and Professions Code section 11522)

SECTION A: PERSONAL INFORMATION				
Social Security Number or Individual Taxpayer Identification Number <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="border: 1px solid black; width: 30px; height: 30px; margin-right: 5px;"></div> <div style="border: 1px solid black; width: 30px; height: 30px; margin-right: 5px;"></div> <div style="border: 1px solid black; width: 30px; height: 30px; margin-right: 5px;"></div> - <div style="border: 1px solid black; width: 30px; height: 30px; margin-right: 5px;"></div> <div style="border: 1px solid black; width: 30px; height: 30px; margin-right: 5px;"></div> - <div style="border: 1px solid black; width: 30px; height: 30px; margin-right: 5px;"></div> <div style="border: 1px solid black; width: 30px; height: 30px; margin-right: 5px;"></div> <div style="border: 1px solid black; width: 30px; height: 30px; margin-right: 5px;"></div> <div style="border: 1px solid black; width: 30px; height: 30px;"></div> </div>			Date of Birth <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="border: 1px solid black; width: 30px; height: 30px; margin-right: 5px;"></div> <div style="border: 1px solid black; width: 30px; height: 30px; margin-right: 5px;"></div> - <div style="border: 1px solid black; width: 30px; height: 30px; margin-right: 5px;"></div> <div style="border: 1px solid black; width: 30px; height: 30px; margin-right: 5px;"></div> - <div style="border: 1px solid black; width: 30px; height: 30px; margin-right: 5px;"></div> <div style="border: 1px solid black; width: 30px; height: 30px; margin-right: 5px;"></div> <div style="border: 1px solid black; width: 30px; height: 30px; margin-right: 5px;"></div> <div style="border: 1px solid black; width: 30px; height: 30px;"></div> </div> <div style="display: flex; justify-content: space-around; font-size: small; margin-top: 5px;"> Month Day Year </div>	
Last Name		First Name		Middle Name
Residence Address			City	State
Telephone Number			CA Driver's License Number	E-mail Address
Are you currently employed? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, please complete Section B below.				
SECTION B: CURRENT EMPLOYMENT INFORMATION (if applicable)				
Current Business Address			City	State
Employer's Last Name			First Name	
Employer's Mailing Address			City	State
Employer's Telephone Number			Employer's E-mail Address	
SECTION C: EMPLOYMENT HISTORY [since the effective date(s) of the action(s) taken against your license(s)]				
Please attach a list of previous employers listing the company name, address, phone number, contact person and dates of employment.				
SECTION D: ATTORNEY INFORMATION (if applicable)				
Attorney's Last Name		First Name		Middle Name
Attorney's Mailing Address			City	State
Attorney's Telephone Number			Attorney's E-mail Address	
SECTION E: LICENSE INFORMATION				
Revoked License Type and Number to be Reinstated (list all)		Decision Number	Effective Date	
License Type: _____ License #: _____				
License Type: _____ License #: _____				
License Type: _____ License #: _____				
License Type: _____ License #: _____				

Location Preference <input type="checkbox"/> Northern California <input type="checkbox"/> Southern California <input type="checkbox"/> First Available	Language Preference <input type="checkbox"/> English <input type="checkbox"/> Vietnamese <input type="checkbox"/> Spanish <input type="checkbox"/> Korean <input type="checkbox"/> Other (please specify): _____
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SECTION G: BACKGROUND INFORMATION [since the effective date(s) of the action(s) taken against your license(s)]

1. Have you been convicted of or pled no contest to, a violation of any law of the United States, in any state, local jurisdiction, or any foreign country, including no contest pleas or convictions that were subsequently dismissed (do not include traffic violations resulting in a \$300 fine or less)? No **Yes** **If yes, attach all Court documents and the details and explanation of the offense(s).**
2. Have you been placed on criminal probation or parole? No **Yes** **If yes, attach the Court Order.**
3. Have you been required to register as a sex offender? No **Yes** **If yes, attach the Court Order.**
4. Do you currently have any criminal charge(s) pending against you? No **Yes** **If yes, attach the details, explanation of the charge(s) against you, and a description of the facts and circumstances that led to the charge(s).**
5. Have you had any professional or vocational license or application denied, suspended, revoked, placed on probation or other disciplinary action taken by any other governmental authority in this state or any other state, or any foreign country? No **Yes** **If yes, please attach a copy of the administrative action(s), and the details and explanation of the disciplinary action(s).**

Please attach a description of what you have done to rehabilitate yourself pursuant to the criteria set forth in California Code of Regulations section 971 and any documentation supporting your rehabilitation efforts.

SECTION I: APPLICANT CERTIFICATION

I certify that I have read and understand the laws and regulations pertaining to this profession in California. I certify under penalty of perjury under the laws of the State of California that all statements furnished in connection with this petition are true and accurate.

Signature	Date
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INFORMATION COLLECTION, ACCESS AND DISCLOSURE

The Information Practices Act, Sec. 1798.17 Civil Code, requires the following information to be provided when collecting information from individuals.

AGENCY NAME

Board of Barbering and Cosmetology

TITLE OF OFFICIAL RESPONSIBLE FOR INFORMATION MAINTENANCE

Executive Officer

ADDRESS

2420 Del Paso Road, Suite 100, Sacramento, CA 95834

INTERNET ADDRESS

www.barbercosmo.ca.gov

TELEPHONE AND FAX NUMBERS

(916) 574-7570 phone (916) 575-7281 fax

AUTHORITY WHICH AUTHORIZES THE MAINTENANCE OF THE INFORMATION

Sections 7300 to 7457, inclusive, comprising Chapter 10 Division 3, of the California Business and Professions Code.

CONSEQUENCES OF NOT PROVIDING ALL OR ANY PART OF THE REQUESTED INFORMATION:

Please provide all information requested. Omission of any item of requested information may result in the petition being rejected as incomplete.

PRINCIPAL PURPOSE(S) FOR WHICH THE INFORMATION IS TO BE USED

The information requested will be used to determine qualifications for licensure or certification to determine compliance with the group and corporate practice provisions of the law and to establish positive identification.

ANY KNOWN OR FORESEEABLE DISCLOSURES WHICH MAY BE MADE OF THE INFORMATION

Your completed application becomes the property of the board and will be used by authorized personnel to determine your eligibility for a license or certification. Information on your application may be transferred to other governmental or law enforcement agencies. Pursuant to the California Public Records Act (Gov. Code Section 6250 et seq.) and the Information Practices Act (Civ. Code Section 1798.61), the names and addresses of persons possessing a license or registration may be disclosed by the department unless otherwise specifically exempt from disclosure under the law. **Consequently, the personal name and address information entered on the attached form(s) may become public information subject to disclosure.**

SOCIAL SECURITY NUMBER (SSN) OR INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER (ITIN) DISCLOSURE

Disclosure of your SSN or ITIN is mandatory. Section 30 of the Business and Professions Code and Public Law 94-455 [42 U.S.C.A. Section 405(c)(2)(C)] authorizes collection of your SSN or ITIN. Your SSN or ITIN will be used exclusively for tax enforcement purposes, for purposes of compliance with any judgment or order for family support in accordance with section 17520 of the Family Code, or for verification of licensure or examination and where licensure is reciprocal with the requesting state. If you fail to disclose your SSN or ITIN, you will be reported to the Franchise Tax Board, which may assess a \$100 penalty against you.

TAXPAYER INFORMATION

Effective July 1, 2012, the State Board of Equalization and the Franchise Tax Board may share taxpayer information with the board. You are obligated to pay your state tax obligation and your license may be suspended if the state tax obligation is not paid.



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
DEPARTMENT OF CONSUMER AFFAIRS • BOARD OF BARBERING AND COSMETOLOGY
P.O. Box 944226, Sacramento, CA 94244-2260
Phone: (800) 952-5210 Email: barbercosmo@dca.ca.gov
Website: www.barbercosmo.ca.gov



MEMORANDUM

DATE: October 24, 2022

TO: Members, Board of Barbering and Cosmetology

FROM: Calimay Pham, Committee Chairperson

SUBJECT: September 26, 2022 Health and Safety Advisory Committee Meeting Update

The Health and Safety Advisory Committee (Committee) reviewed and discussed the health and safety regulations (Title 16, California Code of Regulations section 977-995) and the proposed schedule of administrative fines for each violation based on the Committee's previous ranking of consumer risk levels.

Board staff are finalizing the regulatory language and will be working with DCA attorneys to approve the language before bringing the proposed language to the full Board.



MEMORANDUM

DATE: October 24, 2022

TO: Members, Board of Barbering and Cosmetology

FROM: Derick Matos, Committee Chairperson

SUBJECT: October 10, 2022, Licensing and Examination Committee Meeting Update

To understand the current licensing and examination workload, the Licensing and Examination Committee (Committee) reviewed the licensing and examination weekly statistics, which included:

- The number of applications received
- The number of applications pending
- The dates of the oldest pending applications
- The number of public contacts received (phone calls, emails, mail, front counter)
- The number of candidates scheduled at PSI
- The examination pass rates

The Board's processing time is currently 6-7 weeks, but the goal is 4 weeks. The Licensing unit is almost back to being fully staffed, so the Board anticipates processing times to decrease.

The Board continues to struggle with the high volume of emails received daily. The Board has created a separate email address to only receive Proof of Training documents emailed from school and the Board held a Town Hall meeting on October 17, 2022 to provide guidance to schools on how to submit completed exam applications online.

The Committee reviewed and discussed the Spanish language exam pass rates. Board staff found that many states that offer their examination in Spanish do not track pass rates and while many states offer the exam in Spanish, they do not believe any applicants request to take the exam in Spanish. Board staff anticipates receiving a report from the exam vendor soon which identifies the content areas where candidates are performing poorly. The Committee recommended checking whether a report can be pulled to see which questions candidates are taking more time to answer and also to contact the Tennessee licensing agency to see what we can learn from them, as their passing rate is 45%. Board staff requested a modification in the BreZze system that will allow reports to be generated for each school, so schools can see exactly where their students are struggling. This will be available in March 2023.

The Committee will continue to review and discuss ideas on how to improve the Spanish language exam pass rates.



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MEMORANDUM

DATE: October 24, 2022

TO: Members, Board of Barbering and Cosmetology

FROM: Tonya Fairley, Committee Chairperson

SUBJECT: October 10, 2022, Education and Outreach Committee Meeting Update

The Education and Outreach Committee (Committee) reviewed and discussed recent and upcoming outreach events and plans. The Board created a Licensee Fact Sheet on Home Salons and updated the Illegal Tools flyer and Skin Care Machines/Devices Industry Bulletin. The Board is now sending monthly email blasts to licensees and interested parties.

The Committee recommended board staff to research whether the Board can require licensees to provide their emails and phone numbers, find ways to improve the website, and explore the possibility of sending mass text messages to licensees.



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MEMORANDUM

DATE: October 24, 2022

TO: Members, Board of Barbering and Cosmetology

FROM: Danielle Munoz, Committee Chairperson

SUBJECT: October 10, 2022, Enforcement and Inspections Committee Meeting Update

The Enforcement and Inspections (Committee) reviewed the Inspection and Cite and Fine process through a flow chart. The Committee recommended this helpful information be provided to the full Board. This is included in the Board Meeting Materials Agenda Item 8(c) and (d).

The Committee also discussed the possibility of offering remedial education to reduce or remove administrative fines. The Committee was in favor, so Board staff will bring proposed legislative language to the next meeting as this would require a statutory change.

Agenda Items
No. 16-17
No Attachments

Closed Session

Adjournment